

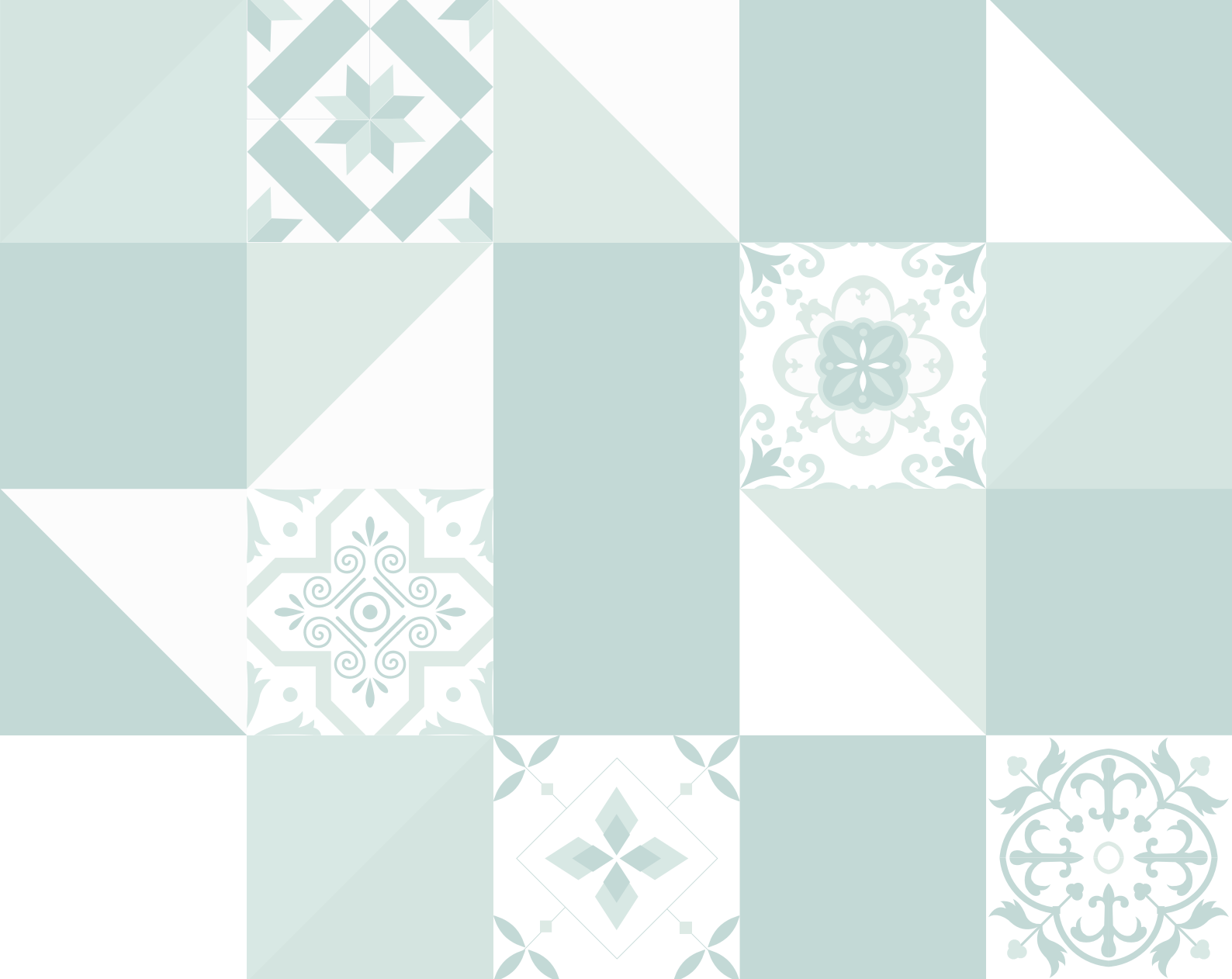
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# Unaccompanied and Separated Children in the Mediterranean Region





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# Table of contents

Table of contents.....	3
List of Acronyms.....	4
Glossary.....	5
<b>1. Introduction.....</b>	<b>8</b>
1.1 About the Study.....	8
1.2 Methodology.....	9
<b>2. Unaccompanied vs. Separated Children in the Mediterranean region: Contextual and Conceptual differences.....</b>	<b>11</b>
2.1 UASC: an operationally-relevant category for both MENA and European countries.....	11
2.2 UASCs: conceptual differences from a legal perspective.....	13
2.3 UASC: a conceptual difference with important operational consequences.....	14
<b>3. UASCs' perspectives and lived experiences in MENA and Europe.....</b>	<b>16</b>
3.1 Uncertainty and its negative impact on UASCs across all countries.....	16
3.2 Positive living and care arrangements.....	18
3.3 Access to essential services: education and health.....	22
3.4 UASC's vulnerability to violence, exploitation and abuse.....	24
<b>4. Conclusion and recommendations.....</b>	<b>27</b>
<b>ANNEX 1: Summary of legal and institutional solutions for the protection of UASCs in Jordan, Lebanon, Morocco, Greece and Spain.....</b>	<b>29</b>
<b>ANNEX 2: BIBLIOGRAPHY.....</b>	<b>31</b>



# List of Acronyms

AU	African Union
CRC	Convention on the Rights of the Child
EU	European Union
EASO	European Asylum Support Office
FRA	European Union Agency for Fundamental Rights
ICMPD	International Centre for Migration Policy Development
IDAC	International Data Alliance for Children on the Move
ILO	International Labour Organization
MENA	Middle East and North Africa
MOSA	Ministry of Social Affairs
NGO	Non-governmental organisation
ONDE	Observatoire national des droits de l'enfant
ONDH	Observatoire National du Développement Humain
PICUM	Platform for International Cooperation on Undocumented Migrants
PTSD	Post-Traumatic Stress Disorder
SSPUM	Special Secretariat for the Protection of Unaccompanied Minors
UAM	Unaccompanied Minors
UASC	Unaccompanied And Separated Children
UNCRC	UN Convention on the Rights of the Child
UNICEF	United Nations International Children's Emergency Fund
UNHCR	United Nations High Commissioner for Refugees
UNWRA	United Nations Relief and Works Agency for Palestine Refugees in the Near East

# Glossary

Terms	Definition
Alternative Care	<p>Alternative care may take the form of:</p> <p>(i) <b>Informal care:</b> any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body;</p> <p>(ii) <b>Formal care:</b> all care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures;</p> <p>With respect to the <u>environment</u> where it is provided, alternative care may be:</p> <p>(i) <b>Kinship care:</b> family-based care within the child's extended family or with close friends of the family known to the child, whether formal or informal in nature;</p> <p>(ii) <b>Foster care:</b> situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family that has been selected, qualified, approved and supervised for providing such care;</p> <p>(iii) <b>Other forms</b> of family-based or family-like care placements;</p> <p>(iv) <b>Residential care:</b> care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short- and long-term residential care facilities, including group homes;</p> <p>(v) <b>Supervised independent living arrangements</b> for children;<sup>1</sup></p>

<sup>1</sup> UN General Assembly, Guidelines for the Alternative Care of Children : resolution / adopted by the General Assembly, 24 February 2010, A/RES/64/142, para 29, available at: <https://www.refworld.org/docid/4c3acd162.html> [accessed 06 January 2024]

<p>Best Interests of the child</p>	<p>The UN Committee on the Rights of the Child in its General Comment number 14 considers that the “child’s best interests is a threefold concept:</p> <p>(a) <b>A substantive right:</b> The right of the child to have his or her best interests assessed and taken as a primary consideration when different interests are being considered in order to reach a decision on the issue at stake, and the guarantee that this right will be implemented whenever a decision is to be made concerning a child, a group of identified or unidentified children or children in general. Article 3, paragraph 1, creates an intrinsic obligation for States, it is directly applicable (self-executing) and can be invoked before a court.</p> <p>(b) <b>A fundamental, interpretative legal principle:</b> If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child’s best interests should be chosen. The rights enshrined in the Convention and its Optional Protocols provide the framework for interpretation.</p> <p>(c) <b>A rule of procedure:</b> Whenever a decision is to be made that will affect a specific child, an identified group of children or children in general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned. Assessing and determining the best interests of the child require procedural guarantees. Furthermore, the justification of a decision must show that the right has been explicitly taken into account. In this regard, States parties shall explain how the right has been respected in the decision, that is, what has been considered to be in the child’s best interests; what criteria it is based on; and how the child’s interests have been weighed against other considerations, be they broad issues of policy or individual cases”.<sup>2</sup></p>
<p>Child</p>	<p>Any person below 18 years of age, according to the 1989 UN Convention on the Rights of the Child.<sup>3</sup></p>
<p>Child Protection</p>	<p>UNICEF defines Child Protection as “Child Protection is the prevention of, and response to, exploitation, abuse, neglect, harmful practices and violence against children”.<sup>4</sup></p>
<p>Child Protection System</p>	<p>The set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks. These systems are part of social protection and extend beyond it [...]. Responsibilities are often spread across government agencies, with services delivered by local authorities, non-State providers, and community groups, making coordination between sectors and levels, including routine referral systems, a necessary component of effective child protection systems</p>

<sup>2</sup> UN Committee on the Rights of the Child (CRC), General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3 para. 1), 29 May 2013, CRC /C/GC/14, available at: <https://www.refworld.org/docid/51a84b5e4.html> [accessed 08 January 2024]

<sup>3</sup> UN Convention on the Rights of the Child (1989), Article 1, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> [accessed 08 January 2024]

<sup>4</sup> UNICEF, Child Protection Strategy 2021-2030, available at: <https://www.unicef.org/documents/child-protection-strategy> [accessed 08 January 2024]

<p>Separated Children</p>	<p>The UN Committee on the Rights of the Child considers that “Separated children” are children, as defined in article 1 of the Convention, who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.<sup>5</sup></p>
<p>Trafficking in persons (or trafficking in human beings)</p>	<p>The recruitment, transport, transfer, accommodation or receipt of persons (adults or children or both); in the case of adults, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; in the case of children, it refers to the recruitment, transport, transfer, accommodation or receipt of children, whether or not these means are used. In both cases (of adults and children), it is for the purpose of exploitation, which includes the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.</p>
<p>Unaccompanied children</p>	<p>The UN Committee on the Rights of the Child considers that “Unaccompanied children” (also called unaccompanied minors) are children, as defined in article 1 of the Convention, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.<sup>6</sup></p>
<p>Youth (this term is used interchangeably with young person or young people in this study)</p>	<p>For the purpose of this study, the term “youth” is to be understood as referring to a person between 15 and 24 years of age, in line with UN General Assembly Resolution 36/28 of 1981.<sup>7</sup></p>

5 UN Committee on the Rights of the Child (CRC), General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6, para. 8, available at: <https://www.refworld.org/docid/42dd174b4.html> [accessed 06 January 2024]

6 UN Committee on the Rights of the Child (CRC), General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6, para. 7, available at: <https://www.refworld.org/docid/42dd174b4.html> [accessed 06 January 2024]

7 Accessible at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N81/165/83/PDF/N8116583.pdf?OpenElement>



# 1. Introduction

This study was developed as part of the EUROMED Migration V programme, which is funded by the European Union (EU) and implemented by the International Centre for Migration Policy Development (ICMPD). It supports EU Member States and the European Southern Neighborhood Partner Countries (SPCs) in establishing a comprehensive, constructive and operational dialogue and co-operation framework on migration, with a particular focus on reinforcing instruments and capacities to develop and implement evidence-based migration policies.

