

The Italian Approach to Unaccompanied Minors Following Status Determination

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BACKGROUND AND RATIONALE FOR THE STUDY

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

Italy is one of the most affected countries as regards the phenomenon of unaccompanied minors. In recent years, in fact, a constant growth of this trend has been observed, which has led our country to the number of 26,000 disembarked unaccompanied minors just considering 2016. During 2017, together with a general decrease of disembarkations, the unaccompanied minors have decreased as well, even if the numbers are still significant (almost 16,000).

According to the previous studies carried out by the European Migration Network (EMN), even though the largest part of the unaccompanied minors have access to the procedure for the granting of the international protection, some of these latest are left outside of this procedure.

This is particularly true for Italy where, even if the unaccompanied minors applicants for asylum have continued to increase significantly, (+65% even in 2016), these correspond to a small percentage compared to the ones altogether disembarked. If in 2016, indeed, Italy is the country with the highest number of unaccompanied minors (9.945 applications, equal to 30% of those received altogether in Europe) it is worth recalling that these correspond to a little more than 38% of the total number of unaccompanied minors disembarked in the same year (which we recall being 25.846).

In Italy, the unaccompanied minors that have not lodged an application for international protection (or whose application was rejected) are still subject to the same discipline and to the same rules planned for the unaccompanied minors who are recognized some form of international protection. Moreover, for minors, the expulsion and the refusal of entry at the border are prohibited (with exception in accordance to the article 31, 4 Law 286/98, amended in accordance to the Law 47/17, article 3 b, i.e. for reasons of public order and national security).

The overall dramatic increase in people seeking international protection and the arrival of unaccompanied minors in particular resulted in substantial challenges for Member States, including as regards **integration** and **return** policies. Applicants granted international protection and/ or another status need to be integrated into their new host societies. Finding the right ways to deal with unaccompanied minors in this regard can appear particularly challenging, not least because

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unaccompanied minors have child-specific rights and enjoy special safeguards under international, EU and national laws.

A number of studies have been carried out in recent years on integration and return policies and practices, not least by the EMN (see "Relevant sources and literature" below). Overall, this suggests that an updated inventory of the experiences made in the Member States, and of the challenges at hand and any best practices, would be of importance for future policy-making – both with regard to integration and return measures for unaccompanied minors.

STUDY AIMS AND OBJECTIVES

The overall aim of the Study is to inform the EMN's target audiences (e.g. practitioners, policy officers and decision-makers at both EU and national level including academic researchers and the general public) on **Member States' approaches to unaccompanied minors following a final decision on their asylum/ other status application**. Thus, the Study will not examine the specific status determination procedure for unaccompanied minors but rather what happens with unaccompanied minors **after its completion**, which, in principle, either consists of the protection status and hence a right to **residence** being granted, followed by integration into the new host society, or the (asylum) application being rejected. As anticipated, as for what concerns Italy, the unaccompanied minors that don't get the refugee status, still enjoy equal rights and may not be subject to expulsion (with exception in accordance to the article 31, 4 Law 286/98, amended in accordance to the Law 47/17, article 3 b).

More specifically, the Study aims to:

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

- ★ With regard to **return**:
 - › Examine Italian's approaches to **unaccompanied minors**;
 - › Describe the **legal and organisational set-up** in Italy with regard to the **(voluntary) return** of an unaccompanied minor, including information on the stakeholders involved;
 - › Provide an overview of **challenges to return** and the measures taken to deal with such challenges, identifying good practices;

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

EU LEGAL AND POLICY CONTEXT

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

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

- ★ Recast **Asylum Procedures Directive** (2013/32/EU) which aims at fairer, quicker and better-quality asylum decisions, including greater protection of unaccompanied minors during the asylum procedure (which however is out of scope of this Study). In 2016, the Commission issued a proposal for a new Regulation establishing a single common asylum procedure in the EU and repealing Directive 2013/32/EU ([COM\(2016\) 467 final](#)), which aims at upholding and further enhancing a high level of special procedural guarantees for unaccompanied minors, such as early identification of their needs, provision of support and guidance, appointment of a guardian, and consideration of the best interests of the child in relation to minors in general.

- ★ Recast **Qualification Directive** ([2011/95/EU](#)), which aims to clarify the grounds for granting international protection, make asylum decisions more robust and improve the access to rights and integration measures for beneficiaries of international protection. It emphasises the obligation to take account of the best interests of the child (when relevant) and of gender-related aspects in the assessment of asylum applications, as well as in the implementation of the rules on the content of international protection. In 2016, a proposal for a new Qualification Regulation (COM(2016) 466 final) replacing the Qualification Directive, includes renewed provisions for unaccompanied minors in Article 36, such as appointment of a legal guardian, accommodation appropriate for minors, family tracing, as well as training for professionals working with minors.

- ★ A proposal for a recast **Reception Conditions Directive** aims to further harmonise reception conditions in the EU ([COM\(2016\)467 final](#)), reinforce the assessment of the best interests of the child and ensure that reception conditions are adapted to the specific situation of children, whether unaccompanied or within families, with due regard to their security, physical and emotional care and provided in a manner that encourages their general development. The specific needs of children, in particular with regard to respect for the child's right to education and access to healthcare have to be taken into account.

- ★ The proposal for a new **Dublin Regulation** ([COM\(2016\) 270 final](#)) envisages new rules for determining the Member State responsible for examining an application lodged by an unaccompanied minor, clarifying that, in the absence of a family member or relative in another Member State, the Member State where the minor first lodged his or her application for international protection will be responsible, unless it is demonstrated that this is not in the best interests of the minor.

- ★ The revised **Eurodac Regulation** ([COM\(2016\) 272 final](#)) proposes to lower the age for taking fingerprints and facial images from asylum-seekers and third-country nationals from 14 years to six

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years. This will help identify children in cases where they are separated from their families. It shall also strengthen the protection of unaccompanied minors, who do not always formally seek international protection and who can risk harm when absconding from care institutions or child social services.

★ The proposal for Regulation transforming the existing European Asylum Support Office (EASO) into a fully-fledged **European Union Agency for Asylum** ([COM\(2016\) 271 final](#)) would expand Agency mandate regarding operational and technical assistance, including providing assistance to Member States in ensuring that all the necessary child rights and child protection safeguards are in place within the framework of their asylum and reception systems. The new Agency shall also assist Member States in developing training activities concerning the handling of applications for international protection made by unaccompanied minors, including as regards the assessment of the best interests of the child, specific procedural safeguards such as respect of the child's right to be heard and child protection aspects such as age-assessment techniques.

★ The main legal instrument regulating the EU return policy is the 2008 **Return Directive** ([2008/115/EC](#)), which lays down common EU standards on forced return and voluntary departure, emphasising that voluntary return is preferred, while acknowledging the inevitable need for efficient means to enforce returns where necessary. After the **Informal meeting of EU heads of state or government** held in Malta in February 2017 highlighted the need for a review of the EU's return policy,¹ the Commission published a **new EU Action Plan on Return**, along with an Annex listing the actions to be implemented by Member States to complete, along with a **Recommendation** on making returns more effective when implementing the Return Directive ([C\(2017\) 1600 final](#)),² specifying among others that decisions on the legal status and on the return of unaccompanied minors should always be based on individual, multi-disciplinary and robust assessments of their best interests. The Action Plan foresees the adoption of immediate measures by the Member States to enhance the effectiveness of returns when implementing EU legislation, in line with fundamental rights obligations. Based on the results achieved in the implementation of the Recommendation and depending on whether it is estimated that further action should be taken to substantially increase return rates, the Commission may present a proposal to revise the Return Directive.

