

Centre for International Studies

**Unaccompanied Minors in the European Union:
Motivations, Expectations and Reality**

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ABSTRACT

Children have always been part of migration flows into the European Union (EU), whether moving with their families or independently. The general agreement is that they have been fleeing conflict and persecution and searching for better life opportunities. Among others, factors such as inequality, lack of employment, the expectation of success in the modern world, the spirit of adventure and educational purposes, often overlap.

The number of unaccompanied minors presently living in the EU is only an estimation based on the number of asylum applications processed in EU Member States and does not count the unaccompanied minors who do not seek the official channels to legalise their entrance. International and EU laws foresee the protection of refugees and other migrants with special regard to the need of vulnerable groups such as unaccompanied minors, whether they request asylum or not. The latter should be treated in the same way as national children deprived of parental care and as specified in the national legislation of each Member State. However, there is a gap between the EU political efforts to protect all children's rights and the reality faced upon arrival. Legal procedures, suitable accommodation, the right to non-discrimination and mental healthcare are well defined on paper, however, in practice, there is still much to do.

This dissertation focuses on the situation of unaccompanied minors in the EU, more specifically, it aims to better understand who they are, what their motivations for migrating alone are and to what extent their expectations are in line with the conditions the EU has to offer. It concludes with some remarks from the professionals working with this target group in Portugal and Greece.

Key words: Unaccompanied minors: motivations / expectations / conditions / challenges; independent child migration; mobility in Africa; migration in the EU.

RESUMO

Os menores sempre fizeram parte integrante dos fluxos migratórios para a União Europeia (UE), quer acompanhados pelas suas famílias ou migrando de forma independente. A fuga de conflitos bélicos ou perseguição nos países de origem e a procura de melhores condições de vida costumam ser apontadas como sendo as causas principais para a migração. As estas sobrepõem-se outros fatores como a desigualdade e falta de emprego nos países de origem, a expectativa de se ser bem-sucedido no mundo moderno, a vontade de conhecer outros países e de estudar.

O número de menores não acompanhados atualmente a viver na UE é uma estimativa baseada no número de requerentes de asilo, o qual não inclui os menores que não procuram os canais adequados para legalizar a sua entrada. A legislação internacional e europeia prevê a proteção de refugiados e outros migrantes, tendo especial atenção às necessidades dos mais vulneráveis. De acordo com a legislação em vigor em cada Estado Membro, os menores não requerentes de asilo devem beneficiar do mesmo tratamento que os menores nacionais privados de apoio dos pais ou em risco. Contudo, existe um fosso entre a vontade política europeia de proteger os direitos de todas as crianças e as condições que a EU pode oferecer. Os procedimentos legais, o acolhimento adequado, o direito à não discriminação e à saúde mental são uma realidade no papel, mas ainda há um longo caminho a percorrer para que se tornem também uma realidade na prática.

O objetivo desta dissertação é refletir sobre a situação dos menores não acompanhados na UE, mais especificamente, perceber quem são estes menores, quais as suas motivações para migrar sozinhos e até que ponto as suas expectativas são realizáveis. Conclui com a perspetiva de profissionais a trabalhar com este grupo em Portugal e na Grécia.

Palavras-chave: Menores não acompanhados: motivações / expectativas / situação / desafios; migração infantil independente; mobilidade em África; migração para a UE.

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LIST OF ACRONYMS

AIDA	Asylum Information Database
APD	Recast Asylum Procedures Directive (Directive 2013/32/EU)
CAR	Reception Centre for Refugees
CEAS	Common European Asylum System
CNIS	National Confederation of Solidarity Institutions
COI	Infant Occupational Centre
CPR	Portuguese Refugee Council
CRC	United Nations Convention on the Rights of the Child
EASO	European Asylum Support Office
EC	European Commission
EMN	European Migration Network
ENGI	European Network of Guardianship Institutions
EP	European Parliament
ERF	European Refugee Fund
EU	European Union
FRA	European Union Agency for Fundamental Rights
FRONTEX	European Boarder and Coast Guard Agency
IOM	International Organization for Migration
MENA	Middle East and North Africa
NGO	Non-Governmental Organisation
PTSD	Post-Traumatic Stress Disorder
QD	Recast Qualification Directive (Directive 2011/95/EU)
RCD	Recast Reception Conditions Directive (Directive 2013/33/EU)
SEF	Portuguese Immigration and Border Service
TEU	Treaty on the European Union
UNHCR	The United Nations Refugee Agency

1. INTRODUCTION

1.1 A GAP BETWEEN INTENTIONS AND REALITY

Migration is a multidimensional phenomenon that has increasingly deserved the attention of public opinion and the media in the last few years, due to the growing number of migrants seeking asylum in the European Union (EU); the shocking statistics of human trafficking and deaths at sea; the disappearance of unaccompanied migrant minors; and the rise of populist anti-immigrant movements, just to quote a few examples. Immigration into the EU is a political problem and has thus become the focus of increased attention from the main EU institutions. The drive to produce political documents outlining the priorities for migration came as a response to the sudden increase of migrants reaching the EU and following deaths of migrants at sea en-route to the EU in 2015, and also led to a re-evaluation of the EU legislation concerning asylum in 2016.

Minors constitute one of the most vulnerable groups within the vast diversity of migrants and people seeking international protection in the EU, particularly minors who are migrating unaccompanied (UNHCR, 2007). These minors can be divided into two groups: the ones who seek asylum or who request a residence permit under other legal grounds, such as in the case of family reunification; and the ones who do not request asylum because their motivations lay on prospects of a better life (EMN, 2015:9).

The principle of the best interest of the child is always the EU's core value whenever the it issues a statement or adopts legislation regarding unaccompanied minors. It is always the intention of the EU to pursue a political, social and economic project that favours the rights of the child and its integration in society, in line with the existing international obligations.

The United Nations Convention on the Rights of the Child (CRC) sets out that all children have the right to the protection of their best interests (article 3), including the right to be heard (article 12), the right to life and development (article 6), and non-discrimination (article 2); and that when they are temporarily or permanently deprived of parental care, the state parties must ensure an alternative care solution (article 20) (CRC, 1989). Since all Member States have ratified the CRC, all Member States have the obligation to protect the rights and well-being of all children in their territory, including those who are third country nationals. The CRC serves as a political guideline in all EU actions as well, and it is further reinforced by the EU Charter of Fundamental Rights and by article 3 (5) of the Treaty on the European Union¹ (TEU), which describes the primary goal of the Union being “the protection

¹ See < http://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF <. (accessed on 19/02/2018)

of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter”. The effort of protecting the most vulnerable can also be found in special legal entering procedures that benefit minor migrants over adults, as for example granting priority and access to separate registration channels in the registration for asylum (AIDA, 2017:42) and specific types of accommodation (Reception Conditions Directive, article 24 (2)).

Additionally, over the years many actions regarding vulnerable children and children seeking asylum have been put in writing in documents such as the EU Agenda for the Rights of the Child (COM (2011) 60 final)², the Commission recommendation of 20.02.2013 — Investing in children: breaking the cycle of disadvantage³, or the Commission Communication “Towards an EU Strategy on the Rights of the Child⁴. These documents feature the efforts of the EU to eradicate poverty and social exclusion of children and to promote the rights of the child as individual right holders, as a matter of priority for the EU.

The Action Plan on Unaccompanied Minors (2010–2014) reiterated the need of promoting human rights and migration dialogues/cooperation with third countries of origin and transit, as well as with civil society and the organisations working with unaccompanied minors. The Communication of the Commission to the European Parliament and the Council stresses the importance of specific actions such as prevention, regional protection programmes, reception and identification of durable solutions for children in need of protection. It suggests the inclusion of actions “informing children and their families about the risks associated with irregular migration to the EU” (prevention), support projects in relation to “education facilities, medical care, and information” on the rights of unaccompanied minors (regional protection programmes), and “procedural guarantees” to apply to unaccompanied minors from the moment they enter the EU until a permanent solution is found. The Action Plan also sets out a series of special procedures at first encounter and standards of protection, such as the appointment of a representative as soon as the minor is detected on EU soil, the imperative of minors’ accommodation to be separated from adults and the arrangement of appropriate accommodation. These special procedures all take into account the best interests of the child as a primary consideration (EC, 2010).

² See < <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0060&from=EN> > (accessed on 04 October 2017)

³ See < <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0112&from=EN> > (accessed on 04 October 2017)

⁴ See < https://ec.europa.eu/anti-trafficking/eu-policy/towards-eu-strategy-rights-child_en > (accessed on 04 October 2017)

Following a peak of migrants arriving to the EU (see Fig. 1.1), on 6 April 2016, the European Commission (EC) issued a communication entitled “Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe”⁵ announcing its intention of reforming the asylum and migration framework, including the creation of a structured resettlement framework to assist the development of safe pathways into the EU and discourage irregular arrivals. The proposal of the EC was presented on 4 May 2016 and is currently under consideration⁶. The reform of the Common European Asylum System (CEAS) should bring some changes regarding the treatment of minors who lodge an asylum application in EU Member States. In January 2018, the Bulgarian presidency reaffirmed its commitment to encourage the progress of the reform⁷. All these actions reflect the need of implementing good practice in the Member States for the protection of children in migration (EC, 2017a).

However, it is still the responsibility of Member States to provide shelter, adequate living conditions and support to physical and mental health to all children, independently of whether they are asylum applicants or not (EMN, 2015:23). Children who do not apply for asylum should be treated in the same way as national children deprived of parental care and as specified in the national legislation of each Member State. This obligation creates a gap between the EU political efforts to protect all children’s rights and the reality faced by minor migrants once they arrive in the EU, because reception conditions and welfare systems differ between Member States.

Having this gap in mind, this dissertation focuses on the situation of unaccompanied minors in the EU, more specifically, it aims to better understand who are they, what are their motivations for migrating alone and to what extent their expectations are in line with the conditions the EU has to offer. To identify and set out the context of the dissertation, a literature review on the motivations of independent child migration and its psychological consequences was conducted in order to assess what minors expect to find in the EU and what makes them migrate alone. After setting the context, the dissertation then attempts to put into perspective some of the challenges posed to unaccompanied minors after they reach

⁵ See < https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards_a_reform_of_the_common_european_asylum_system_and_enhancing_legal_avenues_to_europe_-_20160406_en.pdf > (accesses on 09/09/2017)

⁶ See < <http://www.consilium.europa.eu/en/policies/migratory-pressures/ceas-reform/ceas-reform-timeline/> > (accessed on 06/02/2018)

⁷ See < <http://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-revision-of-the-dublin-regulation> > (accessed on 06/02/2018)

the EU and concludes with some remarks from the professionals working with this target group in Portugal and Greece.

1.2 PROBLEM STATEMENT AND DEFINITIONS

Before the ratification of the CRC in 1989, children in migration were seen as family dependents in the context of family immigration and little attention was given to independent child migration. The British academic and attorney, Jacqueline Bhabha, refers to a UNHCR official document of 1997 entitled “Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum” and an EU “Resolution on Unaccompanied Minors who are Nationals of Third Countries” of the same year as being the first political documents to address the protection needs of unaccompanied migrant children (Bhabha, 2014:4). She further notes that mentions of independent child migrants referred mainly to the asylum context. However, around the mid 2000’s it became apparent that not all children were seeking asylum in the EU — many moved due to a mixture of factors including financial and personal prospects — and that there were also children who were moving without their parents or care-givers and who also lacked the protection of the State (Bhabha, 2014:4).