EMM5 builds upon the results of its first four phases (2004-2020) and tailors its activities around facilitating effective North-South and South-South regional dialogues and cooperation within the thematic areas identified in the New Agenda for the Mediterranean on migration and mobility and the New Pact on Migration and Asylum. These include migration and asylum governance, socio-economic opportunities for migrants and host communities, return and reintegration, legal migration and mobility.

## 1.1 About the Study

The study *Lived Experiences and Perspectives of Unaccompanied and Separated Children in the Mediterranean Region* was initially developed to investigate (a) the specific migration aspirations and broader migration decision-making processes of unaccompanied and separated children, and (b) the factors impacting their protection and integration in their host societies.

UNICEF projected that in 2021, 36.5 million children would have escaped conflict and violence. However, related statistics often lack a detailed breakdown and do not distinguish unaccompanied and separated children (UASC) and other highly vulnerable subgroups of children on the move.

While many research initiatives embracing a child participatory approach have already been undertaken in Europe focussing on the situation and perspectives of migrant children in general, and unaccompanied and separated children in particular, much less insights are available on the situation in the MENA region, where a sizeable proportion of the global asylum seeking and refugee population resides.

This work was designed to shed light on past and current dynamics that influence international migration (from and within the region), gather the perspectives and analyse the narratives of UASC in an attempt to understand the reasons that underpin the mobility of unaccompanied and separated children from and within the region, also with a view to provide recommendations on how to better provide for their specific needs in different contexts. The study placed a special emphasis on 3 selected countries in the MENA region (Morocco, Jordan and Lebanon) while valuable information and data gathered in 2 European Union (EU) countries, Greece and Spain, were also used. Based on our research findings and conclusions, an additional goal is to promote a reinforced knowledge base on UASCs in the MENA region and beyond, hoping it could contribute to guide actions that intend to improve the situation of unaccompanied or separated children in countries covered by this research and beyond.



## 1.2 Methodology

### a) Research Scope

It is crucial for policy development affecting UASC to gain a better understanding of their lived reality and the various institutional and societal factors that either increase or decrease the opportunities and choices available to them. The research for this study intended to look into the particular drivers that affect how well UASCs integrate into their host countries.

The report at hand therefore makes recommendations for a more comprehensive approach to meet these children's unique needs and to foster a spirit of cooperation between countries of origin, transit, and settlement in policy areas relevant to the protection and integration of UASCs.

The **geographical scope** of the research covers three countries in the MENA region (Morocco, Jordan and Lebanon), trying to identify cross-cutting concerns impacting UASCs, grounded in a comparative review of their situation and circumstances in Jordan, Lebanon, and Morocco.

Morocco serves as a key hub for UASC heading to Europe because of its proximity to the continent. Since the start of the Syrian conflict in 2011, Lebanon and Jordan have taken in large numbers of refugees, including UASC.

Despite the fact that each of the three countries' settings is distinct, there are common aspects in the issues facing UASC in each of the three countries. The same holds true for Greece and Spain, two major hubs for migrant children, many of whom initially left – or transited through - Jordan, Lebanon, or Morocco, on their journey to Europe.

### b) Research Methods

The methodology used to complete this study includes **mixed methods, combining primary research in the field with secondary research encompassing desk research and secondary data analysis**. In Greece and Spain, the research is solely based on literature gathered through desk research, while for Jordan, Lebanon, and Morocco, a literature review supported the design and implementation of interviews with researchers and experts working both for international organisations (IOs) and non-governmental organisations (NGOs) who specialize on UASCs and/or directly work with or on various aspects of their protection. Different data sources were used to spread out perspectives and highlight a diversity of policy entry points to the issue. Inevitably, the gathered information is not consistent across national contexts, reflecting specificities in the countries' migration contexts but also differences in the profiles of individuals interviewed.

Overall, **24 interviews were held (in Arabic, English, French and Moroccan Darija)** and were based on an interview guide that grouped questions related to unaccompanied children into the following themes:

- Living conditions
- Aspirations
- Protection and support measures
- Attitudes towards unaccompanied minors in the country
- Recommendations for policy makers

Gender-specific questions were systematically incorporated into the interview schedule to explore whether and how the experiences, treatment and aspirations of girls and boys might differ.

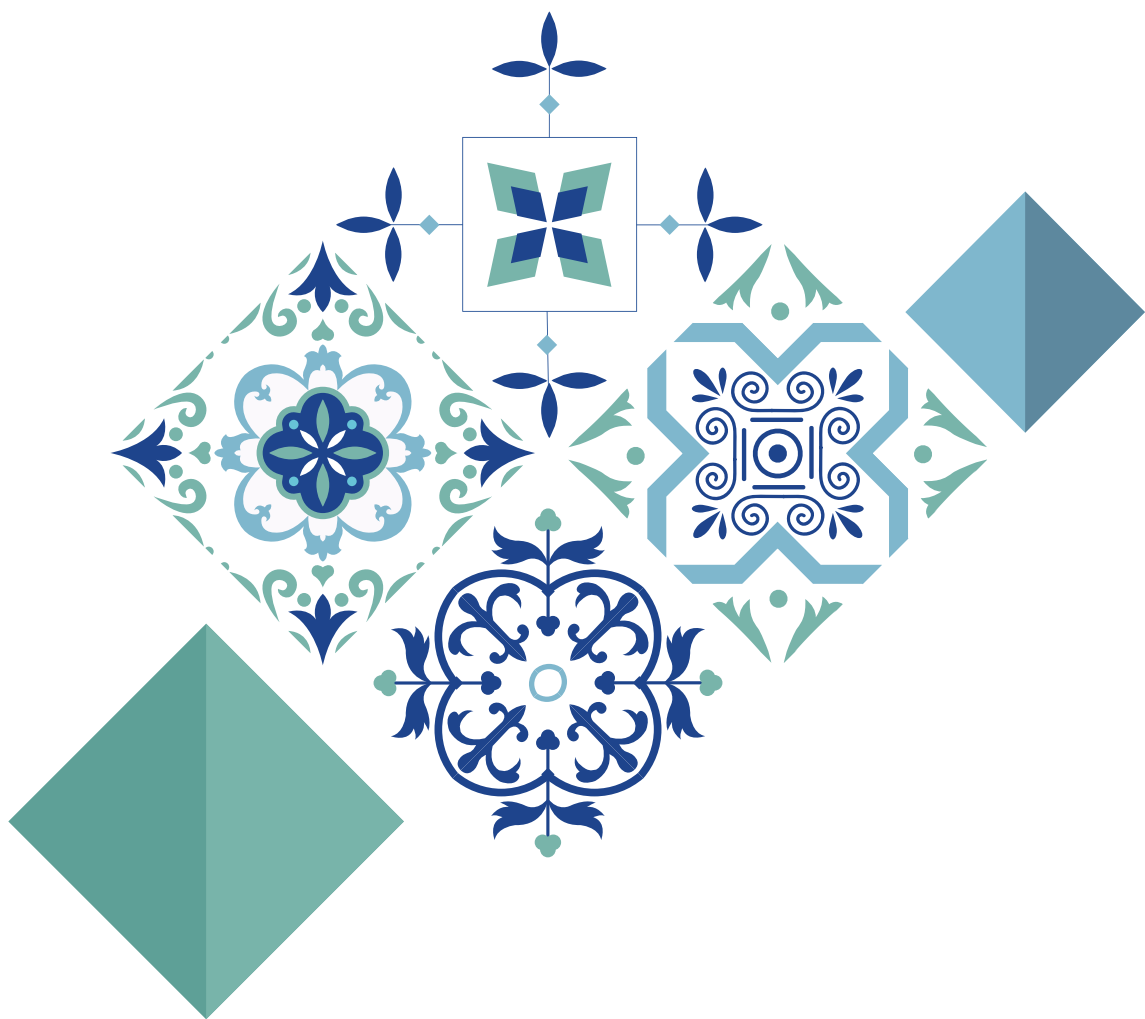
### c) Research Limitations

The research team had to face several ethical and practical issues when researching or writing about UASCs: due

to their specific circumstances, it would have been very difficult to secure the presence of a custodian (let alone one of their parent) during the interview. The presence of legal guardians or specialized staff could have been considered but inevitably started to raise ethical issues, including in relation to potential power imbalance as UASC might worry that declining to participate in an interview or sharing personal information could have an adverse effect on their situation. Concerns of secondary victimisation and re-traumatisation also played an important role in our decision to rule out interviews with UASCs directly, fearing that part of their stories which they would be recounting could cause them stress, embarrassment, and anxiety.

As a result, the choice was made to not engage and have direct interactions with UASCs through interviews, observation or other research methods, thereby avoiding any of the risk outlined above in full compliance with the principle of *do no harm*.

This obviously had important (negative) consequences on the ability of the research team to gather data and information on UASCs aspirations and lived experiences, but our interactions with very knowledgeable and experienced key informants have proven to be fruitful and positive even though individual UASC experience and emotions is inevitably and unconsciously altered.



# 2. Unaccompanied vs. Separated Children in the Mediterranean Region: Contextual and Conceptual differences

## 2.1 UASC: an operationally-relevant category for both MENA and European countries

Distinguishing between two different circumstances (i.e. being unaccompanied vs. being separated) that are supposedly captured in this one single concept (i.e. UASC - unaccompanied and separated children) allows us to unpack the diversity, complexity and interplay of the different personal, situational and structural factors that may have positive or negative consequences for UASCs as individuals, or as a member of a community, or in the context under which they live.

While it is not the purpose of this research to discuss the legitimacy or adequacy of the UASC terminology, it is nonetheless important to realise the impact that such legal categorisation has on the situation of children who left their country to seek safety or better perspectives in another, but also on national authorities responsible to assess (and address) their short to medium term needs and/or determine what is in their best interests on the longer term, including in relation to their legal status.

Certainly, referring to UASC as a legal concept entails a number of benefits, allowing systems, procedures and institutions to play their role (e.g., delivery of vital social security, protection and medical services) towards a heterogeneous group of migrant children. Their diversity in profile(s) is only matched by the variety of their experience, situations, and perspectives. Taking the national migration context into account is an important step towards reflecting on this diversity:

**Jordan:** on a per capita basis, Jordan is the country hosting the second-most refugees globally<sup>8</sup>, accommodating more than 750,000 refugees of diverse nationalities (as Iraqi, Yemeni, Sudanese, Somali..), including more than 660,000 Syrian refugees registered with the UNHCR in 2022. **83% of Syrian refugees reside in host communities**, with the remaining 17% living in refugee camps.<sup>9</sup> More than half of UNHCR-registered Syrian refugees in Jordan are children among which 2,171 were UASCs at the start of 2022.<sup>10</sup> **The number of UASCs dropped to 1,920 in March 2023**, corresponding to roughly 0.8% of all Syrian refugees in Jordan at that time.<sup>11</sup>

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8 UNHCR Jordan (2023), Multi-Year Strategy 2023-2025

9 Alnimury, N. (2022), 2171 Syrian refugee children in Jordan separated from their families. Retrieved from <https://encr.pw/pzy8F>

10 Taha, S. (2022). The Challenges that are facing unaccompanied refugee children in alternative care arrangements in Jordan, Master Thesis, The University of Jordan.

