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About the author

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1. Introduction

Separated Children: The European Context

Separated children have been part of the movements of peoples - be they for asylum or migration reasons – throughout the 20th century and very probably during earlier periods. Separated children have come into or across Europe during the last 100 years from countries as diverse as Albania, Spain, Germany, Vietnam, Hungary, Angola, Sri Lanka, China, Colombia and Iraq, to name but a few of the more than 60 documented countries of origin. The motivation for this movement of children is widely diverse varying according to the individual circumstances of each child, to situations pertaining in the country or region of origin and to the perceived benefits of movement to Europe. Ayotte (2000)

Separated children are likely to comprise approximately five percent of the total number of asylum seekers in western Europe. It is impossible to give an accurate estimate of either the total number of separated children arriving in western Europe during any given year, or the total of those living in Europe at any time. However a report from the Separated Children in Europe Programme¹ estimated that there are roughly 50,000 separated children in Europe at any one time.

Who are these children and what are their situations?

The Separated Children in Europe Programme was stimulated by difficulties encountered in tracing children who travelled across Europe during the Bosnian war. However, in the situation that children now face, it would be inappropriate to limit concerns to those children who have full refugee status, just as much as it is for many of the displaced people of the world. The Programme gave detailed consideration to the definition to be adopted for its work and its promotion to a wider audience. The Separated Children in Europe Programme uses the expression "children in need of international protection" to reflect the fact that even though few children receive refugee status in their own right, they are entitled to protection under a wide range of international instruments.

One of the factors that must be taken into account is that in Europe today many children are moving along organised routes; parents and communities are paying large sums to those who organise these journeys. Whereas the earlier attempts to reduce the flow of migrants into the European Union, which focused on enforcement have to some extent been successful, the same period has seen a dramatic rise in organised trafficking as people find ways of getting around the tighter regimes.

For example, it is a well recognised fact that many children now arriving in Scandinavia follow a route through Moscow, often spending time there before moving on. They will have paid considerable amounts of money for making this journey.

Some organisations are primarily concerned for and about children who are trafficked for reasons of exploitation for sexual and other purposes. Whilst these children are not directly the concern of the Separated Children in Europe Programme, the fact that the journeys that the separated children take open them up to the possibility of exploitation cannot be ignored, even if that was not the primary intention of those who facilitate the journeys.

¹ Ruxton (2000)

In the current debate about the need to control trafficking it is vital to counter the argument that the means of travel disqualifies the children concerned from the necessary protection. To quote a recent British Refugee Council report²:

Lost among the rhetoric of the trafficking debate is the reality that leads refugees to place their lives in the hands of traffickers who abuse them financially and sometimes physically.

It is against this background that the Separated Children in Europe Programme has adopted the following definition of separated children:

Separated Children in Europe Programme Definition of Separated Children

2.1 "Separated children" are children under 18 years of age who are outside their country of origin and separated from both parents, or their previous legal/customary primary caregiver. Some children are totally alone while others, who are also the concern of the SCE project, may be living with extended family members. All such children are separated children and entitled to international protection under a broad range of international and regional instruments. Separated children may be seeking asylum because of fear of persecution or the lack of protection due to human rights violations, armed conflict or disturbances in their own country. They may be the victims of trafficking for sexual or other exploitation, or they may have travelled to Europe to escape conditions of serious deprivation.

SCEP Statement of Good Practice (2nd Edition), October 2000

The essential points from this definition are:

- That all children who are separated from their parents and have moved away from their normal country of domicile for the reasons stated in the definition should be considered as 'separated children'
- That children move for a variety of reasons and by a number of routes. Whatever the reason for movement or the path that is followed, all separated children are in need of protection.

The emphasis taken by the Separated Children in Europe Programme is, therefore, on the rights of the children, making a reality of Article 3 of the United Nations Convention on the Rights of the Child by ensuring that the Best Interests principle is upheld.

The question 'Who are the Separated Children?' is examined in more detail in **Section 3** of this guide.

The Separated Children in Europe Programme and the Statement of Good Practice

The Separated Children in Europe Programme is a joint initiative of the International Save the Children Alliance and the United Nations High Commissioner for Refugees. The programme is based on the complementary mandates and areas of expertise of the two organisations (see Appendix 1).

UNHCR's responsibility is to ensure protection of refugee children and those seeking asylum; the International Save the Children Alliance is concerned to see the full realisation of the rights of all children.

The Programme aims to realise the rights and best interests of separated children who have come to or across Europe by establishing a shared policy and commitment to best practice at national and European levels.

² The Cost of Survival : the trafficking of refugees to the UK, John Morrison, July 1998, The Refugee Council, ISBN 0 946787 08 5

Extending its original partnership, the Programme has set up a network of non-governmental organisations (NGOs) working with children, asylum-seekers and refugees in 17 Western European countries (the 15 Member States of the European Union [EU], and Norway and Switzerland)³, 8 Central European countries (Slovenia, Croatia, Hungary, Bulgaria, Romania, Czech Republic, Slovakia and Poland), the three Baltic States and Turkey. UNHCR has a network of focal points in country offices across Europe. These focal points also form part of the SCEP Programme Network.

Partner organisations in the Separated Children in Europe Programme network were involved in 1999 in a comprehensive assessment of law, policy and practice in 16 Western European countries. The results of this research were published as 'Separated Children Seeking Asylum in Europe: A Programme for Action (Ruxton, 2000). A similar process in the countries of Central Europe and the Baltic States commenced in 2000 and the report "The Situation of Separated Children in Central Europe and the Baltic States" by William Spindler was finalised in September 2001.

The Separated Children in Europe Programme published, in January 1999, its Statement of Good Practice. The second edition, published in October 2000, incorporates a small number of changes.

The SCEP Statement of Good Practice⁴ aims to provide a straightforward account of the policies and practices required to implement and protect the rights of separated children in Europe. The Statement is principally informed by the UN Convention on the Rights of the Child (CRC) and UNHCR's *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum* of February, 1997 here referred to as 'UNHCR Guidelines'.

Throughout the Statement references are made to relevant international and regional law, policy and guidelines.

In 1999, as a part of the process of developing the Programme, a number of training workshops were organised for NGO partners and UNHCR staff. In 2000, two equivalent workshops were organised for NGO partners, UNHCR staff and government representatives from the countries of Central Europe, the Baltic States and Turkey.

The purpose of these training events was to:

- raise awareness and understanding about the Statement of Good Practice
- prepare the NGO lead bodies to conduct a series of national studies⁵
- examine how to advocate on behalf of separated children at national and European levels.

The Programme made a commitment to produce and distribute materials that could be used by a wide range of agencies for training purposes. This training guide is the outcome of that commitment.

³ A list of the countries involved in the Separated Children in Europe NGO Network can be found as Appendix 2.

⁴ Also abbreviated to 'the Statement'

⁵ These studies have been published as Ruxton, Sandy (2000) Separated Children Seeking Asylum in Europe: A Programme for Action, Save the Children and UNHCR.

2. How to Use This Training Guide

Introduction to the Guide

In order to realise in practice the rights and best interests of separated children, it is important that all policy-makers and professionals who have a significant influence on decisions concerning separated children are fully aware of the Separated Children in Europe Programme Statement of Good Practice

This training guide has been developed as a comprehensive introduction to the Statement. It has been designed to encourage and enable officials and professionals to examine the implications of the Statement of Good Practice for their roles and responsibilities within a workshop setting.

By applying all twelve standards of The Statement of Good Practice, together with the guidelines of good practice, agencies can be assured that their country's policies and practices will meet the highest standards consistent with international and European legal instruments

The training guide can be used with single-agency or multi-agency groups to enable the participants to:

- increase their awareness and understanding of the Separated Children in Europe Programme Statement of Good Practice;
- locate this good practice within the rights framework of international, regional and national legal instruments and policies;
- examine their own roles and the roles of their agencies in promoting and ensuring good practice with separated children;
- promote changes in existing practices and policies and the adoption of the SCEP Statement of Good Practice in their agencies;
- encourage and facilitate inter-agency co-operation.

Key Concepts Addressed in the Training Guide

The following seven key concepts that together provide the rationale for the training guide:

- SCEP believes that there are approximately 50,000 separated children in Europe at any one time but unless and until they claim asylum many remain “hidden” to public authorities. For this reason (and also because of the lack of policy focus on this group) official statistics may be highly inaccurate or non-existent. As a result, many separated children may not be receiving the protection and access to support and other services that they need.
- Children may be separated for a wide range of reasons; the effects of separation on children will be influenced by a number of factors and should be carefully considered when decisions and action are taken.
- Children arrive in a number of ways and are unlikely to have made the journey by their own choice. They are therefore, first and foremost, children who are vulnerable and require protection.
- The Separated Children in Europe Programme aims to realise the rights and best interests of separated children who have come to or across Europe by establishing a shared policy and commitment to best practice at national and European levels.
- Separated children are protected through a wide range of international and Regional instruments. A knowledge of these instruments and their implications is essential for those making decisions about or taking action for separated children. These instruments form the basis of the Separated Children in Europe Programme Statement of Good Practice.

- Underpinning the Separated Children in Europe Programme Statement of Good Practice are eleven principles which, together, provide a framework that can be applied whenever any decisions or actions are taken regarding a separated child.
- By applying all twelve standards of the Statement of Good Practice, agencies will ensure that their policies and practices meet the highest standards consistent with international and European legal instruments.

These points are presented as **Handout 2.1**.

What Does the Training Guide Contain?

This training guide is designed to provide all the materials necessary to run a range of workshops introducing the principles and good practice guidelines in the Separated Children in Europe Programme Statement of Good Practice. The training guide also includes materials providing more detailed information on specific subjects such as 'Communicating with Children'.

The training guide comprises eleven sections broadly corresponding to the main issues addressed in the Statement of Good Practice. Each section comprises the following:

Key Learning Points	A series of statements summarising what participants can expect to learn from the training materials.
Training Materials	This provides a brief overview of the training materials for each section: Briefing Paper, Overheads, Handouts and Exercises.
Facilitator's Notes	Notes about how the facilitator can use the training materials.
Briefing Paper	<p>The Briefing provides the 'content' of each section and is intended to form the basis of presentations and other inputs. The briefing includes specific references to the Statement of Good Practice and its underpinning principles as well as information about international and regional legal instruments. Key points are illustrated by practice examples and case materials. The briefing may be photocopied and used as a comprehensive handout on the subject.</p> <p>Those looking for more in-depth material on the subjects are referred to Section 16: Resource List.</p>
Overheads	The overheads summarise key points from the Briefing and have been produced in 'ready-to-photocopy' format to enable easy production of overhead transparencies.
Handouts	The handouts also summarise key points from the Briefing and have been produced in 'ready to photocopy' format to enable easy production of information which can be provided to participants in handout format.
Exercises	The exercises have been devised to engage participants actively in consideration of the issues and implications of the material covered in each section. Each exercise includes detailed learning points, instructions and suggestions for how they can be used with participants. A range of methods are used including case-studies, scenarios, brainstorming and small group discussion.

Who Can Use the Training Guide?

This training guide has been devised for people who have some responsibility for training in their organisation rather than those for whom training is a full-time responsibility. It is assumed that the individual using the training guide (referred to here as 'the facilitator') has some experience of using a participatory approach to training and has at least a background knowledge of the subject.

Who Are the Training Materials Aimed At?

The target groups for the training guide are those people responsible for establishing policy and procedures, for making decisions about and providing services to, separated children at all stages of the determination process. They comprise:

- Immigration officials
- Asylum officials
- UNHCR and other UN staff
- Child rights NGOs
- Guardians/advisers
- Police officers
- Care organisations
- Legal representatives
- Tracing agencies
- Refugee/asylum agencies

Not all of the materials are suitable for every target audience. The facilitator should select materials that are relevant for the audience s/he is targeting.

A Reminder to Facilitators

Training can be defined as the development of skills, knowledge and attitudes that are appropriate for carrying out particular tasks or activities. Facilitators should recognise that training is about change as well as about the transfer of information and skills, and that is common for people to be resistant to change. The facilitator has a responsibility to assist the process of change by helping to create an atmosphere during the training event that encourages the exploration of new ideas in a positive and encouraging way. Those present need to feel reassured that their contributions will be valued and that it is quite acceptable to have uncertainties and confusions about the issues raised.

Preparation is an essential part of all training so it is very important to set aside sufficient time to prepare for any training based on this guide. Ideally, facilitators should allow themselves four to five days of preparation time before using this training guide for the first time. On subsequent occasions, less preparation time may be needed. Even when the material is familiar, it is good practice to allow at least the same amount of time for preparation as the duration of the training session itself.

Before using this guide the facilitator should read through all the material carefully, first by reading the Briefings and then by looking at the overheads, handouts and exercises, with the needs, experience and priorities of your target audience in mind.

It is possible that the facilitator may have little or no contact with participants after the training event. Facilitators can encourage the transfer of new ideas back to the participant's organisation by providing opportunities throughout the training event for the participants to consider how the issues they are discussing relate to their own work. An action-planning session is included in the two-day programme to consolidate this process of transfer from training workshop to the reality of the work-setting.

Facilitation Hints⁶

A facilitator does not have to be a content expert or a lecturer. A facilitator "facilitates", or makes easier, a process whereby people share and learn from each other. The facilitator may, at times, present new information but her or his main role is to help the group learning experience. A good facilitator:

- Keeps the group focussed on both task and process
- Is an informed guide helping the group to chart its course and accomplish its goals

⁶ Adapted from: Worah, Sejal, Dian Seslar Svendsen and Caroline Ongleo (1999) Integrated Conservation and Development: A trainer's Manual, WWF(UK).

- Listens more than talks
- Adapts to various learning styles
- Encourages everyone to participate, remembering that individuals feel comfortable about participating in different ways
- Ensures that participants keep to agreed norms and groundrules about how to behave with each other
- Is gender and culture sensitive
- Is alert to signs of confusion among the participants and provides opportunities for clarification and review without causing embarrassment.
- Circulates during groupwork, ensures that groups are clear about their task but does not try to influence the group.
- Asks frequently if there are questions or points requiring clarification. Provides time for participants to respond to questions.
- Acknowledges the experience and expertise of the participants.
- Is flexible and uses the guide to guide but not to dictate. Is willing to eliminate or quickly summarise parts of the workshop with which participants are already familiar. Is also prepared to allow more time for participants to examine subjects in more detail.

The Venue

The success of a workshop depends on a number of factors, one of which is a suitable venue. If you have a choice about the venue, try to select a large room that will allow the participants to sit in a large circle, U-shape or around several small tables. Participants will be able to communicate more easily when they can see each other. Try to avoid seating participants behind tables, but if they are insistent about having tables use a 'cafeteria-style' arrangement of small tables rather than rows.

If at all possible, visit the venue yourself to check its suitability. If you are unable to visit, ask another facilitator to visit on your behalf.

In advance, make sure:



The room is big enough to accommodate the number of participants and allow space for small-groups to meet without disturbing each other.



There are adequate room for break-out groups if the main room cannot accommodate small groups.



There are enough electrical outlets to run audio-visual equipment



You are familiar with the use of the audio-visual equipment (and make sure you have spare bulbs for the overhead projector)



There is adequate ventilation and lighting



There is adequate wall space for posting flip charts



Arrangements for refreshment breaks and meals have been finalised. (It is usually a good idea to provide the organisers with a copy of your programme).

Resources Required

Whilst this training guide contains most of the materials necessary for conducting workshops, other resources will be required. It is the responsibility of the facilitator to ensure that these are available. The facilitator should also ensure that all the necessary training materials, including handouts, exercise briefing notes and overhead transparencies are available. Special note should be taken of the specific resources and preparation required for each of the Exercises.

- A copy of the Separated Children in Europe Programme Statement of Good Practice for each participant.
- Overhead projector and screen
- Flipchart stands (ideally one for each 4-5 participants)
- Flipchart paper and marker pens
- Tape (masking tape or other adhesive tape that will not damage walls)
- Index cards (preferably A6 size and in a range of colours)
- Marker pens in a range of colours
- A sports ball or a ball of paper about the size of a football (for icebreaker and energiser exercises).
- A large ball of string
- Pens and paper for participants
- A folder for each participant to keep their handouts and notes together

Importance of Devising Locally Relevant Illustrative Materials

This training guide includes a range of illustrative examples and case material drawn from the Europe-wide experience of the Separated Children in Europe Programme. However, the most relevant and useful case studies and illustrative examples are likely to derive from local experience. We would urge facilitators to enrich their training sessions by developing and using locally relevant examples.

Efforts should always be made to use the knowledge and experience of participants. They can be asked to provide illustrative examples; to lead discussions on particular issues or to make presentations based on their working experience. A number of the exercises in the training guide provide structured opportunities for these types of contributions.

Designing a Workshop Using This Training Guide

Length of Workshop

The material in this training guide is enough to run a three-day workshop. However, it is unlikely that you or the participants will be able to devote three full days. Most workshops are likely to be shorter – perhaps one or two days. The length of the workshop will depend on the objectives of the training; the needs, experience and diversity of the participants; the amount of time available and other factors. This guide allows you to select those subjects that are important to your participants and develop a workshop that best meets their needs.

Whatever their length, all workshops have some common elements. These are described below, with suggestions for how they could be organised.

Preparation

If the time available for the workshop is limited, consider asking the participants to prepare for their attendance. You could ask them to read a copy of the Separated Children in Europe Programme Statement of Good Practice; to bring along publicity materials or policy papers from their own agency; to devise one or two case studies or simply to think about a few key questions that you send them a few weeks or days before the workshop date. If you ask them to prepare in advance always remember to use or make reference to the work they have done.

Beginnings

Begin the workshop with an exercise that enables participants to get to know each other (see 'Icebreakers and Energisers' in this section). Follow this with a clear statement of the workshop objectives and a 'flowchart' showing the main parts of the workshop programme and how they follow on from each other. This will help the participants to gain an overview of the workshop. Always ask participants to discuss their expectations – of the workshop, of each other and of the facilitators.

If the workshop takes place over more than one day, allocate participants into "Home Groups" of 5-6 members. Begin each day with an energiser and a summary of the previous day's learning. This can be made the responsibility of a different "Home Group" each day. You should also summarise any feedback collected about the workshop during the previous day.

Breaks

Allow time for a break of at least 20 minutes in the morning and afternoon of each day. Make sure that a range of refreshments are available. Use energisers or short "stretch breaks" at other times as needed.

Synthesis

In order to provide an opportunity for participants to reflect on and synthesise what they have learned during the workshop, two exercises have been included in this guide. Both take the form of in-depth case studies. The first, (**Exercise 10.2 – Synthesis Case Study**) covers access to territory, interim care and appointment of guardian. The second exercise (**Exercise 13.2 – Synthesis Case Study**) covers access to the asylum procedures and refugee determination process, the role of the guardian, interim care and durable solutions.

Endings

Each day should end with a brief (5-10 minute) summary of the day. Ask "Home Groups" to reflect on the day: what was good, what could be improved and ideas for the remainder of the workshop. A representative from each "Home Group" should be asked to meet with the facilitators at the very end of each day. This will ensure that the facilitators are informed how the workshop is going.

Action Planning

The important test of any workshop using these materials is whether participants change their work practices and agency policies in alignment with the standards and principles of the SCEP Statement of Good Practice. In many of the exercise, participants are asked to think about the implications of the Statement of Good Practice for their work. Making the transition from good intentions expressed at a workshop to implementing changes in the 'real world' is difficult and participants need as much support as possible from the facilitators to do this. For this reason, it is recommended that time is allowed at the end of every workshop to carry out an action-planning exercise. A suggested action planning exercise can be found in **Section 15** of this training guide.

Evaluation

Make sure that you evaluate the workshop. Evaluations can be carried out in different ways and for different purposes. The standard approach is to use an individual evaluation form that is completed by each participant. However, a 'talking wall' of flipchart sheets taped to the walls each with a different question can be used. Participants are given adhesive 'Post-Its' (or pieces of paper and tape) and asked to write their responses to the questions and stick them to the appropriate sheet. In this way everyone gets to see the comments made by all participants.

Icebreakers and Energisers

Every facilitator should develop a personal toolkit of icebreakers and energisers that they can use to enliven their workshops and create an atmosphere which encourages the sharing of experience and facilitates learning. It is important that you, the facilitator, should join in these exercises.

Icebreakers

Icebreakers are short exercises that can be used at the beginning of a workshop to help people to relax, get to know each other better and engage with the process of being a workshop participant. Here are two examples:

The Name Game

This energiser requires a ball the size of a football. If you don't have one, you can make one from rolled up paper (preferably held together with tape). Ask participants to stand in a circle. Start by passing the ball round the circle. As each person receives the ball they should say their name. When the ball has gone right round the circle, explain that from now on whoever catches the ball should call out their name and then throw the ball to another participant. Throw the ball to one of the participants to start off the process. Continue until every participant has called out their name.

Tea Party

This icebreaker works best if there are ten or more participants. It requires advance preparation. Prepare a series of statement cards by writing statements on separate index cards or pieces of paper. Some examples are given below. There should be enough statement cards for half the number of participants who will be attending the workshop.

- Describe your current job.
- The reason I am attending this training workshop is ...
- Describe something that you have achieved in the past year that you are pleased about.
- If you could travel to any part of the world, where would you go and why?
- What do you like most about your work?
- If you could spend some time with anyone in the world, who would you choose and why?
- What interested you in becoming involved in working with refugees/asylum seekers?
- What would you most like to change about your work?
- Describe a pleasant memory from your childhood.
- What skills or talents do you have that you never use in your work?

Seat the participants in two concentric circles. The inner circle of chairs should face outwards and the outer circle face inwards. The chairs should be arranged so that each chair in the inner circle is paired with a chair in the outside circle. If there are an odd number of participants, place the extra chair in the outside circle.

Place a statement card face down between each pair of chairs. Explain to participants that when they are told to start, they should pick up the card and both people should share their responses to the statement. They have only two minutes for both people (about one minute each). The timekeeper should time the two minutes and at the end of this period call out "All change!" At this point, the card should be replaced on the floor between the two chairs. Everyone in the inner circle should then move one chair clockwise and everyone in the outer circle should move one chair anti-clockwise. Each participant will now find themselves sitting opposite a new partner with a new statement to discuss. They should immediately start to share their responses to the statement. Again, they have two minutes before the timekeeper again calls "All change!". Continue five or six times.

If there are an even number in the group (including facilitators), the facilitator should participate but also take responsibility for time-keeping. If there is an odd number, the person sitting in the spare chair in the outside circle should be responsible for time-keeping. If necessary, the facilitator should place their watch on the spare chair.

Energisers

Energisers are short, active exercises that can be used at any point in the workshop to overcome tiredness or boredom. The following examples are 'tried and tested'!

Three Things in Common

Ask participants to pair up with someone they don't know well and find out three things that they have in common with each other. There is no need to ask for feedback from this exercise.

Fruit Salad

This exercise is a very popular energiser. Form all the participants in a circle and ask each to sit on a chair. Make sure that there are no extra chairs. Starting with yourself (standing in the middle of the circle with no chair), allocate the name of a fruit to each person in turn. There should be four fruit names, for example mango, apple, pineapple, orange. Continue round all the participants until each has been allocated one of the four fruit names (including yourself).

Explain that when you call out the name of a fruit (for example, mango) all the 'mangoes' should stand up and change places. They are not allowed to sit back in the same chair they just vacated. However, the caller in the middle should also try to sit down on a vacant chair. Because there is one fewer chair than the number of people, this means that one person will end up without a chair. That person must stand in the middle and call out the name of a fruit. Again, all the people with that fruit name must change places, and so on.

At any time, the caller can shout "Fruit Salad". Then everyone must change places. Continue for a few rounds or until everyone is exhausted!

I Like People Who ...

This is a variation on the 'Fruit Salad' energiser. Form all the participants in a circle and ask each to sit on a chair. Make sure that there are no extra chairs. One person stands in the middle of the circle of chairs. The person standing says "I like people who like...." and completes the sentence. For example, "I like people who like ... chocolate". Everybody who likes chocolate then has to move across the circle to another chair. The caller in the middle should also try to sit down on a vacant chair. The person who is left standing then chooses their own 'like'. Continue for a few rounds or until everyone is exhausted.

Elephants and Giraffes

Everyone stands in a circle with one person in the middle. The person in the middle calls out the name of a participant followed by "elephant" or "giraffe". For 'elephant' the named person holds out their arm like a trunk. The two people (one on each side of the named person) make the elephant's ears using their 'outside' arms. For 'giraffe' the named person raises both arms above their head with the hands clasped to make the giraffe's head. The two people on either side extend their 'outside' legs forwards

to make the giraffe's legs. Anyone who is slow or does the wrong thing is asked to move into the centre of the circle and has to call out the next participant name and animal.

Word Volleyball

This energiser requires a ball the size of a football. If you don't have one, you can make one from rolled up paper (preferably held together with tape). Ask participants to form two equal lines facing each other, about two metres apart. The facilitator should stand between the rows at one end and take on the role of caller. The caller calls out the name of one category of words (eg fruit, countries, flowers, boys names, cities, etc). As they do so they should throw the ball to one of the participants. The person who catches the ball should then call out a word in that category (for example, if the facilitator calls "countries" the catcher could call "Armenia"). The catcher then quickly throws the ball to a participant in the opposite team who should call out a different word in the same category. This should continue back and forward between the rows until someone hesitates or says a word that is not within the category (for example if they said "London" – which is not a country). Whoever breaks the continuity must then change places with the caller and start off a new category of words. The purpose of the game is to see how many can be scored before someone hesitates or says a word that breaks the continuity. To make it more challenging, you can ask participants to give words in alphabetical order. For example with countries the sequence might be Armenia ... Belgium ... China ... Denmark ... and so on.

Training Plan for a Two-day Workshop

The following training plan demonstrates how a facilitator can use the materials in this training guide to facilitate a two-day training workshop suitable for a mixed group of participants from a range of different organisations. Whilst the materials in the training guide can be used for an 'off the shelf' training course, it is always good practice in training to customise any workshop objectives, programme and content to meet the needs of the participants and the circumstances in which they work.

Workshop Objectives

By the end of this workshop, participants will be able to:

- Explain what is meant by the term 'separated children'
- Describe the main causes of separation and the effects that separation can have on children
- Recognise the key international and regional instruments that create a framework for dealing with separated children
- Describe the First Principles that should underpin all work with separated children
- Recognise the specific international and regional instruments that relate to each aspect of work with separated children
- Explain the importance of having separate procedures for dealing with children in the refugee and asylum determination processes based on an understanding of children's development and their best interests
- Explain the key elements of good practice in each of the following areas of policy and practice with separated children:
 - Access to Territory
 - Identification and Registration
 - Family Tracing and Reunification
 - Appointment of Guardian
 - Interim Care

- The Asylum or Refugee Determination Process
- Durable or Long Term Solutions
- Inter-Organisational Co-operation
- Identify ways in which their own organisation's policy and practice could be changed to incorporate the Separated Children in Europe Programme Statement of Good Practice principles and practice guidelines

Day One

Timing	Content	Methods
40 mins	Welcome and Introduction	Introductions Tea Party Exercise Short Introductory Presentation and Key Concepts
50 mins.	The SCEP Statement of Good Practice The European Context	Presentation using overheads Self-assessment questionnaire (Exercise 5.1)
20 mins	Break	
45 mins.	Who Are Separated Children?	Presentation using overheads Scenarios (Exercise 3.1)
60 mins.	The Impact of Separation on Children	Presentation Case example (Exercise 4.1)
15 mins.	Communicating with Children	Presentation Optional case-studies (Exercise 6.1)
60 mins.	Lunch	
45 mins.	Access to Territory	Brief presentation Case example (Exercise 7.1)
45 mins.	Identification and Registration	Brief presentation Dilemma board (Exercise 8.1)
20 mins.	Break	
20 mins.	Appointment of Guardian	Presentation Optional case study (Exercise 10.1)
60 mins.	Synthesis	Case Study (Exercise 10.2) Plenary Discussion
10 mins.	Summary of Day	Short Presentation Home Group Feedback Session

Day Two:

Timing	Content	Methods
15 mins.	Review of Previous Day	Energiser Exercise Feedback from Home Groups
30 mins.	Interim Care	Brief introduction The characteristics of good and bad practice (Exercise 11.1)
45 mins.	Family Tracing and Family Reunification	Presentation and discussion Practice comparison (Exercise 9.1)
20 mins.	Break	
60 mins	The Asylum or Refugee Determination Process	Practice comparison (Exercise 12.1)
60 mins.	Durable or Long Term Solutions	Brief presentation Case examples (Exercise 13.1)
60 mins.	Lunch	
90 mins	Synthesis	Case Study (Exercise 13.2) Discussion
20 mins.	Break	
45 mins	Inter-Organisational Co-operation	Network of Protection and Assistance (Exercise 14.1) OR Agreeing Core Principles (Exercise 14.2)
45 mins.	Action Planning, Evaluation and Close	Action Planning Exercise Talking Wall Evaluation Individual Evaluation

Key Concepts Informing Training on the SCEP Statement of Good Practice

The following seven key concepts provide the rationale for training about the Separated Children in Europe Programme Statement of Good Practice:

- SCEP believes that there are approximately 50,000 separated children in Europe at any one time but unless and until they claim asylum many remain “hidden” to public authorities. For this reason (and also because of the lack of policy focus on this group) official statistics may be highly inaccurate or non-existent. As a result, many separated children may not be receiving the protection and access to support and other services that they need.
- Children may be separated for a wide range of reasons; the effects of separation on children will be influenced by a number of factors and should be carefully considered when decisions and action are taken.
- Children arrive in a number of ways and are unlikely to have made the journey by their own choice. They are therefore, first and foremost, children who are vulnerable and require protection.
- The Separated Children in Europe Programme aims to realise the rights and best interests of separated children who have come to or across Europe by establishing a shared policy and commitment to best practice at national and European levels.
- Separated children are protected through a wide range of international and Regional instruments. A knowledge of these instruments and their implications is essential for those making decisions about or taking action for separated children. These instruments form the basis of the Separated Children in Europe Programme Statement of Good Practice.
- Underpinning the Separated Children in Europe Programme Statement of Good Practice are eleven principles which, together, provide a framework that can be applied whenever any decisions or actions are taken regarding a separated child.
- By applying all twelve standards of the Statement of Good Practice, agencies will ensure that their policies and practices meet the highest standards consistent with international and European legal instruments.

3. Who are Separated Children?

Key Learning Points

The purpose of this section is to ensure that participants understand:

- The definition of 'separated child' used in a country is vital as it will have a significant effect on the approach taken and the process adopted by relevant agencies.
- The SCEP definition is a broad one, encompassing within the term "separated child" not only the child who arrives in Europe alone, but also the child who travels with caregivers other than his or her own parents or previous primary caregiver.
- Separated children may be seeking asylum because of fear of persecution, or due to armed conflict or disturbances in their own country or they may be the victims of trafficking for sexual or other exploitation, or they may have travelled to Europe to escape conditions of serious deprivation.
- The means by which children travel, such as being assisted by an agent or trafficker, or the absence of the paperwork necessary for an asylum determination purposes, should not over-ride the welfare needs of the child.
- Different causes of separation will have different implications for the interim care of the child as well as for potential family reunion and durable solutions.

Training Materials

Briefing 3: Who are Separated Children?	Provides background material and can be used as a handout.
Overhead 3.1: The SCEP Definition of 'Separated Children'	Separated Children in Europe Programme definition of 'separated child' from the Statement of Good Practice .
Overhead 3.2: Reasons for Separation and Flight	Summarises the main reasons why children become separated and flee.
Overhead 3.3: Some of the Main Countries of Origin of Separated Children in Europe	Provides an estimate of the main countries of origin by Region.
Exercise 3.1: Who Are Separated Children?	Explores the causes of separation and children's pre-journey experiences.

Facilitators Notes

- 1 Introduce the purpose of the session.
- 2 Introduce the Separated Children in Europe Programme definition of 'separated child' by using **Overhead 3.1** and referring participants to the Statement of Good Practice.
- 3 Use **Exercise 3.1** to open a discussion on the causes and pre-journey experiences of separated children. Encourage participants to share their experiences of work with or on behalf of separated children.
- 4 Using **Briefing 3** and **Overhead 3.2**, introduce the main reasons of separation and flight. Using **Overhead 3.3**, introduce the country of origin of most separated children in Europe.
Introduce the age and sex breakdown of separated children in Europe using **Briefing 3**.
- 5 Ask participants to consider the implications of the SCEP definition of 'separated child' for their work.
- 6 Conclude the session with reference to the key learning points for this session.

3 Who Are Separated Children?

1. The Definition of ‘Separated Child’

Until relatively recently, “unaccompanied children” or “unaccompanied minors” have been the main terms used to describe children who have fled from their countries of origin without their parents. But as many children undertake their journeys accompanied by other members of their families or family friends, in recent years the term “separated children” has begun to be accepted as more appropriate. This change of terminology widens the definition to include these children who might arrive with family members or other potential customary caregivers who were not previously their primary caretakers. The widening of the definition creates a clearer focus on the key issue of children’s separation from their parents or prior primary caregiver.

Box 3.1: Separated Children in Europe Programme Definition of ‘Separated Children’

Separated children are children under 18 years of age who are outside their country of origin and separated from both parents, or their legal/customary primary caregiver. Some children are totally alone while others, who are also the concern of the SCEP project, may be living with extended family members. All such children are separated children and entitled to international protection under a broad range of international and regional instruments. Separated children may be seeking asylum because of fear of persecution or the lack of protection due to human rights violations, armed conflict or disturbances in their own country. They may be the victims of trafficking for sexual or other exploitation, or they may have travelled to Europe to escape conditions of serious deprivation.

SCEP Statement of Good Practice (2nd Edition), October 2000

The definition used by SCEP is based on international standards as set out in the CRC, the 1997 UNHCR Guidelines and the 1996 Hague Convention for the protection of children. The definition of a ‘separated child’ is important because it determines which children will benefit from special provisions for protection and care and the approach taken by responsible agencies. The broader definition promoted by SCEP will include more children, while a narrower definition will exclude children who might also be in need of special attention. Present policy and practice in Europe varies as some countries apply the wider SCEP definitions while others do not (Ruxton, 2000).

