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## Reintegration as a Problem of Unaccompanied Refugee Minors in European and Italian Legislation

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**ABSTRACT:** Having provided numerous provisions, European and Italian legislation have tried over time to regulate the migration flow of unaccompanied minors on their territory in terms of integration. In this text I examine the existing literature on the subject and the legislative measures provided by both European and Italian legal systems to illustrate what measures have been implemented for the reintegration and protection of third-country unaccompanied minors who arrive on the territory of the European Union. I also illustrate the difficulties in their reintegration. The results of the review show that despite the large number of dispositions provided by both European and Italian immigration law, the European Union has yet to define efficient legislation on unaccompanied minors. Italy still has not adopted a specific and organic regulation related to unaccompanied minors, and the existing integration provisions are not implemented equally in every region. Due to the lack of an Italian national body specifically competent at monitoring minors, precise data on UMs<sup>1</sup> are unavailable. Once they enter Europe through land or sea borders, most unaccompanied minors do not contact local authorities, and they tend to go missing. Thus, complete protection of minors in transit is almost impossible. In conclusion, the review shows the necessity of greater efforts of European countries in collecting data on UMs and strengthening their legal framework. Italy should regulate a complex, structured, organic immigration law on unaccompanied minors in order to fulfil the UMs' specific needs.

**KEY WORDS:** Asylum Seeker, Migrants, Refugees, SPRAR (Sistema di Protezione Richiedenti Asilo e Rifugiati – Protection System for Refugees and Asylum-seekers), Unaccompanied Minors

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<sup>1</sup> UMs – Unaccompanied Minors.

## Introduction

According to Di Castro (2010), “in recent years no in depth research including both a qualitative and a quantitative methodology has been carried out to investigate the situation of refugees in Italy and their reintegration process” (Di Castro, 2010: 101). This article aims to illustrate the difficulties in the integration of unaccompanied refugee minors due to the lack of a clear legislative framework and due to the lack of national bodies competent at tracing and monitoring UMs. Frequent infringements of legislative measures prevent young foreign children from integrating properly. As Kanics and Hernández’s (2010) examination on EU Member States’ legislation dedicated to unaccompanied children shows, most European countries usually employ a combined approach of immigration and asylum provisions. These regulations try to limit the number of arrivals with an ambiguous approach to the vulnerable situation of these children. In Italy this leads to the application of general law aimed at protecting children at risk of abandonment. In addition, Italy has established long and complex registration procedures of unaccompanied migrant children. Therefore, “a significant number of minors who go missing or leave care facilities after a short stay have never been registered in the official statistics” (Kanics & Hernández, 2010: 5). Despite the fact that Italy had created a national body called “Committee for Foreign Children”, a public body charged with conducting the census of unaccompanied and separated children, it provided statistics irregularly. However, since 2012 the Committee is no longer in operation, following the decision expressed in the Decree No. 95 of 2012.

In the first half of 2015, Italy recorded 67,500 arrivals by sea. 85% of the immigrants arriving in Southern Europe come from Syria, Afghanistan, Iraq and Somalia (“The Sea Route to Europe”, UNHCR, 2015: 3). Despite the large number of refugees and migrants coming to Southern Europe, the majority of them are in fact willing to continue their journey to the countries of Northern and Western Europe which “are perceived as offering more effective protection, better support for asylum-seekers, a more welcoming environment, and easier prospects for integration” (“The Sea Route to Europe”, UNHCR, 2015: 16).

As a matter of fact, Italy registered only 28,000 claims for international protection out of 67,500 arrivals. The number of unaccompanied minors arriving in different Member States of the European Union is on the rise. According to

the United Nations High Commissioner for Refugees report “The Sea Route to Europe”, 8% of migrants and refugees who arrived in Europe were unaccompanied minors. Unaccompanied minors seeking asylum in the EU are mainly young males aged between 16 and 17 (Frontex, 2010: 4). They are minors not accompanied by their parents or legal guardians; these circumstances put them in a specific, vulnerable situation. Unaccompanied minors are first of all children; they cannot be treated as adults since they are entitled to specific rights. They should be sheltered from risks that could endanger their psychophysical development; they should have full access to education in order to maintain a dignified standard of living. They should also enjoy the right to be protected against violence, mistreatment and exploitation.

According to Save the Children, the number of unaccompanied minors who arrived on the Italian territory in 2015 was 12,272 (Save the Children, 2016). Italy, which has always been a country of emigration, actually became a country of significant immigration only in the late 1980s, and has struggled with its new condition for a considerable period of time (Finotelli & Sciortino, 2009: 120). As a matter of fact, Italy dealt with massive immigration phenomenon for the first time in 1990, passing the Act No. 39 known as “Martelli Act”, which defined asylum procedures, “introduced visa requirements for most migrant-producing countries, reformed the deportation procedures for irregular immigrants and introduced sanctions for migrant smugglers and traffickers” (Finotelli & Sciortino, 2009: 123). Only in 1998 Decree No. 286, included in the so-called “Turco-Napolitano Act”, regulated for the first time the immigration phenomenon in terms of integration. As Zincone and Caponio (2005) point out, the Turco-Napolitano Act had four main purposes: “1) preventing and combating illegal entry; 2) regulating new flows of foreign workers; 3) promoting the integration of immigrants holding a valid residence permit; and 4) granting basic individual rights to illegal immigrants” (Zincone & Caponio, 2005: 4). However, unlike other European countries, Italy has not yet approved a complex regulation related to the reintegration of unaccompanied minors. Therefore, legislation on minors and the so-called “Unified Code on Immigration” have to be implemented. The “Unified Code on Immigration” does not only provide dispositions on unaccompanied refugee minors’ reintegration, but includes integration provisions referring to asylum-seeking minors. An asylum-seeker is a person who is awaiting the evaluation of his or her request by the country of

asylum. While an economic migrant decides to move in order to pursue better prospects for life, a refugee is forced to move, facing many terrible difficulties, such as persecution, loss of economic means, social support and a dangerous journey (Catarci, 2012: 76). The proliferation of decrees and circulars on the integration of UMs has caused difficulties in interpreting the immigration provisions and praxis by local entities and courts (Salimbeni, 2011). For instance, a common procedure concerning age assessments has yet to be defined; each Italian local authority has reached a different agreement with stakeholders on age assessment, which plays a key role in the protection of minors. Many UMs arrive without identity documents, birth certificates or travel documents and lacking any satisfactory evidence of their age. This poses an additional challenge in cases of children approaching the age of 18. An incorrect assessment of a minor's age may lead to grave consequences, denying vulnerable UMs rights they are entitled to and putting them in dangerous situations (Mougne & Gray, 2010: 1). One of the current practices on age assessment in Italy is the measurement of wrist and dental mineralisation, which often results in misleading medical reports (Schiavone, 2009: 224).