11 United Nations High Commissioner for Refugees (2023), Jordan: Gender & Age Situation Map as of 31 March 23, available at <https://reliefweb.int/map/jordan/jordan-gender-age-situation-map-31-march-2023>.

**Lebanon:** Lebanon hosts the highest number of refugees per capita worldwide, with 1.5 million Syrian refugees, and approximately 11,645 refugees from other countries, such as Iraq<sup>12</sup> and Sudan<sup>13</sup>, as well as 489,292 registered Palestinian refugees,<sup>14</sup> according to UNWRA estimates.<sup>15</sup> There is no comprehensive data or official numbers of UASCs in Lebanon. UNHCR highlights that children constituted 55% of registered "Persons of Concern" as of June 2017 (no later statistic was found on record as part of the desk review).<sup>16</sup> According to a 2017 INTERSOS report, for the period spanning January to May 2017, the number of UASC increased by a considerable 157% in the region of Mount Lebanon alone, compared to the same period in 2016.<sup>17</sup>

**Morocco:** Statistics on UASC remain limited due to unsystematic collection. Data from the UNHCR-Rabat office<sup>18</sup>, indicates a total of 3,136 refugee children as of June 2023, of whom 125 (110 boys and 15 girls) were unaccompanied or separated and came from Sudan, Syria, and Cameroon; and 873 (mainly boys) were identified as UASC asylum seekers from Guinea Conakry, Sudan, and Senegal.

**Greece:** Greece migration management and child protection capacity was put under strain from 2015 onwards with the sudden arrival of large numbers of UASCs on its territory. According to data from the Ministry of Migration and Asylum, 45,689 UASC were reported to the Special Secretariat for the Protection of Unaccompanied Minors (SSPUAM) between January 2016 and March 2023.<sup>19</sup> According to data from March 2023 there were 2,374 unaccompanied and separated adolescents in the country, 83% of them were male, 17% were female, and 7% were under the age of 14. This group included 23% Afghans, 14% Pakistanis, 8% Syrians, and 54% people of other nationalities.<sup>20</sup>

**Spain:** the Canary Islands and the southern Spanish area of Andalusia, as well as Ceuta and Melilla, have served as major entry points for migrants, including UASC, over the years.<sup>21</sup> In 2022, 3,048 UASC (a little fewer than the 3,307 in the prior year), according to the State Attorney General, arrived by sea on "pateras" or other flimsy boats. Only 114 of these newcomers were female; 2,934 of them were male, and the majority came from Morocco (1,304), Algeria (540), and Mali (381).<sup>22</sup>

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12 At one point, Lebanon hosted an estimated 50,000 Iraqi refugees, with numbers since then fluctuating amid return migration. In 2008, 10,000 out of the 50,000 were registered by UNHCR; see: Harper, A. (2008), Iraq's refugees: Ignored and unwanted. International review of the Red Cross. Volume 90 Number 869 March 2008

13 UNHCR (July 2023) Factsheet: Lebanon

14 Approximately 45% of all Palestinian refugees live in the 12 official refugee camps for Palestine refugees in Lebanon.

15 <https://www.unrwa.org/where-we-work/lebanon>, accessed on 25.09.2023.

16 Achilli, L., Leach H., Matarazzo, M., Tondo, M., Cauchi, A. and Karanika, T. (2017), On my own : protection challenges for unaccompanied and separated children in Jordan, Lebanon and Greece", Mixed Migration Platform (MMP) Report, INTERSOS, Migration Policy Centre. <https://cadmus.eui.eu/handle/1814/48126>.

17 INTERSOS Mount Lebanon Case Management database 2016 and 2017, in Ibid.

18 This data was obtained from UNHCR-Rabat's office personnel during the fieldwork for this study.

19 Hellenic Republic, Ministry of Migration and Asylum, Special Secretariat for the Protection of Unaccompanied Minors, Situation Update: Unaccompanied Minors in Greece, 1 March 2023

20 Ibid.

21 Gazzotti, L. Unaccompanied and separated children: patterns of child migration are changing at the southern Spanish border, Statewatch, 13 February 2023 <https://www.statewatch.org/analyses/2023/unaccompanied-and-separated-children-patterns-of-child-migration-are-changing-at-the-southern-spanish-border/>

22 Fiscalía General del Estado : Memoria elevada al Gobierno de S.M., accessed on 31.7.2023 at: [https://www.fiscal.es/memorias/memoria2022/FISCALIA\\_SITE/index.html](https://www.fiscal.es/memorias/memoria2022/FISCALIA_SITE/index.html)



## 2.2 UASCs: conceptual differences from a legal perspective

The UN Committee on the Rights of the Child defines *unaccompanied children* (also interchangeably called unaccompanied minors) as “children, as defined in article 1 of the Convention, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so”.<sup>23</sup> Separated children should be understood “as children who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members”.<sup>24</sup>

8 year following the release of its General Comment focussing on the situation and rights of UASCs<sup>25</sup> the UN Committee on the Rights of the Child, did not miss the occasion to recall that “[t]he family is the fundamental unit of society and the natural environment for the growth and well-being of its members, particularly children”. The UN CRC did emphasised that family life is a reality and a right, including in the context of migration procedures.

The UN CRC explained that the term “family” must be interpreted in a broad sense to include biological, adoptive or foster parents or, where applicable, **“the members of the extended family or community as provided for by local custom (art. 5)”**<sup>26</sup> which is of particular relevance in the MENA region in general, and in Lebanon and Jordan in particular, two countries where the majority (87%) of UASCs are placed in extended families or foster care, as opposed to European countries who appear to have a narrower conception of who and/or which relationships should qualify as family.

The apparent inclusiveness of the decision, which considers “member of the extended family or community” as well as “foster parents” (whose possibilities are generally circumscribed to the rights attached to the custody of the child) as entrusted with parental responsibility rights, is subject to limitations of a geographic nature as this decision made by the UN CRC did not receive much echo in traditional European societies.

At global level, however, most of the countries who introduced in their domestic legislation provisions related to the status of UASC, have primarily if not exclusively done so to cover the situation of unaccompanied children, without explicitly addressing the specific situation of separated children (which would also require to bring more clarity on the status of the accompanying relative).

Shedding light on the rights and entitlements that UASCs should be able to exercise, do not really reflect on the specific situation of separated children (and the status of their accompanying/trusted adult), except perhaps from a guardianship perspective. The situation of children who fled the war in Ukraine without their parents but with an adult who was entrusted with their care has however triggered a large number of legal and policy changes across Europe, in particular as far as countries that share a border with Ukraine are concerned.

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<sup>23</sup> UN Committee on the Rights of the Child (CRC), General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6, para. 7, available at: <https://www.refworld.org/docid/42dd174b4.html> [accessed 06 January 2024]

<sup>24</sup> UN Committee on the Rights of the Child (CRC), General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6, para. 8, available at: <https://www.refworld.org/docid/42dd174b4.html> [accessed 06 January 2024]

<sup>25</sup> Ibid

<sup>26</sup> UN Committee on the Rights of the Child (CRC), General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), 29 May 2013, CRC /C/GC/14, para. 59, available at: <https://www.refworld.org/docid/51a84b5e4.html> [accessed 08 January 2024]

## 2.3 UASC: a conceptual difference with important operational consequences

The policies and administrative frameworks governing the protection and care of UASCs vary considerably among the assessed countries, as do the unique difficulties each face. In recent years, many countries, including the ones under study, have increased their efforts to protect UASCs following a rise in their number, including through the adoption of new legislation and policies to comply with international instruments and the stringent standards that derive from them.

*Table 1: Status of ratification of relevant international instruments and standards*

Instrument	International child rights instruments and standards: 1989 UN Convention on the Rights of the Child CRC General Comments	International refugee Law and standards: Convention relating to the Status of Refugees (1951) and its Protocols (1967)	(Other) Regional Instruments: European Convention on Human Rights, Charter of the Rights of the Arab Child, African Charter on the Rights and Welfare of the Child
Jordan	Signed and Ratified	Geneva convention not signed but 1998 MoU between the Jordanian Ministry of Interior and UNHCR in place	Signed and Ratified the Charter of the Rights of the Arab Child
Lebanon	Signed and Ratified	Not signed	Not a party to the Charter of the Rights of the Arab Child
Morocco	Signed and Ratified	1951 convention signed. A draft law on asylum and refugee protection however remains to be passed for over a decade)	Morocco did not ratify the African Charter on the Rights and Welfare of the Child nor the Charter of the Rights of the Arab Child
Greece	Signed and Ratified	Signed and Ratified	European Convention on Human Rights signed and ratified
Spain	Signed and Ratified	Signed and Ratified	European Convention on Human Rights European Convention on Human Rights signed and ratified

This rise has coincided with the realisation that interagency coordination and international cooperation are part and parcel of the development of effective protection responses for UASCs and that these responses are rooted in multiple policy and service areas ranging from social and child protection to migration, health and labour integration. To access more details on the legal, institutional and policy frameworks applicable to individual countries scrutinized by our study, see annex 1.

In the past decade, the majority of countries subject to our scrutiny made important efforts, while following very different priorities. From the development and set up of a new policy (e.g., Morocco), institutional structures (Spain) or coordination mechanisms (e.g., Greece, Jordan) exclusively dedicated to the protection and care of UASC, others continue to address the needs of unaccompanied children as part of specific humanitarian interventions or from a child protection system approach treating UASCs on an equal footing with their nationals (e.g., Lebanon).

It is unaccompanied children's heightened vulnerability compared with children in families that warrants the State to provide for their protection and care in the absence of their parent or other primary caregiver. Therefore, taking

protection measures and care arrangements as expeditiously as possible becomes the duty of national authorities from the moment a child is identified as unaccompanied and presently under their jurisdiction.

Separated children, on the other hand, while not accompanied by their primary care giver, are nonetheless accompanied by a trusted adult, who can (or not) be a relative entrusted with the responsibility of caring for the child in their parents' absence, effectively playing a custodian role.

In such cases, the responsibility of competent authorities, after having ascertained the identities of (and relationship between) the child and the accompanying adult and registered them in the first place, will be circumscribed to verifying that the adult accompanying the separated child is indeed a trusted figure and does not pose a danger to the child.

If such is the case, and that competent authorities consider that it would be in the best interests of the child to appoint this person as a guardian, the State's exclusive responsibility to protect and care for the separated child will cease as soon as the formal appointment is done. The State is however not relieved of its obligation to have functional mechanisms in place *ex post* to monitor the adequate implementation of the guardianship arrangements and guarantee the security and safety of the child. But the responsibility to cater to the everyday needs and wellbeing of the child will have shifted from the institution in charge to the guardian from that moment onwards.

Cases of unaccompanied minors will - on the other hand - require a wide range of measures, starting with *inter alia* the placement of the child in alternative care (be it in a foster family or under other alternative care arrangements, including institutional/emergency/residential care or), catering to their everyday needs regardless of their nature (legal, educational or developmental...). These will also include the appointment of a guardian to represent the child's best interests in legal/administrative matters as for separated children.