2. Reasons for Separation and Flight

Separated children leave their country of origin for the same reasons as adults. There are four main reasons for separation and flight. These are:

- fear of persecution
- armed conflict or disturbances in their own country
- becoming victims of trafficking for sexual or other exploitation
- escaping conditions of serious poverty or deprivation

Other reasons are related to being children:

- experience or fleeing child-specific forms of human rights violations
- escaping family abuse or neglect

Often there are a combination of factors leading to separation and flight. Children may become separated before, during or after flight.

This information is also summarised as **Overhead 3.2**.

Recent research conducted for Save the Children by Wendy Ayotte identifies the following main causes of separation:

Box 3.2: The Main Causes of Separation

In the 28 countries of origin from which case studies were drawn, there was a marked incidence of one or more of the following: armed conflicts, serious disturbances, political repression, serious conditions of poverty as well as what UNHCR has referred to as child-specific violations of human rights such as the forced recruitment of child soldiers. In a number of cases certain unstated but significant factors are likely to have contributed to the decision to leave, for example, poverty and deprivation in countries such as Albania and Guinea or the breakdown of normal civilian life that results after prolonged periods of armed conflict such as has occurred in Somalia, Afghanistan and Angola.

Ayotte (2000)

Another study completed in the Netherlands in 1997⁷ provides some point of comparison with Ayotte's research. The Dutch researcher examined 427 files, chosen at random, of asylum applications made by separated children in the Netherlands in the four years from 1993 to 1996. In addition they used 54 questionnaires completed by guardians and young people. The three main reasons given were armed conflict; persecution; and nobody to care for the child in home country. Other reasons were: having no future fear of death/cruelty/arrest; tribal dispute, economic grounds; and refusal of military service.

3. Where do Separated Children in Europe Come From?

There are very few comprehensive sources of information about the countries of origin of separated children. Official figures only cover those children who have applied for asylum. From the information available from both governmental and NGO sources⁸, Ayotte has estimated the main countries of origin of separated children according to the region of origin as follows:

- Sub-Saharan Africa:* Sierra Leone, Somalia, Guinea, Rwanda, Democratic Republic of Congo, Sudan, Eritrea/Ethiopia, Burundi, Angola
- North Africa:* Morocco, Algeria
- Asia:* China, Afghanistan, Sri Lanka, Vietnam.
- Middle East:* Turkey, Iraq, and Iran
- Europe and CIS:* Region of the former Yugoslavia, Albania, Romania, Russian Federation

This information is summarised as **Overhead 3.3**.

⁷ Single Minors Seeking Asylum (SMAs) in the Netherlands: Grounds for the flight, asylum procedure and transition to self support. (Ama's in Nederland; Redenen voor de vlucht, asielpcedure en overgang naar zelfstandigheid). M. Smit, Rijks Universiteit, Leiden, Netherlands, October 1997, pp.30-41 (translation of these pages into English was done for this research).

⁸ Members of the NGO Network of the Separated Children in Europe Programme contributed information (numbers, age, sex, countries of origin) on separated children: this information derived from both government sources and their own work with separated children. This information is therefore partial and can only be taken as indicative of trends.

4. The Sex and Age of Separated Children

There are no reliable and comprehensive figures for the age and sex of separated children within Europe. Ayotte's research sample shows that about two in every three separated children were boys and that just over four out of ten were aged 16/17 (see Box 3.3)

Box 3.3: The Sex and Age of Separated Children

Of the 218 cases [examined in the Save the Children research] 67% were boys and 33% were girls. In 150 cases the age of the separated children on arrival was identified: of these 43% were aged 16/17; 38% were aged 14/15; 13% were aged 10-13 and 6% were under 10 years of age.

Ayotte (2000)

5. Separated Children: A Statistical Summary

The following information is taken from research conducted by UNHCR.

1. "Unaccompanied children" (also called "unaccompanied minors") are children under 18 years of age who have been separated from both parents and are not being cared for by an adult who, by law or custom, is responsible to do so⁹. However, recent experience has highlighted that, even in emergency situations, not all children are found to be unaccompanied as defined above, even though many have been separated from their previous legal or customary caregiver. Such children, although living with extended family members, may face risks similar to those encountered by unaccompanied refugee children. Consequently, the term "separated child" is now widely used to draw attention to the potential protection needs of this group. "Separated children" are thus defined as children under 18 years of age who are separated from both parents or from their previous legal or customary primary caregiver¹⁰. Considering that in the European context both terms are used, the abbreviation "UAMs/SC" is applied throughout this note.

2. UAMs/SC may be seeking asylum because of fear of persecution or the lack of protection due to human rights violations, armed conflict or disturbances in their own country. The fact that these children and adolescents are separated from their parents or their legal or customary caregiver increases the risks of them being exposed to exploitation, including trafficking, or abuse. Due to their special protection needs, including access to tracing and family reunion, the identification of UAMs/SC among those seeking asylum is vitally important¹¹.

3. This note presents the available statistics on UAMs/SC seeking asylum in Europe. The data were reported by Governments and compiled by UNHCR. Generally, the extent of the problem of UAMs/SC seeking asylum in Europe is difficult to establish due to a lack of accurate data. Basic figures on UAMs/SC seeking asylum are not available for a number of countries, either because the asylum statistics do not make the necessary distinction or because data on foreign UAMs/SC arriving or residing in the country do not indicate whether the child has applied for asylum. Some countries provided data in the form of estimates without the necessary details, such as country of origin, age or sex.

4. Comparing national data on UAMs/SC seeking asylum poses a serious challenge due to the differences in definitions and recording practices. For instance, in Germany the age limit for UAMs/SC

⁹ *Refugee Children: Guidelines on Protection and Care*, UNHCR Geneva, 1994.

¹⁰ Report of the Secretary-General to the United Nations General Assembly on *Protection and assistance to unaccompanied and separated refugee children*, 7 September 2001 (A/56/333).

¹¹ *Separated Children in Europe Programme: "Statement of Good Practice"*, Save the Children and UNHCR, October 2000.

was found to be 16, compared to 18 years as laid down in the 1989 United Nations Convention on the Rights of the Child. In Greece, data were only available for unaccompanied persons aged 0 to 24¹². In Belgium, information is available for different categories of UAMs/SC. While this note presents the data for minor asylum-seekers who arrived alone in Belgium (848 in 2000), the figure almost doubles (1,590) when, in line with the international definition provided in paragraph 1, minors who are accompanied by relatives are also included.

5. National practices also differ when it comes to the updating of information captured upon arrival. For instance, if the age of the UAM/SC proves to be inaccurate or if the child joins a close relative staying in the asylum country, some countries adjust their statistics whereas other countries retain the original information. The data presented here should thus be considered as very indicative only, particularly when comparing the experience of different countries.

Total number of asylum applications

6. During 2000, some 16,100 UAMs/SC applied for asylum in the 26 European countries listed in Table 1. The Netherlands received the largest number of asylum claims lodged by UAMs/SC (6,705), followed by the United Kingdom (2,733) and Hungary (1,170).

7. UAMs/SC seeking asylum constituted 4% of the total number of asylum-seekers lodging a claim in 2000. However, the proportion of UAMs/SC in the total number of applications lodged differs significantly between asylum countries. In Hungary and the Netherlands, UAMs/SC accounted for 15% of all applications lodged during 2000, in Slovakia this proportion was 9%, whereas in all other countries UAMs/SC constituted 5% or less of the total number of asylum-seekers. As a result of these varying proportions, Germany, which received 18% of all asylum claims lodged in Europe during 2000, received only 6% of all claims submitted by UAMs/SC, whereas Hungary, which received 2% of all asylum applications, received 7% of all UAMs/SC claims (Table 1).

8. In the 17 countries for which data were available for 1999 and for 2000, both the annual number of UAMs/SC (15,000-16,000) as well as the percentage of UAMs/SC in the total number of asylum claimants (4%) has remained stable.

Origin of asylum-seekers

9. A number of observations can be made regarding the origin of UAMs/SC seeking asylum in Europe. First, there are large variations in the origin of UAMs/SC applying for asylum in the countries listed in Table 2. A second observation is that the main countries of origin of UAMs/SC are quite different from the main countries of origin of asylum-seekers in general. For instance, whereas Rwandan asylum-seekers lodged 13% of all UAMs/SC claims submitted in Belgium, they accounted for only 2% of the total number asylum applications.

10. A third conclusion is that the proportion of UAMs/SC in the total number of applications differs not only between the nationalities in the same asylum country, but also for the same nationality between asylum countries. Thus, share of UAMs/SC in the number of Chinese applications submitted in the Netherlands in 2000 (67%) contrasts significantly with the proportion of UAMs/SC in the total number

¹² Due to this significantly different age group, the available data for unaccompanied persons applying for asylum in Greece (870 in 1999 and 1,820 in 2000) are not included in Table 1.

of asylum applications submitted (15%). Moreover, it differs remarkably from the proportion of UAMs/SC in Chinese asylum applications submitted in the UK 3%).

Age and sex of asylum applicants

11. A limited number of countries provided information on the age and sex of UAMs/SC seeking asylum. As regards age, the analysis is further hindered by the differences in reporting formats (by year of birth, by age or in various age groups). Moreover, the quality of the age statistics is affected by difficulties in age assessment of minors.

12. The available data suggest that UAMs/SC are predominantly 16 and 17 years old. For the six countries with comparable information, this age group accounted for some 50% of all UAMs/SC seeking asylum. In three of the six countries, all UAMs/SC seeking asylum were in this age group (see box).

Country of asylum	0-15		16-17		Total
	Total	%	Total	%	
Luxembourg	-	0%	10	100%	10
Netherlands	3,280	49%	3,425	51%	6,705
Romania	*	12%	30	88%	34
Slovenia	-	0%	45	100%	45
Spain	-	0%	*	100%	*
Switzerland	293	40%	434	60%	727
Total	3,577	48%	3,948	52%	7,525

13. UAMs/SC seeking asylum are predominantly male. Of the 8,760 UAMs/SC for which information was available, only 27% were female. In three of the seven countries for which information was available, the percentage female UAMs/SC asylum-seekers was 5% or less (see box).

Country of asylum	Female		Male		Total
	Total	%	Total	%	
Bulgaria	*	5%	42	95%	44
Germany	243	26%	703	74%	946
Ireland	99	33%	201	67%	300
Netherlands	1,877	28%	4,828	72%	6,705
Romania	-	0%	34	100%	34
Spain	-	0%	*	100%	*
Switzerland	127	17%	600	83%	727
Total	2,348	27%	6,412	73%	8,760

Conclusions

14. The information presented here suggests that trends in UAMs/SC seeking asylum in Europe are quite distinct from the general asylum patterns. Moreover, it appears that the basic characteristics (origin, sex and age) of UAMs/SC seeking asylum differ significantly from country to country.

15. This short review has revealed significant differences in national definitions for unaccompanied and separated children seeking asylum, jeopardizing a basic analysis of the problem at the international level. To assess the exact scope and nature of UAMs/SC seeking asylum in Europe, there is a need to harmonize national definitions.

16. Important gaps exist in the availability of basic data. In order to monitor and address the special needs of these UAMs/SC seeking asylum, minimum information is required on the total number of applications as well as on key characteristics (origin, age, sex, etc.). Moreover, it is important to identify UAMs/SC not only in the asylum application process, but also when the claims are being determined.

Table 1									
Asylum applications lodged in Europe, 1998-2000:									
Total number of applicants and applications lodged by UAM/SCs									
Country of asylum	1998			1999			2000		
	Total	UAM/SC	%	Total	UAM/SC	%	Total	UAM/SC	%
Austria	13,810	-	..	20,100	-	..	18,280	553	3%
Belgium	21,970	1,488	7%	35,780	1,706	5%	42,690	848	2%
Bulgaria	830	-	..	1,330	12	1%	1,760	44	3%
Croatia	26	-	..	46	-	..	24	-	..
Czech Republic	4,080	114	3%	7,290	336	5%	8,790	298	3%
Denmark	5,700	96	2%	6,470	102	2%	10,350	197	2%
Estonia	23	-	..	21	-	..	3	-	..
Finland	1,270	137	11%	3,110	-	..	3,170	94	3%
France	22,380	-	..	30,910	163	1%	39,780	215	1%
Germany	98,640	-	..	95,110	1,117	1%	78,560	946	1%
Hungary	7,370	209	3%	11,500	620	5%	7,800	1,170	15%
Ireland	4,630	-	..	7,720	34	0%	11,100	300	3%
Italy	11,120	-	..	33,360	-	..	14,000	40	0%
Lithuania	160	4	3%	130	4	3%	200	9	5%
Luxembourg	1,710	-	..	2,910	-	..	630	10	2%
Netherlands	45,220	3,504	8%	39,300	5,009	13%	43,900	6,705	15%
Norway	8,370	379	5%	10,160	561	6%	10,840	566	5%
Poland	3,370	297	9%	2,960	101	3%	4,590	69	2%
Portugal	340	19	6%	270	18	7%	200	10	5%
Romania	1,240	-	..	1,670	-	..	1,370	34	2%
Slovakia	510	-	..	1,310	-	..	1,560	145	9%
Slovenia	500	-	..	870	-	..	9,240	45	0%
Spain	6,650	34	1%	8,410	47	1%	7,930	4	0%
Sweden	12,840	295	2%	11,230	236	2%	16,300	350	2%
Switzerland	41,300	2,489	6%	46,070	1,775	4%	17,610	727	4%
United Kingdom	46,020	3,037	7%	71,150	3,349	5%	80,320	2,733	3%
Total	360,079	12,102	3%	449,187	15,190	3%	430,997	16,112	4%

Notes

The data generally refer to the number of new applications submitted or applications submitted in first instance.

A dash indicates that the value is zero or that the information is not available.

Austria: the number of UAM/SC concerns those who are registered in Vienna only.

Finland, Italy and Slovenia: estimated figures.

Germany: UAM/SC are persons below the age of 16 without at least one parent.

The source of the information is generally the Government.

Table 2.											
Asylum applications lodged in Europe, 2000:											
main nationalities of asylum applicants and UAM/SCs seeking asylum											
The Netherlands						United Kingdom					
Nationality	Total		UAM/SC		UAM/SC in Total	Nationality	Total		UAM/SC		UAM/SC in Total
	Total	%	Total	%			Total	%			
Angola	2,193	5	1,059	16	48%	Yugoslavia, FR	6,070	8	666	24	11%
China	1,406	3	942	14	67%	Afghanistan	5,555	7	300	11	5%
Guinea	1,394	3	819	12	59%	Somalia	5,020	6	177	6	4%
Sierra Leone	2,023	5	757	11	37%	Sri Lanka	1,330	2	170	6	13%
Somalia	2,110	5	410	6	19%	Turkey	3,990	5	153	6	4%
Afghanistan	5,055	12	303	5	6%	China	4,000	5	117	4	3%
Iraq	2,773	6	261	4	9%	Iraq	7,475	9	112	4	1%
Sudan	1,426	3	218	3	15%	Angola	800	1	102	4	13%
Togo	375	1	166	2	44%	Albania	1,490	2	94	3	6%
D.R. Congo	539	1	123	2	23%	Eritrea	..	..	85	3	..
Other	24,601	56	1,647	25	7%	Other	44,585	56	757	28	2%
Total	43,895	100	6,705	100	15%	Total	80,315	100	2,733	100	3%
Germany						Belgium					
Nationality	Total		UAM/SC		UAM/SC in Total	Nationality	Total		UAM/SC		UAM/SC in Total
	Total	%	Total	%			Total	%			
Afghanistan	5,380	7	184	19	3%	Rwanda	866	2	108	13	12%
Turkey	8,968	11	68	7	1%	Yugoslavia, FR	4,921	12	105	12	2%
Sierra Leone	1,000	1	62	7	6%	Albania	2,674	6	101	12	4%
Vietnam	2,332	3	47	5	2%	D.R. Congo	1,421	3	79	9	6%
Iraq	11,601	15	44	5	0%	Afghanistan	861	2	31	4	4%
Ethiopia	366	0	39	4	11%	Russian Fed.	3,604	8	31	4	1%
Syria	2,641	3	35	4	1%	Burundi	305	1	25	3	8%
Yugoslavia, FR	11,121	14	34	4	0%	Turkey	838	2	21	2	3%
Sri Lanka	1,170	1	32	3	3%	Romania	948	2	20	2	2%
Iran	4,878	6	28	3	1%	Sierra Leone	611	1	20	2	3%
Other	29,107	37	373	39	1%	Other	25,642	60	307	36	1%
Total	78,564	100	946	100	1%	Total	42,691	100	848	100	2%
Norway						Switzerland					
Nationality	Total		UAM/SC		UAM/SC in Total	Nationality	Total		UAM/SC		UAM/SC in Total
	Total	%	Total	%			Total	%			
Somalia	910	8	114	20	13%	Sierra Leone	395	2	96	13	24%
Yugoslavia, FR	4,188	39	93	16	2%	Guinea	455	3	77	11	17%
Iraq	766	7	80	14	10%	Albania	339	2	68	9	20%
Afghanistan	326	3	36	6	11%	Somalia	470	3	61	8	13%
Sri Lanka	165	2	58	10	35%	Yugoslavia, FR	3,613	21	45	6	1%
Ethiopia	96	1	22	4	23%	Ethiopia	269	2	32	4	12%
Russian Fed.	471	4	20	4	4%	Sri Lanka	898	5	27	4	3%
Sierra Leone	33	0	18	3	55%	Iraq	908	5	26	4	3%
Slovak Rep.	507	5	16	3	3%	Angola	378	2	23	3	6%
Romania	712	7	13	2	2%	Turkey	1,431	8	22	3	2%
Other	2,668	25	96	17	4%	Other	8,559	49	250	34	3%
Total	10,842	100	566	100	5%	Total	17,611	101	727	100	4%
Notes											
Source: Governments, compiled by UNHCR.											

Table 2. (continued)											
Ireland						Slovak Republic					
Nationality	Total		UAM/SC		UAM/SC in Total	Nationality	Total		UAM/SC		UAM/SC in Total
	Total	%	Total	%			Total	%	Total	%	
Nigeria	3,404	31	155	52	5%	Afghanistan	624	40	57	39	9%
Romania	2,384	21	28	9	1%	India	380	24	32	22	8%
Sierra Leone	206	2	20	7	10%	Bangladesh	46	3	16	11	35%
Yugoslavia, FR	55	0	13	4	24%	Pakistan	161	10	15	10	9%
Ghana	106	1	11	4	10%	Iraq	115	7	11	8	10%
Côte d'Ivoire	87	1	9	3	10%	Nepal	14	1	6	4	43%
Albania	98	1	7	2	7%	Sri Lanka	87	6	*	2	3%
Angola	191	2	7	2	4%	Turkey	12	1	*	1	17%
D.R. Congo	358	3	5	2	1%	Syria	1	0	*	1	100%
Cameroon	76	1	*	1	5%	Somalia	3	0	*	1	33%
Other	4,131	37	41	14	1%	Other	113	7	*	1	1%
Total	11,096	100	300	100	3%	Total	1,556	100	145	100	9%
Finland						Poland					
Nationality	Total		UAM/SC		UAM/SC in Total	Nationality	Total		UAM/SC		UAM/SC in Total
	Total	%	Total	%			Total	%	Total	%	
Poland	1,210	38	46	49	4%	Russian Fed.	1,153	25	22	32	2%
Russian Fed.	289	9	12	13	4%	Afghanistan	299	7	15	22	5%
Yugoslavia, FR	273	9	7	7	3%	Romania	906	20	12	17	1%
Albania	30	1	*	4	13%	Armenia	823	18	*	4	0%
Czech Rep.	178	6	*	3	2%	Bangladesh	13	0	*	4	23%
Lithuania	42	1	*	3	7%	Rwanda	3	0	*	3	67%
D.R. Congo	27	1	*	2	7%	Somalia	8	0	*	3	25%
Iran, Islamic Rep. of	50	2	*	2	4%	Albania	1	0	*	1	100%
Iraq	62	2	*	2	3%	Bulgaria	823	18	*	1	0%
Somalia	28	1	*	2	7%	Georgia	340	7	*	1	0%
Other	981	31	11	12	1%	Other	220	5	7	10	3%
Total	3,170	100	94	100	3%	Total	4,589	100	69	100	2%
Notes											
Source: Governments, compiled by UNHCR.											
An asterisk indicates that the value is between 0 and 5.											

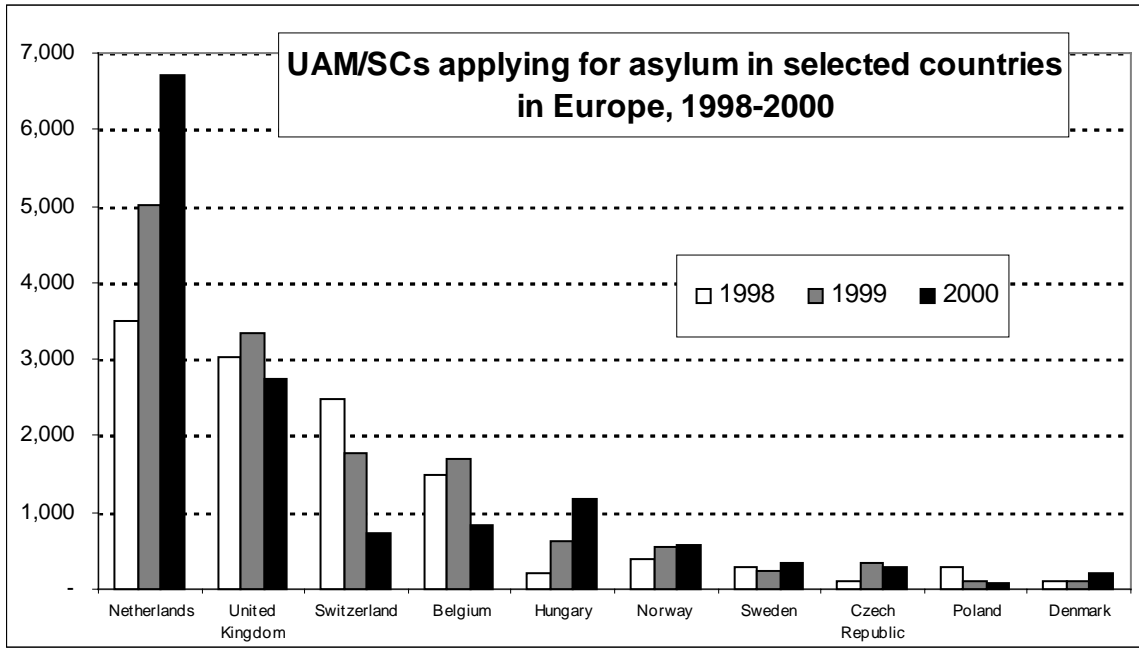


Table 2.							
Main nationalities of unaccompanied minors seeking asylum during 1999							
Belgium				Czech Republic			
Origin	UAMs ¹	Total	%	Origin	UAMs	Total	%
Yugoslavia, FR	532	13,070	4.1	Afghanistan	149	2,312	6.4
Rwanda	323	1,010	32.0	Sri Lanka	51	900	5.7
Sierra Leone	170	450	37.8	India	26	887	2.9
DRC	155	1,400	11.1	Bangladesh	25	145	17.2
Guinea	98	340	28.8	China	17	..	..
Russian Fed.	87	1,380	6.3	Yugoslavia, FR	10	622	1.6
Burundi	73	280	26.1	Algeria	9	105	8.6
Romania	58	1,700	3.4	Iraq	9	346	2.6
Albania	40	1,010	4.0	Pakistan	9	223	4.0
Angola	39	240	16.3	Turkey	6	108	5.6
Other	364	14,900	2.4	Other	25	1,637	1.5
Total	1,939	35,780	5.4	Total	336	7,285	4.6
Netherlands				Poland			
Origin	UAMs	Total	%	Origin	UAMs	Total	%
China	793	1,247	63.6	Afghanistan	20	555	3.6
Angola	758	1,585	47.8	Sri Lanka	7	88	8.0
Sierra Leone	529	1,280	41.3	Yugoslavia, FR	7	140	5.0
Somalia	496	2,731	18.2	Armenia	5	868	0.6
Guinea	380	526	72.2	Mongolia	*	161	..
Iraq	335	3,703	9.0	Pakistan	*	52	..
Afghanistan	215	4,400	4.9	Azerbaijan	*	45	..
Sudan	195	1,696	11.5	Bulgaria	*	185	..
Togo	119	181	65.7	Togo	*	*	..
Yugoslavia, FR	79	3,692	2.1	FYR Macedonia	*	6	..
Other	1,110	18,259	6.1	Other	*	855	..
Total	5,009	39,300	12.7	Total	49	2,955	1.7
Switzerland				United Kingdom			
Origin	UAMs	Total	%	Origin	UAMs	Total	%
Yugoslavia, FR	657	28,913	2.3	Yugoslavia, FR	1,534	14,180	10.8
Albania	239	1,386	17.2	Afghanistan	213	3,975	5.4
Sierra Leone	144	756	19.0	Somalia	189	7,495	2.5
Somalia	62	517	12.0	China	166	2,625	6.3
Guinea	59	388	15.2	Sri Lanka	127	5,130	2.5
Guinea-Bissau	41	282	14.5	Albania	126	..	..
Iraq	35	1,658	2.1	Turkey	116	2,850	4.1
Sri Lanka	32	1,487	2.2	Eritrea	93	..	..
Angola	29	545	5.3	Romania	86	1,985	4.3
DRC	22	523	4.2	Sierra Leone	65	1,125	5.8
Other	257	9,615	2.7	Other	634	31,780	2.0
Total	1,577	46,070	3.4	Total	3,349	71,145	4.7
Notes							
Source: Governments, compiled by UNHCR.							
Data are provisional and subject to change.							
An asterisk indicates that the value is between 1 and 4.							
¹ The difference in the total number of UAMs for Belgium in Table 1 and 2 is due to the fact that the figure in Table 1 indicates the most precise Government estimate, but that such estimates are not provided by nationality. The figure in Table 2 includes some UAMs with parents.							

6. The Over-riding Importance of the Child's Best Interests

Because of the circumstances that lead to separation, and the means by which separated children travel (such as being assisted by an agent or trafficker) many separated children will arrive at the country of reception without the paperwork necessary for asylum determination purposes. This should not be allowed to over-ride the welfare needs of the child.

3.1 Who Are Separated Children?

Purpose To examine the main causes of separation and the nature of pre-journey experiences that separated children may have had to endure.

Learning Points Separated children may be seeking asylum because of fear of persecution, or due to armed conflict or disturbances in their own country or they may be the victims of trafficking for sexual or other exploitation, or they may have travelled to Europe to escape conditions of serious deprivation.

Time 15 minutes for introductory presentation

25 minutes for work in pairs

20 minutes for plenary discussion

Facilitator's Notes Distribute the Worksheet for this exercise and ask people to discuss, in pairs, their responses to the questions.

Open a plenary discussion with feedback from the pairs discussion and participants' experience of the origins and causes of separation.

Resources Separated Children in Europe Programme Statement of Good Practice

Briefing 3

Exercise 3.1 **Worksheet** for each participant.

Worksheet: Who Are Separated Children?

Please read the following case examples of children who have been separated from their families and then discuss the questions at the end.

A

A Kurdish boy from South Eastern Europe was aged 16 when he arrived in a European country. His father was an active supporter of an ethnic minority Workers Party (a banned organisation) and had been a fugitive for many years. Because of his father's activities, members of the boy's family were detained, harassed and tortured by security forces. As a result the boy became an active sympathiser from a young age and carried out many activities such as fly posting and leafleting, carrying messages, attending meetings and demonstrations. Because of this he was detained and tortured several times. On one occasion he was held and tortured for three weeks. During that time he was beaten, subject to falanga (beating on the soles of the feet), water pressure and hung on a crucifix. After this occasion his family considered he was in too much danger to remain and arranged for him to be smuggled out of the country and into another European country. It was illegal to leave the country of origin without official permission.

B

A 14 year old girl in South Asia was arrested along with her mother as suspected supporters of the rebel group. Her mother was raped in front of the girl by soldiers. The girl was beaten and possibly raped herself. Eventually they were released. Her mother was sick and depressed and could no longer care for the girl. It was also unsafe for the girl who was both at risk from the soldiers and of forced conscription into the rebel army. As a result her mother arranged, with the help of relatives, to send the girl out of the country.

C

A boy from West Africa was only 8 years old when his family was killed by rebels fighting the government. He was taken by the rebels and trained to use arms and fight. He lived as a soldier for six years and was involved in attacking villages and was forced to commit atrocities. After the rebels lost a battle he was able to escape by walking on foot to a neighbouring country and stowing on a ship to Europe. In order to pay for his trip he used diamonds that he had acquired when looting a diamond mine with the rebels.

D

A girl from East Asia was brought to Europe on the understanding that she was to marry a man from the same country here. When she arrived she was forced into prostitution under brutal conditions. She became very disturbed and stopped speaking. She has been undergoing treatment in a psychiatric institution.

E

A girl belonging to an ethnic minority in the Balkans aged 15 was sold by her father to a trafficker in order to work as a prostitute in a Western European country. She suffered severe violence from the trafficker. During a one year period she was subjected to beatings, cigarette burns and being placed in cold water. Eventually she was arrested by the police who placed her in an institution for children. She later returned to her country to protect her sisters from the same fate. At some stage the traffickers traced her and to protect herself she had to go into hiding for a period of time.

F

A boy from Northern Africa aged 15 came several times to Europe by smuggling on board ferries crossing the Straits of Gibraltar. His father had died when the boy was small and his mother worked as a street vendor to support the family but she was unable to earn enough for her children. The boy had no formal education and from the age of eight helped out in a garage. He lived on the street much of the time and his mother did not always know of his whereabouts. From other boys in a similar situation he heard that he could earn money in Europe and he decided to try his luck in the hope he could send money back to his mother. The first time he went he was 12 years old. Eventually he was taken into care by the regional authority and is now receiving a vocational training in a Western European country and hopes to return to his country once this is completed.

G

Four brothers and sisters aged 4-12 were sent to Ex-Yugoslavia by the neighbour who had been caring for them in order to escape the hostilities there. Their parents had fled to Western Europe the previous year and lodged an asylum application there which has been denied but they cannot be returned to their home country yet because of the security situation and because the father is undergoing medical treatment. The children are accommodated with their elderly grandparents and an aunt who had themselves fled a year ago. They currently occupy a tiny abandoned flat in a very rural area, far away from any city or busline. The children's grandmother as well as the aunt are very mentally unstable and are constantly fighting. They oblige the oldest girl to do all the housework and do not allow the children to leave the flat. The grandfather is traumatised by the events in his country and sits all day long staring into space.

H

A 17 year-old girl from an ethnic minority in an African country is sent by the nuns who have raised her in a convent to a European country where she has a distant relative who is himself an asylum seeker. She has a visa to enter the country although the passport she is travelling on is not her own. She spends the first night in a hotel and meets a man from another African country there who says he will help her. She leaves the table for a moment and when she returns her bag, with all her money and identity documents is gone, as is her new "friend". She contacts the distant family member who comes to fetch her and stays in his apartment. She does not apply for asylum because she is afraid the authorities will discover she entered the country on a false passport. The family member she is staying with lives in a studio apartment and is very preoccupied with his own situation because his asylum application has just been rejected. They have no money and the girl has not left the apartment for three months. She would like to go to a Western European country where she has a distant uncle who is a recognised refugee but she has no more travel document since her bag was stolen.

Questions

1. What reactions do each of these cases provoke in you?
2. What were the main reasons for separation in each case?
3. How do these case examples compare with the experiences of the separated children with whom you have worked?

4. The Impact of Separation on Children

This section examines the effects that separation can have on children. It emphasises the importance for those dealing with separated children of having an understanding of these effects and introduces the concept of risk factors and mediating factors.

Key Learning Points

- All children need physical care, human affection and intellectual stimulation if they are to realise their full potential as adults
- The uprooting, disruption and insecurity inherent in situations of separation can harm children's physical, intellectual, psychological, cultural and social development.
- On arrival many separated children are suffering from enormous loss, grief, fear, disorientation or trauma.
- All adults working with separated children need to understand the impact that separation can have on children
- Separated children will need time to tell their stories. Fear of the implications for family left behind, or stories given by an agent, may delay this process.
- There are several risk factors that can make separated children even more vulnerable in exile and protective factors that can help children to deal with the difficult circumstances and traumatic past events.

Training Materials

Briefing 4: The Impact of Separation on Children	Provides background material and can be used as a handout.
Overhead 4.1: Risk Factors That Increase Vulnerability of Separated Children in Exile	Summarises the risk factors that increase the vulnerability of separated children.
Overhead 4.2: Protective Factors that Help Children to Deal with Separation and Past Events	Summarises the protective factors that reduce the vulnerability of separated children.
Handout 4.1: The Impact of Separation on Children	Summarises the main effects of separation on children, by age. Adapted from UNHCR's Guidelines on Working with Unaccompanied Children
Exercise 4.1: Risk Factors and Protective Factors	Groupwork exercise introducing the concepts of risk factors and protective factors and requiring participants to identify how different occupational groups can minimise risk factors and maximise protective factors.

Facilitators Notes

- 1** Introduce the purpose of the session.
- 2** Using **Briefing 4** and **Handout 4.1** make a 10 minute presentation elaborating the following points:
 - All children need physical care, human affection and intellectual stimulation if they are to realise their full potential as adults
 - The uprooting, disruption and insecurity inherent in situations of separation can harm children's physical, intellectual, psychological, cultural and social development.
 - On arrival many separated children are suffering from enormous loss, grief, fear, disorientation or trauma.
 - All adults working with separated children need to understand the impact that separation can have on children
 - Provide participants with a copy of **Handout 4.1**
- 3** Using **Overhead 4.1**, and **Briefing 4**, introduce the concept of risk factors. Ask participants to brainstorm other risk factors that they think would increase the vulnerability of separated children. Record the points on a flipchart.
- 4** Using **Overhead 4.2**, and **Briefing 4**, introduce the concept of protective factors. Ask participants to brainstorm a list of protective factors that they think would reduce the vulnerability of separated children. Record the points on a flipchart.
- 5** Introduce **Exercise 4.1**
- 6** Conclude the session with reference to the key learning points for this session.

