



# **PROTECTION OF UNACCOMPANIED FOREIGN MINORS.**

## **THE ITALIAN EXPERIENCE**

**BRUSSELS JULY 14<sup>TH</sup> 2010**



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## 1. INTRODUCTION

The recent adoption by the European Commission of the (2010-2014) Action Plan on Unaccompanied Foreign Minors (2010-2014) provides an important opportunity for a comparison between the different countries and institutions of the European Union, revealing renewed attention to the presence of such minors in Member States and a commitment to develop European policies for their care and protection.

The presence of unaccompanied minors is greater in some countries in particular than in others, for reasons linked to the geographical position of the country, the migratory route decided on by the migrants themselves or, unfortunately, by the criminal networks that intercepted them.

In Italy, in particular, their presence reached the considerable peak of more than 7,700 in 2008, more than 1,500 of whom landed on the Sicilian coast in the course of the year, to then reduce in quantity from 2009. Despite this, the size of the problem and the consequent pressure on the reception system has made the question of their protection urgent, and has involved, above-all, the local authorities, which besides being physical and institutional reception centres, are responsible for the care and protection of unaccompanied minors under the law currently in force in Italy.

Management of this complex situation, both in terms of financial resources and in relation to the multiple needs of unaccompanied minors, reveals the importance of a greater sharing of the burden and responsibilities between central government and local authorities, giving rise at the same time to an opportunity to establish and disseminate standardised procedures to take care of unaccompanied minors throughout the entire country. Against this background, a National Programme for the Protection of Unaccompanied Foreign Minors was created in 2008, promoted and financed by the Ministry of Employment and Social Policy and set up by ANCI - the National Association of Local Authorities, which has now entered Phase II. The Programme was born with the intention of giving practical help to the local authorities to test out a national system of care and integration with particular emphasis on the initial reception of unaccompanied minors. The same level of protection is likewise guaranteed to unaccompanied foreign minors who demonstrate a wish to seek asylum in Italy, for whom a specific programme is planned within those projects for minors covered by the System of Protection Network for Asylum Seekers and Refugees supported by the Ministry of Internal Affairs and again managed by ANCI.

The present situation, regarding the quantity of minors received and the quality of the activities undertaken as well as those projects just described, allows us to say that a notable

effort on the part of the institutions has produced an equally encouraging result, also as regards the points contained in the Action Plan adopted by the Commission.

Italy has received the Action Plan with enthusiasm, especially in the light of the objectives that for some time have been guiding the work of the local authorities in the complex matter of receiving and integrating unaccompanied minors involving activities carried out in Italy at central and local administrative levels. As regards the points in the European Action Plan, Italian central and local institutions find themselves in line with many of the objectives and programmes in existence today, and intend to continue in a network with other States to strengthen the strategic points indicated by the Commission to improve and jointly co-ordinate ongoing reception and integration processes in different the countries, in the best interests of unaccompanied foreign minors.

From a careful analysis of the ten points in the Action Plan, it is important to highlight how, despite being at the crossroads of very different fields of law (the rights of minors and the rights of foreigners), the condition of foreign minors arriving alone in Italy is characterised by a high level of protection and care that begins to be available from the moment of first contact with the police or with the local social services. The Italian judicial system, by ratifying the UN Convention on the Rights of the Child in 1991, sanctioned, first of all, full recognition of the specific nature of the condition of minors, likewise accepting the principle under which the superior right of minors must constitute a pre-eminent condition for every act concerning a minor. Coherently with this, full equality of treatment with an Italian minor is sanctioned in all areas that concern the wellbeing and enjoyment of fundamental rights by a foreign minor, who for this reason may not be expelled, even though they may have entered Italy illegally. Furthermore, a series of legislative measures guarantees protection to a minor caught up in the trafficking of human beings or who is the victim of abuse and exploitation, allowing them to escape from violence and conditioning by criminal organisations, and directing them towards local authority care and social integration .

Recognising the right of a minor to grow up in their own family environment, the Central Administration armed itself with legal and operational instruments aimed at making such rights for unaccompanied minors both real and achievable, by setting up a Committee for Foreign Minors<sup>1</sup>, which has among its responsibilities that of receiving information regarding the presence of unaccompanied minors in the country and of carrying out investigations into

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<sup>1</sup> An inter-ministerial body specifically set up through D.P.C.M. no. 535 of 9th December 1999, with the purposes of supervising the way temporarily admitted minors are granted permission to remain in Italy, cooperating with the administration involved, determining the status of an unaccompanied minor, issuing a possible provision for assisted repatriation and, finally, creating a data bank to register unaccompanied minors present in Italy.

