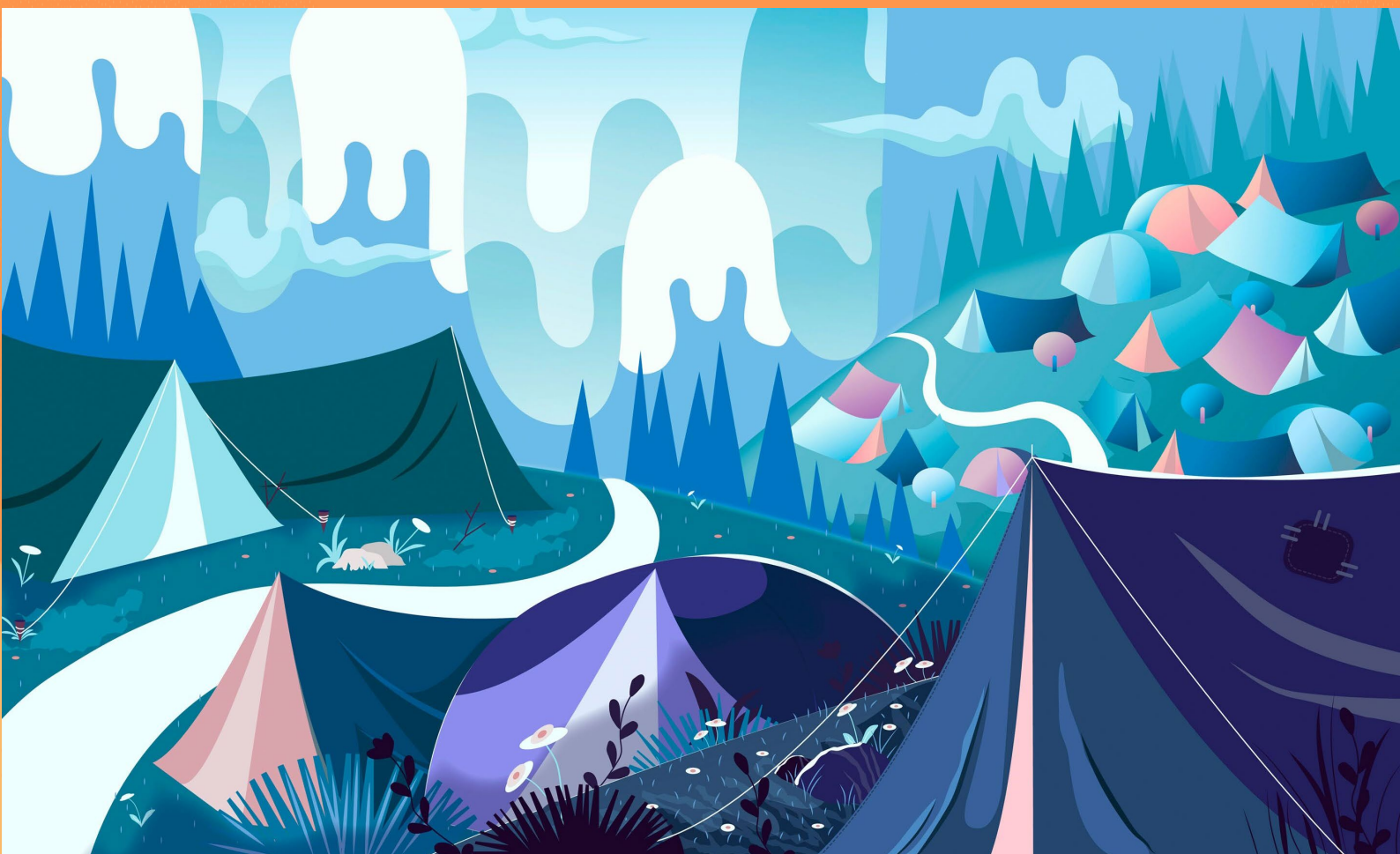


CROSS-COUNTRY POLICY RECOMMENDATION FOR CHILDREN IN RECEPTION CENTRES, REFUGEE CAMPS, ASYLUM HOMES AND INFORMAL CAMPS

Migrant children and communities in a transforming Europe



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The project Migrant Children and Communities in a Transforming Europe (MiCREATE) aims to stimulate inclusion of diverse groups of migrant children by adopting child-centred approach to migrant children integration on educational and policy level.

