



A civil society network as a support system to protect Unaccompanied Minors

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AccoglieRete is a no-profit organization aimed at protecting and assisting Unaccompanied Foreign Minors (UFMs), that promotes and supports the role of legal guardians

In July 2013 an informal group of volunteers and communities engaged to create a system of protection for Unaccompanied foreign Minors (UFMs) within the province of Siracusa.

On November 2013 AccoglieRete became a legally recognized association and in 2014 a no-profit organization.



At that time, Siracusa was one of the town with the highest numbers of Unaccompanied Foreign Minors (UFMs) arriving but it was not equipped with appropriate reception centres to secure their rights.

In the absence of legal protection, hundreds of children were exposed to the risk of exploitation and trafficking.

Many of them disappeared in few days from their arrival.



- filling the institutional gaps in the protection of UFM's.
- focusing on the appointment of legal guardians as a crucial step to avoid UFM's disorientation.



The Guardian



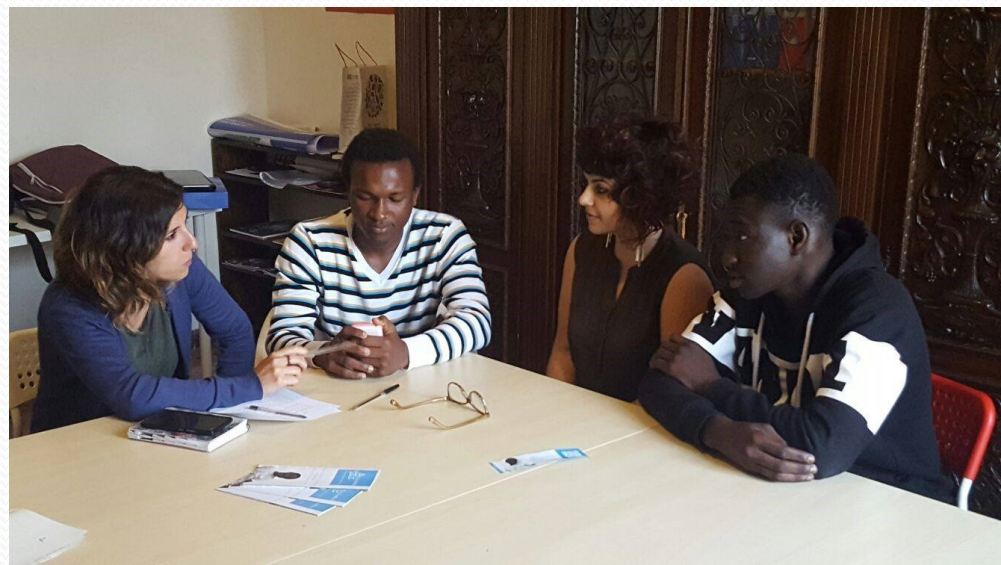
- Is the legal representative of UFM's
 - Cares about UFM's 'best interest'
- Stands for the minor in his/her regularization process, in the provision of legal, health, psychological services, in the education system and help him/her to develop his/her migratory project.

An intense advocacy activity finally led to:

- an agreement with the Court of Siracusa so that AccoglieRete's volunteers began to be appointed as guardians of UFM's arriving in Siracusa
- the establishment of a first reception centre for minors in the Province of Siracusa, applying the law according to which 'minors have to be hosted in a safe place'
- AccoglieRete's Legal operators, cultural mediators and guardians were allowed to enter reception centres to offer legal advice and their *expertise* to help UFM's planning their integration project
- the rate of UFM's disappearing reduced of 50%

What we do

- Facilitate the provision of support to unaccompanied children through legal services, cultural mediation and counselling;
- Recruitment, training and technical support to voluntary legal guardians;
- Provide legal, social and psychological support services to a network of communities and foster families offering hospitality to unaccompanied children to create a path of cultural integration and education.