According to "Mid-term report on the implementation of the Action Plan on Unaccompanied Minors" released by the European Commission on 28 September, 2012, "*Member States should invest additional efforts in the quantitative and qualitative data gathering and exchange regarding UMs, including gender desegregated statistics*". In the resolution of 12 September 2013 the European Parliament calls on the Member States and the Commission to improve the collection of statistics on UMs, including age and gender statistics, to improve the comparability of statistics collection across Member States and to establish a coordinated method for gathering and sharing information in each Member State.

As enhanced by the "7th Report on the Implementation of the CRC", Italian authorities should establish a national, specific, and permanent body which would supervise and monitor the UMs' conditions while gathering data on them.

According to Di Castro's research (2010), "despite positive examples of interpersonal relationships with Italians, the majority of refugees pointed to a high level of discrimination and prejudice that jeopardise their acceptance by Italian society". In addition, Italian political elites and media have played a crucial role in the spreading and legitimization of "both overt and covert forms of xenophobia and racist discourse over time" (Di Castro, 2010: 110).

In conclusion, despite the efforts of Italian governments to define effective rules for UMs, the unclear legal framework, lack of equally implemented praxis, and the violation of legal provisions, place the UMs in a vulnerable position.

## Methodological assumptions of the research

This review aims to describe the problem of reintegration of unaccompanied refugee minors. First the review focuses on international regulations, including the definition of an “asylum seeker”. It proceeds to the European directives of the European Parliament and the European Council, followed by Italian regulations.

### Who are unaccompanied minor refugees and why do they come to the European Union?

There is no single definition of an “unaccompanied minor”; in virtue of the UNHCR “Refugee Children: Guidelines on Protection and Care”, unaccompanied minors *“are those who are separated from both parents and are not being cared for by an adult who, by law or custom, is responsible to do so”* (UNHCR, 1994: 121). The terms “unaccompanied minor” or “unaccompanied child” should be used instead of an “orphan”, which defines a child whose parents are both dead. This definition always requires careful verification and the status must never be assumed. Thus, it is necessary to identify the minor in order to meet his or her developmental and physical needs, and to trace parents and other relatives.

In virtue of Article 2, Section 1, clause l) of the Directive 2011/95/EU (known as “Qualification Directive”) the term unaccompanied minor denotes *“a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States”*. Previously, a similar definition had been given in the European Council Resolution of 26 June 1997 on UMs who are nationals of third countries.

According to the “General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside Their Country of Origin”, there are several reasons for a child being unaccompanied or separated from his or her parents and travelling to Europe: “persecution of the child or the parents, international conflicts and civil wars, trafficking in various contexts and forms, including sale by parents, and the search for better economic opportunities” (Committee on the Rights of the Child, 2005: 5). They flee their country of origin in order to find a better life, to join family members, or to avoid being exploited in forced labour or by becoming victims of sexual abuse (European Migration Network, 2009: 13). A large number of UMs have concerns primarily with the definition of their legal status (being an underage child), while their second challenge is securing a job.

The European Union has adopted a wide range of measures to help unaccompanied minors, such as “ensuring representation, placing them with adult relatives, foster families or in accommodation centres with special provisions for minors or in other suitable accommodation” (European Commission, 2012).

## **The international status of Unaccompanied Refugee Minors**

The treatment of children in situations of international armed conflict and non-international armed conflict was addressed in the 1949 Fourth Geneva Convention and the additional Protocols of 1977.

In 1989 the General Assembly of the United Nations adopted the “Convention on the Rights of the Child”; this Convention changed the way children were viewed and treated, i.e. as human beings with a distinct set of rights instead of as passive objects of care and charity.

However, there is no Convention dealing specifically with unaccompanied children which defines the need for durable solutions. In the absence of clearly defined regulations, the rules for the treatment of unaccompanied refugee minors “can be derived from three sources: a) international conventions; b) international documents and declarations or resolutions, not having the status of conventions and protocols; and c) the family and child welfare law of the country in which the child has sought refuge” (Pask, 1989: 200).

Asylum right was defined by State parties of the UN General Assembly after World War II in the 1951 Convention relating to the Status of Refugees, known as the “1951 Convention” and its 1967 Optional Protocol relating to the Status of Refugees. Article 1 of the Convention defines an asylum seeker as “ [...] *a person who seeks international protection outside his or her country of nationality or habitual residence and who is unable or unwilling to return due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion*”. The 145 State signatories of the Convention are under no obligation to grant the right of asylum to those who have claimed it; however, it is widely accepted that they have to ensure the “*non-refoulement principle*”, which has been defined in several international instruments. In fact, Article 33, Section 1 of the 1951 Convention provides that: “*No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.*”

A new issue has gained greater importance in the international panorama: climate change has forced many people to flee their countries and come to Europe because of natural disasters, such as sea level rise (Jane McAdam, 2011: 16). However, the so-called internally displaced persons (IDPs) are not considered refugees: neither in the 1951 Convention nor the 1967 Optional Protocol.

The Convention on the Rights of the Child adopted on 20 November, 1989 in New York, defines the “principle of non-discrimination” in Article 2. It states that “*States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind*”. Article 3 of the same Convention affirms that the best interests of children must be a primary concern in making decisions that may affect them. All adults should do what is best for children; they should consider the effect their decisions will have on them (UNICEF Fact Sheet: A summary of the rights under the Convention on the Rights of the Child). Article 22 states as follows: “*States Parties shall take 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.*” Moreover, the Convention has

established a special regulation, Article 20, Section 1, to ensure that children who are temporarily or permanently deprived of their family environment are provided with assistance and protection by the State Party. According to Article 20, Section 2, all States shall ensure alternative care for aforementioned children in accordance with their national laws.