their families in their countries of origin. On the basis of this, the Committee can adopt provisions for the assisted repatriation of the minor, bearing in mind their greater interests and only after having obtained their consent. In this regard, it is important to stress how this initial activity of carrying out an investigation into the family represents one of the more important ones foreseen in the National Protection Programme for unaccompanied foreign minors. It allows us to create strong collaborative bonds between the local administration and the central protection authority with a positive effect for the entire process of caring for foreign minors, so that both are aimed at family reunification or at a stable integration within our country. As regards the reception measures and specific procedural guarantees for unaccompanied foreign minors urged on the Member States by the Action Plan, it has already been said how the efforts already made in this matter by local authorities are progressively moving towards an explicit request for co-operation between local and central levels so as to improve and standardise forms of care and support for the reception and social inclusion processes. In this sense, the Programme promotes those practices already successfully tried out by local authorities concerning the safe placement of unaccompanied foreign minors and their legal protection, likewise urging speedy application of all those measures aimed at legalising their position in Italy. With reference to the centres that take in minors, those local authorities taking part in the Programme are committed to using facilities that conform to the legislation governing residential services for minors, and that employ specialised staff with multiple professional skills and who are suited to working with young migrants.

By means of its reception and integration programmes and through its work on family fostering, Italy wishes to respond to the need for research and the reinforcement of lasting solutions for unaccompanied minors. These solutions are to be found based on an individual evaluation of the minor's greater interests. Such solutions, to be sought through the constant and continuous work taking place between central and local administrations, concern the possibilities offered for the best interests of the minor, starting from a recognition of international protection status or of other legal status that allows the minor to be protected.

Italy is committed to a continuous networking promoted between central and local institutions, at a national and also international level, with the purpose of uniting all the forces in the field and of doubling the efforts to tackle the problem of unaccompanied minors, and guaranteeing the protection of their greater interests. For such reasons the meeting promoted in Brussels, which Italy wants to be an initial opportunity for a comparative exchange between the European Institutions and various experts about the actual situation in the Member States and about the recently produced Action Plan, will be

an occasion to highlight positive aspects and identify individual critical areas at an international level , in order to stimulate a discussion which may be useful in strengthening the protection of minors by the various actors involved at every level, in the greater interests of such minors and in line with what is indicated in the Action Plan.

## 2. UNACCOMPANIED FOREIGN MINORS ON ITALIAN SOIL: THE SITUATION, THE RECEPTION SYSTEM AND THE INTEGRATION SERVICES

Contemporary migratory flows are complex processes influenced by major issues of a structural nature (from factors such as forced expulsion from country of origin, poverty, war, political persecution, overpopulation etc., to those factors which attract migrants to a country, such as ex-pat communities, demand for manual workers etc.), as well as decisions made by the individual or influenced by family and friends. This complexity makes attempts by the institutions in the recipient country to control and manage such flows extremely difficult. The role of local government becomes even more important when called upon to manage not only problems arising from the reception of immigrants in the area, but to deal directly with the situation and the consequences of “unplanned flows”, i.e. the unplanned and unforeseen presence of migrants in excess of the annual entry quota, but who can meet conditions which give them a legal right to remain<sup>2</sup>.

In Italy questions regarding the *reception* and *protection* of unaccompanied minors revolve around its heavy impact on the local welfare system, conditioning its organisational and professional aspects and being present in any account of the provision of social-educational services for minors. For such reasons, and also in recognition of the difficulties in registering and defining the numbers of unaccompanied minors from abroad present in Italy, as a result of their mobility and their complex legal rights, ANCI has for some years been carrying out a national review of the situation and of those policies introduced for the care and protection of such minors.

Analysis of the different reception practices established in recent years at local level, allows a reconstruction of how the situation has developed and of the care and protection policies for unaccompanied minors in Italy, looking back over the evolution of decisions taken in the past that have shaped how we receive and take responsibility for these minors.

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<sup>2</sup> There are particular migratory flows that fall into a grey area of the law, halfway between illegal entry and “subsequent” legal permission to remain, due to the protection conditions guaranteed by national and international law. Specifically we are dealing with flows that have three particular characteristics, that is to say: a) are composed of persons who entered illegally but cannot be expelled because they fall into a series of categories protected by national and international law, such as asylum seekers, minors and victims of the traffic in human beings; b) do not have immediate access to the labour market and are therefore not immediately productive on the economic front; c) finally, are migratory flows that present a particularly high cost for the local *welfare* system, that is called upon to take on responsibility for providing “assistance to persons who are particularly vulnerable”, T. Caponio, *Governo locale e gestione dei flussi migratori in Italia. Verso un modello di governance multilivello*, Policy paper CeSPI, May 2004.