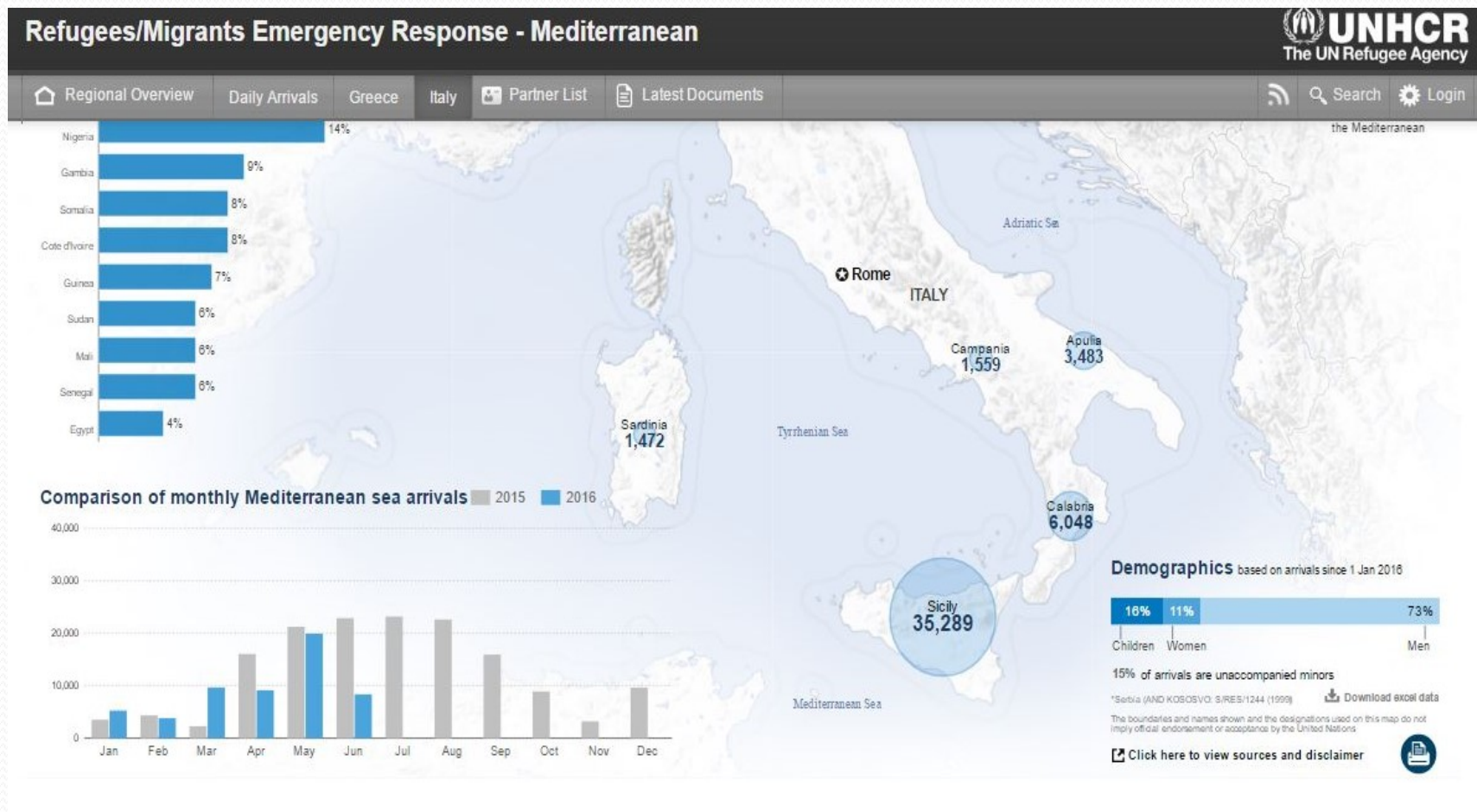


The phenomenon of UFM's in Italy



Minors have always been part of migration flows. The new data is the increase in the number of UFM's within the migrant population arriving by sea.