## **In Europe – the Common European Asylum System**

Since 1999 The European Union has implemented numerous legislative measures in order to harmonise and establish an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the European Union. During the meeting in Tampere on 15 and 16 October, 1999, the European Council agreed on creating the “Common European Asylum System (CEAS)” based on the application of the 1951 Geneva Convention. Combining different legislative measures, the European Union has secured common minimum standards among the member states regulations for asylum-seekers, primarily with the Directive of 27 January 2003 No. 9. This directive aims to harmonise the conditions for the reception of asylum-seekers thus ensuring them a dignified living standard and comparable living conditions in all Member States. The Directive 2003/9/EU has recently been replaced by the Directive 2013/33/EU, which has entitled new forms of assistance to unaccompanied minors. For instance, unaccompanied minors’ freedom can be restrained only in exceptional circumstances, and they shall be released as soon as possible (Article 11, Section 3). Unaccompanied minors shall never be detained in prison, and Member States shall provide them with accommodation in institutions with specialised personnel and facilities which take into account the needs of children. The chapter dedicated to the vulnerable persons of the new Directive 2013/33/EU, Article 23, Section 1, states that the best interests of minors should be a primary consideration of Member States, ensuring a standard of living adequate for the minor’s physical, mental, spiritual, moral and social development. In particular, the following need to be provided: “(a) *family reunification possibilities; (b) the minor’s well-being and social development, taking into particular consideration the minor’s background; (c) safety and security considerations, in particular where there is a risk of the minor being a victim of*

*human trafficking (d) the views of the minor in accordance with his or her age and maturity*” (Article 23, Section 2). Article 24 is dedicated to unaccompanied minors, specifically it states that “[...] *all Member States have to ensure that a representative represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided*” by the Directive 2013/33/EU. The representative shall perform his or her duties in accordance with the principle of the best interests of the child as described in Article 23, Section 2 of the same directive. Unaccompanied minors who have requested international protection shall be placed with adult relatives, with a foster family, “in accommodation centres with special provisions for minors or in other accommodation suitable for them”. In accordance with Article 23, Section 3, it is established that Member States shall start tracing the unaccompanied minors’ family members as soon as possible after the minor has applied for international protection.

Directive 2013/33/EU entitles all applicants seeking international protection to medical assistance on public health grounds, and to applicants who are minors, access to the Member States Education System, under similar conditions to their own nationals.

Moreover, Article 23, Section 4 of the same Directive ensures access to rehabilitation services and mental health care for every minor who has been victim of any kind of inhuman and degrading treatment, or who has suffered as a result of armed conflicts.

### **Italian definition of an Unaccompanied Minor**

According to the decree of the Prime Minister No. 535/1999, an unaccompanied minor is a person who remains on the territory of Italy for any reason, who has neither Italian nor European citizenship; a person who has not applied for international protection, lacking the assistance and representation of his or her parents or any adult who is responsible for him or her under the Italian law (Biondi Dal Monte, 2015). The reception of unaccompanied minors is entrusted to the Italian Authority “Direzione Generale dell’Immigrazione e delle Politiche d’Integrazione” (General Direction of Immigration and Integration Policies).

## Assistance to Unaccompanied Minors on the Italian ground

Minors arrive in Italy following many different paths; some travel with a professional trafficker with forged documents, some are accompanied by an acquaintance and face the clandestine journey by sea, some move in a highly independent way passing through various places on their own. After their arrival in Italy, UMs try to reach their adult references and this is one of the reasons why they tend to go missing (Vacchiano, 2010: 118).

In Italian legislation there are no forced returns, according to Article 19, Section 2 of the Decree No. 286, 25 July 1998: “*Expulsion is not allowed, excepting the cases provided for by Article 13, Paragraph 1, against: a) aliens not of age, withstanding the right to follow an expelled parent or custodian*”. Therefore, after research on the minor’s personal situation in his or her original country, authorities can enact an assisted repatriation of the minor only:

- 1) If it meets his or her needs and interests,
- or
- 2) In order to grant him or her family reunification right (Elena Rozzi, 2004. *Vademecum sui diritti dei minori stranieri non accompagnati*).

These provisions have been widely infringed since many UMs have been returned to the frontiers, or placed in CIEs (Identification and Expulsion Centres) (Piraino, 2013: 17). For instance, Italy was condemned by the European Court of Human Rights for infringing the “principle of *non-refoulement*” in the case “Sharifi and Others v. Greece and Italy”, concerning UMs who disembarked on the Italian coasts and were returned to Greece. In June 2015, following a mission to Italy, the Human Rights Council reported with particular concern on the returns of individuals, including unaccompanied minors and adult asylum seekers, in the context “of bilateral readmission agreements, mainly due to inadequate or non-existing screenings that fail to determine age or to inform asylum seekers of their rights” (Human Rights Council, 2015: 14).

When an unaccompanied child is intercepted on the Italian territory, the General Direction of Immigration and Integration Policies, a department of the Ministry of the Interior, has to place him or her in a secure place. Conforming to the “Conferenza Unificata – Intesa tra il Governo, le Regioni e gli Enti locali sul piano nazionale per fronteggiare il flusso straordinario di cittadini extracomunitari, adulti, famiglie e minori stranieri non accompagnati” (Agreement

between the Government and Regions and Local Authorities on a national plan in order to face the extraordinary migratory flow of third country nationals, adults, families, and unaccompanied minors) No. 77/CU dated 10 July, 2014, UMs should be placed in temporary accommodation, the so called “Centres for First Aid and Reception” (CPSA), in order to pursue family tracing and to undertake age assessment. All UMs shall spend there from 30 up to 120 days. In recent years, due to the intensification of the migration flow, CPSAs have usually been overcrowded. Therefore, UMs are located in other types of accommodation, i.e. hotels. For instance, in January 2011, due to the lack of space in Lampedusa centre, the authorities lodged UMs in the 4-star Hotel “Macondo” (Accorinti, 2012: 14).

All UMs have the right to demand a residence permit for underage children. Once a minor has turned 18, this permit can be transformed into a permit for subordinate work or autonomous work – a permit for study reasons and health or medical treatment reasons.

Authorities have to make an attempt to trace the UM’s family members within 60 days from his or her interception. According to Article 2, Section 2 of the Decree of the Prime Minister No. 535, a minor needs to be consulted concerning the possibility of repatriation. However, it is up to the child to take the decision of returning to his original country and only if this decision meets the child’s interest, as regulated in the Article 28 of the Legislative Decree No. 286/1998; *“In all the administrative and jurisdictional proceedings aimed at implementing the right to family unity and concerning minors, it is necessary to take into consideration with priority the higher interest of the minor, compliantly with what provided for by article 3, paragraph 1, of the Convention on the rights of the child dated 20 November 1989, ratified and made executive pursuant to Law No. 176 dated 27 May, 1991.”*

Article 9, Law No. 184/1983 states that any person who contacts a child in state of abandonment may refer him or her to public authorities. Civil servants and public servants must report to the “Tribunale dei Minori” (Office of the Public Prosecutor at the Juvenile Court) on the conditions of the abandoned minor. According to the Civil Code, Article 403, *“when a child is in a situation of danger to his or her physical and psychological well-being, public authorities shall place him or her in a safe location until a long term solution is found”*. Within 10 days the minor is asked by a social worker about his or her

identity, family and personal conditions, with the support of a linguistic mediator. During the interview social workers should inform the minor of the possibility to request international protection. A legal expert should inform UMs about the advantages and disadvantages of formalising the request for asylum; for instance, the residence permit for asylum allows a 16-year-old UM to work, but it implies a breakup with his or her original country. The presence of a psychologist during the interview is not required (Gruppo Nazionale PAM, 2006).