## 2.1 THE PATH CHOSEN FOR UNACCOMPANIED FOREIGN MINORS WITHIN THE AMBIT OF LOCAL POLICIES AND PRACTICES

The procedures that must be initiated by the social services when an unaccompanied minor arrives can be considered in a different light according to the condition of the minor when they first come into contact with the social services. *Minors* from abroad who present themselves *alone* (or accompanied by an organisation, association, or private individual etc.) to the local social services and who do not have any family or relatives to whom they can turn, are assured *immediate, provisional reception*. As also happens when the police find an unaccompanied minor from abroad who has been abandoned, the minor is entrusted to the care of the local authority<sup>3</sup> and is taken to the social services or directly to a reception centre authorised by the authority.

After activating the reception procedure, the local authority social services notify the relevant offices (Committee for unaccompanied minors from abroad, Police authority, Juvenile court, and the Magistrates dealing with guardianship issues) of the presence of the unaccompanied minor so that procedures to clarify the position of the minor involved (unaccompanied status, identification and a determination of age)<sup>4</sup> can be initiated, and request the Committee to proceed with enquiries about the family, so as to trace the relatives either in Italy or in the country of origin. At the same time, the local social services for that area take action to provide for the minor's care and protection.

While the minor is in their care, staff in the reception centre and in the social services make arrangements for the provision of social-educational services which, in this first phase, can include among other things, sports or recreational activities to encourage sociability. They also arrange for courses in Italian or direct enrolment in the school system in cases where this is required by law<sup>5</sup>.

If at the end of the reception period no relatives of the minor have been traced in Italy, no request has been made for voluntary assisted repatriation<sup>6</sup>, and no possibility of finding a foster family has occurred, the social services prepare a long term programme for the young person's preparation for adult life, and a second stage reception centre or a best possible

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<sup>3</sup> Article 403 of the civil code requires that abandoned minors shall be cared for in a safe place by the local authority.

<sup>4</sup> When minors are found by the police, or immediately after arrival at the social services, minors are taken to the Police Authority where they are photographed and fingerprinted, and registered together with the details they give of themselves as per TU 286/98, Art. 6, para. 4.

<sup>5</sup> Italian Constitution, Art. 34; law 53/2003, Art. 7, D.lgs. 76/2005, Arts. 1 and 2; D.lgs. 226/2005, Art. 1.

<sup>6</sup> Art. 33 para. 1 T.U. 286/98; D.P.C.M. of 9th December 1999, no. 535 Arts. 2 e 7.

foster family is found suitable for their needs and for the programme planned for them, and where they can remain until they reach the age of eighteen.

In this phase the young person's instruction is centred on training and work experience according to what is available locally: training courses (in schools, in permanent local centres, or in professional training centres), employment grants, or apprenticeships, represent the means most frequently used to enable integration of unaccompanied minors into society. In this phase of their upbringing, and until they reach their majority, the role of the social services is decisive in planning and carrying out those activities that will make the minor's progressive autonomy possible as well as with a view to leaving the scheme when they reach their majority, although this is strongly influenced by the possibility of converting their permission to remain in Italy when they turn eighteen<sup>7</sup>.

## **2.2 RECEPTION NUMBERS**

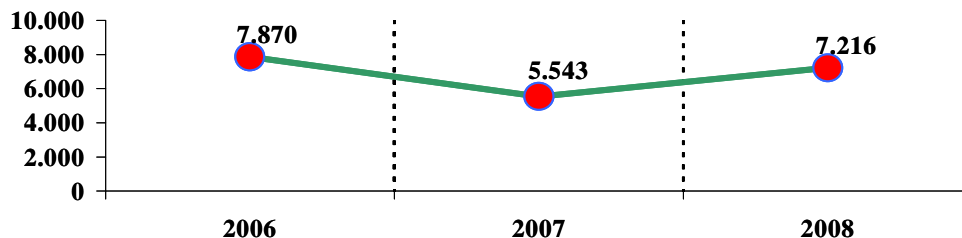
As regards the situation in Italy in general, the number of local authorities involved in the last national review organised by ANCI's Immigration Department was 5,784 (some 71.4% of Italian local authorities). Of these, 17.7%, or 1,023 local authorities, said they had taken unaccompanied minors into care, provided a service, a resource, an induction activity, care provisions and/or a reception project within the previous three years, totalling some 5,543 minors in 2007 and 7,216 in 2008<sup>8</sup>. In this last year in particular, the number of minors taken into care and /or provided with first or second level reception programmes was: 7,216 minors taken care of/contacted, 4,176 provided with initial/ first level reception schemes, and 3,841 provided with second level reception schemes. Significant changes occurred in the spread of countries of origin with the main arrivals being minors from Afghanistan whose numbers increased exponentially from 2006 to 2008 (+170%), as also occurred for the number of minors coming from African countries in a state of instability or war (Nigeria, Somalia, Eritrea, etc.) and therefore potential asylum seekers, to whom we must add those coming from Egypt.