www.micreate.eu

Author: Barbara Gornik

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Research partners:

Znanstveno-raziskovalno središče Koper, Slovenia (ZRS)

The Manchester Metropolitan University, United Kingdom (MMU)

Centre national de la recherche scientifique, France (CNRS)

Mirovni inštitut, Slovenia (MI)

Univerza v Ljubljani, Slovenia (UL)

Syddansk Universitet, Denmark (SDU)

Universitat de Barcelona, Spain (UB)

Hellenic Open University, Greece (HOU)

Stowarzyszenie Interkulturalni PL, Poland (IPL)

Universitat Wien, Austria (UW)

HFC Hope for Children CRC Policy Centre, Cyprus (HFC)

CESIE, Italy (CESIE) Udruga centar za mirovne študije, Croatia (CPS)

DYPALL NETWORK: Associação para o Desenvolvimento da Participação Cidadã, Portugal (DYPALL)

Fakulteta za dizajn, Slovenia (FD)

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1. Introduction

The MiCREATE project conducted research with asylum seekers, refugees, undocumented and irregular migrants in 6 European countries and Turkey. These case studies involved migrant children in the 'middle phase', where they are no longer in their countries of origin but have not yet started a life in the destination country. Children involved research were individuals placed in refugee camps, asylum homes, reception centres and informal camps.

In Italy, the research included migrant children from reception centres for unaccompanied migrant minors in rural Sicily. In Poland, the research took place in schools in Bezwola, a village in the Wołyń municipality, and in the Tagówek district in the capital Warsaw, both of which taught children from nearby reception centres. In Austria and Slovenia, the research was conducted in asylum homes in Vienna and Logatec. In the French case study, there were several study sites, including informal camps, day centres and overnight shelters in Calais. In Greece, the study took place in the Skaramagas refugee camp, while in Turkey the researchers visited neighbourhoods in the city of Şanlıurfa.

A total of 158 migrant children were interviewed for the case studies, both male and female, born in third countries including Russia (Chechnya), Syria, Sudan, Iran, Libya, Eritrea, Tunisia, Pakistan, Afghanistan, Bangladesh, Morocco, Mali, Egypt, Somalia, Côte d'Ivoire, Gambia, Ghana, Guinea, Sierra Leone, Yemen, Chad, Palestine and Algeria. Their ages ranged from 7 to 17. We were particularly interested in learning more about their subjective experiences of reception, support and integration measures, as well as their well-being and daily life in transit.

Although national contexts and institutional frameworks for migrant children vary widely from country to country, the findings point to some common insights and needs for improvement at policy and practice levels. The aim of this report is to provide recommendations for child-centred policies based on secondary analysis, empirical research and fieldwork findings. The aim is to identify gaps in existing policies and approaches in order to recommend child-centred policies for migrants based on adaptability, flexibility, contextuality and the participation of migrant children. The report focuses in particular on recommendations that support the well-being of migrant children and their participation rights during reception and asylum procedures as two key aspects of any child-centred policy.



2. The well-being of migrant children in transit

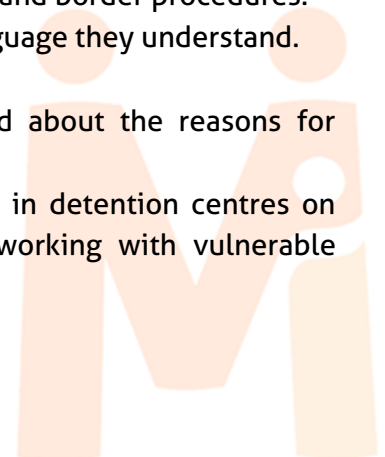
2.1 Police and border procedures

Key findings

Migrant children are often exposed to police violence, especially when they attempt to cross borders clandestinely. In some countries, border and or accelerated readmission procedures also apply to accompanied and unaccompanied minor migrants. As they usually travel in small groups, they are not always treated individually during police procedures, nor are they always provided with a translator who speaks their mother tongue. During police procedures, Article 3 of CRC (the best interests of the child) is often not taken into account. The lack of access to information and the lack of caring approach by the police have a negative impact on their well-being. Migrant children are also exposed to detention.

