



**Children Hybrid Integration: Learning Dialogue
as a way of Upgrading Policies of Participation**

Report on legislation

Responsible CHILD-UP partner: *University of Liege*



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Executive Summary

The CHILD-UP project investigates the social conditions of migrant children's integration through social participation, taking into account gender differences, legal status and age groups, with the final aim to propose an innovative approach to understand and transform their social condition. In support of this aim, the current two part report provides an overview of migrant children's wellbeing, protection and education as well as a comparative investigation of the legislation in partner countries that most deeply impacts young migrants and their families. In selected contexts in seven countries, Belgium, Finland, Germany, Italy, Poland, Sweden, and the UK, the research focuses on policies and practices of integration, migrant children's access to basic services, their enrollment in school, and the differences that exist for children of different migratory statuses. This report includes data on recent migration flows of children to Europe and to the specific regions of the partners. It has gathered information on how children arrived (on their own -unaccompanied, with families who are documented or undocumented, or as refugees). It offers an assessment of wellbeing of migrant children and their families as evaluated through available data on access to healthcare services, housing, employment, and the time children have spent out of school. It further includes approaches to family reunification, the training of workers who support migrants, and migrant children's access to and placement in school. This report is the culminating document of work package 3, and subsequent work packages include quantitative and qualitative data, analysis of examples of educational practices of integration, and finally, proposals of innovation in dialogic practices of integration as active participation.

Methodology

This report draws on grey and scientific literature from the relevant European and local levels, and specific country data and information provided by all project partners. This information was gathered through a template, created by the main author, containing questions to guide the procurement of information. These templates were completed by partners and then reviewed to find key information that was then grouped by theme. What is contained in the report is based on both the main author's initial proposal for the report, but also what information and important material and ideas emerged during the research process.

Definition of Childhood and Perceptions of Migrant Children

Childhood is a culturally dependent category that is defined differently by different groups. The ages it includes, how children are viewed and treated, and their position in society are by no means universal. The UN Convention on the Rights of the Child (UN 1990), to which all CHILD UP partner countries are signatories, was ground-breaking in its insistence that children's point of view be considered in decisions affecting children's lives. The definition of children it proposes, and which is the same in most legislation concerning children in the partner countries, are all persons under the age of 18. The UNCRC also states that children should be treated as children first, and other factors of their situation should be considered as secondary. For example, in the case of migrant children, they

should be treated first as children – regardless of their migratory status. The findings in this report show that, while this is typically adhered to in legislation, it is not always the case in practice. Migrant children with precarious statuses – refugee and undocumented- still face barriers to accessing services that children should be entitled to, such as adequate housing, healthcare, education, and the right to family unity.

All the partner countries highlighted the link between immigration and security concerns of governments and the wider public. Partners pointed to the portrayal of migrants in the media and criminal acts attributed to them remain in the news and the public eye for a long time. Additionally, while migrant children are perceived to have a great deal of potential for criminality and negative impact on a society, their agency is ignored or neglected in other areas of life. While the voice of the child principle is laid out in the UNCRC, children’s voices, self-determination, and agency in their integration is sorely neglected. The CHILD UP project sees children as agentic actors who can direct their own integration and endeavours to promote this in the school setting.

Reception and Integration Policies and the Broader Political Climate

The political climate and public debate in all of the involved countries are characterized by intense disagreement over immigration and integration. While overall attitudes towards immigration and immigrants varies by country, all of the partner countries have experienced the rise of right-wing parties that has been the trend across Europe. Dead-locked parliaments that find it difficult to form stable governments, like those of Belgium and Sweden, may become more common. Migrants, and particularly migrant children, are caught in the middle as they are held up as both the symptom and the cause for various societal ills. Despite very different histories of immigration and approaches to integration, even the most open systems of immigration and integration have been characterised in recent years by various increased restrictions and requirements. At the same time however, many new integration measures have been created to support migrants. More consideration of language barriers, more time allotted for language learning and meeting integration pathway measures, easier and more transparent access to support services, and more emphasis on cultural sharing (to also show the receiving society values and wishes to learn about the migrant’s cultural background) would benefit integration and migrant families and children. Additionally, even in cases where integration is governed and legislated at the national level, the majority of the responsibility for support of migrants and their integration happens at the local level. It is also at this level that actors understand the specific needs of the local population, and it is therefore important that local level actors be supported, have access to adequate resources, and that their point of view is considered in policy and legislation at every level.

Family Reunification

Family is recognized as fundamental in the Universal Declaration of Human Rights,¹ and the right to be with one’s family is acknowledged, in some way, in the legislation of all the partner countries. As it is a fundamental and universal human right, it also applies to migrants, but this is not always the case. EU member states are also expected to adhere to the Family Reunification Directive (2003/86/EC), but there are still divergences in national level practices, and this directive does not include refugees and those with subsidiary protection (though in general

they are included in national approaches) (European Migration Network 2017). Overall, family reunification in the partner countries has become more difficult in recent years. Measures have been introduced in response to fears of migration, concerns that migrants are bringing ‘fake’ family members into the country, and concerns about the labour market. In many cases, these measures unequally impact specific ethnic groups and often those of a lower socio-economic status. While women and men apply for family reunification at an equal rate (European Migration Network 2017) minimum income standards may disproportionately impact women. Women typically earn less than men, are often employed in part time work, and time spent on maternity leave may also affect this aspect. In some cases, applicants have to wait a long time for decisions on these matters, which extends the period of stress, anxiety and emotional turmoil. This condition has the potential to have a severe negative impact on migrant children wishing to be with their families, and is contrary to the best interest of the child principle. For children, the best outcome would be for states to continue to offer family reunification for third country nationals, but to relax requirements in order to facilitate and shorten the process and positively impact migrant children.

Health and Housing

A key moment when adherence, or lack thereof, to the above cited international agreements comes into focus is when child migrants seek healthcare and housing. The most crucial and problematic situation is that of undocumented children – or those with irregular statuses. Again, the partner countries fall on a broad spectrum, from undocumented migrants risking deportation for seeking services to cases where healthcare workers are forbidden to report people who have irregular statuses. In terms of healthcare, in all partner countries there is meant to be universal access to healthcare services for emergency situations. Even in countries where policy technically permits access for migrants to health services, it is often the case that undocumented and even refugee migrants go without medical care. The reasons for this are numerous, but usually involve communication difficulties, mistrust of services, migrants’ lack of knowledge of their rights, and complex and slow-moving bureaucracy. Well-being of children is contingent upon stability and reliable housing. Both health and education are linked with housing and it is considered a basic human right which is laid down in international and local agreements and declarations, such as the Universal Declaration of Human Rights (UDHR)¹. According to these agreements, this right is not contingent upon migratory status. Especially vulnerable groups of migrants, however, still face obstacles to adequate housing. Different migratory statuses lead to varying degrees of access to the labour market and social welfare. As is the case with healthcare, sometimes service providers and landlords are required to report undocumented migrants.

While the majority of EU countries have policies aimed at combating homelessness among children, there are still gaps that children may fall through. Accommodation for those who are undocumented and seeking asylum sometimes breaks with international conventions and even national legislation. Additionally, migrants are at risk of social exclusion. In some cases this means being separated from co-nationals by distribution policies, or else

¹ UDHR, Article 25(1) and ICESCR, Article 11(1).

Also see the International Covenant of Economic, Social and Cultural Rights (ICESCR).

concentrated in places where there are no host country nationals and limited ways to build social capital and integration in the host society. Indeed, it is necessary for migrants to have access to both groups in order to have support and to become well integrated.

School Placement and Training for Migrant Support Workers

Whether in policy or just in practice, schools are key players in integration. Despite the numerous EU documents that address the right to education², access to education, programming, approaches, philosophies, and resources vary widely between countries. In some cases, undocumented and asylum-seeking children (even when explicitly allowed to enrol in school) are excluded from enrolling in schools. In all partner countries, however, schools are expected to support the integration of migrant children and their families. Often, they must do this with limited resources and insufficient training for staff members and teachers. Schools may be overcrowded, have concentrations of migrant children, have migrant students without the experience to support them, and face difficulty in supporting children when they have limited information on the educational background of pupils. The challenges faced by schools and migrant children are mitigated or enhanced based on several factors, including the experience that the school systems have in welcoming migrants, the overall resources available to the school, as well as resources specifically dedicated to migrant children and families, and the trainings (and their efficacy) that are available to teachers and other school actors.

Comparative legal analysis of the inclusion of migration children

While the Convention on the Rights of the Child is perhaps the most important and foundational international document regarding the lives and rights of children, migrant children often suffer from the gaps that still exist and hinder their ability to benefit from these rights. After an overview of the treatment of migrant children in international and European Union Law, the second part of the report then focuses a lens on the national context in each party country. The key areas of focus are: age assessments, guardianship, housing, education, healthcare, family reunification, and the supports that exist for unaccompanied minors when they reach the age of majority. In addition to shedding light on obstacle, this second part also offers some potential solutions and suggestions for the way forward in the wellbeing and integration of migrant youth. It highlights that the contribution of the public sector as well as civil society is crucial to ensure that the best interests of migrant children are determined and considered in identifying a durable/long-term solution for them, irrespective of whether they are alone, separated or with their families.

² Directive of the Council of the European Communities on the education of children of migrant workers of 25 July 1977 (DzUL 199 of 6.8.1977) – focusing on children of migrant workers.

EU Charter of Fundamental Rights of December 14, 2007 (EU Official Journal of 2010, C.83) – access to free compulsory education and lifelong learning.

European Parliament resolution on the education of immigrant children of 2 April 2009 (DzUrz EU 2008/2328 (INI), C 137 E.) – on language learning – both the reception country language and the language of the country of origin.

Part 1 – Overview of legislation and policies

1. Introduction

The current report focuses on the position of child migrants against the complex backdrop of the turbulent state of immigration and integration policy since the so called ‘refugee crisis’ of 2015 (when hundreds of thousands of people crossed the Mediterranean into Europe in order to escape war and oppression). As the project endeavours to meet its aims of understanding how child migrants participate in their own integration and forge their own integration pathways in schools, this report offers a snapshot of the wider context in which this integration takes place. CHILD-UP investigates the social conditions of migrant children’s integration through social participation, taking into account gender differences, legal status and age groups, with the final aim to propose an innovative approach to understand and transform their social condition. In support of this aim, the current report provides an overview of migrant children’s wellbeing, protection and education

This report is the culminating document of work package 3, and subsequent work packages include quantitative and qualitative data, analysis of examples of educational practices of integration, and finally, proposals of innovation in dialogic practices of integration as active participation. This report presents background research on migrant children’s experiences of integration in Europe and in the seven partner countries: Italy, Germany, Poland, Finland, Sweden, Belgium, and the United Kingdom. In much of Europe, issues of immigration and integration are entangled with concerns about security, national identity, and continually redefining what it means to be part of the European Union. Public opinion and leadership are starkly divided when it comes to how, or if, to welcome migrants and the best ways to help them become part of the host society.

As was proposed in the project description, this report includes available data on recent migration flows of children to Europe and an assessment of wellbeing of migrant children and their families as evaluated through available data on health and access to healthcare services, housing, employment, and the time children have spent out of school. The report was foreseen to include data on migration flows of children to the specific regions of the partners, but this data was difficult to come by and in some cases did not exist. The research also gathered information on whether children arrive on their own (unaccompanied), with families who are documented or undocumented, or as refugees. It further includes approaches to family reunification, the training of workers who support migrants, and migrant children’s access to and placement in school. All partners contributed data specific to their country and their proposed local areas.

It is clear that the CHILD UP project comes at a critical moment for migrant children in Europe. In 2015:

- 1 in 4 asylum applicants in the EU was a child.
- 96,000 unaccompanied children applied for asylum in the EU
- 31% of refugees who arrived in the EU by sea were children (UNICEF 2016)
- Also during this period, it was estimated that the number of children migrating alone had doubled since 2010 -2011 (UNICEF 2017b).

While these flows have decreased somewhat since 2016, the estimated number of people aged 19 and younger who do not live in their country of origin grew significantly between 1990 (28.7 million) to 2019 (37.9 million). In 2019, child migrants (aged 19 years and under) accounted for 14 percent of the total migrant population and 5.9 percent of the total population (of all ages) (IOM's GMDAC 2019).

Several international bodies and agreements seek to protect the rights of children, and most notable for this report are UNICEF'S Agenda for Action, the European Commission's Action Plan on Unaccompanied Minors (2010 – 2014), and the UN Convention on the Rights of the Child (UNCRC)– to which all the countries involved in this project are signatories. These agreements set out fundamental principles and provide specific assurances with regard to the rights and treatment of children. Perhaps the most well-known and most referenced among these is the UNCRC which sets out several principles with regard to the treatment of children, key among which are 1) that the best interests of the child is of primary consideration (art. 3.1) 2) that rights should be available without discrimination (art 2) and 3) that the views of the child should be considered in decision making (art. 12) (UN 1990). These core precepts are echoed in national and local policy and legislation, along with the European Commission's stance that, "it is fundamental to ensure that any child needing protection receives it and that, regardless of their immigration status, citizenship or background, all children are treated as children first and foremost" (European Commission 2010). Part of the aim of this report is to problematise the discourse of these agreements and to understand in which ways the agreements are met (or not) in practice.

The information for this report was based on a template of questions (see Annex) circulated by the main author which was completed by each country partner. The templates were designed to direct partners towards relevant issues while leaving room for flexibility and information that was most relevant to each country-specific situation. This information gathering was complemented by desk research, including grey and academic literature, looking at country specific documents. Finally, the various issues were grouped according to emergent themes and compiled in this report. A second report, the Practice Analysis, will follow. It will highlight best practices in each partner country in regard to the integration of migrant children in schools, as well as an analysis of pertinent legislation involving migrant children in each national context. The current report, therefore, serves to set the stage and provide the wider context in order to understand the best practices and findings from later stages of the project. Its aim is to help us understand what the expectations are for migrants and what factors, particularly for migrant children and their families, hinder or support their wellbeing and integration. In order to allow for a fuller understanding of these topics, it is first necessary to understand what population we are focusing on, and therefore it's important to offer a description of the category of childhood.

1.1 Defining Childhood

While this report gives an overview of various general measures for migrants, it is written with the unique situation of migrant children in mind. Therefore, it is first necessary to describe what is meant when speaking of children. Childhood is not a homogenous category. What childhood means, and at what age it ends, are dependent upon culture, national laws, and international decrees. Rather than strict biological measures, delimiting the age

boundaries of childhood is often based on the age at which a person reaches certain milestones. As Arnett (2000) explains, the milestone that was once used in many western societies to mark the end of childhood was the average age at which most people married and began having children. In 1904, Hall delimited the category of adolescence by using the onset of puberty as a way to mark its beginning, and determined that it ended at approximately age 24. In more modern times, the milestone that many people have in common, at approximately the same age, is the completion of secondary school – often at age 18 (Arnett 2000). In fact, Arnett argues for an additional category before adulthood, called ‘emerging adulthood’, which includes ages 18 to 29. Young people often need support after the age of 18, may still live with parents, and may not have transitioned into the labour market. The importance of the definition of childhood, and who is considered a child, matter in policy terms because children are usually considered to be vulnerable. Integration programmes and policies carry different considerations for children and the age during which people are considered to be vulnerable dictates how long child-targeted services remain available to migrants. It is often the case that certain services for unaccompanied minors (UAMs)³ and child migrants end at the age of 18, and they then face a difficult transition to ‘adult’ life. There are, however, important differences between countries.

To illustrate the complexity of childhood and age determination, we can look at definitions of youth and childhood posed by the United Nations. Youth is defined as ages 15-24, but children are not simply those younger than 15. The UNCRC, however, defines a child as a person under the age of 18 (UN 1990). The result is an overlap between the categories of children and youth for those aged 15-18 (IOM’s GMDAC 2019). Bearing in mind that the significance of attaining a certain age is culturally dependent, and subject to changes and evolutions, the CHILD UP project focuses on children in early childhood through upper secondary school, ages 5 to 16. It recognises that being ‘a child’ does not broadly determine a person’s ability, and that vulnerability – while important – does not preclude agency. The impact of legislation, however, is sweeping and is often unable (or unwilling) to consider the individuality of each child or their culturally specific situation. In legislation, migrant children are treated alternately as victims, problems, resources, or burdens. The perception of children in the receiving society is key to how legislation and policy are created and the rights and supports that young migrants have access to.

CHILD-UP follows UNICEF in adopting the following categorizations: (1) first- and second-generation long-term resident children, (2) newcomers, including refugees and children recently arrived through family reunification, (3) unaccompanied children, who can be both long-term residents and newcomers. It is also important to clarify this was planned as a way of selecting migrant children for research aims, but it does not correspond to classifications made in national legislations and statistics.

CHILD-UP starts from the general idea that children are actors in current social processes. Children’s participation is primarily important for policies and social interventions. Interest in children’s participation is inspired by the UNCRC (UN 1990) and is based on the principle of the best interest of the child (art. 3). The most innovative part of the UNCRC concerns the children’s rights to participation, particularly to express their views and to be heard in administrative and juridical practices (art. 12), to personal expression and thinking (arts. 13, 14), to participate in

³Children who arrive in a country without a parent or legal guardian.

cultural and artistic activities (art. 31). CHILD-UP is based on the concept that promoting migrant children's active participation is extremely important for their integration. In particular, CHILD-UP deals with the importance of children's agency, as a specific form of participation, based on the choices of action that are available to children in terms of promoting change in social contexts.

1.2 Perceptions of Migrant Children

Key to modern migration studies is that immigration and integration are entangled with the security concerns of local populations and the security and protectionist discourses of national governments. The inflow of refugees to Europe in 2015 coincided with several significant terrorist attacks in Europe (e.g., Paris, Nice, London, etc.) which offered fertile ground for anti-immigrant parties to promote fear of migration. Discourse used by right-wing parties has highlighted instances of sexual assault and terrorism as reasons to stem immigration (Wike et al. 2017) and to ensure immigrants are well 'integrated' (FRA 2017).

When policy seems aggressive and migrants are mainly portrayed as a threat, a drain on society, or victims, it is reasonable to expect this to have an impact on migrants' well-being (O'Toole Thommessen et al. 2017, Eberl et al. 2018). Migrants may face negative psychological effects from seeing how they are depicted in the media and referred to in policy. For those who are already in an extraordinarily emotionally trying situation, such as refugees and asylum seekers, this depiction is even more detrimental and can impact integration (O'Toole Thommessen et al. 2017). The political climate and discourse thus have a major impact on integration and the wellbeing of child migrants. It ultimately influences how migrants are treated in everyday life and, key for child migrants, impacts their access to education and their treatment once they are enrolled.

While children need protection, they also have great potential to arouse fear in society. The fear induced by children – both fear for their safety and fear of their potential to create problems in society (Comaroff and Comaroff 2006) – places children in a difficult position. As Heath et al. (2009) state, "young people's lives are then frequently held up as a 'social barometer' of wider societal change" (1). They are considered vulnerable and in need of special treatment, but children and young people are also considered likely to create subcultures. This fear goes hand in hand with the increased fear generated by the security discourse and its link to immigration, and creates turbulent circumstances for migrant children.

In many western countries, the criminality of migrants, youth, and/or migrant youth, tend to be widely reported in the news. Their criminal acts (or their suspected criminal acts or potential for criminality) remain in public discourse long after the events have occurred (Berry et al. 2015). It is clear that in the partner countries, as well as in Europe in general, migrants are seen to pose a security risk and the general public wish to be assured that governments are taking measures to ensure their safety. In the UK, for example, there is a great deal of suspicion and negative rhetoric around the reception of the so called 'Dubs children' – a section of the 2016 Immigration Act under which a number of unaccompanied minors (UAMs) from European countries will be transferred to the UK. This is influenced by a large part of the mainstream media (Davidson 2016; Butter 2016; Perrin 2016; Royston and James 2016) whose narrative shifted away from one of protection and moral and humanitarian responsibility

(McLaughlin 2018) to a narrative of 'fake' childhood and childhood adultification. These perceptions of childhood do not fit with other western, mainstream representations of childhood, as a period free of adult-like responsibilities, characterised by innocence and vulnerability (Burman 2008). When children and young people act 'too adult', or too capable, it leaves people wondering if these young people are truly in need of protection. The supposed link between migration and criminal activity are present in humanitarian and political discourse in Italy as well. According to Caritas data there are two main issues facing young migrants: 1) high levels of school dropout and unemployment 2) risk of poverty and social exclusion. (Caritas Italiana 2017). Migrant families were hard hit by the economic crisis in 2008 which led to unemployment and further instability in an already precarious situation (Caritas Italiana 2017). This resulted in assumptions about criminal behaviour or lack of effort on the part of migrants.

In Belgium, the perpetrators of the terrorist attacks in Brussels on 22nd March 2016 were young Belgian citizens of a migrant background who had ties to the Brussels neighbourhood, Molenbeek. The subsequent portrayal in the press of young people from Molenbeek painted them as ripe for radicalisation and resentful of their treatment by white Belgian society (BBC 2016). This discourse continues today and fear of violence from migrants is used in the messaging of Belgian right-wing, anti-immigrant political parties. A similar discourse followed the New Year's Eve 2015 events in Germany. In Cologne, about 650 women were victims of sexual assault and this has changed the depiction of migrants and criminality in the media and has also impacted public opinion. The discourse has increasingly shifted from creating a 'welcoming culture,' that highlights joint efforts to foster integration, to concern about the potential risks of welcoming asylum seekers and refugees. There have been calls for more severe punishments for migrants and refugees who commit criminal acts. At the same time, public attention to offenses and violence against migrants has markedly decreased (e.g., Haverkamp 2018). Data on criminality of migrant youth are either missing or are difficult to interpret. This is due to the fact that official statistics of criminal offences also include violations of entry requirements, and these numbers are based on a rough definition of migrant background. Thus, while some studies found higher rates of criminality in migrant youth, others have not (Bliesener et al. 2019; Giesing et al. 2019; Walburg 2014). Moreover, in contrast to the public discourse, studies found a lower rate of criminality among young refugees and asylum seekers from Syria, Iraq, and Afghanistan (Bliesener et al. 2019; Giesing et al. 2019).

In Poland, public discourse does not specifically focus on the criminal activity of migrant children, but it focuses on the potential criminal activity of migrants as an argument to stem immigration. There were several extensive discussions in the media pertaining to immigration and criminal activities and migrants were presented in a stereotypical way and as a major problem for Polish society (e.g. media discussion triggered in 2009 by a politician from the Law and Justice political party who suggested that the refugee centre in Łomża should be closed due to the threat of criminal behaviour). Yet these media debates frame the problem of criminal activities primarily through the prism of ethnicity and gender. Many stories, often based on false evidence, were presented in right-wing media as well as during anti-immigration protests. Existing studies (Januszewska 2008; Klaus 2011) link

aggressive behaviour among young male migrants with lack of a positive male role models, rupture of family bonds and inability to solve conflicts in a non-aggressive way.

There has been a marked increase across Europe in programmes and research aiming to understand and combat radicalisation⁴ and this work is often focused on children and young people. For example, a Horizon 2020 funded project (DARE⁵) “will focus on people aged between 12 and 30, as they are a key target of recruiters and existing research suggests they may be particularly receptive to radicalism” (DARE). There are research centres, conferences, and governmental initiatives all aimed at understanding and combatting radicalisation and extremism – often with a focus on young people with a migrant, Arab, and/or a Muslim background.⁶ A failure of integration is often portrayed as the reason for radicalisation, while successful integration is seen to be the solution

There is, however, little evidence to support the assertion that migrant children and youth are more prone to criminality, delinquency, or misbehaviour, and the evidence that does exist is rarely contextualised in a way that includes the obstacles and life conditions faced by young migrants (Chen and Zhong 2013; Peguero 2011; Sohoni and Sohoni 2014). An issue that the H2020 project REMINDER investigated was the fact that what the media portray about migration is often not reflected in reality (Herrero-Jiménez 2019). The behaviour of migrant children is regularly misunderstood and misrepresented. Many types of ‘bad’ behaviour in school, for example, can be the result of PTSD, cultural differences, communication difficulties and language barriers, etc. or even racism and bullying (Głowacka-Grajper 2006). As research has found, these difficult circumstances can be greatly ameliorated by well trained teachers. At the same time, these issues may be exacerbated by teachers who treat young migrants as trouble-makers and “problematic” pupils, and teachers often lack the necessary resources, training, and support (Gzymała-Moszczyńska and Nowicka 1998; Januszewska 2008; Klaus 2011) and these perceptions may influence policy targeted towards migrant children.