In line with the **EU Charter of Fundamental Rights** ([2012/C 326/02](#)), applying the EU acquis containing child-sensitive provisions, the principle of best interests of the child must be a primary consideration. Finally, the EU has committed to a number of international conventions which have placed an obligation to take appropriate protection and prevention measures in relation to migrants and/ or children, including the **UN Refugee Convention** and UN Convention on the Rights of the Child ([CRC](#)), the Hague Convention on the Protection of Children ([HCCH](#)), and the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms ([ECHR](#)).

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

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

PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

The Study will aim to address the following:

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

DEFINITIONS

The following key terms are used in the Common Template. The definitions are taken mostly from the EMN Glossary v4.0.³

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

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

'Application for international protection' is defined as "a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU, that can be applied for separately".

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

³ Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf

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

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

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

'Final decision' is defined as "a decision on whether the third-country national or stateless person be granted refugee status or subsidiary protection status by virtue of Directive 2011/95/EU (Recast Qualification Directive) and which is no longer subject to a remedy within the framework of Chapter V of this Directive, irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome". Within the context of this Study, other statuses (than refugee status and subsidiary protection) are taken into account as well.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1: OVERVIEW OF THE SITUATION OF UNACCOMPANIED MINORS

In the Italian legal system, UAMs (unaccompanied foreign minors UAMs) have always been considered on a par with Italian minors, as subjects without an adult figure providing them with assistance and representation.

Moreover, in Italy unaccompanied foreign minors who have not submitted an application for protection (or whose application has been rejected) are still subject to the same regulations and norms as those established for the UAMs who have some form of international protection. In fact, all of these subjects are protected first of all as minors without an adult figure who can provide them assistance and representation, and only later, if they have applied for protection, as beneficiaries of international protection.

The political debate ended with the adoption of the 47/2017 law, specifically dedicated to unaccompanied foreign minors.

UAMs currently still constitute a priority for national policies.

With the recent approval of law 47/2017, specifically dedicated to unaccompanied foreign minors, published in the Official Gazette on 21st April 2017, a series of amendments to the current legislation were introduced aimed at defining a unitary organic discipline on the UAMs, which at the same time strengthens the protective instruments guaranteed by the law and seeks to ensure greater uniformity in the application of the provisions throughout the territory of Italy. The law came into force on 6th May 2017.

With the new law - which is to be inserted in a regulatory context in which law 142 in 2015 had already provided the reception model for UAMs based on structures dedicated to them both before and after reception (Article 19) - a series of organic interventions were planned in favour of these minors present on the Italian territory, recognising them as vulnerable subjects with rights. In particular, the equality between unaccompanied foreign minors and Italian minors is strengthened; new methods and procedures for ascertaining age and identification are identified, providing for the presence of cultural mediators throughout the procedure; the regulations regarding residence permits are simplified, expressly providing that the minor can directly apply for a residence permit at their local police station, even without the appointment of a guardian. The figure includes the volunteer guardians available to

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take on the protection of unaccompanied foreign minors to ensure each child has an adequately trained adult figure. Finally, the "right to listen" is also sanctioned for unaccompanied foreign minors in the administrative and judicial proceedings concerning them, and the right to legal assistance charged to the State

Law 47/2017 contains substantial innovations concerning the practices for the reception of minors and, more generally, the strengthening of rights and protections for them. The principle according to which, irrespective of the intention to apply for international protection, Ufm have rights in terms of protection with that are equal to those of minors or Italian or European Union citizenship, is affirmed. Among the principles, the new text explicitly introduces an absolute ban on Ufm being rejected at the border and, in terms of reception, introduces some changes that establish, inter alia, the 30-day limit as the maximum term for detention of minors in preliminary reception facilities, the maximum term of 10 days for identification operations. The principle of specificity of reception facilities reserved for these minors is also consolidated. Furthermore, to complete the current legislation, the new text reshapes the identification procedure for minors in a uniform manner throughout the territory of Italy, which is the fundamental step for the assessment of minorities, on which in turn the possibility of applying the protection measures depends. This procedure includes: an interview of the minor with qualified personnel, under the direction of the services of the local authority; the request for a personal data document in case of doubt about the age and, possibly, of socio-health examinations, with the minor's consent and in the least invasive way possible; the presumption of minority in cases where there are doubts about age even after the assessment.