Recommendations

- Migrant children should be allowed access to the territory and not denied at ports of entry.
- All migrant children should be exempt from readmission procedures and "push-backs".
- No country should automatically be treated as a safe third country for migrant children and transit through that country should not be a reason for rejecting applications.
- Border police should be trained in children's rights, especially in relation to Article 12 and Article 3 of CRC, and how to apply them in practice.
- Assessment of best interests should be carried out for each migrant child.
- Accompanied and unaccompanied children should be actively involved in decisions affecting their lives and be heard during border and police procedures.
- All migrant children should have access to fair, indiscriminate and expeditious border or asylum procedures.
- Migrant children should be given more time to rest and prepare before the police and border procedure begins.
- A legal guardian should be appointed for unaccompanied minor migrants before the police and border procedure begins.
- Migrant children should be treated individually during police and border procedures.
- Migrant children should have access to procedures in the language they understand.
- Migrant children should be exempted from detention.
- In case of detention, migrant children should be informed about the reasons for detention, upcoming procedures, their options and rights.
- Additional efforts should be made to train police and staff in detention centres on culturally sensitive communication, children's rights and working with vulnerable groups.



2.2 Reception standards and social inclusion

Key findings

The social integration of children in transit (refugee children, asylum-seeking children, undocumented children and irregular migrants) is not adequately addressed by local and national authorities. These migrant children often live in spatially segregated or ghettoised areas and have little contact with the local community. Migrant children are sometimes housed in the containers in cramped conditions or in rooms suffering from lack of space, inadequate living conditions and lack of privacy. Reception centres are often located far from infrastructure, sometimes requiring transport to schools and limiting opportunities for additional extracurricular activities.

Recommendations

- Wider promotion of social contacts and general support for integration and inclusion in local communities is needed at the earliest possible stage.
- Reception standards should be adopted that take greater account of children's well-being, emotional and social needs.
- Support measures should be developed based on the opinions and views of migrant children. Consideration should be given to what is important for their well-being and what makes them feel accepted, happy and safe.
- During the reception period, monitoring of the well-being of migrant children should be carried out based on child-centred indicators.
- The basic needs of migrant children should be met in terms of housing, health care and psychosocial support, legal advice, legal representation, education and social participation, which should serve as the basis for all subsequent reception and integration measures after arrival.
- Unaccompanied minors should be accommodated in small units (maximum 15 children per unit) and have sufficient staff to care for them.
- Migrant children should have access to services and standards comparable to those offered to nationals of the country of asylum from the moment they arrive.
- Reception centres should be more open to interaction with local community and building relationships with the engagement of local children.
- Dispersed accommodation of asylum seekers in rented accommodation is preferable to isolated reception centres.
- All migrant children should have access to health care, preventive and dental treatment at the same level as that available to the local children and be informed about the availability of these services.
- Special attention should be paid to physical and psychological problems related to migrant children' experiences in their country of origin and the hardships of the journey.
- Doctors assisting asylum seekers should be trained to recognise symptoms of distress and to provide any treatment in a culturally sensitive manner.

2.3 Schooling

Key findings

School is usually the first and often only place of integration and socialisation with local peers and interaction with local society. Many asylum seekers, undocumented and irregular migrants, however, do not attend school or participate in regular programmes with local children. Particular attention should be paid to how to ensure more effective access to education through regular programmes to promote the well-being and social integration of migrant children. Motivation to learn and the frequency with which asylum-seeking children leave school could also be a problem.

Recommendations

- All migrant children should attend primary and secondary schools at the earliest possible time after arrival in the host country.
- Communication between school and reception centre should be organised so that migrant children can actively participate in local community life.
- No compulsory forms of education shall be provided inside the centres.
- The educational activities offered to migrant children should be based on their personal interests, future plans and aim to improve their general and vocational skills.

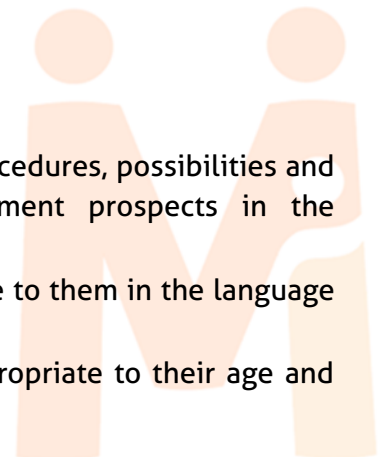
2.4 Access to information

Key findings

Without accurate information, children with a migrant background experience stress and anxiety, especially when they do not know what is happening or what will happen to them. They often also worry about their educational opportunities and future jobs. Case studies have shown that a lack of information has a negative impact on the well-being of migrant children. The information that migrant children receive is often not sufficiently culturally sensitive and age-appropriate. Information about their options and especially about what will happen to them in the coming days, weeks and months during the formal procedures is often insufficient.