⁴ The International Centre for the Study of Radicalisation and Political Violence – founded in 2008 at Kings College London. <http://icsr.info/about-us-2/>
<https://www.birmingham.ac.uk/schools/ptr/departments/theologyandreligion/events/2017/exploring-radicalisation.aspx>

A post graduate certificate, Understanding Radicalisation, is available to the University of Derby.
<https://www.derby.ac.uk/courses/postgraduate/understanding-radicalisation-pg-cert/>

⁵ The DARE program (Dialogue about Radicalisation and Equality) is a H2020 funded program that began in 2017.
<http://www.manchester.ac.uk/discover/news/major-international-project-to-research-radicalisation--fundamentalism/>

⁶ At the University of Liège for example, there is a certificate for “The Study of Terrorism and Radicalisation”, the first course of which is entitled “*Le terrorisme, approche historique : des origines au "jihadisme global"*” – “Terrorism, a historical approach: From its origins to global jihadism.”
https://www.programmes.uliege.be/cocoon/20182019/programmes/DYCUTR90_C.html

2. Reception and Integration policies and the broader political climate

The countries involved in the project have markedly different histories when it comes to migration, and despite being subjected to several common recent trends, such as the rise of right-wing political sentiment and increased flows of refugees, these different histories still shape their current approaches to integration and immigration. Several of the countries involved in the project were traditionally countries of emigration (Finland, Poland, Italy) and have only recently begun to specifically target immigration and integration in national policy. In some countries, integration policy and official programmes are relatively new, having only come into play in the 1980s and 1990s (in Belgium, Italy, Germany, and Finland). Countries with longer histories of immigration, however, are not necessarily better prepared or more willing to welcome migrants. Approaches to integration fall on a spectrum from fairly informal laissez faire approaches to much stricter requirements involving exams and obtaining integration credits.

Most governments and policies, as well as EU-level discourse, describe integration as a two-way process which requires adaptation from both the newcomer and the host society (The Council of the European Union 2004). Immigrants have 'rights and duties' - meaning they are entitled to certain supports and also have obligations. One obligation is typically that migrants participate in some type of training about the host country and learn the host country language(s). The expectations in this regard are dependent upon each country's history, current atmosphere, and philosophy of integration. While child migrants are typically exempt from these proceedings, integration measures still affect their lives in various way. They highlight the values and expectations of the host society and children's families are often required to complete these programmes. More and more European countries are adding obligations for migrants, such as a required number of training hours, increased language requirements, and integration exams, while not granting the commensurate access to rights. Integration programmes, policies, and philosophies offer a window into the climates that children are expected to integrate into, and help us to understand the difficulties and the support they and their families draw upon. The following is an overview of integration practice and the political climate in each of the partner countries, as well as the key recent shifts in policy and practice.

2.1 Belgium

Belgium is a federal system and has a long history of immigration coupled with a long history of refusing to label itself a country of immigration. This resistance led to a delay in the evolution of immigration and integration policy (Martiniello 2003). The misguided belief (or perhaps hope) was that immigrant ‘guest workers’ would eventually return to their country of origin. This meant that integration policy seemed unnecessary and was thus neglected. The guest worker programme formally ended in 1974 and it took until the 1980s for Belgium to establish an integration policy (Martiniello 2003; Petrovic 2012). Before the end of the guest worker scheme, however, local level initiatives to foster integration were already in play.⁷ Nevertheless, it took until the 90s for the cultural diversity of the country to be thoroughly accepted and for targeted actions to take place at different governmental levels. Integration decrees were created in the Flemish and French communities, and support programmes were adopted to help migrants learn the local language, enter the labour market, and procure housing (Martiniello 2003). Currently, issues of foreign policy, immigration, and public health fall under the responsibility of the federal government. They are specifically in the charge of the “FPS Immigration and Asylum Policy and FPS Home Affairs” which falls under the direction of the Federal Public Service Interior. This office is also responsible for border control and is tasked with fighting radicalisation⁸ (Ibz Office des étrangers). About three quarters of asylum seekers are housed in collective reception centres run by the Federal Agency for the Reception of Asylum Seekers (FEDASIL) and its main partner, the Red Cross. Unaccompanied minors, however, reside in special centres dedicated to the reception of children in this situation, or in individual accommodation run by local municipalities or NGOs. . The federated entities are in charge of education and integration. In 2015-2016, when much of Western Europe experienced a significant inflow of refugees, Belgium was no exception, but it is often overlooked. The country welcomed nearly the same number of refugees as the Netherlands, which is significant since the population of Belgium is much smaller (Scholten et al. 2017: 37).

Belgium’s federal system with three linguistic communities and three regions, has resulted in a weak overall national identity amidst calls for separation from various nationalist parties (Lafleur and Marfouk 2019). In the 2019 elections, traditional mainstream parties endured losses in both Flanders and Wallonia. Right-wing parties, who engage in anti-immigrant discourse, made substantial gains in Flanders, while left and green parties were successful in Wallonia and the Brussels Capital Region (though these left-wing parties are still less popular than they were in the past). Each region is allotted a pre-set number of seats in the federal parliament and it is clear that the country’s linguistic divide is also a political divide. Dutch is the main language of the Flemish region, French is the main language of the Walloon Region (though there is also a German speaking minority), and the Brussels Capital region is bilingual. This linguistic divide also represents a divide of ideals and political standing. The result was an extremely polarized federal landscape, but not for the first time (Brzozowski 2019). Since 2007, which saw the first triumph of the N-VA (a nationalist party based in Flanders that holds anti-immigrant views), forming a

⁷ “In 1971 for example, a Local Consultative Comity of Immigrants (CCCI) was implemented in Liège” and lasted until immigrants were allowed to vote in local elections (Mandin 2014:15).

⁸ All translation from French to English were the author’s own translation.

federal government has become an ever more fraught procedure (Brzozowski 2019) and this is partly due to differing views on migration and integration. It cannot be said, however, that anti-immigrant sentiment is exclusively found in Flanders, nor the reverse. As integration is a responsibility of the regions and communities, Wallonia has recently increased integration requirements for newcomers to the region (making its integration measures look more like those in Flanders), suggesting that assimilationist trends also exist in the more ‘pro-immigrant’ political landscape. The integration pathway in Flanders – meaning the specific courses and the exam required as part of one’s integration – has been in place since 2004. The integration pathway in Wallonia, however, did not become obligatory until 2016. Overall, however, immigration and integration are key issues that divide the country along quite clear lines in terms of regional political leanings.

Key shifts in policy and practice

- Since 2011, legislation has made family reunification more difficult. An income requirement and an application fee were introduced. “Moreover, the period to control the fulfilment of all conditions for family reunification was extended from three to five years, and the maximum processing times for an application were lengthened from six to nine months (with possible extensions)” (EMN Belgium et al. 2017).
- Mandatory integration programmes now exist in all the regions, but have only recently been implemented in Wallonia and the Brussels Capital Region (European Commission 2019).
- The recognition of foreign qualifications in the Flemish Community has recently been simplified and the process is now free, though experts stress that it remains a barrier to labour market entry that is difficult to overcome.

Summary - State of Integration in Belgium

- Great regional variation in integration practices, but becoming ever more similar.
- Overall increase in integration measures.
- Important regional divides in feelings towards immigrants and political leanings.
- Divided federal government

2.2 Finland

In Finland, there is an ambivalent discourse around immigration and it is characterised by a contrast between the recognised growing need for people to enter the workforce/labour market, and the fact that some national right-

wing parties would like to see humanitarian migration be restricted⁹. Finland was a country of emigration until the 1980s (Korkiasaari & Söderling 2003) and the foreign-born population remains relatively small (for example when compared to neighbouring Sweden). The 2015 inflow of migrants to Europe brought migration issues to the centre of public debate, but other factors have overshadowed integration and the employment of immigrants. Questions concerning security have proliferated due to the discourse of extreme right-wing politicians who use examples of violent incidents, both abroad and in Finland, as proof of integration failings. Recently, “the government abolished the nationally defined residence permit based on humanitarian reasons, introduced stricter criteria for family reunification, and justified these changes with explicit references to the minimum criteria of the EU legislation” (Wahlbeck 2019)¹⁰. The political debate, of whether to enhance or restrict migration, divides public opinion. For some parties, migration is mainly related to the economy and the necessity to recruit a labour force to compensate for the aging population. For others, migration is chiefly a security issue, linked to the need to provide protection for vulnerable refugees, versus safeguarding national security against terrorism. In addition, the need for a more effective immigrant integration programme is currently being discussed (Parliament Audit Committee report on integration).

As it does not have a long history of diverse international immigration, Finland’s official integration efforts are quite recent. Integration policy is legislated at the national level and the Ministry of Economic Affairs and Employment is tasked with implementing integration, but local responsibility rests with the Public Employment Services (PES) and the municipalities. The first Integration Act was created in 1991 and was revised in 2011. It was developed in cooperation with the state, municipalities, and other service providers, and the Parliament has decided to revise the act during the next government session, 2019-2023 (Parliament decision, 2019). The current integration act defines integration as “interactive development involving immigrants and society at large, the aim of which is to provide immigrants with the knowledge and skills required in society and working life and to provide them with support so that they can maintain their culture and language”. Thus, it is defined as a mutual and evolving process that requires adaptation on both the part of the receiving society and the immigrants (Integration Act, section 3). Newly arrived immigrants are entitled to integration training and other integration measures. Those who are entitled to unemployment benefits receive financial support to cover living expenses while participating in integration training. For naturalisation, one must attain the national certificate level three, equivalent to B1 in the common European framework, in Finnish or Swedish. There is currently no exam required for completion of the integration programme. One is being discussed, however. In 2019, the parliament demanded an exam requirement for asylum seekers, but this has yet to be implemented.

⁹ “Parliament sets an annual refugee quota when the budget is approved. The Government Programme states that the quota of refugees will be increased to a minimum of 850 in 2020.” <https://intermin.fi/en/areas-of-expertise/migration/refugees-and-asylum-seekers/quota-refugees>

¹⁰ This may change because of the new (left) government period.

Key shifts in Policy and Practice

- In recent years, Finland has been making efforts to update its system of integration. Priorities include assisting migrants in quickly entering the labour market, changing settlement procedures, and managing diversity in the workplace.
- From 2016-2019 the Ministry of Economic Affairs and Employment paid into a fund to assist in these efforts (European Commission 2019 b).
- In 2019-2023 the Integration Act will be reformed.
- A recent Parliament decision indicates the need to enhance migrant women's employment and participation in the integration programme (Parliament decision, 2019).¹¹

Summary – State of Integration in Finland

- It is a new country of immigration and has recognised issues around integration that need further development.
- Divided public opinion based on the need for labour due to the aging population, and the rise anti-immigrant right-wing sentiment.
- Local measures and social services provide language support.

2.3 Germany

Countries that have a more favourable public opinion towards the EU are still deeply concerned about migration. In recent years Germany aimed to create a 'welcoming culture'. Interestingly, this philosophy exists in a context of very high rates of immigration. Already in 2014, Germany was the second largest country of immigration (Eurostat 2019) and the following year Chancellor Angela Merkel¹² instituted a controversial policy that made Germany an even more attractive destination country. The decision was taken to suspend the Dublin convention for one year and to relax regulations on hiring asylum seekers (Dernbach 2015). This policy has been hotly debated and the different sides of the debate are somewhat indicative of the complex political climate at large. It resulted in public uncertainty about the demographic change in the country, fear of violence, and concerns that public

¹¹ A recent report (The parliamentary audit committee commissioned evaluation of immigrants' integration measures) pointed out some challenges linked particularly to barriers to immigrant employment. Although Finland is well-known for its equal opportunities and women's participation in the labour market, it has been noted that many migrant women face difficulties in entering the labour market. The relatively lengthy financial support for home parenting provides an incentive to stay at home with small children and thus, it has been highlighted as a barrier to migrant women's participation in integration training. If migrant women do not have access certain integration supports then they are less likely to be able to participate in the labour market (OECD, 2018).

¹² "Wir schaffen das" – meaning 'we can do it' was a statement made by Angela Merkel (German Chancellor). She was referring to the ability of Germany to take in large numbers of immigrants.

services would be overwhelmed – which was enflamed by populist media reports, but it also met with enthusiastic approval from various groups). It further led to debates about “regulated” migration, (i.e., limiting the number of migrants allowed to enter Germany, border checks and controls, integration requirements, etc.) (Kluth 2018) and was followed by a rising tide of racism and xenophobia.

Perhaps to assuage some of these fears, in 2016 there was a focus on participation projects and integration programming. This included promoting participation in political decisions, language-based programmes in schools (including pre-school), integration courses, and highlighting the utility of fostering intercultural competencies in kindergarten and preschool. These debates and the political climate, however, also vary greatly by region, as do demographics. For example, Saxony, and the Eastern part of Germany in general, hosts fewer immigrants and, as is reported in the media, has seen a spike in racist attacks. The density of the immigrant population is higher in the western part of the country (e.g., Rhine-Main-area, Ruhr area, Berlin, and other industrial zones) and appears to be characterized by a more pro-immigrant attitude. These stark regional differences make it difficult to generalise the climate of the country as a whole (which is also the case in Belgium).

From 1955 to 1973 Germany saw a great deal of labour migration through guest worker programmes. The migration was largely to the Federal Republic of Germany (FRG) and only a small number of students and trainees went to the German Democratic Republic (GDR). Larger numbers of foreign workers only arrived in the GDR in the late 1970s and this was due to bilateral agreements with several non-European socialist states (Sachverständigenrat deutscher Stiftungen für Integration und Migration 2014) These types of migrants were expected to come and work for a short period of time and then to return to their country of origin. Based on this assumption, Germany delayed implementing systematic integration efforts. It took until 1978 for the federal government to appoint a ‘Commissioner for the Integration of Foreign Workers and their Family Members’ (European Commission d 2019). Based on the Süßmuth-Kommission the declaration and official acceptance that Germany was a country of immigration (ein Einwanderungsland) followed in 2001 (Foroutan 2019).

The first real reform of the German immigration system, and the creation of a ‘systematic integration policy’ occurred in 2005 (European Commission). This was followed by 2 major integration schemes, one in 2007 and another in 2012. The National Action Plan on Integration in 2012 formulated a system to measure the impact of integration policy, and included among its aims, a focus on supporting young migrants (European Commission 2019 d). “More recently, the Meseberg Declaration on Integration adopted by the Federal Cabinet in May 2016 outlined the Government policy (and a draft legislation – see below) based on a 2-ways principle: offering support, training and job opportunities to foreigners but also requiring efforts in return and highlighting their duties (‘Fördern und Fordern’)” (European Commission 2019 d). In practice however, there is a much greater focus on what migrants should do and very little emphasis placed on how the host country must adjust to newcomers. While the ‘welcoming culture’ intended to reform the punitive treatment of irregular migrants and offer them a pathway to regularisation, the mandatory integration pathway and its steep requirements remain. Those who are not EU citizens have required coursework where they learn about German culture, history, and politics, take language lessons in order to reach level B1 of German, and must pass a final examination.

Since the project research mainly takes place in Saxony, specific attention is paid to this federal state. After the fall of the Iron Curtain, Saxony became somewhat diverse. In addition to family members of people who had already immigrated as foreign contract workers and lived in the GDR prior to 1990, the 1990s and 2000s also saw re-settlers, Jewish refugees and asylum seekers come to Saxony (Sachverständigenrat Deutscher Stiftungen für Integration und Migration 2014). Nevertheless, the proportion of people with a migration background in the population remains low when compared to West German States. At the end of 2017, 185,737 foreigners were living in the Free State of Saxony, which was 4.6 percent of the 4.08 million inhabitants. The proportion of foreigners in Saxony is therefore very low when compared to the national average of 11.7 percent in Germany (Der sächsische Ausländerbeauftragte n.d.).

The MBE, migration counselling for adults (Migrationsberatung für Erwachsene) has been in place since 1990s. It is run by welfare organizations and smaller providers who offer free social services and is funded by the federal ministry for migration (BAMF). The programme offers temporary, need-based, individual, and specific counselling to migrants and refugees who are deemed to have a good chance of obtaining permanent residency. They also offer integration courses (subsidized by the state) and needs-based support during integration courses. MBE is also part of the migration service that provides projects such as antiracist educational work, measures to enhance intercultural dialogue, special support for women, etc. Its support is meant for newly arrived migrants who have been in the country three years or less. Recently, however, the services have been used by those who have been in the country longer as they still have clear needs and service gaps.

The Children and Youth Migration Service (JMD) supports young migrants until age 27. It is funded by the state and its work is carried out by charities and NGOs. It focuses on the integration of young people and supporting them through the difficult transition from school to the workforce. It also supports various institutions and initiatives such as case management, the enhancement of integration chances, promotion of equal opportunities, and the support of participation in all domains of social, cultural, and political life. JMD has a coordinating function that makes it responsible for networking, informing, mediating, and initiating the cultural opening of public services.

The federal states are responsible for a great deal of integration practices and the welfare of newcomers. For example, school access for refugees varies from state to state. Additionally, responsibility for the wellbeing and support of refugees is also taken on by NGOs as well as through volunteer actions. The collaboration between social services is strongly dependent upon local structures and their networking efforts. There are no nationwide standards for the social services for refugees and also their political agendas vary. Measures are dependent upon the agency, local conditions, and the organisation of local specialised staff. Local authorities provide accommodation for refugees who are distributed by reception centres (distribution of asylum seekers according “Königsteiner Schlüssel” – dependent on population size, and tax receipts) Until 2016, there were no governmental regulations regarding size, quality, or the equipment of the facilities. Such standards have since been developed by the Federal Ministry for Family Affairs and UNICEF together with numerous associations and experts. The minimum standards for the protection of children, young people and women in refugee

accommodation were published in mid-2016. At the end of June 2017, a revised version was published to incorporate practical experience and further differentiate the focus on particularly vulnerable groups (UNICEF 2018). While moving away from a more punitive system, the integration approach in Germany still requires a great deal from newcomers with less emphasis on adaptation on the part of the host country.

Key shifts in Policy and Practice

- The integration Act of 2016 was essentially an initial reaction to the large influx of refugees. The act aims to facilitate the integration of refugees through more integration courses, training and employment opportunities, and also offers regularisation possibilities (Kluth 2018).
- There are more numerous and diverse integration and language courses, which are funded by the states, and more opportunities for immigrants to access education and occupational trainings.
- To allow more people to access these trainings, deadlines have been relaxed.
- There have been severe restrictions in policies, such as access to family reunification for people with subsidiary protection, and also stronger measures in terms of deportation and detention.
 - In August 2019 the Second Act for better enforcement of the obligation to leave the country (also known as the "Ordered Return Act"/ "Geordnete-Rückkehr-Gesetz") was approved. It implies higher requirements for certificates for deportation bans concerning health reasons, entering flats without a court order in cases of deportation, and simplification of detention for the purpose of deportation and transfer (Bundesgesetzblatt 2019).
- Also, the impact of church asylum was weakened because the procedural rules for church asylum in Dublin cases were strengthened. (Informationsverbund Asyl und Migration e. V. 2018)

Summary - State of Integration in Germany

- There are few national regulations on the above matters and, while moving away from a more punitive system, the integration approach in Germany still requires a great deal from newcomers with less emphasis on adaptation on the part of the host country.
- The 'welcoming culture' is still the dominant narrative, but it is coupled with rising anti-immigrant sentiment in Germany – though this appears to be stronger in the eastern federal states (Brähler and Decker 2018).
- Regional variation in political climate/public sentiment.
- In addition, laws on family reunification have been tightened.

2.4 Italy

In Italy, anti-EU sentiment has increased in recent years and, similar to the cases mentioned above, this can be partially attributed to the inflow of new migrants and subsequent international and national responses. A key issue fuelling anti-immigrant sentiment in Italy, is EU policy that has left Italy to 'fend for itself' as a country of first arrival. The Dublin convention, which requires migrants to lodge their asylum applications in the first country of arrival, has left Italy's reception system overtaxed and has damaged public opinion of the EU.

The first immigration law in Italy, approved outside of an emergency situation, was introduced in the late 1990s (the law n. 40/1998 - a.k.a. Turco – Napolitano). This law introduced the Unified Text on Immigration ("Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero"), which altered immigration measures. Despite the numerous and relevant changes that have occurred over the years, this law is still the driving force for many aspects of immigration. The Unified Text on Immigration had the stated aims of promoting the coexistence of Italian and migrant citizens, respecting the values of the Italian Constitution, and requiring a commitment to participate in the economic, social, and cultural life of society (Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero - *Decreto Legislativo 25 luglio 1998, n. 286. Art. 4-bis*). As concerns unaccompanied minors, the Zampa law of 2017 increased protections for UAMs and states that they cannot be rejected at the border unless there is deemed to be a security risk or it is in the best interest of the child they not be permitted to enter. It grants local authorities the responsibility of promoting the fostering system and training foster families. It also transferred responsibility for repatriation support from the Ministry of Labour to the Juvenile Court – which is also in charge of issuing expulsion orders.

Policies concerning migration started to have restrictive effects on migrant life in 2002 with the Bossi-Fini law. While it was only considered a modification of the previous legislation (Turco-Napolitano), it introduced significant reforms and made it much more difficult for foreigners to enter and remain in the country. The fundamental immigration control mechanism continues to be policy for migration flows, quantified annually by the government through an administrative order that sets the number of foreigners who can enter Italy for work. The intent, already visible in the previous legislation, is to control immigration by limiting the number of arrivals. Moreover, restrictions on entry into Italy were introduced for those citizens who belong to countries that do not cooperate with the Italian government in combating irregular immigration. Preferential quotas were assigned to states that signed bilateral agreements aimed at regulating entry flows and readmission procedures. In this way, a substantial inequality was produced between foreigners, exclusively based on their citizenship. Entry into Italy for labour, including seasonal work and self-employment, must take place within the entry quotas established in the periodic (usually annual) decrees. These decrees are issued by the Prime Minister on the basis of the criteria indicated in the three-year programme document on immigration policies (Ministero dell'interno 2017). Consequently, those who want to migrate for economic reasons and do not meet the requirements to enter in other permissible ways, such as through family reunification, can be tempted to present themselves as asylum seekers and to benefit from

the corresponding protection. As a result, flows of asylum seekers are often mixed (*Ventiquattresimo rapporto sulle migrazioni 2018 – Fondazione ISMU*) and this has become a concern for the public.

In 2009, this restrictive approach was strengthened with the “Pacchetto Sicurezza” law n. 94, (article 4-bis of Legislative Decree 286/1998), which is considered an integration agreement. The “Pacchetto sicurezza” introduced “illegal migration” as a criminal offence. It also introduced (1) the obligation to show one’s residence permit in public offices that issue licenses, authorizations, registrations, and other documents. The exception is for provisions concerning access to health services, compulsory school, sports, and recreational activities. This measure also allowed for (2) the cancellation of a foreigner’s registration six months after the expiration of the residence permit. The subsequent Presidential Decree n. 179 (2011) provided further regulations for the integration agreement. It required foreigners who apply for a residence permit, for longer than a year, to sign an integration agreement with the State. The agreement lasts two years and is divided into credits (INMP 2012). The ‘integration agreement’ can be characterised by its punitive quality. It begins with 16 credits that are confirmed after the successful completion of a civic information session. If the migrant does not attend this session they will lose 15 credits and be at risk of expulsion – which occurs when there is a complete loss of credit. Migrants are given 2 years (with the possibility of an extension of one year) to earn 30 credits (and complete the programme). Knowledge of Italian language and culture is the core element of the integration agreement. The agreement requires the migrant to attain level A2 in the Italian language. Credits can be achieved not only through the acquisition of Italian language, and knowledge concerning civic culture and life in Italy, but also through the performance of certain activities. These activities include: professional training, qualifications, registration with the National Health Service, stipulation of a lease or certification of a loan for the purchase of a property for residential purposes, and economic-entrepreneurial activities. The State supports the process of integration through initiatives in conjunction with Italian Regions and local authorities. Children as young as age 16 are required to complete the integration programme, and in this case a parent/guardian must sign the agreement.

In addition to a credit system, the national integration Plan (NIP) of October 2017 ensures that refugees are equally distributed across the country. Reception centres are managed by local authorities and NGOs. As is the case with reception centres in many countries, centres are intended for temporary stays. It is often the case, however, that “extraordinary reception centres” (CAS), become long-term accommodation as asylum processes are long and systems are overwhelmed.

Since it is difficult to migrate to Italy as a regular economic migrant, a number of economic migrants present themselves as asylum-seekers. As a result, those handling asylum cases, as well as the public at large, have become increasingly sceptical and mistrustful of asylum seekers. Further augmenting these negative feelings towards asylum-seekers is concerns about their ability to integrate. Asylum seekers and holders of international protection have the highest ‘integration gap’, meaning they have the most trouble integrating¹³. Due to the recent high flows and the recognised difficulty of integrating refugees and asylum seekers, in recent years the national integration

¹³ *Migranti, la sfida dell’integrazione*”, written by ISPI (Istituto per gli Studi di Politica Internazionale) and CESVI, published in 2018.

policy specifically addresses this group of people. This coupled, with quotas based around preferred countries of origin (Ministero dell'interno 2017) makes for a fraught political climate for migrants.