In 2016 the 15% of sea arrivals are UFMs



[UNHCR (June 2016), Data on sea arrivals]

In Italy, data collection demonstrates numbers of UFM's are growing:

Year	N. UFM's hosted	Increase by Year
31/12/2013	6.319	
31/12/2014	10.536	4.217(+ 66, 7 %)
31/12/2015	11.921	1.385 (+13, 1 %)

....Sicily is the region that hosts more UFM's in Italy:

DATI AL 31/12/2015		
REGIONE DI ACCOGLIENZA	N°MSNA	%
SICILIA	4.109	34,5
CALABRIA	1.126	9,4
PUGLIA	1.102	9,2
LAZIO	934	7,8
LOMBARDIA	931	7,8
EMILIA ROMAGNA	783	6,6
TOSCANA	521	4,4
CAMPANIA	510	4,3
FRIULI VENEZIA GIULIA	463	3,9
PIEMONTE	345	2,9
VENETO	322	2,7
SARDEGNA	220	1,8
LIGURIA	174	1,5
MARCHE	96	0,8
BASILICATA	92	0,8

Year	2013	2014	2015
UFM's in Italy	8.461	10.536	11.921
UFM's in Sicily	2.658	4.628	4109

[Source: Direzione generale dell'immigrazione e delle politiche di integrazione del Ministero del Lavoro e delle Politiche Sociali (31 December 2015), Report di Monitoraggio]

The SAR Operations and the Province of Siracusa



Being very close to the port of Augusta, base of Mare Nostrum Operation and of the Search And Rescue Operations, since 2013, the Province of Siracusa has been one of the main areas affected by the migration crisis.

In the area of **Siracusa** the Immigration Office of the State Police registered **1730** UFM's in 2015 and **800** UFM's up to April 2016.

Our beneficiaries

Usually young man (90%), among 16-18 years old coming from Gambia, Egypt, Bangladesh, Senegal, Mali, Ghana, Ivory Coast, Guinea Bissau, Nigeria, Syria, Eritrea, Somalia and other areas at risk of persecution and war.

Grafico 1 – Distribuzione per genere ed età dei MSNA accolti nelle strutture di accoglienza temporanea ad alta specializzazione (dati al 31 dicembre 2015)

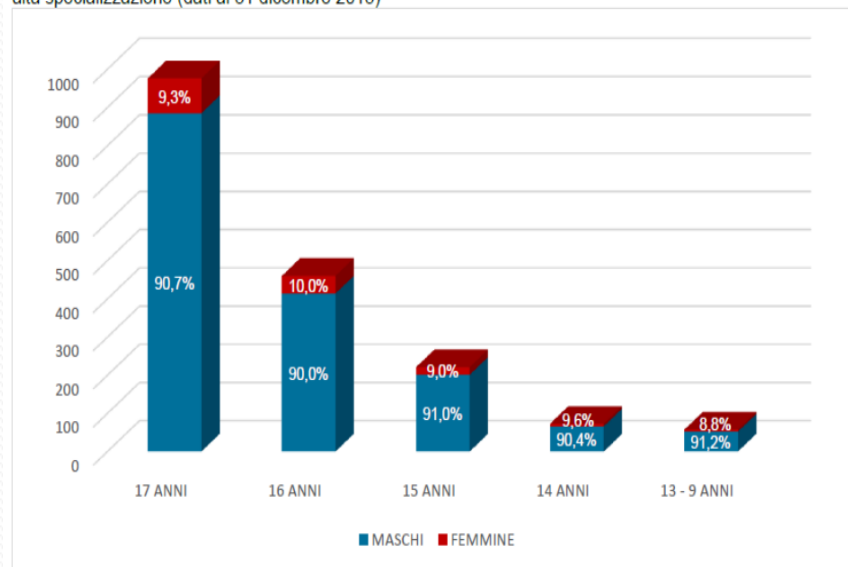


Tabella 2 – Distribuzione per cittadinanza dei MSNA presenti - dati al 31 dicembre 2015 e 31 dicembre 2014