Recommendations

- Migrant children should be better informed about legal procedures, possibilities and opportunities, including future education and employment prospects in the destination country.
- Information offered to migrant children should be available to them in the language they understand.
- Children should have the right to receive information appropriate to their age and maturity.



- Information offered to migrant children should be adapted to the child's cultural background regardless of their immigration status.
- Different ways of conveying information other than through language (verbal and written) should be considered to ensure universal applicability.

2.5 Relationships with institutional staff

Key findings

Interpersonal relationships and a caring approach by staff in different institutions (police, social workers, administrative staff and decision-makers, asylum officers, etc.) are crucial for the well-being of migrant children. Some children are satisfied with the treatment they receive from the staff in the facilities, while others are not treated with adequate care and respect.

- In order to better tailor reception procedures and care services to the needs of migrants, additional staff should be made available at all stages of reception.
- Staff working in institutions should have enough time during their work to devote adequate attention and adopt caring approach to migrant children.
- Additional efforts should be made to train staff working with migrant minors, especially on culturally sensitive communication, children's rights and working with vulnerable groups.
- All staff involved in the reception of asylum seekers should be informed about the psychosocial care, emotional and social needs of migrant children.

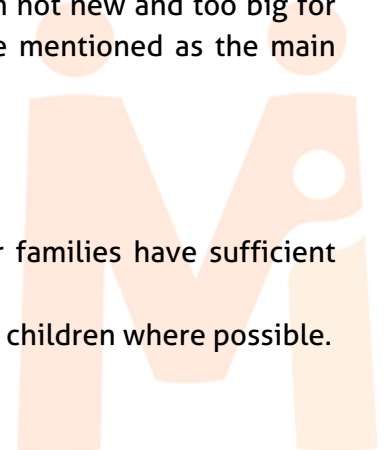
2.6 Financial and material support

Key findings

Financial and material support is crucial to maintaining the well-being of migrant children. However, the money they or their families receive is far from sufficient to cover their needs. Also, the clothes they receive through the social services are often not new and too big for them. A lack of clothing and insufficient financial resources were mentioned as the main problem when it comes to material support.

Recommendations

- Governments should ensure that migrant children and their families have sufficient income and safe and predictable housing.
- Humanitarian assistance should be made available to migrant children where possible.



- The level of material and financial support should be sufficient to ensure that children have enough material resources to make ends meet, including having socially perceived necessities.

2.7 Agency in institutional care

Key findings

The well-being of migrant children largely depends on them having at least some agency. Children who are housed in asylum centres in particular are subject to regulations that limit their agency in many ways. Limited leisure opportunities and the inability to make decisions about their daily routine have a strong negative impact on their well-being. In order to adapt life in institutions to the needs of migrant children, a comprehensive restructuring of practises is needed so that they can live more autonomously and decide on at least some daily activities themselves.

Recommendations

- Reception centres should meet standards for maximum development of migrant children to prevent secondary movements and discourage migrant children from choosing to live outside institutions and the child protection system.
- The general aim of all activities in institutional care should be to create relatively normal living conditions in a given situation.
- Migrant children should have as much choice and control as possible over decisions that affect their lives in the context of their situation.
- Migrant children should be provided with sufficient 'space' - physical, emotional and psychological space - to be able to have privacy and to focus on their own interests and needs.
- Reception standards should be designed to enhance migrant children's skills and help them lead independent and autonomous lives when they become adults.
- Migrant children should be offered recreational and extracurricular activities as soon as possible after their arrival in the host country.



2.8 Family and friends

Key findings

The opportunity to stay with family and friends is crucial for the well-being of migrant children, especially in terms of mutual support and socialisation. Family and friends help them to maintain a positive self-image and a sense of security.

Recommendations

- When children are placed in institutions (e.g. detention centres, asylum centres, refugee camps), separation from family or people they trust (extended family and friends) should be avoided.
- Migrant children should have access to Wi-Fi hotspots and mobile phones so that they can stay in touch with their family and friends through social media or other means of communication.
- Unaccompanied minor migrants should be able to use family reunification procedures effectively.