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

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

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

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

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

NATIONAL STATISTICS ON THE (ESTIMATED) NUMBER OF UNACCOMPANIED MINORS

Fig. 1 – Arrivals by sea – Percentage of UAMs on the total disembarked people

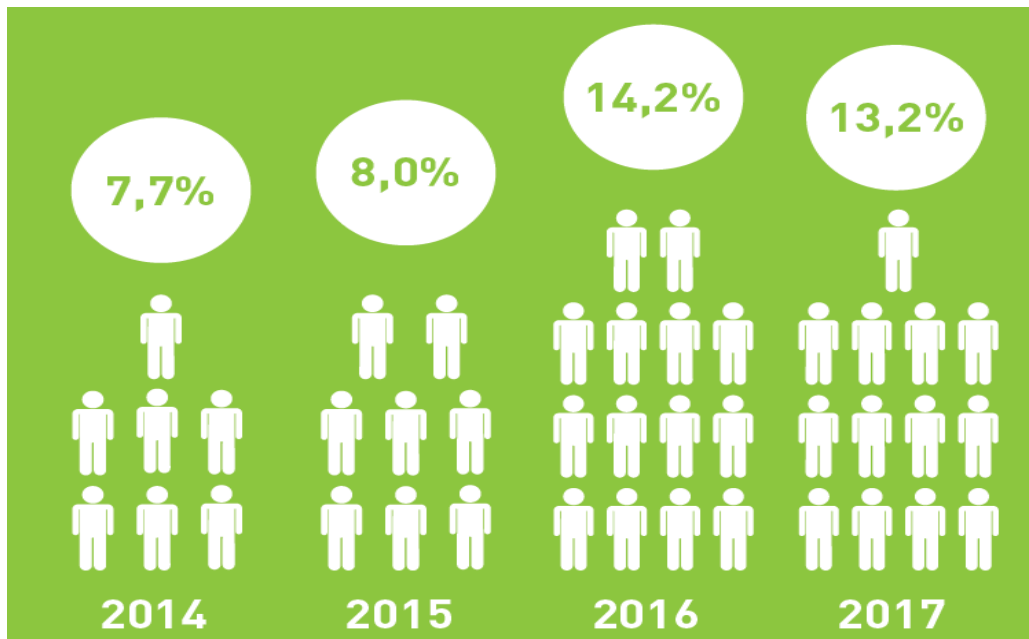


Fig 2 – First ten countries of origin – 2014

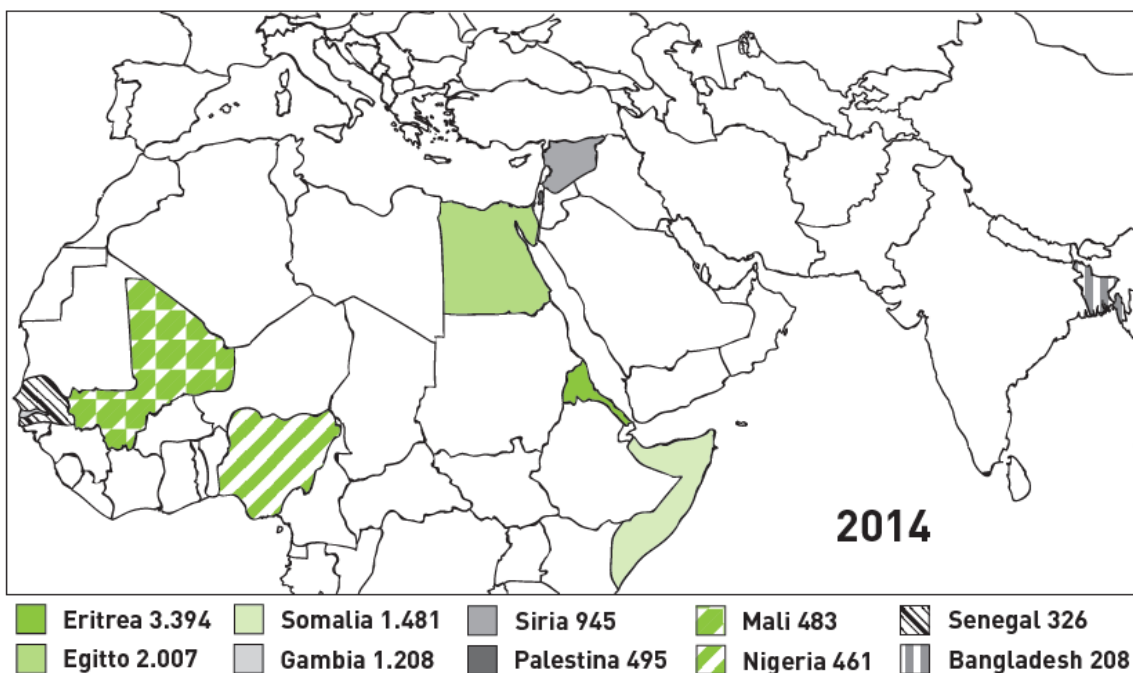


Fig 2 – First ten countries of origin – 2015

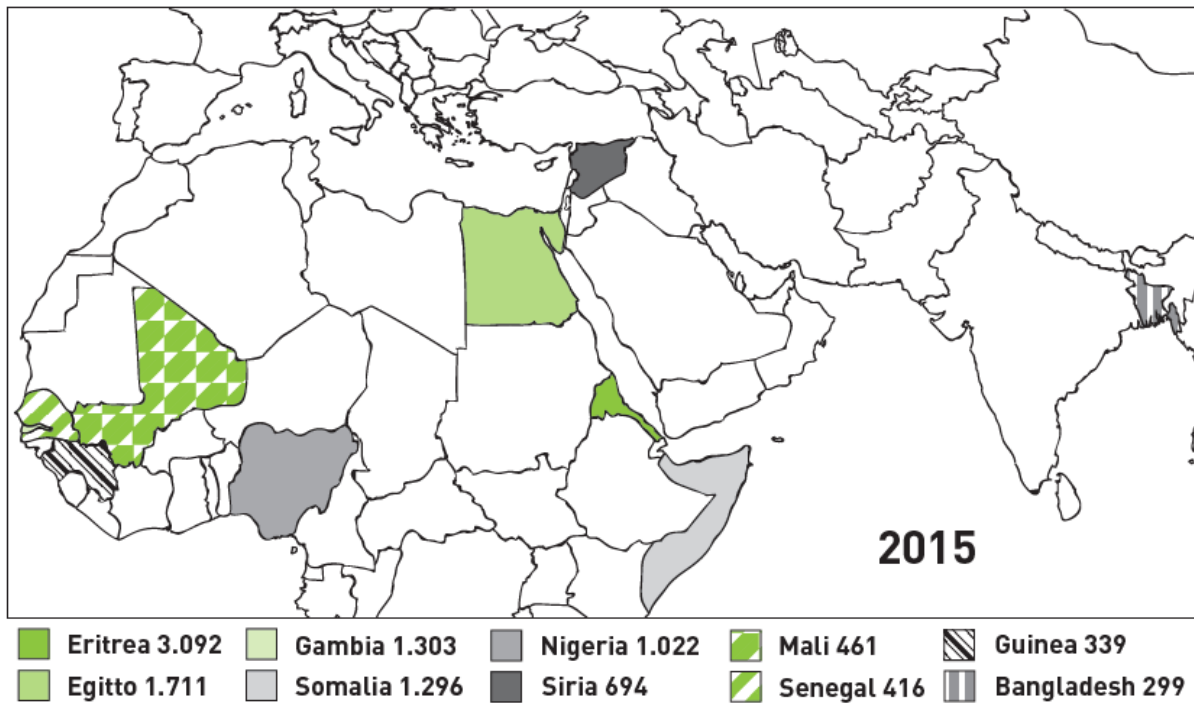


Fig 2 – First ten countries of origin – 2016

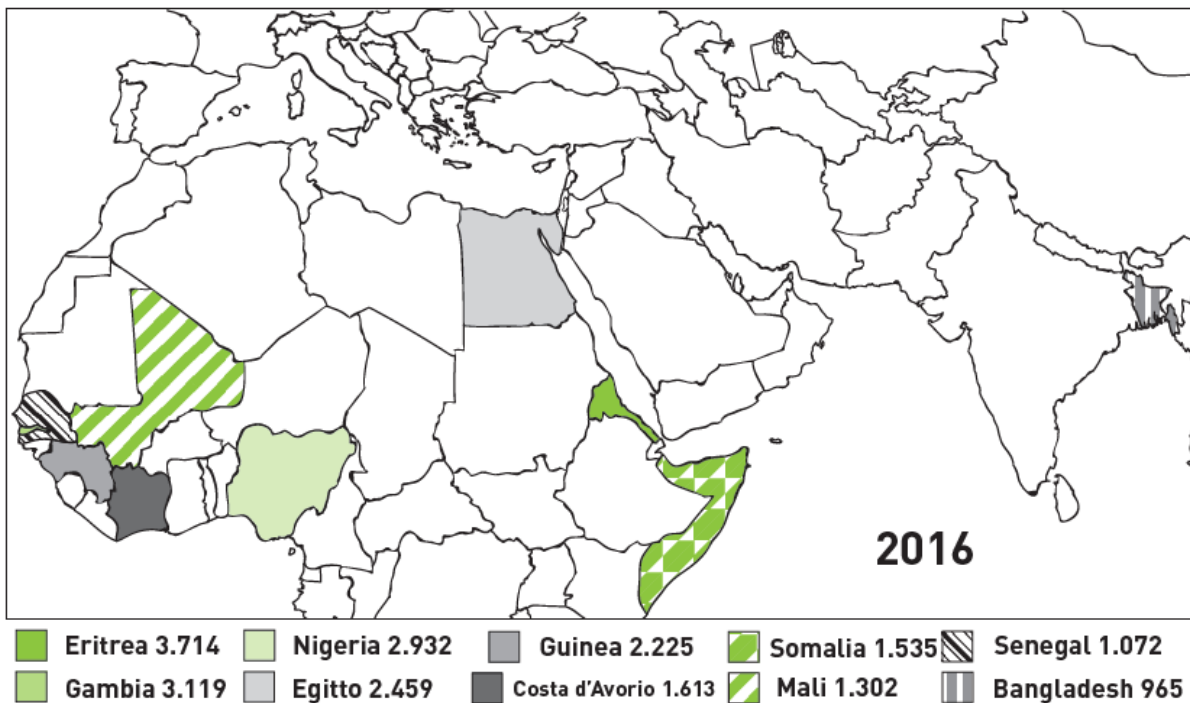
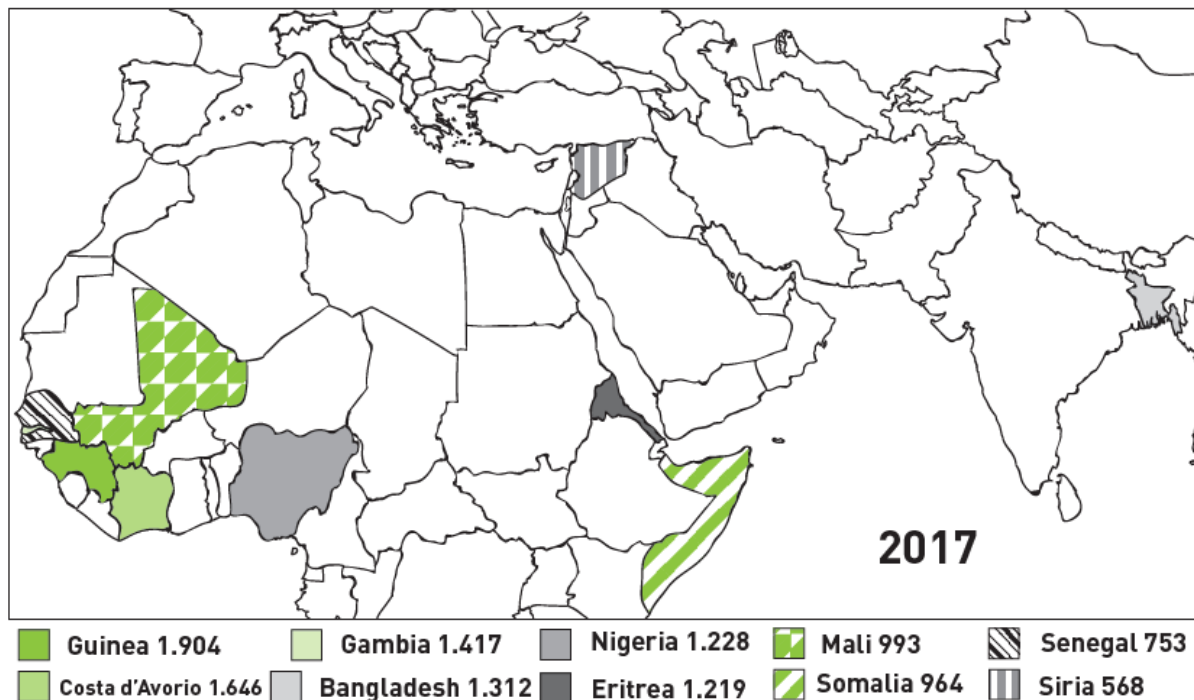