DATI AL 31/12/2015			DATI AL 31/12/2014		
CITTADINANZA	N° MSNA	%	CITTADINANZA	N° MSNA	%
EGITTO	2.753	23,1	EGITTO	2.455	23,3
ALBANIA	1.432	12,0	ERITREA	1.303	12,4
ERITREA	1.177	9,9	GAMBIA	1.104	10,5
GAMBIA	1.161	9,7	SOMALIA	1.097	10,4
NIGERIA	697	5,8	ALBANIA	1.043	9,9
SOMALIA	686	5,8	BANGLADESH	611	5,8
BANGLADESH	681	5,7	MALI	474	4,5
SENEGAL	512	4,3	SENEGAL	412	3,9
MALI	465	3,9	AFGHANISTAN	391	3,7
AFGHANISTAN	328	2,8	NIGERIA	356	3,4
REPUBBLICA DEL KOSOVO	268	2,2	MAROCCO	231	2,2
GUINEA	252	2,1	GHANA	172	1,6
GHANA	241	2,0	TUNISIA	123	1,2
COSTA D'AVORIO	234	2,0	REPUBBLICA DEL KOSOVO	114	1,1
MAROCCO	201	1,7	SIRIA	77	0,7
PAKISTAN	181	1,5	COSTA D'AVORIO	72	0,7
TUNISIA	70	0,6	GUINEA	70	0,7
ALTRE	582	4,9	ALTRE	431	4,0
TOTALE	11.921	100,0	TOTALE	10.536	100,0

[Source: Direzione generale dell'immigrazione e delle politiche di integrazione del Ministero del Lavoro e delle Politiche Sociali (31 December 2015), Report di Monitoraggio]



A vulnerable category:

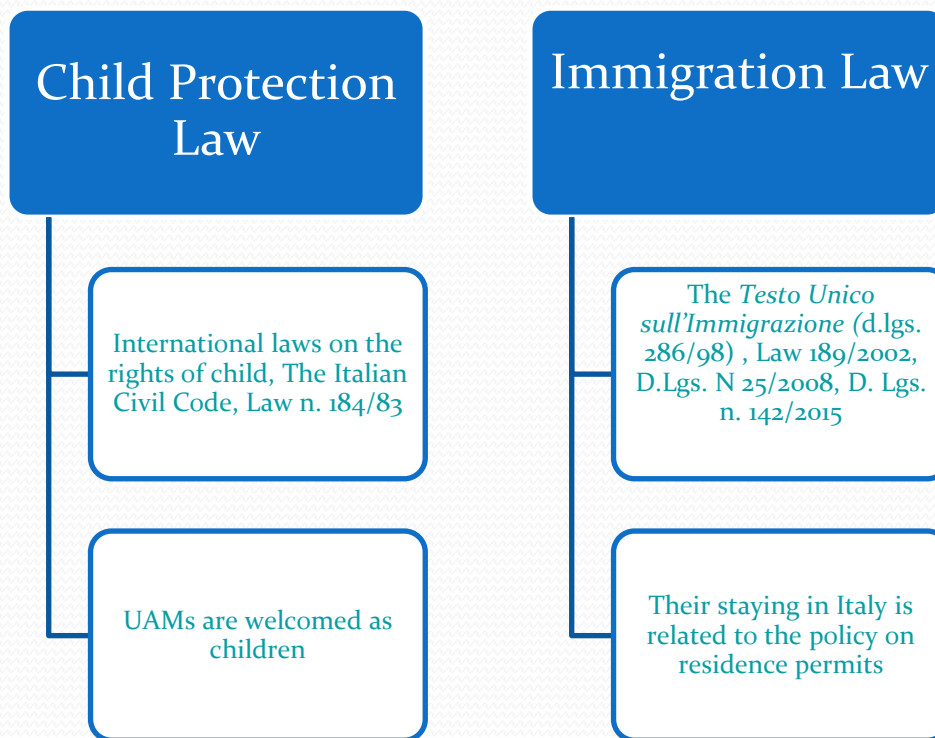
- prohibition to expulsion and *refoulement* of minors (art. 13 e 19, T.U. Imm.)
- Right to 'assisted repatriation'
- *To be housed in a safe place*
- *To health care (registration to National Health Service)*
- *To access public education*
- *To work at the same condition of Italian minors (from 16 years old)*



The Italian Legal Framework

Minors or Migrants?