3. Participation rights during asylum procedures

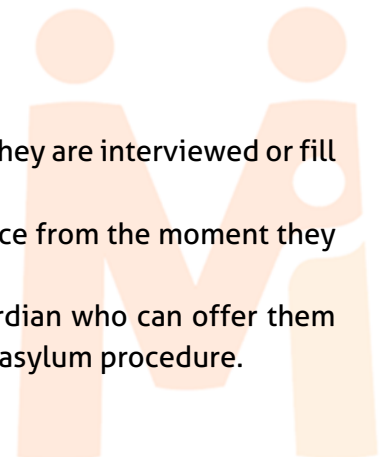
3.1 Representation, legal counselling and advice

Key findings

Migrant children often have difficulties in understanding the asylum procedures correctly. Many of them also do not have sufficient knowledge about the follow-up procedures and about their rights. Legal counselling and information about the options they have are beneficial for them. Migrant children often do not fully benefit from protection measures to be effectively heard, especially as they are not fully informed; the latter is necessary for the full implementation of the right to be heard and to express their views.

Recommendations

- Legal aid should be made available to asylum seekers before they are interviewed or fill in written questionnaires.
- Asylum-seeking children should have access to legal assistance from the moment they arrive in the country and throughout the asylum procedure.
- Unaccompanied minors should be provided with a legal guardian who can offer them the necessary psychosocial and legal support throughout the asylum procedure.



- Non-governmental organisations should be financially supported by state authorities and have unhindered access to asylum-seeking children to provide assistance.
- Legal counsellors should be aware that migrant children have different educational backgrounds that may require a different way of conveying information and that some information may need to be reiterated several times.
- Legal support and counselling should include explanation of the asylum procedure, rights and obligations of migrant children (e.g. hearings, family reunification, access to legal aid, etc.).
- Migrant children should be informed about their immediate future to avoid anxiety caused by uncertainty.

3.2 Asylum procedures protocol

Key findings

Asylum procedures are not always fully adapted to the needs of asylum-seeking children. Although there are some adaptations in place (e.g. minors can take short breaks during the hearing), these adaptations are not always sufficient. Hearings can last up to six hours, which is very exhausting for migrant children. For some, the hearings are stressful, especially the first time when they do not know what to expect. Migrant children may need special support to articulate their claim for protection and disclose their story, as feelings of mistrust and self-protection are the most common obstacles.

Recommendations

- The main objective should to time ensure all procedural guarantees arising from the CRC, including the principle of the best interests of the child and the right to be heard
- CRC should be used as a procedural guarantee in asylum procedures and as an interpretative guide for the interpretation of the Refugee Convention
- CRC should be used as a basis for reinterpreting, recontextualising and expanding the refugee definition under the Refugee Convention
- Unaccompanied minor migrants should be allowed to be accompanied by friends or persons they trust at the interview.
- Asylum-seeking children should have the right to be accompanied by legal advisers and qualified interpreters during hearings.
- Sufficient time should be spent throughout the asylum procedure to build a relationship of trust between interviewer and asylum-seeking children.
- Asylum hearings should be conducted in a more informal and child-friendly setting.
- Accompanied asylum-seeking children should actively participate in decisions affecting their lives and be heard during asylum interviews.
- Staff should be trained in child-friendly interviewing methods to avoid further trauma and suffering.

- Staff should identify additional vulnerabilities at different stages of the asylum process to ensure that the child's specific needs are met.
- Additional staff resources should be made available to reduce the length of asylum procedures and ensure speedy decision-making.
- The process of asylum decisions should be transparent and standards for uniform implementation should be established
- The assessment and determination of the best interests of the child, which would ensure transparency of decision-making, the voice of the child and impartial decision-making during the asylum process, should be implemented.

