

Old train converted into an educational and leisure space for minors at risk, Baity Centre in Casablanca, Morocco (2000).



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True philosophy is relearning to see the world

Merleau-Ponty



CONCLUSIONS AND RECOMMENDATIONS

The aim of this research is to contribute to **detecting and informing of the reality of unaccompanied migrant minors in Europe (UMMs), with a view to guaranteeing their rights as minors**, promoting a type of common policy in Europe countries in line with these rights.

1. The name of the UMMs

UMMs are given **different names** in each country.

The terms used in each country to name UMMs are indicative of the perception held of the phenomenon and they enable us to understand better how the social policies and legislation applied to this group are developed in the various countries and to see the heterogeneity and diversity of the phenomenon.

In all, the most widespread terminology in Europe matches the central idea of “unaccompanied minor” albeit with significant differences in the legal and social conceptualisation about what a UMM is in the different countries.

2. The meaning of “unaccompanied”

These are foreign minors under the age of 18, although the concept of “unaccompanied” can have a more restricted or a broader sense.



They are minors who come to Europe without their parents or legal guardians, and in the case of their being accompanied by an adult, the latter may belong to an organisation with illegal aims or, to a lesser extent, they may be accompanied by a family member who cannot adequately care for them.

The way in which the UMMs define or call themselves is also important for getting to know the phenomenon, as it is highly indicative of their reasons and their experiences.

3. A proposed definition

The CON RED Project proposes the following definition of unaccompanied migrant minor, affording each element of this name with its full meaning:

Minor: because they are children and adolescents under the age of 18 or who have arrived during this age of minority and that this condition is the one that should prevail in their reception in the country of destination.

Migrant: because these minors travel to Europe with a migratory project, voluntary or imposed, that may have different causes but are always generated by situations of deprivation and vulnerability.

Unaccompanied: because the basic characteristic of their situation in the country of destination is that of a lack of defence as there are no adults to take charge of them, giving them the necessary care, irrespective of the relationships maintained with adults during the migratory project.

This definition includes both those who have entered the country of destination through an **asylum application** and those who have **entered illegally**.

At present, we should consider UMMs as **transmigrants**. Advances in technology, communication and transport help the **connection between origin and destination** to be highly present, not only in everyday life but also in the design of the UMMs' migratory project, despite the difficulties of entering Europe. The transmigrant invests in and maintains the **social networks** at origin.

4. The visualisation of the phenomenon of UMMs in Europe

Migrations of children and adolescents have occurred throughout history in Europe. But it is not until now that it has happened from a protectionist perspective, granting minors the need to be protected and placed in the care of adults, as set out in the United Nations Convention on the Rights of the Child (1989).

The phenomenon of UMMs came to light in the 1990s. A crucial moment in their presence occurred in all the countries studied after 1998 and 1999.

The perception of UMMs moves between two poles. One focus is to consider the minor as a **victim** who should be subject to protection through models that infantilise or become excessively protectionist. The other vision is to conceive of the UMM as a potential **public order problem**, due to their situation of illegality and legal provisionality, and also to their condition as a young person.

UMMs are frequently stigmatised, offering an image of them that matches the model of juvenile delinquents or ones who cannot adapt to the type of life of the reception society.

Despite this, in Europe, the issues that affect these children and young people continue to be relatively **imperceptible in both the legislation and policies**.

At the start of the 1990s, the first documents referring to UMMs appeared, some of a legal nature (especially in those countries with the asylum model) and others of a research nature (especially in those countries with the protection model). Between 1995 and 2000, a large part of the documents that appeared on UMMs focused on the difficulties of socio-educational intervention. During this same period, the media began to echo the existence of the phenomenon.

5. The present reality: number, gender and age of the UMMs

In 2002, more than 30,000 UMMs were registered in all the 17 European countries and the trend in 2003 was an increase in the number of minors. However, the phenomenon is much greater as it has been noted that many minors are not reflected simply because they are not detected. The countries that record the most minors in these years are **Italy, Spain and the United Kingdom**.

UMMs are **mainly male**. Female UMMs are not as visible because they often arrive by other more hidden circuits of a criminal nature to be exploited sexually or in other ways.

The majority age is between **15 and 17 years of age**.

6. Origin of the minors

Discovering the factors of origin will allow us to predict the potential areas of origin of minors.

According to demographics, on a worldwide scale, the great majority of children and adolescents are in Asia and sub-Saharan Africa.

The countries of origin of the minors have a high rate of poverty or are suffering armed conflicts.

The main continents of origin of UMMs heading for Europe are: Africa and Europe itself. The large geographical areas of origin are: **sub-Saharan Africa, Maghreb and Eastern Europe**.