Fig 2 – First ten countries of origin – 2017

IDENTIFICATION AND AGE DETERMINATION PROCEDURES CONNECTED TO THE REACHING OF THE AGE OF MAJORITY

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

Pending the outcome of the identification procedures, it is always guaranteed that the child will be welcomed by the appropriate reception facilities for minors, provided for by law (possibly, in the case of child victims of trafficking, based on Article 4 of the Legislative Decree of 4 March 2014, No. 24). The child's identity is ascertained by the public security authorities, assisted by cultural mediators, in the presence of the guardian or temporary guardian if already appointed, only after immediate humanitarian assistance has been guaranteed to the same minor.

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

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social and health examinations aimed at ascertaining age may be ordered.

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

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

The provision of age attribution is issued by the Juvenile Court (art. 19bis, para 9, Legislative Decree N. 142 of 18 August 2015, as modified by Legislative Decree N. 220 of 22 December 2017).

In the same way as the pre-examination information, the outcome of the assessment must then be communicated, giving an account of the margin of error in the final report.

In the event that, even after the social-health assessment, doubts still remain about minority, this is presumed for all legal effects.

The provision of age attribution must be notified to the minor and to his guardian.

As foreseen by the art. 13, paragraph 2, of law 47/2017, when an unaccompanied foreign minor, at the age of majority, despite having undertaken a path of social integration, needs prolonged support, aimed at the success of this path with the goal of autonomy, the Juvenile Court can arrange, even at the request of the social services, with a motivated decree, the assignment to social services, in any case no later than the twenty-first year of age.

SECTION 2: CARE ARRANGEMENTS FOR UNACCOMPANIED MINORS

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

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

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

NATIONAL/REGIONAL/LOCAL AUTHORITIES AND ORGANISATIONS (INCLUDING NGOS WHERE RELEVANT) RESPONSIBLE FOR THE CARE OF UNACCOMPANIED MINORS

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

Name of national competent authority/ organization	Main activities/ responsibilities
Interior Ministry Department for Civil Liberties and Immigration	System governance function as a whole
Ministry of the Interior – Prefectures	Ensure the availability of adequate reception facilities
Ministry of Justice	Oversees the functioning of the competent jurisdictional bodies in matters of protection
Ministry of Health	Competent in the field of health protection
Ministry of Labour and Social Policies	Monitoring minors (as in Law 47) with the SIM IT system
ANCI	Represents and protects the interests of the Municipalities in relation to other state bodies Management of the central SPRAR service
Cittalia – Fondazione Anci Ricerche	Operational support to ANCI
Regions	They regulate the access to preventive medicine and to the health protection programs and, through the ASLs, they cooperate in order to guarantee the access of the minors to all the health services.

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	They provide the access to vocational training and, through the FAMI fund and in accordance to the CPIA and the USR, they support the territorial offer of L2 Italian classes dedicated also to unaccompanied minors.
Local authorities	If they belong to the SPRAR, they manage the relative reception structures with the help of private social organisations. In general, they perform activities to protect the interests of asylum seekers and refugees: social and health care, school enrollment of minors with compulsory school age, legal information on the procedure for recognising international protection and rights and duties in relation to their status. Training courses and services aimed at the socio-economic, work and residential insertion of people.

ACCOMMODATION ARRANGEMENTS

- ★ The national reception system provides for specific structures for UAMs unaccompanied minors;
- ★ Appropriate accommodation facilities are provided for minors victims of trafficking;
- ★ The national reception system also includes special facilities dedicated to unaccompanied minors bearers of specific needs;
- ★ The unaccompanied minors can be hosted with foster families;
- ★ The Italian State also provides for a contribution by the National Fund for the reception of unaccompanied minors of 45€ a day for each minor;
- ★ The initial reception centres are financed through the Fund FAMI and the cost is that specified in the notice (45 + 9 euros);
- ★ The Law 47/2017 provides that a specialised staff shall take care of UAMs;
- ★ As for what concerns the initial reception centres, the MD of the 1st of September 2016 states that the manager and the workers shall have professional competences related to the duties to be performed and that they shall have experience as for what concerns minors reception and, more generally, the professional figures and the job descriptions are defined by the financing notice. As for what concerns the second reception centres, on the other hand, the professionalisms engaged will be included in the MD that will be shortly enacted;
- ★ At the age of majority, the UAMs seeking asylum are incorporated in SPRAR projects or in extraordinary centres activated by the Mayors. If the minor is not asylum-seeker, the situation is examined case by case basis. Even for the non-asylum seekers, the possibility to enter in the SPRAR projects for six months is still provided;
- ★ Supportive and accompanying measures for minors in transition of age are provided, as for example individual plans and personal oversight.
- ★ Supportive and accompanying measures for minors are provided also after the transition period to the age of majority, as for example follow-ups, facilitations for the accommodation, etc.;
- ★ All the UAMs are subject to protection (article 343 of the Civil Code). The guardian takes care of the person of the minor and he/she has his/her legal representation (article 357 of the Civil Code); nevertheless, for some actions, the intervention of the judge is required. If there are any relatives on the territory, the protection is preferably relied on one of them (article 348 of the Civil Code); otherwise, the protection can be relied on the Municipality or on the reception

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centre where the minor is hosted (article 354 Civil Code; article 6 and article 18, Law 47/2017), unless a “voluntary guardian” registered in a specific list before the court is available (article 11, Law 47/2017). Until a guardian is nominated, the responsibilities related to the apply for a residence permit or an international protection permit can be carried out by the responsible of the initial reception centre (article 6, subparagraph 3);

- ★ The protection terminates at the age of majority. Before or in proximity of that, it can be required to the Family Court to extend the custody to the social services until the 21st year of age and it is also possible to require to the Police Headquarters to convert the residence permit as a minor to residence permit as for work purposes. The accompanying of the transition to the age of majority is up to both the minor’s guardian and the reception centre where the minor lives.