If the minor does not possess any identification documents, his or her identity and age have to be established, even in collaboration with the diplomatic authorities of the minor's original country. In order to define the UM's age, the authorities must undertake a non-invasive medical test. As the Resolution 2012/2263(INI) reminds us, the European Parliament deplors "*the unsuitable and intrusive nature of medical techniques used for age assessment in some Member States, which may cause trauma, and the controversial nature and large margins of error of some of the methods based on bone maturity or dental mineralisation*". In fact, the Parliament states in Paragraph 15 "*that age assessment must be conducted with due respect for the child's rights and physical integrity and for human dignity, and that minors should always be given the benefit of the doubt*".

According to Save the Children (2010), age assessment in Italy is usually conducted without the support of a linguistic mediator, in other words, without the informed consent of the minor, breaching Article 32 of the Italian Constitution: "*No one may be obliged to undergo any health treatment except under the provisions of the law*". In case of incorrect age assessment, results may lead to grave consequences, i.e. repatriation.

According to Schmelinga & Reisingerb & Gesericka & Olzea, "[...] age estimates should consist of a physical examination which also records anthropometric data, signs of sexual maturation and potential age-relevant developmental disorders, an X-ray of the left hand and a dental examination which records dentition status and evaluates an orthopantomogram" (Schmelinga & Reisingerb & Gesericka & Olzea, 2006: 61). In Italy the most common practice is the X-ray of the left hand wrist. This practice adopts a technique called "1959 Greulich and Pyle Atlas". This method of evaluation of skeletal age uses a series of radiographs collected in the 1930s; despite the widespread use of this technique its suitability is now debatable (Tisè & Mazzarini & Fabrizzi & Ferrante & Giorgetti &

Tagliabracci, 2011: 412). In the study “Applicability of Greulich and Pyle method for age assessment in forensic practice on an Italian sample”, the results highlight the problem of evaluating a safe range for age estimation. This range varies from 0.4 to 4.1 years; 50% of observations ranged from 0.2 to 1.8 years of margin of error. According to Italian legislation, this margin of error does not need to be mentioned in medical reports (Pannia, 2014).

In addition, a clear and detailed set of rules on age assessment is yet to be laid down. In fact, the new circular of the Ministry of Interior (dated 9 July 2007) has defined new criteria in order to determine the age of the minor. However, this circular does not delineate a common procedure which has to be implemented in every region. Further, in March 2014, the President of the Council of Ministers adopted the Legislative Decree No. 24, on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. According to Article 4, Section 2 of this decree, the Prime Minister has to issue a protocol on age assessment of unaccompanied minors. This test should be conducted through a multidisciplinary approach, by specialised personnel and following appropriate procedures taking into account the specificities of the child’s ethnic and cultural features. This protocol has not been adopted yet. In case of uncertainty surrounding a migrant’s age, the international community agrees on granting the “favor minoris”, so that it is presumed that the migrant is under-age. It is a primary necessity to determine the child’s age in order to avoid discrimination or expulsion.

### **An Unaccompanied Minor seeking asylum**

The Council Regulation 343/2003/EC of 18 February 2003 established new criteria and mechanisms for determining the Member State responsible for examining an asylum application (the “Dublin II Regulation”). This regulation provides the possibility for children to join their family in Europe and to be reunited with family members in another EU Member State. Article 6 states that *“Where the applicant for asylum is an unaccompanied minor, the Member State responsible for examining the application shall be that where a member of his or her family is legally present, provided that this is in the best interest of the minor”*. Furthermore, “if an unaccompanied child has travelled through more

than one Member State, the State where the child claims asylum is responsible for processing the claim” (Feijen, 2008: 7).

Regarding the Italian regulations, since unaccompanied minors are the most vulnerable category among all migrants, Italy has developed a special procedure in order to ensure protection to every single minor who is separated from his or her parents and who seeks asylum. As this document reveals, Italy has yet to adopt a specific legislation on unaccompanied minors, therefore the legislation on minors and the “Testo Unico dell’Immigrazione” (Unified Code of Immigration) must be implemented.

According to the “Report of the General Direction of Immigration and Integration Policies”, dated 30 April, 2015, since January 2015 1,112 requests for international protection have been submitted by UMs. The number of applications for international protection has increased by 45.5 % compared to 2014. A large number of these applications come from Gambia (36.1%), Senegal (13.1%) and Bangladesh (11.6%). 65.1% of the requests have been submitted by residents of sub-Saharan countries (Ministero del Lavoro e delle Politiche Sociali, Direzione generale dell’immigrazione e delle politiche di integrazione (30 April 2015) *I Minori Stranieri Non Accompagnati (MSNA) in Italia Report di Monitoraggio*, 2015: 7).

The reception of asylum requests has been regulated mainly by the Directive of the Minister of Interior dated 7 December, 2006. In virtue of this directive, when public servants, civil servants, healthcare or social workers intercept an unaccompanied minor on the Italian territory, they are obligated to inform the minor about the application procedures to obtain international protection, if necessary with the support of a linguistic mediator. All of these actors have to file a report and immediately deliver it to the local “questore”.<sup>1</sup>

Once he or she has submitted his or her request for international protection, the minor is lodged with Municipal Social Services, under the supervision of the “Protection System for Refugees and asylum-seekers” (SPRAR – Sistema di Protezione Richiedenti Asilo e Rifugiati). Municipal Social Services provide support to the asylum seeker to fill in the “C3” form<sup>2</sup>; they have to be heard and their opinion has to be taken into account before making any decision.

<sup>1</sup> Questore – the chief of the municipality police office.

<sup>2</sup> A verbal declaration requesting the recognition of refugee status.