It is important to note that the concept of 'unaccompanied and separated children' is often used under its plural form, yet an individual child cannot fall under both categories at the same point in time, while, as described above, these bear important operational consequences for national authorities.

From a purely legal standpoint, separated children - whose unofficial custodians also become their full-fledged guardian - will not fall anymore under any of the two conceptual sub-categories covered by the UASC status, and this as soon as custody and guardianship arrangements are formalised. As will be demonstrated in the next sections below, a significant number of UASCs case are resolved through such modalities/arrangements, which was on the contrary extremely rare in European countries, before the Ukrainian children fled the Russian war in their country to find refuge in neighbouring European countries.

This conceptual difference may also explain why, despite national and global efforts to enhance the evidence base on children on the move, data regarding UASCs lack reliability<sup>27</sup>, hampering in turn the formulation of appropriate policy and operational responses to enhance their protection.

The reasons for the migration of unaccompanied asylum-seeking children are as varied as the UASC population itself, which includes younger children as well as teenagers who have fled without their families' knowledge or, conversely, as part of a family strategy. Therefore, all participants in this study consider that the types of migration, experiences, perspectives and goals of children who migrate on their own are also very diverse. Nonetheless, a number of patterns and commonalities have been identified, some of which will be illustrated in the following sections.

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<sup>27</sup> For example, in the context of the International Data Alliance for Children on the Move (IDAC).

# 3. UASCs' perspectives and lived experiences in MENA and Europe

Research shows that a large number of factors positively and negatively impact on the lived experiences of UASCs as reported by both professionals and UASCs themselves. These are of different nature, ranging from systems issues whereby rules, procedures, reception conditions (infrastructure) have been pointed at by UASCs as one of the source of problems that led them to question whether this situation was satisfactory for them. Hereunder, a list of contributing factors are analyzed.

## 3.1 Uncertainty and its negative impact on UASCs across all countries

Uncertainty has always been a powerful driver of decisions, pushing people, businesses and organisations to making choice<sup>28</sup>. UASCs are no exception to this and have for long reported that prolonged period of uncertainty, particularly as far as the outcome of a procedure is concerned (eg. the final resolution of their status and right of residence in a given country as part of an asylum claim). Many UASCs and professionals report that these prolonged periods of time were indeed having a really negative impact on children.

The uncertainty linked to transition to adulthood is also a prominent factor in the decisions that are being made by UASCs who are about to turn 18 and therefore age-out of care. Several reports point at this crucial stage towards (re-)independence which can be particularly distressing for UASC having lived in residential or foster care for a long while.<sup>29</sup>

The countries under our review have taken different approaches towards resolving a number of structural problems that have been causing not only long delays and backlog of cases but also fostering a sense of uncertainty which led UASCs to make choices, for the good or the bad.

In **Spain**, the law considers that "all foreign children are legal residents while under the state's guardianship"<sup>30</sup>. In 2021, a revision to the Foreigners' Regulation aimed to simplify bureaucratic processes, ensuring that foreign minors in state guardianship do not reach adulthood without proper documentation. This reform intended to streamline administrative procedures<sup>31</sup> (See also Box 3). A year later, in November 2022, a total of 16,716 unaccompanied children and former unaccompanied children had obtained residence permits<sup>32</sup>.

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28 Prelec, Lowenstein, Decision Making over Time and under Uncertainty: A Common Approach, Management Science Vol. 37, No. 7 (Jul, 1991), pp. 770-786

29 SOS Children's Villages, Ageing Out of Care: From Care To Adulthood in Europe and Central Asian Societies, available at <https://www.sos-childrensvillages.org/publications/research-and-positions> [accessed on 13 January 2024]

30 Human Rights Watch (2007) Unwelcome Responsibilities. Spain's Failure to Protect the Rights of Unaccompanied Migrant Children in the Canary Islands, accessed at: <https://www.hrw.org/report/2007/07/26/unwelcome-responsibilities/spains-failure-protect-rights-unaccompanied-migrant>

31 European Website on Integration : Spain: New regulation for unaccompanied foreign minors, 01 November 2021, accessed on 06.07.2023 at: [https://ec.europa.eu/migrant-integration/ec.europa.eu/migrant-integration/index.cfm%3Faction%3Dmain.preview%26uuid%3D51A67CF7-9619-3DE5-0C782168C2318EE4\\_en](https://ec.europa.eu/migrant-integration/ec.europa.eu/migrant-integration/index.cfm%3Faction%3Dmain.preview%26uuid%3D51A67CF7-9619-3DE5-0C782168C2318EE4_en)

32 Platform for International Cooperation on Undocumented Migrants (PICUM), Spain adopts law to facilitate regularisation of young migrants, 18.11.2021, <https://picum.org/blog/spain-regularisation-young-migrants/>



In **Greece**, UASCs do not automatically qualify for residency permits based solely on their age.<sup>33</sup> While they may apply for a permit on humanitarian grounds under specific circumstances, such as being employed illegally or being victims of human trafficking, labour exploitation, or in need of protective measures while under the care of institutions, and cannot be returned to a safe environment, the most common pathway to regularize their residence is through the asylum process.<sup>34</sup> The METAdrasi organisation indicates that UAC face prolonged legal uncertainty, and that prospects for achieving legal status in Greece are limited in practice.<sup>35</sup>

In **Morocco**, the only option for UAC to formalize their stay is through the asylum process.<sup>36</sup> A study conducted by Ghatous (2022), which focused on sub-Saharan UAC in Morocco, identified three primary categories of legal statuses among unaccompanied foreign minors: those without any legal protection, treated as adults by authorities and protection organizations; those formally recognized as refugees, benefiting from the protection offered by the High Commissioner for Refugees; and those in the process of seeking asylum, holding an asylum seeker certificate.<sup>37</sup>

In both **Lebanon** and **Jordan**, eligibility requirements for protection have been increased, especially for Syrians, who constitute the largest refugee population in both countries. This tightening of regulations has restricted access to legal documentation. Notably in 2015, Lebanon asked UNHCR to suspend the registration of Syrians, including a sizable number of UASC.<sup>38</sup> Consequently, **over 80% of Syrian refugees in Lebanon lack legal residency status**. Even though there is a legal obligation to regularize their stay, UASC often encounter difficulties in accessing any lawful avenues for obtaining residency, primarily due to the requirement for a legal guardian to be present to sign on their behalf.<sup>39</sup>

Recent information from Lebanon indicates that Syrians lacking legal status are vulnerable to deportation, including UASC who may face military conscription upon their return.<sup>40</sup> Nonetheless, the absence of precise age-specific data on immigration detention and deportations makes it challenging to provide an accurate account of the situation.

All in all and in all five countries under study, a significant number of UASCs find themselves in situations of prolonged uncertainty regarding their legal status which causes them to experience additional stress and anxiety, including fearing of being deported back home. These issues are not limited to their legal procedures but also concern other areas of their lives and can have negative consequences on their access to other essential such as services medical care and schooling and become more susceptible to abuse and exploitation when their legal status is not securely established (see below).

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33 European Migration Network (2021), Children in migration: Report on the state of implementation in 2019 of the 2017 Communication on the protection of children in migration, Brussels, European Migration Network, cit. in: European Union Agency for Fundamental Rights (FRA) report: Unaccompanied children outside the child protection system. Case study: Pakistani children in Greece, 2021.

34 FRA (2021)

35 Wheeler, Joanna and Theocharidou, Vassiliki : Integration of Unaccompanied Children in Greece: Opportunities, Challenges and Recommendations, METAdrasi, Athens, 2022.

36 Ghatous, Fatima Zahrae (2022). « Détermination de la catégorisation juridique des mineurs non accompagnés subsahariens au Maroc et rôle des ONGs », *Revue Africaines des Sciences Humaine et Sociales*, 2, 2022, pp. 52-68. Retrieved from: <https://revues.imist.ma/index.php/RASHS/article/view/31436/16247>

37 Ibid.

38 Omer Karasapan and Sajjad Shah (2021), Why Syrian refugees in Lebanon are a crisis within a crisis, Brookings, Retrieved at: <https://www.brookings.edu/blog/future-development/2021/04/15/why-syrian-refugees-in-lebanon-are-a-crisis-within-a-crisis/#:~:text=Indeed%2C%20over%2080%20percent%20of,most%20and%20approvals%20are%20difficult.>

39 Ibid.

40 Maya G. (2023), Syrian refugees deported from Lebanon face arrest, conscription, say relatives, Reuters, Retrieved at: <https://www.reuters.com/world/middle-east/syrian-refugees-deported-lebanon-face-arrest-conscription-say-relatives-2023-05-01/>

## 3.2 Positive living and care arrangements

UASCs suffer from a lack of suitable and dedicated living arrangements, underscoring the need for greater access to a great range of different safe and secure accommodation that would be catering to the different needs of this diverse populations, including foster homes, shelters and other-needs-based alternative care options. Options for living and care arrangements made available to UASC in the 5 countries include<sup>41</sup>:

- Family-based care within the child's community (family, kinship or foster care),
- Supported independent living/child-headed households, including situations where unaccompanied youth live in independent or semi-independent housing without direct adult supervision with regular supervision and monitoring by child protection specialists.
- Organized small group care within the child's community,
- Residential care in facilities.

**Jordan** is the only country where **family-based care for children is the most prevalent kind of care for UASCs** with foster families receiving temporary guardianship for the child. Out of a total of 4,848 children without parental care, **60% were placed in extended families** (known as kinship fostering), and 40% were placed in foster families who were unfamiliar to the child, according to government figures.<sup>42</sup>

Appropriate guarantees surround the family-based care system in place in Jordan, through the operation of the *Best Interest of the Child Evaluation Committee*, which is chaired by UNHCR and include other expert organisations/institutions such as UNICEF, the Jordanian Ministry of Social Development, and local partner organizations, whose responsibilities are to examine each case to ensure that the child's environment is appropriate.<sup>43</sup> The Ministry of Social Development and professional organisations are jointly accountable for UASC's protection and oversight. Case managers are in charge of organising the care of each child<sup>44</sup>

In kinship fostering, the UASC's living situation depends on where the foster family lives. Children living in camps are provided with some healthcare, a little monthly allowance, and coupons for necessities. Outside of camps, children's needs are still unmet. The fact that most foster families are made up of refugees causes them significant financial difficulties. Jordan does help foster families with assistance from UNHCR, UNICEF, and others, but the system is overwhelmed by the sheer number of them.<sup>45</sup>

Even though reports describe UASC routinely switching between foster families as a result of their financial difficulties, living in family-like situations is still considered by professionals as providing better care and safety of children.<sup>46</sup> This does not, however, rule out the possibility that children may be subjected to abuse and neglect in these circumstances, particularly when biological children vie for limited resources or carers feel obligated to perform this duty.<sup>47</sup>

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<sup>41</sup> United Nations High Commissioner for Refugees and International Rescue Committee (2011)

<sup>42</sup> Fthilat, M. (2017), Foster families. Children who sought refuge in Jordan on their own, Alarabi Aljadeed, retrieved from <https://rbgy/s5n7f>

<sup>43</sup> Ibid.

<sup>44</sup> AlMakhamreh, S., & Hutchinson, A. J. (2018).

<sup>45</sup> JO\_2.

<sup>46</sup> Taha, S. (2022).