4 The Impact of Separation on Children

Children's Development

In order to understand how children have been affected by their experiences and separation from their family, it is necessary to have a basic understanding of the age-specific needs, capacities and limitations of separated children.

All children have special physical, psychological and social needs that must be met for them to grow, and develop normally. Children need physical care, human affection and intellectual stimulation if they are to realise their full potential as adults. The Convention on the Rights of the Child makes it clear that every child has the right to such protection and care as is necessary for his or her well-being (article 3.1).

Despite slight variations in timing owing to cultural and other influences, all children pass through the same stages of development from infancy, through childhood and adolescence. In normal circumstances, children of similar ages will be found to be very much alike.

Children need:

- Emotional security and stability
- Individual and sustained care by at least one adult, preferably someone of a similar linguistic and cultural background
- Continuity in existing relationships with other adults and children
- Continuity in social relationships, education, cultural and religious practices
- Specific help to overcome particular individual problems
- Separated children, in particular, need environments which provide as many stabilising factors as possible and minimise possibilities for additional stress
- Continuity of community and cultural ties is all the more important in the absence of family

The stable nurturing care of an adult is especially important for infants and young children.

The Vulnerability of Separated Children

Without family or other caring adults to provide for their needs, separated children are particularly vulnerable. As Ruxton (2000) points out:

Separated children are a particularly vulnerable group. Not only are they – as other children – more susceptible to illness and injury than adults, but they also lack the physical protection and psychological and emotional support they need. Without such support, there is a great danger that their full development will be disrupted or impeded.

In the short term, they can be overwhelmed by the practicalities of fleeing their homes, arriving in Europe exhausted from the journey, and suffering the shock of dislocation from their family and environment. Frequently they disembark into an alien culture, where they are unable to speak the language and to express their views. In the period following arrival, they are often faced with complex asylum procedures which are not fully explained to them. They may face probing interviews about their backgrounds, identities and motives from officials who lack any understanding of their culture or circumstances. They may be subjected to fingerprinting or invasive medical examinations to establish their ages. They may be detained in airport “waiting zones”, in reception centres, or even in prisons.

During the refugee determination process, they may lack the support of an adult guardian/adviser or legal representative. They may have insufficient access to appropriate food, education, health and social care, and cultural links, and in some cases may experience racial harassment or attack.

The Psycho-Social Effects of Separation

The uprooting, disruption and insecurity inherent in situations of separation can harm children's physical, intellectual, psychological, cultural and social development. These factors can be severely compounded when, in addition, children suffer or witness the torture or murder of family members or other forms of abuse or violence.

Family separation or loss, never occurs in isolation of other factors which can increase the psychological vulnerability of unaccompanied children. On the protective end of the scale is the presence of familiar family members, other adults, peers, and cultural practices. On the risk end of the scale are other kinds of trauma and deprivation – exposure to violence, persecution, hunger, uprooting from native sociocultural settings – which can compound the inherent stress of family separation or loss and lead to far greater psychological suffering (Ressler et.al. 1988:153).

All adults working with, or making decisions about, separated children need to understand the impact that separation can have on children. The effects of separation are addressed in the UNHCR Guidelines on Working with Unaccompanied Children and are summarised in **Handout 4.1**.

The term 'psychosocial well-being' is used to reflect the intimate relationship between psychological and social factors.

Ayotte (1998: 13) describes the effects that the recent life experiences of separated children can have on their relationships with their legal advisers. Many of these have implications for *all* professionals working with separated children:

Separated children may:

- feel guilt or shame at having survived when other family members did not
- have fears about the role of a strange professional person
- associate professionals with difficult or frightening experiences they may have had with authority figures in their home country
- negatively associate anyone who asks them to re-tell their 'story', with the experiences that led to their separation
- be 'keeping secrets' because they have been told to do so by an agent, because they fear for family members 'left behind' or because they cannot bring themselves to talk about them
- be afraid of being overwhelmed by the revelation of certain information
- because they are trying to block out painful details of recent life events, find it difficult to take in information - which can add to their confusion and apprehension.

For all these various reasons, separated children need to be given time and appropriate opportunities to 'tell their stories'. Fear of the implications for family left behind, or stories given by an agent, may have to be acknowledged as an unavoidable delay to this process. Section 6 on 'Communicating with Children' provides basic guidelines for facilitating the 'story-telling' process.

Risk Factors and Protective Factors

The concepts of risk factors and protective factors can be helpful in understanding the way in which separation can affect children in different ways and to different degrees. Risk factors can be thought of as circumstances that increase the likelihood of adverse physical or psychological reactions to separation. Protective (sometimes called 'mediating') factors are those circumstances that help to reduce or protect the child from adverse physical or psychological reactions to separation.

Research by Save the Children (UK)¹³ has identified several risk factors that can make separated children even more vulnerable in exile:

- previous exposure to violence (as victims or witnesses or having been forced to carry out acts of violence);
- identification with those who have perpetrated violence;
- loss or disappearance of parent;
- being overwhelmed by severe anxieties;
- difficulties in the mourning process and in managing change;
- difficult experiences on arrival in the country of asylum, eg, lack of appropriate services and care,
- racism and other forms of discrimination
- isolation.

These points are summarised in **Overhead 4.1**.

The threat to psychosocial well-being is inevitably increased when lengthy or permanent disruptions occur between child and primary care-giver, or child and family.

On the other hand, there are protective factors that can reduce the vulnerability of separated children and help them to master the difficult circumstances and traumatic past events. These include:

- having an appropriate carer who can help contain a child's anxieties;
- access to a social or community network;
- being involved in the education process;
- being able to make use of cultural healing processes and traditions;
- leading as 'normal' a life as possible in the circumstances.

One of the most important protective factors is the presence of a trusted individual with whom the child can talk and reflect on their experiences at their own level of understanding.

These points are summarised as **Overhead 4.2**.

¹³ Ayotte, Wendy (1998) Supporting Unaccompanied Children in the Asylum Process, London: Save the Children.

4.1 The Effects of Separation on Children

A 13 year old girl came from a country central Africa. Her parent's had supported the dictatorship regime. Soldiers under the command of the new government came to their house. Her parents told the girl to hide which she managed to do. The soldiers killed both her parents. When she came out of hiding, she found her parent's bodies. She was able to come to Europe with the help of family friends. She arrived at the airport and was found wandering in the airport in a distressed state. She feels very disoriented by her loss and the reality of being suddenly in a completely different culture. She is grieving intensely for her parents and feels very guilty about still being alive.

The uprooting, disruption and insecurity inherent in situations of separation can harm children's physical, intellectual, psychological, cultural and social development. These factors can be severely compounded when, in addition, children suffer or witness the torture or murder of family members or other forms of abuse or violence.

Family separation or loss, never occurs in isolation of other factors which can increase the psychological vulnerability of unaccompanied children. On the protective end of the scale is the presence of familiar family members, other adults, peers, and cultural practices. On the risk end of the scale are other kinds of trauma and deprivation – exposure to violence, persecution, hunger, uprooting from native sociocultural settings – which can compound the inherent stress of family separation or loss and lead to far greater psychological suffering (Ressler et.al. 1988:153).

All adults working with, or making decisions about, separated children need to understand the impact that separation can have on children. The effects of separation are addressed in the UNHCR Guidelines on Working with Unaccompanied Children.

The term 'psychosocial well-being' is used to reflect the intimate relationship between psychological and social factors. Ayotte (1998: 13) describes the effects that the recent life experiences of separated children can have on their relationships with their legal advisers. Many of these have implications for *all* professionals working with separated children. Separated children may:

- feel guilt or shame at having survived when other family members did not
- have fears about the role of a strange professional person
- associate professionals with difficult or frightening experiences they may have had with authority figures in their home country
- negatively associate anyone who asks them to re-tell their 'story', with the experiences that led to their separation
- be 'keeping secrets' because they have been told to do so by an agent, because they fear for family members 'left behind' or because they cannot bring themselves to talk about them
- be afraid of being overwhelmed by the revelation of certain information
- because they are trying to block out painful details of recent life events, find it difficult to take in information - which can add to their confusion and apprehension.

For all these various reasons, separated children need to be given time and appropriate opportunities to 'tell their stories'. Fear of the implications for family left behind, or stories given by an agent, may have to be acknowledged as an unavoidable delay to this process.

The effects of separation manifested in the child are determined, to a large extent, by their age. However, it is important to recognise that the effects of separation may not be immediately apparent.

As a result, it is crucial that separated children are given adequate time to adjust to their new circumstances.

Older children (from secure, loving families) are probably better able to cope with separation than younger children. Unfortunately the trauma of separation is frequently compounded by exposure to violence, persecution, hunger, and other major social upheavals. The presence of family and friends (adults and peers) and continuity of cultural practices however will go some way to mitigating the child's suffering.

Infants and toddlers are at grave risk. Repeated disruptions of the attachment process will eventually lead to withdrawal and an inability to respond with positive emotion towards others.

The initial separation will probably provoke the following behaviour:

- Fits of intense crying
- Reluctance to accept substitute caretakers
- Refusing food
- Digestive upsets
- Sleeping problems

Separation of *children under the age of five* tends to undermine early physical, mental and social development. Until a new attachment has formed with other adults the child is likely to exhibit regressive behaviour:

- Thumb-sucking
- Bed-wetting
- Poor impulse control
- Temporary regression of verbal skills

In *four and five-year-olds* there may be an increase in the incidence of nightmares and night terrors. There may also be an increasing fear of actual and imaginary objects (eg loud noises, animals, ghosts, witches, etc).

For *school aged children*, attitudes to work, learning and social responsibilities are linked to the child's identification with adopt role models. Separation from parents and the family may provoke the following behaviour:

- Withdrawal from substitute caretakers
- Depression
- Irritability
- Restlessness
- Inability to concentrate
- Disruptive behaviour at school
- Withdrawal from play and peer groups in new settings

Reactions to separation are likely to be transitory in *adolescents* who come from stable families or have been able to form new attachments with other adults and continue age appropriate pursuits. Initial reactions may include:

- Depression
- Moodiness
- Withdrawal
- More aggressive behaviour
- Psychosomatic problems (eg headaches, etc).

Adapted from: UNHCR (1996) Guidelines on Working with Unaccompanied Children, Geneva: UNHCR.

Risk Factors and Protective Factors

Purpose To examine what is meant by 'risk factors' and 'protective factors'

To identify the main risk factors that can make separated children even more vulnerable in exile

To identify the main protective factors that can reduce the vulnerability of separated children

To examine what the participants (as professionals/officials) can do to minimise risk factors and build protective factors

Learning Points Separated children are subject to risk factors and protective factors that will affect their vulnerability and ability to cope with separation and previous life events.

Professionals and officials should be aware of risk factors and protective factors and should aim to minimise, as much as possible, the risk factors and strengthen the protective factors.

Time 10 minutes for introductory presentation and brainstorms

15 minutes for groupwork on Risk Factors

10 minutes for plenary discussion

15 minutes for groupwork on Protective Factors

10 minutes for plenary discussion

Facilitator's Notes Divide participants into small groups. If possible, select the groups according to the professional occupation of participants (eg government policy makers, immigration officials, police officers, social workers, legal representatives, residential care staff, etc.). If this is not possible, create mixed groups.

Distribute copies of the **Exercise 4.1 Worksheet: Risk Factors** and ask each group to answer questions 1 and 2.

Discuss the groups' answers in plenary.

Now distribute copies of the **Exercise 4.1 Worksheet: Protective Factors** and ask each group to answer questions 1 and 2.

Discuss the groups' answers in plenary.

Resources Flipchart and pens for each small group.

Exercise 4.1 Worksheet: Risk Factors for each participant.

Exercise 4.1 Worksheet: Protective Factors for each participant.

4.1 Worksheet: Risk Factors

Risk factors can be thought of as circumstances that increase the likelihood of adverse physical or psychological reactions to separation. Protective factors are those circumstances that help to reduce or protect the child from adverse physical or psychological reactions to separation.

Research by Save the Children (UK) has identified several risk factors that can make separated children even more vulnerable in exile:

- age
- previous exposure to violence (as victims or witnesses or having been forced to carry out acts of violence);
- identification with those who have perpetrated violence;
- loss or disappearance of parent;
- being overwhelmed by severe anxieties;
- difficulties in the mourning process and in managing change;
- difficult experiences on arrival in the country of asylum, eg, lack of appropriate services and care,
- racism and other forms of discrimination
- isolation.

The threat to psychosocial well-being is inevitably increased when lengthy or permanent disruptions occur between child and primary care-giver, or child and family.

A 16 year old boy came from a country in Africa . His tribe had been a target of violent government repression and his family had frequently to go into hiding to save their lives. He was recruited at the age of 13 into a guerrilla group which he joined in order to protect himself. He was later captured and imprisoned. Eventually he was released from prison but shortly after his return to his village a massacre took place. He managed to flee but later found his parent's bodies. Now in Europe he is living by himself in a room in a boarding house, living on welfare benefits. He is attending school but has a very hard time concentrating because he is overwhelmed by memories of home and has no one with whom he feels he can talk about what happened to him. He does not see his social worker very often because she has a heavy case load. He would like to live with a family or another person - he does not feel able to care for himself and would like someone to be there for him.

Questions

1. Which of the risk factors detailed above apply in this case?
2. Do any other factors apply? If so, what?
3. What could you do, as a professional, to reduce the effect of these factors?

Worksheet: Protective Factors

Protective (sometimes called 'mediating') factors are those circumstances that help to reduce or protect the child from adverse physical or psychological reactions to separation. These include:

- having an appropriate carer who can help contain a child's anxieties;
- access to a social or community network;
- being involved in the education process;
- being able to make use of cultural healing processes and traditions;
- leading as 'normal' a life as possible in the circumstances.

One of the most important protective factors is the presence of a trusted individual with whom the child can talk and reflect on their experiences at their own level of understanding.

Two brothers aged 12 and 15 arrived from a country in Western Asia. They were fleeing the civil war and the risk of being recruited into one of the armed groups. Their father had been killed and their mother had sold the families property in order to send her sons out of the country. She did not have enough money to accompany them. The border police contacted the local child welfare agency. A social worker came to pick them up and brought them to a children's home. A social worker carried out a thorough assessment of their needs and enrolled them in the local school where they are taking language classes. They have a key worker at the home who is herself a refugee. She has helped them to contact members of their community and to attend a local mosque. She has also accompanied them to meetings with their lawyer in order to prepare their asylum case. Although it is hard because they miss their mother and home and worry about her safety, they feel supported in their daily life and able to deal with the new culture.

Questions

1. Which of the protective factors detailed above apply in this case?
2. What could be done to further support and help these children?

5. The SCEP Statement of Good Practice

This section provides an overview of the Separated Children in Europe Programme Statement of Good Practice. It places the Statement within a rights framework of international and European legal instruments and policies.

Key Learning Points

- The Separated Children in Europe Programme Statement of Good Practice aims to provide a straightforward account of the policies and practices required to implement and protect the rights of separated children in Europe.
- Not all separated children arriving in Europe require protection as refugees. This depends on why they left their country of origin. All, however, require protection and special care as children.
- The Statement of Good Practice seeks to provide easy reference to the key international instruments which impact on the situation of separated children, and should be of assistance to all officials and professionals involved in such cases.
- The Statement of Good Practice is principally informed by the UN Convention on the Rights of the Child (CRC) and two other documents: UNHCR's 'Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum' and the European Council on Refugees and Exiles Position on Refugee Children.
- The Statement of Good Practice is underpinned by 11 First Principles that should be borne in mind at all stages of decision-making, care and provision for separated children
- The Statement of Good Practice comprises 12 standards and follows the child from the point at which a separated child enters a receiving country through to making long-term decisions on her or his future

Training Materials

Briefing 5: The SCEP Statement of Good Practice	Provides background material and can be used as a handout.
Overhead 5.1: The Three Main Types of Instrument Informing Work with Separated Children	The three main types of instrument: treaties, legal acts in the EU and recommendations from inter-governmental organisations and NGOs.
Overhead 5.2: Key Documents Informing the SCEP Statement of Good Practice	The three main documents that inform the SCEP Statement of Good Practice.
Overhead 5.3: First Principles of Work with Separated Children	Summary of the 11 principles underpinning the SCEP Statement of Good Practice.
Overhead 5.4: The Twelve Standards of the SCEP Statement of Good Practice	Summary of the 12 standards which together comprise the SCEP Statement of Good Practice.
Exercise 5.1: First Principles of Work with Separated Children	Provides participants with an opportunity to examine which of the SCEP First Principles are consistent with their current practice, which could be adopted in the future and which would be problematic for their work.

Facilitators Notes

- 1 Introduce the purpose of the session.
- 2 Using **Briefing 5**, and **Overheads 5.1 and 5.2** introduce a short presentation covering the following points:

The Separated Children in Europe Programme Statement of Good Practice aims to provide a straightforward account of the policies and practices required to implement and protect the rights of separated children in Europe.

Not all separated children arriving in Europe require protection as refugees. This depends on why they left their country of origin. All, however, require protection and special care as children.

The Statement of Good Practice seeks to provide easy reference to the key international instruments which impact on the situation of separated children, and should be of assistance to all officials and professionals involved in such cases.

The Statement of Good Practice is principally informed by the UN Convention on the Rights of the Child (CRC) and two other documents: UNHCR's 'Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum' and the European Council on Refugees and Exiles Position on Refugee Children.
- 3 Introduce the First Principles of the Statement of Good Practice using **Briefing 5** and **Overhead 5.3**.
- 4 Introduce **Exercise 5.1**.
- 5 Introduce the Twelve Standards of the Statement of Good Practice using **Briefing 5** and **Overhead 5.4**.
- 6 Conclude the session with reference to the key learning points for this session.

5 The SCEP Statement of Good Practice

Introduction

The particular vulnerability of children without parents or other carers – the most vulnerable children of all – makes it essential to provide proper protection and care for separated children. Failure to do so risks undermining the health, wellbeing and development of the child. Any consideration of the rights of separated children must be based on the clear understanding that they are children who, by virtue of this fact alone, have special rights. They are separated from their parents, outside their country or origin, and therefore are in need of protection. This remains true irrespective of the reasons (and the means by which) they entered Europe, the conditions under which they are living, and their status in relation to national and international law.

The SCEP Statement of Good Practice

The Separated Children in Europe Programme Statement of Good Practice aims to provide a straightforward account of the policies and practices required to implement and protect the rights of separated children in Europe.

The Statement addresses the situation of not only children seeking asylum but any separated child who is “in need of protection” because they have left their own country without their parents or usual carers and travelled to a European country

The Statement seeks to provide easy reference to the key international instruments which impact on the situation of separated children, and should be of assistance to all officials involved in such cases

Key Instruments and Other Documents Informing the Statement of Good Practice¹⁴

There are three main types of international instruments that inform work with separated children. These are:

- treaties, i.e. conventions such as the UN *Convention on the Rights of the Child*, 1989
- legal acts within the European Union, for example the *EU Resolution on unaccompanied minors who are nationals of third countries*, June 1997
- recommendations from inter-governmental organisations and NGO’s such as UNHCR’s *‘Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum’*

(The above list is also presented as **Overhead 5.1**)

Governments have relevant obligations under international child law, especially the 1989 UN Convention on the Rights of the Child. By ratifying the Convention – as all but two governments world-wide have done – governments undertake to put in place systems to protect children and to provide alternative care when children are separated from parents or caregivers. Furthermore, under Article 2, they are under an obligation to provide the same standards of care for all children within their jurisdiction; under Article 3, the “best interests” of the child must be a primary consideration in all actions concerning children; and under Article 12, children must be able to express a view on matters relevant to them. There are also more specific provisions which are relevant and which should be read in conjunction with these “umbrella” articles. Article 22, in particular, sets out the rights of a child who

¹⁴ This section and the following chapter on The European Context are extracted, with thanks, from Ruxton (2000)

seeks refugee status or is considered a refugee, accompanied or unaccompanied, in accordance with international or domestic law to receive appropriate protection and humanitarian assistance.

In addition to child law, there is a substantial body of refugee law which is relevant to the position of separated children. For example, the 1951 UN Convention and the 1967 Protocol relating to the status of refugees set out the core definition of the term “refugee” in international law; and a more specific reference recommends that governments take necessary measures with a view to “the protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption” (Final Act of the Convention, Recommendation B). Building on the cornerstone of the 1951 Convention, UNHCR published detailed guidelines on refugee children in 1994, recognising the increasing focus on children’s rights globally during the 1980s and 1990s and reflecting the content of the CRC. These were elaborated upon in 1997 by a further set of UNHCR guidelines specifically addressing the position of separated children. More recently, attention has also centred on the 1996 Hague Convention for the Protection of Children; although this Convention has yet to enter into force, it could help to implement some of the major objectives of the CRC in this area by providing a binding international framework.

The Statement of Good Practice is principally informed by the UN Convention on the Rights of the Child (CRC) and two other documents: UNHCR’s ‘Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum’ and the European Council on Refugees and Exiles Position on Refugee Children (presented as **Overhead 5.2**).

The European Legal Context

Although there is a framework of international law to draw upon, there are also European instruments which are relevant. In particular, many of the provisions of the Council of Europe’s European Convention on Human Rights (ECHR), which has been in existence since 1950, are applicable to refugees. The most relevant articles are Article 3 (prohibition of torture or inhuman or degrading treatment), Article 4 (prohibition of slavery and forced labour), Article 5 (the right to liberty and security), Article 8 (the right to respect for private and family life). The EU’s legal basis can be found in several instruments. Article K1 of the 1992 Maastricht Treaty defined asylum policy as a matter of common interest to be dealt with; according to Article K2, in compliance with both the 1950 European Convention on Human Rights – under which there is now a body of case-law concerning asylum – and the 1951 Refugee Convention. The Maastricht Treaty is the first reference to an EU founded on three “pillars”: the first pillar is European Community and its legislation, the second is a common foreign and security policy (CFSP), and the third is justice and home affairs. Since then, the European Council has passed several non-binding resolutions concerning refugees, such as a common interpretation of Article 1 of the Refugee Convention and the treatment of unaccompanied minors, but asylum policy has remained essentially a matter of inter-governmental co-operation.

The 1997 Treaty of Amsterdam removed asylum policy from the third pillar – an area of inter-governmental co-operation – and into the first pillar. Police and judicial co-operation has been left in the third pillar. Asylum policy is not entirely “communitarised”, however, as the voting rules still require unanimity. Also, the right to initiate legislation is shared between Member States and the European Commission, and the rights of scrutiny and consultation of the European Court of Justice and the European Parliament are not fully complete. The Amsterdam Treaty came into force on 1 May 1999. Heads of government met to discuss Justice and Home Affairs policy, for the first time, at Tampere on 15-17 October 1999, under the Finnish Presidency.

Within the last five years the EU has devoted some attention to the issues facing separated children, however the two relevant Council of Ministers’ Resolutions have no binding force. The first, the 1995 Resolution on Minimum Guarantees for Asylum Procedures, sets out standards in relation to a range of relevant issues, such as the need for state authorities to have fully qualified personnel to examine cases, and for a separated child to be represented by a specially appointed adult or institution.

The second, which focuses directly on the position of separated children, is the 1997 Resolution on Unaccompanied Minors who are Nationals of Third Countries. While the resolution represents existing “soft law”, it sets out an important political commitment by the Member States to realising the rights of separated children, and is relevant to the preparation of proposals for any Community legal instrument. Although the resolution is generally useful, some improvements should be introduced

when any primary legislation is being constructed (see the specific sections below on the EU legislative programme for examples).

The EU legislative programme on asylum for the transitional period following the entry into force of the Amsterdam Treaty is a broad one and was set out in a European Commission Working Document in March 1999. All of the areas outlined in the document are likely to have some impact on separated children. It is therefore vital that their needs and rights should be mainstreamed in any Community instruments which are subsequently developed. Failure to do so could result in their interests being forgotten or ignored.

The international and European instruments that have the most important implications for work with separated children are summarised in **Appendix 2**. Many are referred to explicitly in the Statement of Good Practice. Where extensive references are made to specific instruments, abbreviations are used for the sake of brevity.

The First Principles of the Statement of Good Practice

The Statement of Good Practice is underpinned by eleven 'First Principles' that should be borne in mind at all stages of decision-making, care and provision for separated children. Each of the principles is firmly rooted in international and regional legal instruments as well as the policy guidance of the UNHCR. The First Principles are described in **Appendix 4** and are also summarised as **Overhead 5.3**. **Exercise 5.1** provides participants with an opportunity to examine which of the First Principles are consistent with their current practice and which could be adopted in the future.

The Twelve Standards of the Statement of Good Practice

The SCEP Statement of Good Practice comprises 12 standards that set out good practice concerning separated children from the point of arrival up until the taking of a long-term decision on a child's future.

By applying all twelve standards of the Statement of Good Practice, agencies will ensure that their policies and practices meet the highest standards consistent with international and European legal instruments.

The standards cover the following issues:

1. **Access to the Territory**
Including a sub-section on Trafficking
2. **Identification**
3. **Family Tracing and Contact**
4. **Appointment of Guardian or Adviser**
5. **Registration and Documentation**
6. **Age Assessment**
7. **Freedom from Detention**
8. **Right to Participate**
9. **Family Reunification in a European Country**
10. **Interim Care – Health, Education and Training**
11. **The Asylum or Refugee Determination Process**
Including sub-sections on:
 - Minimum Procedural Guarantees
 - Criteria for making a decision on a child's asylum application
12. **Durable or Long-term Solutions**
Including sub-sections on:

- Remaining in a Host Country/Country of Asylum (Integration, Adoption, Identity and Nationality)
- Return to Country of Origin
- Settlement in a Third Country

(These standards are also summarised as **Overhead 5.4**).

Each of the standards is examined in detail in subsequent sections of this training guide.

The First Principles of the Statement of Good Practice

- Purpose**
- To introduce the First Principles of the SCEP Statement of Good Practice
 - To identify how their agency's practice currently measures up against the SGP First Principles
 - To identify which of the SGP First Principles could be adopted easily and which might be problematic to adopt.
 - To determine how their agency could overcome any anticipated problems and fully adopt the First Principles.

- Learning Points**
- The Separated Children in Europe Programme Statement of Good Practice is underpinned by eleven First Principles that should be borne in mind at all stages of care and provision for separated children.
 - All agencies should aim to adopt all the principles in their work.
 - Agencies and professionals may already be guided by some of these principles in their existing work.
 - If it is not currently guided by the principle, the agency may be able to adopt the principle easily. On the other hand, the agency may find it problematic to do so.
 - If an agency would find it difficult to adopt any of the principles, it should examine the nature of the problem and try to overcome the problem.

- Time**
- 10 minutes for introduction
 - 20 minutes for individual work using the Worksheets
 - 20 minutes for plenary discussion

- Facilitator's Notes**
- Distribute copies of **Worksheet 5.1** to each participant and ask them to complete the sheet.
 - Open a discussion using the following trigger questions:
 1. How does your agency's practice currently measure up against the First principles?
 2. Does your agency have a written statement of the principles that guide its work?
 3. Which of the principles could be adopted easily by your agency? Why do you think it has not already done so?
 4. Which of the principles, if adopted, could be problematic? What problems could be created? If another agency has already adopted the principle, what is their experience and what lessons can they pass on?

- Resources**
- Overhead 5.3**
 - Copies of **Exercise 5.1 Worksheet** for each participant.

Exercise

5.1

Worksheet: The First Principles of the Statement of Good Practice

Please complete this worksheet by examining each of the First Principles and deciding which of the first three columns (1, 2 or 3) best describes your agency's approach (or your own if you work as an individual professional). If your agency does not currently have a written statement of its principles, decide whether it would be easy or difficult to adopt each of the principles (by marking in column A or B).

Principles	1. Our practice is <u>always</u> consistent with this principle.	2. Our practice is <u>often</u> consistent with this principle.	3. Our practice is <u>rarely</u> or never consistent with this principle.	A. This principle could be adopted easily by our organisation.	B It would be difficult for our organisation to adopt this principle. Why?
<p>1. <u>Best Interests</u>:</p> <p>In all actions concerning children ... the best interests of children and young people shall be a primary consideration. (CRC, Art.3(1))</p>					
<p>2. <u>Non-discrimination</u>:</p> <p>Separated children are entitled to the same treatment and rights as national or resident children. They must be treated as children first and foremost. All considerations of their immigration status must be secondary.</p>					
<p>3. <u>Right to Participate</u>:</p> <p>The views and wishes of separated children must be sought and taken into account whenever decisions affecting them are being made. Measures must be put in place to facilitate their participation in line with their age and maturity.</p>					

Principles	1. Our practice is <u>always</u> consistent with this principle.	2. Our practice is <u>often</u> consistent with this principle.	3. Our practice is <u>rarely</u> or <u>never</u> consistent with this principle.	A. This principle could be adopted easily by our organisation.	B It would be difficult for our organisation to adopt this principle. Why?
<p>4. <u>Bi-culturalism</u>:</p> <p>It is vital that separated children be able to maintain their mother tongue and links with their culture and religion. Provision of childcare, healthcare and education must reflect their cultural needs. Preservation of culture and language is also important should a child return to their home country.</p>					
<p>5. <u>Interpretation</u>:</p> <p>Separated children must be provided with suitable interpreters who speak their preferred language whenever they are interviewed or require access to services.</p>					
<p>6. <u>Confidentiality</u>:</p> <p>Care must be taken not to disclose information about a separated child that could endanger the child's family members in her or his home country. The permission of separated children must be sought in an age appropriate manner before sensitive information is disclosed to other organisations or individuals. Information must not be used inappropriately for purposes other than for that for which it was sought.</p>					

Principles	1. Our practice is <u>always</u> consistent with this principle.	2. Our practice is <u>often</u> consistent with this principle.	3. Our practice is <u>rarely</u> or <u>never</u> consistent with this principle.	A. This principle could be adopted easily by our organisation.	B It would be difficult for our organisation to adopt this principle. Why?
<p>7. <u>Information:</u> Separated children must be provided with accessible information about, for example, their entitlements, services available, the asylum process, family tracing and the situation in their country of origin.</p>					
<p>8. <u>Inter-organisational Co-operation:</u> Organisations, government departments and professionals involved in providing services to separated children must co-operate to ensure that the welfare and rights of separated children are enhanced and protected.</p>					
<p>9. <u>Staff Training</u> Those working with separated children must receive appropriate training on the needs of separated children. Immigration or border police staff must receive training in conducting child-friendly interviews.</p>					
<p>10. <u>Durability:</u> Decisions that are taken regarding separated children should take account of , where ever possible, the long-term interests and welfare of the child.</p>					
<p>11. <u>Timeliness:</u> All decisions regarding separated children must be taken in a timely fashion.</p>					

In what ways would your agency have to change if it adopted all of the eleven First Principles?

6. Communicating with Children

This section examines the differences between children and adults in the way they understand and explain their circumstances. It examines the impact of the previous experiences of many separated children on their ability to communicate. It recommends that all officials and professionals working with separated children need a basic understanding of child development and the particular techniques and skills required for communicating effectively with children.

Key Learning Points

- There are significant differences between children and adults in the way they understand and explain their circumstances. Separate provision and procedures for children, taking into account these differences, are needed to ensure that the child's best interests are safeguarded
- Article 12 of the Convention on the Rights of the Child states that the child who is capable of forming his or her own views has the right to express those views in all matters affecting him or her and to have those views given due consideration. Separated children are entitled to have their opinions heard directly or via a legal representative or guardian/adviser.
- Communicating effectively with children requires specific skills some of which are distinctively different from those involved in communicating with adults. Any interviews by asylum or immigration officials, child psychologists, social workers, lawyers specialising in dealing with children, police officers, paediatricians, etc., should be done in a child-appropriate manner by individuals who have received training in interviewing children
- Communicating with distressed children requires particular skills and personal qualities that can be learned and developed through training

Training Materials

Briefing 6: Communicating with Children	Provides background material and can be used as a handout.
Handout 6.1: Factors That Influence Interviews with Children	Factors, listed under three headings - the child, the interview and the interviewer – that will affect interviews with children.
Exercise 6.1: Interviewing Children - Cases	A small group exercise that examines the characteristics of child-sensitive interviewing practices.

Facilitators Notes

- 1 Introduce the purpose of the session.
- 2 Using **Briefing 6**, introduce the importance of understanding how to communicate with children. Emphasise the following two points:

There are significant differences between children and adults in the way they understand and explain their circumstances. Special safeguards and guarantees for children, taking into account these differences, are needed to ensure that the child's best interests are safeguarded

Article 12 of the Convention on the Rights of the Child states that the child who is capable of forming his or her own views has the right to express those views in all matters affecting him or her and to have those views given due consideration. Separated children are entitled to have their opinions heard directly or via a legal representative or guardian/adviser.
- 3 Introduce **Exercise 6.1** which uses two contrasting case-studies to examine the characteristics of child-sensitive interviewing practices.
- 4 Conclude the session with reference to the key learning points for this session.

Communicating with Children

Why Children Need Special Safeguards and Guarantees

There are significant differences between children and adults in the way they understand and explain their circumstances. Separate provision and procedures for children, taking into account these differences, are needed to ensure that the child's best interests are safeguarded.

The Child's Right to Express an Opinion

Every child's right to express an opinion and have that opinion taken into account by those who are making decisions about them is established in the Convention on the Rights of the Child. The separated child's right to participate is established as one of the First Principles of the SCEP Statement of Good Practice:

SCEP Statement of Good Practice Principle 3: The Child's Right to Participate

The views and wishes of separated children must be sought and taken into account whenever decisions affecting them are being made. Measures must be put in place to facilitate their participation in line with their age and maturity.