Key shifts in Policy and Practice

- 2002 Bossi-Fini law which introduced stricter immigration control and referred to migration to Europe in terms of an invasion.
- In 2009, irregular migration became classified as a criminal offence (Provera 2015).
- Support for UAMs has been strengthened with the Zampa law of 2017.

Summary – State of Integration in Italy

- While immigration restriction and integration measures have been steadily increasing since 2017, support for UAMs has been strengthened.
- Its integration programme can be considered quite young, but it is also a punitive and restrictive system, showing a stark contrast between the treatment of adults and of children.
- Anti-immigrant sentiment partially fuelled by growing anti-EU sentiment.

2.5 Poland

Of the countries where the project partners are based, Poland is the newest member of the European Union and its integration and immigration policies were mostly created to meet EU requirements. As such, its immigration and integration policy is characterised by a lack of policy. In fact, in terms of integration policy, there are very few official documents directing practice and policy, and the approach to integration can be described as “assimilation through absence” (Grzymała-Kazłowska and Brzozowska 2017). For many years, Poland had a very low number of immigrants, so the need for a robust integration programme is considered to be new.

The inflow of refugees to Europe in 2015 sparked public discussions on the subject of European solidarity and how to ‘cope with’ newcomers. The abovementioned terrorist attacks in Europe also overlapped with two successive national election campaigns, the presidential and parliamentary elections of 2015. During these elections, the topics of immigration and the preservation of national security became intertwined and intensified. The right-wing party, *Prawo i Sprawiedliwość* (Law and Justice, PiS), holding both executive and legislative power since 2015, backed out of all refugee acceptance quotas negotiated by the previous government of *Platforma Obywatelska* (Civic Platform, PO). Despite this hesitance to welcoming refugees, the approach in Poland has still been to follow minimum EU guidelines, while immigration and integration in other partner countries has been deeply impacted by EU scepticism. The policy of the populist government, however, seems to have fed into negative attitudes towards migrants and adversely affected the perception of refugees.

The ministry of the Interior and Administration, along with the Department of Analysis and Migration Policy are responsible for migration policy. The Office for Foreigners issues work permits, handles resettlement, repatriation, international protection, and also supervises reception centres. There are some integration programmes, for which the Ministry of Labour and Social Policy is responsible, but they are mainly geared toward refugees and are usually offered in reception centres. The main criticisms of the programme are that it is too short and that the main two bodies responsible for the programmes - the Office for Foreigners (OFF) and the Ministry of Family and Social Policy - work almost completely independently of one another and do not communicate.

Instead of a comprehensive migration policy, the Polish authorities introduce legal solutions for migrants to come to Poland for work (on both long-term and short-term work permits). There remains no new regulatory law, which the government announced would be created in 2017¹⁴. The previous regulation (*Migration Policy of Poland - current status and postulated actions*, Ministry of Interior 2012), was annulled and so things remain in a state of limbo. The situation will remain this way until the Ministry of the Interior and Administration, the Ministry of Family, Labour and Social Policy, the Ministry of Finance and the Ministry of Entrepreneurship and Technology work together to prepare the new document.

Most of the support offered in the integration programme is short term monetary support, usually lasting for 12 months after one leaves a reception centre, and includes some vocational and job seeking support. The recipient of this support is required to learn Polish (with language courses provided as part of the integration programme), look for a job, and be in regular contact with their local Poviats Family Assistance Centre (PFAC office). The Act of 13 June 2003 - on granting protection to foreigners within the territory of the Republic of Poland - mandates Polish language classes (for adults and children), offers school supplies to children enrolled in school, and financial support for extracurricular activities and classes. Integration activities are shared by the state and NGOs, and NGOs are crucial in the work of integration and migrant support. Perhaps more than in any other partner country, NGOs in Poland play a critical role in integration and in filling the gaps between the state and immigrants, and the gap in services for newcomers.

Key shifts in policy and practice

Shifts in Poland's integration and immigration policy have been a result of efforts to align with EU practices.

- Shifts started in 1990s and the Act of 12 December 2013 finally made the process for foreigners to remain in Poland more transparent.
 - The major criticism of the policy concerns the weakness, and sometimes lack, of integration policy and the short duration of integration programming (12 months).
- Lack of a new regulatory law which was announced in 2017 by the Polish government¹⁵.

Summary - state of integration in Poland:

- Characterised by a lack of integration policy/programming.
- NGOs play a large and essential role.
- Integration policy was namely created to bring the country in line with EU standards
- Rise in right-wing parties but the country remains positive about the EU.

2.6 Sweden

Sweden was once characterised by a relatively open process of immigration and integration, but they have recently seen policy changes and shifts in public opinion. In the early post-war period, immigration to Sweden was free, at least in practice, and this period is characterised as one of labour immigration. Immigration became problematised starting in the mid-1960s, and the borders were gradually closed to non-Nordic labour immigration. This is also when the integration policy was introduced (Dahlström 2004). Labour immigration from Finland continued for a period, but at the time of the oil crisis labour immigration came to an end. As part of its Social Democratic welfare regime, Sweden has a strong commitment to social equality. In line with its ‘multicultural approach’, immigrants have comparatively strong rights in Sweden, which is also evident in the MIPEX measures in which Sweden is highly ranked (2015). While the political rhetoric changed over time, in practice the interventions for the integration of newcomers essentially remained the same.

In the 1980s, immigration to Sweden became ‘international’, and people began immigrating from numerous countries. Since this time, there has also been a great deal of refugee and family immigration, and labour immigration restrictions were eased for third country nationals in December 2008. While Sweden comes out comparatively strong in measures of integration policy, in many comparisons of actual integration it has a poorer showing (e.g. OECD reports) (e.g. Brochmann and Hagelund 2011). Sweden is marked by large and growing inequality gaps. Foreign born people are overrepresented at the lower end of the scale in many important measures.

In recent years, the government has revised the existing voluntary Introduction Programme for refugees and their families so that it is more like a labour market training programme for those who are unemployed. Since January 2018, newcomers with a limited educational background can be assigned to undertake adult education as part of their Individual Introduction Plan. Public opinion and media coverage of migration in Sweden have remained relatively positive (Dennison and Dražanová 2018) despite the outcomes of the recent election. The 2018 Swedish national election saw the anti-immigrant party, the Sweden Democrats, get 22% of the vote. This resulted in the most deadlocked parliament in history – in large part due to immigration debates. Right wing parties could not agree whether or not to collaborate with the Sweden Democrats. After five months of negotiation, the Centre Party and Liberals decided to support the Social Democrats who could then be elected to take the lead in parliament. This support did not, however, come for free. It was tied to what is called the ‘January agreement’. The agreement touched on nearly every policy domain (Fritzell and Palme 2019) and will surely have implications for immigration and integration.

The National Migration Agency is responsible for the reception of asylum seekers, and asylum seekers can choose to live in agency-run accommodation or to immediately arrange their own accommodation. This is a contentious issue, however, with some arguing that it’s better for asylum seekers to be required to remain in reception centres while they go through the vetting process. Asylum seekers can work under certain conditions, but have no access to Swedish language classes, though there are some exceptions and sometimes classes are arranged by third

sector actors. New arrivals, meaning those who have been granted international protection and their family members, on the other hand, have access to an Introduction Programme (*Etableringsprogrammet*) from The National Employment Service (*Arbetsförmedlingen*). A key part of this is language education run by municipalities. During the programme, participants receive an allowance, but this may be reduced or withdrawn if they don't participate according to their plan, which is also created by the Employment Service. The municipalities are responsible for ensuring that all persons who do not have basic knowledge of the Swedish language can access Swedish language education. Swedish language proficiency is, in practice, a requirement for participating in labour market programmes and for obtaining employment. Swedish language education is a contested field of intervention. It has, since its establishment in the 1960s, repeatedly been reformed.

In recent history, Sweden has become more closed in the sense that border controls hinder people from entering the country and registering asylum applications. The police have also become more insistent in internal border controls and the deportations of irregular migrants. While it can still be characterised by relatively positive attitudes towards migration, it has not been immune to the right-wing gains, in government, increased restrictions on immigration that exemplify the current political landscape in much of Europe.

Key shifts in Policy and Practice

- In 2015 the sitting government and the opposition in Sweden reached an agreement (called the November Agreement). It imposed significant changes and was met with mixed reviews.
 - The criteria for the evaluation of asylum applications was adjusted, which led to a decreased number of accepted applications (and a decreased number of family reunifications).
 - Following the November Agreement, in November 2015, ID controls were instituted at the borders with Denmark and Germany (law SFS 2015. 1073) and resulted in a dramatic decrease of the number of asylum applications.
- Another effect of the November Agreement, was that in March 2016, the government committee on 'orderly reception' was created. This committee was tasked with overseeing the reception system for asylum seekers and refugees with a particular focus on how responsibility should be divided between the national and municipal levels. No decision has been taken yet.

Summary – State of Integration in Sweden

- Still characterised by relatively positive attitudes towards migration, but has not been immune to right-wing gains.
- While it does well by official measures of national integration policy, in reality the situation is characterised by significant inequalities.
- Divided reaction to national policy among local authorities.

2.7 United Kingdom

While the United Kingdom has a long history of immigration, it differs from many other European approaches by having focused on cohesion policies, anti-racism, and equality legislation rather than integration. The UK has had a long and fraught debate about immigration. While the 1960s and 1970s saw a large inflow of immigrants, and indeed there were integration issues, these issues were not discussed in terms of 'integration'. Immigration is a national responsibility, held by the Home Office whose stated goal is to 'control' immigration. However, there is little in the way of a national integration approach. Since 2010, a key component of the UK's migration policy has been to keep net migration in the tens of thousands, rather than seeing net migration in the hundreds of thousands, as has long been the norm (the Migration Observatory 2014). While this target has proved elusive, it remains a key shift in the migration policy of the UK because it brought a great deal of long-lasting focus to the numbers of immigrants coming to the country.

The national integration measures that do exist, mainly concern refugees and migrants who are applying for citizenship (European Commission 2020) Those applying for 'indefinite leave to remain' must pass the 'life in the UK Test' and prove English language proficiency (CEFR level B1 in speaking and listening) (UK Visas and Immigration 2019). Other than these requirements, there is not a national strategy on integration (European Commission 2020) as in many of the partner countries. There have been policy documents, but they have not been prescriptive and did not require action from the government or migrants (e.g. Creating the Conditions for Integration 2012). Apart from what was directed at refugees, this area has been captured under community cohesion policy – which did not focus on more recent arrivals, but more established diverse communities.

Since 2011, with the advent of the Localism Act, the UK has been endeavouring to promote the self-determination of local authorities. Before this time, a great deal of action could be described as 'top-down'. In 2017, however, the All Party Parliamentary Group on Social Integration asked the government to craft a national approach to integration supported by local governments who would also create localised actions. In 2018, the Ministry for Housing Communities and Local Government created a plan that delegated integration tasks, and other actions aimed at social cohesion, to various actors (they published the Integrated Communities Strategy Green Paper, and the Integrated Communities Action Plan, but what actions this results in still remains to be seen (European Commission 2020).

In recent years, the UK has also created stricter criteria for those wishing to immigrate. The UK Immigration Act (2016) introduced legislation that includes: Increased legal powers to remove immigrants, reduced facilities for immigration appeals, legislation allowing for the separation of migrant families, contravening the right to a family life (ECHR, Article 8), and the removal of financial support for asylum seeking children with refugee status in care who reach adulthood (Ang and Craig 2016).

In the shadow of Brexit, public discourse in the UK is that the EU system of immigration - which makes it easier for EU citizens to migrate to, live in, and work in other EU countries - makes British people unsafe (Marzocchi 2019). While this discourse was aimed at EU migration, the UK has created a 'hostile environment' in order to also

encourage undocumented migrants to leave the country. It requires employers, landlords, universities and possibly even banks to check immigration statuses. It brought border practices into areas of everyday life that had not been subject to them previously. The UK's future relationship with the EU, and policy toward EU migrants, is still in question. Moreover, dominant media narratives reproduced the perception that migration is a 'crisis' for British society, threatening its social cohesion and draining social welfare, education, housing and healthcare (Cohen 2006, Jordan and Brown 2006). Dehumanising language about migrants has been extensively used by the right-wing press and has also been adopted by mainstream politicians (Berry, Garcia-Blanco and Moore 2015). In the year leading up to the EU referendum, immigration was named by the UK public as the most salient issue facing the country (The Migration Observatory 2020). In 2016, the vote Leave campaign placed the debate within a context of "a migrant crisis", and argued that the EU's immigration system was "immoral and unfair", and that it made the British people "less safe" (Vote Leave Campaign). In this discourse immigration was linked to lawlessness, terrorism and a system that was out of control. It was also strongly linked to demands on the NHS (the UK healthcare system) causing increased costs and crisis in the NHS.

Brexit is merely a symptom, however, of a larger and complex underlying narrative. Long before the referendum, opinion polls consistently showed negative attitudes towards immigrants (Crawley 2009) and since the referendum, views have been evolving in surprising ways. The Brexit debate had nuances in relation to migrants, and made distinctions between different types of migrants. Skilled migrants are preferred to unskilled migrants, and those who come from culturally similar countries, such as Australia, are preferred over those from countries considered to be more culturally different¹⁶. The complexity of the migration arguments in the UK was reflected in the Leave Campaign's briefing where EU migration was described as putting pressure on British schools and hospitals, while also blocking migrants from non-EU countries who could contribute to the UK³. Since the referendum, however, both Leave and Remain voters appear to have softened their views on immigration in certain ways. There has been an increase in the opinion that immigration can have a positive impact on the economy. The reason for changing attitudes is not clear, but may be related to media coverage which included doctors and NHS representatives arguing that migrants benefit the workforce or because people believe that due to the referendum vote there will be less immigration so it is no longer a major concern to them.

Following the outcome of the referendum, the government, led by Theresa May, published a White Paper in December 2018. It called for immigration to the UK to be skills-based and focused on border control while still allowing immigrants could be 'useful' to the country. Arguably the message from these sources, public opinion, the EU referendum outcome, and new immigration policy, is that migrants are a commodity that can either enhance or inhibit the British system. Those migrants who are perceived to be potentially beneficial to the economy, such as highly skilled workers, are more likely to gain access to the UK, whereas those who cannot demonstrate any value, or appear to want something from the UK system - such as health care or housing - are

¹⁶ The UK's future skills-based immigration system. White Paper. (2018). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766465/The-UKs-future-skills-based-immigration-system-print-ready.pdf.

not welcome. As of 2019, the process of immigrating to the UK has become even more complicated and expensive than it is in most countries (UK Immigrate 2019), with further restrictions and steep income requirements.

Key Shifts in Policy and Practice

- The tens of thousands net migration target was set in 2010.
- Immigration Act of 2016 continued the “hostile environment” policy which sought to institute measures that would encourage those without permits/’leave to remain’ to leave the country ‘voluntarily’. It also requires various services, such as the NHS, charities, and landlords to check people’s identification before providing services (Russell et al., 2019).
- The ‘hostile environment’ policy is aimed at undocumented migrants, but was also accompanied at around the same time by a general tightening of immigration policy including, minimum income requirements for those wishing to engage in family reunification and bring spouses and/or children to the UK.
- Safe guarding and welfare provisions are outlined in the ‘Putting children first’ policy (2016) and the Children and Social Work Act of 2017.
- In 2017 the Department for Education and the Home Office created the safeguarding strategy for UAMs and refugee children (DFE and Home Office 2017).
- Detention of UAMs for more than 24 hours is prohibited by the Immigration Act 2014, but detention still occurs during age determination proceedings, criminal cases, and when children will be returned (Refugee Council 2014).

Summary – State of Integration in the UK

- No national integration philosophy or plan.
- Hostile environment practices continue.
- Mixed discourse around immigration largely due to the need for labour (especially in the NHS).
- Still in a state of flux due to the continuing Brexit process and changing saliency of immigration issues.

Summary of section

The political climate and public debate in all of the partner countries are characterized by intense disagreement over immigration and integration. It has been, and will likely remain, a divisive issue as right-wing trends, which typically include anti-immigrant sentiment, clash with left-wing counter movements. Dead-locked parliaments, like those of Belgium and Sweden, may become more common. Migrants, and particularly migrant children, are caught in the middle as they are held up as both the symptom and the cause for various societal ills.

It is clear that even the most open systems of immigration and integration are characterised by increased restrictions and requirements. Some systems have moved away from more punitive integration philosophies, but punitive practices are still in play. While some integration measures are certainly created to support migrants in their transition into a new society, many are targeted at assimilation, assuaging the fears of the receiving society, and making migrants ‘useful’ to society. This means, having them learn the language and enter the labour force as quickly as possible, but these demands can be taxing. In most cases, there is little proof that integration is treated as a two-way process. More consideration of language barriers, more time allotted for language learning and meeting integration pathway measures, easier and more transparent access to support services, and more emphasis on cultural sharing (to also show the receiving society values and wishes to learn about the migrant’s cultural background) would benefit integration and migrant families and children. Responsibility for integration is divided among various levels of government, but in all cases local levels of government take on most of the burden of integration and meeting the needs of migrants. The local level is where integration actors understand the specific needs of the local population, and it is therefore where many of the most interesting ‘best’ practices and approaches to integration take place. These will be highlighted in the subsequent report. What follows here is further information on the wellbeing of migrants and their access to resources and family life.

3. Approaches to Family Reunification

Family is recognized as fundamental in the Universal Declaration of Human Rights,¹⁷ and the right to be with one’s family is acknowledged in some way in the legislation of all the partner countries. As it is a fundamental and universal human right, it also applies to migrants. For countries of reception, it can also be beneficial for the state and for integration because it is “...an essential tool to allow family life, as it helps to create a socio-cultural stability that facilitates integration into the State, thus allowing the promotion of economic and social cohesion” (Integrazione Migranti 2015). EU member states are also expected to adhere to the Family Reunification Directive (2003/86/EC), but there are still divergences in national level practices, and this directive does not include refugees and those with subsidiary protection (though in general they are included in national approaches) (European Migration Network 2017). This is crucial for the many refugee children who migrate or who wish join their families. Typically, being with family is considered to be in the ‘best interest of the child’ and having family support affects children’s wellbeing. This is why family reunification is found in several international agreements and two universal agreements on human rights. Despite this, family reunification remains problematic in the partner countries and policy has undergone a great deal of change in recent years. In family unity or separation, the best interest of the child principle often comes into conflict with policy considerations.

¹⁷ “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State” (Universal Declaration of Human Rights).

The discourse around family reunification in **Belgium** often refers to it as an international obligation that should be carefully managed in order to avoid abuse. In recent years there have been several measures to limit family reunification with the aim of combatting ‘marriages of convenience’ and ‘false parenthood’ (MYRIA n.d.). These measures include: the introduction of fees for submitting residence applications, the lengthening of the “conditional period”, and extending the time allotted to the administration to make decisions on applications (EMN Belgium 2017) while not extending the length of time in which one has to file the application and collect the necessary documents. Family reunification regulations apply to non-EEA family members, and family members who are allowed are one’s spouse or registered partner, your minor children (under age 18), and your adult children if they have a disability. For UAMs who have received protection status, however, there are slightly different rules. These are based on the best interests of the child principle – which is also found in the Belgian Constitution. As the best interest of the child should be of primary consideration, UAMs (with protection status) maybe engage in family reunification for their parents and even in certain circumstances for siblings or other members of the family. If one wishes to bring a family member to the Belgium, and they do not fall within any of the above criteria, there is the option of requesting a humanitarian visa for this person, rather than requesting family reunification (MYRIA n.d.).

A recent change to the law regarding family reunification in **Finland** has deemed that asylum-seeking children who reach the age of 18 while still undergoing the asylum process will continue to be considered as minors for family reunification purposes (Finnish Immigration Service 2020). Other obstacles to family reunification remain, however, and applications involve a deadline – they must be lodged within three months of receiving protection (Finnish Immigration Service 2019). Applicants for family reunification must prove they have the income necessary to support arriving family members, but asylum-seekers are exempt from this measure, as are refugees who entered as part of the refugee quota (Ministry of the Interior - Finland).

In **Germany**, family reunification with third-country nationals is possible if the family member already living in Germany has a residence permit (a permit for permanent residence in the EU or a settlement permit), has sufficient living space, and their livelihood is secure. As a rule, spouses must provide proof of basic German language skills to obtain a residence permit. There are also conditions under which one may be exempt from these criteria (Die Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration n.d.a). Those with refugee status have the right to family reunification (this includes the reunification of spouses and children under the age of 18). In this case, the conditions for securing livelihood and sufficient housing are waived. The application must be submitted to the Federal Foreign Office within three months after the granting of protection (Bundesamt für Migration und Flüchtlinge 2019). For unaccompanied minors, no such deadline exists. The regulation concerning unaccompanied minors is that the visa application must be submitted in a timely manner so that the applications of parents who are abroad can be completed and they can arrive in Germany before the child reaches the age of 18. Siblings, on the other hand, may only migrate to Germany to join a sibling if their parents are already in

Germany and have themselves been granted the right of asylum or refugee status. This means that the livelihood and living space must be secured and proven by the parents, unless there are special circumstances (Die Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration n.d.b).

Despite the 'welcoming culture' and strides towards 'opening' the country, family reunification for refugees with subsidiary protection was suspended for two years – from 2016 to 2018 (§104 Abs. 13 residence law). Since August 2018, those with subsidiary protection can embark upon family reunification for close family members, but these types of reunification are limited. Only 1,000 people a month may enter Germany under these conditions. In principle, spouses, minor children and parents of minors can apply for family reunification. A new regulation says that in order to be eligible for family reunification, spouses must have been married in their country of origin to be recognized as legal family members. Marriages that took place during 'flight' are not eligible and it does not contain a legal right to family reunification. (Bundesamt für Migration und Flüchtlinge 2019). The state authorities are to decide who is to receive access to family reunification based on specific criteria. Particular consideration is given to: the duration of the separation of the family, the involvement of underage children, existing dangers to life as well as serious illness, severe disability or severe need for care (Die Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration n.d.c). There has been an overall decrease in the number of family members allowed to come to the country through family reunification.

In **Italy**, family reunification was actually expanded in 2014 with LD 18/2014 - the family reunification process directed by Article 29bis TUI. Before this change, those with subsidiary protection were not entitled to family reunification. Currently, family reunification proceedings can begin as soon as one receives their electronic residence permit, which can be a slow process and take several months, but there is no time limit for applying (ASGI). However, reunification is possible if some important requirements are fulfilled, i.e. a minimum income to sustain the number of people who are coming from other countries and sufficient space in the house to host them. This implies that reunification can exclude some children if not all of them can be sustained through their parents' income and/or there is not sufficient space in their parents' house.

In **Poland**, there are also no time limits for family reunification and both refugees and those under subsidiary protection are equally eligible. However, applicants are entitled to a simplified process of reunification if they apply within six months of being granted protection. In this case they do not have to have health insurance or prove their income and accommodation before applying. An important point, however, is that the family members of those with residence permits in Poland must be in possession of a visa from a Polish consulate before coming to Poland (UDSC 2020). In order to obtain a visa, one must meet certain requirements including having sufficient funds and having health insurance (Helsinki Foundation for Human Rights).

Sweden has recently made a move to limit family reunification with a temporary law that began in July 2016 (SFS 2016:752) and which lasted for three year. However, in January 2019 family reunification once again became less

restrictive. This was part of a political compromise. With some exceptions, family reunification has minimum income and housing requirements, called the Maintenance Requirement, (Migrationsverket 2020).

The recent approach to family reunification in the **UK** has also been one of creating more prohibitive measures. As part of new immigration requirements, minimum income requirements were put into place for those wishing to bring a non-EEA (European Economic Area) partner to the UK. While minimum income requirements exist for family reunification in many countries, this was a new regulation in the UK which started in July 2012 (The Migration Observatory 2020 b). These requirements are also very prohibitive because they are higher than the minimum wage and are not based on regional variations in the cost of living, as is the case with this requirement in many other countries. Before bringing a spouse to the UK, a migrant or British citizen must make at least £18,600 per year before tax. The minimum for bringing dependent children is £3,800 higher for one child and £2,400 for each additional child. Brexit is likely to create additional challenges with respect to family reunification in the next five years. More families will become subject to the minimum income requirement (as previously those married to EEA citizens were exempt). Furthermore, if the UK government does not introduce family reunion as part of immigration law after Brexit, refugee children could be separated permanently from their families (Elgot, 2017).