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<sup>7</sup> In the light of recent modifications introduced by Law 94 which came into force in August 2009, the possibility of minors remaining in Italy with a official "permission to remain" after having reached the age of 18, depends on a series of conditions. An unaccompanied minor with an official "permission for minors to remain" can convert it into one giving "permission to remain" for purposes of study, access to employment, direct employment or self employment upon reaching 18, if they have been in Italy for at least 3 years (i.e. entered Italy before they were 15), have spent at least 2 years following a programme of social and civil integration managed by a public or private organisation.

<sup>8</sup> Giovannetti M., Source: Unaccompanied Foreign Minors– Third Report, ANCI – Immigration Department 2009

### ***Unaccompanied Foreign Minors contacted or taken into care***



**Source: Unaccompanied Foreign Minors – 2009 Report ANCI – Immigration Department**

In the two years 2007-2008 there was a consequent increase of 30.2%, while with respect to the last year of the previous review (2006) the numbers had decreased by 8.3%, in particular between 2006 and 2007, or rather since Rumanian and Bulgarian minors became citizens of the European Community and for this reason were no longer included in the group defined as *unaccompanied minors from abroad* under Art. 1, para. 2 of D.P.C.M. 535/99. Despite this, the presence in Italy of a large number of unaccompanied minors from abroad can be confirmed for 2008 similar to those recorded in the previous review (7,870 in 2006, 7,216 in 2008).

In 2008, although the greater part of minors (47.5%) were concentrated in towns and cities with populations in excess of 100,000, medium sized local authorities (15-60,000 inhabitants) also took 23,2% of the total number of minors into care, while medium to small sized authorities (5-15,000 inhabitants) received 13.7%, registering a significant increase in the numbers present.

The Regions with the greatest number of minors in their care are Sicily, Emilia-Romagna, Lazio, Friuli, and Venezia Giulia, where more than half the minors (54%) had concentrated in 2008. The majority of minors are males (89.7%) just under the age of majority (51.9% are 17) coming mainly from Afghanistan, Albania, Egypt and Morocco and, for the first time, Kosovo - which had not appeared in the statistics before because it did not become an independent country until February 2008.

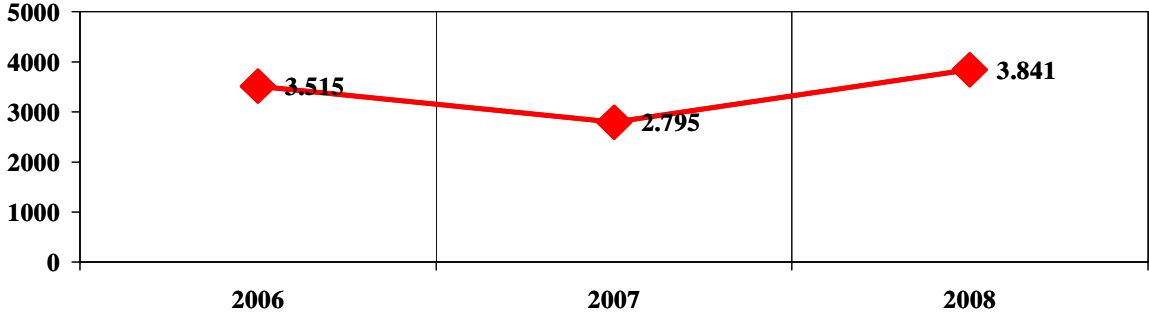
At 31st December 2009, data from the Committee for Foreign Minors show a decrease with respect to previous years: in fact, 5,984 unaccompanied minors were registered, 91% of whom were male coming mainly from the African continent (Morocco and Egypt). Furthermore, 53% of all unaccompanied minors had reached 17 years of age, while if we also include sixteen year olds this percentage rises to 76%. If we turn to analyse the data about

unaccompanied minors received into the initial/first level reception scheme, the review shows that also here there was a strong decrease between 2006 and 2008 (from 6,102 to 4,176) but a levelling out of the situation in the two years presently under consideration: 4,199 in 2007 and 4,176 in 2008.

In the two year period under consideration, Lazio, Emilia-Romagna, Veneto and Sicily provided first level reception for 50% of the total of unaccompanied minors, with significant variations in some Regions, notably Lazio which saw an increase of 38% in numbers.

The first level of reception is followed by a second one which reveals a significant increase in the number of minors involved in it during the period under consideration, rising from 2,795 in 2007 to 3,841 in second level reception in 2008.