GOOD PRACTICES

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

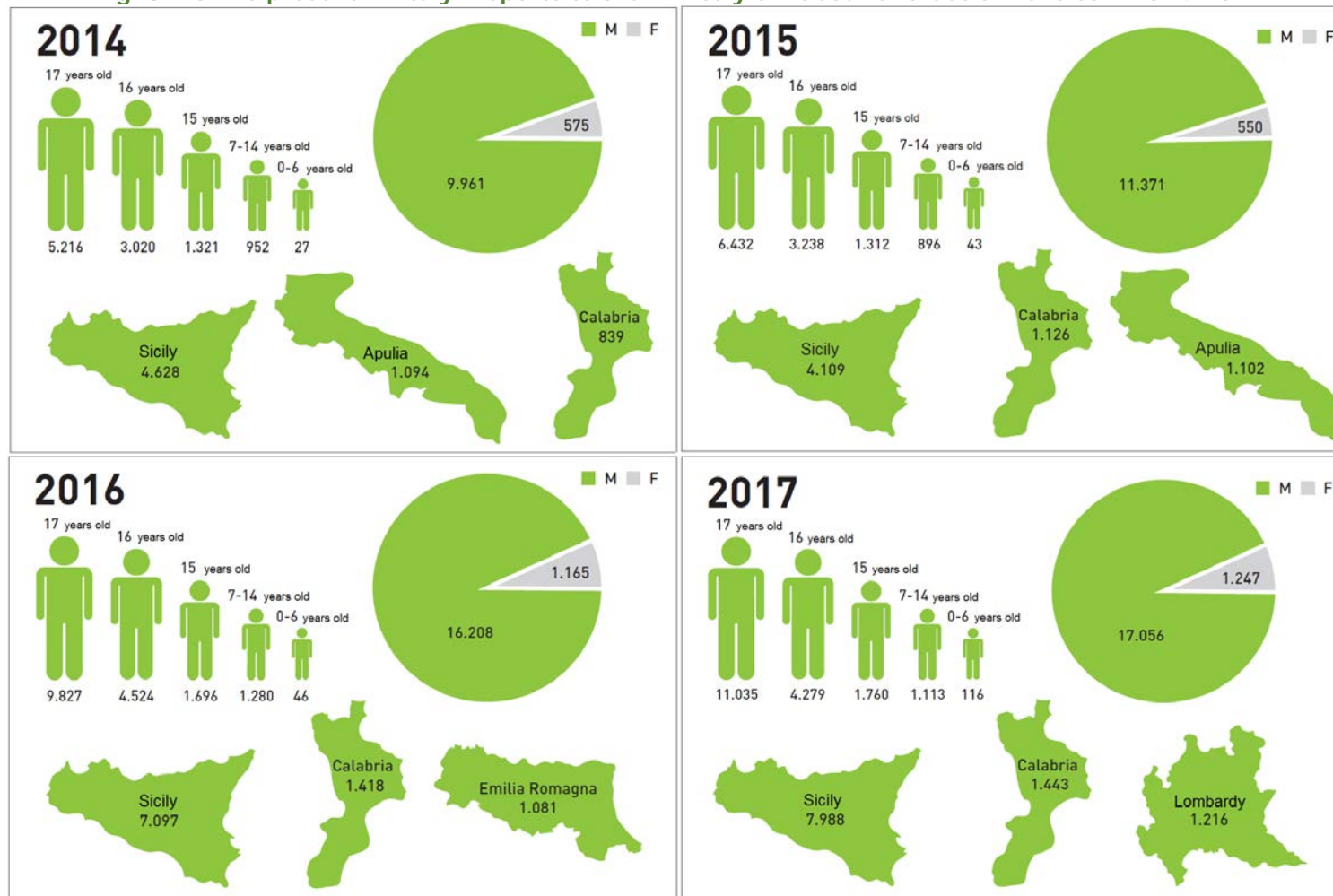
Among the numerous good practices activated by the territory we report:

- ✓ The Ciclofficina project, promoted at the Sprar for UAMs in Udine (Ente titolare Comune di Udine, Ente attuatore Associazione Nuovi Cittadini Onlus) which, starting from 2015, has allowed UAMs to acquire not only technological skills but also skills related to universal topics such as eco-sustainability and road safety, etc. The project also allowed positive contact between guests from the Sprar and the local community, encouraging the process of social cohesion;
- ✓ An agreement protocol between administrative function and social expression specifically aimed at protecting vulnerable categories, in particular unaccompanied foreign minors (Protocols of Palermo, Naples, Bari and Cagliari);
- ✓ The Memorandum of Understanding with the Italian National Olympic Committee (CONI) lasting three years for "The dissemination, practice and implementation of sporting activities for foreign minors hosted in the national reception system".
- ✓ The Protocol Agreement between the Family Court of Catania and the Supervisor for children and adolescents of the Region of Sicily for the establishment of the voluntary guardians list, the selection, training and updating of such guardians, the establishment of a reference space for the voluntary guardians and support the coordination and territorial synergies.

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

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Fig. 3 – UAMs present in Italy. Reports to the Ministry of Labour and Social Policies – 2014-2017



SECTION 3: INTEGRATION OF UNACCOMPANIED MINORS

OVERVIEW OF INTEGRATION PROVISIONS AND ORGANISATIONAL SET-UP

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

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

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

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NATIONAL/ REGIONAL/ LOCAL AUTHORITIES AND ORGANISATIONS (INCLUDING NGOS WHERE RELEVANT) ARE RESPONSIBLE FOR THE INTEGRATION OF UNACCOMPANIED MINORS

Name of national competent authority/organisation	Main activities/responsibilities
Guarantor for childhood and adolescence	Ensures full implementation and protection of minors' rights and interests in accordance with the provisions of the 1989 Convention on children's rights. Monitoring of and dialogue with the different actors working with unaccompanied foreign minors
Ministry of the Interior	Definition of residence status (residence permit issuance and status/subsidiary or humanitarian protection renewal)
Ministry of Labour and Social Policies - Directorate General for Immigration and Integration Policies - Division II: Policies for the social and labour integration of migrants and protection of foreign minors	Coordina le attività relative alle politiche di tutela dei minori stranieri, vigila sulle modalità di soggiorno dei minori stranieri non accompagnati presenti nel territorio dello Stato italiano e dei minori stranieri accolti temporaneamente. Si occupa del censimento dei dati dei minori stranieri non accompagnati presenti in Italia; della cooperazione e raccordo con le altre amministrazioni coinvolte; dell'impulso e svolgimento delle indagini familiari; emissione del parere positivo ai sensi dell'articolo 32 del D.lgs. 286/1998.
Ministry of Education, University, and Research	Interventions to support the integration of immigrants; collection of data on immigrant students, study and analysis of the data of the immigrant student population registry
Ministry of Justice	It oversees the minors system of judicial protection.
Ministry of Health	It guarantees the SSN and health services access.
CONI (Comitato Olimpico Nazionale Italiano/Italian National Olympic Committee)	Activation of projects for the integration of foreign minors through sport
Other NGOs and international organisations to support the activities promoted by the Ministry of the Interior	Support to the integration process.

ACCESS TO HEALTHCARE

All unaccompanied minors have the right to access preventive medicine (eg vaccinations) and are enrolled in the National Health Service. Therefore, on equal terms with Italian citizens, they have full right of access to all health services: prophylaxis, diagnosis and treatment of infectious diseases;

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outpatient and specialist care; urgent and ongoing care for both illness and accidents. Cures, hospitalisation, outpatient and specialist visits are free for all UAMs without economic resources.