In Italy there is not a single law on UFM's and the norms that regulates this issue belongs to two different sets of rules:



Legal provisions for UFM's found in the Italian land

They have to be identified by Police to be inserted into the *Eurodac* system (possible age assessment)

Police authorities report the child to the Juvenile Court (*Tribunale per Minorenni*), the Tutelary Judge (*Giudice Tutelare*) for the UFM's guardianship

They are entrusted childcare services of the local municipality that will start child custody procedures

Reception 1/3

(Art. 19, comma 1, D L.gs. 142/2015)

First Reception: governmental reception centres have to provide first aid and immediate protection, UFM's should not stay more than two months, the time required to identification, to be informed about his rights and to ask international protection

Second reception: Comunità alloggio Minori, SPRAR-Sistema di protezione per richiedenti asilo e rifugiati - (Conferenza Stato Regioni 2014) charged to support social integration and human development, to provide psychological and social assistance, legal orientation, educational plan, vocational training etc.

Reception 2/3

(Art. 19, comma 3, D L.gs. 142/2015)

‘When there is not availability of places in governmental reception centres, assistance and reception are ensured by the public authority of the municipality where the minor is found’:

- centri di prima accoglienza regionali (Decree of Regione Sicilia August 2014)
- comunità per minori (L. n. 184/83)

2016, another crisis of the reception system

Siracusa, Accoglienza minori stranieri: sistema al collasso. AccoglieRete Onlus e garante per l'Infanzia chiedono provvedimenti



26 Maggio 2016

Nelle ultime settimane, l'associazione AccoglieRete Onlus per la tutela dei minori Stranieri non Accompagnati (Msna) e il Garante per l'Infanzia del Comune di Siracusa sono venuti a conoscenza di alcune gravi carenze relative al sistema d'accoglienza nelle province di Siracusa e Ragusa che hanno come principali vittime gli Msna.

Il 13 maggio, infatti, a seguito della visita all'Hotspot di Pozzallo da parte del presidente della commissione

Reception 3/3

‘Alternative placements’ by law

- Temporary foster families (art. 307 c.c. e 407 c.c.);
- Foster care (law n. 184/83: ‘*affidamento condiviso*’, ‘*affidamento giudiziale*’):

Staying in Italy: the residence permit

**Residence
Permit for
Asylum seeker**

**Residence
permit for
minors (D.P.R.
394/99, art. 28).**

Residence permit for minors: requirements

- Law 189/2002: identification photo and fingerprints;
- Guardian;
- Passport? A praxis in some Immigration Police Offices;
- It is not the only condition to conversion (circolare 13 nov 2000).

Coming of age

Art 32 T.U. Immigrazione (D. Lgs. n. 286/1998)-L. n. 189/2002

Once they are 18 years old, the UFM's can remain in Italy in two cases:

- Whereas he has been on the national territory for at least three years and has taken part in a social integration project for a minimum period of two years
- Whereas he has been entrusted 'according to the law 184/1983', has been subjected to guardianship, and after a positive opinion of the Comitato Stranieri*

* Today this body has been reframed within the Direzione Generale dell'Immigrazione e delle Politiche di Integrazione, Divisione IV, del Ministero del Lavoro e delle Politiche Sociali

...integration project

- Project	Residence Permit Conversion
- Attending school education;	RP for study purposes
- Attending professional training courses;	RP for job hunt
- Attending vocational training courses	RP for job hunt
-Working	RP for working purposes
	RP for medical treatment

...Whereas he has been entrusted to

- Foster family
- Second reception (Comunità Alloggio or SPRAR)
(after 18 years the Juvenile Court has to extend the
mandate and the Municipality has to keep bearing the
costs)

Asylum seekers UFMs: procedures

- Unaccompanied minors must have a guardian in order for them to apply for asylum.
- To make an asylum claim, the migrants need to formalize their request by filling in the 'C3 Model'.
- Asylum applications are examined by a territorial asylum commission (*Commissione Territoriale*) who ought to arrange the asylum interview within 30 days

Criteria for the examination of asylum applications

- Refugees status: 'the term "refugee" shall apply to any person who...owing to well-founded fear of **being persecuted** for reasons of **race, religion, nationality, membership of a particular social group or political opinion**, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it' (1951 **Convention relating to the Status of Refugees, Art. 1 A2**)
- subsidiary protection status : 'applicants (...)who are located outside of their country of origin and cannot return there due to a real risk of suffering serious harm, such as: **torture** or inhuman or degrading treatment or punishment; **death penalty** or execution; serious and **individual threat to the life or person of a civilian**, as a result of indiscriminate violence arising in situations of international or internal **armed conflict**' (EU Directive 2004/83/CE)

Persecution: physical or mental violence, including acts of sexual violence; legal, administrative, police or judicial measures that are discriminatory or that are implemented in a discriminatory manner; prosecution or punishment applied in a disproportionate or discriminatory manner or for refusal to perform military service that would include extremely serious crimes, such as war crimes and crimes against humanity; denial of judicial redress resulting in disproportionate or discriminatory punishment; acts of gender-specific or **child specific nature**.