Once the “questore” has been informed of the presence of a minor on his or her competence territory, or has received a request for asylum, he or she shall place the minor temporarily with Municipal Social Services and notify the minor’s presence to Family Court of the district where the minor is located and to the “Giudice Tutelare” (Guardianship Judge) (ANCI, Dipartimento per le Libertà Civili e l’immigrazione -Department for Civil Liberties and Immigration, 2011). Regardless of whether the child has entered the territory legally or illegally, even when he or she has lost travel documents, the UM is to be placed under the jurisdiction of the Family Court of the district where he or she is located, in virtue of the Decree No. 251, dated 19 November, 2007. A Judge has to appoint a legal guardian within 48 hours following the communication by the Police Immigration Office (Questura). Judges tend to appoint legal guardians after several weeks since the submission of the asylum request and not to appoint a legal guardian when a child is 17. According to Pannia (2014), Judges appoint legal guardians from 3 up to 6 months after the minor’s interception. Guardians should be trained to deal with asylum-seekers and to meet their specific needs, including cultural, social, and religious needs; however, Italian legislation regulates only the economic aspects (Article 357 of the Civil Code). There is no monitoring system to verify how legal guardians act and perform their mandate. Usually it is the Mayor of the Municipality where the UM is lodged who is in charge of the guardianship; he or she usually delegates this duty to other individuals who provide social assistance or other services for the Municipality. In fact, these persons have to deal with a high number of other vulnerable individuals (elderly, disabled etc.). Thus, they do not have enough time to properly fulfil their mandate with unaccompanied refugee minors (Italian Council for Refugees (CIR)).

As enhanced by Schiavone (2009), in the Municipality of Rome guardians are appointed within 2 or 3 months. In case of lack of space in the “Centres for First Aid and Reception”, UMs are usually lodged in the so-called “secondary reception centres” which are situated in other municipalities close to the Municipality of Rome. Thus, UMs and guardians do not even have contact as guardians are usually appointed in municipalities kilometres away from where the minor is located.

Even when UMs are intercepted by offices of border police or in police headquarters, those actors have to guarantee minors an effective access to asylum procedures.

When the competent municipal authority receives notification of the presence of an unaccompanied minor, it contacts the SPRAR – Protection System for Refugees and asylum-seekers, in order to find a place to accommodate the UM. He or she is to be placed in the nearest local centre of the SPRAR. This body has to inform the Department for Civil Liberties and Immigration of the UM's accommodation. The UMs' application for international protection cannot be formalised until the Judge appoints a guardian. Once the guardian has contacted the competent police headquarters and has heard the minor, he or she confirms the minor's request for asylum (ANCI, Dipartimento per le Libertà Civili e l'immigrazione -Department for Civil Liberties and Immigration, 2011). The guardian will assist the UM during this whole period, will work with the UM towards a durable solution and will thus have an important role to play in the UM's integration. However, no specific provisions concerning the rules that should be followed exist. As enhanced by the "7th Report on the Implementation of the CRC", the legislation about the UMs guardianship is not equally implemented in every region of Italy.

### **The presence of Unaccompanied Minors in Italy**

It is extremely difficult to access up-to-date and accurate statistics that reflect the true scope of the phenomenon of the Unaccompanied Minors' migration in Europe. It is possible to shed light on different gaps:

- a) Lack of homogeneity: in the European Union, "every country uses different methods of compilation and as a consequence various national statistics reflect different realities" (Kanics & Hernández, 2010: 6). For instance, Italy notes the total number of children inside the care system on a certain date, "*While other countries count the number of children admitted into care services during a certain period (Spain)*" (Kanics & Hernández, 2010: 6).
- b) Lack of regularity: Italy created a national body called "Committee for Foreign Children", a public body that used to conduct a census of unaccompanied and separated children. However, this provided irregular statistics. Since 2012 this Committee no longer exists.
- c) Lack of accuracy: Italy has set up long, complex procedures for the registration of unaccompanied migrant children. "As a result, a significant number of children who go missing or abandon the care facilities after

a short stay, are never registered in the official statistics” (Kanics & Hernández, 2010: 6).

According to the “5th Annual Report on Immigration and Asylum (2013)”, European Union Member States reported that the number of UMs applying for international protection in 2013 was 12,425; they came mostly from Afghanistan (3,310), Somalia (1,580), Syria (1,010) and Eritrea (715). They are mainly teenagers between 14 and 18 years old (European Commission, 2014: 4). The majority of these children were received by Sweden, Germany, the UK, Austria and Italy (European Commission, 2014: 4). As illustrated by the Report of UNHCR “Protecting Children On the Move”, many UMs “tend to avoid entering any national protection mechanism, or abandon their reception facilities shortly after arrival for fear of jeopardising their migratory plan to reach the envisaged destination” (Report of UNHCR “Protecting Children On the Move”, 2012: 5).

A consistent number of unaccompanied minors do not apply for asylum in the Member State that registered their arrival. This happens for two reasons:

- 1) The minor may want to reach a contact person or a relative in another country rather than the country of arrival,

and

- 2) Usually he or she is afraid to be sent back to the country of origin.

The majority of UMs are believed to be using an intra-Schengen route: Italy – Germany – the Netherlands – Sweden and Norway. They usually disappear from the asylum camps a short time after they have applied for asylum and before the age-testing procedure and the asylum interview. In Italy, UMs tend to leave the centres due to “the lack of clear public reception projects or because of the impossibility to achieve regularisation when they come of age” (Vacchiano, 2010). According to the Frontex agency (2010), most of them tend to avoid authorities, do not ask for international protection and leave the reception centres within 24 or 48 hours (Frontex, 2010: 23). Thus, once they are intercepted in Norway or Sweden, authorities have to implement the Dublin Regulation, therefore, UMs are returned to Italy (Schiavone, 2009). For the aforementioned causes and due to underreporting and incoherent data management, the total number of children crossing the EU borders remains unknown. For instance, in 2013 the British Asylum Screening Unit estimated that 60% of the UMs accommodated in the United Kingdom social care centres go missing (Frontex, 2010: 22).

**Table 1: The Presence Of Unaccompanied Minors in Italy (Report nazionale minori stranieri non accompagnati – Aggiornato al 31 gennaio 2015, p. 2)**

GENDER	PRESENT	% PRESENT	MISSING
MALE	9,377	94,9	3,270
FEMALE	509	5,1	
TOTAL	9,886	100,0	

According to the report released on 31 January, 2015 by the Ministry of Labour and Social Policies, the number of unaccompanied minors in Italy is 9,886; however, there is a large number of UMs unaccounted for as you can see in the table above.

According to ANCI (2015), 73% of UMs who arrived on the Italian territory are aged between 17 and 18 years old and 19% are aged between 15 and 16 years old (ANCI et al., 2015: 33). In addition, the report of July 2012 by UNHCR strongly recommended Italy to define a central body specifically competent at providing international protection to unaccompanied minor asylum seekers.

## SPRAR

According to Article 26, Section 6 of the legislative decree No. 25/2008, UMs shall not be detained in CIE (Centre of Identification and Expulsion) nor in CARA (Reception Centres for Asylum Seeker). All UMs shall be lodged in SPRAR centres which undertake programmes dedicated to minors.