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

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

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

ACCESS TO EDUCATION

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

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

The educational obligation lasts 10 years and ranges from 6 to 16 years of age. It also covers the first two years of the upper secondary education cycle. During this period, foreign minors must be admitted to the class matching their age, unless the board of professors decides otherwise (Article 45 of the Consolidated Act of Implementation - DPR 394/1999). The aforementioned guidelines establish that, in these cases, the minor can be enrolled in the class immediately preceding or following, in order to limit as far as possible the age difference between the pupils of the same class. From 16 to 18 years old, all children have the right-duty to education and training, which is acquitted by obtaining a secondary school or professional qualification or through apprenticeship. Minors over 16 who have not completed the third-year examination can register with the Provincial Centres for Adult Education (CPIA) and prepare for this diploma. According to the law (DM MIUR 139/2007, article 3, paragraph 3),

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minors can be enrolled in CPIAs starting from 16 years of age, but some protocols and agreements at local level allow enrollment even for 15-year-olds, provided certain conditions are met. The recent law 47/2017, containing precautionary measures for unaccompanied foreign minors, reinforces some aspects of the legislation concerning education rights. In particular, it stipulates that "the final qualifications of the study courses at educational institutions of all levels are issued to the same minors [unaccompanied foreigners] with the identification data acquired at the time of enrollment, even when they have reached the majority age at the time of completion of the course of study".

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

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

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

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

GOOD PRACTICES

The 11th of December, 2017 the Minister of Education, University and Research and the Supervisor for children and adolescents have signed the guidelines for the right to education of the students who live out of their family of origin, as a result of a Protocol subscribed in May in order to guarantee "equal education opportunities for minors".

The guidelines are dedicated to all of those students who live, for different reasons, out of their family of origin.

The guidelines include concrete indications and suggestions, at all levels, from the governance among different institutions, with a clear definition of "who does what", to the classrooms and relationships among the students management, the practical and administrative issues about the school registration, the classroom integration, the schooling records, often very fragmented, the school guidance and the need of work introduction courses.

The protocol is available at the link

[http://www.garanteinfanzia.org/sites/default/files/Protocollo%20Intesa%](http://www.garanteinfanzia.org/sites/default/files/Protocollo%20Intesa%20Garante%20infanzia_Miur.pdf)

[20Garante%20infanzia_Miur.pdf](http://www.garanteinfanzia.org/sites/default/files/Protocollo%20Intesa%20Garante%20infanzia_Miur.pdf)

MAIN RESEARCH ON THE SUBJECT OF ACCESS TO EDUCATION BY THE MSNA

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

Augelli A., Lombi L. (2016), The school and unaccompanied foreign minors. Activities and objectives. Approaches, methodologies and settings, in "Studies and Documents", September, no. 14, Ufficio Scolastico Regionale per l'Emilia Romagna.

CNR-IRPPS (2017), Sperduti. Stories of minors arriving alone in Italy, Rome, Unicef.

Giovannetti M. (2016) (edited by), VI Report 2016. Municipalities and reception policies for unaccompanied foreign minors, Rome, Cittalia - Anci.

Grigt S. (2017) (a cura di), Il viaggio della speranza. L'istruzione dei minori rifugiati e non accompagnati in Italia, Roma, Education International Research, UIL Scuola.

Ongini V. (2016), *Minori stranieri non accompagnati*, in Miur, Fondazione ISMU (a cura di Santagati M., Ongini V.), *Alunni con cittadinanza non italiana. La scuola multiculturale nei contesti locali. National Report as 2014/15*, Milan, Ismu Foundation, pp. 35-37.

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

SOCIAL WELFARE SUPPORTING UNACCOMPANIED MINORS

Italy acknowledges the national welfare access and its services to the UAMs as much as what is foreseen for all the Italian citizens.

Other than this, specific measures related to the transition to the age of majority are expected. In particular, it is expected, at the request of the child, a period of 36 months, in which the minor keeps on being supported by the Social Services to whom he/she has been entrusted before the age of 18.

FURTHER MONITORING OF UNACCOMPANIED MINORS' TRANSITION TO ADULTHOOD

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

GOOD PRACTICES

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

SECTION 4: RETURN AND DISAPPEARANCES OF UNACCOMPANIED MINORS FROM GUARDIANSHIP/ CARE FACILITIES

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

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

NATIONAL AUTHORITIES AND ORGANISATIONS (INCLUDING NGOS WHERE RELEVANT) RESPONSIBLE FOR THE RETURN OF UNACCOMPANIED MINORS.

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

Over the last years, there have been three different years of financing and a collaboration mechanism has been developed and consolidated, based on the recognition and assignment of specific tasks and roles, in particular between the IOM and the Support Service to the General Directorate of the Ministry of the Interior. Specifically, the tried-and-tested procedure provided for a series of methods for transferring information, through regular contacts - by e-mail and in person - which not only allow the

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tasks of each person to be carried out more quickly, but also to promptly identify the main operational difficulties and to jointly define the priorities and common interests to be pursued. The intervention limits of each organisation are clearly defined in the financing agreements concluded with the Directorate General for Immigration and Integration Policies.

Name of national competent authority/organization	Main activities/responsibilities
Ministry of the Interior	It undertakes every action in order to identify the family and it stipulates agreements with the International Bodies to start family research programs.
The Directorate General for Immigration and Integration Policies at the Ministry of Labor and Social Policies	It takes care of the data records of unaccompanied minors present in Italy. It starts the cooperation and connection processes with the other authorities involved. Its duties include impetus and research, through family surveys, in order to find relatives in the country of origin of the UAMs. It responds favourably in accordance with the article 32 of the legislative decree 286/1998 (Immigration Single Text), as amended by the Law of the 2nd of August 2011, n. 129.
OIM (Winner of the public announcement)	Performing family surveys; organising and managing activities related to the assisted voluntary return of the child; designing and supporting the reintegration of non-asylum seekers into the country of origin
Juvenile Court	Decision on repatriation

ENFORCEMENT OF RETURN DECISIONS AND KEY ARRANGEMENTS PRE/ DURING/ POST DEPARTURE

The enforcement of the return decisions is not applicable to the Italian context, as children under 18 y.o. have the right to legally reside on the Italian territory and to receive a permit of stay for minor age, even if they do not apply for international protection, with reference to Law 47/17 Art 3 and 10. Not applicable to the Italian context. Only assisted voluntary return decisions are issued in favour of unaccompanied minors, exception made as per art 31, 4 Law 286/98, modified as per Law 47/17, art 3 b. Since inception of Law 47/17, the designated authority for assisted voluntary return decisions is the competent Juvenile Court (depending on where the child is residing along the Italian territory). Pre - conditions for the issuing of such decisions are respect of the right of the child to be heard, legal guardian's opinion on the decision, social services report on the child and family tracing's findings. The decision is issued only in case family reunification in country of origin or in a third country is believed to correspond to child's best interests.

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

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implemented until above date, includes, as first step, the carrying out of family tracing and assessment. In case of positive feedback (both on family willingness to take care of the child and on the sustainability of child's reintegration in the context of origin), a face- to face counselling with the child is performed. IOM personnel, together with competent social worker, child's legal guardian and an intercultural mediator meet the child in order to confirm his/her willingness to return and plan the way ahead. As a follow up to the counselling with the child - and if deemed opportune also with child's family of origin - IOM drafts a tailored plan for child's reinsertion path in the context of origin, to be submitted for approval to the Ministry of Labour and Social policies. IOM Mission in the Country of Origin of the Child implements and monitors the individual reintegration plan. Any arrangement regarding the escorting of the child until final destination is planned well ahead and "tracked" through a hand over notification document signed by all relevant stakeholders involved, starting from the moment the child leaves the reception structure in Italy until the child is given back to the cares of his parents/legal guardians in the country of origin. A major change has been brought by Law 47/17, who has designated the Juvenile Court as the responsible authority for the issuing of assisted voluntary return decisions in favour of unaccompanied minors residing in Italy, in lieu of the DG for Immigration and Integration Policies of the Ministry of Labour and Social Policies. Regulative Decrees are actually being discussed in order to list down the new voluntary assisted return procedure, as envisaged by Law 47/17.