Conditions of Family Reunification

Country	Minimum income requirement?	Time limit in which refugees must apply?	Can those with subsidiary protection apply?	Application fee?	Other key limits?
Belgium	Yes	Yes		Yes- but not for those with international protection	
Finland	Yes – but asylum seekers and refugees exempt if they apply within in three months	No	Yes – but must meet to the income requirement	No	
Germany	Yes – but asylum seekers and refugees exempt if they apply within three months	Yes - application must be submitted within three months after protection was granted.	Yes –Since 2018 only 1,000 persons per month may enter in this way	No – but they must pay the application fee for their German visa	Limited number of family members - specifically defined after legal status granted
Italy	Yes – but not for refugees	No - but one must have a residence permit that is valid for at least a year	Yes	No	minimum income and housing requirements

Poland	Yes –refugees and those with subsidiary protection are exempt if they apply within 6 months of receiving protection	No - but simpler process if one applies within six months after receiving protection	Yes	No	Narrow definition of family members ¹⁸
Sweden	Yes ¹⁹	No – but simpler process if one applies within three months of being granted protection	Yes	No	minimum income and housing requirements
United Kingdom	Yes	There is no time limit as long as one does not become a citizen of the UK	Yes	Yes – but not for those with international protection	Refugee children are not eligible to sponsor their parents and or siblings

Overall, family reunification in the partner countries has become more difficult in recent years. Measures have been introduced over fears of migration of ‘fake’ family members and, in some cases, these measures unequally impact specific ethnic groups and often those of a lower socio-economic status. While women and men apply for family reunification at an equal rate (European Migration Network 2017) minimum income standards may disproportionately impact women. Women typically earn less than men, are often employed in part time work, and time spent on maternity leave may also affect this aspect. In some cases, applicants have to wait a long time for decisions on these matters, which extends the period of stress, anxiety, and emotional turmoil. This condition has the potential to have a severe negative impact on migrant children wishing to be with their families, and is contrary to the best interest of the child principle. For children, the best outcome would be for states to continue to offer family reunification for third country nationals, but to relax requirements in order to facilitate and shorten the process and positively impact migrant children.

4. Treatment of Unaccompanied Minors

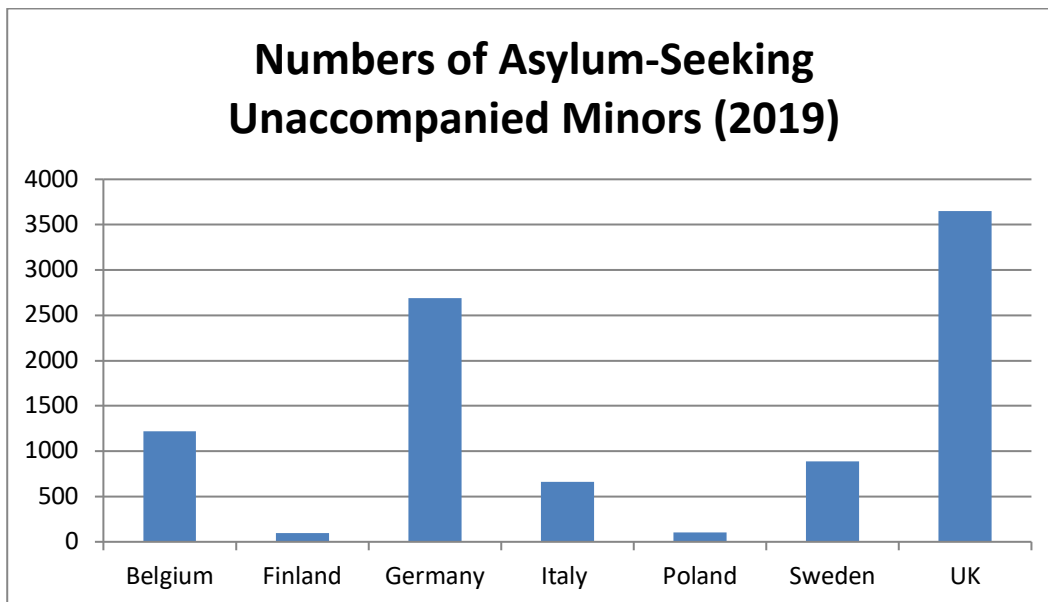
In terms of child migrants, who are already considered vulnerable, unaccompanied minors (UAMs) are considered to be particularly vulnerable. They arrive in the reception country without family or a guardian and this situation requires special consideration. While all the partner countries receive UAMs, the numbers are very different

¹⁸ art. 159 pkt 3, in 2013 Law

¹⁹ If Maintenance Requirement is applicable, must, have a ‘normal sum’ (normalbelopp) left, which depends on the size of the family

(figure 1). In 2018, Germany, Italy and the UK all had between three and four thousand UAMs; Belgium and Sweden had slightly under a thousand each; and Poland and Finland had much lower numbers (Eurostat 2020). Most countries have specific measures in place for the reception of this population, and in most cases UAMs are appointed a special advocate or guardian to guide them through the asylum process and accessing resources. These guardians are sometimes tasked with ‘speaking on behalf of the child’ and ensuring their best interest, but it’s not clear to what degree the voice of the child is considered. The reception of and special consideration for unaccompanied minors is a key aspect of the integration of child migrants, and is important for the CHILD UP project. These young people, if granted permission to stay in the reception country, often enter into mainstream school systems, and their performance and experience in school will be impacted by their reception and treatment upon entering the country under such extreme conditions (being without a guardian).

Figure 1: Numbers of unaccompanied asylum-seeking minors in 2019 in partner countries (Source: Eurostat)



In **Belgium**, unaccompanied minors fall under the authority of the Minors Bureau of the Entry and Residence Directorate (MINTEH). The Minors Bureau is tasked with considering the child’s rights and then finding the best long-term solution. This includes looking for their family members in Belgium and other countries, possible reunification, return to the country of origin or granting leave to remain in Belgium. They are assigned a guardian who is meant to look out for their best interests and can propose possible solutions to the bureau (European Migration Network - Belgian Contact Point 2009: 18). They reside in special centres dedicated to the reception of children in this situation. Non-profit organisations are also deeply involved in the care of unaccompanied minors, having founded the ‘Platform for minors in exile’ (kinderen op de dool/mineurs en exil) in 1999. The aim is to share information between organizations and to work towards improving the situation of UAMs through various actions.

They engage in lobbying, policy recommendations, offer legal support to UAMs, and organize trainings and awareness raising events (European Migration Network - Belgian Contact Point 2009: 21)

In **Finland**, unaccompanied minors are considered especially vulnerable in the migration and integration systems and their situation is compared to native children who need special protection. Each unaccompanied minor is appointed a representative/guardian by court order. The guardian represents the child and looks after the child's interest in official matters such as the asylum procedure and family reunification applications, as well as social services after they have been issued a residence permit. The care and upbringing of unaccompanied children is organised in family group homes or in supported family placement. The expenses for these arrangements are reimbursed to the municipality from state budgets until the young person in question is 21 years old.

An important issue in **Germany** is that laws for asylum seekers and laws for children both apply to child migrants. As is specified in many international agreements, laws for children are meant to take precedence. In order to adhere to this principle, Germany has taken several steps. Youth Welfare is responsible for unaccompanied minors. In general, support from Youth Welfare is granted until the age of 18 and the Federal Family Ministry further supports the wellbeing and education of children with a refugee background. Treatment of unaccompanied minors follows a multi-step procedure. This procedure came into law in November 2015 in response to the so-called "refugee crisis". The aim was to mitigate the financial and structural challenges faced by local youth welfare authorities. Before these changes, local authorities were responsible for the care of unaccompanied minors care. The area in which the UAMs arrived was the area that was responsible for them, so districts and cities close to the borders, like Frankfurt, Main, Munich and Dusseldorf, had to expend a great deal of resources. When unaccompanied minors arrive in Germany, they will be taken into preliminary custodial care by the local youth welfare authority, which secures initial accommodation and care. Youth welfare authorities then decide if subsequent distribution procedures might be contrary to the minor's best interests. If not, redistribution takes place within two weeks, and UAMs are spread across the country, according to so called "Königsteiner Schlüssel", and taken into regular custodial care by the receiving local youth welfare authorities. Ultimately, UAMs become "regular addressees" of the youth welfare, which means that there are treated the same as other recipients of need-based support. They are also assigned a guardian, but there are conflicts in this practice because these actors must undertake roles as both guardians and as representative of the youth welfare authority in Germany.

The national integration plan in **Italy** is meant to ensure adherence to the 'best interest of the child' principle (which is somehow included in all the partner countries national legislation). It also ensures initiatives to support UAMs at the local and national levels. It aims to standardise age determination procedures, improve the family reunification process, guarantee the timely appointment of a guardian, provide support for foster

families/guardians, ensure a prompt issuance of residence permits for children - even in the absence of identity documents, provide specific medical care for special cases -such as mental distress, and ensure school admission.

As concerns UAMs in **Poland**, there are no systemic solutions that govern their situation. Only individual aspects of their stay in Poland are regulated – mostly through the regulations on foreign nationals or foreign minors. The institutions that are responsible for reception of unaccompanied migrant children include: The Border Guard, Office for Foreigners, the courts, voivodeship offices²⁰, and Poviats²¹ centres for family support. In the absence of targeted local and national regulations, the situation of unaccompanied migrant children is regulated by the ‘UN Convention Relating to the Status of Refugees and Protocol Relating to the Status of Refugees (ratified in 1991)’, and the UNCRC. There are no specific regulations to grant residence permit to unaccompanied migrant children. They need to comply with the general requirements related to the legalisation. Unaccompanied migrant children with a refugee status have a right to free medical care which is covered by the state budget. Unaccompanied migrant children have a right to: a) Free education until they are 18 or have completed secondary school. Textbook, teaching aids and school materials should be also provided. b) “Pocket money” for their own use from the age of five. The exact amount depends on the age of a child and a type of school and is provided by the head of the institutional care centre. c) Access to legal support and advice, psychological, and social support.

Since 2005, the responsibility for unaccompanied minors in **Sweden**, both during the asylum process and after a decision has been made, and until the age of 18, falls to municipal welfare departments. UAMs are appointed a legal representative (*god man*) who works in the ‘best interest of the child’ during the asylum process. UAMs are placed in foster care or an institution specifically for children. In the past, however, the national Migration Agency was responsible for all persons during the asylum process, including children. This transfer of responsibility was made in order to make social workers responsible for UAMs. The reasoning is that social workers have adequate training to respond to the needs of children, and civil servants at the Migration Agency do not have this specialised training. This also means that unaccompanied minors do not reside with adults in Migration Agency Facility Accommodations, but instead they live with children in social institutions. A concerning effect of this change, however, is that UAMs, who are not necessarily in need of certain types of targeted care, reside with children who are. So while unaccompanied minors are in the care of people who are specifically trained to work with children, they may also suffer some negative effects from living with children who need specialised treatment that the UAMs do not need, and their particular needs as refugees may not be attended to.

The Putting Children First (2016) and the Children and Social Work Act (2017) outline the **UK’s** safeguarding and welfare provision for children and young people²². In addition, in 2017 the Department for Education and the

²⁰ An office that represents the Polish government in each province.

²¹ County or district office.

²² Statutory guidance published by the Department for Education in November 2017 for the care of unaccompanied migrant children and child victims of modern slavery covers topics more likely to arise for asylum seeking children,

Home Office jointly produced the safeguarding strategy for unaccompanied asylum-seeking and refugee children (DfE & Home Office 2017). Local authorities take on the role of ‘corporate parents’ to look after children— including unaccompanied asylum seeking children and should take action to ensure that the following developmental needs are met: (a) health (b) education and training (“the personal education plan”) (c) emotional and behavioural development (d) identity, with particular regard to religious persuasion, racial origin and cultural and linguistic background (e) family and social relationships (f) social presentation, and (g) self-care skills.

Migrants’ legal status in the receiving country has far reaching impacts on their wellbeing and goes beyond initial arrival and reception. The following sections look at migrants’ access to healthcare and housing, and how this may be hindered by one’s legal status. It also highlights whether or not minors are treated differently than adults in terms of this access.

5. Migrants’ Access to Healthcare

A key moment when adherence, or lack thereof, to the above cited international agreements comes into focus is when child migrants seek healthcare and social support services. The most crucial and problematic situation is that of undocumented children – or those with irregular statuses. Again, the countries involved in the project fall on a broad spectrum, from Germany and the UK (where undocumented migrants risk being reported for seeking healthcare services or self-exclude out of fear) to Italy (where healthcare workers are forbidden from reporting undocumented patients). Even in countries where policy technically permits access to health services, it is often the case that undocumented and even refugee migrants go without medical care. The reasons for this, some of which are detailed below, include obstacles such as communication difficulties, mistrust of services, migrants’ lack of knowledge of their rights, and complex and slow-moving bureaucracy. Additionally, when undocumented migrants are only entitled to emergency services, this is problematic in terms of long-term health outcomes.

In **Belgium**, undocumented migrants cannot access health insurance, but they can receive emergency care. This is possible through the Public Centre for Social Action (CPAS) in their local municipality who can help undocumented migrants with the procedure called Urgent Medical Aid. There are also several nonprofit organisations that assist undocumented migrants with health care matters. “In 2013, 17,602 individuals benefited from UMA, or between 10% and 20% of the estimated number of undocumented migrants” (Roberfroid et al. 2015). An obstacle,

such as age determination, modern slavery, assessment, family reunification, planning, protection and placement and training and awareness.

however, is that the complex system people must navigate to receive care, as well as costs involved, leave undocumented migrants going without care (Roberfroid et al. 2015).

Children in **Finland** are entitled to health care and schooling regardless of their status (Child Welfare Act, Social Welfare Act, Basic Education Act). For adult undocumented migrants, however, access to healthcare is limited to emergency services or they can seek out designated voluntary medical clinics (Global Clinic 2018). In addition, churches and NGOs assist undocumented migrants with various issues including some health concerns. According to the Administrative Procedure Act (6.6.2003/434), authorities have the obligation to assure that their clients get equal treatment and, for instance, receive certain public services in a language that the client understands. The cases in which authorities are obliged to provide interpretation in the client's language (other than the two official languages, Finnish and Swedish) are legislated. However, to overcome the language barriers, many public service providers have recently taken it upon themselves to develop their service provision and support in various languages. For instance, the widely used web-based service InfoFinland provides general information in multiple languages. The Government and several municipalities jointly finance the service. It is also linked to a network of local info desks and virtual/phone service in different languages (InfoFinland n.d.).

In **Germany**, in the first 15 months, the health benefits for refugees and asylum seekers are restricted by law, (Asylbewerberleistungsgesetz) (AsylbLG). Thus, access to health care (e.g. care for acute pain, immunizations, etc), is tied to an allowance by the Social Welfare Office (with exception of Bremen, Hamburg, and Nordrhein-Westfalia). The situation is further complicated because there are different regulations in the communities and at the federal state levels (Razum et al. 2016a; Wenner et al. 2016). However, for unaccompanied minors, special regulations guarantee access to health care. They are under the protection of the Social Welfare Office, which, among other tasks, assesses UAMs health (so called "Clearing"-procedure) (Frank et al. 2017). Several studies emphasize the need of data in order to establish reasonable health care support for minor refugees and asylum seekers, partially concerning mental health, emotional problems, or trauma (Razum et al. 2016b). They also point to difficulties concerning the assessment of age, the establishment of health screenings, and practical issues of medical examinations (e.g., language barriers, informed consent in immunizations (Nowotny et al. 2018).

In **Italy**, a main obstacle to accessing health care is that one must obtain an SSN number (National Health Service) in order to receive healthcare services and it can take a long time to complete this process. In order to receive health services, migrants must obtain a S.T.P. card (Temporarily Present Foreigner) for which they must provide personal and financial details. It is, however, possible to obtain the card without indicating one's name. While authorities are not contacted when undocumented migrants access healthcare services, the Public Authority can still obtain a report, but under the same conditions for which it can obtain a report about Italian citizens (Ministero Dell' Interno 2016). Despite the fact that all migrants are entitled to healthcare, regardless of status, there are still

critical barriers. Even for long-term residents, administrative problems still remain after they have a firm grasp of the language and have been enrolled in all necessary programming. The system remains difficult to navigate.

In **Poland**, the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland means all child migrants are offered medical care (including preventive health care for children under 19 who attend school) and financial assistance or coupons for clothing and footwear. Healthcare services for asylum seekers are publicly funded. Basic medical care is provided in every reception centre and in specific contracted medical facilities. The biggest barrier in access to healthcare is related to the lack of intercultural and language competences of medical doctors and staff. The Supreme Medical Council appeals to health and foreign ministers to create a guarantee fund to cover the costs of treating uninsured foreigners.

In **Sweden**, asylum seekers and persons without papers can access the public health system when their need is 'acute'. This means that their access is limited (Cuadra 2012). The main barriers to accessing services are linked either to not knowing the local language or to not understanding the service structure. That is, the migrants are not familiar with the public service system and it is not made transparent to newcomers.

In the **UK**, health care administered by the National Health Service (NHS) is free at the point of need for legal residents. However, since April 2015, those on visas are required to pay a yearly surcharge (Matthew-King 2019), which may hinder care for some migrant children.²³ Those under international protection, however, are exempt from this requirement. Primary care (e.g. general practitioners) is supposed to be free regardless of status, as is immediate emergency care (Public Health England 2020). NHS workers are required to check if children seeking health care have residency rights before administering care and if not, a £400 payment is required. This policy may exclude up to 120,000 migrant children and means that the immigration and financial status of parents dictates if children receive health care. Migrant families in the UK currently risk deportation, detention, and family separation by seeking health care for their ill children (Russell et al. 2019).

Interpretation is a problem in most countries because interpreters are typically not provided for healthcare services. Data from Germany, for example, shows that migrants are at a higher risk of infectious disease and have poorer health outcomes, in particular for mental health problems and chronic diseases. This can partly be attributed to communication difficulties, the lack of appropriate instruments and information, as well as an insufficient number of skilled staff (Razum et al. 2008). Migrants are also less likely to take advantage of healthcare provisions such as vaccinations, and this is partly due to the fact that information about benefits does not reach

²³ This is a fairly new policy and roll out has been patchy. There are also NGOs that provide some alternative services.

them. An important example of benefits that go underutilised are special offers of psychological support for refugees and victims of torture or human trafficking.

Access to Health Care

Country	Full access to care regardless of status	Limited/emergency access for undoc migrants	Risk of deportation	Key barriers to access
Belgium		X		-Bureaucracy -Lack of interpreters ²⁴
Finland	X ²⁵			-Language -Lack of information
Germany ²⁶		X	X	-Bureaucracy -Availability of (trained) staff in social welfare service organizations
Italy	X			-Bureaucracy -Language -Lack of information ²⁷
Poland	X			-Language -Cultural competence of medical staff. -Some migrants have no health insurance ²⁸
Sweden		X	Contested issue ²⁹	-Language -Lack of information
UK	Entitlement to free NHS healthcare depends on 'ordinary residence' ³⁰	X	X	Cost - a limited array of services are currently free of charge irrespective of country of residence

6. Homelessness and Housing

Well-being of children is contingent upon reliable housing and stability. Both health and education are linked with housing and it is considered a basic human right which is laid down in international and local agreements and declarations, such as the Universal Declaration of Human Rights (UDHR)³¹. According to these agreements, this

²⁴ Though some governmentally funded services do exist in Wallonia and Brussels.

²⁵ For those under 19 years of age.

²⁶ Access depends on status, free access for unaccompanied refugees and asylum seekers, but not for families.

²⁷ Which can include undocumented migrants fearing detection.

²⁸ Only asylum seekers have right to publicly funded healthcare.

²⁹ Some places have strategies to counteract the risk of deportation.

³⁰ For non-EEA nationals, this means having the status of indefinite leave to remain.

³¹ UDHR, Article 25(1) and ICESCR, Article 11(1).

right should not be dependent upon a person's migratory status. It is often the case, however, that vulnerable groups of migrants, namely undocumented migrants, still remain barred from adequate housing. Different migratory statuses may mean limited or no access to the labour market and social welfare provisions, and newcomers may not have social networks that afford them access to shelter through informal means – such as staying with family or friends. As is the case with healthcare, policing of irregular migration is often delegated to service providers. This means that in many cases, landlords, agencies, and even charities and those providing humanitarian assistance can be at risk of criminalisation for not reporting people with irregular statuses. Irregular migrants are therefore at risk of being detected if seeking housing support, or becoming homeless if they do not take this risk (PICUM 2014).

If children experience homelessness or substandard living conditions it affects their mental and physical health. While the majority of EU countries have policies to avoid children becoming homeless, and public authorities typically have responsibilities to attend to the wellbeing of all children, undocumented children (and families) are often not provided for. Accommodation for those who are undocumented and seeking asylum sometimes breaks with international and national agreements against the detention of children, or may simply be substandard. Additionally, they may not be eligible for housing options such as homeless shelters. Housing is also a gendered issue. Women are more often victims of domestic violence and undocumented migrant women may not have access to shelters for victims of domestic abuse (PICUM 2014).

Additionally, living too far from school or in unstable housing conditions can impact educational outcomes. Research highlights important factors that contribute to the successful integration of refugees, including: (1) that they quickly move into private housing in order to become familiar with their new place of residence and (2) that they live in places where the local community has experience in supporting refugees and where other members of the refugee's community are also living (Eding et al. 2004; Robinson et al. 2003; Scholten et al. 2017).

This section provides an overview of the housing of migrants in the partner countries. A key component of migrant housing is governmental dispersion policies for asylum seekers and refugees. In some cases, migrants are distributed based merely on population measures and in other cases, such as in Germany, certain neighbourhoods are off limits to migrant distribution. These neighbourhoods are already 'vulnerable' and it is thought that they cannot carry the extra burden of migrant newcomers and the services that will need to be provided.

A major concern in all partner countries is the spatial exclusion of migrants. This can be problematic for many reasons. It may hinder integration as there is less interaction between migrants and host country nationals, and migrants may end up concentrated in poor areas. Those who live outside of cities and towns and are in centres in relatively remote areas may have difficulty accessing schools and services. Alternatively, if migrants are forced to live completely apart from co-nationals or others from the same community or background, then they are unable to rely on this type of social capital. Typically, UAMs are placed in special facilities or in foster families, and in Sweden children are placed in centres with children who are in the care of the state.

Also see the International Covenant of Economic, Social and Cultural Rights (ICESCR).

Asylum-seekers arriving in **Belgium** are dispersed to reception centres by FEDASIL. Where asylum-seekers are sent depends in large part on whether they speak French, Dutch, or German (FEDASIL), or a language that might make it easier to quickly learn one of Belgium's three official languages. Another key consideration is population measures, which are considered in order to avoid 'overburdening' a particular area. This, however, may lead to migrants being isolated when centers are in rural areas far from towns and resources. After being granted refugee status, refugees must quickly find housing. They usually have around two months to procure accommodation and reception centres are required to help refugees in this endeavour. It is also necessary to prove adequate housing in order to qualify for family reunification, but the standard for 'adequate housing' is high. Undocumented migrants can also sign rental contracts, but landlords may be hesitant due to legislation that criminalises the knowing assistance of undocumented migrants (Housing Rights Watch 2017). Often, homeless shelters are open to undocumented migrants, but they may have to pay in order to be sheltered.

In **Finland**, people can live in private housing even during the application period, but usually they do not move out of centres until they receive a positive decision. Sometimes, however, this means they live in unfavourable conditions, especially in areas that have a high cost of living (e.g. Helsinki Capital area).

In **Germany** unaccompanied minors' housing is the responsibility of the youth welfare system. Therefore, the standards and requirements are same as those for German children who are receiving services. However, in some federal states, such as Saxony, guidelines concerning the accommodation of unaccompanied minors were adopted, which lowered the requirements for staffing, staff qualifications and overall conditions. This expired, however, at the end of 2018. Unaccompanied minors usually live in regular foster homes or foster groups, but are not accommodated in reception centres. Accompanied children, however, may be placed in these centres if their wellbeing can be guaranteed.

In **Italy**, support for refugees once they have left a SPRAR (Protection System for refugees and asylum seekers) centre varies by municipality. Some municipalities offer support for those leaving a centre to rent accommodation with fellow co-nationals. The National Integration Plan includes a plan to allow those under international protection to access welfare services at the regional and local levels for two years. There is also a lack of data on the housing circumstances of long-term residents. Municipalities are in charge of assigning council housing and they have criteria in place that are difficult for migrants to meet. Public opinion is also a problem as people think that there are too many migrants in council housing and this points to abuse of the system and migrants not 'carrying their own weight'. In fact, there is limited data on migrants' housing and there are obstacles to data collection at the national level.

Italy also has a distribution system intended to spread migrants evenly across the country. For this reason, the country has adopted a shared model of reception, which aims to decongest the large reception centres and to support smaller reception centres under the Protection System for Asylum Seekers and Refugees system (SPRAR),

which is managed directly by local municipalities. (National Integration Plan. For persons entitled to international Protection - October 2017). However, this system has been changed by the most recent security policy that was introduced by the Ministry of the Interior and has been renamed SIPROIMI - Protection system for holders of international protection and for unaccompanied foreign minors. It is still unclear what impact these changes will have. "Italy has also seen an increase in youth homelessness, and surveys have found that the majority of this group are migrant youth. This trend has been linked to the difficult transition UAMs face when aging out of care. The rate of homelessness is higher among migrants than Italians, while homeless migrants are overall young and more highly educated than homeless Italians³² (ISTAT survey 2015, Feantsa 2017).