<sup>47</sup> Gale, C. (2021), The National Child Protection System and Alternative Child Care in Lebanon, SOS Children's Village. Retrieved at: <https://www.sos-childrensvillages.org/getmedia/20370ba2-3437-44d6-9611-8457ff222c3e/Lebanon-Final-Report-Child-Protection-System.pdf>

Institutions providing accommodation for unaccompanied Syrian children are rarely used due to insalubrious and overcrowded living conditions and social tensions arising from these circumstances. They mostly consist of clustered apartments housing groups of children supervised by caregivers.<sup>48</sup>

More broadly, Jordan's institutional capacity to support UASC remains limited, which has a detrimental influence on the quality and accessibility of services and assistance for UASC. Despite substantial efforts to place children in foster care, many UASC remain in fact without guardianship.<sup>49</sup>

**Lebanon** does not have a regulated and formal foster care system. Institutional care seems to be the most prevalent form of care made available to children without parental care in Lebanon, including to UASCs.<sup>50</sup> However, the very few running shelters in Lebanon are overcrowded and seem to prioritise vulnerable Lebanese children over foreign UASC, despite the commitment to provide alternative care to all children.<sup>51</sup> Extremely reduced capacities mean girls and young children are given priority access to shelters, excluding boys older than 12 who are deemed to be less vulnerable.<sup>52</sup> Despite advancements in the legislative and institutional framework for child protection, it is important to note that Lebanon lacks the structural capacity and the political and economic resources to cater to the needs of all children in need of protection on its territory.

*"It goes without saying that the children that are separated and living with another family member other than their parents are much more taken care of than children that arrive with no family ties at all, and that have no links to anyone in the country. Always remember, that this group is very diverse in itself. These children are all at risk of child labour, child marriage, etc. but those without any form of guardianship are much more at risk. They are often cut off from their biological families, and thus are part of the 'system' – bouncing around from one foster home or shelter to the next." (LE\_5)*

Similar to Jordan, **kinship care remains a common alternative to institutional care**.<sup>53</sup> Even though that kind of care is typically informal, it can also be formalised by a court. Noteworthy is the possibility offered to **kinship caretakers to be granted guardianship by religious courts**.<sup>54</sup> Legal restrictions and a general lack of support for kinship carers are just two of the many challenges to kinship care. However, if they can be reunited with an adult from their original family, separated children may be in a "slightly better condition" than their unaccompanied peers who have no distant relatives in the country.<sup>55</sup>

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48 Taha, S. (2022).

49 Achilli et al. (2017).

50 Gale, C. (2021).

51 Gale, C. (2021).

52 LE\_2, LE\_6

53 Ibid. In Lebanon, religious courts deal with personal status matters, such as legal guardianship, and there is no common state law governing family matters or state oversight of religious courts' judgements, according to the organisation Save the Children. Save the Children, 2015, Alternative care in emergencies - Lebanon - November 2014-May 2015, <https://www.nolostgeneration.org/reports/alternative-care-emergencies-lebanon-november-2014-may-2015>

54 Lebanon lacks a civil code regulating personal status matters such as marriage, inheritance, child custody, and so relies on 15 separate personal religious-based status laws and courts for the 18 recognized categories. See: United Nations (nd.), For an equal personal status law, p. 46 & 62, Retrieved at: <https://www.un.org/democracyfund/news/equal-personal-status-law-lebanon#:~:text=Lebanon%20lacks%20a%20civil%20code,of%20their%20religion%20and%20gender.>

55 LE\_1

In **Greece**, UASC have recently been gradually included in the national foster care and adoption system, in cooperation with the competent Services of the Ministry of Labor and Social Affairs, as reported by the Special Secretariat for the Protection of Unaccompanied Minors in 2022.<sup>56</sup> By 2022, unaccompanied children aged 12 years or younger were recorded in the registry of the National Fostering and Adoption System.<sup>57</sup> By March 2023, 83% of Greece's 2,374 UASC were living in age-appropriate housing (72% in unaccompanied minors' housing centres and 11% in apartments for semi-independent living), compared to 10% who were residing in reception and identification centres, 7% who were residing in emergency housing facilities, and 1% who were residing in facilities housing asylum seekers.<sup>58</sup> Many UASC in Greece are estranged from the formal protection system. According to reports from Human Rights Watch from 2016, scarcity in shelter housing has driven UASC towards precarious housing, makeshift camps or homelessness. These reports mentioned deprivations in children's access to necessary support services, privacy, hygiene, and sanitation.<sup>59</sup> In response, Greece has increased its UASC housing capacity, offering stabilisation prospects to a greater number of migrant children residing in the country.<sup>60</sup>

*"One of the biggest challenges is that supporting a child without a caregiver makes it difficult to consistently meet with the child and coordinate with them." (LE\_1)*

In **Spain**, there is a great deal of regional variations depending on the autonomous communities who are responsible for providing social assistance<sup>61</sup>. Therefore, the support systems for UASC depends on the resources made available in the region, leading to **diverse protection models and levels**. While family foster care is the preferred option according to the law, it is rare in practice, and UASC are mainly accommodated in centres for minors.<sup>62</sup> By September 2021, 94% of the UASC arrivals in Spain resided on the Canary Islands despite the existence of a solidarity redistribution mechanism between regions according to Amnesty International. In 10 of the 46 emergency facilities currently operating on the Canary Islands, there are between 50 and 80 juveniles housed there, creating unfavourable conditions for their development. Since these are merely temporary accommodations, UASC ought not to live in them because they were not designed to meet their long-term needs. Amnesty International reports accounts of mistreatment, abuse, or xenophobic insults in some of the facilities.<sup>63</sup>

The number of foreign minors without guardianship absconding from the protection system<sup>64</sup> in Spain peaked in 2018 at 3,699, coinciding with an increase in migrant intakes to Spain, then declined to 313 in 2021, according to the 2023 annual report on missing individuals. Of the 8,215 cases reported up until 2022, 70% involved youth between the ages of 16 and 17, with the majority being Moroccans (5,030), followed by Algerians (877), Guineans (801), Malians (505) and Ivorians (370).<sup>65</sup>

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<sup>56</sup> Hellenic Republic, Ministry of Migration and Asylum, Special Secretariat for the Protection of Unaccompanied Minors: Annual report 2022.

<sup>57</sup> Ibid.

<sup>58</sup> Hellenic Republic, Ministry of Migration and Asylum, Special Secretariat for the Protection of Unaccompanied Minors, Situation Update: Unaccompanied Minors in Greece, 1 March 2023

<sup>59</sup> Gkioka, M., and Biswas, D. (2017). Children on the run: Experiences of unaccompanied minors leaving shelters in Greece, [https://www.academia.edu/35879190/CHILDREN\\_ON\\_THE\\_RUN\\_Experiences\\_of\\_unaccompanied\\_minors\\_leaving\\_shelters\\_in\\_Greece\\_Faros](https://www.academia.edu/35879190/CHILDREN_ON_THE_RUN_Experiences_of_unaccompanied_minors_leaving_shelters_in_Greece_Faros)

<sup>60</sup> Antoniou et al. (2022); Human Rights Watch. (2016). "Why Are You Keeping Me Here" Unaccompanied Children Detained in Greece. New York: Human Rights Watch. Available at: [https://www.hrw.org/sites/default/files/report\\_pdf/greece0916\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/greece0916_web.pdf).

<sup>61</sup> As per section 148.20<sup>o</sup> of the Constitution of Spain

<sup>62</sup> Puyo et al. (2021).

<sup>63</sup> Amnesty International : Canarias: Más de mil menores no acompañados en riesgo de acabar viviendo en la calle en un limbo sin derechos, 19 October 2021, accessed on 28.2.2023, at : <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/canarias-mas-de-mil-menores-no-acompanados-en-riesgo-de-acabar-viviendo-en-la-calle-en-un-limbo-sin-derechos/>

<sup>64</sup> Since 2022 referred to as "absenting minors" in the statistics.

<sup>65</sup> Gobierno de España, Ministerio del Interior, Informe Annual Personas Desaparecidas, 2023

*"For some children who are under 15, some of them are placed in institutions. They are very well taken care of in these institutions. [...] But [...] we are talking about a very small number of children who are very well taken care of in these institutions." (MOR\_3)*

**Morocco's** efforts to protect UASCs have been strengthened, also through collaboration with UNICEF and IOM, the Fondation Orient Occident and CARITAS, with joint programmes focusing on temporary shelters, family tracing and reunification services, psychosocial support, and legal aid. Despite the existence of the above policies and laws, challenges persist in effectively implementing and enforcing them, given resource limitations and the complex nature of migration dynamics. In comparison to Jordan and Lebanon, the UASC cohort in Morocco is quite diverse in terms of countries of origin, which creates additional cultural and linguistic problems for their care. Moroccan respondents have indicated child reception centres in Morocco sheltering UASC<sup>66</sup> are relatively few.<sup>67</sup>

#### Box 1: UASCs and Homelessness of UASCs across the 5 countries

*Despite the many efforts made to provide quality care and protection to UASCs, many UASC remain without a home. Respondents have indicated that ad hoc independent living arrangements may be organised by groups of children as a way to reduce and afford accommodation costs. In certain situations, an adult's presence may be required to rent property lawfully.<sup>68</sup> Children in this situation may be confronted to harassment and racketeering by unscrupulous landlords. In Jordan, research has shown that independent housing is often detrimental to the schooling of older minors who are often led to drop out of school in order to cover for the group's living expenses.<sup>69</sup> In Lebanon, it is typically boys above the age of 12 who are led to search independent housing<sup>70</sup> and live in precarious arrangements that fail to meet, and sometimes exacerbate, their need for specialized mental health care and other types of support.<sup>71</sup> Informal sources from INTERSOS report that around 20% of Lebanon's UASCs live alone on the streets.<sup>72</sup> In Morocco as well, many unaccompanied children live in makeshift camps or abandoned buildings which frequently lack basic safety, sanitation, or access to clean water. Cities like Casablanca, Fes, and Tangier host a sizeable portion of homeless children on the move some of whom may be UASCs.<sup>73</sup> International and local humanitarian organisations report difficulties in identifying unaccompanied migrant children, which prevents them from providing them with support and proper knowledge about their legal rights.<sup>74</sup>*

**Living on the streets exposes UASC to various risks, such as violence, exploitation, extreme poverty, child labour, trafficking, involvement in illicit activities and health hazards.**

66 Danish Immigration Service (2017), Morocco: Situation of Unaccompanied Minors, Report based on interviews in Morocco, 9 to 18 October 2016, 21 March 2017, 2/2017, <https://us.dk/publikationer/2017/marts/morocco-situation-of-unaccompanied-minors/>

67 MOR\_3

68 LE\_1, EASO Country of Origin Information Report Syria: Situation of returnees from abroad, June 2021, <https://reliefweb.int/report/syrian-arab-republic/easo-coi-report-syria-situation-returnees-abroad>

69 Taha, S. (2022).

70 LE\_2, LE\_6

71 LE\_2, Taha, S. (2022).

72 Achilli et al. (2017).

73 Human Rights Watch (2014), Abused and expelled. Ill-treatment of Sub-Saharan African Migrants in Morocco, February 10, 2014, <https://www.hrw.org/report/2014/02/10/abused-and-expelled/ill-treatment-sub-saharan-african-migrants-morocco>

74 LE\_1, LE\_2; UNICEF and REACH, Children on the move in Italy and Greece, June 2017. See also Antoniou et al. (2022); Küppers, B. and Ruhmann, A. (2016), Because we struggle to survive. Child labour among refugees of the Syrian Conflict, Terre des Hommes International Federation.



