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Guidelines

to provide unaccompanied children with aftercare services once they are found.

- health care for refugee children and unaccompanied minors-

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Partners



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1. Introduction

The international community must be vigilant and act in order to provide these children with conditions of dignity to receive them.

"The solution to the problem is difficult, but the reality is that trafficking is increasing ferociously through the exploitation of refugees. Often the children are brought by the networks to Europe and are subject to these networks under pain of the families to suffer retaliations. "

The international community and, above all, Europe must find ways to deal with this situation, in particular with a more supportive policy of monitoring and receiving them in their countries.

According to the Director of Europol, the figures disclosed concern children who have been lost after registration by the European authorities. About half of them disappeared in Italy.

Around 1 million migrants arrived in Europe last year, the worst migratory crisis in this region since World War II, of which 27% are children, estimates Europol.

2. A child may be a refugee or a migrant but a child is a child.

In this way, **UNICEF (Portugal)** reiterates the 6 action points for the protection of migrant children:

1. End the detention of children claiming refugee status or migrants by introducing a range of practical alternatives;
2. Keep families together as the best way to protect children and give them legal status;
3. Protect refugee and migrant children from exploitation and violence, especially unaccompanied children;
4. Ensure continued access to learning - formal and non-formal education - for all refugee and migrant children and ensure access to quality health and other services;
5. Press for action to address the underlying causes of large-scale refugee and migrant movements;
6. Promote measures to combat xenophobia, discrimination and marginalization in countries of transit or destination.

UNICEF reiterates that all children, regardless of their status, must have access to adequate health care, access to education and be protected in all circumstances, and alternative measures must be created for detention.

The Council of Europe *Strategy for the Rights of the Child (2016-2021)*³ underlines that children affected by migration are one of the most vulnerable groups in Europe, and has offered support and guidance to member States' efforts to protect refugee children through a series of papers and reports, culminating in the conference of ministers' adoption of the *Action Plan on protecting refugee and migrant children in Europe* in May 2017 in Nicosia, Cyprus.

3. Portugal

The National Plan for the Reception and Integration of Refugee Refugees provided for the sector intervention of each of the participants of the Working Group in the following phases:

1. Pluridisciplinary mapping and national plan proposal;
2. Immediate acceptance in national territory;
3. Decentralized and community-based integration;
4. Monitoring;
5. Evaluation.

This plan also provided for the following areas of intervention:

- Identification and adequate protection of people in need of particularly vulnerable international protection;
- Access to housing;
- Access to health care;
- Access to education;
- Learning Portuguese;
- Access to training, recognition, validation and certification of competencies;
- Access to food;
- Access to the labour market;
- Access to community services;
- Communication strategy with civil society;
- Access to information and legal support;
- Interpretation / translation of documents.

The main objectives of this Plan of Action were to promote a reception that would restore the social, economic and cultural security, control and independence of refugees, meeting their basic needs, as well as facilitating communication and promoting integration in the host society.

4. Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum

Health Care

The Convention on the Rights of the Child declares that the child has the right to enjoy the highest attainable standard of health and facilities for the treatment of illness and rehabilitation of health.

Children seeking asylum should have the same access to health care as national children. In the countries from which they have fled, basic preventive care such as immunizations and education about health, hygiene and nutrition may have been lacking; these deficiencies must be remedied in a sensitive and effective manner in the country of asylum.

Unaccompanied children have all experienced separation from family members and they have also in varying degrees experienced loss, trauma, disruption, and violence. The pervasive violence and stress of a country afflicted by war may create deep-rooted feelings of helplessness and undermine a child's trust in others.

Reports constantly reflect the existence of profound trauma in many children, which calls for special sensitivity and attention in their care and rehabilitation.

The Convention on the Rights of the Child sets out the duty of states to provide rehabilitation services to children who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or armed conflicts.

To facilitate such recovery and reintegration, culturally-appropriate mental health care should be developed and qualified psycho-social counselling be provided.

5. Education

Every child, regardless of status, should have full access to education in the asylum country.

The child should be registered with appropriate school authorities as soon as possible.

All children seeking asylum should have the right to maintain their cultural identity and values, including the maintenance and further development of their mother tongue.

All juveniles should be allowed to enrol in vocational/professional training or education which would improve their prospects, especially when returning to their country of origin.

6. REFUGEE STATUS DETERMINATION FOR UNACCOMPANIED CHILDREN

Procedures

1. Considering their vulnerability and special needs, it is essential that children's refugee status applications be given priority and that every effort be made to reach a decision promptly and fairly. All appeals should be processed fairly and as expeditiously as possible.
2. Minimum procedural guarantees should include determination by a competent authority, fully qualified in asylum and refugee matters; where the age and maturity of the child permits, the opportunity for a personal interview with a qualified official before any final decision is made; and a possibility to appeal for a formal review of the decision.
3. Not being legally independent, an asylum-seeking child should be represented by an adult who is familiar with the child's background and who would protect his/her interests. Access should also be given to a qualified legal representative. This principle should apply to all children, including those between sixteen and eighteen, even where application for refugee status is processed under the normal procedures for adults.

4. The interviews should be conducted by specially qualified and trained representatives of the refugee determination authority who will take into account the special situation of unaccompanied children, in order to carry out the refugee status assessment.
5. An asylum-seeker or his/her legal representative should be able to seek a review of the decision. Appropriate deadlines should be set out for a child to appeal a negative decision. Every effort should be made to reach a decision in an efficient manner in order not to keep children in limbo for a long period of time regarding their status and their future. All appeals should be processed fairly and as expeditiously as possible. This may require children's appeals to be prioritized over other outstanding appeals.
6. Although the same definition of a refugee applies to all individuals regardless of their age, in the examination of the factual elements of the claim of an unaccompanied child, particular regard should be given to circumstances such as the child's stage of development, his/her possibly limited knowledge of conditions in the country of origin, and their significance to the legal concept of refugee status, as well as his/her special vulnerability. Children may manifest their fears in ways different from adults. Therefore, in the examination of their claims, it may be necessary to have greater regard to certain objective factors, and to determine, based upon these factors, whether a child may be presumed to have a well-founded fear of persecution.
7. It should be further borne in mind that, under the Convention on the Rights of the Child, children are recognized certain specific human rights, and that the manner in which those rights may be violated as well as the nature of such violations may be different from those that may occur in the case of adults. Certain policies and practices constituting gross violations of specific rights of the child may, under certain circumstances, lead to situations that fall within the Scope of the refugee Convention. Examples of such policies and practices are the recruitment of children for regular or irregular armies, their subjection to forced labour, the trafficking of children for prostitution and sexual exploitation and the practice of female genital mutilation.

8. It is also important to take into account the circumstances of the family members as this may be central to a child's refugee claim. Principles of confidentiality should not be compromised in this regard. While the child may have personally fear or have experienced persecution, more often s/he may fear or have been affected by other discriminatory or persecutory measures affecting the entire family.
9. Children often do not leave their country of origin on their own initiative. They are generally sent out by their parents or principal caregivers. "If there is reason to believe that the parents wish their child to be outside the country of origin on grounds of their own well-founded fear of persecution, the child him/herself may be presumed to have such a fear." If the will of the parents cannot be ascertained or if such will is in doubt, then a decision will have to be made regarding the well-foundedness of the child's fear on the basis of all known circumstances.
10. The final decisions should be based on a case-by-case examination of the unique combination of factors presented by each child, including the child's personal, family and cultural background. Therefore, it is important that persons involved in the refugee status determination procedures have an understanding of the history, culture and background of the child.