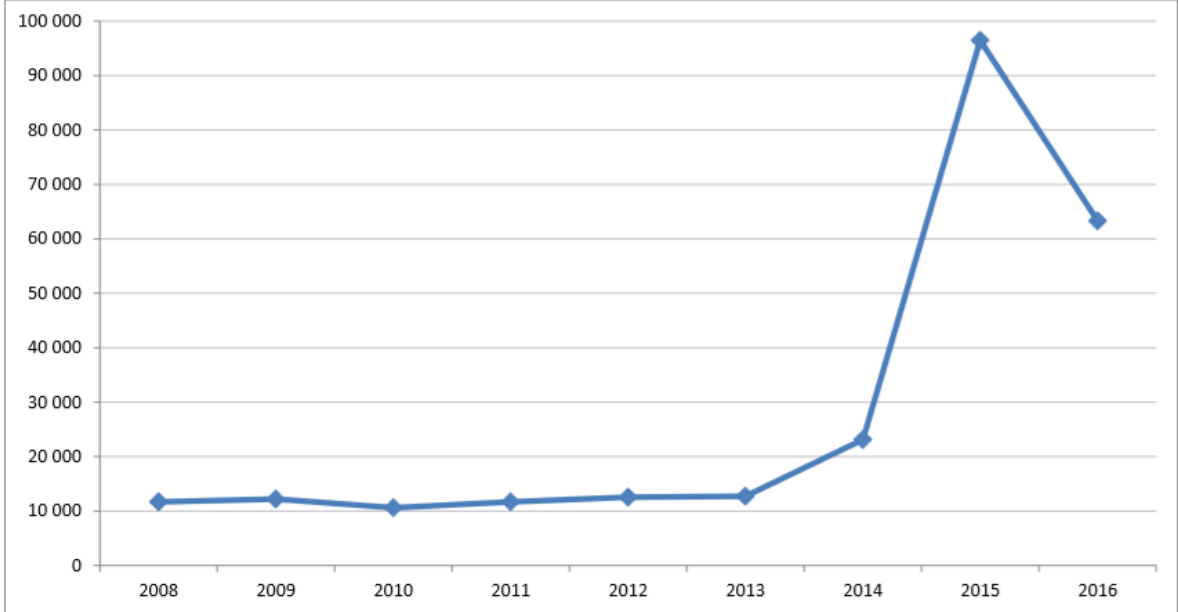
As defined by EU legislation⁸, and drawing on article 1 of the Convention on the Rights of the Child (CRC), an “unaccompanied minor means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State 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”. In some cases, children may enter a Member State in the company of an adult who is not a parent or care giver. When this happens, they are labelled “separate children”. Although the term “child” is frequently used, it is important to note that it generally refers to young people and not exactly to small children.

Around the same period (mid 2000’s), scholars began turning away from pre-established concepts such as forced/voluntary migration and started to reflect more on the minors’ ability to make independent choices and on their mixed motives, concerns and hopes (Bhabha, 2014:5). Some scholars even started questioning the conceptualisation of the family unit as a synonym for “best interest of the child” (Senovilla Hernández, 2014; Bhabha, 2014). Consequently, modern scholarship began adopting a more neutral terminology (lone or independent child migrants) to refer to this specific group of unaccompanied and separate children (Bhabha, 2014:5–7). This dissertation follows the above-mentioned definition of

⁸ See for example the recast Qualifications Directive (DIRECTIVE 2011/95/EU) at < <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:en:PDF> > (accessed on 30/04/2017)

“unaccompanied minor” and uses the term to refer to all children below 18 years old, which arrive in the EU without the company of a parent or care giver, including children who are left unaccompanied after entering a Member State.

Asylum applicants considered to be unaccompanied minors in the EU Member States*, 2008-2016



* excluding Croatia for the period 2008-2011

Figure 1.1: Numbers of asylum applicants considered to be unaccompanied minors in 2008–2016. Source: Eurostat Statistics.

European statistics informs us that migration of unaccompanied minors is not a recent phenomenon and that between 2008 (the year when data of unaccompanied minors started to be presented) and 2014, it was characterised by small variations in numbers⁹. The same statistics also show us that the numbers of asylum seeking unaccompanied minors has steadily increased since 2010 (EMN, 2015:5). However, in 2015, the number of asylum applications and, by extension, of unaccompanied minors rose exponentially. Observers and the media explained that this sudden increase was facilitated by Angela Merkel’s open-door policy to Syrian refugees back in 2015, which was further compounded by other factors such as a long-running conflict in Afghanistan; and a lack of security and opportunities in overcrowded and underfunded refugee camps in neighbouring countries such as Jordan, Lebanon and Turkey, where many of those previously fleeing their country had first stayed. These factors precipitated record flows into the EU, where according to EU and international obligations, the right to protection was supposed to be ensured (Metcalf-Hough, 2015, Washington Post, 2017, Politico, 2017).

⁹ Eurostat News release (2017), available at <
<http://ec.europa.eu/eurostat/documents/2995521/8016696/3-11052017-AP-EN.pdf/30ca2206-0db9-4076-a681-e069a4bc5290>>

According to Eurostat, the statistical office of the European Union, in 2015 alone, 23% of all asylum applicants in EU Member States were aged less than 18 years old. This represents 128.155 minors lodging an asylum application in the EU, of which 96.465 were unaccompanied by an adult. Moreover, statistical data also informs us that 91% of these minors were male, 57% were aged between 16 and 18 years old (50 500 unaccompanied minors), 29% between 14 and 15 years old (25 800 unaccompanied minors) and 13% were less than 14 years old (11 800 unaccompanied minors). We also know that 51% of asylum applicants considered to be unaccompanied minors in the EU were Afghans and 56.6% sought asylum in Italy (Eurostat Press Release, 2016). The numbers decreased slightly in 2016, however the general upward trend remained. In 2016, 63 300 asylum seekers applying for international protection in the Member States were considered to be unaccompanied minors, of which 89% were males (43 300 unaccompanied minors), 68% (around 13 500 unaccompanied minors) were aged between 16 and 18 and 10% (almost 6 300 unaccompanied minors) were less than 14 years old. The majority of unaccompanied minors continued to be of Afghan nationality (38%), followed by Syrian nationality (19%) and countries like Germany and Sweden were the preferred locations for requesting asylum (Eurostat News Release, 2017).

In 2015 and 2016, the largest number of minors applying for asylum came from countries like Afghanistan, Syria, Eritrea, Iraq and Somalia (Eurostat News Release, 2017), which is not surprising because instability caused by prolonged civil war and/or political unrest in these countries, allows the submission of an asylum application. The fact that most unaccompanied minors are aged between 16 and 18 years old, is also understandable, since the older the minors are, the greater the degree of maturity and independence they will have. The statistics highlighted that the EU Member States of Germany and Sweden were the most preferred locations for lodging an asylum request and this is potentially due to a common perception that these two countries operate a good welfare system. This idea derives from the fact that both countries announced at the beginning of the migration crisis that they would welcome a large number of refugees. The announcement was heavily reported on by the media and news networks. Moreover, in both countries refugees are allowed to work shortly after they are granted a residence permit and, for example, in Sweden the allowance provided to asylum applicants is higher than that provided by other EU Member States (The Telegraph, 2015; Reuters, 2015). In fact, different Member States offer different benefits and also different reception conditions to asylum applicants depending on their national law and also on their financial capacity, what creates the idea that it is better to apply for asylum in the richer (northern) Member States. Some scholars point out that one of the reasons why minors decide to migrate alone into specific countries of the EU is because they are aware of special legislative benefits for protection that benefit minors over adults (Suárez Navaz,

2004:41; FRONTEX, 2010:30; Quiroga *et al.*, 2010:11; Sigona and Hughs, 2012:17) or they believe that a specific country offers better chances of granting asylum (UNICEF, 2016:31). Others state that the welfare system is not part of the initial decision to migrate, because, at least in countries at war there is no such thing as a welfare system and therefore minors do not have a reliable reference on what benefits to expect (Majidi, 2017).

An issue that is often raised by some European agencies (i.e. FRA and FRONTEX) regarding the current situation of both asylum seeking and non-asylum-seeking unaccompanied minors is that their real numbers in the EU are much larger than the ones presented by statistics. It has been pointed out by the agencies that the data collected is incomplete and that national governments do not provide information on non-asylum minor migrants on a regular basis, which hinders an accurate assessment of the phenomenon's real magnitude. Within the EU, Eurostat is the statistical office responsible for collecting, processing, analysing and disseminating data provided by the Member States on the characteristics of the general population. It is also responsible for gathering data sent by Member States and other countries on international migration¹⁰. In the case of most countries of origin (third countries), data is collected through national census, which are not implemented on a regular basis and/or do not include direct child migration related questions (Whitehead and Hashim, 2005). Moreover, several studies mentioned by Whitehead and Hashim (2005) referred to the poor quality of data sources deriving from the fact that countries do not follow the same standards, use categories differently and do not disaggregate data on minor migrants moving alone from minors moving with their families.

Similar difficulties exist with the kind of data collected by the EU Member States, in the context of asylum applications, which provides information about origin and destination countries and age group of applicants, but briefing notes of the European Border and Coast Guard Agency, the former FRONTEX Agency (2010), the European Agency for Fundamental Rights (FRA, 2016) and the International Organisation for Migration (IOM, 2016^a) emphasize that this data is often incomplete or not uniformly collected. Since not all unaccompanied minors reaching the EU apply for asylum it is difficult to keep track of the numbers of those who enter the EU by irregular means. This leads to the conclusion that the real number of unaccompanied minors residing in the EU should be much larger than the one presented by statistics, due to firstly a lack of consistency in the way data is collected and also because these numbers are based upon asylum applications which do not take into account the number of irregular unaccompanied minors or those who do not seek the adequate channels to legalise their entrance.

¹⁰ See < <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/methodology> >. (assessed on 07/01/2018)

Terminology also makes the collected data incomparable. Some Member States, for example Greece, do not distinguish between accompanied and unaccompanied minors for purposes of data collection at registration, while others, such as Poland, stated that “true unaccompanied minors are only those who arrive alone” (IOM, 2016^a). FRA (2016) identified another issue: in all Member States separated children are generally registered as unaccompanied, but as registration is done differently (sometimes by border guards, sometimes by the police), there are cases when a child is registered as being accompanied without further assessment of who the accompanying adult is and what is the relationship between the child and the adult. According to the FRA briefing of 2016, this lack of precision leads to an increasing risk of minors being left without specific legal protection or being left with a person who may not have the capacity to take care of them properly. Double counting by different Member States may be another consequence resulting from the lack of harmonisation between countries.

Despite the problems with terminology and inconsistencies in data collection, the most reliable numerical data on unaccompanied minors in the EU is still that referring to asylum applications, because only a few Member States provide disaggregated data on non-asylum applicants (EMN, 2015:5). Other kinds of data reportedly gathered by national governments are often unavailable, which confirms that the number of unaccompanied minors is merely indicative (UNHCR, UNICEF and IOM, 2017:7). Additionally, in some Member States, there seems to be a consensus that almost all unaccompanied minors who arrive in the EU end up requesting asylum since, in the words of Bhabha (2012), “within the options available, asylum is perhaps the most familiar protection outcome for unaccompanied minors, not because it is easy secured, but because it corresponds to the protection required of all states parties to the 1951 Refugee Convention (as modified by the 1967 Protocol)” (Bhabha, 2012:15). Non-Governmental Organisations (NGOs) that provide legal counselling to minors in accommodation centres or hotspots, may also contribute to this tendency if they refer/advise most minors to apply for asylum.