### 3.3 Access to essential services: education and health

Unaccompanied children may face numerous challenges as they navigate the complex landscape of accessing essential services. Particularly affected are children who have not yet received formal protection or residency status, or who lack appropriate documents, and thus encounter significant bureaucratic obstacles.

In **Lebanon**, Syrian children do not need formal residence to enrol in school but some school administrators have demanded it of them, along with a number of other documents that are not formally required and that many Syrian children are unable to produce.<sup>75</sup> It appears to be nearly impossible to complete education cycles, according to accounts from Terre des hommes.<sup>76</sup> A 2017 estimate by Human Rights Watch reported that over 250,000 Syrian school-aged children registered in Lebanon were not attending school, among which the proportion of UASCs is unknown.<sup>77</sup> The recent Vulnerability Assessment of Syrian Refugees in Lebanon (VASyR) among Syrian households in Lebanon, shows persistently low levels of education access for children. While the assessment does not specifically address the situation of unaccompanied children, the findings underscore the ongoing challenges faced by Syrian refugee children in Lebanon. Only half of all school-aged Syrian children reported attending school during the 2021-2022 academic year.

In 2016, Jordan decided to allow Syrian children without proper documentation to enrol in public schools, but in practice schools still require refugee children to present their official registration confirmation. This prevents UASC without official status, from going to school.<sup>78</sup> A UNICEF Jordan study on out-of-school statistics from 2020 indicated that Syrian children were disproportionately represented among those who were not in school (50,600 Syrians, 39,800 Jordanians, and 21,500 children of other nationalities), notwithstanding the difficulty in obtaining comprehensive data about UASC in schools.<sup>79</sup> The Jordan INGO Forum reported that in 2019 more than half of all Syrian children aged 15 years and older are not enrolled in school. Net attendance rates among Syrian refugees are 47 percent less than Jordanians at the secondary level and 10 percent less at the primary level, which led the Jordanian government to commit through the 2016 Jordan Compact.<sup>80</sup>

In **Greece**, all children are required by law to attend compulsory public education but according to a 2022 survey on homeless unaccompanied and separated children, 78% of those 251 interviewed were not attending school.<sup>81</sup> Many UASCs living in reception and identification centres and facilities do not have access to the public education system either. This is due, among other things, to administrative inaction, a lack of staff, transportation issues, lockdowns (during the pandemic), and a shortage of classroom space.<sup>82</sup>

Access to necessary services is further hampered by the inability to move around further compounded by financial limitations. The Jordanian government tightened restrictions on the mobility of Syrian refugees, including UASC, inside urban areas in the second half of 2014.<sup>83</sup> This further restricted minors' access to healthcare facilities outside

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75 Human Rights Watch, 2016, Education for Syrian Refugee Children, <https://www.nolostgeneration.org/media/4881/file/Education%20for%20Syrian%20refugee%20children.pdf>; UNHCR, UNICEF, WFP (2016) Vulnerability Assessment of Syrian Refugees in Lebanon 2016, 16 December 2016

76 Küppers, B. and Ruhmann, A. (2016).

77 Human Rights Watch (2016) Growing Up Without an Education: Barriers to Education for Syrian Refugee Children in Lebanon, Retrieved at: [https://www.hrw.org/sites/default/files/report\\_pdf/lebanon0716web\\_1.pdf](https://www.hrw.org/sites/default/files/report_pdf/lebanon0716web_1.pdf)

78 Achilli et al. (2017).

79 UNICEF Jordan, 2020, Jordan Country Report on Out-of-School Children, Middle East and North Africa Out-of-School Children Initiative.

80 2016 Jordan Compact : <https://reliefweb.int/report/jordan/jordan-compact-three-years-where-do-we-stand>

81 Antoniou et al. (2022).

82 FRA (2021).

83 Achilli et al. (2017).

the camps. In Lebanon, the absence of adequate health coverage is one of the "greatest challenges" experienced by refugee kids with restricted legal status, especially UASC, according to statistics received from UNHCR, UNICEF, and the World Food Programme.<sup>84</sup> Public health services are of far poorer quality than those offered by the private sector, but UASC are among the vulnerable persons in Lebanon who have no access to private health care because of the expensive cost and a lack of documentation.<sup>85</sup>

In 2013, **Morocco** adopted the National Immigration and Asylum Strategy (NISA), which does not explicitly mention unaccompanied minors but includes measures for access to education and health for all children. The Ministry of Education released directive No. 13-487, which specifically addresses the enrolment of migrant students into the country's educational system, with the introduction of the Strategy, putting an emphasis on the "integration of foreign pupils originating from the countries of the Sahel and Sub-Saharan into the Moroccan educational system." The new legislation has streamlined and reduced the administrative and regulatory hurdles that for so long prevented immigrants from enrolling in school.<sup>86</sup> Unaccompanied minors can also use public health facilities, but it is important to bear in mind the constraints and challenges the Moroccan healthcare system faces. Primary healthcare is always available, but access to second-level facilities is dependent on the particulars of each hospital and location.<sup>87</sup> UASC typically cannot afford medications, diagnostic tests, or medical treatments, especially if they do not have refugee status and are not therefore eligible for UNHCR financial help for their medical care.<sup>88</sup>

In Greece, vulnerable people regardless of their legal status, now have better access to healthcare thanks to legislative amendments made in 2016.<sup>89</sup> On their asylum seeker card, children applying for asylum are given a temporary insurance and healthcare number.<sup>90</sup> UASC living on their own however still struggle to obtain the social security number they need to access healthcare.<sup>91</sup> To receive the required medical attention, they consequently turn to borrowing friends' medical documents or obtaining prescription medications from friends.<sup>92</sup>

For UASC, having easy access to healthcare would be crucial because of how detrimental their living conditions are to their health. Especially those UASC who live outside the protection system on the streets are fully exposed to the winter cold and the summer heat. Additionally, infections proliferate as a result of not being able to adequately address their fundamental needs.<sup>93</sup>

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84 UNHCR, UNICEF, World Food Programme (2016) Vulnerability Assessment of Syrian Refugees in Lebanon 2016, 16 December 2016.

85 Fouad M. F., Diab, J. L., Coutts A.P, et al (2021), The Political Economy of Health in Lebanon, American University of Beirut, Retrieved at: [https://www.aub.edu.lb/fhs/Documents/publications/Political-Economy-of-Health-in-Conflict\\_FINAL\\_ENG.pdf](https://www.aub.edu.lb/fhs/Documents/publications/Political-Economy-of-Health-in-Conflict_FINAL_ENG.pdf)

86 Ministry of National Education, Reference no. 13-487, On the Integration of Foreign Pupils Originating from the Countries of the Sahel and Sub-Saharan in the Moroccan Educational System, Rabat, October 9, 2017.

87 MOR\_1

88 MOR\_1, MOR\_3

89 FRA (2021).

90 Ibid.

91 Wheeler, J. and Theocharidou, V. (2022)

92 Ibid.

93 Taha, S. (2022).

## BOX 2: The importance of Mental Health Services for UASCs

*Critically, hardship experienced prior and during their migration journey is a key driver of UASCs psychosocial trauma. There are a number of accounts and studies documenting the mental health struggles of UASC and there is evidence that UASC have a higher rate of mental health issues than any other group of refugees.<sup>94</sup>*

*They often face trauma before, during, and after migration, leading to post-traumatic stress disorder, depression, insomnia, eating disorders, and substance abuse. Structural barriers such as labour market restrictions, detention, racism, inadequate accommodation, social isolation and financial difficulties also negatively impact their mental health.*

*The extended length of the asylum procedures combined with the uncertainty of the outcomes have an additional psychological impact on UASC, causing significant levels of stress and insecurity for them.<sup>95</sup> These conditions have detrimental effects on UASCs' already fragile mental health and subjects them to additional significant psychological pressure*

## 3.4 UASC's vulnerability to violence, exploitation and abuse

There are numerous reports of UASC experiencing various types of violence and abuse.<sup>96</sup> A UNICEF study of the situation of unaccompanied minors in Jordan found that due to their precarious circumstances, UASC are frequently subjected to violence and abuse.<sup>97</sup>

Instances of rape and Gender-Based Violence are also reported, including throughout migration corridors that are used by UASCs. A recent report<sup>98</sup> from UNODC stated that "Refugees and migrants in the Sahel can fall victim to abuse and human rights violations, including trafficking in persons and gender-based violence. Yet while the majority of surveyed refugees and migrants who used smugglers are adult men, the risk of exploitation and abuse during the smuggling journey appears to be greater for women and children"

Due to the exceedingly difficult living conditions, many UASC reportedly turn to survival tactics like begging, theft, survival sex, and situations involving child labour.<sup>99</sup> In the case of girls, child marriage is sometimes seen as the only way to help the child's financial plight.<sup>100</sup> In this context it is crucial to remember that child marriage may lead to

94 Rodriguez, I.M. and Dobler, V. (2021).

95 MOR\_1 ; JO \_5 ; Fundación Márgenes y Vínculos, La promoción del acogimiento familiar de niños, niñas y adolescentes migrantes no acompañados (NNAMNA): Recomendaciones prácticas para profesionales y potenciales familias acogedoras, December 2022 ; Taha, S. (2022); Save the children and Hall S. (2023), Wheeler, J. and Theocharidou, V. (2022); UNICEF and International Medical Corps (2014), Mental Health Psychosocial and Child Protection for Syrian Adolescents Refugees in Jordan.