GOOD PRACTICES

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

DISAPPEARANCES OF UNACCOMPANIED MINORS FROM GUARDIANSHIP/ CARE FACILITIES AND/ OR FOLLOWING A RETURN DECISION

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

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

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report is filed, it is communicated to all competent bodies: Public Prosecutor's office, Ministry of Labour and Social Policies, etc. The disappearance has no consequences on the residence permit.

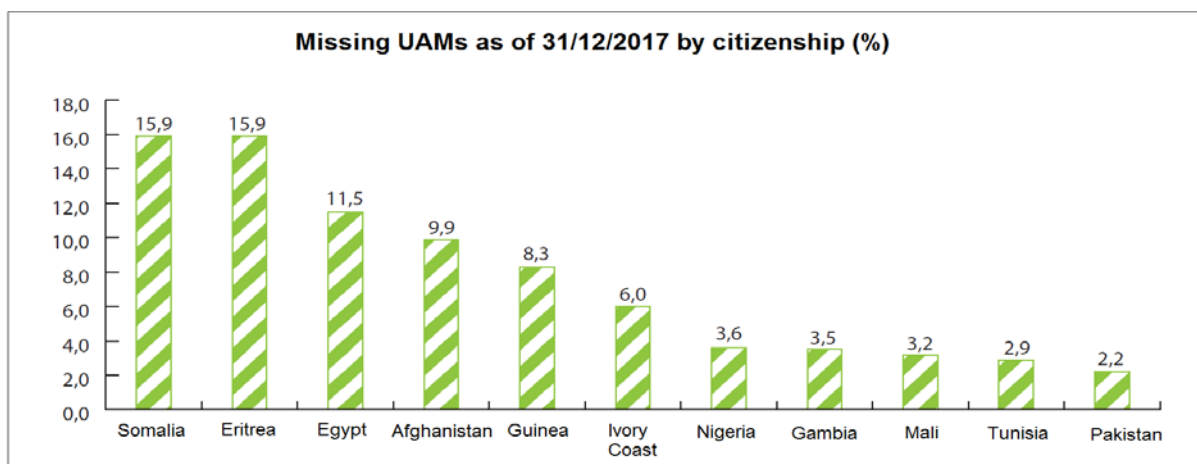
At present, the missing minors represent 67% of the total of missing persons in Italy. In order to deal with this phenomenon, on 18th January 2018, the government's special commissioner for the missing persons has subscribed, together with the general director of Immigration and Integration Policies from the Ministry of Labour and Social Policies, a memorandum of understanding for the information sharing related to the unaccompanied minors.

The information sharing will contribute to develop a stronger protection and preservation of the foreign minors, also with reference to the human trafficking and the labour exploitation. Thanks to the Protocol, the Directorate-General of Immigration and Integration Policies of the Ministry of Labour and Social Policies and the government's special commissioner for the missing persons have defined the arrangements for unaccompanied minors information sharing set out in the so-called national information system of unaccompanied minors database and the holder is the Directorate-General of Immigration and Integration Policies of the Ministry of Labour and Social Policies.

The sharing of any information about the UAMs, aims to exclusively pursue the minor's best interests and it only concerns the foreign minors' missing persons reports notified by the mayors to the government's special commissioner for the missing persons (for more information see the complete Protocol attached to this volume).

GOOD PRACTICES

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



EMN National Contact Points and the European Commission use ad-hoc queries to collect information from Member States and Norway in a relatively short time on a wide range of asylum- and migration-related issues, e.g. legal migration, irregular migration, borders, return, visas etc. The EMN produces compilations of the responses to ad-hoc queries, which rapidly assess the perspective of responding Member States and Norway in relation to a specific topic.

AD HOC QUERY

Ad-Hoc Query on Unaccompanied Minors – “Social Folder”

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary (not for dissemination), Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Sweden, United Kingdom, Norway

BACKGROUND INFORMATION

In April 2017 Italy passed a new law on the protection of Unaccompanied Minors (Legge n.47/2017). One of the provisions of the law regards what the law defines the “Minor’s Social Folder” (Cartella Sociale del Minore, in Italian) - a tool for the collection of detailed information on the minor's biography, not just for administrative purposes, but, more importantly, for supporting her/his integration process. More specifically, the Social Folder:

1. illustrates the tailor-made "integration project" designed for the minor, based on the minor's personal specific needs (Piano di accoglienza integrato individuale – PAI – in Italian);
2. records in detail all of the steps of the minor's itinerary through the Italian reception system - who took charge of her/him, when, where, the number and type of meetings with doctors, psychologists and social workers, the number and type of activities she/he took part in (school attendance, attendance of language courses or of training courses, etc.);
3. provides information on a range of salient aspects – her/his identification, her/his family in her/his country of origin, her/his migratory journey, her/his legal status, reports on her/his health and psychological conditions, reports of meetings and activities with social workers.

This is meant to guarantee that all the information concerning every single unaccompanied minor in Italy is properly compiled and transferred through the different stages of reception and is not dispersed, so as to facilitate the transition from the early phases of reception to the successive phases, to better respond to the needs of the minor and to ensure the minor’s successful integration process - the final goal being to protect and safeguard the minor’s best interest. Furthermore, the Social Folder ensures that professionals involved in the minor’s reception (psychologists, doctors, social workers...) work in conjunction with the professionals involved in reception projects financed through AMIF, in order to monitor and exchange constantly updated information on the minor’s condition and integration pathway.

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QUESTIONS

1. Does your country use a similar tool (Unaccompanied Minors – “Social Folder”) for the reception of unaccompanied minor?
2. Does your country use a similar tool (Social Folder) for other categories of vulnerable migrants/other targets?
3. If the answer to question 1. and 2. is “yes”: - what are the similarities and the differences between the tool created by your country and the minor’s Social Folder realized by Italy?- what kind of information are collected through the tool created by your country? - who collects these information? (in terms of entities, institutions, organs and type of professionals involved).

SYNTHESIS

Regarding the first question it is evident that the majority of the MS have established similar tools in order to collect information on unaccompanied minors with the aim to ensure his/her integration process and to prevent the dispersion of data through the different stages of the reception procedure - BE, CZ, EE, FI, FR, DE, LV, LT, NL, SK, UK, NO. A similar tool is not provided only in 6 MS -AT, HR, LU, MT, PL, SE.

However, there are wide disparities among MS measures that have been implemented. In some MS tools aimed at the collection of data are not specifically addressed to unaccompanied minors but are generally provided children protection (CZ, FR, SK). In other MS there is not a social folder but the data collection is granted through many plans addressed to unaccompanied minors with the aim to ensure a better integration in the reception centres and to coordinate different authorities and stages (CZ, EE, FI, DE, UK, LT, NL, NO). There are many differences also in the kind of information gathered and in some MS the minor needs are taken into particular account (EE, FR, DE).

The majority of the MS do not have a similar social folder for other categories of vulnerable migrants or for other targets – AT, HR, EE, FR, DE, LT, LU, MT, NL, PL, SE, NO.

In some MS similar tools aimed at granting data collection are established for all asylum seekers regardless their vulnerability (BE, FI, IT, LV, SK). Others MS developed measures specifically addressed to minors (also if not unaccompanied) as vulnerable category (CZ, FR, UK).

The main difference is that in many MS data are collected drawing up many plans and a real social folder is not provided: Individual Plan for Child Protection (CZ), case plan (EE), client plan, upbringing plan and integration plan (FI), assistance plan (DE), individual action plan (LU), plans of action (NL, NO), pathway plan, plan for transition to adulthood, care plan, health plan and education plan (UK). In most cases these plans are set by social and local competent authorities (CZ, EE, DE, LU, NL) or by staff of the reception centres (FI, NO).