(EU Directive 2004/83/CE; Italian D. Lgs. n. 251/07)

UNCHR Guidelines

- Being young and vulnerable may make a person especially susceptible to persecution.
- The principle of the best interests of the child requires **that the harm be assessed from the child's perspective**. This may include an analysis as to how the child's rights or interests are, or will be, affected by the harm. Ill-treatment which may not rise to the level of persecution in the case of an adult **may do so in the case of a child**
- Children cannot be expected to provide adult-like accounts of their experiences (...) It is, therefore, essential that **examiners have the necessary training and skills** to be able to evaluate accurately the reliability and significance of the child's account

[UNCHR 2009, *Guidelines on international protection*]

Child-specific forms of persecution

Children may also be subjected to specific forms of persecution that are influenced by their age, lack of maturity or vulnerability. (...) UNHCR's Executive Committee has recognized that child-specific forms of persecution may include **under-age recruitment, child trafficking and female genital mutilation** (hereafter "FGM").³⁷ Other examples include, but are not limited to, **family and domestic violence, forced or underage marriage, bonded or hazardous child labour, forced labour, forced prostitution and child pornography**. Such forms of persecution also encompass **violations of survival and development rights** as well as **severe discrimination of children born outside strict family planning rules**

[UNCHR 2009, *Guidelines on international protection*]

The asylum commission can:

1. grant international protection -refugee status (5 years), subsidiary protection (5 years)-
2. Recommend to police authorities to grant a residence permit for humanitarian reasons (2 year) (D.lgs n.25 28/1/2008)
3. or reject the asylum application:
 - Simple rejection: suspends the Residence permit until the legal appeal with guardian signature within 30 days; at 18 years the applicant can be placed in SPRAR
 - 'manifesta infondatezza': a praxis recently used is to deny international protection when is 'obvious that are no requirements to grant it and the request is clearly aimed at delaying an expulsion procedure' (D.lgs n.25 28/1/2008)-----legal appeal with guardian's signature within 15 days; at 18 years the applicant must be expelled



UFMs are a vulnerable category!

[Art. 2, h) D. Lgs. n. 25/2008, modified by D. Lgs. n. 142/2015]

The guardian of UFM's: a central component in the reception scheme of UFM's

- a key figure for UFM's at the first placement
- a crucial feature during the regularization process
- responsible to do the 'best interest' of the minor:
 - ✓ Is a sort of mediator with Police authorities, with the Commission responsible for international protection demand, with the representatives of the hosting facilities, with the Municipality officers, with the School etc.
 - ✓ Follows the evolution of the integration project
 - ✓ Can evaluate whether his/her rights are respected in first and second reception
 - ✓ Participate to the audition whereas he/she asked for asylum
 - ✓ Is ready to appeal in case of rejection
 - ✓ Can interact with the Juvenile Court on controversial situations