In **Poland**, asylum seekers can move into independent housing immediately, but the outcome of this is that they usually end up living in substandard housing. Migrants and refugees are at risk of housing exclusion, which may result in homelessness or being dependant on temporary, often institutionalized, accommodation (Chrzanowska and Czerniejewska 2015). The reception centres in Poland are financed and supervised by the state, however, some services within the centres are provided by NGOs or private companies. Some centres are dedicated to vulnerable groups (mothers with children, people with disabilities, people with traumatic experiences). Conditions in these settings are modest and often crowded. They are often isolated from local communities with no shops or services nearby. Concerns over spatial exclusion, limited contacts with local communities and institutions, and safety issues are often raised by NGOs. Those who have been granted residence permits based on humanitarian claims are not entitled to housing support and so live in unfavourable conditions or leave Poland all together.

In **Sweden**, there is a broader problem of homelessness throughout the country. In Malmö, since 2013, structural homelessness exceeds social homelessness and a majority of the people suffering from this condition are foreign born³³. The rate of homelessness also increased greatly in 2015 with the arrival of a large number of refugees to the city. As is often the case in the partner countries, responsibility for housing refugees who have left reception centres falls to municipalities or sub-national governments. The national Migration Agency, is responsible for the reception of asylum seekers. Asylum seekers have the option to live in agency-run accommodation facilities and they receive a daily allowance. They can also choose to arrange their accommodation on their own. It is currently a politically sensitive issue whether asylum seekers should be allowed to settle down where they wish, or if they should be limited to certain accommodations arranged by the state or municipality.

Housing for 'newly arrived' migrants (an administrative category including persons granted international protection and their family members) is a challenge, and it is also a politicised matter. After being granted a

³² 2015 - 58% of homeless people were migrants and 42% Italian

³³ Structural homelessness describes homelessness that is due to a lack of housing – meaning housing that is affordable for those who are in a homeless condition. Social homelessness indicates homelessness due to a social problem such as addiction or mental illness.

residence permit, those who reside in state facilities are transferred to a municipality who is responsible for arranging an 'organised reception', which includes housing. This dispersal policy was initiated the spring of 2016 (in the aftermath of the 2015 'refugee crisis') and is regulated by law. To the extent that these individuals and families need housing and public assistance, they may access the same support as people who are homeless, and this support is very limited.

An aim that Malmö shares with a number of other cities and countries, such as Germany, is to decrease the number of asylum seekers and refugees in 'vulnerable' neighbourhoods. In Germany, asylum seekers and those with subsidiary protection have no legal right to their own accommodation. They live in shared mass accommodation. This regulation is handled differently by the municipalities, which results in a great difference in the living situations of refugees in different areas (Correll et al. 2017). For example, not all municipalities have large shared accommodation since some rely on decentralised accommodation in private apartments. Refugee councils and other experts have long been calling for the abolition of mass shared accommodation. They see these camp-like conditions, which are characterised by foreign control and lack of privacy, as major obstacles to integration (Hinger and Schäfer 2017). Furthermore, since 2014, shelters for asylum seekers have increasingly been the target of attacks.

Especially for children, the situation in mass accommodations is very difficult. There is insufficient space to play and there is limited private space and protection measures. Until 2016 there were no governmental rules on size, quality, or the equipment of the facilities. The minimum standards for the protection of children, young people and women in refugee accommodation were published in mid-2016. At the end of June 2017, a revised version was published to incorporate practical experience and further differentiate the focus on particularly vulnerable groups (UNICEF n.d.)

Refugees whose application for asylum is granted are no longer obliged to live in a mass accommodation. The problem they face is that they are forced to move out of the shelters quickly in order to make room for other refugees. Often, however, they cannot find their own place to live. This is particularly true for big families and especially in urban areas where there is a tight housing market and affordable living space is hard to find (Hinger and Schäfer 2017). Those with subsidiary protection can move into an apartment if the local authorities approve their application and if they find a suitable place (Correll et al. 2017). The situation for undocumented migrants very precarious since they are barred from adequate housing. Concerning homelessness in Germany, there are no official national statistics on homelessness and no national strategy to combat it (Hanesch 2019: 4). Therefore, there is also no data on homeless undocumented migrants.

Migrants tend to live in poorer neighbourhoods and there is evident discrimination in the housing market which leads to segregation based on ethnicity and social class. The language barrier, low income, and lack of social capital also prohibits migrants from easily renting flats or private accommodation for one person or one family (Baier and Siegert 2018). After receiving a permit, municipalities are responsible for supporting refugees in terms of housing, but those who choose to live on their own are only entitled to general supports that are offered for those suffering from homelessness. This support is very limited.

The **UK** also operates a dispersal policy which, in effect, means certain local areas receive higher concentrations of asylum seekers (Shelter 2020). Following the UK Immigration Act (2016) that introduced legislation upholding the ‘hostile environment’, the housing situation of migrants in the UK has become more difficult. It required landlords to check potential tenants’ immigration status before renting to them. It also granted landlords the power to terminate migrants’ tenancy agreements (Ang and Craig 2016). Migrants of all statuses, however, face difficulty in housing. Migrant families, households where one or more of the adults was born outside of the UK, are more likely to live in overcrowded conditions (The Migration Observatory 2019). EU citizens are generally eligible to apply for social housing, but non-EU citizens must have refugee status, humanitarian protection, or indefinite leave to remain. Non-EU citizens who are foreign students, work-permit holders, or have a limited leave to remain have ‘no recourse to public funds’ and are not eligible for social housing, but local authorities have a duty to provide emergency accommodation for all children – and therefore sometimes families (The Migration Observatory 2019).

7. Training for support workers

Those who work with migrant populations are often overlooked, but should be considered as part of the overall integration programme. Their training and the level to which they are prepared to welcome and support immigrants has a significant impact on overall integration outcomes. Research has shown that the most numerous training offers for those working in this sector exist in the areas of intercultural understanding and communication. A recognised need is training programmes for offering trauma-informed services (Damery forthcoming). With the increased inflow of refugees, those working with newcomers are often working with people who have been traumatised by harrowing migration journeys and have fled war and violence. Training offers are often aimed at social workers, but guardians and foster families are also in need of training. Perhaps less obvious is that teachers can benefit from learning how to work with and support child migrants. They are undeniably tasked, typically by default, with welcoming newcomers and aiding in integration.

Some countries offer special language courses and bridging classes to prepare children for school, but these are often insufficient. Additionally, teachers do not have information on children’s educational background and they may not be adequately trained to work with children who may have never attended school or who have been out of the classroom for a long period of time. While integration requirements for migrants are increasing, these are not balanced with the same level of increase in training for those supporting them in their integration.

In **Belgium**, an identified training need was for teachers who work with asylum-seekers. This state of limbo for children who are planning and learning for a future in Belgium, but who are aware they may have to leave the country, makes the classroom environment difficult for both teachers and asylum-seeking students. There is

insufficient training for teachers of refugees and asylum-seekers in mainstream classrooms (Verhaeghe and Derluyn 2014).³⁴ The Province of Liège took part in an INTERREG project (TREE) that created a training programme for actors working with refugees. The research from this project found that there was a clear lack of training in how to offer trauma-informed services, and those in municipal and local governments were the least open to new training. The training programme developed by project will be open to all those work with refugees and newcomers (Damery forthcoming).

In **Finland**, training possibilities for those working with refugees and child refugees are provided by many actors. The centre for Expertise in the Ministry of Economic Affairs and Employment works as a convening organisation to gather information and promote training.

An investigation by the Mercator Institute shows that 83 percent of teachers in **Germany** teach pupils with a migration background. According to the survey, 70 percent of the teachers teach pupils with language development needs (vgl. Mercator-Institut 2012, S. 4). At various universities in Germany, students of teacher training have the opportunity to choose German as a second language (Fachverband Deutsch als Fremd- und Zweitsprache e.V. (FaDaF 2017, S. 39 ff.). However, this is a recent development. Many teachers did not have this training at university. Therefore, there is a lack of DaF/DaZ teachers (German as a foreign language/ German as a second language). Overall, there is an acute shortage of teachers at German schools and the workload is very high (vgl. GEW 2018). Also, in the field of early education, special skills are necessary to address cultural and language barriers.

The Federal Ministry has created a large number of initiatives to enable immigrants to enter the early education system. In these programmes (Sprach-Kita, Kita- Einstieg), further training and counselling is also offered to professionals. In addition, there are many opportunities for further training on the topics of intercultural education, integration, multilingualism, flight, resilience, and trauma education (vgl. BMFSFJ 2020). The “Further Education Initiative Early Education Specialists” (Weiterbildungsinitiative Frühpädagogische Fachkräfte – WiFF) was founded in 2009 and is a project of the Federal Ministry of Education and Research (BMBF/funder). WiFF provides expertise on early childhood education, promotes further education, research and training materials, and monitors and analyses the ongoing training process (WiFF). An investigation of the Federal Association for Unaccompanied Refugees in 2018 found that 57% of the questioned professionals working with unaccompanied minors reported that they feel (very) well qualified according to this work, but nearly half of them did not. While they reported being open to further training, another study pointed out that the further training offers are insufficient (vgl. Filsinger 2017, S. 16 f., 28).

³⁴ The REFUGEE Class Assistance 4 Teachers (Training for teachers how to cope with refugee children in their class) project was created due to the identified need for teachers in mainstream schools/classes to be trained to work with refugee students. Project partners include Belgium, Turkey, Serbia, Greece and Bulgaria and they share similar deficits in this area (Refugee Class Assistance 4 Teachers).

In **Italy** there are training courses offered by the central service to professors in SPRAR (The Protection System for Asylum Seekers and Refugees). The key topics they focus on are psychosocial support and legal support. IOM Italy offers training courses on identifying child victims of sexual and labour exploitation.

In **Poland**, as in many countries, there is a gap between big cities and the rest of the country in terms of integration programming. One example of this is that teachers in bigger cities have the possibility of working with a ‘methodological advisor for multiculturalism’ who can help them work in multicultural classrooms. Similarly, with the approval of the municipality, a director of a school may employ a cultural assistant who can serve as an intercultural mediator. Most of these mediators come from projects spearheaded by NGOs. For now, Open Education (Open Education Group 2019) is the main institution in the field of language learning in centres for foreigners (the company won the tender announced by Office for Foreigners), and there is also a national methodological training centre and training courses in regional teacher development centres. Again, however, availability varies. In general, there is a lack of training possibilities for social workers, but a positive development is that ‘social work in multicultural society’ is being offered as a course in universities. A comprehensive system of child protection against violence in reception centres was implemented in 2017 and 2018 as part of the project “We protect children of foreigners”. Within this project, training sessions for staff were provided and standards of child protection were established.

In **Sweden**, rather than training those who work with migrants to also work with children, the responsibility for UAMs was transferred from the National Migration Agency to the municipal welfare departments. In this way, UAMs are supported by social workers who have been trained to work with children, but this has also been criticised since it has resulted in UAMs being housed in institutions with children requiring specialised interventions and who are in situations very different from UAMs.

Research in the **UK** has found that foster carers feel ill-equipped to deal with cultural differences and needs of their young charges. A major problem is poor communication which has left carers uninformed about the services and training courses that are available to them – which includes topics such as UAMs cultural, religious and linguistic needs (Rogers et al. 2018).

8. School Access and Placement

Whether in policy or just in practice, schools are a significant actor in integration. Despite the numerous EU documents that address the right to education³⁵, access to education, programming, approaches, philosophies,

³⁵ Directive of the Council of the European Communities on the education of children of migrant workers of 25 July 1977 (DzUL 199 of 6.8.1977) – focusing on children of migrant workers.

and resources vary widely between countries. Schools everywhere, however, are expected to support the integration of migrant children³⁶, and often of families as well. The challenges faced by schools and migrant children are mitigated or enhanced based on several factors, including the experience that the school systems have in welcoming migrants, the overall resources available to the school, as well as resources specifically dedicated to migrant children and families, and the trainings (and their efficacy) that are available to teachers and other school actors.

For refugee and asylum-seeking children, the obstacles to integration and wellbeing in a school-setting are more difficult. On top of the common barriers posed by language and differences in school systems between countries, they have often been exposed to trauma, and may have spent long periods of time out of school – leaving significant gaps in their education (Kia-Keating and Ellis 2007). Many of the obstacles faced by refugee students (especially those that are unaccompanied) reflect in the classroom behaviour and can be explained by the neurodevelopmental effects of trauma. These include, but are not limited to:

- challenges processing information, organising material and establishing goals
- challenges attending to classroom tasks, regulating emotions and attention
- challenges comprehending cause-effect relationships and taking others' perspectives

A stable institutional setting (such as school and community) can contribute to the refugee student well-being, especially towards the integration and inclusion, as well as mental health. While teachers have an important role to assist students in overcoming these problems, they have not received any adequate training" (Refugee Class Assistance 4 Teachers).

Teachers and schools may not have access to information concerning asylum-seeking and refugee children's educational background, making it more difficult to understand and meet their needs. In the case of undocumented children, they and their families may be even less forthcoming with information about a child's past. This can be due to fear of being discovered by authorities. Additionally, as Berthold (2000) points out, in school systems where children are praised for being silent, migrant children with trauma may be learning that keeping one's problems to oneself is the correct course of action; thus children's struggles may go unnoticed. Schools are hubs of social interaction and, even for non-migrant children, they are part of a system that imparts societal values and expectations. They can offer important resources, such as friendships and a gateway to various

EU Charter of Fundamental Rights of December 14, 2007 (EU Official Journal of 2010, C.83) – access to free compulsory education and lifelong learning.

European Parliament resolution on the education of immigrant children of 2 April 2009 (DzUrz EU 2008/2328 (INI), C 137 E.) – on language learning – both the reception country language and the language of the country of origin.

³⁶ 'Migration and mobility: challenges and opportunities for EU education systems' of 3 July 2008 (SEC (2008) 2173) Schools have a key role to play in creating an 'inclusive society' both within the school environment and in society as a whole .

support services, but they can also be places of fear and uncertainty for children who may suffer discrimination or bullying (Masten 2014; O'Toole Thommessen et al. 2017).

The partner countries also represent a wide spectrum in terms of what schooling is like for migrant children of various statuses. The European Union Agency for fundamental rights has underlined many of the key obstacles to migrant children's wellbeing and integration (FRA 2017), several of which involve access to education. In most cases, at least in official policy, children should be considered 'children first' and their migratory status should take a back seat (European Commission 2019 c). In most EU countries, all children are entitled to compulsory primary and secondary school education, regardless of migratory status. What happens in practice, however is often different.

The educational challenges for undocumented children are numerous, as they often face barriers to enrol in school in the first place. While no country officially excludes undocumented children from enrolling in school, the legislative differences between countries range from specifically stating that undocumented children have a right to education, to implicitly allowing them access, to indirectly excluding them. In practice, however, the situation can be difficult for undocumented children in all these legislative contexts as they and their families may worry about detection if they try to enrol school. Some schools diverge from legislated practice and ask for identity documents that may not technically be necessary for enrolment. On top of this, undocumented families are often discriminated against, and schools may not want to accept undocumented children, especially those systems that are already overtaxed, because it is less likely they will receive funding for these placements (PICUM 2012: 2).

The federal government in **Belgium** sets the standard for how long compulsory school should last and regulates minimum qualifications for teachers. Most other responsibilities fall to the communities, which each have their own education system (OECD 2017: 4). The French and Flemish communities both offer some form of bridging classes for migrant children. These are meant to prepare children to enter mainstream education. These programmes teach the local language and are designed to familiarise pupils with the local school system. In Wallonia and the Brussels Capital Region, this system is called the DASPA (Reception and Schooling Scheme for Newcomer Students) and in Flanders it is called OKAN (Reception Education for non-Dutch-speaking Newcomers. Newcomers who have been in the country less than one year have the option of taking up to a year and a half of preparatory classes before entering the mainstream school system (Le SIEP 2012). Due to freedom of school choice, pupils do not have to attend school in the area in which they live. This freedom has resulted in native Belgian pupils leaving schools when migrants enrol, leading to concentrations of migrant children. There is a lack of information about the background of refugee and asylum-seeking pupils. While Belgium offers universal access to pre-primary education, the outcomes of the Programme for International Student Assessment (PISA) show that socio-economic background has a significant impact on student performance and that there is a large gap between the performance of migrant and non-migrant children (OECD 2017).

In **Finland**, children under the age of 17 are obliged to attend school regardless of their status (Child Welfare Act, Social Welfare Act, Basic Education Act).³⁷ The municipality has the responsibility of organising education for all children. For instance, the municipality of the reception centre is responsible for providing education for the children residing in the centre. The National Board of Education compensates schools for providing preparatory education and language classes for migrant children. This division of responsibility leads to concentrations of refugee and asylum-seeking children in certain schools. This has both costs and benefits. Migrant children may benefit from being in an environment where the schools are accustomed to welcoming and working with a migrant population. Schools with higher concentrations of migrant children have more motivation to develop resources to support this population. Migrant children are also able to benefit from the support that comes with being with members of one's national or ethnic background and/or those who have had similar migratory experiences (Scholten et al. 2017). The trade-off is that migrant children do not spend as much time with non-migrant children, thus hindering their integration.

In **Germany**, school attendance is regulated at the level of the federal states. In general, access to school must be granted regardless of migratory status. Additionally, foreign nationals are generally subject to compulsory education. Nevertheless, in terms of refugee and undocumented children, there are differences between the federal states. In some states children do not have to attend school while living in reception centres, and in other states there may be a waiting period before enrolling in school. Regarding the centres themselves, the common practice is for centres to provide some preparation for school (Der Paritätische Gesamtverband 2019). In a nationwide survey of specialists in initial reception facilities on behalf of the German UNICEF-Committee, 70 percent of centres answered that children in the centre are subject to compulsory education, but do not attend mainstream schools. Educational measures within reception centres differ between federal states, but usually include second language teaching and sometimes replacement lessons. Nevertheless, adequate schooling of children in reception centres often is not provided or cannot be guaranteed. According to the Youth Welfare Act, children are entitled to attend early child day care facilities, like kindergartens. Local authorities, i.e. districts and district free cities, guarantee early childhood education, which is provided by public organizations or NGOs. As UAMs fall under the National Youth Welfare Act, and local youth welfare authorities are responsible for their care, they have to attend compulsory school. Refugee children in regular schools, regardless of differences between the federal states, usually attend preparatory courses or classes with a focus on second language learning and basic education, before they enter regular classes (for an overview see: Tangermann et al. 2018: 53-55). Where a child attends school is linked to their place of residence. Considering that refugee and asylum-seeking families usually have a lower economic status and often live in socially segregated areas, refugee children are concentrated in certain schools. This may lead to increased or overwhelming challenges for professionals and

³⁷ In a recent study in Finnish lower secondary schools, more than half of the students thought that discrimination is widespread in Finland (Zacheus et al. 2019).

difficult learning conditions for migrant children. Also, second language learning can be hindered by a lack of contact with local natives. Additionally, access to education and language acquisition is more difficult with increasing age and there are considerable differences between the federal states (Karpenstein and Klaus 2019).

In **Italy**, many of the child refugees who arrive by sea have been out of school for two or more years and so they are at a severe disadvantage when entering Italian schools. Due to this, when compared with Italian children, they are more often held back in school (at more than double the rate of Italian students). In the 2016/2017 school year the percentage of foreign students late in their studies exceeded 10% in primary school, reached 30% in lower secondary school and was beyond 50% in upper secondary school (The MIUR study 2018). Furthermore, "foreigners" are often second-generation: their studies, which are much less linear than those of Italian students, can therefore be interpreted as a signal of poor integration that continues in the second generation. Additionally, migrant children have a higher dropout rate than Italian children. In Italy, as in all the partner countries, all children should be entitled to education. The Italian legal system guarantees all foreign minors, alone or accompanied, access to schools of any order and level (nursery schools and kindergartens included), regardless of their legal status. The right of undocumented minors to enrol in school is also specifically legislated. They should have the same rights and access as Italian minors. Although minors are normally enrolled in classes corresponding to their age, the teaching body may decide to place a child in a different class if there are other factors that need to be considered. According to an ISTAT survey (2016), however, in 2015 only 58% of foreign students in lower secondary schools were placed in a class corresponding to their age, and this drops to less than a quarter (23%) in upper secondary schools (La sfida dell'integrazione – ISPI CESVI 2018, p. 38-39). This is perhaps unsurprising when we consider that time spent out of school has significant negative impacts on children's school performance, and many of the children who arrive in Italy by sea have spent a great deal of time out of school. Being enrolled in school has proven to have positive outcomes in terms of integration for both children and parents (SPRAR projects 2017). School attendance facilitated the inclusion of children and their families (45%), improvement of children's cognitive abilities and psycho-physical well-being (35.5%), involvement of families in relational dynamics and construction of social and friendly reference networks (31.7%), openness to intercultural relations and cultural diversity both for the school and for the family (22%) (SPRAR 2017).

In **Poland**, the situation of migrant children does not feature prominently in political debates and does not yet appear to be a key topic in the national discussion about education. This is likely due, at least in part, to the relatively small number of migrants arriving in the country. Those who do arrive are usually concentrated in urban centres (e.g. Cracow, Gdańsk), and these areas try to prepare for accepting newcomers by appointing advisory teams or methodological advisors. There are some regulations that were created in order to facilitate adaptation of migrant children, but in general, the biggest problems stem from lack of systemic help in introducing those measures. However, migrant children can attend nurseries, pre-schools and school under the same conditions as Polish children. This means they are granted education free of charge (this applies for school and partly for

kindergartens, but not nurseries). Migrant children attend mandatory classes together with children from the receiving country, and language support is provided on an individual basis during supplementary language classes. Since September 2017, schools can also create preparatory classes (the so-called separation model) –where migrant pupils can study for one school year (this can be prolonged for a further year if needed). Currently there are important changes in the official stance of the government concerning this issue. According to recent policy, schools should not only impart knowledge concerning the functioning of Polish society, but should also impart Polish values³⁸. According to the Polish Constitution, undocumented children have the right to education. If a student coming from abroad cannot submit documents detailing their previous education, they are admitted based on an interview, which is carried out by the director and the teacher. If necessary, the participation of a person who speaks a language used by the student should be ensured in the interview.

In **Sweden**, school attendance is compulsory for all children with legal status and they also have access to pre-school and early education resources. Undocumented and asylum-seeking children have the right to education but are not obliged to attend school. The municipality is responsible for providing education to children during the asylum process and some municipalities also offer after school programming. Despite a 2013 decision that granted undocumented children the right to attend school, they and their families still worry about the legal ramifications (for example if the police were to show up at school) and may not attend (Lind 2018; Lind and Persdotter 2017). One major problem in the education and school placement of newly arrived migrant children is the limited knowledge of children’s educational background. In an effort to counteract this issue, since 2016 it has become mandatory for schools to map newly arrived students’ knowledge in language, literacy, and numeracy. This must be done within two months after the student begins compulsory schooling. These results, together with age and personal circumstance, form the basis for the school principal to decide what classes and grade level the student should be placed in. There is also flexibility allowed in the first year of a newly arrived child’s enrolment. During this period, teaching time can be redistributed in order to allow more time to study Swedish as a second language (Swedish national agency for education 2016).

Part of the argument of the ‘Leave campaign’ specifically pointed at schools, claiming that they were overtaxed by migration flows to the **UK**. It is not clear to what extent this argument is true, but there are a number of strategies and policies directed not only at the well-being and protection of migrant children, but also at creating school environments that support integration. According to a 2010 study, many refugee children in the UK do not feel a sense of belonging in school (Pinson et al. 2010). A problem cited by schools is that they receive very limited

³⁸ This document is now heavily criticized by academics, oppositional policy makers, migrant associations and NGOs working with migrants.

information about children’s educational background and that migrant children find it difficult to adjust to the teaching methods in the UK. Since 2006, schools have been officially tasked with the responsibility of fostering “community cohesion” and “more recently to promote British values within spiritual, moral, social and cultural (SMSC) development” (DfE 2014). Their success in this endeavour, however, is not yet clear (Migrant children integration UK 2019: 9). The most recent Green Paper on integration further addresses the responsibility of schools to aide in integration and also addresses the issue of segregation between schools (Migrant children integration 2019: 9).

School Conditions and Placement for Migrant Children

Country	Overcrowded Schools	Concentration of migrant children	Time spent out of school	lack of information on child’s educational background	Access for undocumented children
Belgium		X		X	Explicitly allowed
Finland		X			Explicitly allowed ³⁹
Germany	X ⁴⁰	X	X	X	Explicitly allowed
Italy		X	X	X	Explicitly allowed
Poland		X ⁴¹			Implicitly allowed
Sweden		X			Explicitly allowed
United Kingdom	X	X		X	Explicitly allowed

Conclusion

The current political situation in the project countries, and in Europe more widely, is coloured by negative attitudes towards migration, spreading Euroscepticism, the rise of populism in recent elections, and quickly changing policies and political climates. Feelings towards migrants and public discourse are influenced by security concerns and fears of being ‘overwhelmed’ by migrant flows. While migrants are under close observation, migrant children experience an extra layer of scrutiny. Children are considered to hold great potential, which in the public eye

³⁹ During the asylum process, or in case of a refusal when the family hasn’t yet left the country, the organising municipality uses its own discretion in terms of access to education (OKM 2019:24.).