Article 1 of the Geneva Convention defines a Refugee as any person who has a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”. To some extent, all unaccompanied minors could be considered refugees because, whatever the causes or circumstances for their vulnerability, something above the ordinary has compelled them to leave their country (Derluyn and Vervliet, 2012:98). Since the Geneva Convention allows Member States the return of economic migrants, including minor migrants,

while asylum seekers cannot be sent back to their country of origin because of the principle of non-refoulement¹¹, it is more advantageous for them to submit an asylum application. Moreover, some minor non-asylum applicants could benefit from international protection because those who chose the EU to search for better living standards, often come from countries where civil war, political and economic difficulties occur simultaneously (Castles, Loughna and Crawley, 2003; Katz, 2017). However, due to their young age, they are not able to express the real reasons why they decided or were compelled to migrate; or in other cases they chose not to apply for asylum so that they can be unnoticed and able to continue their journeys to a pre-defined destination (EMN, 2015:12; Fazel and Stein, 2002:369; IOM, 2016: 3).

The existing studies on the drivers of independent child migration deal mostly with specific groups of minors coming from specific geographical areas, either due to their proximity with border EU countries, or because the situation at origin is dramatic and pushes people to flee from war or human rights violations. Nevertheless, efforts made to offer an accurate description of the background context of the areas that generate the largest numbers of unaccompanied minors, pave the way for assessing more correctly the common motivations, including the implications in the minor's social development. These studies are insightful and contribute to the awareness on the minors' personal experiences, the reasons why they decided to migrate, the role played by their families in the process of decision-making and the reasons why they migrated alone.

For example, an interesting issue addressed in child migration studies is the question whether children have or have not agency — that is, “the limited, but real ability of human beings to make independent choices, and to change structural conditions” (Castles, Haas and Miller, 2014:31). Debates on this topic and on the conceptualisation of childhood have emerged especially after the signature of the CRC in 1989. The assumption that children do not have the maturity to make independent choices regarding their decision to migrate is supported by a Western “political correctness”, as if all children that migrate were compelled to do it or caught by criminal networks. However, in many different contexts research has shown that there are cases where minors make the decision to move on their own (Fass, 2005, Mougne, 2010, Vacchiano, 2014 and others) and that they are not merely victims of adults' resolutions.

Finally, another cause for concern is unaccompanied minors who rely on smuggling networks to come to the EU, thus contributing to the emergence of a new business that renders millions of Euros per year. According to Europol, more than 90% of irregular

¹¹ The principle of non-refoulement states that a person cannot be sent back to a country where he or she is at risk of persecution or serious harm (article 33 of the Geneva Convention).

migrants that reached the EU in 2015, relied on smuggling criminal networks at some point of their journeys (EUROPOL, 2016:5). A joint Europol-Interpol report stated that the average yearly turnover achieved by the migrant smuggling business is estimated to have reached USD 5 to 6 billion in 2015 (Europol-Interpol, 2016:8). There are several reports regarding the *modus operandi* of these networks that mention how children are approached by smuggling facilitators in the hotspots and coastal hubs to encourage them to engage in trips to the EU (IOM^c, 2016:8), charging exorbitant prices, or use social media to attract migrants in need (The Telegraph, 2014). As a result of not being able to travel by regular or legitimate means either due to lack of documentation or because it seems to be the only option available to escape from their situation, minors fall into the hands of criminals. Those criminals can thus intimidate and control such minors and may particularly intimidate those whose families may experience difficulties in making the required payments (Mougne, 2010:21).

1.3 METHODOLOGY

Although migration of unaccompanied minors to the EU is not a new but rather a recurrent phenomenon dependent on many factors and variables, the need to understand the motivations and expectations for independent child migration have recently regained momentum with the increase of minor's asylum applications in 2015 and 2016. Hence, this study aimed to better understand the current situation of unaccompanied minors in the EU, by assessing who they are, what are their motivations for migrating alone and to what extent their expectations are in line with the conditions found upon arrival. Considering the available statistical data, that confirm that the great majority of unaccompanied minors arriving in the EU are male, there was an intent of focusing on this sub-group in order to reduce the spectrum of research. The importance of gender issues and all the risks and specific consequences associated with migration of unaccompanied minor girls, were left for future research.

This dissertation was constructed upon a literature review, followed by personal critical remarks of the proposals found therein. The methodology used consisted of a desk-based research and analysis of already conducted quantitative and qualitative researches, books, scientific articles, EU agencies' reports, EU secondary legislation and media articles, while deploying a critical and comparative method of assessment. The first approach to investigate the topic was to review the existing reports on the current situation of unaccompanied minors in the EU carried out by European agencies, such as the European Agency for Fundamental Rights (FRA) or the European Border and Coast Guard Agency (former FRONTEX) and international organisations such as the International Organisation for Migration (IOM) or the United Nations Refugee Agency (UNHCR) with the objective of identifying the main problems currently faced by unaccompanied minors on EU soil. This

review allowed identifying key words for further research, not only related to the obstacles faced upon arrival but also to the cultural practices behind the decision-making processes. Additionally, five research articles provided by my supervisors in the beginning of the research process, constituted an important departure point for research. After this first assessment phase, the main keywords searched for were, among others: motivations for independent child migration / mobility in Africa / child migration European Union / migration and conflicts / unaccompanied minors international relations / unaccompanied minors mental health / unaccompanied minors reception conditions / unaccompanied minors accommodation / unaccompanied minors age assessment / migration entering proceedings. The search in the main academic databases (B-on, Jstor, etc) was not very productive because most articles available are already quite old, with only few exceptions, and my research targeted a fairly current component. Most advantageous was the Google Alerts system that delivered to my email inbox the newest published articles on the topic on a daily basis. Newspapers, EUR-Lex and especially the European Migration Law websites were also consulted regularly.

To make a stronger case, the collected information was further complemented by semi-structured interviews conducted with practitioners working with unaccompanied minors in reception facilities and volunteers in refugee camps in Portugal and in Greece. The objective was to ascertain the perception of practitioners themselves regarding not only on the challenges minors face in the EU, but also on the difficulties of working with such a vulnerable group. The institutions working with asylum and non-asylum seeking unaccompanied minors in Portugal (the National Confederation of Solidarity Institutions (CNIS), the Portuguese Refugee Council (CPR), COI Foundation and Casa Pia de Lisboa) were very cooperative. Despite the very heavy workload of the professionals contacted, there was an honest intent to help with this investigation. Moreover, the topic deserved a warm welcome. A volunteer working in Greece in a Jesuit service for refugees working in collaboration with the Platform for Support to Refugees (PAR) was also very helpful in reporting experiences in the field and imparting some life-stories of some of the children. As to the same kind of institutions abroad, none replied to my request. A total of seven professionals were interviewed: six working with unaccompanied minors in Portugal and one in Greece. Although a small sample, it provided a good insight on the topic.

Direct interviews with unaccompanied minors also fell out of the scope of this dissertation because interviews with minors would require the presence of psychologists or other professionals. As this is a very vulnerable and sensitive group, it requires compliance with specific rules for interviewing minors: first, it is necessary to obtain parental consent to conduct a research with children (Hopkins, 2008:40), which, due to the nature of the initial research subjects, would be impossible, since the focus falls on minors that migrate without

the company of any adult. Secondly, many of these minors have been exposed to traumatic experiences during their migratory processes (Derluyn and Broekaert, 2008; Rücker *et al.*, 2017) and most of the times they are suspicious about the intentions of strangers because they fear that the information they provide may be used by immigration and police officers to influence their asylum claim (Hopkins, 2008:41). Therefore, in order to encourage them to speak freely, it would be necessary to create a climate of trust, which would be impossible due to practical constraints. Moreover, the existing literature about unaccompanied minor migrants in the EU lays its foundations on personal testimonies and was considered sufficient for the purpose of this dissertation. On the other hand, by including the experiences revealed by professionals working directly with unaccompanied minors, it aimed to complete any possible knowledge gaps in what relates to the challenges faced by minors after reaching the EU.

This study combines results obtained through research conducted in different social sciences (mainly: anthropology, sociology, economics, and law) to offer an integrated approach on a multi-faceted subject. Because the issues addressed ultimately relate to human beings and these are complex, the research must capture this complexity and build a multi-dimensional perspective that exceeds the strict boundaries of each discipline alone.

2. LITERATURE REVIEW

2.1 DECISION MAKING AND MOTIVATIONS OF INDEPENDENT CHILD MIGRATION

Explaining the context that leads to child migration is not an easy task, and it is even more difficult to make a list of the drivers of child migration that would cover all situations. However, a number of common aspects have been highlighted in the literature. This chapter is an attempt to gather some viewpoints of different scholars and studies reflecting on this topic.

As Whitehead and Hashim (2005:2–3) suggest, the literature on children's mobility tends to focus on certain groups of vulnerable children such as trafficked children or labour-child migrants, which on the one hand conceals the real number of children migrating voluntarily and, on the other hand, does not tackle the implications that the act of migrating may have on their well-being. The studies focused on vulnerable groups are of great significance to raise awareness towards children in need because national governments rely on public support and international advocacy to attract funding, but they also overshadow the needs of other groups of minor migrants, which migrate for socio-cultural or economic reasons (Whitehead and Hashim, 2005). These representations of vulnerable children also tend to focus on the disrespect for children's human rights and underestimate their ability to make independent choices.

Modern scholarship has argued that in developing countries, especially in rural environments, children have been seen for many centuries by their families as providers of income and as a valuable contribution to daily household tasks. When employment is not easily available, it is normal for families to send their family members, including children, to look for other regions where they could find work. Only very recently did Western societies start to perceive these practices as an outrage and not in the best interests of the child. In fact, in the West, the phenomenon of child migration started gaining attention in the 1980's, when the debate about the concept of childhood and their human rights as children gained visibility and ultimately led to the endorsement of the United Nations Convention on the Rights of the Child (CRC) in 1989 (Fass, 2005; Quiroga *et al.*, 2010; Hashim and Thorsen, 2011; Bhabha, 2014). One central issue to child migration studies is, therefore, the question of whether children have the maturity to make independent choices in the context of their decision-making processes or if they are in most cases dependent or coerced by adults.

Fass (2005) addresses this issue by arguing that in most cases, and contrary to common sense, children have proved resilient and when it comes to the decision of migrating "they have often acted with intent and purpose" (Fass, 2005:948). She further notices that in the 20th century, it became important to limit an age for childhood, what has helped

constructing the Western concept that portrays children as being passive, dependent on adults, and in need of protection. Hashim and Thorsen (2011) also contribute to the debate by comparing the evolution of the concept of childhood in Western African societies (Hashim and Thorsen, 2011:2–6). They state that, for example, in rural West African societies, parents are supposed to support their children’s choices in return for the fulfilment of children’s obligations (work contribution) towards their parents or senior family members. They also explain that the CRC definition of child places a child within an age range from 0 to 18 years old, when the legal age of majority is attained. However, in West African societies, “the conceptualisation of age is embedded in social relations and generational hierarchies” (*ibid*:vii), meaning that they pay more attention to the maturity of the child and not so much to the chronological age. The same is noted in other parts of the African continent, such as for example in Egypt, where migration of minors is related to one’s ability in finding a job to support the family rather than reaching legal adulthood. In this regard, age delimitation is “fluid and based on the social status of the child rather than his age” (IOM^c, 2016:19). This means that in regard to migration, social norms outside the Western context dictate that “migration is an expected, often accepted, part of children’s lives” (Anyidoho and Ainsworth, 2009:3) and that “there is no strict separation between the children’s and the adult’s world” (Derluyn and Broekaert, 2008:320).