SCEP Statement of Good Practice (2nd Edition), October 2000

Article 12 is one of the cornerstones of the CRC; it builds on long-standing concerns with protection of and provision for children by embracing children's participation in decisions which affect them. The 1997 UNHCR Guidelines accord sufficient importance to this principle that they cite Article 12 and state that the views and wishes of children should be elicited and considered. It is sometimes argued that participation imposes burdens on children at too young an age; that children lack the capacity to be involved in decision-making, and that children should not be given rights until they are capable of accepting responsibility. But no children should be forced to put forward their views. Furthermore, Article 12 does not imply a right to self-determination, but rather the recognition of children's right to be heard.

For separated children, a central focus in relation to participation is the refugee determination procedure. Children usually do have the right to have their views represented during interviews.

Another element which is usually taken into account is the age and maturity of the child. Examples of positive practice do exist; however, it is clear that there is considerable room for improvement – even in countries where child participation is taken seriously. Moreover, evidence from the assessments suggests that there are countries where the views of the child are largely marginalised.

Beyond either direct or indirect involvement in interviews relating to the determination of claims, it appears that in some cases a greater degree of participation operates in relation to care decisions.

A key role in supporting the participation of children in major decisions affecting them is that of the guardian or adviser (see **Section 10: The Appointment of a Guardian**).

Overall, there is also a need to create more child-friendly environments and approaches to facilitate children's participation. In Norway, official guidelines on interviews set out topics to ask about and how questions are to be framed, but although guardians may be present at this stage, lawyers are usually not – which conflicts with the recommendations of the authorities. In many countries, legal entitlement is often undermined by a lack of appropriate training of officials.

Language issues are also important. If the adult does not share the child's culture and language, an interpreter will be needed. This point is emphasised as one of the First Principles of the SCEP Statement.

SCEP Statement of Good Practice Principle 5: Interpretation:

Separated children must be provided with suitable interpreters who speak their preferred language whenever they are interviewed or require access to services.

SCEP Statement of Good Practice (2nd Edition), October 2000

This right is established through the Convention on the Rights of the Child, Art.12 and Art. 13.

Common constraints to achieving the above principle in practice include:

- the limited number of interpreters who specialise in working with children.
- the limited range of languages for which interpreters are available.

Both of these constraints will severely limit the opportunity for separated children to express themselves in their mother tongue. However, the value of a good interpreter is made very clear in the following case illustration.

A girl from Southern Asia had been sent out of the country by her parents for her own safety. After she arrived in Europe she became worried about her family's safety and began suffering from anxiety symptoms due to having spent weeks in a city under bombardment and attacks. She was placed in a foster family but had difficulties adapting to her new situation and was reluctant to talk about why she had left her country. Her guardian accompanied her to an asylum interview. The girl was extremely nervous and intimidated by the whole process. She was introduced to the interpreter, a woman who spoke her dialect and was also a member of an ethnic group that was allied to the girl's own ethnic group in her home country. The interpreter spoke to her for a few minutes in a friendly manner and explained to her what would happen in the interview. The girl visibly relaxed and was able to answer the questions put to her by the official with some confidence. When she became upset at one point the interpreter spoke to her kindly and told her to take a break if she needed to. When the interview was over the girl told her guardian she had felt able to talk because the interpreter made her feel secure.

The Skills of Communicating with Children

A detailed introduction of the skills required for communicating with children is beyond the scope of the training guide. However, some basic guidelines are provided and reference is made to documents which provide more detailed information and ideas.

UNHCR¹⁵ has identified the following requirements for interviewing children:

Warmth	Sincerity
Empathy	Flexibility
Understanding	Knowledge of Human behaviour
Acceptance	Clarity of Thinking
Concern	Analytical Ability
Respect	Listening
A Sense of Humour	Questioning
Tact	Responding
Sensitivity	Recording
Perceptiveness	Control of Aggression/Inappropriate Behaviour

¹⁵ UNHCR (1996) Working with Unaccompanied Children: A Community Based Approach, Geneva: UNHCR

Anyone interviewing separated children needs to be aware of the following factors that may influence responses in interviews with children (adapted from UNHCR's 'Working with Unaccompanied Children: A Community Based Approach') (Also presented as **Handout 6.1**).

The Child	Circumstances of the Interview	The Interviewer
Age	Use of interpreter	Life experience
Life experiences, especially the cause of separation	Timing	Professional experience
Social, cultural and educational background	Privacy	Social and cultural background
Physical and mental health	Environment	Language
Personality	Previous interviews	Knowledge of country of origin
Behaviour	Previous documents	Rapport with child/interpreter
Current care arrangements, living conditions		Objectivity
Atmosphere in refugee community		Sensitivity
Expectations of the interview		Interviewing skills
		Knowledge of child's options
		Knowledge of child

Learning to Communicate with Separated Children

Communicating with children – particularly within the context of interviewing – involves special skills which can be learned. The need for specialist training on the needs of separated children and how best to communicate with them is widely acknowledged and is one of the 'First Principles' of the SCEP Statement of Good Practice.

SCEP Statement of Good Practice Principle 9: Staff Training

Those working with separated children must receive appropriate training on the needs of separated children. Immigration or border police staff must receive training in conducting child-friendly interviews.

SCEP Statement of Good Practice (2nd Edition), October 2000

These requirements derive from a number of international instruments, particularly the Convention on the Rights of the Child, Art. 3(3) and the UNHCR *Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum*.

As the roles of officials, representatives, guardians, interpreters and other care staff often differ, training programmes should be tailored to the specific needs of the groups involved. Evidence from a recent SCEP study¹⁶ suggests that, in addition to knowledge of national and EU asylum policy and procedures, the following topics should be core elements:

- the principles and standards of the CRC and other key instruments and guidelines;
- knowledge of countries of origin;

¹⁶ Ruxton, Sandy (2000) *Separated Children Seeking Asylum in Europe: A Programme for Action*, Save the Children and UNHCR

- appropriate interviewing;
- child development and psychology;
- cultural issues;
- use of language, and
- creating child-friendly environments.

Initial training should be backed by the setting up of networks and continuing education programmes.

6.1

Factors That Influence Interviews with Children

Anyone interviewing separated children needs to be aware of the following factors that may influence responses in interviews with children

The Child	Circumstances of the Interview	The Interviewer
Age	Use of interpreter	Life experience
Life experiences, especially the cause of separation	Timing	Professional experience
Social, cultural and educational background	Privacy	Social and cultural background
Physical and mental health	Environment	Language
Personality	Previous interviews	Knowledge of country of origin
Behaviour	Previous documents	Rapport with child/interpreter
Current care arrangements, living conditions		Objectivity
Atmosphere in refugee community		Sensitivity
Expectations of the interview		Interviewing skills
		Knowledge of child's options
		Knowledge of child

Adapted from UNHCR's 'Working with Unaccompanied Children: A Community Based Approach

6.1 Interviewing Children – Cases

Purpose To identify the factors that can make it easier and more difficult for children to tell their stories in an interview situation

To examine how participants' own work environment could be made more child-friendly and welcoming to children from other cultures

Learning Points In order to make it easier for separated children to tell their stories, interviewers need to be aware of the factors that can influence the interview process.

Factors can be related to the child, the interviewer and the interview situation itself.

Because of their past experiences and current circumstances, children need to be allowed sufficient time to relate their stories.

Time 5 minutes for initial presentation

20 minutes for work in small groups on questions 1-3

10 minutes for reporting back on questions 1-3

10 minutes for individual work on questions 4 and 5

10 minutes for plenary discussion on questions 4 and 5

Facilitator's Notes Divide participants into small groups of three or four participants. Give each participant a copy of each of the **Worksheets**. Ask half of the small groups to work on Case 1 and the other groups to work on Case 2.

Ask each group to agree answers to questions 1-3 and to write these on flipchart paper. They should be encouraged to refer to Handout 6.1.

Ask each of the groups working on Case 1 to report back their answers to questions 1-3 (avoiding repetition of points already made).

Ask each of the groups working on Case 2 to report back their answers to questions 1-3 (avoiding repetition of points already made).

Open a plenary discussion on good practice in interviewing children.

Ask participants to think about the answers to questions 5 and 6 and to write these down on the Worksheet.

Open a discussion about participants' ideas for making their work environment more child-friendly.

Resources Copies of the **Worksheet 6.1 Interviewing Children - Case 1** and **Interviewing Children - Case 2** for each participant

Copy of **Handout 6.1** for each participant.

Flipchart paper and marker pens.

Worksheet: Interviewing Children – Case 1

A 14 year old boy from East Africa was interviewed using an interpreter by an official on the day he arrived in a European country. He was asked questions he did not understand and the interview record indicated that to many questions he had replied “I don’t know”. The interpreter did not speak the child’s dialect so he was interviewed in his second language. The boy was then taken into care by the social welfare authorities. His social worker had very limited knowledge of the asylum procedures. After a few weeks the boy was asked to attend a full asylum interview. He went with his social worker to the interview. The official who interviewed him had not received any special training to interview a child. During the interview, the boy said things that contradicted what he had said in the first interview. At other times he was confused and did not know what to answer. He was very afraid and nervous and uncomfortable in the impersonal interview room which had no pictures on the walls and no window.

Questions

1. What was the purpose of the two interviews with the officials?
2. What made it difficult for the boy to tell his story?
3. What could have been done to make it easier for the boy to tell his story?
4. What can your organisation learn from this boy’s experience of being interviewed?
5. How could your work environment be made more child-friendly and welcoming to children from other cultures?

Worksheet: Interviewing Children - Case 2

A girl aged 15 from South Asia came to Europe. She and her family had been harassed by both the rebels movement and the national army who suspected they were supporters of the rebels. Once her father had been arrested and tortured. The rebels wanted her family to send the girl to join them. Her parents were afraid she would end up as a suicide bomber. She travelled for several months and arrived exhausted. At the airport the immigration official asked her a few questions about her identity and she was transferred to an asylum centre which had specialised workers for separated children. After three weeks the girl attended an asylum interview. She was accompanied by the worker at the centre who had prepared her for the interview. It was held in a pleasant room. The official was dressed in a casual manner and treated her in a friendly and courteous manner. The official introduced herself and the interpreter and told her she could take breaks when necessary. She explained the purpose of the interview and the possible outcomes. She also said that the girl should not guess at answers and should indicate if she did not understand any questions. The official asked her detailed questions about her family, school life, and the impact of the civil war on the girl, her family and community. She seemed to know a lot about her country of origin. The girl felt enough trust in the official to answer questions truthfully. At one point she began to cry when recounting a painful event. She was able to go outside with her worker until she felt able to continue. When the interview was over she felt the official had listened to her and she had been able to tell her story.

Questions

1. What was the purpose of the interview with the official?
2. What was done to make it easier for the girl to tell her story?
3. What else could have been done?
4. What can your organisation learn from this girl's experience of being interviewed?
5. How could your work environment be made more child-friendly and welcoming to children from other cultures?

7. Access to the Territory

Key Learning Points

- Separated children seeking protection should never be refused entry or returned at the point of entry.
- Separated children should never be detained for immigration reasons.
- Separated children should never be subject to detailed interviews by immigration authorities at the point of entry.
- Trafficking in children and young people for the purposes of prostitution, the production of child pornography and other forms of exploitation is a serious problem in Europe.

Training Materials

Briefing 7: Access to the Territory	Provides background material and can be used as a handout.
Overhead 7.1: Access to the Territory	Extract from the SCEP Statement of Good Practice Standard C1
Overhead 7.2: Instruments Concerning Access to the Territory	Lists the main instruments concerning access to the territory
Overhead 7.3: Registration and Documentation	Extract from the SCEP Statement of Good Practice Standard C4
Overhead 7.4: Definition of 'Trafficking'	Definition reference: Transnational Training Seminar on Trafficking in Women, Budapest, June 1998, quoted in Special Rapporteur on the sale of children, 1999, para 44.
Exercise 7.1: Access to Territory	This exercise uses a case example to illustrate the consequences for a separated child of being refused entry. Participants are encouraged to apply the SCEP Statement of Good Practice and examine the situation in their own country.
Exercise 7.2: Freedom from Detention	Uses a case example to illustrate the consequences of detention for a separated child. Encourages participants to reflect on practice in their own country and how this could be made consistent with the SCEP Statement of Good Practice.

Facilitators Notes

- 1 Introduce the session.
- 2 Using **Briefing 7** and **Overheads 7.1, 7.2 and 7.3** introduce the issue of access to the territory, and emphasise the following points:
 - Separated children seeking protection should never be refused entry or returned at the point of entry.
 - Separated children should never be detained for immigration reasons.
 - Separated children should never be subject to detailed interviews by immigration authorities at the point of entry.
- 3 Ask participants to brainstorm a list of reasons for why children are trafficked.
Using **Overhead 7.4**, introduce a definition of trafficking.
- 4 Introduce **Exercise 7.1**
- 5 Introduce **Exercise 7.2**
- 6 Conclude the session by referring back to the key learning points.

Access to the Territory

How Separated Children Attempt Access to the Territory

Separated children may seek to gain access to a territory in a number of ways, some of which are legal and some illegal, including:

- Legal access but without documents (by plane, at border crossing points or crossing borders but not at crossing points)
- Legal access without visa but with other documents (by plane, at border crossing points or crossing borders but not at crossing points)
- Legal access with documents (by plane, at border crossing points or crossing borders but not at crossing points)
- Family reunion
- Illegal access (smuggling) by boat, truck train or on foot
- Illegal access by trafficking

Standard 1 of the SCEP Statement of Good Practice makes it clear that:

Separated children seeking protection should never be refused entry or returned at the point of entry. They should never be detained for immigration reasons. Neither should they be subject to detailed interviews by immigration authorities at the point of entry.

This information is also summarised as **Overhead 7.1**.

These guarantees are especially important to separated children because of their vulnerable circumstances, and are reinforced in the UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum (1997). However the EU Council of Ministers' resolution on unaccompanied minors (26 June 1997) indicates that states may refuse separated children leave to enter, in particular if they are without the required documentation and authorisations. Their birth may never have been registered, or identity documents may never have been issued. Identity papers are sometimes lost, forged, or destroyed. Or it may only have been possible to obtain them at great risk from state authorities in the country of origin (Ruxton, 2000:35)..

There are concerns that increasing numbers of asylum-seekers could be subject to *refoulement* – their return to countries where their lives or freedom would be threatened. *Refoulement* is prohibited under Article 33 of the 1951 Convention and Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Punishment.

Freedom from Detention

For those children who have been able to gain access to a country of reception, a further problem can arise, namely detention. The SCEP Statement of Good Practice makes takes the position that:

Separated children should never be detained for reasons related to their immigration status. This includes detention at the border, for example, in international zones, in detention centres, in police cells, in prisons or in any other special detention centres for young people. (C.1)

There is a considerable body of legal instruments to support this position (summarised as **Overhead 7.2**).

According to the 1997 UNHCR Guidelines, Children seeking asylum should not be kept in detention. This is particularly important in the case of unaccompanied children (paragraph 7.6). States which, regrettably and contrary to the preceding recommendation, may keep children seeking asylum in

detention, should, in any event, observe Article 37 of the Convention of the Rights of the Child, according to which detention shall be used only as a measure of last resort and for the shortest appropriate period of time. If children Asylum-Seekers in Europe who are asylum seekers are detained in airports, immigration-holding centres or prisons, they must not be held under prison-like conditions. All efforts must be made to have them released from detention and placed in other appropriate accommodation. If this proves impossible, special arrangements must be made for living quarters which are suitable for children and their families. The underlying approach to such a programme should be 'care' and not 'detention'. Facilities should not be located in isolated areas where culturally-appropriate community resources and legal access may be unavailable. (UNHCR 1997 Guidelines, para 7.6, 7.7).

On arrival, many separated children are detained while their claims are processed. According to the Inter-governmental Consultation Report on Unaccompanied Minors (1997), although governments view detention as generally not in children's "best interests", some draw a distinction between "detaining" children and "restricting their freedom of movement", arguing that the latter approach may protect children from risks (e.g. disappearances, trafficking, exploitation). At the same time, they also believe that detention facilitates the determination of claims or the investigation of conditions in the country or origin. These observations highlight the fact that detention is used by states to fulfil conflicting purposes, some of which have no legal justification and are not connected to children's immigration status. In reality, detaining children can be highly traumatic for them (especially bearing in mind the circumstances from which they have usually fled) and is also less likely to provide effective protection than improving supervision in open childcare facilities. Detaining children for administrative convenience undermines the "best interests" principle that governments claim to be upholding (Ruxton, 2000: 55).

Trafficking

Standard C1.2 of the SCEP Statement of Good Practice states:

Trafficking in children for the purposes of prostitution, the production of child pornography and other forms of exploitation is a serious problem in Europe. As already agreed in the EU Joint Action, states should take counteractive measures by sharing information on trafficking with other states, and ensuring that immigration officers and border police are alerted to this problem, bearing in mind that trafficking routes are also being used by separated children seeking asylum. The purpose of any such advocated measures should be motivated by child protection principles, not migration or crime control measures.

Although there is no common international definition of trafficking, the following definition used by the UN Special Rapporteur on the sale of children, is sufficiently comprehensive to cover the forms and nature of most trafficking that occurs in Europe.

Trafficking consists of all acts involved in the recruitment or transportation of persons within or across borders, involving deception, coercion or force, debt bondage, or fraud for the purpose of placing persons in situations of abuse or exploitation, such as forced prostitution, slavery-like practices, battering or extreme cruelty, sweatshop labour or exploitative domestic servitude.¹⁷ (Also presented as **Overhead 7.4**)

Most children who are subjected to trafficking come from poor families in developing countries where poverty is widespread, or from former communist countries where poverty is growing. The low status of girl children makes them particularly vulnerable to abuse, and in many cases they are knowingly sold by parents.

The purpose of any such advocated measures should be motivated by child protection principles, not migration or crime control measures

The growth in child trafficking can be linked to a number of factors:

1. The demand for younger, virginal girls and boys who are thought to be less likely to be infected by the HIV virus

¹⁷ *Transnational Training Seminar on Trafficking in Women, Budapest, June 1998*, quoted in *Special Rapporteur on the sale of children*, 1999, para 44.

2. The growth in sex tourism
3. The proliferation of child pornography through the internet
4. The perception of the greater malleability of children by traffickers who must use force and deception to achieve their ends
5. The increased number of “available” vulnerable children.

7.1 Access to Territory

Purpose To explain the SCEP position on access to territory and the legal instruments on which it is based.

To examine good practice in dealing with separated children at the point of entry.

To compare practice in participants' countries with the SCEP Statement of Good Practice.

To identify action that should be taken to align national policy and practice with the SCEP Statement of Good Practice.

Learning Points Denying access to territory or returning separated children at the point of entry contravenes a number of international legal instruments and is not in the best interests of the child.

Children should not be subjected to detailed interviews by immigration authorities at the point of entry.

Time 20 minutes for groupwork

25 minutes for plenary discussion

Facilitator's Notes Introduce the objectives of the exercise and divide participants into groups of three or four.

Distribute the worksheet for this exercise and ask participants to discuss the questions and note their responses on flipchart.

Using the **Briefing 7** and the **SCEP Statement of Good Practice**, open up a plenary discussion that examines participants' responses to the questions and focuses on:

- The consequences for separated children of being refused entry or returned at the point of entry.
- The SCEP position on access to territory
- The position on access to territory in the participants' country.

Try to reach a consensus on what changes should be made to ensure that the SCEP Statement of Good Practice position is adopted in the participants' country (identify changes in the legal framework, agency policy and individual practice levels). Write these on flipchart.

Resources **Worksheet** for Exercise 7.1 for each participant.

Worksheet: Access to Territory

Please read the following case example and discuss the questions below.

A 17 year old boy from an ethnic minority of South Eastern Europe was smuggled out of the country in order to go and live in Europe with a distant member of his extended family. He came from a poor family and his parents were concerned about his safety due to the repression against his ethnic group and that he had little future in the country he came from. He was deported back to his country of origin because he was considered to have no case for being accepted into the asylum procedure. Immediately on arrival he was arrested because he had left the country illegally. In detention he was tortured. On release he was sent back to his village where he was constantly watched by the police. When a policeman was killed in the area he ran away because he knew he would be arrested in connection with the death.

Questions

1. What were the consequences for the child of being returned to his own country?
2. According to the SCEP Statement of Good Practice, what should the authorities in the country of reception have done in this situation?
3. Under what circumstances could a child be refused entry to your country?
4. What action could be taken in your country to avoid children being refused entry or returned at the point of entry?

7.2 Freedom from Detention

Purpose To identify some of the consequences of detention for a separated child.
To compare the standards established in the SCEP Statement of Good Practice with practice in participants' own countries.

Learning Points Separated children should never be detained for immigration reasons.

Time 10 minutes for introduction
20 minutes for small group discussions
15 minutes for plenary discussion

Facilitator's Notes Using **Briefing 7** and the **SCEP Statement of Good Practice**, introduce the SCEP position on detention of separated children.

Divide participants into groups of three. Distribute the **Worksheet** for this exercise and ask participants to discuss the questions.

Open up a plenary discussion that focuses on:

1. The negative psychological and physical consequences for the child of being detained.
2. The SCEP position on detention of separated children
3. The local position regarding the detention of children
4. The availability of alternatives to detention
5. The roles of the different agencies in protecting children from detention.

Resources **Worksheet** for Exercise 7.2 for each participant.

7.2 Worksheet: Freedom from Detention

Please read the following case example and discuss the questions below.

A girl aged 14 from West Africa arrived without any papers. Because she could not prove that she was a minor she was placed in immigration detention. She did not understand why she was in detention and felt she was being treated like a criminal. She was lonely and depressed in detention - and found the European food difficult to eat. She stopped eating and stayed in the room she shared with three adult women. Eventually the detention officer brought her to the doctor who gave her some anti-depressant pills. She felt disoriented when she took them and slept long hours. Finally she was given a lawyer's card by another detainee. The lawyer came and asked her for money - she had none. At one point she was so desperate she asked to go back home but then changed her mind. A fellow detainee wrote a letter for her and she sent it to an agency that helps refugees. They found her a good lawyer who immediately started proceedings to get her released from detention.

Questions

1. What were the consequences of detention for this child?
2. What do you think should have happened to this child in her best interests?
3. Under what circumstances would separated children be detained in your country?
4. What alternatives to detention for separated children exist in your country?
5. How could separated children be protected from detention in your country?
6. What role could your agency play in ensuring that children are never detained for immigration reasons in your country?

8. Identification and Registration

Key Learning Points

- In order that the long term rights and needs of separated children are guaranteed, it is vital that such children are identified on arrival
- Identification involves two main aspects: (1) determining the identity of the child (including the age of the child), and (2) identification of the child's status as "separated".
- The consequences of a failure to identify separated children at the point of arrival can be catastrophic. In some cases children may be deported to their country of origin without investigation.
- A complete social history is an essential tool for the protection of separated children. A complete social history should NOT be taken at the point of entry but later in the interview process.
- There should be a presumption that someone claiming to be under 18 years of age should be treated as such: in making an age determination, separated children must be given the benefit of the doubt. If an age assessment is thought to be necessary it should be carried out by an independent paediatrician with appropriate expertise and familiarity with the child's ethnic/cultural background.
- It is very important to ensure that psychological as well as physiological tests are used for the purpose of age assessment.
- The systematic sharing of information between the agencies and professionals involved in dealing with separated children can be essential in establishing the identity of the separated child and ensuring their protection.

Training Materials

Briefing 8: Identification and Registration	Provides background material and can be used as a handout.
Overhead 8.1: Identification of Separated Children	Summarises the process of identification of separated children
Overhead 8.2: Registration of Separated Children	Summarises the 'twin track' process proposed in the Statement of Good Practice
Overhead 8.3: Documentation of Separated Children	Summarises the main principles that should underpin the examination of documentation.
Exercise 8.1: Age Assessment	Uses a dilemma board to examine the options regarding a case of an individual of indeterminate age presenting at a point of entry.

Facilitators Notes

- 1 Introduce the purpose of the session.
- 2 Using **Briefing 8** and **Overheads 8.1, 8.2 and 8.3** make a short presentation covering the following points:

In order that the long term rights and needs of separated children are guaranteed, it is vital that such children are identified on arrival

Identification involves two main aspects: (1) determining the identity of the child (including the age of the child), and (2) identification of the child's status as "separated".

The consequences of a failure to identify separated children at the point of arrival can be catastrophic. In some cases children may be deported to their country of origin without investigation.

A complete social history is an essential tool for the protection of separated children. A complete social history should NOT be taken at the point of entry but later in the interview process.
- 3 Introduce **Exercise 8.1** which focuses on Age Assessment in a situation of unclear or disputed age.
- 4 Conclude the session with reference to the key learning points for this session.

Identification and Registration

Identification

SCEP Statement of Good Practice C 2. Identification

At ports of entry immigration authorities should put in place procedures to identify separated children. Where children are accompanied by an adult, it will be necessary to establish the nature of the relationship between the child and adult. Since many separated children enter a country without being identified as "separated" at ports of entry, organisations and professionals should share information in order to identify separated children and ensure they are given appropriate protection.

SCEP Statement of Good Practice (2nd Edition), October 2000

Specific identification procedures for unaccompanied children need to be established in countries where they do not already exist. The main purposes of these procedures are two-fold: first, to find out whether or not the child is unaccompanied and second, to determine whether the child is an asylum seeker or not. Identification of a child as being unaccompanied should be done immediately upon the arrival of the child at ports of entry. Where available, persons specially trained or who have otherwise the necessary experience or skills for dealing with children should assist in the identification. Children may be accompanied not by their own parents but by other relatives or other families. Care should be taken in assessing the nature and implications of those relationships. (UNHCR 1997 Guidelines, para 5.1, 5.2).

In practice, responsible authorities can experience considerable difficulty in identifying separated children. In some cases children are too scared of the consequences to tell the truth, especially to police officers. Often it is only when a climate of trust is established that the child talks more freely.

Establishing the nature of a child's relationship with an accompanying adult (or adults) is also problematic – especially when children lack documents, or when documents are those of another person or are forget. If a child is not identified as separated at the border, entry to claim asylum for the child can be dependent on whether the adult(s) is allowed to enter – for example - , in Denmark if the adult is rejected, so too is the child. Often it is only some time after entering a country with an adult that an application for asylum is submitted by a separated child. Or after the family has been granted residence permits, it is discovered that the adult is not the child's parent; sometimes this is as a result of problems with the child which cause the carer(s) to contact social welfare authorities and ask them to take over responsibility for the child.

Another problem is that systematic sharing of information between the various agencies involved which could be helpful in establishing identity is often lacking. (Ruxton, 2000: 42).

Registration and Documentation

As the SCEP Statement of Good Practice outlines, registration and documentation are vital to protect the long-term interests of separated children. The collection of sufficient data helps to ensure that clear decisions can be taken with children about their best interests, that claims can be determined fairly, and that appropriate interim care and ultimately durable solutions can be established; registration can also help to combat trafficking. These processes should be carried out based on Article 8 of the CRC, paragraphs 5.5 and 5.8-5.10 of the UNHCR Guidelines, and Article 3.1 of the EU Council of Ministers Resolution on Unaccompanied Minors of 26 June 1997.

A "twin-track" strategy (i.e. a restricted border interview followed by the taking of a complete social history) is intended to ensure that children are not placed under too much pressure by border officials

on initial arrival, and can gradually build the trusting relationships they need with care professionals in order to tell their stories (summarised as **Overhead 8.2**).

In practice, however, it appears there is considerable variation between states. For example, there is no unified service to register separated children in every country, and duplication of record-keeping is common between agencies (especially because some organisations do not have computers).

Age Assessment

SCEP Statement of Good Practice C 6. Age Assessment

If an age assessment is thought to be necessary, it should be carried out by an independent paediatrician with appropriate expertise and familiarity with the child's ethnic/cultural background. In cases of doubt there should be a presumption that someone claiming to be under 18 years of age, will provisionally be treated as such. Examinations should never be forced or culturally inappropriate. It is important to note that age assessment is not an exact science and a considerable margin of error is called for. In making an age determination separated children must be given the benefit of the doubt.

SCEP Statement of Good Practice (2nd Edition), October 2000

Age assessment is one of the most crucial issues in dealing with the cases of separated children because for those who are considered incorrectly to be adults, the implications in terms of their risk of unsafe removal, asylum applications, detention, care, etc. will lead to the denial of their fundamental rights under the UN Convention on the Rights of the Child.

Often age disputes over separated children arise because children arrive without documents or with false documents that wrongly give their age as over 18. There are many reasons for this. It is well known that asylum seekers often have difficulties acquiring passports and visas. In fact the *1951 UN Convention relating to the Status of Refugees* recognises that asylum seekers must sometimes travel with false documents in order to flee dangerous situations (Article 31). It may be dangerous to request a passport or visit a consulate to apply for a visa, or it may be impossible to travel to a consulate located in another part of a country, or an asylum seeker may simply have to flee at short notice. Sometimes documents are destroyed by the destruction of dwellings or lost during flight. For children the problem can be compounded if they are not entitled to passports until they reach the age or majority, or their birth has not been registered. If a child's parents are dead or missing, she or he may not have access to necessary documents.

Guidelines from UNHCR call for the benefit of the doubt to be given in the absence of clear documentary evidence. The 1997 Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum states that: *The child should be given the benefit of the doubt if the exact age is uncertain* (para. 5.11(c)). The Separated Children in Europe programme endorses this approach since the damage incurred when a child is wrongly denied recognition as a child outweighs the problems that may arise when an adult is accepted as a child.

It is widely acknowledged by medical experts that age assessment is an inexact and approximate procedure. It is impossible to be certain about an individual's age. A considerable margin of error is called for, amounting to at least 20-24 months in either direction. UNHCR 1997 Guidelines state that: *When scientific procedures are used in order to determine the age of the child, margins of error should be allowed. Such methods must be safe and respect human dignity.* (Para. 5.11(b)).

Furthermore the value of an age assessment depends on the expertise and experience of the medical professional who is conducting the examination. Such assessments are based on a variety of factors including: physical examination to ascertain height, weight and presence of secondary sex characteristics; psychological maturity; dental examination; bone maturity. None of these measures alone have proven to have conclusive validity for the exact establishment of age. Furthermore cultural, racial and ethnic differences mean that age indicators may vary considerably.

A tall well built boy aged 16 arrived from Southern Africa had gone through many hardships and because of this appeared very mature. The border official did not believe he could only be 16 years of age. He sent him to an asylum centre for adults. After a week at the centre the boy managed to speak with a worker there and told him he was only 16. Eventually he was sent to see the doctor at the Centre. The doctor took an x-ray of his wrists and gave him a brief physical examination. He did not ask him any questions apart from his name, date of birth and country of origin. The bone atlas reference the doctor used was based on the development of a group of Caucasian children and dated back some 20 years or more. The doctors report stated that given the boy's physical maturity and bone development it appeared likely that he was over 18 years of age, but he could not be certain.

It is frequently the case that age assessments are carried out by immigration services medical staff relying solely on bone analysis. Sole reliance on radiology cannot be endorsed. Not only does bone maturity not correspond to chronological age, but the only bone atlas which exists refers to white North American children of European descent.

Sharing Information

The systematic sharing of information between the agencies and professionals involved in dealing with separated children can be essential to establish the identity of the separated child and ensure their protection. This should always be done bearing in mind the principles of 'best interest' and confidentiality.

For more detailed discussions on inter-organisational cooperation, see **Section 14** of this training guide.

8.1 Age Assessment

Purpose To identify the consequences for a separated child of a range of official reactions in a situation of unclear or disputed age.

To examine how the SCEP Statement of Good Practice applies in situations of unclear or disputed age.

Learning Points Refugees often have to travel with false documents. This is not sufficient reason for return.

The 'benefit of the doubt' principle should apply – otherwise the child will be denied their fundamental human rights under the CRC.

Children should not be subjected to detailed interview at point of entry.

Children should not be detained, even in special juvenile detention centres.

Time 5 minutes to introduce the exercise

10 minutes for individual work

10 minutes for plenary

10 minutes for group discussion

10 minutes for plenary

Facilitator's Notes Distribute the **Worksheet** for this exercise.

Ask participants to read through the dilemma and answer questions 1 and 2.

Hold a brief plenary discussion on questions 1 and 2.

Ask participants to form groups of three or four and discuss questions 3 to 5.

Hold a plenary discussion on questions 3 to 5, making sure that the following points are made:

- Refugees often have to travel with false documents. This is not sufficient reason for return.
- The 'benefit of the doubt' principle should apply – otherwise the child will be denied their fundamental human rights under the CRC.
- Children should not be subjected to detailed interview at point of entry.
- Children should not be detained, even in special juvenile detention centres.

Resources **Worksheet** for Exercise 8.1 for each participant.

8.1 Worksheet: Age Assessment

Imagine that you are an immigration official at a point of entry to your country. You are faced with the situation described in the centre of the following 'dilemma board'. You are required to choose one of the four options provided which is closest to what you think you should do.

<p style="text-align: center;">Option 1</p> <p>You accept what she says about her age and conduct a detailed interview with her in order to ascertain her circumstances. Some of her answers are contradictory and you decide to recommend that she be returned to her country of origin because you feel that she has no legitimate cause to remain.</p>	<p style="text-align: center;">Option 2</p> <p>You go through a detailed interview with her in order to ascertain her circumstances. Some of her answers are contradictory and you are increasingly unsure that she is the age she claims. You decide to recommend detention in a special detention centre for young people until an age assessment can be carried out by an independent paediatrician.</p>
<p>Situation</p> <p>A person arrives at an international airport on her own from Rwanda with a false passport that says she is 23 years of age. She looks considerably younger than the age on her documents.</p>	
<p style="text-align: center;">Option 3</p> <p>You strongly believe that she is under 18 years of age and recommend that she be taken to an agency that deals with refugee children.</p>	<p style="text-align: center;">Option 4</p> <p>You accept what she says and recommend that she be taken to a project dealing with adult refugees.</p>

Questions

1. Which of the four options is closest to what you think should happen?
2. What factors did you take into account when you made your decision?
3. What is likely to happen to the newly arrived person as a result of the option you selected?
4. Which of the standards of the Statement of Good Practice do you think apply in this case?
5. If faced with this situation what would be the best solution, based on the Statement of Good Practice?