⁴⁰ It is not a general, country-wide problem, but does exist in some areas.

⁴¹ Where migrant centres are located.

means they can seamlessly become part of a new society or else create subcultures and be radicalised. This climate influences countries' approaches to integration and treatment of child migrants.

The partner countries have different histories of immigration and are characterised by different trajectories when it comes to integration and immigration practices. Amongst the partner countries, Finland, Poland, and Italy can be considered newer countries of immigration and have less experience with integration practice and policy. Their approaches, however, differ greatly. Finland has a strong welfare system and long-standing measures to promote equality and some of this can be seen to influence its approaches to integration and support of migrants. Poland, as a new member of the EU, has focused its efforts in integration on compliance with EU standards. Partly by virtue of its geographic location, Italy has been a major country of arrival for refugees, some of whom wish to settle and other who simply wish to pass through. It finds its services overtaxed and unprepared to handle these inflows. At the same time, the sentiment is that the EU did not offer enough support to the country, and there is a rise in EU-scepticism. Its integration system, can be considered quite punitive and restrictive and it holds steep requirements for newcomers.

At the other side of the spectrum, the UK and Sweden have longer histories of receiving immigration and therefore have more developed systems, but very different approaches to integration. The UK has taken a more laissez-faire approach with regard to integration, but the system consists of various measures that aim to ensure a certain level of equality in services. Sweden has an old and robust social welfare system, and commitments to equality are written in policy. Public sentiment is still mainly positive towards migration, but border controls have become stricter. Sweden has a national level integration approach, while no such national approaches to integration exist in the UK. The history of Germany and Belgium is coloured by the significance of guest worker programmes and a resistance to be considered countries of immigration. As a result, both countries neglected creating integration policy that was deemed unnecessary. Now that both countries have accepted their roles as countries of immigration and destination countries, they have instituted targeted integration approaches, but Germany has taken a different approach since 2015. Both countries are marked by strong regional differences, both in politics, public opinion, and approaches to offering services, but Germany does indeed have a national integration approach, whereas integration is the responsibility of the regions in Belgium. An additional key difference is that Germany has moved away from its former punitive system of integration and is still adhering to the 'welcoming culture' approach, whereas those wishing to integrate in Belgium face increasing requirements. Something all of the partner countries share, however, is that local level initiatives for integration remain key and have an important impact on the lives and wellbeing of migrants.

While there are important differences in the current state of integration in all of the partner countries, none of them have been immune to the rise of right-wing political parties and anti-immigrant sentiment. This, coupled, with the influx of refugees in 2015, has led to a great deal of research being conducted on and with migrant children. While the research aim of CHILD UP remain unique, these conditions have left schools in many countries saturated with researchers and less open to accepting new projects. Often, even schools that are not saturated are influenced by the political climate and recent migration flows described in this report, leaving them less open

to research. In many cases, governing bodies have become sceptical about research being done in schools and worry what the outcomes may say about them in a time when anti-immigrant sentiment is common and also regularly 'called out'. This means that conducting research in schools has become ever more difficult, and this situation is affecting partners in the CHILD UP project as they struggle to gain access to schools.

It is clear that there is a paradox in regards to treatment of migrant children. International agreements aim to protect them, ensure they are treated as vulnerable, and have their point of view considered in decisions about their lives. Countries readily sign these agreements and with very little controversy. This report has shown, however, that what happens in practice is often out of line with both international agreements and national policy – such as treating migrant children as 'children first'. As the report has shown, this is likely to have the strongest impact on undocumented children and while there are special accommodations for children in most integration policy, being undocumented or a refugee still often outweighs the 'best interest of the child' and 'child first' principles. The treatment of children in policy and programming that is summarised in this report shows the complicated position migrant children occupy in policy and public opinion. The second part of this report will further explore the legislative conditions of this context.

Efforts are indeed being made to improve integration measures of migrant children, but their efficacy is often hindered by stricter immigration measures and the lack of support for migrants in areas that are critical to the wellbeing of children – such as education, healthcare, and housing. Schools are considered to be key actors in the process of integrating migrant children and their families. As such, barriers to accessing school can hinder a child's wellbeing beyond a lack of education, but can negatively impact their integration and ability to become part of the community. Once migrant children enter a classroom they face further obstacles such as discrimination, people who mischaracterise their behaviour, and the stifling of their agency. Teachers, meanwhile, are expected to fulfil numerous roles beyond teaching, such as being agents of integration and even taking on the role of social workers. The classroom is indeed a critical place for integration, despite the challenges and obstacles that exist. It is against this background that the CHILD UP project endeavours to aid the understanding of migrant children's integration by highlighting their own agency in the integration process and helping teachers to aide migrant children in this process. The second report will highlight the obstacles and best practices in terms of integration and dialogic practices in schools that exist in the partner countries.

Part Two - The Inclusion of Migrant Children: A Comparative Legal Analysis

1. Introduction and Methodological Note

On 20 November 2019, the Convention on the Rights of the Child (hereinafter also referred to as CRC), adopted in New York in 1989 by the UN General Assembly, turned 30.

The CRC is the cornerstone, at the international level, of children's rights protection, and it is the most widely ratified human rights treaty: today, its Contracting Parties are 196 (being the United States of America almost the only State which did not ratify it, after only signing it in 2010). The CRC is the first binding international instrument – following the 1924 Geneva declaration adopted by the League of Nations, and the 1959 Declaration of the UN General Assembly – which identifies children as autonomous and active holders of human rights, therefore launching an effective “cultural revolution”.

The CRC not only clarifies and specifies the principles contained in the 1948 Universal Declaration of Human Rights and in the 1966 International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (all together: the *UN Bill of Human Rights*), but contains dispositions which introduce new rights, and in general sets forth a complete framework of children's rights protection, from birth until the age of majority.

The rights enshrined in the Convention on the Rights of the Child apply to “each child within [State Parties'] jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status” (Article 2).

The CRC does not contain provisions specifically dedicated to children generally involved in migratory flows. However, it sets forth children's rights, which respond to the specific needs arising from their condition of “movement”: it is the case, for example, of Article 20, which establishes that “1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State (...)”. Also Article 22 asks State Parties to take all appropriate measures “to ensure that a child who is *seeking refugee status* or who is *considered a refugee in accordance with applicable international or domestic law and procedures* shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties” (emphasis added). In addition, Article 18 states that “1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, *legal guardians*, have the primary responsibility for the upbringing and development of the child” (emphasis added).

The CRC does not either explicitly refer to the specific category of unaccompanied or separated children. However, the UN Committee on the Rights of the Child – the UN body aimed at monitoring the effective implementation of the CRC in Contracting States – clarified that it also applies to them in its General Comment n. 6 (2005) on “Treatment of unaccompanied and separated children outside their country of origin”. The Committee also provided for a definition of *unaccompanied children* (or minors – UAMs), i.e. “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” and of *separated children*, as “children, as defined in article 1 of the Convention, who have been separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members”.

Celebrating the CRC’s 30th anniversary provides an opportunity both to assess its application, in sensitive areas deserving particular attention as children’s migration, and to discuss the measures that Contracting States might consider taking to enhance its effectiveness.

In 2017, in its Communication on “The protection of children in migration”, the EU Commission stated that “the number of children in migration arriving in the European Union, many of whom are unaccompanied, has increased in a dramatic way”. The estimates of minor asylum applicants in the EU, given by the Commission, amounted to around thirty per cent in 2015 and 2016. Since 2010, the Commission noticed that there has been a six-fold increase in the total number of child asylum applicants.

The existing EU policies and legislation provide a solid framework for the protection of the rights of the child in migration covering all aspects including reception conditions, the treatment of their asylum applications and integration. Member States (mostly those closely affected by migration flows) have been implementing the EU regulatory framework in this field: also at the national level, there is a wealth of knowledge and good practice on the protection of children in migration.

However, there are currently severe gaps that might prevent children involved in migratory movements from effectively enjoying the rights enshrined in the CRC. Such concerns have been recently expressed, for example, by the UN Committee on the Rights of the Child: on 1 February 2019, the Committee addressed its Conclusive Observations to Italy (among Member States, one of the most affected by migration, together with Cyprus, Greece, and Malta), highlighting the fields concerning asylum-seeking and refugee children (para. 34) and children in situations of migration (para. 36). In particular, it recommended to Italy to strengthen preventive activities against discrimination and, where necessary, “to take affirmative action for the benefit of children and in particular children in marginalized and disadvantaged situations, such as asylum-seeking, refugee and migrant children; stateless children (...)”. With reference to inclusion purposes, in the field of education, the Committee recommended “to accelerate the integration of the national student register and regional registers to identify all children of compulsory school age who do not attend school, are not in vocational training and not in an apprenticeship, and develop and promote quality vocational training to enhance the skills of children and young people, especially those who drop out of school” and to “implement a human rights-based approach to the entire

educational system that is more inclusive towards children belonging to minority groups and migrant children and supports their aspirations”.

Against this background, the report contains an assessment of the existing legal instruments, at the international and supranational level, aimed at the inclusion of migrant children in the host society. The report then focuses on the implementation of such measures, and on the existence of national policies, within the legal systems of a selection of Member States (Belgium, Finland, Germany, Italy, Poland, Sweden, and United Kingdom). Due to unaccompanied children’s peculiar vulnerability condition, the report mainly focuses on legal instruments devoted to their protection: this is also to ascertain Member States’ adoption of recent special legal instruments, introducing innovative protection mechanisms.

2. The Protection of Migrant Children in International and European Union Law

Due to the progressively large presence of migratory flows⁴² and the consequently greater risk for migrants to see their rights violated, it has become essential to provide for special systems to protect their rights.⁴³

Migration is a world-wide phenomenon. The movement of people across the borders affects the whole international community: dialogue and cooperation among States is the key for an effective migration management, and it is currently translated into binding agreements and informal *fora* of discussion, which are also carried out at the regional level. National instruments and policies devoted to the management of migratory flows are for the most part the outcome of the implementation of international and supranational legal instruments.

Within the broader category of “migrants”, migrant minors bear a double degree of vulnerability, as they are “minors” and “migrants”, and unaccompanied children bear a third vulnerability, as they do not have any adult responsible for them: the specific measures adopted for their protection take such duality into consideration have been adopted.

2.1 International Law

At the international level, the protection of children in migration stays at the intersection of an individual human rights-based approach, on one side, and of a public approach protecting States’ interests.

The twofold approach to the migratory phenomenon partly explains why the legal scenario related to the protection of the rights of children in migration appears to be so fragmented. In fact, to the general category of

⁴² According to estimates given by the International Organization for Migration, in 2018 arrivals in Europe alone amount to 144,166. See Flow Monitoring Europe at <https://migration.iom.int/europe?type=arrivals>.

⁴³ See also the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions «A European Agenda for Migration» COM(2015)240final, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf.

“children on the move” apply binding international instruments – mainly regulating the protection of human rights in general⁴⁴ – and soft law measures, generally regulating migrant rights’ protection. However, such instruments are intended to specifically protect “adults”, and apply to children only indirectly, them being human beings.

The general instrument to be considered the core of children’s rights is the above mentioned UN Convention on the Rights of the Child, adopted on 20 November 1989.⁴⁵ The CRC sets forth children’s civil, political and social rights, and builds around four main principles:⁴⁶ the prohibition of discrimination, which provides that the provisions of the Convention shall apply to all children without discrimination of any kind (Article 2); the right to life, survival and development, which gives children an extensive protection from the threats to which they may be exposed (Article 6); the right of participation of the children (Article 12) and the principle of the best interests of the child (Article 3). In order to better clarify the content of the latter principle, the Committee on the Rights of the Child adopted the General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration. It underlined that the “best interests of the child” is a dynamic concept that encompasses various issues which are continuously evolving; the General Comment thus only provides a framework for assessing and determining the child’s best interests, but does not attempt to prescribe what is best for the child in any given situation at any point in time. In fact, in order to determine what can be considered as best interests of the child, a multilevel and multidisciplinary approach on case-by-case basis is needed.⁴⁷

In the context of migration, the principle coming into play also with regard to the protection of migrant children, in particular refugees, is the principle of *non-refoulement*,⁴⁸ i.e. the prohibition to push migrants at the borders back to his/her country of origin. The prohibition of the rejection of a minor applies to all those cases in which there is even a doubt of possible irreparable damage potentially caused to the child himself.⁴⁹

In its General Comment No 6 (2005), the Committee of the Rights of the Child reiterated the importance of considering the above mentioned four fundamental principles also with regard to the protection of unaccompanied minors. Among others, the Committee links the right to participation to the right of UAMs to be adequately informed (on rights, available services, asylum procedures, family search and conditions in their country of origin) during all proceedings concerning them. UAM’s views must also be taken into account when deciding about the appointment of legal guardians or representatives, accommodation and care in the host

⁴⁴ I.e. the 1953 European Convention on Human Rights, available at https://www.echr.coe.int/Documents/Convention_ENG.pdf; the 1951 Geneva Convention Relating to the Status of Refugees, available at <https://www.unhcr.org/4ca34be29.pdf>; see also the Global Compact for Migration at <https://www.iom.int/global-compact-migration>.

⁴⁵ The Convention is available at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>. On the progress on implementation of the Convention see also «La Convenzione delle Nazioni Unite sui Diritti dell’Infanzia e dell’Adolescenza. Conquiste e prospettive a 30 anni dall’adozione», Autorità garante per l’infanzia e l’adolescenza, 2019, available at https://www.garanteinfanzia.org/sites/default/files/agia_30_anni_convenzione.pdf.

⁴⁶ For an interpretation of these principles and their scope of application for the purpose of the protection of children including migrant minors, see Hodgkin and Newell 2007.

⁴⁷ On the determination of the best interests of the child see UNHCR 2018.

⁴⁸ Article 33 of the 1951 Geneva Convention Relating to the Status of Refugees.

⁴⁹ For an analysis of the principle of *non-refoulement* applicable to unaccompanied minors see Farmer 2011.

country.⁵⁰ With regard to the right to life, survival and development, unaccompanied minors are most likely exposed to greater risks of violence and exploitation; with regard to the assessment of the principle of the best interests of the child,⁵¹ the Committee stresses the need to adopt a holistic approach, also taking into account his/her ethnic and cultural background.

In order to take due account of the specific needs of unaccompanied minors, the Committee then established some measures that State parties should take to ensure the protection of their rights, as the identification of the minor⁵² with the support of identity documents, whenever possible, or through an age assessment procedure. Age assessment procedures are currently undergoing a lively international debate around the different methods used as some might violate UAMs' fundamental rights (e.g. the observation and analysis of the UAM genital parts). Such methods, carried out in absence of identification documents, vary depending on the Member State, however it is generally accepted that, even with regard to age assessment, the methods carried out shall have a holistic and multidisciplinary approach, which takes into account the rights of the child.⁵³ Despite Member States' discretion, there are two limits to their freedom of choice: *i*) the safeguard of the principle of the best interests of the child during all identification's steps, in order to ensure the his/her highest level of protection; *ii*) the respect for the principle of the presumption of minor age, according to which pending the age assessment or whether there might be the possibility that the individual is a minor, he/she will have to be treated as such, being granted the benefit of the doubt.

The General Comment provides for other protection mechanisms to which UAMs are entitled, as family tracing:⁵⁴ as soon as the child arrives in the host State, the latter must undertake to search for his family members, also through the use of diplomatic means and always protecting the safety of both the child and his family. In some cases, e.g. when there is a risk of persecution for the minor or his family, the search be of prejudice of all the family members: for this reason, the choice on the possibility to carry out family searches shall be taken on a case-by-case basis, also with the contribution of the other actors involved. Unlike these particular situations of risk, the research process is generally essential for the child as it could lead to a family reunion, or just to a contact with family members, which remains important for the development of the child. Another fundamental measure is the appointment of a guardian as soon as the child is identified.⁵⁵ It is important, in fact, as already provided for in Article 20 of the CRC, that any child who is deprived of his or her family environment, is entitled to special protection measures by the State, which must provide him or her with protection in place of parental protection. The guardian protects the welfare of the child and acts as a legal representative, differentiating himself in this respect from lawyers (who can be assigned to the child on a single occasion), and from social workers (who deal with the daily care and material needs of the child). The role of the guardian, which should be linked to the child

⁵⁰ General Comment no. 6 (2005), par. 25.

⁵¹ General Comment no. 6 (2005), parr. 19-20.

⁵² General Comment no. 6 (2005), par. 31.

⁵³ For a comparative analysis of Member States' age assessment mechanisms, see EASO 2018.

⁵⁴ General Comment no. 6 (2005), par. 80.

⁵⁵ General Comment no. 6 (2005), par. 33.

until the age of majority, can have a different nature, depending on the guardian: institutional (or public) or voluntary (private).

The General Comment finally shows possible long-term solutions, to be chosen in the light of his best interests: family reunification in the country of arrival, repatriation to the country of origin, integration within the local community in the host country, emigration to a third country other than the country of departure and the host country (e.g. to ensure reunification with relatives), adoption. The Committee thus analyses the measures that have to do in general with all decisions regarding the child's accommodation, education and employment, contributing to the effective implementation of the rights enshrined in the CRC.

Legal instruments and policies taken at the national level by State parties to the Convention on the Rights of the Child, in seeking to protect the rights of migrant, and among them, unaccompanied minors, shall take into account both the Convention and the General Comments adopted by the UN Committee.

2.2 European Union Law

Based on the recent data, children compose 29% (more than 33.000) of all arrivals to Europe from the Mediterranean Sea.⁵⁶ According to the latest UNHCR figures, there are currently 36,400 refugees and migrants on the Aegean islands. Children account for 34% of that population, and 17% of those are unaccompanied.⁵⁷ At the end of November 2019, more than 20.000 people were accommodated in Greece under the UNHCR accommodation scheme, half of them were children (10.000) with families being a clear majority.⁵⁸

The 2017 Commission's *Communication on the protection of children in migration*, a non-binding measure aimed at addressing root causes and future management policies in the field of children in migration, whether they arrive with families, become separated on the way, or take the journey alone.⁵⁹ As unaccompanied children are particularly vulnerable and require specific safeguards from the authorities, who need to step in and taken on the role that the family plays in a child's life (hence the importance of guardianship systems), often less attention is paid to the needs and well-being of children with families, as it is assumed that families will ensure that the needs of their children are fulfilled. However, in reality families are often overwhelmed by new and difficult situations, parents are preoccupied with urgent tasks including paperwork and procedures, and children are often taking on the major responsibilities: carers for siblings and other family members, translators, food providers, etc. Children

⁵⁶ See <https://data2.unhcr.org/en/situations/mediterranean>.

⁵⁷ See <https://www.infomigrants.net/en/post/21085/no-child-alone-greek-government-announces-new-policy-to-protect-migrant-children>.

⁵⁸ See <https://data2.unhcr.org/en/documents/download/72677>.

⁵⁹ Communication from the Commission to the European Parliament and the Council, «The protection of children in migration», COM (2017) 211 final. See also «European Agenda on Migration: EU needs to sustain progress made over the last 4 years» on European Commission website, available at https://ec.europa.eu/home-affairs/news/20190306_european-agenda-migration-eu-needs-sustain-progress-made-over-last-4-years_en. The Communication defined 'children in migration' as "all third country national children (persons below 18 years old) who are forcibly displaced or migrate to and within the EU territory, be it with their (extended) family, with a non-family member (separated children) or alone, whether or not seeking asylum." It also relied on the definition of 'separated child' as set out in paragraph 8 of General Comment No 6 of the United Nations Committee on the rights of the child.

arriving to the EU with their families are usually placed in accommodation centres, or in private houses, flats, hotels and other premises adapted for housing applicants⁶⁰ where they may spend considerable time living next to other migrant families and single persons of different ages and backgrounds.

Even if the EU is not party to it, the UN Convention on the Rights of the Child is of utmost importance within the European legal framework: it is of great inspiration for the EU legislator but also for the Court of Justice of the European Union in its “quasi-legislative” activity of interpretation of EU legal instruments. The rights and principles enshrined in the CRC have been taken over by Charter of fundamental rights of the European Union (hereinafter also “the Charter”),⁶¹ and in its regulatory instruments, the European Union also recognises the principles deriving from relevant human rights conventions, also devoted to the protection of migrants: among them, the 1951 Geneva Convention relating to the status of refugees. The EU has progressively adopted a corpus of rules aimed at protecting migrants’ human rights, through the management of migration flows, including children’s rights.⁶² The Charter is based on the European Convention on Human Rights (ECHR), and contains rights that have a particular impact on the protection of migrant children, including the prohibition of torture and inhuman and degrading treatment or punishment (Article 4), the right to life, survival and development (Article 6). The Charter, unlike the ECHR, contains an article specifically devoted to the protection of children (Article 24): its introduction marked a fundamental step in the process of recognition of specific rights to children within the European Union. It ensures the right to protection of children’s well-being, the right to see their best interests as the primary consideration and the right to have relations with their parents. The Charter also establishes the right for private and family life, which has a particular impact on the protection of migrant children, especially on UAMs (Article 7), and it also plays an important role within the EU, recognized as a general principle of the EU by the Court of Justice.⁶³

The EU protects the right to family reunification through two instruments of secondary EU Law: Directive 2003/86/EC (also “family reunification directive”),⁶⁴ which recognises the obligation for States to take particular account of the principles governing the protection of the weaker parties and among them, children; in particular, it recognises the need to ensure more favourable conditions for the family reunification of refugees, as a result of their particular situation.⁶⁵ The Directive recognises the status of unaccompanied minors (Article 2(f)) and, in the case of refugees, it obliges Member States to ensure the entry and residence of first-degree relatives in the ascending line (parents, brothers and sisters) for the purpose of reunification (Article 10(3)). The latter is considered, in many cases, to be fundamental for the full recovery and integration into the society of unaccompanied minors, especially if they are victims of human trafficking or child exploitation. The specification

⁶⁰ See Article 18(1) of the Reception Conditions Directive (2013/33/EU).

⁶¹ Charter of fundamental rights of the European Union, OJ C 202, 7/06/2016.

⁶² For an analysis of EU Law on this topic, see FRA 2015.

⁶³ See Court of Justice, 18 May 1989, *Commission v. Federal Republic of Germany*, case C-249/86, par.10 and sentence of 11 July 2002, *Carpenter*, case C-60/00, par. 38.

⁶⁴ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251/12, 03/10/2003.

⁶⁵ On this point see also the issue paper «Realising the Right to family reunification of refugees in Europe», Commissioner for Human Rights – Council of Europe, February 2017, available online.

“first-degree relatives” implies that the Member State are not obliged to admit a relative who is not among those ones, for the purpose of reunification.

The so-called Dublin III Regulation⁶⁶ states that if an unaccompanied minor seeking international protection has one or more relatives legally resident in another Member State of the European Union, other than the State of arrival, the jurisdiction to examine the application for protection and the task of reuniting must be transferred to it (Article 8). Although this right is only granted to unaccompanied minors seeking international protection or refugees, the definition and rights related to “family” are still more generous towards them than to most other categories of migrant minors.

Directive 2004/38/EC on the right of citizens of the EU and their family members to move and reside freely within the territory of the Member States also comes into play.⁶⁷ In this regard, it is worth mentioning that, for the first time on March 2019, the EU Court of Justice has stated that a minor in the guardianship of a citizen of the EU under the Algerian *kafala* system cannot be regarded as a “direct descendant” of that citizen for the purposes of the directive.⁶⁸

The EU also offers the so-called Common European Asylum System (CEAS)⁶⁹ framework, which includes five legal instruments aimed at the protection of children’s rights in the area of migration and, among others, concerns reception conditions and integration measures, and the processing of asylum applications. In particular, Directive 2013/32/EU (so-called “procedures directive”) contains some provisions concerning the obligation of Member States to provide for certain guarantees to unaccompanied minors in procedures aimed at examining their applications for international protection. In particular, Article 25 relates to the appointment of a representative

⁶⁶ Regulation (EU) No 604/2013 of the European Parliament and of the Council, of 26 June 2013, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), OJ L 180/31, 29/06/2013.

⁶⁷ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the EU and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77, and corrigendum OJ 2004 L 229, p. 35).

⁶⁸ See Court of Justice, 26 March 2019, *SM v Entry Clearance Officer, UK Visa Section*, case C-129/18. *Kafala* is a mechanism of Islamic law where an adult undertakes to assume responsibility for the care, education and protection of a child, in the same way a parent would for their child, and to assume legal guardianship of that child. Unlike adoption, which is prohibited by Islamic law, the placing of a child under *kafala* does not mean that the child becomes the guardian’s heir. In addition, *kafala* comes to an end when the child attains the age of majority and may be revoked at the request of the biological parents or the guardian.