Many disparities are evident also on the kind of information collected. The majority of the MS focus in particular in gathering useful information for the purpose of ensuring a better integration path and an effective support on minor basic needs (BE, EE, FI, FR, DE, LU, SK). However, in LV the information system doesn’t enclose information relating to integration.

Usually data collected concern relevant information for the administrative procedure:

- Personal data: place of birth, place of residence, language, religion and education (BE, FI, LV, LU, SK);
- Contact details and social network: parents, family, representative, school (BE, CZ, FI, DE, LV, LT, SK);
- Follow-up of the procedure for international protection and migratory journey and flight story (BE, CZ, FI, DE, LV, SK)

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Furthermore, other personal information are included in order to ensure a successful integration process of the minor taking into account her/his needs:

- Reports of meetings with doctors, psychologists and social workers (BE, FR, SK);
- Health-related information (medical reports, diagnosis) (FI, FR, DE, SK, LU). In BE because of the medical secret, reports on health and psychological conditions are kept in a separate folder (medical file) accessible only by medical staff.
- Leisure activities in which the minor take part in (BE, FI, LU);
- Education and schooling (BE, FI, LU);
- Attendance of language courses (BE, SK);
- Participation in community services, volunteer work, integration civic courses (BE);
- Competences and interpersonal skills (BE, LU);

In most cases the information are collected thanks to the cooperation of different actors involved in the assessment of the reception at different stages: social and local competent authorities (FR, DE, LV, LU, SK), social workers in the reception centres (BE, FI, SK, NO), doctors (BE, FI, LV), psychologists (BE, FI, SK), guardians and teachers (BE, FI, FR, DE, SK) and translators (SK). Depending on the age and maturity also the unaccompanied minor could be directly involved in drawing up his/her social folder (FR, DE).

Even if the main aim of this tool is to ensure that data are correctly transferred through different stages of reception, in DE the assistance planning has the only purpose of finding most suitable care arrangement for the minor and is not shared with foreigner's offices or the Federal Office for Migration and Refugees.

Only in few cases data collection is implemented by a single authority: in CZ the Individual plan is developed by the Socio-legal Child Protection Authority, in EE there is a Social Insurance Board and in LU the Commission for Continuous Control of Results of the Implementation of Social Welfare and Temporary Guardianship of Minors and Unaccompanied Minor Aliens.

The BE social folder is the most similar tool to the Italian one. Indeed, it is composed by all useful information and by an Individual action plan consisting in an administrative section (identification, contact details) and a pedagogical component (genogram, migratory journey and individual and social functioning of the youngster).

Ad-Hoc Query on Unaccompanied Minors - “Volunteer Tutor/Guardian”

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary (not for dissemination), Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Sweden, United Kingdom, Norway.

BACKGROUND INFORMATION:

In April 2017 Italy passed a new law on the protection of Unaccompanied Minors (Legge n.47/2017). One of the provisions of the new law regards the possibility, for Italian citizens (over age 25), to become volunteer guardian for unaccompanied minors. A volunteer guardian acts as the minor’s legal representative and represents the minor’s best interest, thus ensuring that the minor’s rights are respected and recognized. Therefore, the role of the volunteer guardian entails providing assistance and support in all of the phases of the minor’s integration process, monitoring the minor’s reception conditions, promoting his psychological and physical well-being.

For instance, the volunteer guardian must:

- provide information to the minor about her/his rights;
- participate in the identification process of the minor;
- request the minor’s permit of stay/present the minor’s asylum application;
- report the minor’s opinion about her/his voluntary return;
- act as contact person for social services, schools, the community/the foster family where the unaccompanied minor lives, the national healthcare system;
- provide information to the minor about the choices concerning her/his integration process (i.e. concerning training courses, language courses, educational activities...) and support her/him in these decisions.

All Italian juvenile courts have been called upon to create a list of candidates willing to become volunteer guardians for unaccompanied minors. Each selected candidate must attend a training course. The Ombudsman for Children selects the candidates and provides the training courses, while the Juvenile Court bears the responsibility to match the minor and with the volunteer guardian.

The figure of the volunteer guardian has been introduced to enhance the integration process of the minor in Italy, to guarantee that her/his rights are fully respected and to improve Italian reception’s capacities concerning this group of vulnerable migrants.

*The Italian Approach to Unaccompanied Minors Following Status Determination***QUESTIONS**

1. Does your country's reception system include a figure similar to the Italian volunteer guardian concerning unaccompanied minors?
2. Does your country's reception system include a figure similar to the Italian volunteer guardian concerning other categories of vulnerable migrants/other targets?
3. If the answer to question 1. and 2. is "yes", what kind of tasks does the volunteer guardian must perform in your reception system?

SYNTHESIS

The majority of the MS do not provide a figure similar to the Italian volunteer guardian for unaccompanied minors - AT, HR, EE, FR, LV, LU, MT, NL, PL, PT, SK, UK. In some MS it is possible to appoint a private volunteer as a guardian but it is uncommon and representatives are mainly recruited among the staff of the reception centre or directly by the Court (LT, CZ). For instance, in CZ the representative can be a volunteer only if it is in the best interest of child. In FR a sponsorship system on a volunteer basis has been established by an association in order to provide support on the integration of the UAM (education, administrative procedures and labour market entry). However, the sponsor doesn't act as a guardian.

Six MS include a figure similar to the Italian one (BE, CZ, FI, DE, SE, NO) but only in SE the volunteer guardian represents the more common. In NO an on-call guardian service was set up to facilitate police registration of asylum applications for UAM asylum seekers.

In the majority of the MS is not provided any similar measure concerning other categories of vulnerable migrants or other targets -AT, BE, HR, EE, FI, FR, LV, LT, LU, MT, PL, PT, SK, UK, NO.

A figure similar to the Italian volunteer guardian concerning others categories of vulnerable migrants is provided only in two MS (CZ, NO). In FI a specific system for vulnerable migrants is not granted but if an individual is not able to take care of his/her responsibilities a public guardian is appointed by the Court. In DE the representative's system is not organized at national level and it depends on different foreigners authorities and local governments.

The answer was provided by 6 MS - BE, CZ, FI, DE, SE, NO.

Based on these findings it is evident that the main tasks perform by the volunteer guardian are quite similar in all the MS and that are focus in particular on the best interest of the child (BE, CZ, FI, NO).

Usually the volunteer guardian shall support the child both in the asylum procedures and in facilitating the integration process.

On the one hand the guardian shall legally represent the minor (BE, CZ, FI, DE, SE, NO) by providing information to the minor about her/his rights (CZ). The guardian shall also be present at every hearing or interview (BE, FI, NO), appoint a lawyer to represent the minor (BE), participate in the identification process of the minor (CZ), provide support in the area of family reunification (BE, CZ, FI, DE, NO) and report the minor's opinion on her/his potential voluntary return (CZ).

As it concerns the support of the child in the integration path the volunteer guardian shall guarantee suitable care, accommodation, education, language and health care (BE, DE, FI, SE, NO), he/she shall provide information to the minor about the possibilities concerning her/his integration process and support her/him in these decisions (BE, CZ, NO), he/she shall act as contact person for social services and schools (CZ, FI). However, in some MS the legal guardians are not responsible for children's day-to-day care and supervision (FI, SE, NO). For instance, in BE the guardian is not allowed to accommodate the UAM in his/her own house.

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- ★ 2017.1145 – **Return of unaccompanied minors** – requested on 3 March 2017
- ★ 2016.1071 – **Rules on family reunification of unaccompanied minors granted refugee status or subsidiary protection** – requested 27 May 2016
- ★ 2016.1067 – **Joint ad-hoc query COM & LU EMN NCP on statelessness: minors born in exile and unaccompanied minors (part 2)** – requested 4 May 2016
- ★ 2015.XXXX – **Detention and removal of minors** – requested XXX
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