***Unaccompanied Foreign Minors taken into care at second stage***



**Source: Unaccompanied Foreign Minors – 2009 Report ANCI – Immigration Department**

As regards the final year of the previous review, following the decrease between 2006 and 2007 (-20%), the following year registered an immediate inversion of the tendency with an increase of about 37.4%, which brings the absolute values for 2008 to a level slightly above those of 2006 (from 3,515 to 3,841, registering an increase of 9.2%).

This increase is conformed everywhere throughout the country but in particular in the South and on the Islands (+135%) which showed about 38% of the total of minors in second stage reception schemes in 2008.

### **3. THE ITALIAN MODEL FOR MULTI-GOVERNANCE OF UNACCOMPANIED FOREIGN MINORS AND THE ANCI COMMITMENT**

An analysis of the data collected by the review shows the burden of responsibility borne and managed Local Authority Administrations in the difficult matter of the reception and integration of unaccompanied minors from abroad.

Local authorities have many times emphasised the need to standardise activities for the care and protection of such minors, so that they are able to define the passage from a emergency phase to a more structured one in terms of economic and operational resources, both at a national level and, in particular, in some critical parts of the country. Furthermore, the existence of very different needs (different age groups, different nationalities, special vulnerabilities connected to possible persecution suffered in their country of origin and to the type of journey they have undertaken etc.) has made management of such activities still more complex, imposing on local authorities the requirement to adjust their services to meet the needs of a group whose profile is constantly changing.

Local Authorities, therefore, strongly urged ANCI to make a commitment to deal, at a national level, with the reality of the situation involving minors, so as to promote a sharing of responsibilities and burdens between the central administration and local authorities thereby encouraging positive collaboration in this matter. As a result, ANCI, on the basis of the practical experience gained by local authorities in caring for unaccompanied minors, agreed to organise and support those local authorities to overcome the difficulties encountered in this field.

As a result of this commitment, ANCI was entrusted, at the behest the Ministry for Employment and Social Policy, with setting up a national Programme of protection for unaccompanied minors. This was introduced in 2008 with the objective of developing a national system of care for unaccompanied minors, using a network of local authorities (chosen from among those with the longest experience of dealing with unaccompanied minors from abroad) and having particular regard for the initial reception phase.

Local authorities committed themselves to providing services aimed at guaranteeing those rights to which the minors were entitled, creating incentives for collaboration between the variously qualified people involved in the reception process and in the protection of unaccompanied minors. The objective is to obtain sustainable results that can become a model for use all across the country.

In cases where unaccompanied minors received in local authority areas express a wish to

seek asylum, and consequently obtain a legal status recognised under Italian and international law, the local authority activates other similarly effective measures using specific care programmes in projects especially set up for such purpose within the System of Protection for Asylum Seekers and Refugees (SPRAR)<sup>9</sup>, run by ANCI under the aegis of the Ministry of Internal Affairs.

### **3.1 THE NATIONAL PROGRAMME FOR THE PROTECTION OF UNACCOMPANIED MINORS<sup>10</sup>**

The creation, in 2008, of a national programme for the protection of unaccompanied minors from abroad represents a first positive result achieved by the Committee on Foreign Minors that the Ministry of Employment and Social Policy had entrusted ANCI to set up. The plan was to use a network of local authorities (selected from those with greatest experience in the field of unaccompanied minors from abroad) to develop a national system that would assume responsibility for the wellbeing and integration of unaccompanied minors arriving from abroad, with particular emphasis on the initial reception phase.

The Local Authorities, being the bodies more heavily involved in problems arising from the presence of foreign minors in their areas, therefore, became central to the network and played a principal role in providing the services foreseen by the Programme, both in terms of operational resources and of the costs involved in looking after minors not in the care of family or relatives.

The project is intended to help minors arriving alone in Italy from abroad: local authorities are committed to providing them with those services that they are entitled to, creating incentives for collaboration between the variously qualified people involved in the reception process and in the protection of unaccompanied minors. The objective is to obtain sustainable results that can become a model for use all across the country.

In particular, the Programme intends to throw light on some particular problems that have emerged both in the course of the ANCI review and from the survey carried out by the Foreign Minors Committee. Among these are, the imbalance created by an excessive

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<sup>9</sup> The System for the protection of asylum seekers and refugees (SPRAR) was introduced by law no.189/2002 and is composed of networks of local bodies that – to carry out local reception and integration projects – draw on the National Fund for Asylum Policy and Services (FNPSA), within the limit of the resources available. Co-ordination of the Protection System is guaranteed by the Central Service which is an organisation set up by the Ministry for Internal Affairs and operated by ANCI, on the basis of law no.189/2002.