⁶⁹ The CEAS legal framework covers all aspects of the asylum process on the basis of the principles of solidarity and mutual trust between Member States. The purpose of the CEAS is that similar cases be treated in the same way and produce the same result irrespective of the Member State in which international protection is claimed. There are five legislative instruments on which the EU asylum policy is based: Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection status (recast), 26 June 2013 (OJ L 180, 29. 6. 2013, p. 60); Directive 2013/33/EU of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast), 26 June 2013 (OJ L 180, 29. 6. 2013, p. 96); Directive 2011/95/EU of the European Parliament and of the Council on standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, 13 December 2011 (recast) (OJ L 337, 20. 12. 2011, p. 9); Regulation (EU) No 604/2013; Regulation (EU) No 603/2013 of the European Parliament and of the Council concerning the establishment of «Eurodac».

and to his duties towards the minor, contains dispositions on interviews, on age assessment medical procedures, as well as the duty to recognize the presumption of minor age in case of doubt, the obligation to give the best interests of the child a primary consideration. The CEAS also includes Directive 2013/33/UE (so-called “reception conditions directive”) that considers unaccompanied minors as vulnerable persons in need of special reception conditions (Article 21). The directive devotes a special provision to minors (Article 23) and to UAMs (Article 24): Article 24, in particular, states that Member States shall appoint a guardian “as soon as possible”, that the child shall be informed immediately of the appointment of the representative, who shall have “the necessary expertise to that end”. It also relates to accommodation arrangements, which should be carried out (in order) by adult relatives, by a foster family, by accommodation centres with special provisions for minors or other accommodation suitable for minors; the provision finally embraces family tracing and underlines the need for a continuous training of the people working with minors, with regard to the specific needs arising from their vulnerability (Article 24). In May 2010, the EU Commission adopted the Action Plan on Unaccompanied Minors (2010-2014).⁷⁰ The Action Plan proposed an EU approach identifying the main lines of action concerning unaccompanied minors, as the prevention of unsafe migration and trafficking, the reception and procedural guarantees in the EU, the identification of durable solutions. In 2017, considering the results of the plan, the Commission made the above mentioned Communication in order to analyse the current state of unaccompanied minors’ rights protection in the EU. The Communication recognized the progress made both on the Action Plan and on good practices in Member States.

The legal scenario is complex and fragmented: this jeopardises the protection of children’s rights experiencing migratory movements. The aim of the Communication was to provide a series of coordinated and effective actions to fill the protection gaps, considering the needs that children face once they reach Europe, ranging from their identification, reception, implementation of procedural safeguards, as well as of durable solutions.⁷¹ In order to achieve such goals, cooperation is needed not only between EU Member States, but also between Member States and external actors, like UN agencies and civil society organisations active in the field.

In the field of children in migration, the EU seeks assistance by special agencies, as the European Asylum Support Office (EASO)⁷² and the European Union Agency for Fundamental Rights (FRA).⁷³ EASO and FRA support the EU

⁷⁰ Communication from the Commission to the European Parliament and the Council «Action Plan on Unaccompanied Minors (2010 – 2014)», COM (2010) 213 final.

⁷¹ The Commission recommends to improve the external relations of the EU, giving priority to actions aimed at strengthening child protection systems along the migratory routes and supporting partner countries in developing strong national child protection systems, even supporting their projects in this field. It also highlights the need of swift and comprehensive identification procedures and protection, facilitating the cross-border tracing of missing children, the verification of family links and getting better age assessment procedures. Member States, according to the Commission, should also provide adequate reception, taking into account the special needs and vulnerability of migrant minors, also using EASO guidance on this question. The Commission finally recommends the improvement of guardianship mechanisms and age assessment procedures and urges to ensure durable solutions through the integration of the child, which means faster access to education and health care, assisting minors once they reach the age of majority.

⁷² All information on EASO’s activity is available at <https://easo.europa.eu/>.

⁷³ All information on FRA’s activity is available at <https://fra.europa.eu/en>.

institutions and Member States, also in the frame of the EU external action (therefore, also supporting third countries), contribute to the protection of migrant children through the analysis of data, statistics, promoting and monitoring of the state of protection of fundamental rights in general (FRA) and focused on the area of migration (EASO).

3. The protection of migrant children in the national context: A comparative legal analysis of a selection of Member States. A focus on unaccompanied children

Large migration flows of both asylum seekers and economic migrants have contributed to increase the challenge to the solidarity capacity of European societies and institutions. Since 2014, Europe has experienced the greatest mass movement of people. More than a million refugees and migrants have arrived in the European Union, the large majority of whom were fleeing war and terror in Syria.

The financial, economic, political and social crises have severely challenged the EU, and have required an extraordinary effort from EU institutions and Member States in both economic-financial and infrastructural levels.⁷⁴

The international and supranational measures above identified have been implemented within EU Member States in a different way depending on the instrument at stake (see Article 288 TFEU). Member States, in fact, have some discretion in achieving the goals outlined by the EU legal instruments concerning children on the move.

Fundamental rights “shaping” such measures, however, constitute a “hard core” of Member States’ legal interventions and policies. The human rights at stake are those enshrined in the CRC: the right to health and the right to education (Articles 28 and 29), the right to an adequate standard of living (Article 27),⁷⁵ the right to rest and leisure (Article 31).⁷⁶ Even if not directly targeted to migrant children they assume a remarkable importance for them.

As mentioned, Member States may decide mechanisms and procedures which might effectively grant children the rights enshrined in the CRC: for example, among the selected Member States, some have adopted legislative measures specifically dedicated to the protection of unaccompanied and separated minors, or specific provisions

⁷⁴ For an overlook on solidarity among Member States in the management of migratory flows, see di Napoli and Russo 2018.

⁷⁵ The right to an adequate standard of living, provided for by Article 27 of the CRC, is strictly linked with the problem of child poverty. According to a study of the European Agency for Fundamental Rights, in 2017, 32.5 % of children with parents born in a foreign country in the EU were at risk of poverty. «Fundamental Rights Report 2019», European Union Agency for Fundamental Rights (FRA), 2019, available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf. See also FRA 2018.

⁷⁶ For a better understanding of the right to rest and leisure provided for by Article 31 of the CRC see IPA 2016.

integrating already existing legislative measures,⁷⁷ while others provide for a general framework addressed to minors in general.

3.1 Identification and Age Assessment

As stated by the Committee on the Rights of the Child, the first measure taken by States as soon as an unaccompanied or separated minor is on their territory is identification.⁷⁸ Identification, which commonly refers to the analysis of the documents of the minor, might be carried out, as a last resort, through an age assessment procedure.⁷⁹ The UAM's age assessment, as the *extrema ratio* within an identification process, is an essential condition for the application of measures aimed at protecting the child as such.

Very often, children arriving to Europe after long and deadly trips do not have any identity documents, so it is difficult to establish their chronological age, which shall then be assessed through other means. Age assessment brings about the problem arising from the dialogue between legal and medical sciences: if legal science needs reasonable certainties in order to guarantee predictability of legal relationships, the language of medical science is essentially probabilistic.⁸⁰ Age assessment also raises the question of the balance between children's fundamental rights (e.g. health and privacy).

The European Asylum Support Office and the United Nations High Commissioner for Refugees (UNHCR) carried out researches on age assessment methods used by States and published guide lines, offering also recommendations and tools for the implementation of the best interests of the child in assessing his/her age (EASO 2018). According to EASO age assessment "is the process by which authorities seek to estimate the chronological age or range of age of a person in order to establish whether an individual is a child or an adult".

In **Belgium**, the Guardianship Service is responsible for determining whether a person is to be considered an unaccompanied minor (Article 7 of the Guardianship Law). When it is not possible to ascertain identification elements through documents (lacking these or in case of doubt), there is the possibility to proceed to medical exams, under the control of the Guardianship Service. Medical tests consist of a combination of three tests: an examination X-rays of the child's teeth, the non-dominant hand and wrist, the medial ends of both collarbones. The Guardianship Service uses an average of the results of the three tests but, in case of doubt, takes into consideration the lowest result (EASO 2018: 100). In **Germany**, there is a step-by-step procedure, which provides for medical examinations (method with the lowest impact on the child's health) only if there are doubts after checking personal documents and interviewing the child. Medical examinations are only considered if the so-called qualified inspection leaves doubts about the age determination. In addition, both the young person and their

⁷⁷ It is the case of two Member States, among the ones selected, which adopted specific laws on unaccompanied minors: Belgium (Law 24 December 2002 - *Guardianship Law*) and Italy (Law 21 April 2017 n. 47 on the protection of UAMs, so-called "Legge Zampa").

⁷⁸ The importance of immediate identification and registration of children with methods that should respect their vulnerability is reiterated by the European Commission in the Communication to the European Parliament and the Council, «The protection of children in migration», COM (2017) 211 final, p. 6.

⁷⁹ General Comment no. 6 (2005), par. 31

⁸⁰ On age assessment procedures at the international, European and Italian level, see di Napoli 2017.

guardian must agree to the medical examination. This serves to protect privacy. However, they are also obliged to participate. Finally, the youth welfare office is responsible for the protection mandate even if other authorities or bodies make different assessments of the person's age. The youth welfare office's assessment is decisive for the binding effect of the protection mandate (Gonzales Mendez de Vigo and Wiesinger 2019). In case of uncertain results, the lowest age presumption is guaranteed (Section 42f, Book VIII of the Social Code) (EASO 2018: 101). In **Finland** and **Sweden**, as in the other Nordic countries, age assessment is allowed when there is a “reasonable doubt” about the age of the individual (there is no definition of what should be considered as being “reasonable doubt”). In both countries, medical methods are used to determine age: in Finland, without the previous use of other methods of assessment, wrist and tooth X-rays are used; in Sweden, today, teeth and knee X-rays are allowed (UNICEF 2018: 40-41). In **Finland**, a medical examination is carried out by the Department of Forensic Medicine of the University of Helsinki at the request of Border Guard or the Finnish Immigration Service. Two experts (including a Department employee and an approved medical practitioner or dentist with the necessary expertise) determine the outcome (EASO 2018: 10).⁸¹ In **Poland**, age assessment is carried out when the age cannot be established on the basis of documents collected during the identification procedure. It is carried out through medical examinations: a general examination of the minor and his body, a radiological examination of the right wrist bone, a dental examination (Article 21 of the Act of 13 June 2003 on granting protection to aliens within the territory of the Republic of Poland). If there are still doubts after medical examinations, the person is considered to be a minor (EMN 2015b: 21-23). In the **United Kingdom**, when the physical appearance (assessed by two different authorities) of an unaccompanied minor visibly makes him or her over the age of 18, the person is to be treated directly as an adult. If the assessment on the physical appearance and the interview with the minor is not certain and the minor is not significantly above the age of 18, the estimated date of birth is recorded and the person is treated as a minor.⁸² In **Italy**, UAMs are interviewed for the first time in the presence of a cultural mediator (the decree establishing the steps for the interview has not been adopted yet). If, after the interview, there are still doubts about the age, an assessment can be carried out, and it takes place first through the analysis of documentation. If there are still “serious doubts”, authorities proceed with a socio-medical examination, through a multidisciplinary approach that includes an interview with the minor, a paediatric visit, scientific methods such as X-rays on the wrist or teeth. The written results must contain the margin of error and, where there is still doubt, the minor age is presumed (Article 5 of the Law n. 47/2017) (EMN 2017).

⁸¹ See also the Finnish Immigration Service site on <https://migri.fi/en/establishment-of-the-age-of-a-person-under-18-years-of-age>.

⁸² See «Assessing Age», Home Office of the UK Government, 2019, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804760/Assessing-age-asylum-instruction-v3.0ext.pdf.

3.2 Guardian's Appointment

In order to ensure that an unaccompanied foreign child is adequately represented, the State should assign him a guardian as soon as the child is identified.⁸³ The precise definition, function and ways of appointment of a guardian varies from jurisdiction to jurisdiction but essentially “guardianship” refers to the designation of responsibility to an adult or organization for ensuring that the best interests of a child are fully represented. The guardian should be chosen paying attention to aspects related to the culture, gender and age of the child, as well as to his/her background, on a case-by-case analysis approach. Some States, Italy among others, are moving in this direction by organising training courses and activities for guardians, trying to promote cultural and gender diversity in the choice of staff and volunteers, and by offering them access to translation or cultural mediation services.⁸⁴ At the EU level, the obligation for States to ensure that UAMs are adequately represented, including through the appointment of a guardian, is established in Article 24(1) of Directive 2013/33/EU and Article 31(1) and (2) of Directive 2011/95/EU. There are generally three persons in the EU who can serve as guardians: a family member or, in any case, a close relative of the child; professionals employed in institutions that act as guardians or by other authorities that have the same responsibility; voluntary guardians, who are not related to the child and who are recruited as guardians by the guardianship authorities or other competent authorities (persons who voluntarily decide to take on the responsibilities associated with this role).⁸⁵

In **Belgium**, the Guardianship Service coordinates the guardianship system of UAMs (Section 4 and Section 5 of the Guardianship Act). There are three types of guardians in the country: *i*) the so-called “employee-guardians”, working for NGOs; *ii*) private individuals who do so professionally; *iii*) private individuals who are registered as volunteers. Guardians participate in a compulsory training course before starting their service and several training courses, at least once a year. The guardian is appointed as soon as the Guardianship Service determines that a person may be considered an unaccompanied minor. Usually, guardianship terminates when the minor reaches the age of 18 (EMN 2014: 21-22). In **Germany**, it is the Youth Welfare Office that appoints guardians on the conditions that the person in question is a minor and that parental custody is suspended (Section 42a, Book VIII of the Social Code; Section 1773-1921 of the Civil Code). Private persons may be appointed as guardians. They do not receive specific training but they need to fill in an aptitude test provided by the Youth Welfare Office, which might also be appointed as guardian in the event that no voluntary guardians are available. If no suitable private person can be found for the guardianship, an association guardian or a professional guardian can be appointed. There is also the possibility of a guardianship by the youth welfare office. The protection terminates when the child reaches the age of majority (determined by the law of the country of origin) or if he or she disappears from the country (EMN 2018: 46-47). In **Sweden**, a guardian is appointed as soon as possible, and decides in every field

⁸³ General Comment no. 6 (2005), par. 33.

⁸⁴ See the compendium on the Italian Authority for Children and Adolescents activity with the support of EASO «La selezione e la formazione di aspirant tutori volontari di minori non accompagnati» 2018, available at <https://www.garanteinfanzia.org/sites/default/files/compendium-attivita-garanteinfanzia-easo.pdf>

⁸⁵ For an analysis of the guardianship systems in the EU member States see also FRA 2015b.

related to the child, also acting as legal representative (Björklund 2015: 31). In **Italy**, the guardian is appointed “as soon as possible”. Before the Law n. 47/2017 on UAMs, guardians had a public nature (they were generally the mayor or a social worker of the social or health services: this caused conflicts of interests), and they were in charge of a high number of UAMs. Today, Law n. 47/2017 has chosen voluntary guardians as the only admitted, establishing that they are private individuals who voluntarily perform the task and are selected and trained by the regional ombudspersons for children, or by the Italian Authority for Children and Adolescents, where the regional ombudsperson has not been appointed (Article 11).⁸⁶ The courses aim to train candidate voluntary guardians on their obligations and responsibilities, on the creation of the relationship with the minor, as well as with all actors involved in the protection of the rights of UAMs and anything that relates to the exercise of the guardianship.⁸⁷ The voluntary guardian who has only one UAM in charge, and has been considered as a “promising practice” in the EU by FRA, as it establishes a flexible guardianship system that can respond to changing needs; is less costly than a system based on professional guardians; and, more importantly, actively involves the society in the destination country (FRA2018b). Guardianship comes to an end when the child reaches the age of 18, but can be extended, under certain conditions, until 21 (Article 13).

There are some States in which only a legal representative is appointed. In **Finland**, a legal representative, paid by the Finnish Immigration Service, for the unaccompanied minor is appointed as soon as possible (Section 33 of the Reception Act 746/2011) and exercises protective powers in all fields related to the minor, except for daily care, education and looking after the minor (which is a duty of the reception centre). When a child is at least 15 years old, he or she has a parallel right to sign, for example, for pocket money or reception allowances. The representatives have no specific requirements, but experiences with children are preferable. Training for guardians is voluntary and it is organised by the Finnish Immigration Service (ProGuard 2019: 12). Guardianship terminates when the child turns 18, when he or she leaves the State definitively or when a guardian is appointed (Björklund 2015: 35). In **Poland**, as far as UAMs seeking asylum are concerned, the guardianship court responsible to decide the child’s accommodation appoints a guardian as soon as the request is made. The guardian is appointed to represent the child in order to grant him refugee status and to help him find a reception centre. The guardian is not also the child’s legal representative, but is appointed almost exclusively to represent him in court. Legal guardians are rarely appointed as courts, for this purpose, require a certificate of death of the parents, or the decision of the court of the country of origin on the deprivation of parental responsibility. Even for unaccompanied minors not applying for asylum, the guardian is only appointed for representation in administrative proceedings (EMN 2015b: 20-23). In the **United Kingdom**, with the exception of Scotland, there is

⁸⁶ The Authority has published some guidelines relating to the training of unaccompanied minors’ guardians. See «Linee guida per la selezione, la formazione e l’iscrizione negli elenchi dei tutori volontari», Autorità Garante per l’Infanzia e l’Adolescenza, 2017, available at:

<https://www.garanteinfanzia.org/sites/default/files/Linee%20guida%20tutori%20volontari.pdf>

⁸⁷ See also the compendium on the activity carried out by the Italian Authority for Children and Adolescents, with the support of EASO, on the selection and training of candidate UAMs voluntary guardians, available at <https://www.garanteinfanzia.org/sites/default/files/compendium-attivita-garanteinfanzia-easo.pdf>.

not yet a real system of guardianship for unaccompanied minors; it is up to the local authorities to provide support and protection for unaccompanied minors (EMN 2015: 16).

3.3 Housing

The CRC imposes an obligation on State parties to provide for alternative care arrangements for unaccompanied children outside their country of origin. When choosing among the options mentioned in article 20(3) of the CRC, due regard should be given in particular to the ethnic, religious, cultural and linguistic background of the children. In the EU context, Article 24(2) of Directive 2013/33/EU provides for the obligation for Member States to ensure that unaccompanied minors seeking asylum, therefore without adult family members, can be accommodated with a foster family or in centres suitable for hosting minors. All Member States provide accommodation and other care facilities for unaccompanied minors. In many cases, the type of accommodation depends on the child's individual needs, their age and whether they have applied for asylum or not (EMN 2018b: 22-23). EASO published a guideline on reception conditions for unaccompanied minors for Member States (EASO 2018b).

In **Belgium**, reception of UAMs comprises three steps: *i)* orientation and observation, where minors, whether asylum seekers or not, are temporarily admitted to the Observation and Orientation Centres (OOC), managed by the Federal Agency for the Reception of Asylum Seekers (FEDASIL): They are accommodated there for a short time (15 days for asylum seekers, maximum one month for the others). *ii)* Secondly, minors who do not have special needs are oriented towards federal collective reception centres, managed by FEDASIL or in collective reception centres managed by its partners, where they remain for a maximum of one year. If children need specific aid, after an investigation, they will be placed in receptions managed by the Youth Care Services (YWS) of the Communities. *iii)* Running from 16 years, children can be transferred to local reception initiatives, organised by the Public Centres for Social Welfare, where they receive help up to the age of 18, but they have also greater autonomy (EMN 2014).

In **Germany**, UAMs are first brought to the preliminary care by the Youth Welfare Office (Section 42a, Book VIII of the Social Code). It is then determined whether they can remain in that centre or whether they should be redistributed within the youth welfare system, even taking into account the specific needs of the individual, after which regular taking into care begins. Children and adolescents are then placed in regular youth welfare institutions (residential care, less common foster homes) or in facilities equipped for their specific needs. Young adults can be hosted in these centres if their individual situation requires such support (EMN 2018). In case of individual needs help measures for young adults can be provided to young adults by the youth welfare offices.

In **Sweden**, UAMs are initially welcomed in a designated transit accommodation in the receiving municipality. The Swedish Migration Board then assigns the child to the municipality that organises accommodation and care. Reception can take place in a dedicated UAM's centre (in the majority of cases), in existing houses for other minors or in a family home (Björklund 2015: 30-31). In **Italy**, the reception takes place in two phases: a first temporary reception in facilities dedicated exclusively to unaccompanied minors for the first 30 days before arrival (Article 4 of the Law n. 47/2017), ; a second reception within the Protection Systems for asylum seekers, refugees and

unaccompanied minors and in particular in projects specifically designed for them, where the children are placed according to their specific needs (Article 12 of the Law no. 47/2017).⁸⁸

In other Member States accommodation is a one-step procedure. In **Poland**, as soon as they are found on the territory and identified, UAMs are sent to the care and education centres, with 24-hour assistance, which provide for the material needs of the child and help with access to health care and education. There are no centres for children with special needs, such as victims of trafficking. Minors remain in the centres until they reach 18 years of age (EMN 2015b: 36-39). In **Finland**, after receiving a residence permit, the child is placed in a family group home, which should serve to acquire the skills and knowledge to prepare him/her for a future independent life.⁸⁹ Under the Integration Act, the organization of care and attention for and development of UAMs, who have been issued with a residence permit and who have been admitted to Finland under a refugee quota, shall respond to their needs. The required services may be organised in family group homes or using supported family placement or otherwise in an appropriate manner. As municipal residents, unaccompanied children or young persons have the right to access all those services that are available for other municipal residents.⁹⁰ Unaccompanied minors seeking asylum in Finland are hosted in group homes or supported housing units for the duration of the asylum application process. Unaccompanied minors may also be accommodated in folk high schools⁹¹ or in private homes.⁹² In the **United Kingdom**, when an unaccompanied minor arrives in the territory, he is entitled to receive care by local authorities and children's services, regardless of his/her status. These determine the needs of the child to understand which is the most appropriate solution (with a foster family, in accommodation facilities specifically for minors or specifically for unaccompanied minors) (EMN 2015: 21-25).

3.4 Right to Education

Education is recognized in Articles 28 and 29 of the CRC. The provisions of the CRC oblige States to make part of the educational pathway compulsory, as well as the obligation to make every level of education accessible to all minors. The idea of education contained in the Convention is linked to the development of children's mental and physical skills and their ability to live within society. In this context, the access to education for migrant children becomes of utmost importance, in particular for their integration into the host society. Within the EU, the right to education is guaranteed by Article 14 of the Charter of Fundamental Rights of the EU; Article 14 of the reception directive clearly attributes this right to migrant children, in particular to minors who are asylum seekers, and to the children of asylum seekers. The directive calls on States to ensure that such persons have access to education

⁸⁸ For some examples of the second phase of the reception of unaccompanied children in Italy see SPRAR 2017.

⁸⁹ Save the Children has implemented a successful project to establish child-friendly spaces in a few selected centres (UNIFEC 2018: 47).

⁹⁰ See also «Supporting unaccompanied minors» on the Integration.fi site, available at <https://kotouttaminen.fi/en/supporting-unaccompanied-minors>.

⁹¹ Folk high schools are educational institutions for adults where studies do not generally lead to a qualification. For more information see: <https://www.norden.org/en/info-norden/folk-high-schools-finland>.

⁹² See «Unaccompanied minors» on the Integration.fi site, available at <https://kotouttaminen.fi/en/unaccompanied-minors>.

under the same conditions as their own nationals, which should take place within the first 3 months after applying for asylum and which may be supported by language lessons, in the language of the country of arrival .