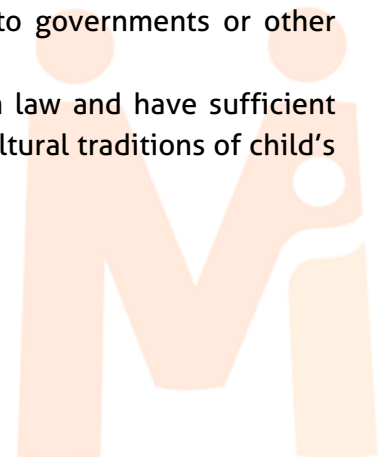
3.3 Cultural- and age-sensitive interviews and translations

Key findings

Interviewers sometimes ask questions that contain abstract concepts that are not understood by asylum-seeking children. Sometimes migrant children are expected to know things that decision-makers take for granted. Cultural background as well as different levels of education can affect how children understand important events, legal terms, time and dates. This can lead to misunderstandings between decision-makers and asylum-seeking children and negatively affect the final decision on the children's asylum application. Translators involved in the asylum process are likewise not always fully competent and up to the task. They sometimes incorporate common-sense assumptions and subjective opinions in the interpretation, which can have immense implications for decision-making in the asylum procedure (especially because the decision in the migration procedure is based on a child's story): the latter can have a negative impact on both the asylum procedure and the assessment of credibility.

Recommendations

- There is a particular need for cultural competence on the part of judges who process migrant children's asylum applications
- All involved in the asylum process should be adequately trained, including on children's participation rights and culturally and age-sensitive interviewing.
- Interpreters and translators should not have political ties to governments or other actors/organisations from which applicants are fleeing.
- Interpreters and translators should be competent in asylum law and have sufficient knowledge of the Western legal tradition as well as of the cultural traditions of child's country of origin.



3.4 Credibility assessment

Key findings

Migrant children sometimes give different stories during the preliminary procedure at the border and then during the asylum procedure for different legitimate reasons. Sometimes documents from the pre-procedure are included in the asylum procedure, and migrant testimonies are used to assess inconsistencies between the applicant's statements as part of the assessment of their credibility. While the circumstances leading to inconsistencies in the child's story are occasionally taken into account by decision-makers in the asylum procedure, decision-makers often disregard these circumstances.

Recommendations

- The asylum-seeking children's statements should not be used against them when considering his or her application for international protection.
- Asylum-seeking children should not be treated with suspicion as to their credibility.
- Asylum seekers should be given access to the evidence before the decision is made so that they can comment and/or refute it.
- A panel of legal experts and people with knowledge of the region of origin should review applications and make recommendations.
- Asylum decisions should be based on balanced reports from different groups and not only from state bodies.

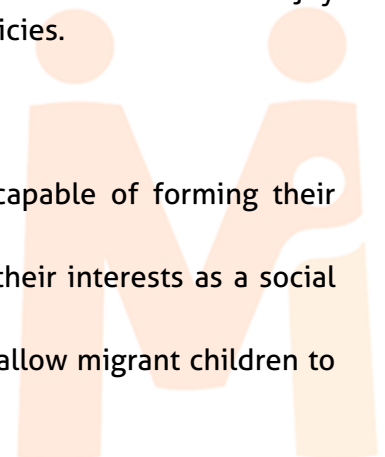
4. Inclusion of migrant children in asylum policy development

Key findings

The right to be heard (Article 12 of CRC) is both an individual and a collective right; it requires governments to take children's views into account in administrative procedures, as well as when dealing with specific group of children in policy-making, in the drafting of laws and policies, in decision-making, in the planning of services and care, including how services are best provided. However, in the EU and the countries studied, migrant children do not enjoy significant democratic rights to influence reception and asylum policies.

Recommendations

- Governments should recognise that migrant children are capable of forming their opinions and allow them the right to express them.
- Migrant children should have the opportunity to represent their interests as a social group and to contribute to policymaking with their views.
- Governments should reform their policy-making systems to allow migrant children to participate in the development of policies that affect them.



- Governments should not only listen to migrant children, but seriously consider their views and involve them in policy.
- Policies should engage with migrant children as children and be more responsive to their current needs.
- Policy makers should work with migrant children to create new meanings of reception and asylum procedures and offer different insights into the challenges involved.
- Policy makers should consider the evaluation of systems by migrant children who use services, the involvement of children in research, consultation processes and representative bodies are similar.
- Migrant children should have the opportunity to use a variety of methods tailored to their needs to express their views, including non-verbal forms of communication and art-based approaches
- Insights gained through child-centred methods should form the basis for asylum policy development.
- Governments should be held accountable for the adequate implementation of Article 12 of CRC (right to be heard) in line with UN General Comment No. 12 (2009).