As the working paper by Anyidoho and Ainsworth¹² shows, in rural West African societies children are expected to contribute with their work or with an additional source of income to the well-being of the family. The authors comment that, for example, at the age of four years old, children are expected to help with household tasks and that at 14 years old, they should be able to carry out the same kind of tasks as adults (Anyidoho and Ainsworth, 2009:4). This happens because work is seen as a preparation for an independent adult life and a way to acquire the necessary skills to lead a successful life in the future. Consequently, migration brings children an increased social status and recognition from parents, while staying behind is associated with lack of responsibility (*ibid*:23). More importantly, as mentioned in most of the literature about the drivers of independent child migration identified in this dissertation, the act of migrating is a phenomenon that is interpreted by both adults and children, as a ritual of passage from childhood into adulthood,

¹² The referred working paper entitled “Child Rural-Rural Migration in West Africa” is based on the results of three case studies carried out by Albertine de Lange’s study of young and adolescent boys migrating from the north eastern province of Gnagna to the south-eastern areas of Kompienga and Tapoa, mainly to work on small to medium scale cotton farms (2006); Iman Hashim’s work with children who had migrated from a village in the north-eastern Ghana, either independently or with family members, towards the southern cocoa-growing regions (2005); and Abu-Bakari Imorou’s study of young people’s migration out of northwest Benin to various destinations including the cotton fields in the northeast of the country (2008).

that enables young people to reaffirm their identity as responsible and valuable elements within their communities. Therefore, it is only natural that children follow the example of adults and decide to migrate to places where work is needed and available. According to the above-mentioned paper, one of the reasons why children take jobs in farms is to learn how to work and manage their own farms when the time comes or to learn techniques that will enable them to be more productive than their parents (ibid:9). At the same time, migrating is an opportunity to embrace an adventure (ibid:9) and to live the expectation of a better life, sometimes free from the control of parents (ibid:7).

These findings support the argument that not only are children fully capable of taking the decision to migrate on their own and that they are not always passive victims of exploitation, but also, that the decision-making processes are complex and dependent on a variety of factors on the macro-, meso- and micro-levels (Vervliet *et al.*, 2015:340). According to Massey *et al.* (1993), referring to the network theory of migration, if the migrant comes from a family or community in which migration is perceived as a normal cultural behaviour and if the migrant has previously migrated or has relatives already living abroad, this should increase the propensity for regional or international migration (Massey *et al.*, 1993:460). Household strategies for enhancing the financial status of the family or the expectation of upward mobility through migration are a very good example to explain this model. According to the same author, for example it is common that the “migratory behaviour is transmitted from fathers to sons” (ibid:461). This proposal is further confirmed by studies on unaccompanied minors, which conclude that, depending on the personal and cultural context, sometimes the decision to migrate is made by the minor themselves and other times by relatives, however, minors who decide to migrate to Europe alone are usually the ones who already had their parents or some experience with regional migration (Mougne, 2010:14). In addition, minors who decide by themselves are often more mature than other children at their age, due to the type of responsibilities imposed at home, such as the moral obligation to contribute to the family budget (Suárez Navaz, 2004:42). Furthermore, parents are often aware of their children’s migratory intentions and although they may not openly approve of them, they do not forbid them either, because the extra money (expected remittances) is welcomed or because migration means a fewer mouths to feed (ibid:40). Both minors and their families are aware of the risks of traveling alone, for example, risks associated with the existence of smugglers or of being detained in state facilities (Echavez *et al.*, 2014:18–21), but after considering the weight of the potential benefits and risks of this endeavour, it often proves to be worth it (Echavez *et al.*, 2014:12).

Vacchiano and Jiménez (2012) also emphasise that children have an active participation in the decision of migrating and that they are ready to take risks to help their families by arranging a supplementary wage. Drawing on their study of Moroccan minors

who migrate alone, they state that migrating is perceived as a “form of non-resignation” (Vacchiano and Jiménez, 2012:466). That is, to stay in their countries of origin is to accept that there is no better future than to be confined to a life of poverty and lack of opportunities. They continue to explain that there is a whole economy around the prospect of migrating that makes Moroccan children abandon their homes and live in port towns, waiting for a chance of sneaking onto a ship that will lead them to Europe, where they believe they will have a better chance of living a good life. Nevertheless, the authors also expose a Spanish judge recommendation that authorizes the detention and return of minors over 16 years of age, in order to dissuade others from trying to migrate to Europe. In the mentioned legal sentence, the judge considered that “their [the minors] independence would be a proof of their condition of emancipated subjects” (ibid:460), meaning that if they were able to get to Europe by irregular means, it was because they had the maturity to understand the consequences of their actions and therefore should be punished by detention and later returned to their origin. This episode draws attention to the fact that the Western notion of childhood and consequent spotlight on the agency’s question is indeed a rather subjective matter. Despite of all concerns described by Hashim and Thorsen, Fass and others, this notion in the EU has been adapted to fit its own interests. The legal sentence also suggests that the attempt to search for a better life by means of emigration can, and will be, criminalised if the migrant does not possess certain desirable characteristics, such as being a high qualified worker or a university-level student.

The notion of success in the modern world also plays a very important role in the formation of identity and in the search of a better life across migrant communities. Bordonaro, *et al.* (2006) relates some individual experiences of young people who migrated from the archipelago of Bubaque, Guinea-Bissau, to Lisbon, with a search for modernity and development opposed to despise for traditional practices carried out in villages and which were associated with both cultural and socio-political lag. According to the authors, these young people based their aspirations on a perception of power and wealth that can only be achieved by migrating to the globalised world. Emigration was for them a way to break free from senior authority (the local), and a possibility to improve their financial situation, to conclude their studies or to find a cure for health problems. Since good jobs could not be easily found within the local structures, Europe (the global) became a way to fulfil all of these possibilities with the embodiment of modernity.

Vacchiano (2014) also describes the drivers and aspirations of Moroccan minor migrants to the EU as the fulfilment of the dream of being modern, something they find impossible to achieve if they stay in their country of origin. In the beginning of the article, the author transcribes parts of interviews with these children. Relevant to the previous point is one boy who claims that the idea of migrating came from the desire of having “modern

things” (ibid:2). In the interview, the boy states that he used to watch the neighbours returning from Europe to his village to attend to local festivals and that they always brought “good clothing and shoes” (ibid:2). Therefore, rituals such as festivals and other family gatherings in the origin country help to portray a success image of those who migrated and who, after returning, are able to display wealth and impressive achievements in the form of tangible goods. This feeling is only possible because globalisation and the development of technology has brought closer the local, where deprivation and lack of consumption is sometimes present, and the global, where nicer and better things are at hand. For example, in a study conducted by the United Nations International Children's Emergency Fund (UNICEF) with unaccompanied minors in France in 2016, when children were asked why they left their country of origin, “many of the young people replied that they had seen France and Europe on the television and they looked good” (UNICEF, 2016:37). In other words, international migration appears as an “opportunity of belonging [to a state of modernity], defying local social boundaries and the barriers to transnational mobility imposed by Europe” — representing the globalised world (Vacchiano, 2014:10). By maintaining contact with their communities, either by phone or visits to attend public celebrations, the news on the accomplishments and the possessions flaunted by returning neighbours inspire those who remained to believe that in Europe it is possible to live a better life (Suárez Navaz, 2004:40), thus perpetuating international movement. In fact, positive feedback by families with children abroad about the role played by sent remittances in the improvement of the economic situation of the overall family is a strong push factor for independent child migration (Echavez *et al.*, 2014:14). Family members or friends already living in a specific country also influence the choice of a destination country, even if a broader knowledge about that country is limited (Sigona and Hughs, 2012:17).

On the other hand, lack of expectations, low literacy and lack of parental guidance can have a heavy weight in the decision to migrate independently at an early age (Suárez Navaz, 2004:38). A study on Moroccan unaccompanied minor migrants in Spain during the 1990's by Suárez Navaz, introduced a complete autonomous group — the street children. These minors came from unstructured families, with high rates of divorce or domestic violence (ibid:42), whose children, in addition to the disappointment in an authoritarian educational system characterised by violent teaching techniques, abandoned school and spent much of their time on the streets with friends, without the supervision of an adult, and begging money or robbing tourists (ibid:38). It is important to note that within the social context of these families, the notion of taking care of children is different from the one of the Western middle class (ibid:39), which lays its foundations in the Western perception of a passive childhood referred above. Since children are expected to contribute with salaries to the family budget from the moment they leave school, which can happen from an early age,

and because there are not many satisfactory jobs available¹³, many decide to improve their situation by coming to the EU through Spain. This study also suggests that the self-governing life style from a very young age and the type of responsibilities imposed at home is one of the reasons why minors do not enjoy living in the reception centres in Europe, where they are treated like children without agency (Suárez Navaz, 2004:42).

Ten years after Suárez Navaz's article, Senovilla Hernández confirms her findings following a study conducted in 2011–2012 on the protection of unaccompanied minors in Brussels, Madrid, Barcelona, Paris and Turin. The author notes that many unaccompanied minors abandoned reception facilities in these cities¹⁴. Their profiles differ according to their regional context: in Brussels, the majority of unaccompanied minors came from Northern Africa, especially from Morocco, remaining on the streets on their own, without receiving any kind of state protection and incurring small crimes or working in the informal sector (ibid:86). In Madrid, these minors were mostly from sub-Saharan Africa and were excluded from the welfare system after an age assessment test. There were also Romanians living in extreme poverty, without attending school and also incurring small criminal offences. In Barcelona, the study focussed especially on institutionalised former victims of human trafficking and on Moroccan minors living with distant family members, who did not accept well their presence. In Paris, the majority of unaccompanied minors came from Asia or sub-Saharan Africa and were mostly living on the streets or with friends. According to Senovilla Hernández the majority of minors in this last group were waiting to be put under custody of the state, what could take several months. Finally, in Turin, the majority of encountered unaccompanied minors came from Morocco. These had migrated to fulfil the expectations of their families, but some had also decided to do it on their own. This group of children had no contact with their families from their origin country (Senovilla Hernández, 2014:85–87).

The common factor of the unaccompanied minors analysed in Senovilla Hernández's article is that they were children without parental or state guidance. Those who did not beg on the streets or who were waiting to be included in the state welfare system often complained that the waiting phase before legalisation was preventing them from following their objectives of working, studying or simply pursuing a better life (Senovilla Hernández, 2017:87). Being forced to stay in one place and perceived lack of prospects for the near future is considered as a reason why some minors abscond.

¹³ Within the Moroccan context in the 1990's, sometimes minors work as trainees/apprentices in workshops, but they work for many hours, do not receive a full wage or respect as workers from their bosses (Suárez Navaz, 2004:39).

¹⁴ Senovilla Hernández (2014) informs that according to the available statistics 40% to 60% of unaccompanied minors disappear from reception centres. In Italy, 42% vanished from reception centres between 2006 and 2010. In Belgium, the percentages increase to 43%, while in the Basque country it raises to 70%.

The issue of children leaving reception centres in the EU without trace, was recently the focus of media attention. The European Parliament (EP) announced that in February 2016, Europol admitted before the Civil Liberties Committee that more than 10,000 children disappeared without trace after arriving to the EU¹⁵. The communication indicates that up to 50% of unaccompanied minors that were placed in reception centres vanished and that they were either caught by criminal networks (smugglers) to be used in forced labour or sexual exploitation or that the minors simply decided to continue their travel to other Member States, in order to reunite with family members or acquaintances that had previously migrated to the EU. As already criticised by Whitehead and Hashim (2005) and Bhabha (2012), the EP press release portrays children as victims of adults' resolutions and does not address other possible reasons for the disappearances, such as, for example, disappointment with the reception conditions in the EU. Another possibility is that they chose to abscond to follow the ideal of success imagined at origin and framed by their socio-cultural background, which praises freedom and lack of rules above all (Suárez Navaz, 2004:43).