7. Reasons for the emigration of the UMMs

Two groups can be distinguished:

Political migration: the minors come from well-off families, with few members, contexts of economic security, a good level of schooling and scant contact with the employment world.

Economic migration: impoverished and large families, in precarious conditions and ones of economic instability, unfinished schooling at an early age and incipient contact with the employment world..

Migration also occurs to improve social and/or cultural expectations. This is usually a complementary reason to the two above.

8. The decision to emigrate

This may be:

Family-based: to protect the minor, to help the family and to improve the social conditions of the minor.

Individual and/or with the peer group: to look for work or to improve their future expectations. In this case, the family may or may not know it. The attitude of the family with regard to the migratory will of the minor may be one of refusal and avoidance, of resignation or of support.

9. Destination of the minors

Usually, the main regions of settlement of the UMMs coincide with the capital of the country (**Zealand – Copenhagen, Brussels – Brussels, Lisbon and Tagus Valley – Lisbon, Leinster – Dublin, Paris – Paris**) or with the capitals of the most developed regions (**Lombardy – Milan, Catalonia – Barcelona, Zurich – Zurich and Leman – Geneva**).

The UMMs emigrate to areas where there is a greater concentration of emigrants of the same nationality, which normally coincides with the most developed areas in the country. The diverse distribution in the countries of reception is also conditioned by other factors: proximity or ease of transport; historical, economic and linguistic ties between the country of origin and that of destination (e.g. former colonies); the presence of compatriots (especially if they are family members or known to the minor); the different routes, legislations and social policies of reception of each country, etc.

10. Migratory patterns and forms of transport

Three migratory patterns based on the vehicle of means of getting to the country of destination can be defined:

Arrival by plane

Planes arrive at the capitals of every country, some directly from the country of origin and others with a stop-over in a European country. Minors who do not arrive directly by plane in the country of destination do so to a nearby country and then carry on clandestinely in a lorry or car.

Normally, UMMs who come by this means of transport come from countries suffering armed conflicts and/or serious disturbances (sub-Saharan Africa, some Middle East countries and Asia), and for this reason the minors apply for asylum through

fear of persecution or through the lack of protection against human rights violations.

The minors head mainly for countries with the asylum model, such as Denmark, Switzerland, Belgium, Ireland and Portugal, and to a lesser extent to countries with the child protection model (Spain, Italy and France).

Normally, the minors arrive by plane with an adult accompanying them, be it a family member, someone known to the minor or an intermediary from a more or less legal organisation.

Arrival by sea

By sea vessel, in its various forms (ferries, cargo ships, boats, dinghies, launches, etc.), they arrive at the nearest areas on the European continent to their origin or to cross from one country to another (Albania – Italy, Morocco – Spain, Morocco – France, Algeria – France, United Kingdom – Ireland).

The UMMs come from countries nearby (Morocco, Algeria, Albania, some sub-Saharan countries, etc.) which are suffering severe economic crises, frequently related to barely stable political situations.

The minors arrive in European countries clandestinely and establish themselves where the legislation is more favourable to them, because they have access to the childhood and protection systems in these countries (Spain, Italy and France).

They may go alone or with a peer group in the same conditions. Less frequently, they are accompanied by an adult, be it a family member, someone they know or an intermediary of some organisation with illicit aims.

Arrival over land

Land transport (lorry – hidden inside or underneath – coach – hidden inside or as a passenger – car – hidden inside or as a passenger – and train) is the form chosen to make the journey from one country to another within Europe, and to a lesser extent, in Asia and Africa.

In Asia or Africa, they use this method after using the above (plane and/or ship) to carry on with their journey to the chosen European country. The minors from Eastern Europe make the journey with this type of transport, be it legally (as a tourist by coach, train or car) or illegally (hidden in lorries or cars). Some minors enter European countries legally (Romania – Italy, France – Spain), whereas others do so illegally (Morocco – France, Albania – Italy), and establish themselves where the

legislation is more favourable to them (Afghanistan – Denmark, Congo – Belgium, Nigeria – Ireland, Morocco – Spain, Romania – Italy, etc.).

Some minors are accompanied by an adult, be it a family member, someone they know or an intermediary of an illegal organisation, while others go alone or with other members of the peer group in the same conditions.

11. Presence of organisations with illegal aims

Of the **eight European countries researched, we have detected that in at least seven of them there are minors who enter the region through a clandestine migratory organisation and that criminal organisations or ones with illegal aims continue to exercise some kind of control over the minors.**

Two types of network can be distinguished: networks that exploit the lucrative market of the clandestine entry into Europe and the criminal networks that can exploit the minors in the country of reception. In some cases, it is the same organisation.

This reality is **an example of the fragility of the UMMs** and of the dangers to which they are exposed, and it requires action by the authorities in the various countries to eradicate the presence and actions of these organisations.