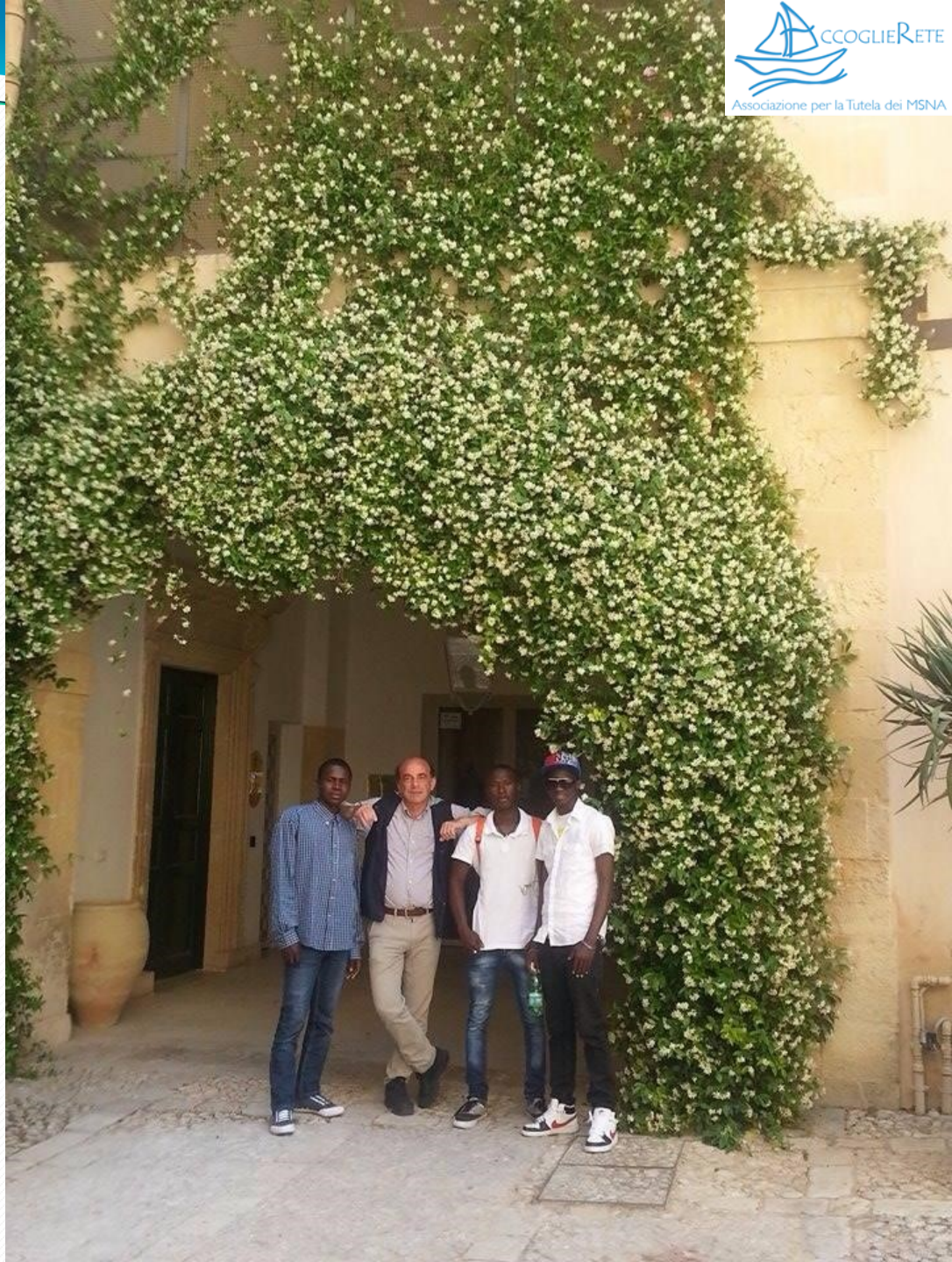
AccogliereRete is composed by:
150 legal guardians
and more than
18 families
that support
unaccompanied
children on a
voluntary basis.



Mentors are lawyers, psychologists, doctors, teachers, social workers, educators, former international civil servants and professionals, between 28 and 70 years.

IMPACT

**More than 1200
unaccompanied foreign
minors – aged 11 and 17- have
been assisted by AccoglieRete
in about 3 year of activities**



About **30 children hosted by:** Italian families (22), in solidarity communities (6), and in sports clubs/football teams (2). **Reunification** with family members was facilitated for **6 minors**. Many children were placed in hosting houses for minors in Sicily and other Italian regions, **respecting their needs and personal situation.**