Whether based on impossible imaginary opportunities or on the only chance available, according to Suárez Navaz (2004), one of the main objectives of Moroccan children once in Europe, is to obtain the legal documents ("the papers"¹⁶) that will later allow them to work (Suárez Navaz, 2004:39).

After exposing the social context of unaccompanied Moroccan migrant minors living on the streets, Suárez Navaz divides them into three groups: those who despite their way of life still have a clear objective regarding migration and speak of their families in a loving way (ibid:40); those whose many years living on the streets has left them unfit for work and present psychological disturbances; and those that, to an extreme, may suffer from serious mental health problems, drug use and engagement in heavier criminal activities both at origin and at destination.

In addition to the specific group of street children, there are also other groups of children that migrate from Morocco into Spain, which are addressed by more recent studies [Vacchiano (2010); Quiroga, *et al.* (2010); Vacchiano and Jiménez (2012); Vacchiano (2014); Senovilla Hernández (2014)]. These studies refer the search for improving economic living standards as being perhaps one of the most common drivers of child migration. For example, Quiroga, *et al.* (2010), base their study on unaccompanied minor migrants arriving in Spain. They include examples from Eastern Europe and Latin America, but specifically focus on Morocco and sub-Saharan Africa, as countries of origin, and Spain as country of destination,

¹⁵ See < <http://www.europarl.europa.eu/news/en/press-room/20160419IPR23951/fate-of-10-000-missing-refugee-children-debated-in-civil-liberties-committee> >.

¹⁶ The importance of acquiring the legal documents that will enable minors to stay in the host country is also emphasised by Senovilla Hernández (2014) and Vervliet *et al* (2015).

due to the geographical proximity between both continents (Quiroga, *et al.*, 2010). Like in Suárez Navaz's study, the authors also divide unaccompanied Moroccan migrant minors arriving in Spain in three categories; however, they prefer to bind them with temporal distinctions or phases and do not isolate the specific case of street children. According to the authors, the first and second phase took place during the 1980s and the 1990's and were respectively characterised by minors coming mostly from Northern Morocco, by truck, as mirroring the paths already established by adult migration; and by children arriving in small boats from the South of Morocco. In both migration waves the objective of these minors was to pursue a better economic future, mixed to some extent, with a certain level of adventure and willingness to get to know other countries. From the 2000s on, the third phase started to include other nationalities such as children from Nigeria, Sierra Leona and Guinea Conakry (ibid:26–28), meaning that Morocco stopped being mostly a country of origin and became a transit country for international migration.

Following the current trend in numbers, this study identifies the majority of unaccompanied minor migrants as being male (92% compared to 8% of girls (ibid:29). As to the minor's migratory profiles, the study highlights as the main driver for independent child migration the improvement of their economic situation (ibid:65). However, this is a motive that hardly comes without being associated with other factors (ibid:62), such as: the search for a better life; and the increase in social status, mostly because the interviewed minors often came from low income, low literacy and unstructured families (as explained by Suárez Navaz, 2004). For example, some were escaping from family conflicts (mainly girls) and saw migration as an opportunity to break free from adult control (Quiroga *et al.*, 2010:62). Although the economic factor is always presented as a main reason for triggering migration, other transversal motives overlap, such as the spirit of adventure, the rite of passage into adulthood as a form to express that they are no longer children and the expectation of living a cosmopolitan dream facilitated by globalisation and the reports of the existing network (ibid:62–63:168–170).

According to Quiroga *et al.* (2010), sometimes minors also come from contexts where the father died or migrated; thus abandoning the family. This in essence created the necessity for these boys to assume their responsibilities as head of the household, a situation that is most common in the African continent (ibid:68), and increased their maturity level. Those who come from better off families also wish to improve their economic situation by studying abroad (ibid:70) or in an attempt to increase the possibilities of employment and to look for other sources of income. However, lack of educational skills ends up leading them into the informal sector where wages are low or uncertain (ibid:169).

In a study on the motivations and expectations that compel minors to migrate alone from Afghanistan into the EU, Echavez *et al.* (2014) reach the same baseline conclusions.

The study informs us that these minors chose to leave their country due to a series of interlinked factors such as poverty, insecurity, lack of educational and employment opportunities and peer expectations (Echavez *et al.*, 2014:1). The authors indicate that environmental reasons such as drought has been forcing for many years cross border migration into neighbouring countries (*ibid*:1), mostly Iran or Pakistan, where a relative could help the child to find a job in order to finance the second part of the journey to Europe (*ibid*:27–28). However, on-going conflict since the 1980's, allied with a lack of security and structural constraints, are the main reason why minors engage in travelling alone to the EU. In addition, restrictive immigration policies implemented by the neighbouring countries (*ibid*:4) and knowledge about social welfare arrangements in the EU (*ibid*:11) disclosed mainly by relatives and other community members already abroad (*ibid*:17) has also leveraged movement into the EU. Moreover, the study shows that low income families are willing to incur debt to finance their children's journeys and that for the better-off ones, the risks of migration plays a smaller role when compared to the expected benefits (*ibid*:12).

The other motivations for attempting international migration are coincident with the reasons already highlighted by the studies referred above, namely “the desire for a bright and good future and a better life” (*ibid*:12) resulting from making comparisons with the lifestyles of other migrants that say Europe is a safe place to live (*ibid*:13); the willingness to escape from poverty and insecurity and to send remittances to the families at origin (*ibid*:13–14), or the willingness to experience “life in the West” (*ibid*:13), where they believe that better opportunities are awaiting. The sense of adventure and wanting to go to other countries, the prospect of having access to a better educational system and the expectation of receiving recognition of parents and peers are also mentioned as important drivers of independent child migration (*ibid*:11–16). Additionally, one parent respondent of the study also mentioned insecurity associated with the fact that his minor child received threats from the Taliban for attending school, which triggered his intent to send his son out of Afghanistan (*ibid*:14).

In fact, child migration due to forced recruitment into the army is another source of concern in countries at war and which should guarantee the legal refugee status in the EU. In a study conducted in Belgium with Afghan minors, one respondent saw his younger brother being beheaded by the Taliban because he did not follow their orders and his family was not able to pay the ransom (Vervliet *et al.*, 2015:335). For example in Somalia, following two decades of armed conflicts, the Islamist group Al-Shabab has been running recruitment campaigns in schools and villages, from where they kidnap children from eight years of age to serve in the frontline (Human Rights Watch, 2018). As a result, they leave no other option than forcing children to flee their homes in conflict zones unaccompanied, with the encouragement from their families. Although this kind of movement affects mostly

neighbouring countries because most of these children do not have the means to flee any further, Somalia was listed as the country with the fifth highest asylum applications in the EU in 2016 (4% of all asylum applications of children considered to be unaccompanied minors). The most frequently chosen destination countries were Sweden, with 420 unaccompanied minors, and Austria, with 300 unaccompanied minor asylum applications in 2016 alone (Eurostat News Release, 2017). Similar conditions apply to other countries such as Iran, Syria and Afghanistan (REACH, 2017:55).

In a study conducted in Italy and Greece by the REACH programme, a joint initiative of two international non-governmental organisations to collect data before, during and after an emergency response to the max influx of people, with the support from UNICEF, concluded that most unaccompanied minor migrants arriving to both countries came from war-zone regions and poor areas, and that all left their countries with the expectation of having access to basic rights as children, such as a better education and health services (REACH, 2017:2). However, the study makes reference to some differences between the profiles of unaccompanied minors who travel by the Central Mediterranean route (from West and the Horn Africa to Italy) and by the Eastern Mediterranean route (from Western Balkans and Middle East to Greece). First, it is interesting to note that more than 90% of minors who arrived in Italy (coming from the African continent) in 2016 were unaccompanied boys who lost contact with their families, while the percentage of minors who arrived in Greece (coming from the MENA region) was roughly divided equally between boys and girls¹⁷ and those children were accompanied by their families (ibid:13–14). Second, 75% of children interviewed in Italy reported that they made the decision to migrate individually, since many reported that they did not have a responsible guardian at origin or they did not want to worry their parents (ibid:30). 31% stated that conflicts and violence at home were the main reasons for deciding to migrate. Children interviewed in Greece reported that the decision to migrate was made together with their families to escape war and insecurity. Third, less than half of children questioned in Italy replied that they did not consider the risks of travelling alone before leaving the country of origin, that is, according to this study, children had “little preparation and knowledge of what would lay ahead” (ibid:3), contrasting with the assumption of Suárez Navaz (2004:41), Quiroga *et al.* (2010:11) and Echavez *et al.* (2014:18–21), who stated children were aware of the risks of the travel and of specific benefits for children in the EU. Obviously, it is impossible to ascertain if minors are aware of the risks of migration, because depending on the personal/regional background and influence of their networks, there will always be some groups of children which will have a better knowledge than others or will be better informed of how to benefit from the available

¹⁷ The study informs that girls represent only 7% of children arriving to Italy, while 44% arrive to Greece.

protective measures in the countries of destination. For example, in the above-mentioned study by UNICEF with unaccompanied minors in France, in the chapter about the profiles of Afghan children, the study mentions that many Afghan unaccompanied minors said, “they would prefer to travel to Sweden as it is the country which offers the best chance of being granted asylum” (UNICEF, 2016:31). However, in the conclusions of the same study, it is reported that the majority of the interviewed unaccompanied minors were “not aware of the protection system in France [and] when they do have access to information, this is often incomplete and contradictory” (UNICEF, 2016:85). This confirms that information about the opportunities for international protection is often part of the imaginary notion that in the EU it is possible to live a better life and not a concrete knowledge or awareness of the real benefits.

Also, and confirming the generalised conclusion that migration within the African continent tends to stay in the region¹⁸ and is mostly characterized by rural to urban movement, in the search for better job opportunities, less than half of the interviewed children by REACH in Italy reported that they left their countries of origin with the objective of reaching Europe. The ones who headed to Europe intentionally pointed out access to education and respect for human rights as the main drivers. The ones who intended to stay in the region, mentioned the willingness to find work as the primary driver.

Finally, it is also important to take note that individual aspirations and migration strategies may change over time and that migratory projects can be renegotiated, depending on the circumstances encountered during the journey or in the host country (Sigona and Hughs, 2012:17; Vervliet *et al.*, 2015:331). Circumstances may change when, for example, parents pay a smuggler to bring the child to a specific country, but due to the closure of some routes or simply due to the bad intentions of smugglers, they leave children on their own in a different country than the one previously agreed. Once in Europe, minors may also adapt their initial aspirations to the perceived possibilities offered in the host country by assimilating “different aspirations, other priorities, and less vagueness” (Vervliet *et al.*, 2015:341).