12. Characteristics of the minors at the time of their arrival

The harshness and the conditions of the migratory journey and its duration involve shortages on many levels (health, education, etc.).

When the **migratory motivation is fundamentally economic**, these minors hope to work and earn money in the place of reception. Their expectations in this and in other areas clashes with the real conditions of the reception and with the perception held of them by the receiving country.

Given the conditions of origin, in many cases they have a lack of schooling or are illiterate. Their school adaptation is difficult and the employment market is shut off from them, both for legal questions (age of minority, work permit, etc.) and for their scant professional qualification. Immersion in the normalised educational system in the country of origin is always difficult, and this is even greater the older the minor is.

On arrival, **the minors experience a severe breakdown of**

their expectations and even of their self-image. While emigration means the drastic separation of the young person from their original social context and the beginning of giving content to a project (emigrating, becoming an independent, self-sufficient individual and even the family breadwinner), which may be understood as a way of becoming adult, everything is contradicted by the imposition of the new definition (that of UMM) which turns them into dependent individuals, in a situation of more or less defencelessness, on whom the state is attributed powers of intervention.

13. The reception of the UMMs and the legislation of the countries of destination

The treatment given to UMMs in Europe is conditioned more by the state interests of migratory control than the human rights and rights of the child.

Generally speaking, no specific legislation has been drafted in terms of UMMs, but regulations have been based on existing legislation on immigration and/or child protection.

Many of the principles of the Convention on the Rights of the Child are not fulfilled.

Legal provisions at an EU level on UMMs are ambiguous and non-specific.

In the Treaty establishing a Constitution for Europe, no mention is made of UMMs, only categories such as “nationals of other countries”, “displaced persons” or “children in general” are quoted.

14. Models of access by the minors to the country

In the countries studied, three models of access to the country are detected:

Asylum model: cared for as set out in the asylum legislation emanating from the Geneva Convention. This is the case of Switzerland, Portugal, Belgium, Denmark and Ireland.

Child protection model: cared for by the child protection system of the country of destination according to the Convention on the Rights of the Child. This is the case of Italy and Spain.

Mixed model: if the minor is detected at the border, they have to apply for asylum, but if they are detected inside the country this is not necessary, as they are considered to be defenceless minors. This is the case of France.

15. Breach of rights

In the three models, breaches of the rights of the minor may occur at some stage in the procedure:

- The procedures are very complex, bureaucratic and entail administrative and language difficulties.
- There is a lack of training of the staff who detect and receive the minor to attend specifically the cases concerning minors.
- Generally speaking, the UMMs must face the unknown and the resolution of all their doubts completely alone and without help from anyone.
- Protection and permanence in the country are not automatically guaranteed.
- Repatriations are being carried out without ascertaining the suitability of this measure or the safety offered by the family environment of the minor in their country of origin.

Also, in the **Asylum Model**:

- They have to start an asylum application procedure the same as adults, as different circuits for minors have not been designed.
- Until the application is accepted for processing, they are confined in enclosed places exclusively for foreigners and shared with adults.
- With repatriation, a closed detention system can be applied if there is suspicion of the minor absconding.

In the **Child Protection Model**:

- Although, all the countries have a guardianship service to care for minors, the concept of defenceless minor with a need to be protected is being replaced by that of foreign immigrant.
- Bilateral agreements with the governments of the countries of origin of UMMs are being put in place as a measure for carrying out systematic repatriations.

16. The reception and care of UMMs

Although the initial processes offer some differences, generally speaking, the circuits, the type of centre and their operation are based on the same principles and have a very similar mechanism in every country, irrespective of the model of access to the country applied.

All of the countries have gone from receiving UMMs in the existing resources (from the sphere of minors, child protection centres intended for national children; and from immigration, adult centres) to creating specific resources for this group, and it has been necessary to rethink the programmes and assess whether it was more suitable to have specific services for UMMs or to have them live alongside minors with different situations (with support programmes).

A “care itinerary model” can be defined, comprising three stages, which is followed by all of the countries: initial reception centre, reception centre and definitive resources.

The **initial reception centres** meet the most basic needs of the minor (health, hygiene, accommodation and food). They are housed here for between two and three months. Staying at these initial reception resources is usually perceived by the UMMs as wasted time.

Subsequently, the UMMs must wait for the answer to their asylum application or to the diagnosis, which governs the proposed educational measure at a **temporary reception centre**.

The **definitive resources** are the residential centres, the host families, the flats with educational monitoring and accommodation in hostels. These resources ensure that the minors are able to move about autonomously in the country of reception, to understand it and to become integrated in its social and cultural life.

The legal procedure is the one that sets the pace of the various stages at the reception mechanisms.