96 JO\_4, JO\_5, LE\_1, LE\_2, LE\_3 ; European Union Agency for Fundamental Rights (FRA) (2021), Unaccompanied children outside the child protection system. Case study: Pakistani children in Greece; UNICEF, ONDH & ONDE-Maroc (2019). <https://www.unicef.org/morocco/media/2076/file/Module%204%20les%20enfants%20migrants.pdf>

97 UNICEF (2018), Final Report Comprehensive evaluation of the UNICEF-supported specialized child protection case management response in Jordan 2013-2017

98 UNODC, Smuggling of Migrants in the Sahel, Transnational Organized Crime Threat Assessment (TOCTA), 2023 available at [https://www.unodc.org/documents/data-and-analysis/tocta\\_sahel/TOCTA\\_Sahel\\_som\\_2023.pdf](https://www.unodc.org/documents/data-and-analysis/tocta_sahel/TOCTA_Sahel_som_2023.pdf) [accessed on 07 January 2023]

99 UNHCR (2014), Woman Alone: The fight for survival by Syria's refugee women; UNHCR (2011) Action against Sexual and Gender-Based Violence: An Updated Strategy; JO\_4; JO\_5; LE\_2; LE\_3

100 One in three newly registered marriages of Syrians in Jordan in 2018 involved a child under the age of 18, indicating that child marriage is becoming a more common coping mechanism for Syrian households. UNICEF Jordan (2020), Jordan Country Report on Out-of-School Children. Middle East and North Africa Out-of-School Children Initiative. See also UNHCR (2013), Syrian refugee children in Jordan are vulnerable to neglect, abuse and exploitation. Retrieved from <https://news.un.org/ar/story/2013/10/i88302>.



child prostitution or trafficking.<sup>101</sup> For instance, studies conducted by the ICMPD in 2015 and the UNODC in 2020 reported incidents of Syrian refugee girls who were sexually exploited in prostitution through temporary marriages.<sup>102</sup>

### BOX 3: UASC and labour: between legality, exploitation and survival

Many UASC drop out of school to support themselves and others through work. In theory, the ability to support their (alternative) families in difficult situations can play a significant role in UASC's agency.<sup>103</sup> However, research suggests that many households of Syrian refugees, for instance, rely only on a minor's income, laying an undue strain on their shoulders.<sup>104</sup> There are also reported cases of unaccompanied minors being compelled to leave school by their foster family in order to work and provide for them.<sup>105</sup> Additionally, unaccompanied juveniles are often forced to work illegally because it is difficult for them to obtain work permits due to their ambiguous status, complex procedures, and the refusal of their employers to regularise their status.<sup>106</sup> As a result, UASC are vulnerable to exploitation by their employers, working long hours for little or no pay while being exposed to health or safety dangers.<sup>107</sup> In Jordan's Za'atari Camp, research done in 2014 for example found that 13.1% of the children polled were working. Three out of four kids reported having health problems as a result of their labour, with almost 80% reporting extreme exhaustion and almost 40% reporting illnesses, injuries, or general poor health.<sup>108</sup>

While the laws against underage work in Jordan, Lebanon, and Morocco should also protect UASC,<sup>109</sup> a lack of institutional capabilities hinders the implementation of the relevant legislation.

In Jordan, the minimum legal working age is established at 16. Jordan's labour legislation law incorporates detailed provision addressing different employment forms, working conditions, and working hours. To address child labour comprehensively, Jordan adopted a National Framework on Child Labour in 2011. Due to widespread informality, compliance with anti-child labour regulations is particularly lacking within Syrian communities.<sup>110</sup> New legislation concerning children and juvenile followed, accompanied by enhanced inter-agency collaboration on child labour issues coordinated by the National Council for Family Affairs, and the creation of a new Child Labour Unit within the Ministry of Social Development.<sup>111</sup>

101 JO\_4; JO\_5; LE\_2; LE\_3

102 Healy, C. (2015), Targeting Vulnerabilities. The Impact of the Syrian War and Refugees Situation on Trafficking in Persons. A study of Syria, Turkey, Lebanon, Jordan and Iraq, Vienna: ICMPD; United Nations Office on Drugs and Crime (2020), Interlinkages between Trafficking in Persons and Marriage, Issue Paper, United Nations Vienna

103 Achilli et al. (2017).

104 Ibid.

105 JO\_5; LE\_3; Taha, S. (2022)

106 Antoniou et al. (2022); FRA (2021); Maysa Baroud and Nour Zeidan (2021), Addressing Challenges Faced by Syrians Working in the Informal Economy: Case Studies from Lebanon and Jordan, Retrieved at: [https://www.aub.edu.lb/ifi/Documents/publications/policy\\_briefs/2020-20/20210101\\_addressing\\_challenges\\_faced\\_by\\_syrian\\_refugees\\_brief.pdf](https://www.aub.edu.lb/ifi/Documents/publications/policy_briefs/2020-20/20210101_addressing_challenges_faced_by_syrian_refugees_brief.pdf)

107 Taha, S. (2022); Achilli et al. (2017) ; FRA (2021).

108 Peter Matz. (2016). Child labor within the Syrian refugee response: Stocktaking report

109 Greece, Jordan, Morocco, Lebanon and Spain have ratified the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No.182), which requires states to outlaw and eradicate the worst forms of child labour, such as child prostitution, slavery, the use of children in criminal activity, and dangerous labour, and the 1973 Convention and the Recommendation concerning Minimum Age for Admission to Employment (ILO Convention No. 138), which established a minimum age for employment or work that should not be lower than 15 years. <https://www.ohchr.org/en/instruments-mechanisms/instruments/minimum-age-convention-1973-no-138-Art.2>

110 Küppers, B. and Ruhmann, A. (2016). Because we struggle to survive. Child labour among refugees of the Syrian Conflict, Terre des Hommes International Federation, <https://www.nolostgeneration.org/media/5581/file/Because%20we%20struggle%20to%20survive:%20Child%20labour%20among%20refugees%20of%20the%20Syrian%20conflict.pdf>

111 UNHCR (2021): Child labour within the Syrian refugee response. 2020 Stocktaking report.

*In Lebanon, the employment of juveniles under the age of 18 in jobs that may jeopardise their health, safety, morals, or hinder their access to education is prohibited by Decree 8987 (2012). Children as young as 14 are allowed to work, but only in jobs considered safe. The Ministry of Labour, responsible for upholding anti-child labour laws, operates a Child Labour Unit supported by the International Labour Organization (ILO).<sup>112</sup> In 2013, Lebanon's President introduced a "National Action Plan to Eliminate the Worst Forms of Child Labour by 2016," subsequently updated in 2017 to include Syrian refugee children, with a set deadline of 2020 for abolishing the worst types of child labour. Despite these efforts, the increased presence of Syrian migrants has heightened the prevalence of child labour, and the enforcement of anti-child labour regulations remains inadequate.<sup>113</sup> A Technical Working Group supports the implementation of the National Action Plan (NAP) against Child Labour, outlining new goals and timelines. Despite lacking government endorsement, stakeholders continue child labour programs with limited government support and coordination.<sup>114</sup>*

*Morocco took significant steps in 2018 by introducing a series of regulations to address the issue of child labour. These measures mandated compulsory education until the age of 15 and raised the minimum age for engaging in 'harmful' work to 18. Despite these legal reforms, a considerable number of children in Morocco still face the challenge of forced labour including trafficking in children from West African countries, especially within the context of domestic or family work.<sup>115</sup>*

In the context of migrant smuggling, UASC face an enhanced risk of exploitation and trafficking. UASCs often revert to smugglers along their journeys, and recent research suggests that smugglers and traffickers may in some instances belong to the same criminal groups,<sup>116</sup> notably in Morocco.

When UASCs lack the financial means to pay the smugglers, they often agree to pay in kind for the smuggling services, eg. "through forced labour (including domestic servitude), sex work, or forced criminality", making them more vulnerable to trafficking.<sup>117</sup> In some instances in Europe, UASC are persuaded to leave the care system and are subsequently trafficked, often by the same groups who brought them to Europe. The US TIP report for 2023 highlights that in Ceuta and Melilla unaccompanied children were particularly vulnerable to trafficking in immigration detention centres. Deplorable conditions in care facilities contribute to this employment of such strategies.<sup>118</sup> IN a study pertaining to migration routes towards Europe, Healy confirms that the interactions with providers of migrant smuggling services play a key role in determining people's resilience or vulnerability.<sup>119</sup>

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<sup>112</sup> Ibid.

<sup>113</sup> Save the Children, 2020, Policy Brief: Child Labour in Lebanon: The Economic Crisis and the Compounding Impact of the COVID-19 Pandemic, <https://lebanon.savethechildren.net/sites/lebanon.savethechildren.net/files/library/Child%20Labour%20Policy%20Brief%20-%20Final%2008042020.pdf>

<sup>114</sup> UNHCR (2021)

<sup>115</sup> USDOL – US Department of Labor (2021), 2020 Findings on the Worst Forms of Child Labor: Morocco

<sup>116</sup> European Crime Prevention Network (EUCPN) (2020). Unaccompanied minors at risk: preventing child trafficking. Brussels: EUCPN

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Healy, Claire (2019). The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe. Vienna: ICMPD.

# 4. Conclusions and recommendations

## **Ensure safe and quality alternative care options for all UASCs and robust mechanisms to regularly monitor their situation**

Preventing family separation and preserving family unity are important components of a child protection system that can ensure “that a child shall not be separated from his or her parents”. Indeed, all children including UASCs are entitled “to maintain personal relations and direct contact with both parents on a regular basis”.

As noted above, the meaning given to the terms “family” and “parents” should be broad enough, and extend to any person holding custody rights, legal or customary primary caregivers, foster parents and persons with whom the child has a strong personal relationship, which is often what happens when a child is identified as separated and not unaccompanied. This is equally the case when alternative care decisions are to be made for unaccompanied and separate children and where extended family members are present in the country.

While family-based care options are always preferable to institutional ones for the life and development of the child, it is recommended that regular monitoring processes and mechanisms are in place to avoid positive practices to be abused by ill-intentioned persons.

## **Explore possibilities to link formal protection mechanisms with informal or traditional practices or institutions with protection value**

This research created a body of evidence that demonstrates that, at times and in some countries, capacities do not necessarily match the challenge of ensuring quality protection to all children, let alone to cater to the specific protection needs of UASCs.

At the same time, the research identified several opportunities, including in non-State and non-formal, but traditional mechanisms that have been used as an alternative to State-sponsored mechanisms, as is the case in Lebanon with the possibility to appoint guardians through religious mechanisms. In addition, placement practices that are tantamount to kinship care exist across the MENA region and could be considered not as potential alternatives, but as existing protective mechanisms and practices of a non-formal, or traditional, or religious nature that can work alongside the State surrounded by the necessary guarantees to safeguard the safety and well-being of all children.

## **Invest in Systems and Procedures aimed at fostering both stability and predictability**

As reported above, uncertainty in the future takes an important toll on UASCs, affecting their well-being and overall mental health.

The length and the general lack of predictability in relation to the outcome of some procedures, sudden policy changes (restriction on the right to freely move, new conditions to access school every year) have all been reported as having had a negative impact on UASCs, and playing an important role in UASCs’ own decision-making processes. This has resulted in many instances in an important proportion of UASCs absconding from institutional care infrastructure and/or seeking options for cross-border movements.

Reducing the length of procedures in children's cases, regularly sharing information about legal procedures directly with UASCs in a language and format they can understand, offering quality legal representation and services to UASCs are among the many options at the disposal of government authorities.

### **Ensure that the best interests of the child is a principle translated in practice**

Governments should ensure that the *Best Interests of the Child* does not remain a mere principle of declaratory value with little application in practice. Its operationalisation remains too often confined to the refugee status determination procedures carried out by international organisations in conjunction with government entities.

As advised by the UN Committee on the Rights of the Child, "[a]ssessment and determination of the child's best interests are two steps to be followed when required to decide. The "best-interests assessment" consists in evaluating and balancing all the elements necessary to make a decision in a specific situation for a specific individual child or group of children. It is carried out by the decision-maker and his or her staff – if possible, a multidisciplinary team –, and requires the participation of the child. The "best-interests determination" describes the formal process with strict procedural safeguards designed to determine the child's best interests".