2.2 PSYCHOLOGICAL CONSEQUENCES OF INDEPENDENT CHILD MIGRATION

The literature on the psychological consequences of independent child migration is abundant [Fazel and Stein (2002); Lustig *et al.* (2003); Derluyn and Broekaert (2008); Bronstein and Montgomery (2011); Fazel *et al.* (2012); Frank, *et al.* (2017); Pavlopoulou *et al.* (2017); Rucker *et al.* (2017); Silove *et al.* (2017)]. However, authors point out that the existing studies concentrate on the analysis of specific groups within certain nationalities and cross-sectional

¹⁸ See for example Bruijin, van Dijk and Foeken (2001), Castles, Haas and Miller, (2014), Awumbila, (2017), Lohnert, (2017), etc.

surveys and that there is a need for more longitudinal investigation (Frank, et al., 2017:23; Silove et al., 2017:132). Studies focus specifically on the contribution of certain risk factors (stressors) to the increase in mental health disturbances and on their symptoms in refugee children. Since self-identity formation and emotional and cognitive changes are characteristic to adolescence, and since the majority of unaccompanied minors in the EU are adolescents, they constitute an even more vulnerable group (Bronstein Montgomery, 2011:44; Rücker *et al.*, 2017:250). The relationship between traumatic events, Post Traumatic Stress Disorders (PTSD) and depression has been proven in some studies with accompanied and unaccompanied minor migrants. Estimates point out that 30% of unaccompanied minors are prone to PTSD, depression and other psychological conditions (Rücker *et al.*, 2017:250; Silove, 2017:131). This happens because, in a situation of civil unrest and/or economic difficulties experienced prior to migration, children are exposed to stress situations within their family environment, which would naturally make them likely to suffer from psychological stress even if they did not migrate. Silove *et al.* explain that this happens because all human beings have a natural defence mechanism that urges them to protect their well-being, including keeping a positive sense of self, managing family and social relations and capacity to work. Therefore, when adequate resources to preserve the sense of self-control are challenged, this increases situations of stress (Silove *et al.*, 2017:133). In other words, in the absence of normal living conditions such as the ones faced by refugees (inadequate access to food, water, shelter, and health care) daily stress has a heavy impact on their mental health and can be translated into PTSD symptoms. Vulnerable groups such as unaccompanied minors “face exceptional levels” of this kind of stress (Silove *et al.*, 2017:133–134).

The psychological consequences of independent child migration can be summarised by a range of symptoms that go from “sleeping problems, concentration disorders, nightmares, depression, withdrawal, anxiety, post-traumatic stress symptoms, somatic symptoms, severe grief and sadness, aggression, diminished interest, hyper-arousal, low self-esteem, severe guilt feelings, fatalistic view of the future, substance use, violent behaviour, suicidal acts, psychosis and delinquent behaviour” (Derluyn and Broekaert, 2008:321). These symptoms seem to be common among unaccompanied minor migrants and are identified by the other authors in this section in relation to specific case studies.

Some authors make reference to the different phases of migration and bind them with the occurrence of specific stressful experiences that may lead to psychological disturbances [Fazel and Stein (2002):366–367; Lustig *et al.*, 2003:25–28; Derluyn and Broekaert (2008:321–322; Bronstein and Montgomery (2011:50–52)]. The risk factors and their consequences identified by these authors are mostly coincident — with only a few sporadic differences — and can be summarised in the following way: the first phase of migration takes

place in the origin country, where children may have been exposed to violence and social upheaval, economic difficulties, forced labour and loss of or threats to family and friends. In addition, children often witness their parent's failure to cope with adversity or unemployment and it is common that they suffer from malnutrition and are obliged to interrupt their studies due to on-going conflicts. The mixture of exposure to traumatic war related events and an individual vulnerability in pre-migration, is one major cause for future psychological disturbances (Lustig *et al.*, 2003:29).

The second phase relates to the journey itself, which might be cause for stress due to the threatening risks of travelling alone, being subjected to inhuman treatment by smugglers and uncertainty about the outcome of their endeavour. Separation from parents or caregivers is also appointed as being a traumatic experience, with a heavy impact on psychiatric symptoms following trauma. Although separation usually occurs during the pre-migration phase, its emotional effects can be displayed during the next phases as well (Bronstein and Montgomery, 2011:52). A study of Freud and Burlingham cited by Lustig *et al.* (2003:26) suggests that war related separations are cause for more psychological damage than exposure to war atrocities itself.

The third phase concerns the settlement in the host country, which may be difficult to cope with due to unclear and lengthy asylum procedures and integration in a new society with different rules and cultural systems. During this phase, children are confronted with either an acculturation process or cultural bereavement. While the process of acculturation, that is, "maintaining the individual's original culture while participating in the host society", has a positive effect on children's psychological adjustment (Fazel *et al.*, 2012:276), cultural bereavement, or the way refugees respond to "losing touch with attributes of their homelands" may give place to "survivor guilt, anger and ambivalence" (Lustig *et al.*, 2004:27). Because children have to learn a new language, to adapt to a new environment on their own, may face discrimination and have difficulty in interpreting events due to their developmental stage as children/adolescents, confrontation with new social structures often lead to stressful experiences (Derluyn and Broekaert, 2008:322; Rücker *et al.*, 2017:245). At the same time, lack of structural support resulting from the condition of being unaccompanied, worse living arrangements in reception centres or refugee camps and financial difficulties tend to be associated with higher depression scores (Bronstein and Montgomery, 2011:53; Rücker *et al.*, 2017:245).

Other authors do not clearly divide risk factors according to the migration phases, but still stress that the multiple consequences of displacement and events occurring after migration, factors such as discrimination, uncertainty about receiving legal status and poor living conditions, contribute to continued psychological distress (Rücker *et al.*, 2017:244–245).

According to Derluyn and Broekaert (2008), unaccompanied refugee children are disadvantaged at all levels because they do not feel they belong to their former community nor to the host community and most of them live in reception facilities without privacy and with little staff to take care of them. In addition, there is a shock between the dependency on the care system and the independency they had to develop in order to survive the previous difficulties at origin. Also, uncertainty about whether they will receive residence permits, or not, contributes to the rising feelings of frustration and to realising they will not be able to fulfil the aspirations and dreams that motivated them to migrate in the first place (Derluyn and Broekaert, 2008:322).

Children separated from parents or caregivers, with personal injuries or who have experienced the violent death of a relative before migrating, show greater levels of distress than accompanied children (Bronstein Montgomery, 2011:50). Conversely, if unaccompanied minors have a family member in the host country, it is less likely for them to internalise difficulties and present symptoms of PTSD. For example, separate children or children with little contact with family members present worse psychological functioning (Fazel *et al.*, 2012:272). Therefore, creating a network of support with links to cultural practices of the country of origin should be favourable to the well-being of unaccompanied minors.

Addressing children's psychological needs is a difficult project as it requires the collaboration of many actors. One decisive place to put efforts in practice is at schools, which "provide a place to learn, facilitate the development of peer relationships, and help provide a sense of identity" (Fazel and Stein, 2002:368). Fazel *et al.* note that some studies suggest that low discrimination and high acceptance from peers at school are associated with low PTSD. On the contrary, low support at school was correlated to depression symptoms (Fazel *et al.*, 2012:273).

A number of studies confirm that unaccompanied minors appear to show resilience towards adversity in migration (Bronstein and Montgomery, 2011; Rücker *et al.*, 2017), but apparently resilience cannot be proved because each individual reacts differently to the same stimulus, and symptoms of mental disturbances can show up at different stages. The existing studies provide only an indication of possible symptoms and the greatest difficulty is to make a distinction between long-term mental disorders from reactions to stress related to the migratory process. This is why authors agree that for more precise results there is the need for a greater generalisation of population surveys (Rücker *et al.*, 2017:243; Silove *et al.*:132). According to Rücker *et al.*, there are some cases where traumatic events did not cause psychological problems (Rücker *et al.*, 2017:243). As already mentioned by Fazel *et al.*, the authors explain that in comparison to the normal population, refugee children present a higher prevalence of mental disorders because they have been exposed to violence and life-threatening experiences during their journeys. Therefore, it is only natural that they are

more likely to suffer post traumatic symptoms and emotional distress. In other words, scholars do not agree if there are universal and emotional dimensions existing independently from the background of each individual, since threats and violence are part of the everyday experiences in developing countries. Secondly, confrontation with a new environment and possible acculturation is also a cause for specific stressors (Rücker *et al.*, 2017:244).

In the end, some of the young refugees show resilience, some have difficulties in adapting and others develop psychological problems, which can range from behavioural disorders, problems with social contact or even physical symptoms.

In addition to mental health problems, there is also some concern about minor migrants with physical problems resulting from poor access to health services in the country of origin. Fazel and Stein, back in 2002, noted in their article that refugee children suffered from physical problems such as iron deficiency anaemia, parasitic infections, dental caries, hepatitis B and tuberculosis (Fazel and Stein, 2002:167). In a more recent study conducted in Athens, Pavlopoulou *et al.* found that dental caries is the most common clinical problem identified in refugee children (Pavlopoulou *et al.*, 2017:3).

3. CHALLENGES POSED TO UNACCOMPANIED MINORS AFTER REACHING THE EU

3.1 LEGAL ENTERING PROCEDURES FOR UNACCOMPANIED MINORS IN THE EU

Each EU Member State is responsible for registering unaccompanied minors and for providing them with adequate reception conditions in line with national and international law (EMN, 2015:22; REACH, 2017:11), which will entitle them to a set of rights regardless of their nationality or legal status (REACH, 2017:14). Alongside with the United Nations Convention on the Rights of the Child (CRC), which sets out the civil, political, economic, social and cultural rights that all children everywhere are entitled, and the Fundamental Rights Charter, which sets the rights of everyone living in the EU, the Common European Asylum System (CEAS) contains specific provisions concerning children, such as specific safeguards for unaccompanied minors applying for asylum or subject to temporary and subsidiary protection¹⁹. The rights of unaccompanied minors who do not request asylum are set by the civil protection system of each Member State, which should give them the same level of treatment as national minors in danger or deprived of parental care.

The Dublin Regulation III establishes that the Member State of first entrance is the one responsible for registering an asylum application. In the case of minors, however, this may not apply. According to article 8, if the “applicant is an unaccompanied minor, the Member State responsible shall be that where a family member or a sibling of the unaccompanied minor is legally present, provided that it is in the best interests of the minor”. This means that family reunification prevails over the country of admission and only in the absence of a family member in any Member State, “the Member State responsible shall be that where the unaccompanied minor has lodged his or her application for international protection”.

In order to be allowed to enter an EU Member State, it is necessary that both adults and children are in possession of supporting documents to verify the fulfilment of entry conditions, such a valid VISA, a valid passport and a valid travel document (EMN, 2015:15). People who do not comply with the requirements set out in the Schengen Border Code can see their entrance denied, unless they inform the border authorities that they wish to apply for asylum. In this case, they will be allowed to stay in the concerned Member State until their asylum claim is assessed (EMN, 2015:15). As to non-asylum seeking unaccompanied minors and according to the national legislation of some Member States (Austria, Belgium, Croatia, Czech Republic, Estonia, Germany, Greece, Finland, France, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovenia, Slovak Republic,

¹⁹ Subsidiary protection is a complementary form of protection “for nationals of third countries who, without obtaining European asylum, are in need of international protection” (TFEU, article 78 (b)), while temporary protection is applicable to “displaced persons in the event of a massive inflow” (TFEU, article 78 (c)).

Sweden, United Kingdom and Norway), if they do not fulfil the entering conditions set out in the Schengen Border Code, they can see their entrance denied and be returned to their country of origin. The decision on the return of minors must be always made on an individual basis and in line with the principle of the best interest of the child. In other Member States (Bulgaria, Hungary, Italy and Spain), unaccompanied minors cannot be refused on the basis of humanitarian grounds (EMN, 2015:15–16), although they can be returned after the assessment of their reasons to stay. Nevertheless, the EMN report also informs us that “although national legislation stipulates the refusal of non-asylum seeking unaccompanied minors who do not fulfil the entry conditions, it is in some Member States, hardly ever carried out as in practice all unaccompanied minors lodge an application for international protection (e.g. reported on by Finland and Norway)” (EMN, 2015:16). According to Santinho (2016), when unaccompanied minors enter Portugal undocumented or irregularly, some spend some time searching for their network contacts and when their endeavour is unsuccessful or when caught by the Portuguese authorities, they end up requesting asylum because it seems the only option available (Santinho, 2016:124), thus avoiding deportation.