The processes and circuits for caring for the UMMs are institutionalised. The management of the centres is usually controlled by the authorities, although in some countries management is privately run in various forms: state assisted, subsidised (to a greater or lesser extent), etc.

17. Lack of care for the minors

We should highlight the lack of **adaptation of the care mechanisms** to the reality of the minors; the centres are assessed as insufficient and in every country there are incompatibilities between the educational objectives set out and the reality of the resources. There are few centres that have the economic and human resources to tackle a service of these characteristics.

Generally speaking, **the different countries do not have resources aimed at the UMMs who reach the age of major**

ity (except for some very minority services), so the UMMs are radically “expelled” from the care mechanisms used up until that point.

The **problems of documentation** greatly hinder employment integration. Denying the UMM at a working age the right to work constitutes a serious discrimination against foreign minors compared with national minors from European countries. This exclusion poses serious obstacles to the social integration of the minor, aggravating marginalisation and favouring their exploitation in the black economy or in illegal activities, or in forcing them to rely on the social/assistance services in each country.

The **slowness in adapting the legal framework and the procedures** for processing residence permits are a very serious problem that should be studied in order to streamline the processes. An example of these difficulties, which appears to be very much widespread in all of the countries, is the processing of the documentation relating to residence permits. The processes are slow and this waiting time goes on so long that many UMMs reach the age of majority without obtaining these documents, which are necessary to reside legally in European countries, especially those who come to Europe at the age of 16 or 17.

All of this leads to situations of vulnerability and defencelessness of the minors. Therefore, the need is clear to speed up the legal processes to avoid excessive stays in the reception centres. A period of great uncertainty and instability about their future may lead the minor – whose personal and social identity are being formed – to abandon any positive resource of integration and decide on marginal and risky options; this is a situation which will have a negative influence on the formation of their identity.

Some minors, a number that is difficult to quantify, cannot be successfully integrated or received in the care and protection circuits. These minors are in situations of **illegality, clandestinity and complete lack of protection**. In these cases, vulnerability and personal risk are very high, not just of social exclusion but of falling victim to the trafficking of minors, child prostitution, violence of another nature, etc.

The minor's support networks (adult compatriots, other UMMs, associations, etc.) play a very important role in terms of the solidarity and formal or informal support that they are able to offer. We should **foster the possibilities of building or rebuilding these support networks without this meaning their replacing institutionalised care**.

FINAL RECOMMENDATIONS

1. A common legal definition in Europe of the concept of unaccompanied migrant minors and of the rights that should be recognised in them in every state would be desirable. In this vein, the same level of protection for the national minors of the state as for immigrant minors should be achieved.

2. The majority ratification of the Convention on the Rights of the Child in Europe should involve the application of its guarantees to all resident minors, whatever their legal status.

3. Regrettably, it is noted that the growth of the phenomenon of UMMs has led to a toughening or a deterioration of the standards of asylum or protection in some countries. Frequently, the authorities of the reception countries propose the return to the country of origin as the sole measure or as the best measure in all cases.

4. Although return may be a measure to consider, it should not be mandatorily imposed without hearing the opinion of the minor as, in many cases, this measure would accentuate their situation of defencelessness. All repatriations should involve a highly detailed study to ensure the safety of the minor in the country of origin, with safety being understood in a broad sense: a country with no violence, needs covered, right to education, access to health care, etc. In the event that there are any doubts in ensuring this, the measures should not be carried out.

5. The countries of origin should be taken into account throughout the entire migratory process of the UMM in Europe, not just with regard to the return.

6. The adaptation of the minors to the care resources is not easy. The more non-specific and provisional the resource, the more difficult will be the adaptation, meaning that more minors may abscond.

7. We must overcome the lack of adaptation of the care resources to the reality of the minors; the insufficiency of definitive resources in the normalised protection mechanism and the lack of specialist professionals (both in social or socio-educational intervention and of professionals in contact with this reality, such as safety, justice, health, etc.).

8. The minors who are outside the protection mechanisms (both those who are in some way controlled by criminal or illegal organisations and those who are not) should constitute an emergency for care by the authorities and societies of the countries of origin.

9. At the moment the minors reach the age of majority, situations of institutional abandonment that occur due to the automatic expulsion from the circuits should be avoided. Specific resources for this stage and the transition to full independence are needed.

10. De-institutionalisation should be prepared with resources that must be based on their own social network and from the more immediate environment of the minors (external accompaniment by non-professional adult role models, temporary reception programmes in families, etc.).

11. Parallel community work is needed to reduce the stereotypes and prejudices existing in the community towards these young immigrants.

12. Research needs to be incentivated as a tool of knowledge for improving the care of UMMs, placing special emphasis on the more vulnerable groups from a trans-national and gender perspective.