9. Family Tracing and Contact

Key Learning Points

- The aim of tracing is to ensure that the principle of family unity is respected.
- Tracing for a child's parents and family should begin immediately upon arrival.
- International law places considerable priority on family tracing and contact and yet it appears that very little is done in practice
- Tracing in circumstances where reunification is not immediately possible should be carried out with a view to re-establishing family contact either elsewhere in Europe, in other regions of reception or in the country of origin
- Tracing should always be conducted in a manner which will not put other family members at risk.
- The UN agencies and the ICRC play a central role in tracing so states and other organisations undertaking tracing should always co-operate closely with these agencies.
- Informing and consulting children about tracing is an essential way of ensuring that they are provided with appropriate opportunities to influence and understand decisions and actions that are being taken about them.

Training Materials

Briefing 9: Family Tracing and Contact	Provides background material and can be used as a handout.
Overhead 9.1: Family Tracing	Standard C8 of the Separated Children in Europe Programme Statement of Good Practice
Overhead 9.2: The Aim of Family Tracing	Explains the purpose of family tracing.
Overhead 9.3: Family Reunification	Standard C9 of the Separated Children in Europe Programme Statement of Good Practice
Exercise 9.1: Family Tracing	Requires participants to compare the policy and practice in their own country with the recommendations in the SCEP Statement of Good Practice.

Facilitators Notes

- 1 Introduce the purpose of the session.
- 2 Using **Briefing 9**, **Overhead 9.1** and the **SCEP Statement of Good Practice**, explain what is meant by family tracing and ask participants why it is important to focus on family tracing. Emphasise that the purpose of family tracing is to find a long term solution that is in the best interests of the child, using **Overhead 9.2**.
- 3 Introduce **Exercise 9.1**. Draw out comparisons between countries (if more than one is represented).
- 4 Conclude the session with reference to the key learning points for this session.

9 Family Tracing and Contact

The Aim of Tracing

The aim of tracing is to ensure that the principle of family unity is respected. However, tracing may not always lead to the child re-establishing contact with their family as the following case example describes. In such cases, the child may need considerable support to deal with the psychological consequences of a failure to trace their family or of finding out about their circumstances.

A 14 year old girl was fleeing from the Great Lakes region along with her mother and siblings. Her father had been arrested and disappeared. They were being helped by an agent. As they were attempting to leave the country by taking a boat across a river to a neighbouring country, the girl's family were arrested at the last minute but the agent managed to get the girl to safety. Once in Europe the girl expressed her great fears about the fate of her family. The social worker contacted the Red Cross to see if there were any messages from the girls family but there were none. Next the worker contacted International Social Service who carried out their own investigation via a sister organisation. As a result the girl found out that her family house was empty and that the whereabouts of her family was unknown.

The Reality of Tracing

International law places considerable priority on family tracing and contact. Article 9(3) of the CRC states that children who are separated from their parents have the right to maintain contact with their parents; Article 10(2) states that children whose parents reside in different countries have the right to maintain regular relations with their parents; and Article 22(2) sets out that states must co-operate with the UN and NGOs in family-tracing measures in relation to asylum-seeking or refugee children.

This emphasis is reinforced by the European Convention on Human Rights (Article 8), the EU Council of Ministers Resolution on Unaccompanied Minors (Article 3.3), and the UNHCR's 1997 Guidelines (paragraphs 5.17 and 10.5). Yet despite this extensive legal framework – and the centrality of the principle that tracing should begin as soon as possible – in practice it appears that very little is done. Tracing in circumstances where reunification is not immediately possible is still important and should be carried out with a view to re-establishing family contact either elsewhere in Europe or in the country of origin.

In large refugee emergencies, UN organisations and NGOs very quickly organise family tracing and reunification procedures. Contrary to what might be expected, although family tracing does happen, virtually no country in Europe has established systematic procedures for family tracing.

In Europe there is a need for systems of family tracing that follow the SCEP Statement of Good Practice. The systems should ensure that

- family tracing is initiated on arrival
- children are informed and consulted
- care should be taken that family tracing does not endanger family members
- where appropriate, contact between child and family should be established as soon as possible
- reunification should happen in a positive, expeditious manner
- UN agencies, ICRC and NGOs with expertise in this activity should all be involved in setting up the system

It is important to stress that States should allow for family reunification in other countries of asylum irrespective of their status. The Dublin Convention of 1997 is the most influential legal instrument in Europe on this issue. It is the instrument that determines the state responsible for processing the asylum application. Guidelines have now been issued for the Dublin Convention on how to ensure family unity

Timeliness of Tracing

Tracing for a child's parents and family is more likely to be successful if the process begins immediately upon arrival.

Standard C 3 of the SCEP Statement of Good Practice states:

Tracing for a child's parents and family needs to be undertaken as soon as possible, but this should only be done where it will not endanger members of a child's family in the country of origin. States and other organisations undertaking tracing should co-operate with UN agencies and the ICRC Central Tracing agency. Separated children need to be properly informed and consulted about the process. Where appropriate those responsible for a child's welfare should facilitate regular communication between the child and her or his family.

According to Article 10(1) of the CRC, applications for family reunification shall be dealt with by states in a "positive, humane and expeditious manner". The UNHCR Guidelines similarly emphasise that every effort should be made to reunite a child with his or her parent in another asylum country at an early stage and before status determination takes place.

Within the EU context, the most influential instrument has been the Dublin Convention (the Convention determining the state responsible for examining applications for asylum lodged in one of the Member States of the European Communities, 1990) which entered into force in 1997. The Convention seeks to ensure that one Member State has responsibility for examining and determining an asylum application, and sets out an order of precedence for establishing responsibility, beginning significantly with the principle of family unity.

Under Article 4 of the Convention, separated children who have parent(s) who are recognised refugees living in another EU state will be entitled to have their asylum claim dealt with by that state. However, this definition is a narrow one. Paragraph 185 of the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status extends "family unity" to include "other dependants, such as aged parents of refugees...living in the same household". At EU level, the 1998 report of the High Level Panel on free movement of persons has similarly argued in relation to migration that "family rights should be amended to reflect social change". Under Article 9, Member States will admit asylum-seekers to their asylum procedures on the basis of family or cultural reasons, at the request of another Member State, provided that the applicant so desires. But, as the European Council on Refugees and Exiles has pointed out, states are under no obligation to inform the asylum-seeker that he/she may request the transfer of his/her application to another state (ECRE Position on the Implementation of the Dublin Convention). For a separated child, the lack of this provision undermines the important principle of the child's right to participate, as set out in Article 12 of the CRC.

Given the length of time it takes in many countries for asylum applications to be processed, and the increasing use of some form of temporary status, family reunification under the Dublin procedures can take up to several years depending on the countries involved.

Responsibility for Tracing

Responsibility for tracing varies between countries. In different countries, family tracing may be the responsibility of:

- The National Red Cross/Red Crescent Society through the ICRC
- UNHCR
- National embassies or other authorities
- International Social Service (ISS) or other NGOs

The responsibility for initiating tracing may lie with the ICRC (although in this case parents must initiate the request); a government social welfare or immigration agency; an NGO; UNHCR; the child's Guardian. The child's views should always be sought (see below).

Involving Children in Tracing

Informing and consulting children about tracing is an essential way of ensuring that they are provided with appropriate opportunities to influence and understand decisions and actions that are being taken about them.

Article 12 is one of the cornerstones of the CRC; it builds on long-standing concerns with protection of and provision for children by embracing children's participation in decisions which affect them. The 1997 UNHCR Guidelines accord sufficient importance to this principle that they cite Article 12 and state that the views and wishes of children should be elicited and considered. It is sometimes argued that participation imposes burdens on children at too young an age; that children lack the capacity to be involved in decision-making, and that children should not be given rights until they are capable of accepting responsibility.

Separated children may also have well-grounded fears that family tracing may jeopardise the safety of family members in their home country, as the following case example demonstrates.

A boy, 16 years old, from North Africa had a brother who was a member of a militant Islamic group. The police arrested and beat him in order for him to divulge his brother's whereabouts. They told him if he did not tell them they would continue to detain him. His parents sent him out of the country. He does not want his family to be contacted by an official organisation because he is afraid this would endanger his parents and younger siblings.

Preparation for Contact or Reunification¹⁸

In all but the most straightforward of cases, the child and the family must be prepared for contact and reunification. Time should be set aside for discussion and planning about exactly what will happen and when.

Where separated children are re-united with family members that they know well, or the period of separation has been short, less preparation may be necessary. But where the structure of the family has changed – for example through bereavement or re-marriage – readjustment may be more difficult and more careful preparation will be needed.

More intensive preparation should ideally be provided by people with experience of this type of counselling.

The child's guardian should always be closely involved in the tracing and preparation process.

Inter-organisational Co-operation

The UN agencies and the ICRC play a central role in tracing so states and other organisations undertaking tracing should always co-operate closely with these agencies (see **Appendix 1** for information about the mandates of the ICRC, UNHCR and the Save the Children Alliance).

The need for sharing information should always be balanced by the responsibility to maintain confidentiality. The following principles were agreed by the participants of an inter-agency meeting on family tracing held in London in 1995¹⁹:

- The sharing of information within and between countries is essential

¹⁸ Adapted from Uppard, Sarah and Celia Petty (1998) Working with separated children: a field guide, London: Save the Children UK.

¹⁹ Reported in Uppard, Sarah and Celia Petty (1998) Working with Separated Children: Field Guide, London: Save the Children (UK), p 101.

- The basic principles governing confidentiality where individual children are concerned should be the protection and the best interests of the child
- Information sharing for tracing should provide the maximum information for tracing at the minimum risk to the child and the family. This principle also applies to the publication of information, including photographs of children for tracing. It is important when collecting information to be aware of who will have access to that information
- Decisions about the degree of confidentiality of information have to be made on the basis of a situation analysis. This should be reviewed regularly.

The broader issues of inter-organisational co-operation are examined in more detail in **Section 14** of this guide.

9.1 Family Tracing

Purpose To describe the SCEP Statement of Good Practice approach to family tracing.
To assess how policy and practice in participants' own countries measure up to the SCEP standards.

To identify what changes could be made to align national practice with the standards of the SCEP Statement of Good Practice.

Learning Points The aim of tracing is to find a long-term solution that is 'in the best interests of the child'.

Tracing for a child's parents and family should begin immediately upon arrival.

International law places considerable priority on family tracing and contact and yet it appears that very little is done in practice

Tracing in circumstances where reunification is not immediately possible should be carried out with a view to re-establishing family contact either elsewhere in Europe, in other regions of reception or in the country of origin

Tracing can endanger family members in the country of origin so it should only be begun when it is known that other family members will not be put at risk

The UN agencies and the ICRC play a central role in tracing so states and other organisations undertaking tracing should always co-operate closely with these agencies.

Informing and consulting children about tracing is an essential way of ensuring that they are provided with appropriate opportunities to influence and understand decisions and actions that are being taken about them.

Time 5 minutes to introduce the subject using **Briefing 9**.

15 minutes for participants to reflect on the questions.

25 minutes for plenary discussion of the questions.

Facilitator's Notes If participants are all from the same country, form small groups. If participants are from different countries, ask people from the same country to work together. Otherwise, participants should work on this exercise as individuals.

Distribute the **Worksheet** for this exercise to each participant. Allow about 15 minutes for participants to reflect on the questions.

Open a plenary discussion focusing on each question in turn. Draw out comparisons between countries.

Resources Copies of the **Worksheet** for this exercise for each participant.

9.1 Worksheet: Family Tracing

Please read the following extract from the SCEP Statement of Good Practice and then discuss the following questions.

SCEP Statement of Good Practice C 3: Family Tracing and Contact

Tracing for a child's parents and family needs to be undertaken as soon as possible, but this should only be done where it will not endanger members of a child's family in the country of origin. States and other organisations undertaking tracing should co-operate with UN agencies and the ICRC Central Tracing agency. Separated children and young people need to be properly informed and consulted about the process. Where appropriate those responsible for a child's welfare should facilitate regular communication between the child and her or his family.

SCEP Statement of Good Practice (2nd Edition), October 2000

Questions

1. What agencies are responsible for family tracing in your country?
2. Who starts the process of family tracing and when?
3. How is information shared between the relevant agencies? What is done to ensure confidentiality?
4. How are children informed and consulted about the process of tracing? What could be done to increase their involvement?
5. How is contact between the separated child and the family facilitated?
6. What could be done to strengthen or improve the process of family tracing in your country?

10. Appointment of Guardian

Key Learning Points

- As soon as a separated child is identified, a guardian/adviser should be appointed – in a long term perspective – to advise and protect the separated child
- Individuals carrying out these responsibilities may be drawn from a range of specialist backgrounds such as the legal profession, social work, and NGO work
- In order to carry out their role effectively, guardians/advisers must have relevant childcare expertise and an understanding of the special and cultural needs of separated children.
- The guardians/advisers role comprises a number of responsibilities but their main purpose is to ensure that all decisions taken are in the child's best interests
- The process of working with separated children can be professionally and emotionally demanding: guardians/advisers should receive specialist training and professional support.

Training Materials

Briefing 10: Appointment of Guardian	Provides background material and can be used as a handout.
Handout 10.1: A Day in the Life of a Guardian	Gives an impression of the tasks and duties of a guardian in a typical day.
Overhead 10.1: The Responsibilities of a Guardian for a Separated Child	Summarises the key points from standard C3.1 of the SCEP Statement of Good Practice.
Exercise 10.1: Positive Work by a Guardian	A short case-study exercise that illustrates the role that a conscientious guardian can play and that opens up discussion about local practices.
Exercise 10.2: Synthesis Case Study	A case study exercise that is designed to address many of the issues covered in the Sections on: Who Are Separated Children?; The Impact on Children of Separation; Access to Territory; and Appointment of Guardian

Facilitators Notes

- 1 Introduce the session.
- 2 Ask participants what they understand by the term 'guardian'. Write up their points on a flipchart.

Using **Briefing 10** and **Overhead 10.1** introduce the SCEP Statement of Good Practice understanding of the term 'guardian'. Make sure that participants are clear about the differences between a guardian and a legal representative. Distribute **Handout 10.1** to show a typical day in the life of a guardian.
- 3 Introduce **Exercise 10.1** in order to examine the positive role a guardian can have in the life of a separated child.
- 4 Open up a discussion on the skills and knowledge required by a guardian by asking participants to work in their small groups to design a job description for a guardian using the headings in Box 10.2 of **Briefing 10**. After a discussion has ensued, refer participants to Box 10.2, for the suggested job description made by a guardian in Germany.

Ask participants to share their experience (if any) of working with guardians.

In what ways could participants work with a child's guardian or adviser so as to promote the interests of a separated child? How could this co-operation enhance their own role/work in relation to separated children?
- 5 Conclude the session with reference to the key learning points for this session.

10 Appointment of Guardian

Appointment and Responsibilities of a Guardian

For children's best interests to be adequately protected, there is a clear need for all children to be supported by a guardian or adviser at all stages of the asylum process and in relation to the achievement of a durable solution. This support should be in line with the provisions set out in international law and guidance and the SCEP Statement of Good Practice.

Box 10.1: SCEP Statement of Good Practice C 4. Appointment of Guardian or Adviser

4.1 As soon as a separated child is identified, a guardian or adviser should be appointed - in a long-term perspective - to advise and protect separated children. Regardless of the legal status of this person (eg. legal guardian, NGO worker) their responsibilities should be as follows:

- to ensure that all decisions taken are in the child's best interests
- to ensure that a separated child has suitable care, accommodation, education, language support and health care provision
- to ensure a child has suitable legal representation to deal with her or his immigration status or asylum claim
- to consult with and advise the child
- to contribute to a durable solution in the child's best interests
- to provide a link between the child and various organisations who may provide services to the child
- to advocate on the child's behalf where necessary
- to explore the possibility of family tracing and reunification with the child.

4.2 In order to ensure necessary protection for separated children, appointments of guardians/advisers should be made within one month of a child being notified to the relevant authorities.

SCEP Statement of Good Practice (2nd Edition), October 2000

It is important to recognise the differences between the role and responsibilities of a guardian and those of a legal representative in protecting the best interests of a separated child. **Section 12** of this training guide describes in more detail the role and responsibilities of a legal representative and suggests way in which the two might co-operate.

The principle that, in the absence of a child's parents, his or her "best interests" should be protected by a guardian or adviser is reflected in the provisions of several international instruments. Article 18(2) of the CRC sets out that states shall assist guardians to carry out childrearing responsibilities, and Article 20(1) that children deprived of their families are entitled to special protection and assistance. These principles are elaborated upon in more practical terms by the 1996 Hague Convention for the Protection of Children (Hague Convention on Jurisdiction, 1996) which, when it enters into force, will provide – among other things – the basic infrastructure so as to facilitate the appointment of a guardian, and the expeditious determination of the legal status of separated children. The necessity of ensuring that guardians are appointed is reinforced by the UNHCR Guidelines (paragraph 5.7) (Ruxton, 2000: 44).

The guardian/adviser role comprises a number of responsibilities (presented as **Overhead 10.1**) but their main purpose is to ensure that all decisions taken are in the child's best interests

Box 10.2: Sample Job Description for a Guardian

Responsibilities

A guardian has got the same responsibilities that parents have. This includes the provision of adequate care, housing, health care, education and financial aid. The guardian has to protect the child from any mental, physical, financial and legal harm. The guardian has to make decisions concerning education, contact to other persons, legal representation and has to include the opinion of the child in this decision.

For fulfilling these responsibilities the guardian has to apply for any assistance by public authorities that are available and in the best interest of the child. In all of his actions the guardian is responsible to the supervision of a family- or guardianship-court. The job of a guardian is strictly partisan.

Personal specification

Experience

It is very helpful to have a lot of experience in working with children but also in co-operation with bureaucratic organisations.

Knowledge

A guardian is affected by almost every field in social work, education, the welfare system, asylum and immigration law, ethnic, religious and cultural background. S/he should also have knowledge about the living conditions and the political situation in the different countries of origin.

Attitudes

A guardian should have an open, positive and friendly approach to the child he is responsible for. He should let there be no doubt that he is partisan to the child.

Skills

The guardian should be skilled in providing a child-friendly atmosphere when dealing with a child. S/he must be a tough negotiator with officials to push through the measures necessary in the best interest of a child. A training in intercultural competence is crucial to a successful work with children from all over the world.

Political dimension

Working with a vulnerable group makes it necessary to be active in the political field to improve the situation of separated children. Activity is necessary concerning national legislation as well as for changing the living conditions for these children locally.

Selection, Training and Support of Guardians

In order to carry out their role effectively, guardians/advisers must have relevant childcare expertise and an understanding of the special and cultural needs of separated children.

The process of working with separated children can be professionally and emotionally demanding: guardians/advisers should receive specialist training and professional support.

For this reason, Standard C 3.3 of the SCEP Statement of Good Practice suggests that:

The individuals carrying out these responsibilities may be drawn from a range of specialist backgrounds. However, in order to carry out their role effectively, advisers or guardians must have relevant childcare expertise and an understanding of the special and cultural needs of separated children. They should receive training and professional support.

A training programme for guardians should cover issues such as consulting with and representing children; the particular legal, social, medical, psychological, cultural and linguistic needs of separated children and many of the topics covered in this training guide.

8.00 am Visit to the Foreigner Office

Several documents have to be extended. Two children who want to visit relatives outside the city limits need a special travel-permit. Details about repatriation plans of the office for two children from Democratic Republic of Congo have to be discussed (tough discussion with the frustrating result that apparently nobody in the office cares about the living conditions for a child in Congo).

9.30 am Visit to a training school

A child has got into difficulties following the lessons. In a long discussion with teachers it turns out that the child is illiterate. Special training courses are not available inside the school system. The guardian has to think about facilitating a course by a private organisation.

11.00 am Organising – work in the office

Many telephone calls have to be answered. A very controversial discussion with the youth office about the planned release of a 16 year old from interim care to an asylum camp leads to no results. A trial at the Administration Court on the upcoming day has to be prepared with the lawyer. Specific information about the country of origin in this case has to be evaluated. A foster care family calls and needs immediate counselling concerning problems they have with their traumatised child. Some central issues have to be discussed with other team members. The incoming mail has to be checked: two important responses have to be written immediately.

12.15 pm Fast food lunch

12.30 pm Several children show up in the office after school

Children have to wait in line to see their guardian. Small and bigger problems have to be discussed, decisions have to be made. Some children need the personal contact as they lack anybody they can trust. Often they report about misunderstandings in the youth care institutions they live in. In these cases a telephone call can often help to solve the problem. Sometimes it is necessary to make an appointment for a visit in the institution even on the same day.

14.00 pm Visit at a psychiatric clinic

An increasing number of separated children are in an extremely bad mental situation. In close co-operation between guardian and clinic a treatment and therapy program has to be developed. Visits are important because the guardian is often the only contact for the child with the world outside the clinic.

16.00 pm Preparation for an asylum application

Assisted by an experienced interpreter the guardian discusses the important issues for the asylum application with the child. Any information is important. On the other hand the guardian must be aware of flashbacks to terrible experiences the child had made. The material gained in this interview will be written down in the application for the federal asylum office. Before sending it out there will be another meeting with the child and the interpreter to countercheck the written statement.

18.30 pm Visit in the reception centre for children

A newly arrived child meets his guardian for the first time. Assisted by an interpreter the guardian explains carefully what the role of the guardian is and what problems have to be solved in the upcoming weeks. He points out how important a trusting relationship between child and guardian is.

20.30 pm End of an average working day

Overtime will be compensated by a day off.

Positive Work by a Guardian

Purpose To examine the positive role that a conscientious guardian can play for a separated child.

To identify the skills and knowledge required by a guardian.

Learning Points A conscientious guardian can play a positive co-ordinating and supportive role with a separated child.

Guardians require specific skills and knowledge to be able to carry out their responsibilities effectively.

Time 5 minutes for introduction

25 minutes for small group work

30 minutes for small group presentations and plenary discussion

Facilitator's Notes Divide participants into groups of three.

Distribute copies of the exercise worksheet.

Ask participants to work in their small groups to agree answers to the questions. Groups should write their answers on flipchart paper.

Hold a plenary discussion to discuss the groups' answers to the questions.

Resources A copy of the exercise **Worksheet** for each participant.

Flipchart and pens to record the small group answers to questions.

10.1 Positive Work by a Guardian

Please read the following case study and answer the questions that follow.

A boy from Eastern Europe aged 16 arrived in Western Europe escaping from family abuse, poverty and the fear of being conscripted and sent to fight in war-zone. He entered illegally in the back of a lorry and met some compatriots who told him where to apply for asylum. He did so and was then sent to a youth welfare agency. They placed him in a hostel where he was on his own. He presented as a tough and self-sufficient young person and little attention was paid to his needs. His guardian was appointed after a few weeks and she went to see the boy with an interpreter.

She spoke with him and discovered he was not eating properly and had not seen a doctor or been enrolled in any kind of education programme. He had very little money to cover his needs and she was concerned that, left on his own and because of his need for money, he might be recruited by some of the drug dealers known to operate in the area. Also he had no assistance with his asylum application. The guardian took him to see a doctor who sent him for various tests and identified some immediate health concerns. She then went to the youth agency and insisted that they re-evaluate the boy's needs. As a result of her persistence on his behalf he was re-housed in a residential children's home and began language classes. The staff at the home found him difficult to work with because he was tough, aggressive and refused to talk about his background. They had little experience working with refugee and migrant children. The guardian, who had established a good relationship with him, came to visit him and was able to encourage him to speak with the staff and begin to develop trust in his new surroundings. She also brought him to an organisation that assisted asylum seekers with their applications. At the request of the head of the residential home the guardian informed the staff about services available to separated children and asylum seekers and how they might be able to support other separated children in future.

Questions

1. Which of the responsibilities listed in standard C3 of the SCEP Statement of Good Practice did the guardian in the case example carry out?
2. What might have happened to this separated child if there had been no one fulfilling the role of guardian?
3. Draw up a 'job description' for a guardian, focusing on the skills and knowledge you think they need to work with separated children.

10.2 Synthesis Case Study -

Purpose By the end of this exercise, participants will be able to:

- Identify practices that are inconsistent with the Statement of Good Practice
- Apply good practice to a 'real life' case example.

Learning Points This case study has been written to synthesise some of the main points about a number of Sections of the training guide: Who Are Separated Children?; The Impact on Children of Separation; Access to Territory; and Appointment of Guardian.

Time 35 minutes for small group discussions

25 minutes for plenary discussion

Facilitator's Notes If possible, the case study should be provided to participants in advance so that they have an opportunity to read it before the allocated time for the exercise.

Divide participants into four groups (A,B,C and D).

Invite participants to read the case study and discuss the four questions. Each group should select one member to be rapporteur. Key points under each question should be recorded on flipchart.

Groups are then asked to feed back in plenary. Each question should be discussed in turn, asking group A to lead off the discussion for question 1; group B for question 2, etc.

Summarise the discussion, making sure that the key learning points are addressed.

Resources A copy of the **Worksheet** for each participant.

Flipchart and pens to record the small group answers to questions.

10.2 Worksheet: Synthesis Case Study

Background

A girl came to Europe from an African country when she was only 15 years of age. Before coming here she had lived with her parents and brother in a provincial town. Her country was undergoing a violent civil war in which civilians were targeted by both sides. Her father was suspected of helping the rebel forces and one night government soldiers raided the family house. They beat her father and then shot him. She and her mother were raped by the soldiers. Her mother was taken away by the soldiers - her brother had managed to run away. For a time she stayed in the house until the soldiers returned again and she took refuge at a neighbour's. After a short while, feeling anxious and lonely she went to the capital to look for her brother. Here she met a family friend who persuaded her to leave the country since he thought she was in danger. With his help she travelled to a neighbouring country and waited there for a month before her documents were ready. She was accompanied by an agent to the airport. He took her passport from her after they entered the plane.

Arrival in Europe

When she arrived at the airport the agent abandoned her, telling her to ask for asylum. Since she had no papers the immigration officer held her at the airport. She broke down into tears and felt unwell. After waiting several hours an interpreter came and the official interviewed her asking her about her travel and what happened in her home country. The girl was tired from her journey and very distressed to be in a strange country where she knew no-one. The interpreter did not speak her dialect very well. She told her true age and because she was quite young looking, the official believed her.

Asylum Centre

The girl was transferred to a large asylum centre where both adults and children lived. She was placed in a room with three adult women none of whom spoke her language. After a few days she met the support person for separated children who worked at the asylum centre. She was very busy and did not have a lot of time to spend with her. She explained that the authorities were deciding whether her claim was admissible into the asylum procedure and if that happened it could take months, even more than a year for her asylum claim to be decided.

The girl had difficulty eating the food at the centre and she continued to feel sick. One of the women in her room took her to the doctor at the centre who told her she was pregnant. She felt very distressed and desperately wanted to talk to someone who spoke her language. Because of her strong religious beliefs she was sure she wanted to keep the baby but uncertain of how she would care for it. A few weeks passed and she became more and more depressed.

Children's Centre

Finally she was admitted to the procedure and transferred to a specialist centre for separated children. She was embarrassed of her pregnancy in front of the other girls and boys. She went to language classes but was having difficulty concentrating due to upsetting flashbacks about her father's death and worry over her family. Three weeks after arriving she met her guardian. She felt glad that someone was finally there for her. She asked him whether she could live somewhere else, with an African family. The guardian told her that it was not the usual procedure and it was unlikely there were any African foster families, but he would try to help.

Questions

1. What urgent needs on arrival does the girl have that have not been addressed? How do they relate to the Statement of Good Practice?
2. If you were her guardian what steps would you take now to improve her situation?
3. Has she been dealt with appropriately so far?

11. Interim Care

This section is concerned with the arrangements that are made for the care of separated children until such time as an appropriate durable solution can be achieved.

Key Learning Points

- Separated children will benefit from leading as normal a life as possible in the circumstances.
- Separated children should be found suitable care placements as soon as possible after arrival.
- A careful assessment of each child's needs is required to ensure that their care placement is suitable
- It is vital that separated children be able to maintain their mother tongue and links with their culture and religion. Provision of childcare, healthcare and education must reflect their cultural needs.
- Separated children in reception centres and residential homes can become the particular target of child traffickers: the staff of these institutions need to be made aware of the problem of trafficking of children.
- Care placements should ensure access to health care on an equal basis with national children
- Separated children may have specific physical and mental health needs arising from previous physical deprivation and ill-health, disabilities, and from the psychological impact of violence, trauma and loss. For many separated children access to counselling is vital to assist their recovery.
- Separated children should have access to the same statutory education as national children.
- Schools may require support and encouragement in order to provide a flexible, welcoming approach with separated children and provide second language support. In order to preserve their cultural identity separated children should have access to mother-tongue teaching.

Training Materials

Briefing 11: Interim Care	Provides background material and can be used as a handout.
Overhead 11.1: Interim Care Arrangements	Provides a diagrammatic representation of the three main elements of interim care for separated children.
Overhead 11.2: Characteristics of Good Interim Care Arrangements	Key characteristics of what contributes to good interim care.
Exercise 11.1: The Characteristics of Good Interim Care	Small group exercise that requires participants to consider the three main aspects of interim care: the care placement, the provision of health care and the provision of education and decide what each provides and avoids.

Facilitators Notes

- 1 Introduce the purpose of the session.
- 2 Using the **Briefing 11** and **Overhead 11.1**, introduce the key elements of interim care arrangements.
- 3 Using **Overhead 11.2** and **Briefing 11**, introduce the characteristics of good interim care arrangements.
- 4 Introduce **Exercise 11.1** which uses a role-play to explore the interim care arrangements for a separated child.
- 5 Conclude the session with reference to the key learning points for this session.

11 Interim Care

Provision of suitable interim care placements

The UNHCR document 'Reception Standards for Asylum Seekers in the European Union' establishes the importance of providing all asylum seekers with an adequate standard of living throughout the asylum procedure.

The fundamental importance of the family and its right to be protected is recognised internationally, including through Article 16 of the UDHR. The importance of respecting family unity is also reflected in Articles 7, 8, 9, 10, 18 and 22 of the CRC. It is important for siblings who are also separated children, to be kept together except in cases where this is not in their best interests.

SCEP Statement of Good Practice C 10.1: Interim Care

Separated children should be found suitable care placements as soon as possible after arrival. Care authorities should conduct a careful assessment of their needs, and changes in care arrangements should be kept to a minimum. Siblings should be kept together. Where children live with or are placed with relatives, these relatives should be assessed for their ability to provide suitable care. Separated children over 16 years of age should not be treated as "defacto" adults and placed on their own, without adult support, in hostel or reception centre settings.

SCEP Statement of Good Practice (2nd Edition), October 2000

At the time of writing, there are disparities in the treatment of separated children within in European countries. Separated children are not always placed in appropriate care-giving relationships, such as foster care at the earliest stage of the procedure and in other cases, they are hosted in special institutions. Although interim care in the home of a family friend may seem to be a good option for separated children, it is not always in their best interests, as the following example demonstrates.

An Unsuitable Care Placement

A 13 year old boy from South Asia arrived in Europe and went to the home of a family friend. The family live in a cramped accommodation and the mother is busy with two small children of her own. The father works long hours at a low paying job. On the advice of a community organisation, the man took the boy to apply for asylum. As a result of this a guardian was appointed and brought him to the social welfare agency. The social worker, with a heavy case load and limited resources, gave the boy a choice between living with this family and going to a foster family. She did not do an evaluation of the home in which he was living. Confused and nervous about more upheaval in his life, the boy choose to stay where he is. He is not attending school or language classes and is not followed by a social worker. The guardian is concerned that the boy may be being used by the family to do domestic work and that they do not want him to attend school. The guardian has pressured social services to do an assessment of the boy's situation but so far has not had any luck. He is considering making a complaint.

The Importance of Biculturalism

The continuity of experience required for normal development may be undermined for separated children when they come into contact with other cultures. There is a natural tendency for children to try

to adapt and conform to a new environment. The mother tongue is often the first thing to be lost, and with it a vital part of the child's identity. Whilst adaptability can contribute to the child's resilient ability to cope, the long term effects of the changes can lead to possible alienation between the child and his/her parents or carers at the point of family reunification. For these reasons there is an important need to ensure a bicultural approach to the provision of interim care. The importance of education in the child's mother tongue should not be underestimated.

The conservation of culture and the right to take part in cultural life are recognised as human rights. Culture provides children with identity and continuity. The process of separation and arrival in another country can disrupt nearly every aspect of the cultural ties for children. The consequences of this disruption for children can be extremely serious. Under normal circumstances, parents provide the primary role model for their children, contributing significantly to the development of their identity and to their acquisition of skills and values. Separation from their parents or carers deprives children of these role models.

SCEP Statement of Good Practice C10.1 (contd.) The Importance of Biculturalism

Whether they are placed in foster care or in residential settings separated children should be cared for by suitable professionals who understand their cultural, linguistic and religious needs. Care workers should help a child develop links with their ethnic community where such exists. Regular reviews of care arrangements should be carried out.

SCEP Statement of Good Practice (2nd Edition), October 2000

Establishing safeguards against trafficking

The issue of trafficking is examined in more detail in **Section 7** (Access to Territory) of this guide. Given the scale of the problem and the particular vulnerability of separated children, those responsible for the care and protection of separated children must be fully aware of the risks (for example, abduction) to which the children in their care may be subjected.

SCEP Statement of Good Practice C10.1 (contd.) Safeguards against trafficking

In order to establish safeguards, care workers in reception centres and residential homes need to be made aware of the problem of trafficking of children for the purposes of prostitution or other forms of exploitation.

SCEP Statement of Good Practice (2nd Edition), October 2000

The following example demonstrates the need for vigilance on the part of care workers.