The “Protection System for Refugees and Asylum-Seekers” is a network of local authorities’ centres financed by the Ministry for the Interior-Department of Civil Liberties and Immigration, through the “National Fund for Asylum Policy and Services”, that aims to support and protect asylum-seekers, refugees and immigrants who fall under forms of humanitarian protection. Those centres are managed by local authorities through the National Association of Italian Municipalities in cooperation with NGOs (ANCI et al, 2015).

One of the criticisms enhanced by Schiavone (2009) is that this network of local entities does not represent an “integrated national system”, enacted by a precise regulation defining the process of minors’ reintegration. Indeed, it is

discretionary to local bodies to undertake the SPRAR programme. Therefore, it is impossible to acknowledge accommodation availability in reception centres, since there is no electronic database (Pannia, 2014).

Despite the availability of other types of accommodation, such as CARA or CIE, emergency reception centres that host significant numbers of persons at one time, the SPRAR centres aim at integrating asylum-seekers and refugees in the Italian society. The SPRAR provides numerous services, such as initial care, but also integration services. For instance, “Care Services” include:

- support of a linguistic mediator,
- supply of food vouchers for board,
- assistance in procedures to access social, health and educational services.

“Integration Services” comprise:

- orientation in relation to employment,
- enrolment in training courses,
- professional re-training,
- support in looking for employment and accommodation (Pratomigranti – SPRAR Project Protection System for Refugees and asylum-seekers<sup>3</sup>).

Since these minors will be staying in SPRAR centres for a relatively long period of time, accommodation centres have to prepare them to live autonomously.

In 2015, 430 reception projects have been adopted, 52 of which are dedicated to unaccompanied children. In case a place in SPRAR centres is not available, UMs are placed in specialised centres for children. The “Protection System for Refugees and Asylum-Seekers” has involved 379 local authorities, providing 21,449 places to refugees, 941 of which have been reserved for unaccompanied refugee minors (Anci et al., 2015: 116).

### **The “Integrated Reception”**

SPRAR projects are “integrated reception” programmes organised and run by local authorities, who not only provide food but also information, assistance, orientation, individualised socio-economic integration and accommodation.

<sup>3</sup> [http://www.pratomigranti.it/index.php?pos=1&id\\_sezione=177&id\\_lingua=2](http://www.pratomigranti.it/index.php?pos=1&id_sezione=177&id_lingua=2), Access date: October 10, 2015.

### *Accommodation*

The right to accommodation has been granted to Unaccompanied Refugee Minors in Italy and Europe since the Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries. In fact, in pursuance of Article 4 Section 4 “*Member States should normally place unaccompanied Minors during the asylum procedure:*

*(a) with adult relatives, (b) with a foster-family, in reception centres, with special provisions for minors, or (d) in other accommodation with suitable provisions for minors, for example such as to enable them to live independently but with appropriate support.”*

In the decree of 18 August 2015 No. 142, two levels of housing care have been established. The first one is the first care reception in CPSA, which provides a short-term assistance programme entitled to small groups of children. Within one month social workers are obliged to develop a long-term educational project for the UMs. In the second level of housing care, UMs are referred to SPRAR centres or to other residential care (foster families or reception communities), where they would stay until their 18th birthday (Cittalia, 2014).

All reception centres have to provide specific facilities that should be adapted to UMs’ specific profiles, with personnel specifically assigned to them. However, due to the lack of space in UM camps, they are usually lodged in reception facilities for adults.

All centres have to guarantee an educational space which reproduces a familiar environment where minors can feel comfortable and protected and where they can feel free to express themselves. Social workers should evaluate the centre facilities in terms of professional abilities and with regard to the regional activities concerning minors, such as education, leisure, sports centres. The centre must ensure personal space for each minor, but it should also provide areas where they can socialise (for spare time, study or where they can play games).

Since the majority of UMs arrive in Italy during their adolescence, they are typically at a stage in their development where peer friendships and support are particularly significant. After the loss of their community they should have opportunities to connect with people. Therefore, each centre should ensure the presence of qualified personnel who would implement an individualised project on each minor. The reception workers play an important role in establishing a connection with the minor and helping him or her to define a life project. UMs

should be supervised also during nights; for every 3 UMs there is an assigned social assistant who will monitor the UMs during their stay in the centre (ANCI et Dipartimento per le Libertà Civili e L'immigrazione – Department for Civil Liberties and Immigration, 2011).

### *Personalised Education Project*

According to the Recommendation CM/Rec (2007)9 of the Council of Europe, “*Member States should ensure life projects to UMs, which aim to develop the capacities of minors allowing them to acquire and strengthen the skills necessary to become independent, responsible and active in a society*”. According to Section 2 of the Recommendation, every State Member should have “a holistic approach, every life project should take account of the child’s specific situation”.

The majority of UMs arrive by sea. The journey is mostly seen by them as a transition from one phase of life to another, a “rite of passage”. UMs’ life after the arrival in the destination country is generally accompanied by a feeling of freedom and personal success, although a sense of responsibility for the family and an awareness of their explicit or implicit expectations gradually emerges. Many UMs speak with pride about the investiture received from their families, sometimes expressed by formulas such as “Now you are grown up, we are satisfied with you” (Vacchiano, 2010: 120). As pointed by Vacchiano (2010), many Moroccan UMs explain their migration stating that they left “to save their parents”; they become aware of their mission.

In fact, they perceive themselves as “adults”. UMs have concerns primarily with the definition of their legal status (*underage child*): the definition of a “minor” or a “child” has a different connotation in most African or Asian cultures. Secondly, they have concerns with securing a job, thus these children do not accept being repatriated because they want to fulfil their parents’ expectations (Rania & Migliorini & Sclavo & Cardinali & Lotti, 2014: 293). In those cultures being a child can mean more burdens than rights; in most cases, minors play an important role in family economy and in their upkeep, since minors usually start working when they are about 6 or 7 years old. As described by the “First Psycho-social Guide for Operators Involved in the Reception of Unaccompanied Foreign Minors” by the NGO “Terres des Hommes”, many

UMs have experienced hardships, a large number of them feel guilty for having survived the journey, or they feel ashamed of themselves because they have witnessed a killing of a friend or a companion and were unable to help them. Most of them have experienced terrible events: the death of their parents, a life in the streets, or being kidnapped by rebels. In the review “Mental health issues in unaccompanied refugee minors”, researchers compared UMs with refugee minors accompanied by their families; the UMs showed a significantly higher prevalence of depressive disorder, borderline personality disorder and psychosis. Extreme traumatic events were experienced by 6% of children with families, compared to 25% of unaccompanied children (Huemer et al., 2009: 4). The study has shown that 37–47% of the 166 interviewed UMs suffered from severe or very severe symptoms of anxiety, depression and post-traumatic stress (Huemer et al., 20: 5). Girls and those who had experienced greater numbers of traumatic events are at a higher risk of developing emotional problems.