A model of reception for UFMs

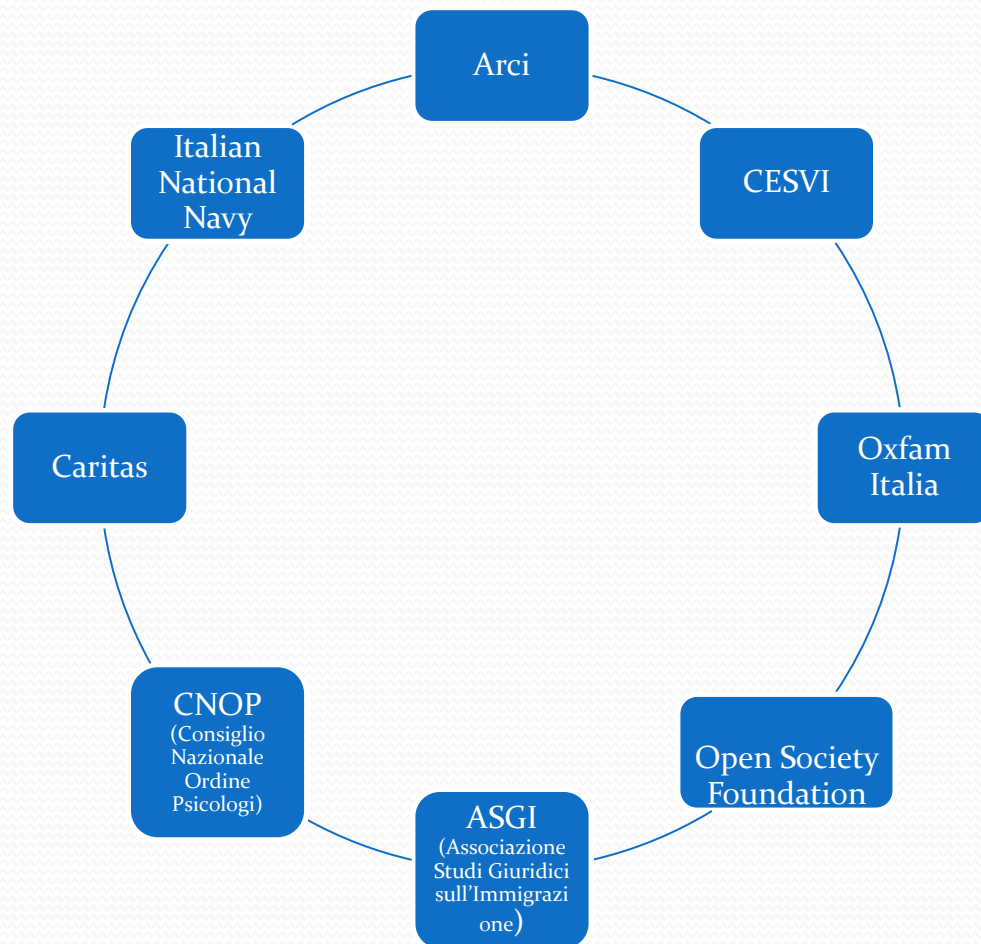
The model improved by AccoglieRete proved successful, unlocking those mechanisms that braked the reception system to function on the ground:

- involving numerous guardians and assisting them to intervene in the complex immigration field
- advocating for the respect of international law and for the improvement of standards and procedures
- participating to local experts negotiating tables
- negotiating an agreement with the Court of Siracusa to register more than 150 guardians (common people and professionals)
- Negotiating an agreement with the Juvenile Court of Catania for the launch of a shared online database (partnership Oxfam Italia)
- Collaborating with different stakeholders for the spread of good practices (Social services)

Project design based on needs assessment

- Guardians' training and support
- Italian Language Courses
- Vocational and Professional Training Courses
- Support to socio-economic independence through the promotion of semi-autonomous living

Our Partners



The Legal Operator as a professional profile in the migration field

Skills and Competences Required:

- Knowledge of vehicular languages (English and French)
 - Knowledge of the national immigration law (rights and procedures)
 - Knowledge of migration routes and main debates
 - knowledge of the context in the country of origin, migration routes and abuses on the way
 - Good cultural mediation skills
 - Ability to approach victims of trafficking
 - Ability in liaising with public institutions (Minister of Interior, Police Immigration Office, Social Services, Juvenile Court) and other Stakeholders: UN Agencies and NGOs
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