Residential Home - Child at Risk of Traffickers

A girl from West Africa, aged 15, arrived in Europe and asked for asylum. She was placed in a reception centre. At first she seemed quite happy to be there and started to attend language classes. As time went on she became increasingly nervous. Another girl from same country arrived at the centre and after a short time she disappeared. The girls anxiety heightened. A staff member spoke with her and eventually the girl admitted that she had been given a phone number to call after she arrived here. She had not called the number because she was afraid what might happen to her. She owed the people who brought her to Europe a lot of money and her parents in her country of origin were expecting her to work to repay the debt and make money to send back home. One day she had seen a man outside the reception centre who had tried to speak with her, but she was with a group of residents and managed to get away. She does not want to, but feels increasingly she should call the trafficker and leave the centre. She is worried what will happen to her parents if she does not do this.

Access to Suitable Health Care

As a result of their past experiences and the often dangerous travel arrangements they have endured, many asylum seekers (including separated children) may suffer from health problems that require prompt professional treatment. Emotional or mental disorders as well as physical health problems are commonly experienced by asylum seekers.

A Separated Child with Physical and Mental Health Needs

A boy from East Africa aged 15 from an ethnic minority tribe had been tortured by soldiers in his home country. He had suffered serious injuries to his shoulders and hands. When he arrived in Europe he had pain and reduced use of his arms. When he was assessed by the social worker, she sent him to a centre that worked with victims of torture. Initially only his physical injuries were assessed and he began to receive treatment including physiotherapy. However despite his normally cheerful attitude, it soon became evident to his carers that he was suffering psychologically from the torture and loss. He had problems sleeping and became afraid when he saw men in uniforms. At times he appeared withdrawn and unable to focus his attention. His carers informed the social worker who talked with him and brought him to see a child psychotherapist who worked with refugee children. After working one to one with the boy for several weeks, she asked him if he would like to join a group of separated children who had been exposed to violence. The group was facilitated by the child psychotherapist.

SCEP Statement of Good Practice C 10.2: Health

Separated children should have access to health care on an equal basis with national children. Particular attention should be paid to their health needs arising from previous physical deprivation and ill-health, disabilities, and from the psychological impact of violence, trauma and loss. For many separated children access to counselling is vital to assist their recovery.

SCEP Statement of Good Practice (2nd Edition), October 2000

According to UNHCR research²⁰, asylum seekers generally have access to emergency health care in almost all EU Member States. They have access to health care on the same basis as nationals in the UK, Ireland, Luxembourg, the Netherlands and Portugal. In these cases, there are no conditions placed on the provision of health care. The restrictions placed on access to the national health care system in other countries normally relate to being admitted to the substantive asylum procedure or registering with the local authorities.

Specialised centres for providing psychological care to asylum seekers have been set up in Belgium. Specialist centres for torture victims exist in the UK, Denmark, Finland and Germany, although they are not primarily targeted at asylum seekers. In Greece, pursuant to Presidential Decree 61/1999, victims of torture are referred to specialist institutions as a matter of course. Free psychological services are available through the national health system in Finland, Italy, Luxembourg, the Netherlands and Ireland. This is available in Austria if the asylum seeker has been granted Federal care, and in Denmark once the asylum seeker has been granted a residence permit.

Access to Suitable Education Provision

Because education is vital to the development of children, it is recognised as a universal human right. Attending school provides continuity for separated children and therefore contributes enormously to their well-being.

²⁰ UNHCR (2000) Reception Standards for Asylum Seekers in the European Union, Geneva: UNHCR.

Being separated and in a host country does not negate a child's right to education, nor the State's responsibility to provide it. Indeed this responsibility is deeply rooted in a number of international legal instruments. However, the way in which educational opportunities are provided to separated children is of critical importance.

SCEP Statement of Good Practice C 10.3 Education, Language and Training

Separated children should have access to the same statutory education as national children. Schools need to take a flexible, welcoming approach with separated children and provide second language support. In order to preserve their cultural identity separated children should have access to mother-tongue teaching. Vocational and professional training should be available to separated children. It is likely to enhance their life chances if they return to their home country.

SCEP Statement of Good Practice (2nd Edition), October 2000

UNHCR research demonstrates that almost all EU countries provide access to the national school system for children up until the age of 16 years. Indeed, in most countries it is compulsory for children to attend school until 16 years of age and often free until the age of 18 years of age.

The important role that can be played by schools in the lives of all refugee children is illustrated in the following example which demonstrates the benefits of cultural sensitivity and inter-organisational co-operation.

A School Providing Positive Services for Separated Children

A school started to receive increasing numbers of refugee children from a number of different countries. As time went on the school instituted special support services to refugee children and introduced refugee issues into the school curriculum. They also began to celebrate a variety of cultural events important to the different nationalities. While many of the children were with families, the teachers started to be aware of a number of children who were in Europe without their carers. They set up an intake procedure to enable the school to identify separated children when they enrolled. The school offered special support and discussion groups to the children to assist them in adapting to the new culture without their parents. Teachers took a particular interest in the welfare of the separated children. The school established formal links with child welfare agencies and other bodies working with separated children, including a counselling service for refugees.

However, experience shows that very often children are excluded from education because they do not know the language of the host country (they are most often sent to local schools) and because there are few/no classes in their mother-tongue. Often children also need literacy/numeracy training in order to access classes.

The Characteristics of Good Interim Care

Purpose To identify the characteristics of good interim care arrangements.

To recognise the importance of education and health care for separated children

Learning Points Interim care arrangements should provide the separated child with a suitable care placement, access to education and access to health care.

Separated children should have access to education and health care on an equal basis to national children.

The provision of interim care arrangements should be consistent with the SCEP Statement of Good Practice standards.

Time 10 minutes for presentation

10 minutes for groupwork

10 minutes for plenary discussion

Facilitator's Notes Divide the participants into three groups and allocate each group one of the following roles: Child, Guardian and Social Worker.

Ask each group to examine the case and, using their understanding of the SCEP Statement of Good Practice, decide what their character should say at a meeting convened to discuss the issue.

Ask each group to select one representative to take on the role of their group's character. These three people should get together and act out the meeting whilst the others sit back and listen.

After 5-10 minutes (or whenever the role play seems to have come to a natural conclusion) ask the three characters to stay 'in role' and in turn - starting with the child - say how they felt about the meeting.

Ask the characters to 'de-role' by saying their real name and agency.

Now open up a discussion amongst all the participants about what would represent good practice in this case. Their ideas should be listed on a flipchart under two headings: What should be provided ?and What should be avoided?

Resources Overhead 11.1

A copy of the **Worksheet for Exercise 11.1** for each participant.

Worksheet: The Characteristics of Good Interim Care

The following case examples can be used to examine some of the characteristics of good (and bad) practice in the provision of interim care for separated children.

A

An Unsuitable Care Placement

A 13 year old boy from South Asia arrived in Europe and went to the home of a family friend. The family live in cramped accommodation and the mother is busy with two small children of her own. The father works long hours at a low-paying job. On the advice of a community organisation, the man took the boy to apply for asylum. As a result of this a guardian was appointed and brought him to the social welfare agency. The social worker, with a heavy case load and limited resources, gave the boy a choice between living with this family and going to a foster family. She did not do an evaluation of the home in which he was living. Confused and nervous about more upheaval in his life, the boy chose to stay where he is. He is not attending school or language classes and is not allocated to a social worker. The guardian is concerned that the boy may be being used by the family to do domestic work and that they do not want him to attend school. The guardian has pressured the social services agency to do an assessment of the boy's situation but so far nothing has happened. The guardian is considering making a complaint.

B

Residential Home - Child at Risk of Traffickers

A girl from West Africa, aged 15, arrived in Europe and asked for asylum. She was placed in a reception centre. At first she seemed quite happy to be there and started to attend language classes. As time went on she became increasingly nervous. Another girl from the same country arrived at the centre and after a short time she disappeared. The girl's anxiety heightened. A staff member spoke with her and eventually the girl admitted that she had been given a phone number to call after she arrived here. She had not called the number because she was afraid what might happen to her. She owed the people who brought her to Europe a lot of money and her parents in her country of origin were expecting her to work to repay the debt and make money to send back home. One day she had seen a man outside the reception centre who had tried to speak with her, but she was with a group of residents and managed to get away. She does not want to, but feels increasingly she should call the trafficker and leave the centre. She is worried what will happen to her parents if she does not do this.

C

A Separated Child with Physical and Mental Health Needs

A boy from East Africa aged 15 from an ethnic minority tribe had been tortured by soldiers in his home country. He had suffered serious injuries to his shoulders and hands. When he arrived in Europe he had pain and reduced use of his arms. When he was assessed by the social worker, she sent him to a centre that worked with victims of torture. Initially only his physical injuries were assessed and he began to receive treatment including physiotherapy. However despite his normally cheerful attitude, it soon became evident to his carers that he was suffering psychologically from the torture and loss. He had problems sleeping and became afraid when he saw men in uniforms. At times he appeared withdrawn and unable to focus his attention. His carers informed the social worker who talked with him and brought him to see a child psychotherapist who worked with refugee children. After working one to one with the boy for several weeks, she asked him if he would like to join a group of separated children who had been exposed to violence. The group was facilitated by the child psychotherapist.

D

A School Providing Positive Services for Separated Children

A school started to receive increasing numbers of refugee children from a number of different countries. As time went on the school instituted special support services to refugee children and introduced refugee issues into the school curriculum. They also began to celebrate a variety of cultural events important to the different nationalities. While many of the children were with families, the teachers started to be aware of a number of children who were in Europe without their carers. They set up an intake procedure to enable the school to identify separated children when they enrolled. The school offered special support and discussion groups to the children to assist them in adapting to the new culture without their parents. Teachers took a particular interest in the welfare of the separated children. The school established formal links with child welfare agencies and other bodies working with separated children, including a counselling service for refugees.

12. The Asylum or Refugee Determination Process

Key Learning Points

- The right of access to the asylum or refugee determination process is rooted in several key international instruments.
- The importance of acknowledging the vulnerability of the separated child in safeguarding his or her right to claim asylum is also emphasised in the 1997 UNHCR Guidelines.
- Legal representation and the involvement of guardians/advisers at all stages is a critical means of ensuring that separated children are able to express their views in relation to their asylum application, as indicated by the Convention on the Rights of the Child.
- Minimum procedural guarantees for processing asylum applications do not necessarily ensure efficient, fair processing in practice.
- All decisions regarding separated children must be taken in a timely fashion, balancing the need to avoid rushing the child through specialist measures but ensuring that there is not undue delay.
- In order to facilitate their participation in the determination process, separated children must be provided with suitable interpreters who speak their preferred language whenever they are interviewed.

Training Materials

Briefing 12: The Asylum or Refugee Determination Process	Provides background material and can be used as a handout.
Overhead 12.1: Key Requirements for Good Practice	Key points concerning access to the asylum procedure and refugee determination process.
Overhead 12.2: Access to Procedure (1)	Key points concerning access to the asylum procedure and refugee determination process.
Overhead 12.3: Access to Procedure (2)	Key points concerning access to the asylum procedure and refugee determination process.
Overhead 12.4: What Legal Representatives Need to Know	List of knowledge requirements of legal representatives.
Overhead 12.5: Competencies of Children's Legal Representatives	List of competencies required by children's legal representatives.
Overhead 12.6: Article 12 of the CRC	Article 12 of the Convention on the Rights of the Child
Overhead 12.7: Why Separated Children May Not Express Their Fears	Reasons why separated children may find it difficult to express their fears during a refugee determination interview process

Exercise 12.1: Asylum or Refugee Determination Process

Small group exercise to examine the refugee determination process and introduce the standards proposed in the SCEP Statement of Good Practice

Facilitators Notes

- 1 Introduce the purpose of the session.
- 2 Using **Briefing 12** and **Overheads 12.1, 12.2, and 12.3**, introduce the key points concerning access to the asylum procedures or refugee determination process. Emphasise:
 - The right of access to the asylum or refugee determination process is rooted in several key international instruments
 - The importance of acknowledging the vulnerability of the separated child in safeguarding his or her right to claim asylum is also emphasised in the 1997 UNHCR Guidelines
 - Legal representation and the involvement of guardians/advisers at all stages is a critical means of ensuring that separated children are able to express their views in relation to their asylum application, as indicated by the Convention on the Rights of the Child
 - Minimum procedural guarantees for processing asylum applications do not necessarily ensure efficient, fair processing in practice
- 3 Ask small groups why separated children may find it difficult to express their fears. If necessary, use **Overhead 12.7** to raise any points not covered by the participants. Open a discussion on what might be the consequences of this for their asylum application. Use **Briefing 12** and **Overheads 12.4 and 12.5** to explain the importance of good legal representation.
- 4 Introduce **Exercise 12.1** as a way of encouraging participants to examine access to the asylum procedures and refugee determination process in their own country and compare this against the SCEP Statement of Good Practice.
- 5 Conclude the session with reference to the key learning points for this session.

Access to the Asylum or Refugee Determination Process

Right of Access to the Asylum Procedure or Refugee Determination Process

Separated children have, under international instruments, the right to seek asylum and recognition of refugee status. They should therefore have access to asylum and refugee determination procedures. While normal asylum procedures should be employed for the determination of the cases of separated children, it is also important that children's particular vulnerability is acknowledged in the processing of applications.

The position taken by the Separated Children in Europe Programme is that:

SCEP Statement of Good Practice C11. The Asylum or Refugee Determination Process

Separated children, regardless of age, should never be denied access to the asylum process. Once admitted they should go through the normal procedures and be exempt from alternative procedures including those relating to 'safe third country' (admissibility), 'manifestly unfounded' (accelerated) and 'safe country of origin' and from any suspension of consideration of their asylum claim due to coming from a "country in upheaval".

SCEP Statement of Good Practice (2nd Edition), October 2000

The principles set out in the SCEP Statement of Good Practice are rooted in several key international instruments. The 1948 Universal Declaration of Human Rights states in Article 14(1) that: Everyone has the right to seek and to enjoy in other countries asylum from persecution. This is reinforced by Article 1 of the 1951 Refugee Convention. Although the Convention does not set out age distinctions in the right to seek asylum, Annex IV (Recommendation B) emphasises that governments should take necessary measures with a view to the protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.

The importance of acknowledging the vulnerability of the separated child in safeguarding his or her right to claim asylum is also emphasised by the 1997 UNHCR Guidelines. They state that an unaccompanied child seeking asylum should not be refused access to the territory and his/her claim should always be considered under the normal refugee determination procedure (paragraph 4.1). Building on this guidance, ECRE maintains, in addition, that a separated child should be exempt from accelerated procedures, including 'safe third country' procedures (paragraph 22, ECRE, 1996).

Ensuring Legal Representation at All Stages of the Procedure

In order that separated children should be able to express their views in relation to their asylum application, as indicated by Article 12 of the CRC, it is vital that they should be legally represented at all stages. Their legal representative should have specific knowledge and competencies as outlined in the SCEP Statement of Good Practice.

SCEP Statement of Good Practice C11.2: The Asylum or Refugee Determination Process

At all stages of the asylum process, including any appeals or reviews, separated children should have a legal representative who will assist the child to make his or her claim for asylum. Legal representatives should be available at no cost to the child and, in addition to possessing expertise on the asylum process, they should be skilled in representing children and be aware of child-specific forms of persecution. SCEP Statement of Good Practice (2nd Edition), October 2000.

Common problems that occur in different countries concerning the legal representation of separated children include:

- Lack of specific designation of a legal representative
- Legal representation not available at all stages of the procedure.
- Lack of entitlement to legal representation for initial decision, only appeals
- Lack of continuity in legal representation
- Lack of lawyers who are specialised in both asylum and children's issues

In order to deal with these problems if they arise, and to ensure the highest possible standards of assistance, all legal representatives need to have a sound knowledge of:

- national asylum law and procedure
- immigration rules and policies relating to separated children seeking asylum
- relevant international instruments including the 1951 Refugee Convention and other human rights conventions
- international instruments relating to children, in particular the UNHCR Guidelines and the CRC
- the situation in the country of origin of the child (particularly the human rights situation)

Also presented as **Overhead 12.4**.

In addition, legal representatives should have at least a basic understanding of:

- National child-care legislation
- The functioning of national child welfare agencies

Legal representatives working with child clients also require:

- Child-appropriate interview skills
- The ability to communicate with children
- A basic understanding of child development (when working with younger children)
- A basic understanding of the signs of psychological distress
- The ability to respond sensitively to distressed children
- An ability to make appropriate referrals to other agencies

Also presented as **Overhead 12.5**.

These competencies are likely to be developed through appropriate affiliation to professional associations dealing with refugee law. Without them, the best interest of the child will not necessarily be protected, as the following case example demonstrates.

Minimum Procedural Guarantees During the Decision Procedure

All the internationally established standards on procedural guarantees are applicable to the consideration of claims by children, including among others the rights to a personal hearing; the right to appeal with suspensive effect; the right to legal counselling and advice. In addition, application by minors should be treated as a priority with no undue delays.

SCEP Statement of Good Practice 11.3: Minimum Procedural Guarantees

Decisions on a child's asylum application should be taken by a competent authority versed in asylum and refugee matters. Children who receive a negative first decision should have a right of appeal. Deadlines for appealing should be reasonable. Children's applications should be identified and prioritised so they are not kept waiting for long periods of time.

SCEP Statement of Good Practice (2nd Edition), October 2000

No undue delay

Children's applications for asylum should be identified and prioritised so they are not kept waiting for long periods of time. Children are very vulnerable to uncertainty and every effort must be made to reduce the anxiety this can cause. The following case example demonstrates the possible consequences of lengthy delays in asylum decisions can have for separated children. The Separated Children in Europe Programme Statement of Good Practice proposes minimum procedural guarantees in order to avoid experiences like that described below.

A 16 year old boy came from an ethnic and religious minority in a West Asian country. He, his family and group had suffered considerably in terms of discrimination, attacks, detention, torture and ongoing harassment by the authorities. He arrived in Europe in an exhausted, fragile state after a long journey part of which involved weeks travelling overland by foot and truck and in constant danger. After entering the country illegally he was initially detained and after a week released into the care of a child welfare agency. He was placed in a residential institution and helped to apply for asylum. Initially he was relieved to be in a safe place but as time went by he became more and more anxious about his family back home and the outcome of his application. He phoned up his guardian frequently asking about his case. After six months he could not concentrate on his studies and began to have asthma attacks. His guardian tried to accelerate the processing of his claim, but without success. Fifteen months after his arrival he is without a reply. He is depressed and feels he is sure to be refused asylum – he says he has no hope for the future.

Involving Children in the Determination Procedure

The views and wishes of separated children must be sought and taken into account whenever decisions about them are being made. During the asylum procedure and refugee determination process this requires:

- Sensitive interpreters using mother tongue
- Child-friendly interviewing techniques
- Taking into account criteria directly related to the case (individual approach)

Sensitive interpreters using mother tongue

Separated children must be provided with suitable interpreters who speak their preferred language whenever they are interviewed.

The value of sensitive interpretation for the process of interviewing and the quality of the result can be seen from the following example.

A girl from West Asia had been sent out of the country by her parents for her own safety. After she arrived in Europe she became worried about her family's safety and began suffering from anxiety symptoms due to having spent weeks in a city under bombardment and attacks. She was placed in a foster family but had difficulties adapting to her new situation and was reluctant to talk about why she had left her country. Her guardian accompanied her to an asylum interview. The girl was extremely nervous and intimidated by the whole process. She was introduced to the interpreter, a woman who spoke her dialect and was also a member of an ethnic group that was allied to the girl's own ethnic group in her country of origin. The interpreter spoke to her for a few minutes in a friendly manner and explained to her what would happen in the interview. The girl visibly relaxed and was able to answer the questions put to her by the official with some confidence. When she became upset at one point the interpreter spoke to her kindly and told her to take a break if she needed to. When the interview was over the girl told her guardian she had felt able to talk because the interpreter made her feel secure.

Child-friendly interviewing techniques

Communicating effectively with children requires specific skills some of which are distinctively different from those involved in communicating with adults. Any interviews by asylum or immigration officials, child psychologists, social workers, lawyers specialising in dealing with children, police officers, paediatricians, etc., should be done in a child-appropriate manner by individuals who have received training in interviewing children.

There are significant differences between children and adults in the way they understand and explain their circumstances. Separate provision and procedures for children, taking into account these differences, are needed to ensure that the child's best interests are safeguarded.

SCEP Statement of Good Practice C11.5

Where interviews are required they should be carried out in a child-friendly manner (breaks, non-threatening atmosphere) by officers trained in interviewing children. Children should always be accompanied at each interview by their legal representative and, where the child so desires, by a significant adult (social worker, relative etc).

SCEP Statement of Good Practice (2nd Edition), October 2000

In practice, the conduct of interviews varies widely. In some countries, children are interviewed in the same manner as adults and the interview process takes little account of the needs of the child (e.g. for breaks in interviews, sympathetic questioning, appropriate use of language and interpreting style, less formal physical environments for interviews). The degree to which officials are trained in child-interviewing techniques varies considerably between countries.

Section 6 of this training guide provides more information on communicating with children.

Taking into account criteria directly related to the case (individual approach)

Decisions concerning a separated child's asylum application must take into account the child's individual circumstances.

Children may express their fear of persecution in different ways from adults. A separated child's fear of persecution may be based on stories told by a family member rather than on personal experience. Officials may interpret this to mean that the fear of persecution is not real but based only on suspicion. Alternatively, inability to talk about persecution or a lack of continuity in narratives can be caused by traumatic experiences.

It is also the case that children may have limited knowledge about the situation in their country of origin. For example, a child may be expected to know details about a family member's political activities which have in fact been kept secret from the child in order to protect him or her. Officials often pay little or no regard to this. When considering whether or not a child has a valid ground for fleeing his or her country of origin, responsible officials often pay insufficient attention to child-specific forms of human rights violations, such as abduction of children as child soldiers (which affects female as well as male children) and female genital mutilation. (UNHCR 1997 Guidelines on Policies and Procedures in dealing with Children Seeking Asylum, para. 8.6, para 8.7) .

The SCEP Statement of Good Practice emphasises the need to be sensitive to the separated child's individual circumstances and their ability to express these to others.

SCEP Statement of Good Practice C11.6 Criteria for making a decision on a child's asylum application:

When making a decision about a separated child's asylum claim authorities should have regard to UNHCR guidelines as contained in the Handbook and the 1997 Guidelines, specifically:

- the age and maturity of a child and their stage of development
- the possibility that children may manifest their fears differently from adults
- the likelihood that children will have limited knowledge of conditions in their countries of origin
- child-specific forms of human rights violations, such as recruitment of children into armies, trafficking for prostitution, female genital mutilation and forced labour
- the situation of the child's family in their country of origin and, where known, the wishes of parents who have sent a child out of the country in order to protect her or him
- therefore, in the examination of their claims it may be necessary to have greater regard to certain objective factors, and to determine based upon these factors, whether a child may be presumed to have a well-founded fear of persecution

SCEP Statement of Good Practice (2nd Edition), October 2000

The points set out in the SCEP Statement of Good Practice refer directly to the UNHCR 1997 Guidelines (paragraphs 8.6-8.10) and the Handbook (paragraphs 203 and 213-19). The Statement also draws upon key CRC Articles, notably the child's right to express views (Article 12), to protection from sexual exploitation (Article 34), abduction and trafficking (Article 35), all other forms of exploitation (Article 36) and armed conflict (Article 38). Within the European context, Article 4 of the European Convention on Human Rights (No one shall be held in slavery or servitude or subjected to forced labour) is also relevant. And Article 4(6) of the 1997 EU Resolution on Unaccompanied Minors highlights some – but not all – of the criteria set out in the SCEP Statement of Good Practice (the child's age, maturity and mental development, and the fact that the child may have limited knowledge of conditions in the country of origin).

SCEP Statement of Good Practice C 11.4

It is desirable, particularly with younger children or children with a disability, that an independent expert person carry out an assessment of the child's ability to articulate a well-founded fear of persecution.

SCEP Statement of Good Practice (2nd Edition), October 2000

The clearest statement of this principle is set out in ECRE's Position on Refugee Children, which argues that, if possible, provision should be made for an expert assessment of the child's ability to express a well-founded fear of persecution (paragraph 27). The 1994 UNHCR Handbook on Procedures and Criteria for Determining Refugee Status is also relevant (paragraph 214), as is the 1997 EU Resolution on Minimum Guarantees for Asylum Procedures (paragraph 27).

Such an assessment would be useful as there is a wide range of reasons why separated children may find it difficult to articulate their fears. In addition to the cognitive ability of the child, these may include:

- who the adults involved are (including their age, race and gender);
- the physical environment within which testimony is given;
- the style of questioning;
- the quality and nature of the traumatic event(s) to be recalled;
- the form in which the child is expected to give information;

- the language of the interview;
- fears about the impact of telling the truth, and
the use of readymade testimony provided by traffickers or others.

(Also presented as **Overhead 12.7**)

The position of children who become adult during the course of the asylum process is recognised by the Separated Children in Europe Programme as of particular concern.

SCEP Statement of Good Practice C11.7

Separated children who become adults during the course of the asylum process (sometimes called “aged-out”) should be treated in a generous fashion. In this regard states should eliminate unnecessary delays that can result in a child gaining maturity during the process.

SCEP Statement of Good Practice (2nd Edition), October 2000

While this issue is not addressed in most international instruments, ECRE’s Guidelines state that:

States should have a generous approach in the handling of cases where the child reaches the age of maturity during either the determination procedure or during the process of finding the best solution for the individual.(paragraph 30)

Asylum / Refugee Determination Process

Objectives By the end of this exercise, participants will be able to:

- Describe the key points concerning the refugee determination process in the SCEP Statement of Good Practice.
- Assess the practices in their own country and compare them to the standards in the Statement of Good Practice.
- Identify changes that could be made to align existing practice with the SCEP Statement of Good Practice

Learning Points The right of access to the asylum or refugee determination process is rooted in several key international instruments

Legal representation and the involvement of guardians/advisers at all stages is a critical means of ensuring that separated children are able to express their views in relation to their asylum application, as indicated by the Convention on the Rights of the Child

Minimum procedural guarantees for processing asylum applications do not necessarily ensure efficient, fair processing in practice

All decisions regarding separated children must be taken in a timely fashion, balancing the need to avoid rushing the child through specialist measures but ensuring that there is not undue delay

In order to facilitate their participation in the determination process, separated children must be provided with suitable interpreters who speak their preferred language whenever they are interviewed

Time 15 minutes for introductory presentation

25 minutes for small group discussion

20 minutes for plenary discussion

Facilitator's Notes Using **Briefing 12**, introduce the SCEP Statement of Good Practice standards concerning the refugee determination process.

Introduce the objectives of the exercise.

Divide participants into small multi-agency groups and provide each participant with the worksheet for this exercise.

Ask the groups to record the main points of their discussion on a flipchart sheet.

Open a plenary discussion by asking different groups to lead the report-back on each of the three questions.

Resources A copy of the worksheet for this exercise for each participant

Worksheet: Asylum / Refugee Determination Process

The following is an excerpt from the Separated Children in Europe Programme Statement of Good Practice. Please read it and discuss the following questions.

11. The Asylum or Refugee Determination Process

11.1 Separated children, regardless of age, should never be denied access to the asylum process. Once admitted they should go through the normal procedures and be exempt from alternative procedures including those relating to 'safe third country' (admissibility), 'manifestly unfounded' (accelerated) and 'safe country of origin' and from any suspension of consideration of their asylum claim due to coming from a "country in upheaval".

11.2 At all stages of the asylum process, including any appeals or reviews, separated children should have a legal representative who will assist the child to make his or her claim for asylum. Legal representatives should be available at no cost to the child and, in addition to possessing expertise on the asylum process, they should be skilled in representing children and be aware of child-specific forms of persecution.

11.3 Minimum Procedural Guarantees

Decisions on a child's asylum application should be taken by a competent authority versed in asylum and refugee matters. Children who receive a negative first decision should have a right of appeal. Deadlines for appealing should be reasonable. Children's applications should be identified and prioritised so they are not kept waiting for long periods of time.

11.4 It is desirable, particularly with younger children or children with a disability, that an independent expert person carry out an assessment of the child's ability to articulate a well-founded fear of persecution.

11.5 Where interviews are required they should be carried out in a child-friendly manner (breaks, non-threatening atmosphere) by officers trained in interviewing children. Children should always be accompanied at each interview by their legal representative and, where the child so desires, by a significant adult (social worker, relative etc).

11.6 Criteria for making a decision on a child's asylum application:

When making a decision about a separated child's asylum claim authorities should have regard to UNHCR guidelines as contained in the Handbook and the 1997 Guidelines, specifically:

- the age and maturity of a child and their stage of development
- the possibility that children may manifest their fears differently from adults
- the likelihood that children will have limited knowledge of conditions in their countries of origin
- child-specific forms of human rights violations, such as recruitment of children into armies, trafficking for prostitution, female genital mutilation and forced labour
- the situation of the child's family in their country of origin and, where known, the wishes of parents who have sent a child out of the country in order to protect her or him
- therefore, in the examination of their claims it may be necessary to have greater regard to certain objective factors, and to determine based upon these factors, whether a child may be presumed to have a well-founded fear of persecution

Questions

1. In what ways does interviewing practice in the asylum procedures in your country take account of the needs and rights of child applicants?
2. In the asylum procedures in your country, how is legal representation for child applicants provided?
3. What changes could be made to make the refugee determination process more 'child-sensitive'?
4. Consider what the phrase "child specific violations of human rights" might mean in the Refugee Determination Process in your country.

13. Durable or Long Term Solutions

Key Learning Points

- The ultimate aim of work with separated children is to achieve a durable solution that is in the long-term best interests of the child; all decisions that are taken regarding separated children must take account of this wherever possible
- The three main durable solutions are: remaining in a host country/country of asylum; return to a country of origin; settlement in a third country. When making decisions about durable solutions, careful attention should be paid to the principles of family unity and the best interests of the child.
- Clear criteria for allowing a child to remain have been established under international and European law.
- If a child is allowed to remain, decisions about their long-term placement should be made on the basis of a careful assessment of the child's circumstances, conducted in consultation with the child
- Adoption is rarely, if ever, a suitable option for a separated child
- Family reunification and return to country of origin is a complex area and detailed guidance is required on the implementation of good practice. As with any other decision, children should be fully consulted at all stages of the process.
- When a child has a family member in another state who is willing and able to care for the child then family reunification should be carefully explored and, if in a European state, expedited. Care must be taken to ensure that the third country is a safe place for the child.
- The preservation of culture and language is as important in any durable solution as it is in any interim care arrangements

Training Materials

Briefing 13: Durable or Long Term Solutions	Provides background material and can be used as a handout.
Overhead 13.1: Why Durable Solutions are Important	The underlying purpose of working to achieve durable solutions for separated children.
Overhead 13.2: The Three Main Types of Durable Solution	Lists the three main types of durable solution.
Exercise 13.1: Durable Solutions	Uses three case studies to examine the three main types of durable solution and provides an opportunity for participants to apply the relevant paragraphs of the SCEP Statement of Good Practice
Exercise 13.2: Synthesis Case Study	A case study exercise designed to synthesise some of the main points about a number of Sections of the training guide, particularly: Interim Care, The Asylum or Refugee Determination Process, and Durable or Long Term Solutions (see Section

Facilitators Notes

- 1 Introduce the purpose of the session.
- 2 Using **Briefing 13** and **Overheads 13.1 and 13.2**, introduce the three main durable solutions and why they are important.
- 3 Introduce **Exercise 13.1** which uses three case studies to examine the three main durable solutions.
- 4 Conclude the session with reference to the key learning points for this session.
- 5 **Exercise 13.2** can be used to synthesise the issues raised throughout the workshop (see **Section 2** – Designing a Workshop Using This Training Guide).

13 Durable or Long Term Solutions

Introduction

The ultimate aim of work with separated children is to achieve a durable solution that is in the long-term best interests of the child; all decisions that are taken regarding separated children must take account of this wherever possible. This information is also summarised as **Overhead 13.1**.

The three main durable solutions

The three main durable solutions are:

- remaining and integrating a host country/country of asylum;
- return to a country of origin;
- settlement in a third country.

(These are also presented as **Overhead 13.2**)

When making decisions about durable solutions, careful attention should be paid to the principles of family unity and the best interests of the child.

Remaining and Integrating in a Host Country/Country of Asylum

The SCEP Statement of Good Practice has the following to say about separated children remaining in a host country/country of asylum:

SCEP Statement of Good Practice C12.1.1 Remaining in a Host Country/Country of Asylum

A separated child may be allowed to remain in a host country for a number of reasons:

- she or he is recognised as a refugee or granted asylum
- she or he receives a defacto or humanitarian status because it is not safe to return to their country of origin due, for example, to armed conflict and/or the child's parents are not traceable and there is no suitable carer in the country of origin
- she or he is allowed to remain under some other immigration category or, for example, on compassionate grounds (eg. ill health)
- it is clearly in the child's best interests to do so.

SCEP Statement of Good Practice (2nd Edition), October 2000

The SCEP Statement of Good Practice draws upon the “best interests” principle, set out in Article 3 of the CRC, and the 1997 UNHCR Guidelines on Unaccompanied Children (paragraphs 9.1 and 9.4). The ECRE Position outlines a similar set of conditions to the SCEP Statement of Good Practice. The 1997 EU Resolution on Unaccompanied Minors reiterates in Article 5(2) the key principle that Member States should, in principle, make it possible for a separated child to remain in their territory if conditions for return are not met.

Generally speaking, European states do allow separated children to remain in the “host country” in line with the criteria set out in the SCEP Statement of Good Practice. However, to meet fully the needs and rights of separated children, key safeguards such as providing a status which gives them access to assistance and family reunification, would have to be implemented in all states, in line with the CRC

principle of the “best interests of the child” and the UNHCR Guidelines. To attain the highest standards of welfare and protection, the safeguards would have the following characteristics:

- A temporary residence permit should be granted to all separated children who, for practical and humanitarian reasons, cannot be returned to their home country by state authorities.
- States should avoid applying forms of status to separated children which mean that they are unable to benefit from special facilities and programmes.
- Separated children who have been granted temporary leave to remain in the state should have the right to apply for family reunion.
- Co-ordination between government agencies, schools and care institutions should be improved to increase the level of protection offered to separated children, and to ensure that the separated child can access all services effectively and without discrimination.