Therefore, to reduce their sense of disorientation, social workers should first explain what being under-age means, and what their rights in terms of protection are (Terre des Hommes, 2014). The mediator has to explain the impact of the new term “minor” and in order to make it more comprehensible, social workers should provide suitable comparisons.

To cope with the aforementioned situations, centres usually offer “Personalised Education Projects”. The General Direction of Immigration and Integration Policies has implemented numerous intervention measures to grant social-work integration programmes through financing the development of UMs’ talents. For instance, UMs may undertake an internship in local enterprises or professional education training. In 2012 the General Direction allocated 5.498.000,00 Euros to 1.226 development projects; 910 of them were working projects, while 316 were qualification projects. In 2015 the resources allocated for these programmes were still 5.498.000,00 Euros. Social workers usually design a “life project” which should “take account of a variety of present issues, such as job opportunities and expectations, and past issues, such as migration motivations, migration path, and family expectations” (Rania & Migliorini & Sclavo & Cardinali & Lotti, 2014: 308). However, research still indicates that not all young people are receiving their full entitlements (Dixon & Wade, 2007) in support of their aspirations. Indeed, these young people arrive in Italy with a very strong and clear project: to find a job that fulfils their family’s hopes. Social services

tend to consider UMs to be passive receivers of proposals designed for them, although UMs do not perceive themselves as children anymore. Most of the socio-educational services provided by social workers are standardised models of interventions, based on Italian adolescents who have not experienced as many traumatic events as UMs (Rania & Migliorini & Sclavo & Cardinali & Lotti, 2014: 309). According to Drammeh (2010), social workers and the host country authorities should promote different programmes, in accordance with the child's expectations, in collaboration with operators and specialists.

In 2014 a national organization "Ibby Italia", International Board on Books for Young People, released a "Welcome kit" prepared specifically for minors to provide them with basic information on their arrival to Italy. A special "passport of children's rights" was released by the Italian Authority "Autorità Garante Infanzia e Adolescenza" (Guarantor for Childhood and Adolescence). In the kit, minors could expect to find 26 cards containing information about their stay in Italy, reassuring descriptions of what to expect during their stay, a list of rights, and a small vocabulary list translated in four languages: Italian, English, French and Arabic. This kit was to be distributed to all UMs who arrive in Italy.

A personalised programme assumes the reconstruction of the minor's biography with qualified personnel. The research should begin with collecting basic anagraphic, educational information and possible work experience data. It must take into account the minor's talents, desires and expectations. Social workers then ask questions about more delicate subjects concerning the reason why they decided to escape, the journey, and other possible events. One of the aims is to create and expand the social network around the UM which will comprise not only friends, but also people at different levels who can help the minor along the way. He or she should be able to use this network and know its potential and limits.

### *Education*

Under Article 34 of the Italian Constitution "*Schools are open to all. Elementary education is imparted for at least eight years, [and] is obligatory and free.*" Therefore UMs should attend compulsory schools until they are 15 years old. However, the UMs will achieve their school degree once they have finished their high school course of study.

In pursuance of Article 38, Section 1, of the Legislative Decree No. 286, dated 25 July, 1998:

*“1. The foreign minors present on the territory are subject to compulsory school; they are subject to all the provisions in force as regards the right to education, access to educational services, participation in the life of the school community.”*

According to Article 38, Section 2, every local authority should ensure Italian language courses both at a regional and local level. *“2. The actuality of the right to study is guaranteed by the State, Regions and local bodies also through the implementation of specially provided courses and initiatives for learning Italian.”*

### *Health Care Assistance*

Once a UM is intercepted on Italian ground, even when he or she does not possess any residence permit, he or she has to be obligatorily registered in the National Health Service. According to the “Accordo Stato Regioni No.255/CSR” (State-Regions Agreement) dated 20 December, 2012, minors should have the possibility to access all health care allowances.

## **Unaccompanied Minors as victims of crimes**

Under Article 18 of the Legislative Decree No. 286/1998 when “[...] there is the ascertainment of situations of violence against an alien or his serious exploitation and actual danger for his safety emerges due to the attempt to avoid the conditionings of an association devoted to one of the crimes listed in article 380 of the Italian Penal Procedure Code (human trafficking, pornography, children abuse, slavery, etc.) or of statements given during preliminary investigations or trial, the “questore”, also upon the proposal of the State Prosecutor, or with favourable opinion of the same authority, issues a special residence permit to enable the alien to avoid the violence and conditionings of the criminal organisation and to participate in a programme devoted to assistance and social integration.” There is no need for the victims to report the crime to the authorities in order to receive a residence permit.

## Permit of Residence

Since unaccompanied minors are in a vulnerable situation, they are entitled to be granted residence permit for underage children. In accordance with the Law of 9 August 2011 No.129, which has modified Article 32, Section 1 bis of the Decree No.286/1998, the UM who holds a residence permit for an underage child or an Asylum Seeker's permit has the possibility to request a residence permit for employment or study when he or she turns 18 upon positive opinion of the General Direction (Garantire i diritti dei minorenni; Vademecum per le forze di Polizia Gruppo tecnico previsto dal Protocollo d'Intesa tra Ministero dell'Interno- Dipartimento P.S. e Autorità Garante per Infanzia e Adolescenza, 2014: 37).

### Difficulties in Integration

According to Di Castro (2010), refugees and social workers define integration as: securing employment, accommodation, having friends, rights, being part of the society and speaking the language of the host country (Di Castro, 2010: 103). It is perceived as a process rather than a status or an achievement.

According to the ECRE (European Council on Refugees and Exiles), integration is a “two-way process”; it demands the struggle of both individuals- refugees and host society to live harmoniously. However, in the European Union legal framework, the treatment of unaccompanied and separated children often tries to prevent their entry into the EU in the first place. EU Member States ensure “general child protection legislation”, which has been primarily created for vulnerable categories of national children (Kanics & Hernández, 2010: 5). Thus, it is not specifically tailored to UMs' needs.

In the resolution of 12 September 2013, the European Parliament recalls “*that an unaccompanied minor is above all a child who is potentially in danger and that child protection, rather than immigration policies, must be the leading principle for Member States and the European Union when dealing with them, thus respecting the core principle of the child's best interests*”. However, Italian political elites and media have legitimated manifest forms of xenophobia and racist discourse over the last 25 years. Indeed, politicians and journalists have frequently defined the phenomenon of immigration as

‘massive invasion’ and ‘plague’ (Colombo, 2013: 164). As highlighted by Colombo (2013), “arguments such as protecting jobs, eliminating abuses of welfare benefits or preserving cultural identity” have always been promoted and defended by Italian anti immigration positions (Colombo, 2013: 165). Since the early 1990s, it is the extreme-right parties, especially “Lega Nord”, that have concentrated on the immigration debate, using populist slogans against multiculturalism and integration. However, public opinion ignores the fact that the Italian labour market has benefited from long-term resident migrants who have become an important structural component in flexible and low-paid employment (Colombo, 2013: 160).