<sup>10</sup> The following pages are a summary of the contribution of Maririna Tuccinardi and Maria Elena Calabrese “LE LINEE GUIDA DEL PROGRAMMA NAZIONALE DI PROTEZIONE DEI MINORI STRANIERI NON ACCOMPAGNATI TRA VALORIZZAZIONE E STANDARDIZZAZIONE DELLE ESPERIENZE LOCALI”.

concentration of unaccompanied minors in some areas of the country (above-all along land and sea borders and in the large metropolitan cities), the approaches taken at various places along the borders, the procedures for identifying minors and the frequent lack of co-ordination between the personnel involved in looking after these minors and in regularising their status in the country (Local authorities, Juvenile Courts, Magistrates appointing Guardians, Police authorities etc.). These are central aspects which require attention so as to improve reception arrangements and with the objective of developing policies that better meet the specific needs of such unaccompanied minors.

The Programme is a tool designed to help those local authorities involved in the network and, in order to begin and continue a standardisation of the practises for unaccompanied minors, guide lines are included in it regarding both the planning and operation of projects financed by the Programme. These guide lines are of practical assistance for those involved in carrying out project activities, and describe the different services and corresponding quality standards that each project must provide and adhere to as part of the Programme.

### **Areas covered by the Programme guide lines**

The guide lines identify, in particular, four macro areas of activity, each of which includes the following stages that typify the procedure for the reception of unaccompanied minors into the Programme:

1. reception of unaccompanied minors
2. the relationship with the Institutions responsible
3. support for their integration into the country
4. experimentation with and promotion of foster families

As regards the reception of unaccompanied minors, the guide lines refer to the legal obligation (Article 403 of the Civil Code) on local authorities to provide for the placement of abandoned children in a place of safety: the reception procedure the Programme supports starts from this initial need to provide safe physical and psychological surroundings for such children which forms an essential basis for the establishment of those conditions needed for subsequent social-educative relations and for communication with these same children themselves.

As regards accommodation arrangements for unaccompanied minors, the guide lines include all the various forms of reception provided for under current national and regional legislation concerning the organisational requirements and facilities necessary to provide

accommodation and associated services for them (these range from community centres, to family-type shared accommodation, to foster homes) giving due recognition to the different forms of accommodation already successfully tried out in different areas.

The staff employed by these organisations, and in the initial reception of unaccompanied minors in general, are required to have the necessary professional qualifications and ability to work with young immigrants. The selection of such professionals must meet the need to ensure that the project has adequate social- psychological assistance available from the start, and for the whole of the initial reception period, for those minors involved in it. There are many reasons for such social-psychological assistance, including the primary function of providing reassurance to a child who is beginning the reception procedure, who will be given a physical and psychological examination, questioned about how they arrived in the country, questioned about their family and about the possible presence of relatives or contacts they may have in Italy (information that could be useful in discovering the identity of a minor without any formal papers and for the Committee to be able to initiate research into their family background). It is at this stage that checks are made for any signs of abuse that they may have subjected to during their journey or, in any case, prior to having been found, and also for claims that they are afraid of suffering persecution or serious harm in their country of origin (if this appears so, consideration will be given to further forms of protection, such as social protection or a request for asylum).

The work of social-psychological assistance also covers the collection of information about what the minor expected to find in the country they emigrated to, about their level of schooling, about previously acquired skills, their areas of greatest interest and their aspirations for the future, as well as a correct understanding of their rights and responsibilities in Italy. In addition they are told about the possibility of integration within Italy and of assisted voluntary repatriation to their home country. This type of assistance for minors must naturally take account of their age and must respect sexual and cultural aspects, and is carried out by teams so as to engender an atmosphere of empathy and trust. In achieving this, the provision of linguistic-cultural mediation forms an essential element as a type of activity integral to the multidisciplinary team managing the reception process.

The guide lines consequently recommend the presence of a mediator at all stages that appear fundamental for an unaccompanied minor, so as to enable communication to take place and, as a result, the building of an efficient social-educative relationship. In fact we are talking about a relationship between people of different linguistic and cultural backgrounds, aimed at helping minors needing protection to understand what the service offers them in terms of knowledge and of its aims.



On the matter of relationships between the institutions responsible for dealing with unaccompanied minors, the guide lines urge local authorities to take rapid action to meet all their legal obligations from the moment in which they assume responsibility for a minor, be they Italian or from abroad. These are actions which, apart from the material and social-psychological activities described earlier, give practical legal protection to the minor concerned.

Such actions include notifying the Committee for Foreign Minors so that they can be registered, an investigation can be initiated into their family circumstances, supervision can commence over the way the inter-institutional body accommodates them, notification of their status as abandoned children is given to the Procurator's Office at the Juvenile court, and the magistrates are notified so that they can appoint a legal guardian to represent the child in those administrative and social service procedures that concern them.