Different Member States have different ways of treating minor asylum applicants. For example, in Germany, according to Germany’s basic law, article 16a, third country nationals may apply for asylum when they arrive at the hotspots, with immigration and security authorities (Frank *et al.*, 2017:23). Unaccompanied minors are then sent to the closest youth welfare office, where a guardian is appointed and where the authorities will verify the child’s identity, if they have already family members living in an EU Member State, conduct health examinations and, in case of doubt, age assessment tests. If the Federal Office for Migration and Refugees concludes that “the applicant’s life, health or freedom is threatened in his or her country of origin”, the office can prevent h/her deportation. If not, they will be returned to origin. Applicants who are granted subsidiary protection are allowed to stay in Germany for one year plus a possible extension of that period (ibid:24). In Portugal, where the number of asylum minor applicants is low (SEF, 2008:8), Santinho (2016) explains that when minors arrive by land or sea and are intercepted by the police or after verbalising their intentions to request asylum, they are put under surveillance of the Portuguese Immigration and Border Service (SEF), which will confirm the authenticity of their life stories and origin country. If a residence permit is granted, they are sent to a reception centre (CAR) until they turn 18 years old. When minors arrive by air, they are detained at the airport in a temporary reception facility, where they stay under surveillance of SEF until their life stories are confirmed. The Portuguese Refugee Council (CPR) then pays them a visit and delivers an opinion on their asylum claim. Again, if a residence permit is granted, they are sent to the CAR (Santinho, 2016:125).

According to a key informant, whenever SEF becomes aware that a minor has entered the Portuguese territory alone, and therefore is considered to be at risk, it can immediately take an action to protect the minor by sending him or her to a reception facility. It has also the obligation of informing the Public Prosecution, which will then begin the legal proceeding that will give place to a promotion and protective order, confirm the residential reception and that the Centre will have the legal representation of the minor in administrative proceedings. In cases where minors are caught by the police committing a crime, such as burglary, a so-called emergency response is activated. This response consists of beginning a criminal procedure and finding an institution which has a vacancy to receive the minor, within a network of institutions that provide reception to children at risk.

Broadly speaking, once under the responsibility of national authorities, a number of entry and assessment procedures are implemented. These include a first assessment interview in order to identify if the minor has family members in the country. This interview is conducted by police authorities, which, in collaboration with the relevant social services, should place a child in a primary reception facility for a maximum period of 30 days. After this period, the child should be transferred to a secondary reception facility that should be appropriate to the minor's expectations for entering the country and foresee the child's integration in the host society, by means of facilitating access to "school, health assistance, psycho-social support and information on recreational, sport and cultural activities" (REACH, 2017:16). The social services to which unaccompanied minors are referred to, depend on the applicable protocol agreements arranged by Member States. These can vary between welfare authorities (Austria, Cyprus, Croatia, Estonia, France, Ireland, Lithuania, Slovenia, Slovak Republic and the United Kingdom); Youth courts (Latvia, Luxembourg and Portugal); Special child protection services (Belgium, Czech Republic, Germany and Spain); or Special accommodation centres for children (Finland). This means that there are two legal procedures taking place at the same time: one is related to the asylum procedure itself, and the other takes place in the framework of the social protection system for children deprived of parental care in force in the Member States. The services will be then responsible for appointing a guardian to represent the interests of the minor (EMN, 2015:17). In the case of non-asylum applicants, minors are directed to the social services of the municipalities in which they stand, and the social services/youth courts will then assess where to place the minor. For example, in Spain, if the unaccompanied minor does not have a well-funded reason to stay in the country, such as being enrolled in a study course or having an employment contract, the competent authorities will contact the diplomatic representation in the country of origin and proceed with the return of the minor (Ministry of the Interior of Spain, 2013). This procedure seems to be harmonised across Member States. However, as revealed by a key informant, when minors do not have a formal identification, the obstacles

double because international cooperation with third countries (especially African countries) is usually a difficult project and in countries where corruption is high, it is necessary to ask for favours to less cooperative officials in order to assess who the minor really is and finding h/her a durable solution.

Having interviewed professionals working with unaccompanied minors in Portugal, some have expressed disappointment towards the entering legal procedures in force in the EU, by saying that there is a legal void regarding what to do with undocumented children; and that institutions do not always have the opportunity of putting the minor's backgrounds into context before the Youth courts, so that a tailor-made approach to each case can be conceived. Others argued that a tailor-made approach is ensured by a revision on a regular basis and for the duration of the promotion and protective order on the situation, objectives and accomplishments of the minor.

3.2 ACCOMMODATION IN RECEPTION CENTRES

According to the EMN report of 2015, most Member States provide the same kind of accommodation to non-asylum and asylum-seeking minors (EMN, 2015:23), as it is apparent that Member States do not have specific provisions for third country national non-asylum seeking unaccompanied minors in their national legislation (EMN, 2015:25) and because international obligations state that foreign minors should be treated in the same way as national children in danger or deprived of parental care.

Within the EU asylum *acquis*, both the recast Reception Conditions Directive (RCD — Directive 2013/32/EU) and the recast Qualification Directive (QD — Directive 2011/95/EU) provide rules for accommodating unaccompanied minors. Article 24 (2) of the RCD and Article 31 (3) of the QD state that minors should be placed (a) with adult relatives; (b) with a foster-family; (c) in accommodation centres with special provisions for minors; (d) in other accommodation suitable for minors. Member States have therefore the obligation of providing unaccompanied minors with suitable accommodation for their specific needs. However, after the mass influx of people coming to the EU in 2015 and 2016, many Member States became overwhelmed and unable to provide suitable reception conditions as described throughout both directives. Moreover, as some Member States are more prone to receiving applications than others due to their geographical location and others may be favoured by applicants because of the idea that they will be offered better welfare conditions, Member States which receive more applications find themselves struggling with arranging suitable accommodation for all minor applicants. Across Member States, the distribution of unaccompanied minors may also be uneven. For example, in Italy, southern municipalities and Sicily have to deal with the placement of the majority of unaccompanied minors, while northern regions, which are richer, have considerable fewer minors to take care of (Rozzi,

2017). Conversely, in Germany, the distribution of unaccompanied minors in secondary reception centres depends on the capacity of each federal state, which follows a system of quotas. Each federal state is responsible for the reception of certain nationalities and when it reaches the quota limit, unaccompanied minors are transferred to the possible closest federal state (Frank, 2017:28–29).

Drawing on the Fundamental Rights Agency report of 2016²⁰, a study commissioned by the LIBE committee pointed out that sometimes applicants were placed in gyms, containers or heated tents as a temporary solution that ultimately became a permanent one; women and children were put to sleep on the floor; and 1250 unaccompanied minors did not have access to education and healthcare (LIBE committee, 2016:85). Other times, detention centres were also used in an attempt to cope with the shortage of reception facilities, what raises doubts whether if these can be considered an appropriate type of accommodation even in an extreme situation of massive influx (LIBE committee, 2016:86). In fact, EU law and the EU Action Plan on Unaccompanied Minors (2010-2014) clearly states that “wherever unaccompanied minors are detected, they should be separated from adults, to protect them and sever relations with traffickers or smugglers and prevent (re)victimisation”, and that “where detention is exceptionally justified, it is to be used only as a measure of last resort” (EC, 2010:9). The RCD further states that all efforts should be undertaken by the authorities to set unaccompanied minors free from detention centres as soon as possible and to accommodate them in facilities with personnel and conditions suitable for their specific age, as well as to separate them from adults (RCD, article 11 (3)). Whether detention in case of a max influx can be considered a valid option, remains questionable. Moreover, the same study refers that, due to limited reception capacity and lack of qualified staff, for instance in Germany, the identification of vulnerable people and their accommodation in special facilities was deemed to be impossible (LIBE committee, 2016:87).

In a set of interviews to practitioners working with unaccompanied minors published in June 2016, the network Eurochild draws attention to several constraints related to the accommodation of minors arranged by state authorities. For example, one interviewee from Austria refers that unaccompanied minors are rarely placed with foster families — contrary to Austrian children — and most end up living in large scale institutions without personal monitoring because, in such Austrian institutions, the proportion of staff allocated to each minor is usually of six social workers for 100 children (Eurochild, 2016:5). However, it is important to note that in countries where the number of unaccompanied minors is lower, as for example in Portugal, it is possible to make a more personal follow-up of each minor, as reported by a key informant who stated that the proportion of staff members in its institution

²⁰ See < <http://fra.europa.eu/en/publication/2016/fundamental-rights-report-2016> >. (accessed on 07/10/2017)

in the relation to the number of hosted minors was eight professionals to 34 children (4.25 staff per minor). In Italy, where primary reception centres should host unaccompanied minors up to a period of 90 days (presently 30 days²¹), minors eventually stay there for a much longer period (Eurochild, 2016:6), without being transferred to secondary facilities where their expectations for migrating should be assessed and facilitated. Another interviewee from Greece stated that targeted reception facilities are open, and minors are free to leave whenever they want (Eurochild, 2016:6), what can facilitate their absconding. All three statements are in line with the problems identified in the literature review, meaning that arranging suitable accommodation and reception of unaccompanied minors in the EU, although not new, is a long-lasting problem, which has proved to be difficult to overcome. The interviews presented by Eurochild show that compliance with legal guarantees is still far from becoming a reality for unaccompanied minors.

Rozzi (2017) affirms that, in practice, unaccompanied minors turn out to be placed in primary reception facilities for much longer than 30 days. As these centres are intended to be temporary, they do not offer integration programs, have insufficient staff, and many times their maximum capacity is also higher than the capacity in facilities for national children deprived of parental care (Eurochild, 2016:5–6; Rozzi, 2017). Inappropriate conditions in the reception centres may also contribute to the minor's decision to leave the centres without notice (Rozzi, 2017) because they may feel they are being forced to put on hold their objectives and expectations of living a better life.

In addition, unaccompanied minors who do not apply for asylum may choose or see themselves forced to live on the streets. Many children end up opting for a life of small crimes while waiting to be included under the protection of the state. Others live with relatives or friends in an endless temporary situation. Moreover, the minor's cultural context may also prevent them to search adequate care because institutions are seen as a form of acculturation and loss of family and home related values and practices (Senovilla Hernández, 2014:88; Vervliet *et al.*, 2015:338).

Relocation within EU Member States of unaccompanied minors who already benefit from international protection is a viable option. However, the programme is directed only to asylum applicants, whose nationalities have an average recognition rate²² at EU level above 75%. Currently, the country nationalities with such recognition rates are Eritrea, Syria, Yemen, Bahamas, Bahrain, Bhutan, Qatar and the United Arab Emirates (EC, 2017b). The

²¹ Law nr 47/17 on the Protection Measures for unaccompanied minors has shortened the period of 90 days for placement of unaccompanied minors in governmental primary facilities in Italy to 30 days in 2017.

²² Recognition rate is defined as the share of positive decisions in the total number of asylum decisions for each stage of the asylum procedure (i.e. first instance and final on appeal). The total number of decisions consists of the sum of positive and negative decisions (Eurostat, 2014).