In addition to this widespread racism and xenophobia, what UMs have to face in the Italian society is loneliness and separation from family that usually cause “acculturative stress”. According to Rania & Migliorini & Sclavo & Cardinali & Lotti, (2014), the majority of UMs are affected by “acculturative stress” which originates in the context in which the unaccompanied minors live in. Usually, this stress is caused by the UMs’ attempts to overcome the differences between their original culture and the culture of the country of arrival. Specifically, unaccompanied children may find difficulties in learning the language of the host country or in finding a job because of their status (Rania & Migliorini & Sclavo & Cardinali & Lotti, 2014: 305).

Despite the rhetorical differences enhanced by right-wing parties, Italian governments have not defined any new integration policies during the last 25 years (Colombo, 2013). The right-wing government Act No. 189 of 2 July 2002, known as “Bossi-Fini Act”, did not modify the integration legislation provided by the former Immigration Act -the Decree No. 286. The “Bossi-Fini Act” mainly tried to gain better control of immigration flows and more effective prevention of irregular immigration (Colombo, 2013: 163).

It should be noted that a draft Law A.C. 1658 regarding a comprehensive regulation of the protection and reception of unaccompanied children is currently under discussion in the Constitutional Affairs Commission of the Chamber of Deputies and Italian Council for Refugees. Other organisations are also directly involved in advocacy directed to push the quick approval of the text and by providing amendments to the draft law.

## Conclusion

The aim of the present article was to illustrate a lack of efficacy of the legislation dedicated to the reintegration of unaccompanied refugee minors in European and Italian legal systems. In fact, in his latest interview to *The Observer*, Brian Donald (Europol's chief of staff) reported that despite the numerous provisions dedicated to UMs in the last 18-24 months, at least 10,000 UMs who arrived in Europe had disappeared (The Guardian, 2016).<sup>4</sup> As explained in this article, this phenomenon is no longer a novelty. These missing children cases are the result of ineffective implementation of the existing legislative provisions regarding the resettlement of UMs. As shown by this review, most unaccompanied minors are truly willing to find employment to fulfil the families' expectations and to help them with their upkeep. The complexity of their personal experience has to be taken into account, defining durable solutions, tailored to their identity and necessities. Every child has a story to be heard. Thus, it is important to empower the role of cultural mediators and to redefine the role of educators and social workers to better comprehend the UMs' needs. Since most of the UMs' personal projects are decided on without taking into account their expectations, children will try to pursue their goals through different ways. For instance, a significant number of unaccompanied children do not want to stay in Italy and prefer to continue their journey to other EU Member States in order to join their family or community members, or because they believe that they may find better integration possibilities. Thus, they tend to abandon the reception centres within a few hours after their identification, in order to find employment in Italy or abroad. It is a primary necessity to conduct an interview with unaccompanied minors about their intentions in order to prevent them from escaping reception centres. Establishing a "good guardianship system could be helpful to let the minor make the right choice and help him or her avoid dangerous situations, such as exploitation networks" (Derluyn and Broekaert, 2005: 50).

As shown in the article, the role of the adult guardian is of crucial importance, as he or she will represent the minor's reference point. Every guardian should be trained to deal with asylum-seeking minors. Therefore, Italy should

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<sup>4</sup> <http://www.theguardian.com/world/2016/jan/30/fears-for-missing-child-refugees>, Access date: October 10, 2015.

regulate a complex, structured, organic immigration law on unaccompanied minors, including guardianship policies and procedural regulations on missing migrant children. Defining fulfilling legislation on guardianship will guarantee its equal application in every single region of Italy, preventing the proliferation of numerous, varied practices throughout the country.

Despite the fact that UMs need to be protected from any kind of exploitation, it seems important to ensure them the right to participation, granted by Article 12 of the “Convention on the Rights of the Child” (Farrugia & Touzenis, 2010: 25). As enhanced by the Committee on the Convention on the Rights of the Child in the “Implementation Handbook for the Convention on the Rights of the Child”, it is necessary for children “to speak, to participate, to have their views taken into account: these three phases describe the sequence of the enjoyment of the right to participate” (UNICEF, Implementation Handbook for the Convention on the Rights of the Child, 2007: 150). Children should be fully “recognised as rights-holders who are not only entitled to receive protection but also have the right to participate in all matters affecting them” (UNICEF, Implementation Handbook for the Convention on the Rights of the Child, 2007: 150). Thus, both social workers and minors should find possible solutions and define personal life projects together. Social workers should also provide UMs with information about legal procedures and inform them about their future possibilities and the potential future dangers related to their journey. Children on the move should “be informed of their basic rights, such as the right to be protected from child labour (including the notion of minimum working age), right to education and freedom from forced labour” (Van de Glind, 2010: 24).

Another implication of this study is that the most frequent procedure (the X-ray of the left hand wrist) used in Italy to assess the age of unaccompanied minors is becoming unreliable. As illustrated in this article, this type of verification is usually conducted without the support of a linguistic mediator, breaching Italian constitutional principles. Italy should define an effective protocol on age assessment, embracing a multidisciplinary approach in order to determine a minors’ age (UNHCR, 2013). In addition, Italian authorities should supervise protocol implementation and grant the benefit of the doubt when assessing the precise age of a minor is impossible.

As illustrated by this article, there is little data available on unaccompanied minors. Therefore, EU Member States should intensify their cooperation on

exchanging information about why and how children migrate. Member States should establish a coordinated strategy in order to collect as much data as possible. It is necessary to gather comprehensive statistics on UMs in order to better explain this phenomenon and grant them the protection they are entitled to. This data collection will enable the formulation of appropriate responses in order to prevent UMs from going missing and to provide them with social integration.

In addition, Italy should establish a national body competent at tracing UMs and collecting data on both asylum-seeking unaccompanied minors as well as minors who are victims of trafficking. Further, more research is needed concerning what happens with those unaccompanied minors who leave reception centres shortly after they are placed there. Since no in-depth research has been carried out on UMs living in Italy, I think it would be extremely interesting and useful to understand what the minors' intentions are and why they leave the reception centres. Protecting children on the move is not an option; children must live in an environment which provides basic health, education and protection. When families and parents cannot perform their duties, it is up to society to ensure their right to survival, development and protection; in one word: the right to life.

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