As regards regularising the permanent resident status of a minor in Italy, initiating the relative procedures is an essential precondition for the planning of activities in the initial reception stage and eventually leading to the social integration of the person within the country: to that end the guide lines recommend that a request for permission to remain in the country be presented rapidly to the relevant police authority.

At the same time as the initiation of such legal protection measures, the local authority must guarantee the minor legal guidance and accurate, accessible information regarding the progress of the procedures initiated, making use of the assistance of the cultural mediator.

On the question of providing support for the social inclusion of minors, the Programme sets out activities from the beginning of the reception phase to help them understand and use local services, as well as helping them to enter the school system and the professional world. We believe that no real form of inclusion can develop unless we start with an initial educational and training programme agreed with a child, taking account of their greater interests and desire to follow such programmes.

Turning to the matter of an unaccompanied minor's relationship with local public services, the guide lines identify some essential areas where every project must provide specific activities to help minors understand and have help in dealing with such services, among these are: access to the health service, learning Italian, starting school and obtaining professional training. The local authorities in the network are urged for this reason to respect the current laws regarding children's health in general, and foreigners in particular, by quickly enrolling minors in the National Health System.

To make the reception context easier for unaccompanied minors to deal with, and to make it possible for them to gradually become autonomous, the guide lines provide for Italian language courses to be run with the help of qualified teachers throughout the entire reception period. In particular, all activities of this nature run by public bodies such as local Adult Education centres (CPT-EDA) are supported and promoted.

Given the legal requirement to treat both Italian and foreign minors equally as regards educational rights and responsibilities, local authorities must ensure that emphasis is given to the education of foreign children (including schooling and professional training). Account must be taken of their age, previous experience and aptitudes, which should become clear soon after they have been taken under the wing of the local authority, so as to identify suitable training programmes and local training opportunities for them.

Such training programmes are integrated within the overall social-educational project for the minor and will define, on the basis of the activities undertaken and the outcome of the investigation into the family background, the form of any possible second stage of reception. In cases where permanent residence is granted in Italy this will lead to the introduction of personalised measures aimed at integration and autonomy.

The Programme promotes all those measures local authorities believe will achieve the social integration of the minor (sports and artistic-cultural activities) as well as of a social-employment nature such as professional training courses, apprenticeships and employment grants, in collaboration with local public bodies and/or private or social organisations authorised to carry out such types of activity.

Finally, the Programme, in accordance with the regulations set out in Article 2 of Law 184/1983 which awards the guardianship of minors who are temporarily without any suitable family environment “to a family, preferably with children who are minors, or to a single individual, capable of providing for their maintenance, upbringing, education, and of satisfying their the emotional needs”, also promotes a knowledge of and use of foster families for those unaccompanied minors from abroad taken into the Programme. Local authorities are urged, for this reason, to plan specific activities aimed at finding ways of accepting such children into families.

Apart from what is already set out in the law, such activities must take particular account of the age, sex and culture of these minors and must consequently try to provide a suitable opportunity for social inclusion at a local level that can continue beyond the reception stage. For this purpose we support all activities (workshops, seminars, publicity campaigns etc.) planned and carried out by local authorities and aimed at encouraging foster families,

especially when seen as a means of protecting and integrating minors, as well as being a fertile breeding ground for social cohesion in that particular local area.

The Programme further provides a series of centralised control tools - in particular at the Technical Co-ordination Secretariat – with the purpose of checking on the effective application of the guide lines and of testing their efficiency as regards the quality of those activities that take place. A data base used to collect all information on the unaccompanied minors in the Programme together with information of the activities carried out, is one such tool.

The initial introductory phase of the Programme (concluded in February 2010) was based on a network of 26 local projects involving 13 Regions, 27 Provinces and a total of 42 local authorities operating in different roles, providing 376 reception places overall, each with a 10 week cycle. The new phase of the Programme, commenced in March 2010, plans to extend the number of towns involved so as to guarantee geographical coverage of a large part the areas more greatly involved in dealing with this form of immigration. At present, the projects provide an excellent platform from which to observe the presence of unaccompanied minors and how that may evolve over time and this strengthens the role of the Programme as a privileged observatory of the situation at a local level and of the form it takes in different areas.

### **3.2 THE PROJECT FOR UNACCOMPANIED FOREIGN MINORS SEEKING ASYLUM UNDER THE SYSTEM FOR THE PROTECTION OF ASYLUM SEEKERS AND REFUGEES**

As previously seen, in cases where unaccompanied minors are received by local authorities and indicate a wish to seek asylum, they obtain a status recognised in Italian and international law. In such cases, the local authority activates measures involving specific care programmes in projects especially set up for such purpose within the System of Protection for Asylum Seekers and Refugees (SPRAR)<sup>11</sup>.