Although, in general, all the selected countries guarantee access to education for migrant children, there are some differences among their strategies for their integration in the school systems (Eurydice 2018; see also IOM, UNICEF, UNHCR 2019). In **Belgium**, all children up to the age of 18 are required to attend school. All foreign minors, regardless of their status, must be registered by the person who has parental authority over them at an educational establishment within 60 days of registration in the register of foreigners. In **Finland**, municipalities are obligated to provide compulsory education from age 7, one-year of pre-primary education and early childhood education also for children with a migrant background and for asylum-seeking children who live in Finland. Municipalities can also provide preparatory education, which covers one year's syllabus. In **Germany**, education is compulsory for all children from the age of 6 until the age of 18 (including compulsory vocational education, according to the situation of young (unaccompanied) refugees in some Federal States until the age of 25). Despite this, access to compulsory education for foreign minors who have just arrived in the territory is generally regulated differently between *Länder* and sometimes even between municipalities. Ideally, students with a migrant background are admitted to regular classes as quickly as possible and, if necessary, receive lessons adapted to their language skills. In the primary school sector, newly immigrated children are often directly integrated into regular education. Depending on the Federal State, there are different school laws that determine when a foreign child may and must attend school. In Hamburg, Saarland and Schleswig-Holstein, migrant children must attend school at an early age as soon as they live in an apartment. In other Federal States, compulsory school attendance is significantly delayed and often only when refugees leave the initial reception centre and are assigned to a municipality. Furthermore in some federal states educational courses in reception centres are provided until students regularly attend school. Generally, access to it depends on the length of residence and the type of accommodation. In some Federal States children/young refugees have to leave refugee centres before they can attend school. In **Italy**, foreign minors, regardless of whether they reside legally or illegally within the territory, are subject to compulsory schooling and have the right to education, in the forms and manner provided for Italian citizens. The child, in fact, has the right to a residence permit until he/she reaches the age of majority ("*permesso per minore età*"). Although it is not legally required to show a residence permit to register your child at school, in practice it is often the case that schools refuse to accept students without such a permit. In **Sweden**, all children have the same rights, as national compulsory education, but not all have the same obligations: irregular migrant children and asylum seeker children can but are not obliged to take part in compulsory education. Once a child has been registered and assigned to a municipality to stay (and therefore has a residence permit), he/she has the same right to access education as residents and the same obligation to attend compulsory education. Asylum seekers and other persons who are not domiciled, cannot register with the upper secondary school if they have turned 18 years. However, if they have already entered the school system, they have the right to complete their education. In the **UK**, education is compulsory up to the age of 18. Local authorities have the task of providing full-time education for all children living in their area, regardless of their origin and status. In English schools there are

special education needs coordinators (SENCO) who are responsible for ensuring that the specific needs of children are met (e.g. through additional English language lessons). Other facilitations may also be provided for migrant children: free meals (in some local areas), coverage of the cost of travel to school for those who cannot afford it, support for the purchase of school uniforms (see also Coram 2017=).

The education of unaccompanied minors often starts with language lessons (De Vittor 2016). In **Belgium**, in view of the compulsory schooling of unaccompanied minors up to the age of 18, the guardian has the task, during the second phase of the reception, of enrolling them in a school. Before attending secondary schools, unaccompanied minors first participate in preparatory lessons of a maximum of two years of duration, including basic language courses (provided by FEDASIL). Through such lessons they try to ensure the achievement of a certain level of knowledge of the basis of the subjects that the child will then study at school and they try to promote his/her integration within the society. After these preparation lessons, children attend secondary school, always followed by a coach (EMN 2009: 44). In **Germany**, compulsory education for unaccompanied children generally begins as soon as they are regularly taken into care. Although there are no measures specifically designed for unaccompanied minors, they can still access preparatory or transitional lessons in schools or vocational training support/counselling, as well as language courses outside state schools. Once they have reached the age of majority, education is no longer compulsory and attending school does not preclude removal when the right of residence or suspension of removal expires. Laws varies between the different Länder (EMN 2018: 54-55). In **Poland**,⁹³ access to education (compulsory up to 18 years) for UAMs takes place as soon as they arrive in the territory, for the first year of primary school, or after the verification of previous knowledge (with documents or interviews) for the other years of primary school and secondary schools. The Polish school system also organises free language courses to promote integration (EMN 2015b: 42-45). In **Sweden**, minors have access to education within 30 days from arrival in the territory of the State. They can take part in an introductory lessons on Swedish language and society, rules and customs. They then attend school regularly and, in general, those with a migrant background, may have some lessons in their mother tongue, in case they find it difficult to follow the lessons in Swedish. The school has the task of assessing the skills and previous knowledge of the child to decide which class he or she should attend (Björklund 2015: 32). In **Finland**, municipalities are obliged to provide compulsory education from the age of 7, including for unaccompanied minors. They have the right to receive pre-primary (especially language lessons) and basic education and are motivated to achieve secondary education and vocational training. Education is aimed at integration into Finnish society. At the end of compulsory education, an

⁹³ In Poland, the right to education of all children and migrant children in particular is provided for by Article 70 of the Constitution. There are also other legislative measures in the field of the protection of this right: i.e. Act on Education of the 7th of September 1991, Dz. U. z 2019 r. poz. 1481., available at <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU19910950425/U/D19910425Lj.pdf>; Educational Law of 14 December 2016 concerning organisation of the school system, Dz.U. 2017 poz. 59. , available at <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20170000059/U/D20170059Lj.pdf>; Regulation of the Minister Of National Education of 23 August 2017 regarding the education of persons who are not Polish citizens and persons who are Polish citizens who received education in schools functioning in the education systems of other countries, Dz. U. z 2017 r. poz. 1634 z późn. zm., available at <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20170001634/O/D20171634.pdf>.

integration plan of the child can be drawn up, through an Employment and Economic development office, of a maximum duration of 3 years, to promote integration and social inclusion (Björklund 2015: 36). The integration plan for a minor can be drawn up by the municipality if circumstances specific to the minor so require, and it can be done, for example, together with the integration plan for the family, taking into account the child's opinions.⁹⁴ In the **United Kingdom**, local authorities are obliged to make UAMs attend school. They have free access to the full range of educational opportunities until they reach 18 years of age. They follow the same lessons as English students but have the opportunity to have services to help them reach a certain level of education according to their needs, such as language lessons. For UAMs seeking asylum, local authorities drawn up an education plan, which in some cases includes a plan for access to the employment market when they reach 18 years of age (EMN 2015). In **Italy**, UAMs have the same right as Italian children to access education (Article 14 of the Law no. 47/2017). UAMs are required to participate in Italian language courses held in special institutions and to comply with compulsory schooling. Even if for the moment there is no specific training for teachers and staff of schools, the law provides for the possibility of participation of cultural mediators in school activities (EMN 2017: 23-25). The Italian Authority for Children and Adolescents, in collaboration with the Ministry of Education, University and Research (MIUR) published some guidelines on the right to education of students who live out of their family of origin. Such guidelines, which specifically refer to UAMs, are intended to promote the integration of vulnerable minors within the society through education. By outlining the main difficulties they face, the Authority provides guidance to those involved on the ground, promoting synergies and coordination as the key for a better integration of UAMs within the Italian society.⁹⁵

3.5 Right to Health⁹⁶

Migrant children, often leaving their country of origin because of the conditions in which they are forced to live, face many risks related to their health, both during the journey and upon arrival in their host country.

There are some health issues that might affect them in the countries of origin and during the journeys that bring them to Europe, such as chronic infections, violence, hunger, exploitation, lack of healthcare. Furthermore, when they arrive in the county of destination they can face other risks, such as barriers in accessing healthcare and education, social marginalization and isolation, inadequate reception conditions, discrimination and bullying, risk of forced repatriation, detention in temporary centres not equipped for the needs of minors. All the above factors make children (even more) vulnerable and might lead to the development of health problems. The right to health is enshrined in Articles 24 and 39 of the CRC. The provisions of the Convention oblige States Parties to guarantee the highest possible standard of health and access to care to all children, including physical and psychological

⁹⁴ Further information available here: <https://kotouttaminen.fi/en/integration-plan-for-a-minor>.

⁹⁵ The Italian Authority for Children and Adolescents guidelines for the right to education of the students who live out of their family of origin is available at https://www.garanteinfanzia.org/sites/default/files/linee_guida_per_il_diritto_allo_studio_delle_alunne_e_degli_anni_fuori_dalla_famiglia_di_origine.pdf.

⁹⁶ All data provided in this paragraph are taken from the report: Hjern and Østergaard 2016.

recovery and social reintegration of children who are victims of any kind of violence, exploitation or abuse. The right of migrant children to healthcare is also contained in some EU instruments, in particular in the so-called reception directive, which through Articles 17 and 19 provides asylum seekers with minimum reception standards that also cover access to care. In addition, Article 23(4) of the directive takes over the provision of the CRC on access to care for victims of exploitation and abuse.

With regard to access to health care, all selected countries are to treat migrant children equivalent to national children, whenever parents reside in the territory; nevertheless, there are some significant differences which depend on the status of the migrant children and their parents. In the case of minors seeking asylum or children of asylum seekers, in almost all the selected countries, access to health care is guaranteed under the same conditions as national minors. In **Germany**, asylum seekers have access to full health care beginning only 15 months after arrival; before then, they only have access to basic care. As refugees usually do not have health insurance, basic care is provided (and financed) by social welfare offices or health departments (at the level of cities or districts). To receive medical aid or health care refugees need a medical voucher or an electronic health card – this varies between federal states. Both they can get from welfare offices or health departments. In **Poland**, primary care for asylum seekers is not identical to nationals because it is provided through doctors working in reception centres for asylum seekers; however, asylum seekers have some facilities, such as free access to medicines.

As far as irregular migrant children or children of irregular migrants are concerned, the treatment is different. In **Finland, Germany and Poland**, only access to basic and emergency care is guaranteed to children in this situation. In **Belgium**, they have access to treatment through the Urgent Medical Aid, which - despite its name - also provides for preventive care, and they have access to vaccinations up to 6 years of age. In **Italy**, UAMs which are irregular and over 6 years of age have access to emergency and essential services, as adults who are in the same irregular situation; before, they have access, despite not being able to enrol in the National Health Service, to all free health care. In the **United Kingdom**, irregular migrant children have access to primary care and free access to vaccination and dental care. **Sweden** is the only State among the selected ones where all migrant children have the same access to care as Swedish children, regardless of their status and whether they or their parents are staying legally or illegally on the territory of the State.

In **Germany**, the right to health extends to all children regardless of their status, but real access to healthcare changes for UAMs depending on their situation. For children staying in residential institutions of the Youth Welfare Office (both in primary and in regular taking into care), access to care is automatic and efficient. This is not the case for UAMs holding a stay permit pending recognition of asylum, suspension of removal, or a special residence permit, as they are not accepted in these institutions: in this cases, health care is only guaranteed in case of acute illness and pain. In **Poland**, UAMs irregularly resident in the territory of the State have access to emergency care as they are always free of charge, but the costs of subsequent treatment are not covered. In **Finland**, UAMs seeking asylum have the same right to public health care as Finnish minors. UAMs outside asylum centres don't have free

access to healthcare. However, the Finnish Child Welfare Act applies to all children who live in Finland independent of nationality.⁹⁷

In **Italy**, the above mentioned Law n. 47/2017 also contains dispositions aimed at protecting UAMs' right to health. Before 2017, Italian laws generally required that all minors, even those without a residence permit, had to be enrolled in the National Health Service (SSN), on the same basis as Italian citizens (see 2013 State-Regions Agreement).⁹⁸ Nevertheless, there were frequently reported refusals to enrol UAMs within the SSN. Today, Article 14 of the Law n. 47/2017 effectively guarantees the registration of UAMs in the SSN, even pending the request for the residence permit and for the appointment of a guardian. Although some clarifications are still needed (e.g. the attribution of the fiscal code to UAMs), Law n. 47/2017 has ensured a better protection of UAMs' right to health, aiming to achieve effective equality of legal status between UAMs and Italian children (e.g. the vaccination requirement for admission to school is extended to UAMs up to 16 years of age).⁹⁹

3.6 Durable Solutions

States shall identify, carrying out a case-by-case approach, the best possible durable solution for the child's future. The child's future can develop in different ways: the child might want to return to the country of origin, on a voluntary basis and always if this choice is respectful of the best interests of the child.¹⁰⁰ Repatriation is one of the most delicate solutions, which requires a careful study of the conditions and safety of the country of origin of the child and a reintegration program for the child (a forced or poorly organised return could have negative consequences on the child's life) (see also UNICEF 2015). Another option is resettlement in a third country, which is generally carried out in the event that the child can be reunited with a relative who is in a country other than the country of origin and the country of arrival. The third and most common perspectives is integration into the host State (International Migration Law Unit 2016), which takes place through the implementation of the above-mentioned measures and through measures to support minors turning 18. With regard to the integration of the child in the society of arrival, then, is often provided by the States, in accordance with EU legislation, the possibility of reunification with first-degree relatives. In the European context, the Council of Europe reiterated, in a Recommendation to Member States in 2003, the importance of integration measures as durable solutions for unaccompanied minors, regardless their status¹⁰¹.

⁹⁷ See <https://www.infofinland.fi/en/living-in-finland/family/children/child-welfare> and <https://www.infofinland.fi/en/moving-to-finland/i-am-/asylum-seeker#Health>.

⁹⁸ See also «L'accesso alle cure della persona straniera: indicazioni operative», second edition, 2015, available at http://www.salute.gov.it/imgs/C_17_opuscoliPoster_297_allegato.pdf.

⁹⁹ For an analysis of Law n. 47/2017 contribution to the protection of UAMs' right to health see also Giuffrè 2017.

¹⁰⁰ The best interest of the child has to be assessed, by the competent authorities of the host State, on a case-by-case basis. On this regard, see the 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).

¹⁰¹ Recommendation CM/Rec(2007)9 of the Committee of Ministers to member states on life projects for unaccompanied migrant minors.

3.6.1 Family Reunification, Relocation and Assisted Voluntary Return

As regards family reunification, regardless of where it takes place, this can only be achieved when this decision is taken in the best interests of the child. Reunification could not take place in the country of origin of the child because this is not considered in the best interests of the child, and should therefore not be undertaken, when there is a reasonable risk that the return could lead to a violation of the child's human rights. In the EU context, the possibility of reunification in the host country of the child is provided for UAMs in the event that they are asylum seekers (Article 10(3) of the Directive 2003/86/CE) or refugees (Article 8 of the Dublin III Regulation). Almost all selected States grant the UAMs refugee status or subsidiary protection and the possibility to reunite with their first-degree relatives, but some of them have different rules (EMN 2018b). In **Finland**, sponsors generally have to demonstrate the security of their livelihoods to reunite with their family members (including minors). A derogation is granted to holders of refugee status, including UAMs, but only if the application is submitted within 3 months of the date on which the status was granted (EMN 2018b: 37). In **Sweden**, unaccompanied minors are given the opportunity to apply for family reunification. The minor applying for reunification and the family members involved are given the opportunity to perform a DNA test to prove the blood link in the event that the rest of the test is not sufficient to guarantee a residence permit. In this way, reunification is a lengthy process. Although in the past the possibility of reunification was restricted because it was not given to those who held only subsidiary protection, regardless of the age of the applicant (UNICEF 2018: 64), things have changed in the last 5 years. In June 2016 the right to family reunification was delimited, but following some political compromises it was revised again in July 2019. Today, family reunification is possible for persons with a subsidiary protection status. In **Germany**, during the preliminary and regular taking-into-care, the youth welfare office must consider, looking for family members in Germany or abroad, the reunification of unaccompanied minors with them the youth welfare office must enable the reunification of unaccompanied minors with family members living in Germany or abroad, if they can be identified and if minors wellbeing is not to be negatively affected due to reunification. In the case of reunification with family members within Germany, the Youth Welfare Office may decide to accommodate the child with family members, while retaining responsibility for it. In the case of unaccompanied minor refugees, both biological parents are entitled to reunification until they reach the age of 18 by apply of the unaccompanied minor. This applies regardless of whether they have entered or are living with other relatives. This entitlement exists without proof of subsistence or housing. Unaccompanied minors who reach the age of 18 years during the asylum procedure retain their right to reunification if they are granted protection under the Geneva Refugee Convention in the asylum procedure. As for the reunification under the residence law, this depends on the residence status of the unaccompanied minor (EMN 2017: 80-85). For those who hold subsidiary protection there is no entitlement for reunification. Hardship rules allow a specified quantum of reunifications per year (1.000 family members).

Relocation of UAMs to a third country, other than the country of origin or the host country, is possible if the minor cannot be returned to the first one but has no possibility of durable solutions in the last one.¹⁰² The decision to relocate an unaccompanied minor must reflect his best interests and it is used in particular where there is a possibility of reunification of the minor with relatives living in an EU Member State other than the one in which the minor is present. The relocation of unaccompanied minors takes place mainly through the Dublin system for determining the State responsible for examining an asylum application. Due to the large number of migrants in Italy and Greece, the EU was forced, in 2015, to publish an EU temporary emergency relocation scheme lasting two years, which provided for the relocation of migrants from these two states to other EU states. In **Italy**, in particular, 77 unaccompanied minors were relocated to other European countries in that period (European Commission 2019).

As regards the UAMs' return to their country of origin, it can only take place if it does not entail a reasonable risk that the return could lead to a violation of the child's human rights. Return should only be voluntary and should reflect the best interests of the child.¹⁰³ In some Member States, the possibility of assisted voluntary return of the child is provided for, managed by the State, assisted by the activities of different bodies and organizations. Almost all the States taken into consideration permit voluntary return of unaccompanied children to their country of origin (EMN 2017b), but only some of them have specific provisions regarding the access to Assisted Voluntary Return. In **Germany** (EMN 2018: 69), there are no provisions for the voluntary return of unaccompanied minors but there are return counselling services that can inform about the possibilities of financing return, for example through the so-called REAG/GARP programme for assisted voluntary return. Voluntary return is only possible with the consent of the minor's guardian. In **Poland**, unaccompanied minors can access assisted voluntary return programmes which are carried out through cooperation between Border Guard and IOM: the first deals with financing, the last with the organisation (EMN 2015b: 61-63). In **Italy**, it is possible for UAMs to access assisted voluntary return programmes (Article 8 of the Law n. 47/2017). This is always the case when return, often for the purpose of reuniting with family members in the country of origin, is in the best interests of the child. Assisted voluntary return programmes are carried out by State and diplomatic authorities in agreement with other organisations, such as the IOM.¹⁰⁴

3.6.2 Integration and Assistance for Unaccompanied Children Turning Eighteen

An assessment of the long-term measures should also include those relating to the transition of the child to adulthood. In many Member States this transition has some implications: its extent depends on the child's legal status and whether he/she is still attending school, or employed.

In **Belgium**, once they reach the age of majority, if UAMs have a valid residence permit (refugee or subsidiary protection status, permission for victims of trafficking, regularisation for humanitarian or medical reasons), they

¹⁰² General Comment no. 6 (2005), par. 92-94

¹⁰³ General Comment no. 6 (2005), par. 84-87.

¹⁰⁴ «The Italian approach to Unaccompanied Minors following status determination» p. 27. Information on Assisted Voluntary Return available on the site <https://italy.iom.int/en/activities/assisted-voluntary-return-and-reintegration>.

may be assigned a civil guardian. In theory, unaccompanied minors who have reached the age of majority should leave their accommodation, but reception may be extended until the end of the school year. If the child is particularly vulnerable, assistance may be extended up to the age of 21. Financial support continues. If the minor who has reached the age of majority does not have a valid residence permit, he/she may be subject to removal from the country (EMN 2014: 53-55). In **Germany**, unaccompanied minors up to the age of 18 will continue to receive assistance if they have refugee status, humanitarian protection or are waiting for a decision on asylum or if their removal is suspended. These may remain in the structure where they have been up to that time or a shift in groups for the transition to independence together with other young adults may be envisaged. The possibility of maintaining this form of reception is at the discretion of the Youth Welfare Office. In the event that the asylum application has not yet been analysed, the minor who reaches the age of 18 can be hosted in collective accommodation facilities until the time of response (EMN 2018: 39-40). In **Poland**, UAMs seeking asylum or international protection turning 18 continue their journey under the same previous rules. As regards refugees or persons enjoying international or humanitarian protection and trafficked children, once they have reached the age of majority, they may obtain a permanent residence permit. As regards other unaccompanied minors, they may, before reaching the age of majority, try to obtain a temporary residence permit. In this way, once they have left the place where they lived, the newcomers, in general, can continue to receive assistance for education, to achieve independence, to find work and accommodation. This assistance is always related to the existence of one of these permits (EMN 2015b: 55-57). In **Sweden**, the residence permit does not change once the person reaches 18 years of age. The municipalities are responsible for supporting unaccompanied minors who reach the age of majority: they are helped in the strangeness through “half-way houses”, or different activities. If the person is enrolled in a study program in the upper secondary school, under Social Services Act, he will be under the same care as before the age of 18 and social services are responsible for him until the person turns 20 (Björklund 2015: 32). Instead, if the person is working while reaching the age of 18, the social services will not be responsible for him and he will be considered as an adult. In **Finland**, at least 6 months before the turning 18, an independent promotion plan is drawn up together with the child. If the minor had obtained a residence permit (for asylum, subsidiary or humanitarian protection, or given for compassionate ground), his situation is not reviewed at the age of majority and the request for extension of the permit is then accepted. Support is provided by the municipality of residence until the age of 21 (Björklund 2015: 36). In the **United Kingdom**, every UAM aged 16 is accompanied by a personal advisor to help him or her draw up a pathway plan for their transition to adulthood. The treatment of unaccompanied minors who reach the age of 18, although all may be supported by local authorities until the age of 21, differs according to their status. If unaccompanied minors are asylum seekers at the age of 18, they will be treated differently depending on the state, while if they are refugees or have a form of international protection this is not analysed again. Unaccompanied minors who do not have this type of protection, once they reach 18 years of age, will be treated in the same way as adults are treated and may therefore request that their residence permit obtained from a minor be extended, but this will be at the discretion of the authorities (EMN 2015: 40-43). In **Italy**, when UAMs reach the age of majority, those who are included in

an integration process may request to remain in the care of social services and therefore be supported by them until the age of 21 (Article 13 of the Law n. 47/2017). Where an unaccompanied minor is granted refugee status, the situation shall not be reviewed on reaching the age of majority. If the minor has a residence permit of another type (for minors, for family reasons), this can be converted, on reaching the age of majority, into a permit for study or work. Since 2018, the possibility of receiving humanitarian protection (granted in most cases to minors who applied for asylum) has been eliminated, making it dangerous for a child who applies for asylum and is close to the age of 18 years, because, also because of the long timings of evaluation of applications, if the refusal were to occur once the person reached the age of majority, the person could no longer apply for a permit for minors who can then be converted (EMN 2017: 26).

Conclusions

All children, independently whether separated, unaccompanied or accompanied, shall enjoy the same rights, shall have access to education, healthcare and shall be given child-friendly information about any procedure that involves them.

The contribution of the public sector as well as civil society is crucial to ensure that the best interests of migrant children are determined and considered in identifying a durable/long-term solution for them, irrespective of whether they are alone, separated or with their families. Social and legal assistance, including youth welfare authorities if needed, shopping opportunities, as well as leisure activities are important factors for the well-being of asylum seeking families.

Being in touch with neighbours and local actors of civil society is essential for an early integration process (see the report Eurodiaconia 2019). Relevant NGOs should have access to reception centres where their services are needed,¹⁰⁵ and at the same time, children and their families should be encouraged to interact with the local community. Despite this being guaranteed by international law and national legislations, in practice, administrative and logistic barriers block or delay access to this services. This, together with the lack of appropriate accommodation and uncertainty about the legal situation, can hinder and delay the start of the integration process.

According to the 2017 Communication “Member States should establish procedures and processes to help identify durable solutions on an individual basis, and clearly set out the roles and duties of those involved in the assessment, in order to avoid that children are left for prolonged periods of time in limbo as regards their legal status. Access to education, healthcare and psychosocial support while awaiting the identification of a durable solution should also be ensured. Finally, Member States should seek to ensure availability of status determination procedures and resolution of residence status for children who will not be returned, in particular for those who have resided in the country for a certain period of time. Early integration of children is crucial to support their

¹⁰⁵ Art. 18 Par. 2c) Reception Conditions Directive 32/2013/EU.

development into adulthood. It is a social investment and essential factor contributing to societal cohesion overall in Europe. [...] children in this transitional phase should be provided with guidance, support and opportunities for continuing education and training. Furthermore, as is the case for children in State care who are EU nationals, mechanisms and processes need to be in place to help prepare children in migration in State care for the transition to adulthood/leaving care”.

The above comparative legal analysis among selected Member States shows that the 2017 Commission’s Communication on the protection of children in migration has created a good framework for Member States’ actions toward migrant children’s (and, in particular, the most vulnerable ones’) integration.

However, a lot still needs to be done, as children in migration are still facing challenges implementing the recommendations of the Commission communication. In particular, the subsequent 2018 European Parliament Resolution on the protection of children in migration¹⁰⁶ stated that a lack of reliable information, lengthy family reunification and guardian appointment procedures, together with the fear of being detained, sent back or transferred, result in children absconding, leaving them exposed them to trafficking, violence and exploitation, and that the lack of child protection services and activities for children at reception sites has a detrimental impact on children’s mental health. Among other things, the European Parliament urged Member States to speed up procedures for appointing guardians or temporary guardians for UAMs upon their arrival, stressed the importance for children’s information and emphasised that children must not be detained for immigration purposes, calling on Member States “to accommodate all children and families with children in non-custodial, community-based placements while their immigration status is processed”.

Member States shall learn from experiences that might result in positive outcomes in a broader context: for the purposes of exchanging best practices, therefore, fora and platforms shall be encouraged. An experience that might prove to be precious could be the European Network for Guardianship,¹⁰⁷ launched by the EU Commission in 2017 in the same Communication.

¹⁰⁶ European Parliament resolution of 3 May 2018 on the protection of children in migration: https://www.europarl.europa.eu/doceo/document/TA-8-2018-0201_EN.html?redirect#ref_1_7.

¹⁰⁷ All information on the European Network for Guardianship is available here: <https://www.egnetwork.eu/>.

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