SCEP Statement of Good Practice C12.1.2: Remaining in a Host Country/Country of Asylum (Contd.)

Applications by a separated child, residing in a “host” country, for family reunion in a that country should be dealt with in a “positive, humane and expeditious manner”.

SCEP Statement of Good Practice (2nd Edition), October 2000

SCEP Statement of Good Practice C12.1.3 Integration

Once a separated child is allowed to remain, care/welfare authorities should conduct a careful assessment of the child’s situation (taking into account her or his age, sex, care history, mental and physical health, education and family situation in the country of origin). In consultation with the child, a long-term placement in the community should then be arranged. This may of course be a continuation of the interim care placement. It is generally desirable that children under 15/16 years of age be cared for in a foster family from their own culture. Older children may prefer/do well in a small group home environment. This should be staffed by adults aware of the separated children’s cultural needs. Separated children who have left care should be offered support via an “after-care” programme, to assist their transition to living independently.

As a matter of principle, siblings should be kept together in the same placement unless they wish otherwise. If a sibling group is living independently, with the oldest taking responsibility, then he or she should be provided with particular support and advice.

SCEP Statement of Good Practice (2nd Edition), October 2000

A range of rights set out in the CRC are relevant to the principle of integration. These rights build upon relevant Articles of the 1951 Refugee Convention. In addition, it is important to refer to the standards in relation to care, accommodation and long-term placement set out in paragraphs 10.6-10.10 of the UNHCR 1997 Guidelines on Unaccompanied Children, paragraphs 19 and 36-41 of ECRE’s Position on Refugee Children, and Article 4(7) of the EU Resolution on Unaccompanied Minors.

SCEP Statement of Good Practice C12.1.3 (Education, health care and training)

The rights of separated children to education and training, health care, language support (as per paragraph 10) should continue on the same basis as available to national children.

SCEP Statement of Good Practice (2nd Edition), October 2000

Return to a country of origin

The second main durable solution is return to country of origin. This solution may only be explored if the children is found not to qualify as a refugee or to be otherwise in need of protection, or if the situation in the country of origin has changed in a fundamental and durable manner.

SCEP Statement of Good Practice 12.2 Return to Country of Origin

12.2.1 This is a complex area and detailed guidance is required on the implementation of good practice. The best way for family reunification and returns to be carried out is on a voluntary basis. Children and should be fully consulted at all stages of the process.

SCEP Statement of Good Practice (2nd Edition), October 2000

The 1951 Refugee Convention states that states shall not expel a refugee lawfully in their territory (Article 32(1)), and that they shall not return a refugee to a country where his or her life or freedom are threatened (Article 33). These principles are elaborated upon by CRC rights, especially in Articles 19 (protection from all forms of violence); 37(a) (cruel, inhuman or degrading treatment); 38 (armed conflict), and 39 (physical and psychological recovery and social reintegration). UNHCR's 1997 Guidelines on Unaccompanied Children are also relevant (paragraphs 9.4, 9.5, 10.5, 10.12-10.14). Within the European context, paragraphs 33 and 42 of ECRE's Position on Refugee Children, and Article 5 of the 1997 EU Resolution on Unaccompanied Minors should also be taken into account.

SCEP Statement of Good Practice C12.2.2 (a)

Before a separated child can be returned to a country of origin the following must be in place:

- it is safe to return the child to his or her home country;
- the child's carer and guardian/adviser in the host country agree it is in the child's best interests to return;
- a careful assessment is made of the family situation in the home country and whether it is safe to return a child to that country. It will be necessary to investigate the ability of the child's family (parents or other family members) to provide appropriate care. In the absence of parents or other family members, the suitability of child-care agencies in the country of origin should be investigated;
- this investigation should be carried out by a professional and independent organisation (that is different from the body or person(s) making the initial determination) or person(s) and should be objective, non-political and take into consideration the best interests of the child in each case;
- the child's parents, relatives, other adult care-taker or government child-care agency agree to provide immediate and long-term care upon the child's arrival in the country of origin;
- the child is fully informed at all stages and is provided with appropriate counselling and support;
- prior to the return contact between the child and his or her family is facilitated;
- during the return the child is properly accompanied;
- after the return the wellbeing of the child should be effectively monitored by appropriate authorities or agencies.

SCEP Statement of Good Practice (2nd Edition), October 2000

SCEP Statement of Good Practice C12.2.2 (b)

Separated children who arrived as minors but who have reached the age of 18 should be treated as vulnerable and consulted on the conditions required for a successful reintegration into their country of origin.

SCEP Statement of Good Practice (2nd Edition), October 2000

Experience in European states suggests that greater attention and effort must be devoted to ensuring that the conditions and safeguards set out in the UNHCR Guidelines and the SCEP Statement of Good Practice are implemented. Guidelines could be developed at national level specifying which steps to be taken before a separated child is returned including the verification that care will be provided for and basic needs will be met. The following points could be addressed in any guidelines:

- The child should be fully informed at all stages regarding progress in relation to return, and particular care should be taken as to how, when and what children are told about any forthcoming journey to the country of origin.
- The child should be provided throughout with good quality support and counselling; this is particularly necessary prior to return, especially if there is resistance on the part of the child or opposition on the part of the family to a return.
- The child should have established contacts with his or her family before the return.
- Children should be provided with education and professional training that would be useful to them on return to their home country.
- Public authorities and NGOs should prepare a detailed checklist in preparation for return journeys.
- The child must be cared for appropriately during transportation.
- State authorities should maintain regular contact with relevant international organisations involved with return issues.
- Professionals working on return (e.g. social workers, legal personnel) should receive training on the complex issues involved.
- If possible, contact with the child and his or her parents or carers should be maintained after the return journey to monitor the child's progress.
- People who arrive on the territory of a European state as separated children and have reached the age of 18 should be treated in a generous manner, and full regard should be given to their vulnerable status.

Settlement in a Third Country

The third main durable solution involves settlement in a third country. Normally, this solution is explored when the child has family links in the third country. However, there are cases in which resettlement may be necessary for security or other reasons in the best interests of the child.

SCEP Statement of Good Practice C12.3: Settlement in a Third Country

When a child has a family member in another European state who is willing and able to care for the child then family reunification should be expedited as per paragraph 9. Where she or he has a family member in a non-European third country the opportunity for family reunification should be explored but to the same standards as indicated in paragraph 12.2. Care must be taken in order to ensure that the third country is a safe place for the child.

SCEP Statement of Good Practice (2nd Edition), October 2000

The CRC contains provisions for family unity and family reunification, most notably Article 10(1) which states that in accordance with the obligation of States Parties under article 9, paragraph 1, application

by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, human and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family (CRC, 1989:Art 10 (1)).

The ECHR also provides for this right in Article 8, which states that everyone has the right to respect for his private and family life, his home and correspondence. UNHCR considers that when assessing the best interests of a child family reunion should be the first priority for the child. Eventual family reunion or repatriation should be kept open as long as possible. Separated families never stop looking and hoping (Refugee Children 1994: 130). However, current practice in Europe has not allowed family reunification to take place among asylum seekers, and separated refugee children have rarely been able to reunite with their family.

13.1 Durable Solutions

Purpose To examine situations concerning the three main durable solutions and assess them against the standards of the Statement of Good Practice.

Learning Points The ultimate aim of work with separated children is to achieve a durable solution that is in the long-term best interests of the child; all decisions that are taken regarding separated children must take account of this wherever possible

The three main durable solutions are: remaining in a host country/country of asylum; return to a country of origin; settlement in a third country. When making decisions about durable solutions, careful attention should be paid to the principles of family unity and the best interests of the child.

Clear criteria for allowing a child to remain have been established under international and European law.

Family reunification and return to country of origin is a complex area and detailed guidance is required on the implementation of good practice. As with any other decision, children should be fully consulted at all stages of the process.

When a child has a family member in another state who is willing and able to care for the child then family reunification should be carefully explored and, if in a European state, expedited. Care must be taken to ensure that the third country is a safe place for the child.

Time 5 minutes for introductory presentation

3 x 15 minutes for case examples (half the time in pairs, the other half in plenary)

10 minutes for final plenary

Facilitator's Notes Distribute copies of the three Worksheets for this exercise to all participants.

Divide participants into pairs or threes and ask each pair to examine one of the three case examples.

Hold a plenary to identify how the experiences described in the case examples compare with good and bad practice that participants are aware of. Ask participants to assess how consistent practice in their country is with the SCEP Statement of Good Practice.

Resources Copies of the three worksheets for this exercise for all participants.

13.1 Worksheet 1: Durable Solutions

Remaining in a Host Country

A 14 year old boy arrived in Europe from Ex-Yougoslavia, the only child of a “mixed marriage” – his parents sent him out of the country due to the dangers of the war. He was sent first to an asylum centre and from there was transferred to a small residential children’s home. His guardian was appointed. His application for asylum was first refused and he appealed against the decision. It was a long process before he was finally recognised as refugee. During that time he was assisted at the children’s home to plan his studies and learn a new language. Despite the pressures of his asylum claim he was able to progress due to the support of his guardian and the home. By the time he was recognised as a refugee, his parents had been able to leave Ex-yougoslavia and go to North America. He applied for his refugee passport and was able to visit them there. He decided it would be better to pursue his studies in Europe and is currently in university. As a recognised refugee he is entitled to educational grants although he had to use the services of a lawyer in order to force the educational authority to acknowledge this. He intends to apply for the nationality of his adopted country.

Questions

1. What do you think is the most durable solution for this boy?
2. Which (if any) of the four grounds listed in the Statement of Good Practice standard 12.1 apply in this case?
3. How relevant would standard 12.2.2.b of the Statement of Good Practice be in this case?

13.1 Worksheet 2: Durable Solutions

Return to Country of Origin

A boy aged 16 fled his country before the war in March 1999. His parents were afraid he would be conscripted into the army which had been known to mistreat people belonging to his ethnic group. After the end of the war, he was very anxious about his parents and younger siblings and wanted desperately to return home. He had had no word of his family for eight months. Through the Red Cross tracing service he found out his mother and siblings were in his country of origin. His father was missing. This made him even more determined to return. When his mother was able to return to their town, the boy's guardian began making contact via UNHCR to arrange for his return home. Finally the boy and his guardian travelled together first to the capital and then to the home town. The boy was very happy to be with his family again. Sadly his father was still missing and hope was fading that he was still alive.

Questions

1. To what extent is this case example consistent with the safeguards listed in paragraph 12.2.2 of the SCEP Statement of Good Practice?
2. If you had been the boy's guardian, what information would you have wanted to know before arranging for his return to Kosovo?

13.1 Worksheet 3: Durable Solutions

Settlement in a Third Country

Two young children from Central Asia, a sister and brother aged 9 and 13, arrived in transit in a European country. They were prevented from travelling onward to North America because they did not have proper documentation. They were taken into care by social services. Both were visibly distressed and it took some time for information about their situation to become clear. Previously their mother had fled to seek asylum in North America, leaving the children in the care of their aunt and uncle. The children's father had died when they were very young. Social services approached International Social Service to assess the mother's situation confirm that she was in a position to care for the children. They then approached the immigration authorities and requested that the children be allowed to travel to rejoin their mother. Immigration contacted the authorities and after some months were able to arrange for the children to be reunited with their mother.

Questions

1. To what extent is this case example consistent with the safeguards listed in paragraph 12.3 of the SCEP Statement of Good Practice?
2. What information do you think International Social Service should have collected to make the necessary assessment of the mother's situation?
2. If you had been the children's guardian, what information would you have wanted to know before arranging for their travel to Canada?

13.2 Synthesis Case Study

- Objectives** By the end of this exercise, participants will be able to:
- Identify practices that are inconsistent with the Statement of Good Practice
 - Apply good practice to a 'real life' case example.

Learning Points This case study has been written to synthesise some of the main points about a number of Sections of the training guide, particularly: Interim Care, The Asylum or Refugee Determination Process, and Durable or Long Term Solutions.

Time 35 minutes for small group discussions
25 minutes for plenary discussion

Facilitator's Notes If possible, the case study should be provided to participants in advance so that they have an opportunity to read it before the allocated time for the exercise.

Divide participants into four groups (A,B,C and D).

Invite participants to read the case study and discuss the four questions. Each group should select one member to be rapporteur. Key points under each question should be recorded on flipchart.

Groups are then asked to feed back in plenary. Each question should be discussed in turn, asking a group A to lead off the discussion for question 1; group B for question 2, etc.

Summarise the discussion, making sure that the key learning points are addressed.

Resources Worksheet for this exercise for each participant.

Flipchart and pens to record the small group answers to questions.

13.2 Worksheet: Synthesis Case Study

Background

A boy lived in a middle eastern country - a member of a minority group that was persecuted by the government. His brother had fled the country to avoid being conscripted into the army where conscripts from their minority group were badly treated. His parents supported a political group that was fighting for the rights of their minority group. His father had been frequently arrested and his mother harassed. He had done some fly posting and acted on occasion as a messenger for this group. During an anti-government demonstration he was arrested. The police held him for many days during which he was beaten, threatened and subjected to falanga. When he was released he could barely walk. His parents were very afraid for his life and that he might also decide to join an armed resistance group. They arranged for him to leave the country travelling with an uncle in the hope he could join his brother. Once across the border this uncle organised his journey to Europe in a lorry with several others. The trip took about a week and he arrived weakened and depleted. Also, the smugglers had changed the route so he did not arrive in the country where his brother was living.

Arrival in Europe

The boy entered the country without being detected and found himself on the street. He spent the night outside and the next day met a man who spoke his language. This man told him to go to the police to ask for asylum. At the police station he was held for a few days, his finger-prints were taken and he was then transferred to an immigration detention centre. He did not know what was happening.

Detention/Asylum Process

The boy was interviewed about his asylum claim by an immigration officer at the detention centre. He did not have a lawyer although he asked for one. The officer did not believe that he was 16 years old and sent him for a medical examination by the doctor at the detention centre. The doctor said that he could not be sure how old the boy was and because he had no proof of his age he remained in detention. He was refused asylum three weeks after his detention. A member of an organisation that visited detainees found him a lawyer who helped him to register his appeal against the negative decision. In detention he had to borrow money from other detained people to phone the lawyer. The boy went to his first appeal hearing which was a frightening experience for him. Although his lawyer was there as well as an interpreter he did not really understand what was happening. The judge was not friendly to him. His appeal was refused on the basis of inconsistencies in the accounts which he told in his first interview in detention and his testimony at appeal. His lawyer appealed again against this refusal.

The boy stayed in detention for over a year and during that time was transferred to two detention centres. He became depressed and was given medication but often felt unwell. His lawyer tried repeatedly to get him released. Even though they were eventually able to obtain an authenticated birth certificate, this was not accepted. At one stage the immigration service asked him to sign papers to be sent to his country's embassy in an attempt to remove him - only his lawyer's intervention prevented him being sent back to his country. Finally at the second appeal hearing the judge accepted he was under 18 and ordered his release. Eventually he was given a humanitarian status.

Release from Detention

The boy was helped by an NGO organisation to find a place in a hostel where he receives a small amount of welfare money. He would like to study but is hampered by his poor grasp of the language. He is nearing 18 and no statutory service has taken responsibility for him. He is angry about the time

he spent in detention and often depressed. He feels he has been punished for seeking asylum. He has been able to contact his brother who is in another EU country. He wants to join his brother but he has no travel documents because he has not been recognised as a Convention refugee and the other country is reluctant to receive him due to the costs they would incur for his care since he is a minor. Furthermore his brother, who also has a humanitarian status, has no rights to family reunification. He even sometimes considers returning home but his parents are adamant that it is too dangerous for him.

Questions

1. Identify the ways in which the asylum process was lacking in relation to the Statement of Good Practice.
2. What procedures could have been in place to prevent the boy's detention?
3. How could family reunification with the boy's brother be facilitated?
4. What steps need to be taken to help him plan for his future?
5. What may happen to him now?

14. Inter-Organisational Co-operation

This section focuses on ways to develop and build inter-agency co-operation and co-ordination. It emphasises the importance of understanding the roles and responsibilities of respective agencies and on developing agreed core principles in work with separated children. The importance of information-sharing using agreed safeguards on confidentiality is stressed.

Key Learning Points

- In order to ensure the best interests of the separated child, co-ordination between the many organisations, government departments and professionals that may be involved with separated children is essential.
- Co-ordination and co-operation is likely to be enhanced by developing a basic understanding of the roles and policies of each of the organisations, government departments and professionals involved with separated children.
- A crucial step in encouraging co-ordination and co-operation between organisations is the agreement between organisations of core principles that they will follow in their work with separated children.
- Developing co-operation and co-ordination between organisations will require the sharing of information. The issues of confidentiality, sensitivity and consultation with children are essential core principles upon which an agreed approach to information-sharing must be based.
- Developing inter-organisational strategies and action-plans can help organisations to consolidate good practice as well as focus on existing problems and how to overcome them.
- Training involving members of different organisations is a practical way of building mutual understanding and co-operation.

Training Materials

Briefing 14: Inter-Organisational Co-operation	Provides background material and can be used as a handout.
Overhead 14.1: Inter-organisational Co-operation	Principle 8 from the SCEP Statement of Good Practice
Overhead 14.2: Agencies and Professionals Dealing with a Separated Child	A diagrammatic representation of the agencies and professionals dealing with a separated child in Germany.
Overhead 14.3: The Rationale for Inter-organisational Co-operation	Key arguments for encouraging co-operation between organisations.
Exercise 14.1: The Network of Protection and Assistance	Provides a method for building an annotated picture of the agencies and individuals concerned with a separated child and their inter-relationships.
Exercise 14.2: Agreeing Core Principles	Encourages participants to examine their agency's own principles and then try to reach agreement with other agencies on a set of principles for work with separated children.

Facilitators Notes

- 1 Introduce the purpose of the session.
- 2 Using **Overhead 14.2** explain that separated children are often the focus of a large and bewildering number of agencies and professionals.
- 3 Form the participants into a circle. Ask for a volunteer to take on the role of the separated child. This person should sit on a chair in the middle of the circle. The other participants in the circle should remain standing.

Allocate agency roles to the standing participants using the titles in **Overhead 14.2**. It does not matter if there is duplication. The participants should write their allocated agency on a piece of paper and pin it to their clothes so that everyone else can see it.

Now ask the participants to think back to the two case-studies page (the facilitator should choose which) and to imagine that the person in the middle is that child.

Give the standing participants one minute to think about what they believe should happen to the 'child'.

Now ask everyone to start a discussion about what they believe should happen to the 'child'. The group has only two minutes and it is important that everyone should put across their point of view even if it means interrupting other participants!

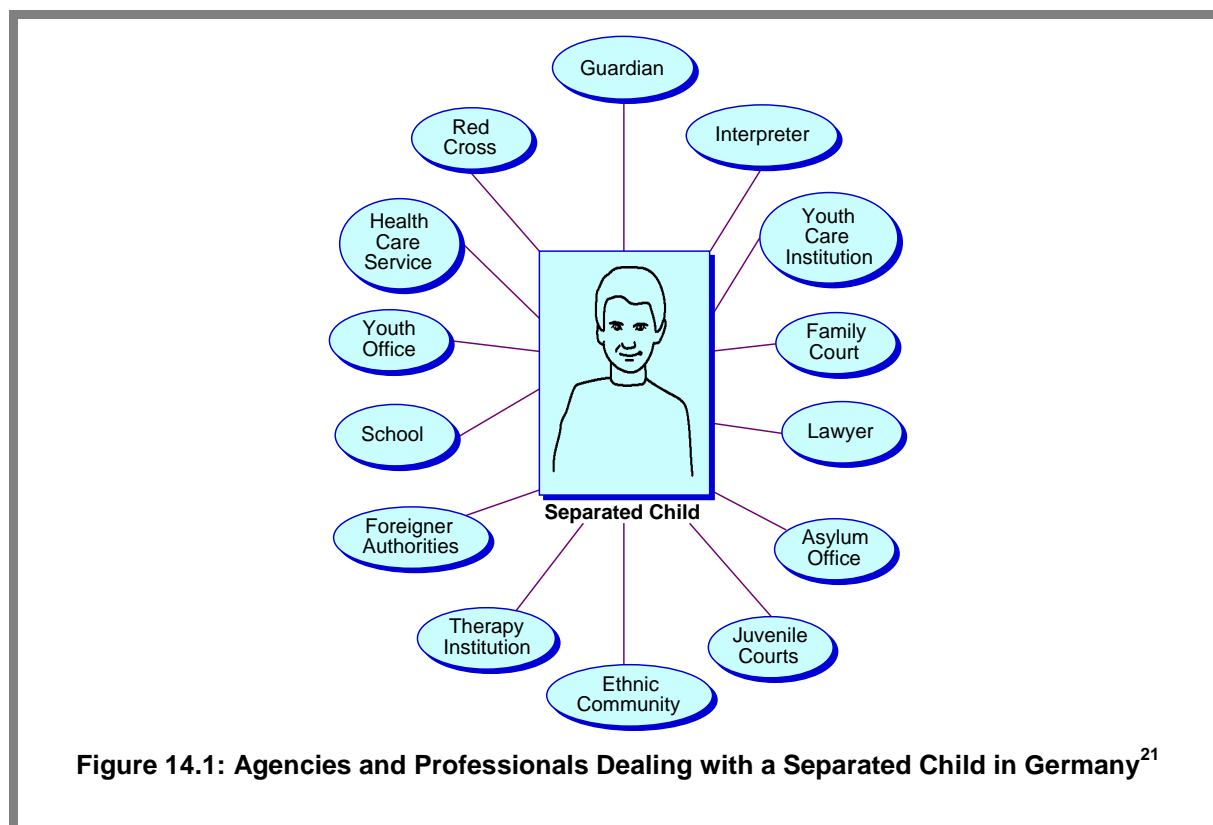
At the end of two minutes ask the participants to stop. Now ask the 'child' how they were feeling during the exercise.
- 4 Ask participants to brainstorm why inter-agency co-operation is important. If necessary, using **Overhead 14.3**, cover any points that were not made by the participants.
- 5 Introduce **Exercise 14.1** which encourages participants to develop a network for separated children in their country.
- 6 Introduce **Exercise 14.2**
- 7 Conclude the session with reference to the key learning points for this session.

The Importance of Co-ordination

A 15 year old boy from Central Europe came to Europe after having spent many years in an orphanage where he had been abused and neglected. He and another boy managed to travel to a Western European country by a combination of dangerous and illegal means. He became involved in prostitution in order to survive and was eventually arrested. He placed in detention and was at risk of being deported as an undocumented migrant. A person who visited immigration detainees recognised he was under 18 and referred him to an NGO that worked with separated children. They visited him and also got him a lawyer to help get him released. Eventually he was released into the care of a guardian appointed by a child welfare service who placed him in foster care. He was enrolled in school but it soon became evident that he was not literate and had in fact had received no formal education. The school liaised with the foster parents about the need for the boy to be placed in a special class. In addition the boy had been taken to a doctor for a complete medical examination. It was discovered that he was HIV positive. There was a great deal of concern on the part of the foster parents as to how to tell him this and what kind of care he would require. They contacted the guardian who was responsible for important decisions about the boy's life.

Illustration 14.1 demonstrates the complex network of agencies and professionals that may be involved with a separated child. At any one time there may be over ten agencies or professionals (including UNHCR, the immigration service, the social welfare/child protection agency, the Guardianship body, a legal representative and care agencies) actively concerned with a separated child. **Figure 14.1** illustrates the number of professionals that may deal with a typical separated child in Germany (also presented as **Overhead 14.2**)

The need for a co-ordinated approach in such cases should be self-evident but in practice this does not always happen. Although many inter-related agencies and professionals may be actively concerned with a separated child, they do not necessarily work together as a co-ordinated system. The reasons for a lack of co-ordination are understandable but not acceptable. Each agency has its own role to play and policies to implement and these may actively conflict with the role and policies of other agencies. Sometimes, agencies may be unaware of the role or even the existence of other agencies or professionals working with a separated child. Under these circumstances it is not surprising that the 'system' may fail the separated child despite the best intentions of each of the agencies and individuals. This serves to highlight the importance of the guardian role (see **Section 10: Appointment of Guardian**).



Principle 8 of the Separated Children in Europe Programme **Statement of Good Practice** makes it clear that: Organisations, government departments and professionals involved in providing services to separated children must co-operate to ensure that the welfare and rights of separated children are enhanced and protected (also presented as Overhead 14.3).

This is more likely to happen if the agencies and professionals:

- Understand each others' roles
- Agree a set of core principles
- Agree on confidentiality
- Devise strategies and action plans
- Train together

Understanding Agency Roles and Policies

The first stage in building co-operation between the agencies and professionals that deal with separated children is to develop a picture or map of the agencies involved. Since the systems for dealing with separated children are different in different countries, there is no standard map that can be used – it must be developed for each country. **Exercise 14.1** provides a method for building a special type of annotated map called a 'rich picture' which not only identifies the agencies involved but also illustrates their roles and inter-relationships. The process of developing the 'rich picture' can be an illuminating way of helping participants from different agencies to develop an understanding of where they fit in to the 'system' and appreciating the roles played (and constraints faced) by each of the other agencies comprising the system.

²¹ Example provided by Thomas Gittrich

Agreeing Core Principles

Having created a map of the agencies involved with separated children, and examined their respective roles, policies and inter-relationships, a useful next stage in building inter-agency co-operation can be to agree a set of core principles to which each agency is prepared to make a commitment. This may prove to be difficult but the process of discussion and exploration of common ground and areas of disagreement is an important way of revealing some of the more deeply held beliefs that shape the identity and underpin the practice of each agency.

Exercise 14.2 uses the 'first principles' of the Separated Children in Europe Programme Statement of Good Practice to open up discussion between agencies with a view to reaching agreement on a set of core principles upon which all work with separated children should be based.

Confidentiality

Agencies dealing with the complex and sensitive issues facing separated children are often concerned about balancing the issues of protecting confidentiality whilst encouraging inter-agency co-operation. The following example shows what can happen if the agencies are unclear about the boundaries of confidentiality.

A girl aged 15 from the Horn of Africa came to Europe. She came from a highly political background and both her parents had fought in the war of national liberation from Ethiopia. She was placed in a region where the child welfare services had very little experience working with separated children and refugees. The girl did not want to talk to her social worker about her history and what had become of her parents. She told the social worker and her lawyer that she did not know where her parents were. The girl lived in a children's home and the workers there informed the social worker that the girl had spoken with her mother on the phone. The social worker informed the asylum authorities that the girl was in contact with her mother. The asylum authorities interviewed the girl and asked her to explain why she had not told the truth about her parents. The girl was upset and bewildered that her carers had passed on this information. She lost all trust in them and refused to communicate.

Whilst it is very important to ensure that confidentiality is respected, this should not be allowed to become a barrier to co-operation between agencies. The SCEP Statement of Good Practice Principle 6 states that 'Care must be taken not to disclose information about a separated child that could endanger the child's family members in her or his home country. The permission of separated children must be sought in an age appropriate manner before sensitive information is disclosed to other organisations or individuals. Information must not be used inappropriately for purposes other than for that for which it was sought.' This and the overarching principle of the best interest of the child should be used to guide agency policy and practice concerning the disclosure of information to other agencies. Agencies should also be encouraged to respect the child's right to have a say in matters that affect them, including decisions about disclosure of sensitive information.

Devising Strategies and Action Plans

Inter-agency co-operation is more likely to be sustainable if the links between agencies are institutionalised. This can be done through the development of joint strategies and action plans; the creation of forums for discussion of policy and practice and the sharing of relevant information and concerns on a case-by-case basis (subject to the principles for confidentiality established above).

The Importance of Inter-Agency Training

The development of this SCEP Training Guide demonstrates the commitment that the Separated Children in Europe Programme has to the importance of training. Inter-agency training provides a unique forum for exploring the roles and responsibilities of respective agencies. It also provides an opportunity for identifying, sharing and strengthening existing good practices, overcoming mutual misunderstandings and building a joint commitment to improving co-operation between agencies in order to provide the highest standard of service for separated children.

The Network of Protection and Assistance

- Purpose**
- To examine the network of inter-related agencies and professionals that together form the 'system' for dealing with separated children.
 - To develop an understanding of the roles and responsibilities of each of the agencies.
 - To identify existing examples of good practice in inter-agency co-operation.
 - To identify opportunities for improving co-operation.

- Learning Points**
- There are normally a large number of agencies and professionals that have responsibilities for separated children.
 - Together, they form a system.
 - To best serve the welfare and rights of separated children, the agencies and professionals comprising the system need to co-operate.
 - Each of the components of the system has its own responsibility areas and faces constraints in the way it can discharge its responsibilities. Mutual understanding of these responsibilities and constraints can aid co-operation.

- Time**
- 10 minutes for introductory presentation and briefing
 - 30 minutes for building the rich picture
 - 10 minutes for identifying the proposed changes for improving the system

- Facilitator's Notes**
- This exercise is best conducted in multi-agency training workshops.
 - Divide participants into small groups. If participants are from different countries, divide them according to country.
 - If all participants are from the same country, divide them according to the agencies they represent. If all are from the same agency and country, divide them into groups of 3 or 4.
 - Explain that participants will now be building up a picture of the system of agencies and professionals that deal with separated children in their country.
 - Participants should start by preparing a diagram similar to the one in **Overhead 14.2** for their own country. This should be done on flipchart paper.
 - Each of the participants should be given a coloured pen and asked to contribute their ideas to the picture. Participants should be asked to add the following information to their network diagram:
 1. Their understanding of the inter-connections between agencies/professionals using different types of lines.
 2. Identify examples of good co-operation (eg joint meetings, shared policies, co-working between staff) using a 'smiley' face.
 3. Identify opportunities for improving co-operation using a 'sad' face.
 4. Add other comments that help to explain how the 'system' works.
 - When everyone has had an opportunity to discuss their own group's picture, all participants should be encouraged to examine each group's picture.

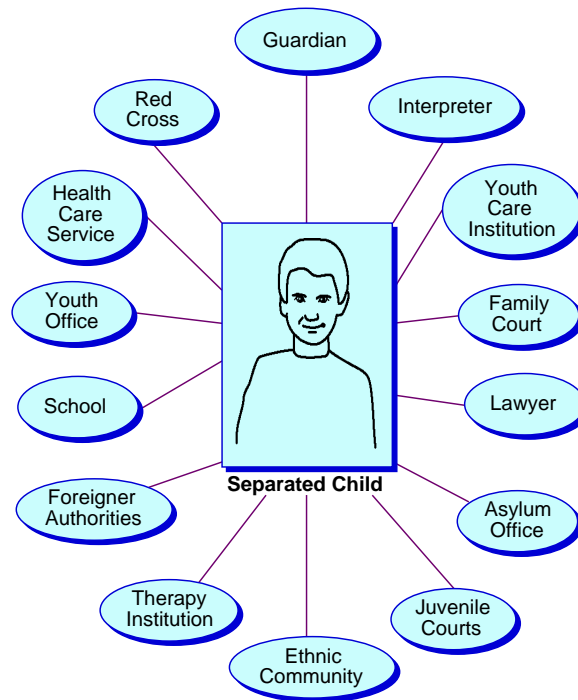
Open a plenary discussion on how co-operation between agencies can be encouraged. Ask groups to illustrate their points with examples from their own experience.

Resources Copy of Worksheet 14.1 for each participant.

Sheets of flipchart paper and a selection of coloured felt-tip pens

Worksheet: The Network of Protection and Assistance

Using the following diagram as an example, draw a network diagram that shows the agencies and professionals involved with separated children in your country.



Working as a group, please add the following information to their network diagram:

1. Your understanding of the inter-connections between agencies/professionals using different types of lines.
2. Add notes and comments that help to explain how the 'system' works.
3. Examples of good co-operation (eg joint meetings, shared policies, co-working between staff). These should be represented using a 'smiley' face on the line that connects the relevant agencies.
4. Identify opportunities for improving co-operation using a 'sad' face on the line that connects the relevant agencies.

14.2 Agreeing Core Principles

Purpose To begin a process of establishing a set of agreed core principles as a basis for inter-organisational co-operation.

To identify areas of common ground and disagreement between agencies

Learning Points Establishing a set of mutually agreed core principles is an important stage in developing inter-organisational co-operation.

The SCEP Statement of Good Practice 'first principles' provides a useful starting point for this process.

Time 10 minutes for agency groupwork

30 minutes for plenary groupwork

20 minutes for plenary discussion

Facilitator's Notes **This exercise is designed specifically for multi-agency groups of participants.**

Prepare sets of Statement of Good Practice First Principles cards using the template provided.

Introduce the objectives of the exercise.

Divide participants into agency groups (if any agency is represented by an individual, that person should work on their own).

Using their completed worksheets from Exercise 5.1, ask participants to sort their 'Agreeing First Principles' cards under the three headings. They should stick the cards (using Blu-tack or masking tape) on their flipchart sheet in three columns under the headings cards A, B or C.

Ask all participants to come together in such a way that their flipchart sheets can be seen by everyone.

Ask participants what would be the benefits to separated children and to agencies of having a set of shared values between organisations. Write these points up on a flipchart.

Ask participants to identify any cards that appear under heading A on every flipchart sheet. These represent the existing consensus on Principles. Write up the card numbers under i) on a separate 'Consensus' flipchart sheet with three headings: i) consensus, ii) potential consensus and iii) disagreement.

Ask participants to identify any cards that appear under heading B on every flipchart sheet. These represent the areas of potential consensus. Write up the card numbers under ii) on the 'Consensus' flipchart sheet.

Ask each group of agency representatives in turn to identify which cards are currently under heading C on their flipchart sheet. Agencies which have the same cards under headings A or B should be encouraged to find out why the other agency's cards are under heading C (i.e. what is the problem that would be created for the agency by adopting the principle?).

If, through the course of discussion, agencies change their views, they should be asked to move their cards from category C to category B on their own flipchart.