### **Ensure access to essential services, and invest in mental health services for UASCs**

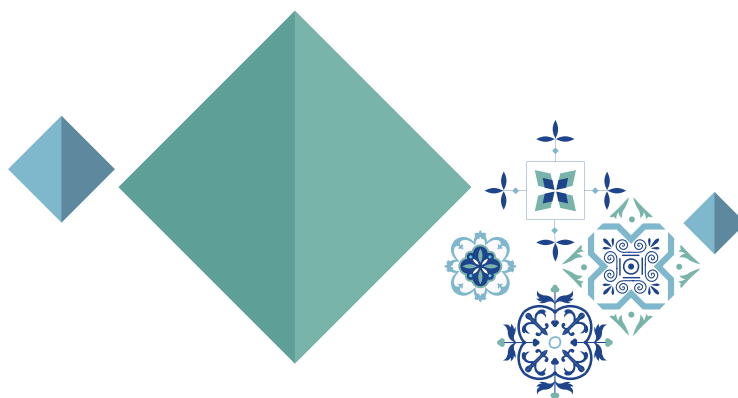
While the lack of mental health services is widespread across the world, the costs of not investing in the provision of mental health services remain to be known. However, a growing body of evidence points at the benefits of investing in mental health, particularly for vulnerable youth.

Reports describe worrying levels of UASCs experiencing severe mental health issues, including because of the dangers and violence they may have faced during their journey. This requires action such as investments to make mental services more accessible as well as in the training of mental health professionals to address the mental health needs of this specific category of foreign children.

### **Put an immediate end to UASCs homelessness**

Unaccompanied and Separated Children should not be homeless. The street is not a place for children to grow, and street-involved children are exposed to risks in situations of extreme vulnerability. Positive examples and promising practices have been developed, including within the 5 countries subject to our scrutiny.

It is therefore recommended to invest in initiatives similar to the one developed by Greece to tackle homelessness of UASCs, the impact of which was recognized by the European Parliament who praised the Special Secretariat for the Protection of Unaccompanied Minors for having accelerated identification, registration, and emergency protection of UASC living in precarious conditions.



# ANNEX 1: Summary of legal and institutional solutions for the protection of UASCs in Jordan, Lebanon, Morocco, Greece and Spain

**Jordan** has implemented various legal measures, including the Special Juvenile's Law and the Jordanian Juveniles Law, aimed at addressing the nature of childhood and provide procedures for child representation. A more recent development in legislation empowers children or their representatives to initiate legal proceedings in domestic courts to challenge instances of rights violations.<sup>120</sup>

Jordan stands out in the region with a dedicated task force focused on safeguarding unaccompanied and separated children. The task force was established in 2013 to delineate the roles and responsibilities of different governmental bodies, including the Ministry of Justice, the Ministry of Social Development, and the Family Protection Department, in addition to the international organisations UNHCR and UNICEF. Another component of the initiative involves collaboration with non-governmental organisations that offer case management services to children and families<sup>121</sup>. A range of standards were established, among them are the Standard Operating Procedures for Emergency Response to Unaccompanied and Separated Children in Jordan,<sup>122</sup> the Field Handbook on UASC, and the Toolkit on UASC.<sup>123</sup>

**Morocco**, in 2015, established its *Integrated Public Policy for Child Protection 2015–2025*, with technical assistance from UNICEF. This policy lays out plans for creating an integrated child protection mechanism in accordance with both national, and international standards. The responsibility executing the policy rests with the Ministry of Solidarity, Social Development, Equality, and Family. Notably, the policy includes provision for UASC and establishes a decentralised system for child protection to guarantee systematic identification, case management, and follow-up for children who have experienced violence or are at risk.<sup>124</sup>

**Lebanon** has established through Law No. 422/2002, mechanisms of protection for children which focuses on the rights of juveniles who are in conflict with the law or are at risk .

*"Children in Lebanon are protected by one 2002 overarching law. Unfortunately, anything specific to children who are UA or separated is not really available. This is why the law remains flawed – because it is unable to cater to the different needs of different children – especially children with special cases, different legal statuses, and children from different nationalities. At the moment, I can confidently say that amid the ongoing crisis Lebanon is going through, absolutely nothing works to protect these young girls except the humanitarian and NGO spaces." (LE\_3)*

120 Achilli et al. (2017).

121 AlMakhamreh, S., and Hutchinson, A. J. (2018).

122 The Child Protection Sub- Working Group Jordan-UASC Task Force (2014). Standard Operating Procedures for Emergency Response to Unaccompanied and Separated Children in Jordan.

123 Achilli et al. (2017).

124 UNICEF, 2023. Morocco UNICEF Country Annual Report 2022. <https://www.unicef.org/media/136221/file/Morocco-2022-COAR.pdf>

The law is reinforced by the Standard Operation Procedures for the Protection of Juveniles in Lebanon – a set of guidelines for all professionals engaged in child protection in Lebanon. While the law primarily pertains to juvenile justice, it is generally viewed as comprehensive in safeguarding children’s rights, regardless of their gender, nationality, legal status or other circumstances or. However, it falls short in addressing the unique and intersecting needs of certain groups of children, such as UASC.<sup>125</sup>

**Greece** has recently reinforced its legal and policy framework to better protect UASC. These enhancements involve the establishment of additional shelters, social services, as the appointment of legal guardians for UASC, and the legal abolishment of ‘protective custody.’<sup>126</sup> Key elements of this initiative include a national strategy for the protection of unaccompanied minors<sup>127</sup>, the ‘no child alone policy’<sup>128</sup>, and the 2022 law on guardianship<sup>129</sup>. To oversee and coordinate these efforts, Greece established the Special Secretariat for the Protection of Unaccompanied Minors (SSPUM) in March 2020<sup>130</sup>. According to a recent report by the European Parliament, the SSPUM has accelerated identification, registration, and emergency protection of UASC living in precarious conditions. Furthermore, it has facilitated the relocation of unaccompanied minors from the Greek islands to mainland facilities and assisted UASC in accessing education and job training, among other vital services.<sup>131</sup>

In **Spain**, the protection of UASC is characterise by a decentralised structure. This includes the appointment of guardians and the provision of support systems, all of which are the responsibility of the respective Autonomous Community.<sup>132</sup> Notably, there is no distinction made between Spanish and foreign nationals when it comes to placing or accommodating abandoned children under guardianship.<sup>133</sup> To ensure effective coordination among various institutions and authorities dealing with UASC, an agreement was reached and signed in July 2014, known as the Framework Protocol for Unaccompanied Foreign Minors<sup>134</sup>, which forms the basis for harmonising and coordinating efforts and addressing issues related to UASC across different institutions and authorities that address issues related to UASC.<sup>135</sup>

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125 LE\_1, LE\_2, LE\_3, LE\_4, LE\_5, LE\_6, LE\_9.

126 Wheeler, Joanna and Theocharidou, Vassiliki : Integration of Unaccompanied Children in Greece: Opportunities, Challenges and Recommendations, METAdrasi, Athens, 2022

127 developed in October 2020 and published in January 2022

128 launched in November 2019

129 Law 4554/2018 – entry into force of the law has been postponed several times, until it entered into force in 2022

130 <https://migration.gov.gr/en/grammateies/eidiki-grammateia-prostasias-asynodeyton-anilikon/>

131 European Parliament Research Service (2022); see also Hellenic Republic, Ministry of Migration and Asylum, Special Secretariat for the Protection of Unaccompanied Minors: Annual report 2022.

132 Eurochild and UNICEF: Policy and Legal review for children in alternative care and unaccompanied and separated children from Ukraine arriving in: Spain, 2022; Puyo et al. (2021)

133 Puyo et al. (2021)

134 signed by the Ministers of Employment and Social Security, Justice, Health, Social Services and Equality, the General Prosecutor’s Office, Secretary of State for Security, the Undersecretary of the Ministry of Foreign Affairs and Cooperation.

135 European Migration Network: Synthesis Report – Policies, practices and data on unaccompanied minors in the EU Member States and Norway, May 2015

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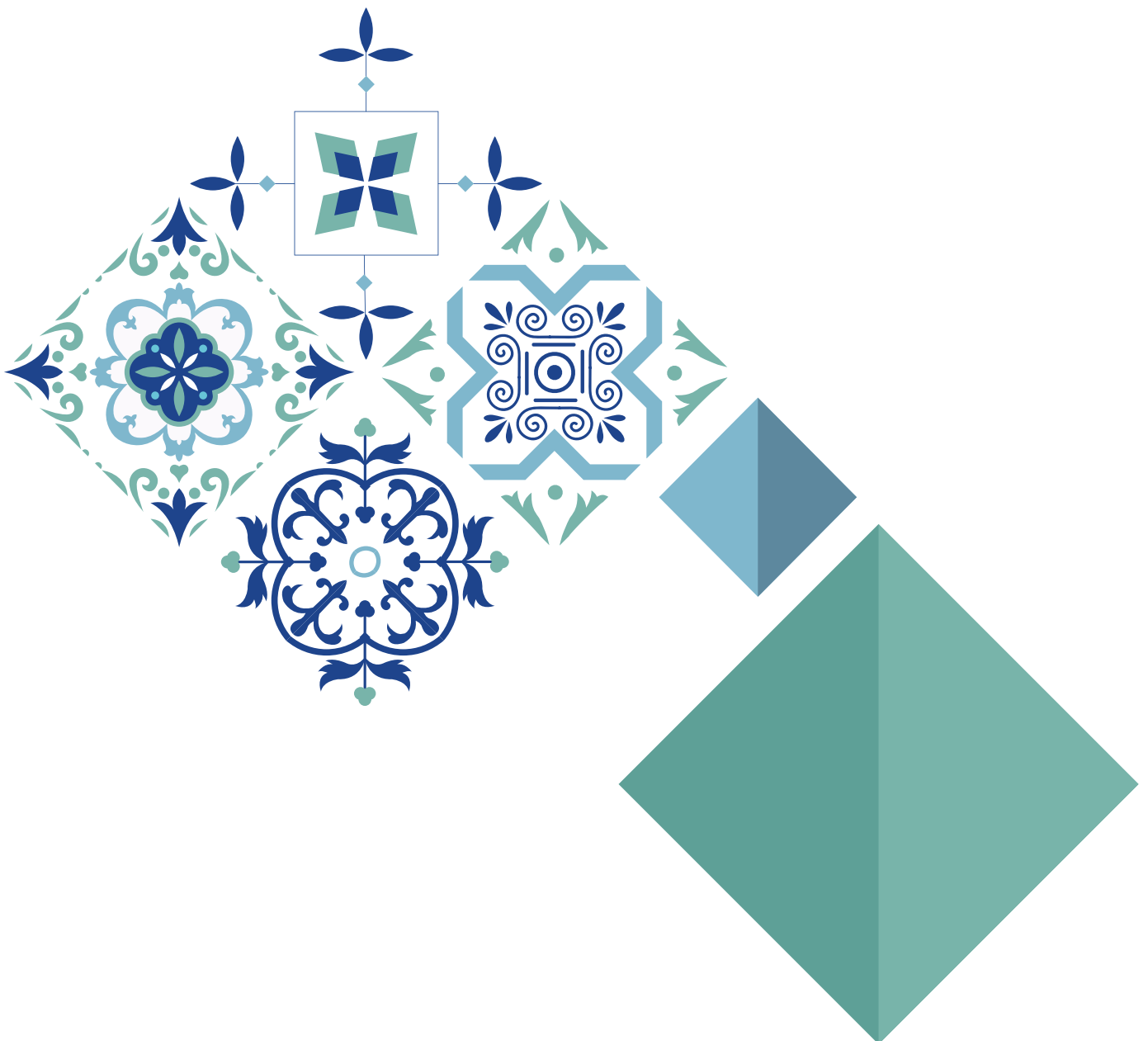
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