A Ministry of Internal Affairs Directive regarding unaccompanied minors seeking asylum was issued in agreement with the Ministry of Justice and came into force on 9th March 2007. It introduced the concept of the manifest desire of the minor to seek asylum, as an element that is sufficient on its own to permit the reception and care process to begin at authorised centres within the SPRAR system. In particular the Directive provides that the organisations taking charge of the unaccompanied minor should, with the help of a mediator and in a manner appropriate to the age of the person, give them all information necessary for them

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<sup>11</sup> Refer to footnote 9.

to be able to exercise their rights to request international protection. In cases where the minor expresses a wish to do so, the organisation is required to notify the Police Authority, who will then deal with all those legal procedures that are necessary to open this type of case, to appoint a legal guardian, and to assign responsibility for the care of the minor to those SPRAR projects specifically dealing with the care of minors. Waiting times for assignment to an appropriate SPRAR projects were reduced when the Directive came into force. This stage of the procedure is, in fact, delicate since several months may pass waiting for the magistrate to appoint a legal guardian and for the minor to be assigned to one of the reception organizations, while wishing to avoid the disappearance of the minor or a lack of homogeneity in the services offered.

***Unaccompanied minors seeking asylum in Italy in the care of SPRAR (2006-2009, absolute and relative data)***

	<b>Unaccompanied minors in SPRAR</b>	<b>Rate of increase</b>
<b>2006</b>	31	-
<b>2007</b>	197	535.5%
<b>2008</b>	409	107.6%
<b>2009</b>	320	- 21.76%

**Source: Cittalia reworking of SPRAR Central Service data**

As the data shows, for the first time since the above-mentioned Directive came into force, there was a reduction in the number of unaccompanied minors received into the SPRAR network in 2009.

For the two year period 2009/2010, 229 places in total were made available within the SPRAR network for the category of unaccompanied minors seeking asylum. The *Push Back* policy has greatly slowed the number of seaborne landings and reduced the number of requests for asylum (from about 31,000 to about 17,000) also with a consequent reduction in the numbers of unaccompanied minors seeking asylum.

As outlined above, it is the local authorities which manage the network of organisations taking care of unaccompanied asylum seekers who are minors and refugees, using the SPRAR system. This network aims to specify forms of reception and integration which take account of the specific needs of unaccompanied children. Some of these centres are managed directly by a local authority themselves or together with the third sector.

From the moment when a minor is taken in, they are looked after as part of a SPRAR project and will remain with it as they progress towards autonomy and integration.

Upon entering a centre, the minor is received by the staff and helped to adjust to their new surroundings. A social assistant will provide the social induction necessary to lay down the basis on which to build a process of integration specifically aimed at protecting their interests. As a result, an educative project is developed together with the child to identify those goals to be achieved whilst they are in care at the centre and based on their inclinations and wishes. Particular attention is paid to the prevention of secondary trauma.

Activities to be undertaken are identified taking account of the child's age, knowledge of Italian and existing abilities. In any case, such activities are gradually modified according to the level of autonomy achieved, needs that appear, and any possible health or psychological problems that may emerge during the project.

Professional educators are generally present 24 hours a day in the centres where these communities are cared for. This type of continuity permits the establishment of stable relationships with the children and a deeper personal knowledge of them. In addition to their normal training, educators have specific instruction on the characteristics of and critical issues regarding unaccompanied minors so as to provide them with the knowledge and skills to deal with their needs and any possible difficulties deriving from their position.

It is necessary to have legally trained staff present in these centres to inform minors of their rights and to protect their interests in the different legal-administrative stages that face them, commencing with preparation for a hearing before the Local Commission for Requests for International Protection.

A legally trained member of staff together with a cultural mediator, help the minor to put together an account of what has happened to them. It is not always easy to reconstruct the facts and events which caused the minor to flee their country.

The help of a cultural mediator is always available at SPRAR centres, and their contribution has a dual function. In the first place they support other professionals on the staff team, facilitating discussions and relationships. In the first reception stage they are of particular use in overcoming the language problem and in providing the minor and the case worker with the cultural elements necessary for mutual understanding. In this way the risk of ascribing thoughts and feelings from one's own culture to the other person, and of failing to consider what are sometimes important cultural elements, is reduced.

Furthermore, mediators who are normally present in a centre on a regular basis constitute an important point of reference for a child, who thus feels reassured about the possibility of sharing their own cultural identity, often as well as their own and analogous experiences.