At the end of the allocated time, check to see if further consensus has been achieved under column B. If so, add the Principle number to column ii) on the 'Consensus' flipchart sheet.

Write up the card numbers for which there is no agreement under column iii) of the 'Consensus' sheet.

Open up a discussion on the potential for strengthening inter-organisational co-operation between the agencies represented. What would need to change in each agency to enable greater co-operation? What could be done to avoid problems of confidentiality?

Ask each agency to come up with three practical action points to improve co-operation with other agencies.

Resources Participants' completed worksheets from Exercise 5.1

A set of prepared 'Agreeing First Principles' cards for each agency/small group represented in the workshop.

Flipchart sheets and marker pens for each agency/small group.

Blu-tack or masking tape.

A. Our practice is always consistent with this principle.

B. Our practice is often consistent with this principle.

C. Our practice is rarely or never consistent with this principle.

D. This principle could be adopted easily by our organisation.

E. It would be difficult for our organisation to adopt this principle.

1. Best Interests:

In all actions concerning children ... the best interests of children and young people shall be a primary consideration (CRC, Art.3(1)).

2. Non-discrimination:

Separated children are entitled to the same treatment and rights as national or resident children. They must be treated as children first and foremost. All considerations of their immigration status must be secondary.

3. Right to Participate:

The views and wishes of separated children must be sought and taken into account whenever decisions affecting them are being made. Measures must be put in place to facilitate their participation in line with their age and maturity.

4. Bi-culturalism:

It is vital that separated children be able to maintain their mother tongue and links with their culture and religion. Provision of childcare, healthcare and education must reflect their cultural needs. Preservation of culture and language is also important should a child return to their home country.

5. Interpretation:

Separated children must be provided with suitable interpreters who speak their preferred language whenever they are interviewed or require access to services.

6. Confidentiality:

Care must be taken not to disclose information about a separated child that could endanger the child's family members in her or his home country. The permission of separated children must be sought in an age appropriate manner before sensitive information is disclosed to other organisations or individuals. Information must not be used inappropriately for purposes other than for that for which it was sought.

7. Information:

Separated children must be provided with accessible information about, for example, their entitlements, services available, the asylum process, family tracing and the situation in their country of origin.

8. Inter-organisational Co-operation:

Organisations, government departments and professionals involved in providing services to separated children must co-operate to ensure that the welfare and rights of separated children are enhanced and protected.

9. Staff Training:

Those working with separated children must receive appropriate training on the needs of separated children. Immigration or border police staff must receive training in conducting child-friendly interviews.

10. Durability:

Decisions that are taken regarding separated children should take account of , where ever possible, the long-term interests and welfare of the child.

11. Timeliness:

All decisions regarding separated children must be taken in a timely fashion.

15. Action-Planning and Evaluation

This section provides suggestions for how to encourage participants to make recommendations and plans of action for their organisations.

Key Learning Points

- In order to promote changes in existing practices and policies and the adoption of the SCEP Statement of Good Practice in their agencies, participants need to develop recommendations and make plans of actions before the end of the workshop.

Training Materials

Exercise 15.1: Action Planning	An exercise that can be used by workshop participants either individually or in groups (selected by agency or by country) to make plans for follow-up to the workshop.
Exercise 15.2: Talking Wall Evaluation	An evaluation exercise that enables participants to share their views.
Exercise 15.3: Individual Evaluation	An individual evaluation using a conventional evaluation form.
Exercise 15.4: Postcard to Yourself	Preparation of a personal 'memory jogger' for individual action plans.

Facilitators Notes

There is no hard and fast way in which the action planning process and the workshop evaluation should be conducted. A number of suggested exercises and resources are provided in this section of the training guide.

Facilitators are encouraged to adapt the materials according to the circumstances. For example, on a short workshop it may not be appropriate to spend more than 45 minutes on action planning and evaluation. However, there should always be some time put aside for both activities (see **Section 2** for more information).

15.1 Action Planning

Purpose To develop recommendations and action plans for changes in work with separated children in participants own agency/country.

Time 5 minutes for individual reflection

25 minutes for groupwork

15 minutes for plenary discussion.

Facilitator's How this exercise will depend on the diversity of the participant group.

Notes

Form participants into small groups. Small group selection could be based on the following criteria:

- Participants from the same country form small groups.
- Participants from the same agency form groups.
- Mixed agency groups are formed (eg NGO Group; Government Agency Group (including immigration officials and the police); UNHCR group; guardians and social workers group, etc).

Distribute copies of the Action Planning Form to each participant. Ask individuals to consider current practice/policy concerning work with separated children in their agency/country. Ask them to decide on two changes they would like to see happen. They should write these, one on each form. Changes may include things they would like to start happening or things they would like to see stop as well as new ways of doing things.

In their small groups ask participants to share their suggested changes and decide on the three changes they would most like to recommend. They should then be asked to work together in order to complete the remaining boxes on each form.

Ask participants to prepare flipchart summaries of their action plans.

Post the action plan flipcharts on the walls and ask groups to present their action plans. If there is time, open a discussion about the plans.

Resources Flipchart and pens for each small group.

Copies of the Action Planning Form for each participant.

Exercise

15.1 Action Planning Form

What change should be made?

Who will be involved/responsible?

What is the timescale?

What resources will be needed?

How and when will progress be reviewed?

Possible problems & How to overcome them

15.2 Talking Wall Evaluation

Purpose A group exercise which provides opportunities for all participants to evaluate a workshop in a way that allows everyone to read and supplement each other's comments in an interactive way.

Time 15-20 minutes

Facilitator's Notes Prepare several flipchart sheets in advance (about 6-8 is best). Each flipchart should contain an open statement or question written at the top. For example:

- What I enjoyed most about this workshop was ...
- I think this workshop has achieved ...
- An unanswered question that I still have is ...
- What I think was missing from this workshop is ...
- I would like this workshop to be followed up by ...
- What I found least useful about this workshop was ...
- My level of participation in the workshop was ...
- A suggestion I have to improve the workshop is ...

Stick the sheets around the walls of the room where everyone can read them. Give each participants enough Post-Its or cards so that they have one for each sheet. Ask participants to write comments on separate Post-Its and then stick them on the appropriate sheet. Encourage everyone to stick up their comments immediately after writing them so that others can read the comments.

If there is time, ask the participants to summarise the comments from each sheet.

Resources Prepared flipchart sheets with headings.

Large Post-It notes or index cards/paper and glue/tape to stick them onto the flipcharts.

15.3 Individual Evaluation

Purpose To gather individual participants' views of the workshop using a conventional evaluation form.

Time 10-15 minutes

Facilitator's Notes Ask participants to think back to the beginning of the workshop when they discussed their expectations. They should also be asked to think back to any feedback or Home Group sessions.

Explain that it is now time to think about the workshop as a whole and try to determine its effectiveness. Have we accomplished the objectives that were set? Have we actively contributed to the workshop?

Remind participants that evaluating the workshop is very important and that participants' ideas will be used to improve future workshops.

Distribute a copy of your Workshop Evaluation Form to each participant.

Resources Workshop Evaluation Form (a suggested one is provided on the following page).

Workshop Evaluation Form

What I expected to get out of the workshop was:

-
-
-

The workshop ...		Strongly disagree	Disagree	Neutral	Agree	Strongly Agree
1	.. objectives were clearly described to me					
2	.. satisfied my expectations listed above					
3	.. provided information and/or skills which will be of practical use					
4	.. has increased my interest to find out more about SCEP					
5	.. progressed in a logical way					
6	.. was well balanced in terms of input and practical activities					
7	.. has left me more confused than I was before it started!					
8	.. covered the material in enough depth given the time constraints					
9	.. was delivered in an interesting and enthusiastic manner					
10	.. venue was satisfactory					

Please Turn Over

Please read through the following statements and place a tick in the appropriate column		Strongly disagree	Disagree	Neutral	Agree	Strongly Agree
11	I took a very active part in this workshop..					
12	I understand the Principles of the SGP that should underpin all work with separated children					
13	I have a clear understanding of the international and regional instruments that relate to work with separated children					
14	I have a good general understanding of the key elements of good practice in work with separated children					
15	I have a number of practical ideas for how my organisation can improve its work with separated children.					
16	What was the most useful part of the workshop for you?					
17	What was the least useful part of the workshop for you?					
18	What has been the most important learning for you?					
19	If you have any additional comments or any suggestions for how the workshop could be improved please note them here:					

Thanks for your co-operation!

15.4 Postcard to Yourself

Purpose To prepare a personal 'memory jogger' for individual action plans which will then be sent out at an agreed period after the workshop.

Time 10 minutes

Facilitator's Notes You will need to buy picture postcards in advance of this exercise. If they are not locally available, you may have to use plain cards or greetings cards.

Explain that it is always easy to leave a workshop with good intentions for making changes in work practices or policies but much more difficult to follow the up action points because they must compete with other work pressures.

Distribute picture postcards to each participant and explain that each person should write a message to themselves with two action points they intend to follow up within six weeks of the end of the workshop. Ask each person to write their own name and address on the card.

Collect the cards and explain that you will send the cards out after six weeks as a 'memory-jogger'.

The facilitator must make sure that they send the cards out as agreed!

Resources A picture postcard (preferably of the city where the workshop took place) for every participant.

16. Resource List

A list of publications and web-sites providing more detailed information and access to advice for those concerned about or with responsibilities for separated children. For detailed references to international and regional instruments concerning the subjects listed see the SCEP Statement of Good Practice.

Web Sites

The Separated Children in Europe Programme : <http://www.sce.gla.ac.uk/>

UNHCR : <http://www.unhcr.ch/>

Save the Children : <http://www.savethechildren.org/>

The Centre for Europe's Children : <http://www.eurochild.gla.ac.uk/>

The European Union : <http://europa.eu.int/>

The Child Rights Information Network : <http://www.crin.org/>

Reference Literature

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Doek, Jaap, Hans van Loon and Paul Vlaardingerbroek (Eds.) (1996) Children on the Move : How to implement the Right to Family Life, The Hague: Martinus Nijhoff Publishers

Gabarino, James, Frances M. Stott and Faculty of the Erikson Institute (1990) What Children Can Tell Us: Eliciting, Interpreting and Evaluating Information from Children, San Francisco & Oxford: Jossey-Bass Publishers. This is a useful text that includes chapters on children as witnesses, cultural expectations and the dynamics of interviewing children.

Morrison, John (2000) The Trafficking and Smuggling of Refugees: The End game in European Asylum Policy?, Geneva, Switzerland: UNHCR

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- Tolfree, David (1995) Roofs and Roots : The Care of Separated Children in the Developing World, London: Arena & Save the Children
- UNHCR (2000) Reception Standards For Asylum Seekers In the European Union, Geneva: UNHCR
- UNHCR (1994) Refugee Children: Guidelines on Protection and Care, Geneva: UNHCR, Chapter 4.
- UNHCR (1995) Interviewing Applicants for Refugee Status, Chapter 5: Interviewing Children, UNHCR Training Module, Geneva: UNHCR
- UNHCR, Guidelines on Organising Training Workshops, Geneva: UNHCR
- UNHCR (1996) Working with Unaccompanied Children: A Community-based Approach, Geneva: UNHCR
- UNHCR (1997) Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum
- Uppard, Sarah and Celia Petty (1998) Working with Separated Children: Field Guide, London: Save the Children (UK),
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- Wright, David (ed.) (1998) Separated Children and Voluntary Return – Ways of Surviving, Seminar Report, Stockholm: Rädda Barnen.

17. Appendices

- Appendix 1: The Mandates of The Save the Children Alliance, the United Nations High Commissioner for Refugees and the International Committee of the Red Cross
- Appendix 2: International And Regional “Instruments” Concerning Separated Children
- Appendix 3: The ‘First Principles’ of the SCEP Statement of Good Practice
- Appendix 4: Glossary
- Appendix 5: Abbreviations

Appendix 1: The Mandates of The Save the Children Alliance, UNHCR and the ICRC

The Save the Children Alliance

The Save the Children Alliance comprise 26 member organisations working in over 100 countries around the world.

Save the Children Alliance members provide both emergency relief and long term development assistance, wherever possible working closely with local partners who believe in providing children with the best possible start in life.

Save the Children Alliance members also run major programmes of work to secure the rights of children by bringing about sustainable and equitable development. Poverty and inequality are the root causes of many of the obstacles preventing the fulfilment of children's rights and their eradication is a fundamental aim of Save the Children's programmes.

Over time, the Save the Children world-wide organisation has grown as Members from different countries of the world have joined forces to protect and promote children's rights. Save the Children now works in over 120 countries.

Through their programmes, Save the Children Alliance members tackle key children's rights issues – health, education, nutrition and food security, gender discrimination, disability and early childhood development. They also possess considerable expertise in more specialised fields such as family tracing and reunification (for children separated by war or natural disaster), the rehabilitation of child ex-combatants, alternatives to institutional care and support for working children. In all this work, Save the Children Alliance members strive to implement a rights-based approach in their programmes, ensuring that all activities seek to integrate the key principles of the CRC.

And in recent years Save the Children Alliance members have also responded to the emergence of the HIV/Aids epidemic and have developed a range of innovative programmes designed to increase the protection of children from the virus itself and from the impact of the loss of parents or other carers.

UNHCR

UNHCR, the United Nations refugee organization, is mandated by the United Nations to lead and coordinate international action for the world-wide protection of refugees and the resolution of refugee problems.

UNHCR's primary purpose is to safeguard the rights and well-being of refugees. UNHCR strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state, and to return home voluntarily.

By assisting refugees to return to their own country or to settle in another country, UNHCR also seeks lasting solutions to their plight.

UNHCR's efforts are mandated by the organization's Statute, and guided by the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol.

International refugee law provides an essential framework of principles for UNHCR's humanitarian activities.

, The UN General Assembly (UNGA) has also authorized the organization's involvement with other groups. These include people who are stateless or whose nationality is disputed and, in certain circumstances, internally displaced persons.

UNHCR seeks to reduce situations of forced displacement by encouraging states and other institutions to create conditions which are conducive to the protection of human rights and the peaceful resolution of disputes. In pursuit of the same objective, UNHCR actively seeks to consolidate the

reintegration of returning refugees in their country of origin, thereby averting the recurrence of refugee-producing situations.

UNHCR offers protection and assistance to refugees and others in an impartial manner, on the basis of their need and irrespective of their race, religion, political opinion or gender. In all of its activities, UNHCR pays particular attention to the needs of children and seeks to promote the equal rights of women and girls.

In its efforts to protect refugees and to promote solutions to their problems, UNHCR works in partnership with governments, international and non-governmental organizations.

UNHCR is committed to the principle of participation by consulting refugees on decisions that affect their lives.

By virtue of its activities on behalf of refugees and displaced people, UNHCR also promotes the purposes and principles of the United Nations Charter: maintaining international peace and security; developing friendly relations among nations; and encouraging respect for human rights and fundamental freedoms.

Specific mandate with regard to separated children²²

The protection of separated children and the reunification of refugee families have been part of UNHCR's efforts since these activities were specified in the final act of the UN Conference on the Status of Refugees and Stateless Persons, adopted in July 1951. The General Assembly explicitly approved the High Commissioner's assistance to separated children in its resolution 35/187 of 15 December, 1980.

Within this mandate, UNHCR has been induced by its Executive Committee (in Conclusion No 24 of 1981, No 47 of 1987, and No 59 of 1989) to widen the care and protection it gives to separated children by:

- Making every effort to ensure the reunification of separated refugee families
- Ensuring that the reunification of separated refugee families takes place with the least possible delay
- Facilitating family reunification by encouraging countries of origin to grant exit abroad
- Making every effort to trace the parents or other close relatives of unaccompanied minors before they are resettled
- Facilitating special measures of assistance to the head of family so that the economic and housing problems in the country of asylum do not unduly delay reunifications
- Continuing to give special attention to the needs of unaccompanied minors before they are resettled
- Ensuring that individual assessments are carried out and adequate social histories prepared for separated children
- Promoting the best possible legal protection for unaccompanied minors with regard to forced recruitment into armed forces and to the risks associated with irregular adoption

UNHCR has a Senior Co-ordinator for Refugee Children at headquarters who is responsible for advocating for, and developing policy on, refugee children and adolescents. In order to promote and consolidate this work, Regional Child Policy Officers are deployed in Africa the Caucasus and the Commonwealth of Independent States (CIS) with the task of strengthening UNHCR's capacity to respond to the needs of children

Within the UNHCR's field offices, the key personnel involved with separated children are: community services officers; technical specialists who provide advice to, and co-ordination of, programmes for

²² This description is taken from Uppard, Sarah and Celia Petty (1998) Working with Separated Children: Field Guide, London: Save the Children (UK),

separated children; and protection officers concerned with the rights of these children and related legal issues. They have complementary roles

Additionally, the Field Officer - the eyes and ears of the UNHCR on the ground – may be the first to identify problems concerning separated children. The programme officer is responsible for planning, budgeting and monitoring projects set up with implementing partners. All these staff are accountable to the head of sub-office, and through him or her to the Representative

UNHCR's policy and guidelines on unaccompanied refugee children are set out in its 1994 publication: *Refugee children: guidelines on protection and care*.

The ICRC

The ICRC is mandated to monitor the implementation of the Geneva Conventions by States. ICRC also has a recognised role in protecting and assisting people affected by armed conflict.

The International Red Cross and Red Crescent Movement comprises three components:

- The International Committee of the Red Cross (ICRC)
- The 175 national Red Cross and Red Crescent Societies
- The International Federation of Red Cross and Red Crescent Societies

Each has its own particular role – recognised by individual states and by the international community – in assisting vulnerable individuals, including placing a special emphasis on meeting the needs of children and preserving family links.

No component of the ICRC is part of the UN system. The Movement's stated principles include impartiality and neutrality (and by extension, non-discrimination) and it is therefore independent of political interests.

Statutes of the Movement

States confer rights and obligations on the movement and its components. The ICRC's right of humanitarian initiative is established in Article 5 para 3 of the Movement's statutes: the right to offer its services for 'any question requiring examination by such an institution'.

Resolutions of international conferences

The international conferences of the Red Cross and Red Crescent bring together the components of the Movement and the States. A number of resolutions on children and tracing were adopted at conferences in 1986 and 1995 and re-affirmed the role of the Central Tracing Agency (CTA) as co-ordinator and technical adviser to national societies and governments.

Red Cross Messages

The ICRC uses the Red Cross message system primarily as a means of communication between individuals – usually relatives – who are separated by conflict. Red Cross messages are often used as part of the active tracing process, whereby family contacts can be re-established and subsequently maintained.

Separated children

The ICRC specifies the following actions as priorities:

- Identifying children and keeping track of them at all times in order to avoid disappearance and unauthorised adoptions.
- Re-establishing and maintaining contact between these children and their parents.
- Reuniting the children with their parents.
- Providing care for the children until they can rejoin their parents.

Family reunification

The ICRC facilitates and organises family reunifications when and for as long as its services as a neutral intermediary between the parties to the conflict are required. The CTA cooperates with the competent government authorities, National Societies, and other organisations – including UNHCR and the International Office of Migration – in order to realise the measures necessary for carrying out reunification (travel authorisation and guarantees for the journey, etc).

Appendix 2: International And Regional “Instruments” Concerning Separated Children

1. Refugee Instruments and UNHCR Executive Committee Conclusions

- 1951 UN Convention relating to the Status of Refugees.
- 1967 Protocol relating to the Status of Refugees
- 1954 Convention relating to the Status of Stateless Persons
- 1961 Convention on the Reduction of Statelessness

2. General International Human Rights and Humanitarian Law Instruments

- Universal Declaration of Human Rights, 1948.
- International Covenant on Civil and Political Rights, 1966 (and Optional Protocol)
- International Covenant on Economic, Social and Cultural Rights, 1966
- International Convention against Torture, 1984
- International Convention on the Elimination of all Forms of Racial Discrimination (1965)
- Convention Relating to the Status of Stateless Persons, 1954
- Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol 1), 8 June 1977, Arts. 77 and 78.
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol 11), 8 June 1977, Art. 4.

3. Children - International and Regional Instruments

- UN Convention on the Rights of the Child, 1989 and its
- Optional Protocol on the Involvement of Children in Armed Conflict, 2000
- Optional Protocol on the Sale of Children, Child Prostitution and Pornography, 2000
- UN Rules for the Protection of Juveniles Deprived of Their Liberty, 1990
- UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), 1985
- Hague Conference on Private International Law:
- Convention for the Protection of Minors, 1961
- Convention on the Civil Aspects of International Child Abduction, 1980 (do you think this is relevant?)
- Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993 and the associated “Recommendation on the Application of the Convention to Refugee Children”
- Convention on Jurisdiction, Applicable Law, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, 1996 (not in force yet)

4. Europe

- European Convention for the Protection of Human Rights and Fundamental Freedoms (and Protocols), 1950.
- The Convention Determining the State Responsible for Examining Applications for Asylum Lodged in One of the Member States of the European Community (Dublin Convention), 1990.
- European Convention on the Gradual Abolition of Controls at the Common frontiers (Schengen Agreement), 1985
- Schengen Implementation Convention, 1990
- European Convention on the Adoption of Children 24/04/67
- European Convention on the Legal status of Children Born out of Wedlock of 15/10/75
- European Convention on the Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children of 20/05/80
- European Convention on the Exercise of Children's Rights of 25/01/96

Resolutions and Recommendations

- Joint Position on the harmonised application of the definition of the term "refugee" in Article 1 of the 1951 Geneva Convention relating to the status of refugees, Council of the EU, March 1996
- Resolution on Minimum Guarantees for Asylum Procedures, June 1995
- Resolution on the harmonisation of national policies on family reunification, 1 June 1993
- Resolution on manifestly unfounded applications for asylum, 1992
- Resolution on a harmonised approach to questions concerning host third countries, 1992
- Conclusions on countries in which there is generally no serious risk of persecution, 1992
- Recommendations 564 (1969) and 984 (1984)
- Joint Action to Combat Trafficking in Human Beings and Sexual Exploitation of Children, Feb. 1997 (97/1 54/JHA)
- Resolution on unaccompanied minors who are nationals of third countries, June 1997 (97/C 221/03)

Council of Europe

- European Social Charter, 1961

4. UNHCR

- The Handbook on Procedures and Criteria for Determining Refugee Status (Handbook)
- Refugee Children: Guidelines on Care and Protection, 1994
- Working with Unaccompanied Children: A Community-based Approach, 1996.
- Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum, 1997
- UNHCR Executive Committee Conclusion No. 47 (1987) on "**Refugee Children**"
- UNHCR Executive Committee Conclusion No. 59 (1989) on "**Refugee Children**"
- UNHCR Executive Committee Conclusion No. 84 (1997) on "**Refugee Children and Adolescents**"
- UNHCR Executive Committee Conclusion No. 88 (1999) on "**Protection of the Refugee's Family**"

Appendix 3: The ‘First Principles’ of the SCEP Statement of Good Practice

1. Best Interests:

In all actions concerning children... the best interests of children shall be a primary consideration. (CRC, Art.3(1))

- * CRC, Art. 3
- * ICCPR, Art. 24: Every child is entitled to measures of protection on the part of the family, society and the state, without discrimination.
- * ICESCR, Art. 10(3): Special measures of protection are to be taken on behalf of children without discrimination.
- * UNHCR Guidelines, para.1.5
- * ECRE, para. 4

2. Non-discrimination:

Separated children are entitled to the same treatment and rights as national or resident children. They must be treated as children first and foremost. All considerations of their immigration status must be secondary.

- * CRC, Art. 2: The rights of the CRC apply to all children without discrimination of any kind and irrespective of their parents or their own race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- * CRC, Art. 22(1): Separated refugee children are entitled to protection and assistance in order to enjoy the rights of the CRC.
- * ICCPR, Art. 24: See point B1
- * ICESCR, Art. 10(3): See point B1
- * CERD. The entire Convention contains measures to eliminate discrimination on the basis of race, colour, descent or national or ethnic origin.
- * ECRE, paras. 5-7

3. Right to Participate:

The views and wishes of separated children must be sought and taken into account whenever decisions affecting them are being made. Measures must be put in place to facilitate their participation in line with their age and maturity.

- * CRC, Article 12: The views of children are to be given due weight in relation to their age and maturity and children shall have opportunity to be heard in all proceedings affecting them.
- * UNHCR Guidelines, paras. 5.14 - 5.15
- * ECRE, paras. 25 & 26

4. Bi-culturalism:

It is vital that separated children be able to maintain their mother tongue and links with their culture and religion. Provision of childcare, healthcare and education must reflect their cultural needs. Preservation of culture and language is also important should a child return to their home country.

- * CRC, Art. 8: Children have the right to preserve or re-establish key elements of their identity.
- * CRC, Art. 30: Children belonging to ethnic, religious or linguistic minorities have the right to enjoy their culture, practice their religion and use their language.
- * ICCPR, Art. 27
- * ECRE, para. 39

5. Interpretation:

Separated children must be provided with suitable interpreters who speak their preferred language whenever they are interviewed or require access to services.

- * CRC, Art. 12: See point B3.
- * CRC, Art. 13: Children have the right to freedom of expression and to seek, receive and impart information.
- * ICCPR, Art. 19
- * UNHCR Guidelines, para. 5.13

6. Confidentiality:

Care must be taken not to disclose information about a separated child that could endanger the child's family members in her or his home country. The permission of separated children must be sought in an age appropriate manner before sensitive information is disclosed to other organisations or individuals. Information must not be used inappropriately for purposes other than for that for which it was sought.

- * CRC, Art. 16: Children have the right to protection from arbitrary or unlawful interference with their privacy, family, home and correspondence.
- * ICCPR, Art.17
- * ECHR, Art. 8: Everyone has the right to respect for his private and family life, his home and his correspondence.
- * UNHCR Guidelines, para. 5.16 & 5.17
- * EU Res., Art. 3(1)

7. Information :

Separated children must be provided with accessible information about, for example, their entitlements, services available, the asylum process, family tracing and the situation in their country of origin.

- * CRC, Art. 13. See point B5.
- * CRC, Art. 17: States shall ensure that children have access to information from a diversity of international and national sources.
- * CRC, Art. 22(2): States shall co-operate, as they consider appropriate, with efforts by the UN or other IGOs or NGOs in family tracing measures.
- * ECRE, para. 31

8. Inter-organisational Co-operation:

Organisations, government departments and professionals involved in providing services to separated children must co-operate to ensure that the welfare and rights of separated children are enhanced and protected.

- * CRC, Art. 22(2). See point B7
- * UNHCR Guidelines, para. 12
- * EU Res., Art. 5(3c&d)

9. Staff Training:

Those working with separated children must receive appropriate training on the needs of separated children. Immigration or border police staff must receive training in conducting child-friendly interviews.

- * CRC, Art. 3(3): States shall ensure that institutions and services providing protection or care for children meet established standards, inter alia, in the suitability of their staff and competent supervision.
- * EU Res., Art. 4(5)
- * UNHCR Guidelines, para. 11

10. Durability:

Decisions that are taken regarding separated children should take account of, where ever possible, the long-term interests and welfare of the child.

- * CRC, Art. 3. See point C1.
- * CRC, Art. 22 (1): States will assist separated refugee children to enjoy the rights contained in the CRC and other international human rights or humanitarian instruments.
- * CRC, Art. 22(2): Where no parents or family members can be found a separated refugee child will be accorded the same protection as any other child deprived of his or her family.
- * UNHCR *Handbook*, para. 214. In the asylum process a legal guardian should be appointed to promote a decision that is in the best interests of a separated child.
- * UNHCR Guidelines, para.9
- * EU Res., Art.5

11. Timeliness:

All decisions regarding separated children must be taken in a timely fashion.

- * UNHCR Guidelines, para. 8.1 & 8.5

Appendix 4: Glossary

Age assessment	A procedure used to determine the approximate age of a person.
Asylum	Protection granted by a State on its territory against the exercise of jurisdiction by the State of origin, based on the principle of non-refoulement and characterised by the enjoyment of internationally recognised refugee rights, and generally accorded without limit of time.
Asylum or refugee determination process	The process by which an individual's application for asylum in a particular country is assessed
Best interests of the child	In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration (Article 3: United Nations Convention on the Rights of the Child).
Child	A human being below the age of 18 years unless, under the (national) law applicable to the child, majority is attained earlier (The United Nations Convention on the Rights of the Child).
Convention	A Convention is a legally binding agreement under international law, and it can also be enforced by national courts if its terms are translated into the law of that country. Ratifying a Convention means that a State Party is committed to apply it. A Declaration is a statement that contains general guiding principles, but is not legally binding under international law.
Detention	Restriction on freedom of movement, usually through enforced confinement, of persons prior to court appearance, after conviction and sentence, pending sentence, pending a decision on refugee status, admission or removal from the State or for purposes of internment, for example, in times of national emergency.
Durable solutions	UNHCR defines durable solutions as voluntary repatriation, local settlement in the country of first asylum, and resettlement in a third country.
Family reunification	The process of uniting the separated child with his or her parents, relatives or guardians with whom they will live. Intervenor will assist them to find, communicate with and rejoin family members/relatives/guardians as quickly as possible. Reunification may take place in the country of origin, the country of asylum or a third country where the child or the family may be residing.
Family tracing	The process used to find the parents or other relatives of a separated child.
Identification procedures	Procedures used to find out whether or not the child is, indeed a child, is unaccompanied; and to determine whether the child is an asylum-seeker or not.
Integration	The process by which a child is assisted to feel at home in the country of asylum through the provision of the facilities necessary to create as normal a life as possible whilst not denying their own language and culture

Internally displaced persons	Persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters; and who are within the territory of their own country.
International standards	Policies and programmes taken with regard to separated children will be in keeping with the provisions of the Convention on the Rights of the Child, the 1951 Convention relating to the status of refugees and its' 1967 protocol and other relevant international legislation.
Non-refoulement	Principle of international law which requires that no State shall return a refugee in any manner to a country where his or her life or freedom may be endangered. The principle also encompasses non-rejection at the frontier.
Orphan	A child whose parents have both died. In many countries, children are referred to as 'orphans' even if only one parent has died; it is therefore important to be aware of local usage of the term. The term 'orphan' should be avoided as a general description of separated children; most of them are not orphans.
Protection	The right of a person under national and international law to physical and legal protection as their individual circumstances require. This includes protection of those at risk from armed conflict, military recruitment, sexual assault or abuse, prostitution, torture, hazardous working conditions, or any other form of violence, abuse or neglect. Separated children in countries other than their own are entitled to care, protection and representation regardless of their legal status. Intervention will include systems to identify, monitor and respond to physical and legal protection concerns.
Refoulement	The forced repatriation of refugees. Any act of refoulement contravenes international refugee law.
Refugee	A refugee is a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion, is outside the country of his nationality, and is unable to, or, owing to such fear, is unwilling to avail himself of the protection of that country (1951 Convention relating to the status of refugees).
Refugee Status Determination Process	The process by which an individual's application for asylum in a particular country is assessed.
SCEP	Separated Children in Europe Programme

- Registration** A 'twin track' process by which basic data is gathered by immigration officials at the point of entry and a complete social history is prepared by social workers at a later stage.
- Reunification** The process of reuniting the separated child with his/her parents or carers (or to another family member with whom they will live, even if the child has not lived with them before).
- SCEP** The Separated Children in Europe Programme
- Separated children** Separated children are children under 18 years of age who are outside their country of origin and separated from both parents, or their legal/customary primary caregiver. Some children are totally alone while others, who are also the concern of the SCE project, may be living with extended family members. All such children are separated children and entitled to protection under a broad range of international and regional instruments. Separated children may be seeking asylum because of fear of persecution or the lack of protection due to human rights violations, armed conflict or disturbances in their own country. They may be the victims of trafficking for sexual or other exploitation, or they may have travelled to Europe to escape conditions of serious deprivation.
- Trafficking** Trafficking consists of all acts involved in the recruitment or transportation of persons within or across borders, involving deception, coercion or force, debt bondage, or fraud for the purpose of placing persons in situations of abuse or exploitation, such as forced prostitution, slavery-like practices, battering or extreme cruelty, sweatshop labour or exploitative domestic servitude.²³
- Unaccompanied child** The UNHCR document "Refugee Children: Guidelines on Protection and Care" (1994) defines unaccompanied children as 'those who are separated from both parents and are not being cared for by an adult who, by law or custom, is responsible to do so'.
- The term 'separated child' is now widely used in preference to 'unaccompanied child' and is used by the Separated Children in Europe Programme Statement and others.

²³ *Transnational Training Seminar on Trafficking in Women, Budapest, June 1998, quoted in Special Rapporteur on the sale of children, 1999, para 44.*

Appendix 5: Abbreviations

CRC	UN Convention on the Rights of the Child
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
ECRE	European Council on Refugees and Exiles: Position on Refugee Children
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
EU Res.	EU Resolution on Unaccompanied Minors Who are Nationals of Third Countries
HCR Guidelines	UNHCR <i>Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum</i>
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
UDHR	Universal Declaration of Human Rights
UNHCR	UN High Commissioner for Refugees
UNHCR Handbook	UNHCR <i>Handbook on Procedures and Criteria for Determining Refugee Status</i>

18. Overheads

- Overhead 3.1: The SCEP Definition of 'Separated Children'
- Overhead 3.2: The Reasons for Separation and Flight
- Overhead 3.3: Some of the Main Countries of Origin of Separated Children in Europe
- Overhead 4.1: Risk Factors That Increase Vulnerability of Separated Children in Exile
- Overhead 4.2: Protective Factors that Help Children to Deal with Separation and Past Events
- Overhead 5.1: The Three Main Types of Instrument Informing Work with Separated Children
- Overhead 5.2: Key Documents Informing the SCEP Statement of Good Practice
- Overhead 5.3: First Principles of Work with Separated Children
- Overhead 5.4: The Twelve Standards of the SCEP Statement of Good Practice
- Overhead 7.1: Access to the Territory
- Overhead 7.2: Instruments Concerning Access to the Territory
- Overhead 7.3: Registration and Documentation
- Overhead 7.4: Definition of 'Trafficking'
- Overhead 8.1: Identification of Separated Children
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