Emergency Relocation System was activated in 2015 for a period of two years to support Italy and Greece which were receiving the highest number of migrants coming especially from war zones of the Middle East and North Africa (MENA region). The system does not only lessen the burden in terms of reception to Italy and Greece by sending minors to other Member States, but also serves to fasten the asylum procedures that due to the large number of applicants tends to be very lengthy (EC, 2017a:11). Statistics of 2015 and 2016 show that the majority of asylum applicants considered to be unaccompanied minors in the EU were Afghans, a nationality which has not been reaching the desirable average recognition rate in the last years because Afghanistan is not technically at war since the withdrawal of NATO military forces in late 2014. As Greece had already acknowledged its incapacity to take care of all unaccompanied minors in the country, a group of Portuguese solidarity institutions made contact with a Greek partner and arranged for the reception of five unaccompanied Afghan minor migrants in March 2017 (METAdrasi, 2017). This was the first time that a country took the initiative of receiving children from nationalities which were not included in the relocation scheme in an effort by the civil society to show solidarity and to cope with specific difficulties endured by the most affected Member States. Although there were some barriers inherent to a first-time project still to overcome, this is definitely an example to be followed.

3.3 THE APPOINTMENT OF A REPRESENTATIVE

As seen above, the appointment of a representative to guide children and represent their best interests before youth courts and during their asylum application is not only a right foreseen by law, but also a way to make sure that unaccompanied minors benefit from the national protection system available in each Member State and which is equated with parental care. According to the European Agency for Fundamental Rights (FRA), only a few Member States (Belgium, Denmark, Finland, and the Netherlands) have a special guardianship system for undocumented unaccompanied minors or those unaccompanied minors who were granted a temporary residence permit only (FRA, 2015:59).

Common practice in national laws dictates that guardianship duties are usually attributed to the child's relatives or other persons within the child's relationships and only when this is not possible, such as in the case of unaccompanied minors, the national child protection services will be responsible for the child (FRA, 2018:4). NGO's, religious orders and volunteers may offer a very broad type of services to unaccompanied minors, such as accommodation, educational activities, psychological support and care. When nominated by the competent authority, they can also act as guardians (FRA, 2018:4). Consequently, three different types of assistance provided to unaccompanied minors should be distinguished: lawyers, who provide legal assistance only and speak on behalf of the child, representing

them in criminal, migration or other legal proceedings as defined in national laws and who in turn may need the consent of the guardian to act on behalf of the child; social workers, who take care of minors and provide for their material needs, but usually are not guardians; and representatives, whose tasks are defined when they are appointed and whose responsibility is to represent the child in particular proceedings (FRA, 2014:15; FRA, 2018:4–9). The objective of these three different levels of protection is to ensure that both the best interests and the overall well-being of the child are secured (FRA, 2014:16). Terminology and the range of services provided in the framework of guardianship may, therefore, create some confusion because different Member States have different guardianship systems that use the term “guardian” to refer persons with different roles and tasks (FRA, 2018:2). For example in Portugal, the term “guardian” is not used in the national child protection case law, meaning that unaccompanied minors are put under the protection of a tutor/curator or an institution appointed by the court. As “in most EU Member States, the different categories of guardians coexist” (FRA, 2018: 4), FRA (2018) recommends that emphasis should be put on the kind of tasks performed by the appointed person and not so much on the terminology used to name each category.

According to article 2 (n) of the recast Asylum Procedures Directive (Directive 2013/32/EU) and article 2 (j) of the recast Reception Conditions Directive (Directive 2013/33/EU) “a ‘representative’ means a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary. Where an organisation is appointed as a representative, it shall designate a person responsible for carrying out the duties of representative in respect of the unaccompanied minor, in accordance with this Directive”.

As stated above, when a minor arrives unaccompanied to the EU, European and national laws determine that a representative/guardian should be appointed to counsel the child, act on h/her behalf according to the child’s best interest and ensure the child’s well-being. A cause for concern in the current modalities of appointment of the representative/guardian is the fact that this is a process that can take several months depending on the Member State (FRA, 2016:9; FRA, 2018:5), putting the minors in a limbo situation while waiting for the approval of their asylum application and without guidance towards their rights. For example, in Italy, unaccompanied minors cannot apply for asylum without the approval of their guardian, what delays the process for a long time (Rozzi, 2017). As seen in section 2.2, the delays in the asylum process and not knowing what will happen next may have a negative impact on the minor’s mental health.

The recast Asylum Procedures Directive (APD — Directive 2013/32/EU) also states that unaccompanied minors must be informed immediately of the appointment of the

representative, who shall act in the best interest of the child (APD, 25 (a)). The representative must inform the minor about the possible consequences of h/her application and prepare h/her to the personal interview (APD, 25 (b)). If the minor will turn 18 years of age before the expectable date of the decision, Member States may refrain themselves from appointing a representative (APD, 25 (2)). Since more than half of unaccompanied minors in the EU are aged between 16 and 18 years old, there is a vast group of minors whose rights may be on hold, what is also a form of discrimination.

Both the recast Asylum Procedures Directive (APD — Directive 2013/32/EU, article 25 (a)) and the recast Reception Conditions Directive (RCD — Directive 2013/33/EU, article 24 (1)) inform that “Member States shall as soon as possible take measures 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 for in this Directive”. It is evident that the wording “as soon as possible” lessens the sense of urgency that the situation of unaccompanied minors calls for. Therefore, in 2016, the European Commission submitted to the European Parliament and Council, after consultation with the relevant third parties, a series of proposals to amend the current legislation package under the CEAS, with the objective of reforming its existing legal instruments in line with the approach set by the European Agenda on Migration. One of the changes foresaw in this revision is to repeal two of the existing directives (Qualification Directive — Directive 2011/95/EU and Asylum Procedures Directive) and replace them with regulations²³. The proposal for revision of the current Directives proves once again that the EU acts by all means possible with the objective of enhancing the wellbeing and rights of the child. The proposal for a regulation repealing Directive 2013/21/EU (APD) stipulates a period of no later than five working days for the appointment of the guardian²⁴, but it has not yet entered into force. The proposal for a revision of the Directive 2013/33/EU (RCD) does not turn it into a regulation. However, article 23 (1), former article 24, also stipulates that the period to assign a guardian from the moment when an unaccompanied minor applies for international protection shall not be later than five working days. Another interesting change in the mentioned proposal for revision of the RCD is that the term “representative” is replaced by the term “guardian” throughout the text (see COM (2016) 465 final).

²³ The difference between a regulation and a directive is that the first one is directly applicable into Member States’ national law, while the second gives the choice to Member States to decide when, within the timeframe set by the directive, and how, that is, to what extent, Member States will transpose it into national law.

²⁴ The proposal for a revision of Directive 2013/33/EU was filled in by the EC in July 2016. See < https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_standards_for_the_reception_of_applicants_for_international_protection_en.pdf > (assessed on 01/05/2017).

The fact that the guardian may be a natural person or an institution is also cause for concern. As stated above, institutions are often short on staff. Therefore, in these cases, it is impossible to have a personal guidance of each child, what raises doubts on the effectiveness of the system. It is crucial that the guardian has quality time to spend with the child in order to be able to develop a relationship based in trust, assess the child wishes and protect its interests accordingly (FRA, 2018:11). In order to compensate this gap, a new paragraph is added to article 23 of the proposal for a regulation repealing the RCD stating that “Member States shall ensure that a guardian is not placed in charge of a disproportionate number of unaccompanied minors at the same time that would render him or her unable to perform his or her tasks effectively”.

So that the best treatment possibly becomes a reality, it is also important that the guardian itself receives support on how to provide emotional care to the children under h/her responsibility. At European level there is a network of guardianship institutions, the European Network of Guardianship Institutions (ENGI), created in 2008 and funded by the European Commission European Refugee Fund (ERF), which provides support to practitioners and their organisations according to the specific needs of unaccompanied minors and avails a guardian’s database. Networks of qualified guardians are important because natural persons may not be able or be the most suitable person to follow-up the process of reception and care, even if they have some sort of relationship with the minor or work in an institution.

3.4 AGE-ASSESSMENT

Age assessment raises problems on personal and procedural levels. On the one hand, unaccompanied minors are entitled to a set of special rights granted until they reach legal majority at 18 years old, such as having priority in the registration and examination of their asylum procedures (AIDA, 2017:41–42) or specific reception conditions (RCD, article 11 (2–3); 14 (1); 24 (2)). This means that when minor third country nationals arrive to a EU Member State without the company of a parent or care giver, it is the responsibility of Member States to provide them with an alternative care solution suitable to their age, thus assuming the role of parents. As seen in chapter 2, it may be the case that minors, having some kind of knowledge about these specific guarantees for vulnerable persons, may believe that they will have a better treatment than adults or that it will be easier for them to be granted asylum in a certain host country. However, unaccompanied minors close to the limit of turning 18 years old travelling undocumented and who expect to be treated as minors may find themselves in a problematic situation, if they are unable to prove their age. For example, many unaccompanied minor Afghans travel without an identification document because in Afghanistan only the father is allowed to file birth registrations under national law. Since men are at war for many years or many perish before the infant is born, to register a child simply

becomes an issue of less importance. According to AIDA (2015:1), in 2003 in Afghanistan, the coverage of live birth reporting was at 6%. This explains why many minors travel undocumented and others do not know their real age. On the other hand, once minors arrive on EU soil and are put under the State's protection, they need to waive some of their autonomy and comply with the solutions found for them, like being put in a confined reception centre (AIDA, 2015:2). This means that for some older unaccompanied minors it is important to be able to prove that they are minors in order to collect the benefits of their condition, while others, would prefer to be treated as adults in order to avoid having the State's guardianship and be able to move on to their chosen destination country without direct supervision of the State (IOM, 2016:3).

From the Member States perspective, age assessment is also a controversial issue because by assuming the role of parents, the responsibility of the State should cover all aspects of the minor's life. Hence, unaccompanied minors become more burdensome than an adult or a child who travels with its family. Furthermore, medical examinations to prove one's age are expensive. Especially with the increase of unaccompanied minors reaching the EU in 2015–2016, some Member States, as for example Greece, are simply not in the position of paying (FRA, 2016:4).

Within the asylum context, for example according to the recast Asylum Procedures Directive (APD – Guarantees for unaccompanied minors, article 24) and the proposal for a Regulation repealing the current Directive, if there is doubt on the applicant's age, Member States may recur to age assessment medical examinations²⁵ and if doubt persists after such assessment, Member States shall assume that the applicant is a minor (APD, 25 (5)), giving him or her the benefit of the doubt. The mentioned medical tests are quite disputable because they serve as mere estimations and can have a margin of error that goes from five (5) to two (2) years. According to Rozzi (2017), "the margin of error inherent in any age assessment methodology is hardly ever indicated in the results, so the benefit of the doubt cannot be applied". As the tests are often inconclusive, minors who claim to be 16 years old or older may be put in detention centres while waiting for the results of an age-assessment test (AIDA, 2015:6), what goes against the principle of the best interest of the child and will most likely have a negative impact on h/her mental health. Bailleul (2017:135), when describing the high rates of age claims procedures denied after the initial assessment in France, reveals that "a large majority of the young people who have been rejected continue to claim to be unaccompanied minors", what leads to the conclusion drawn by Rozzi (2017) that some of these minors are wrongly identified as adults.

²⁵ The technics identified by AIDA (2015:4) regarding age assessment tests include dental examinations, X-rays to determine bone maturity or even examination of genitals (not allowed in some member States as for example in Germany).

The fact that unaccompanied minors are entitled to a specific treatment in the host country and special asylum procedures due to their vulnerability may cast suspicion both by national authorities and by the public opinion, demanding that children close to reach legal majority must prove that they are still minors and worthy of special protection. Despite the benefit of the doubt and the right to non-discrimination (article 2 of the CRC), some authors draw attention to the climate of suspicion in which adolescents are treated. McLaughlin (2017) tells us how after a visit of Lord Dubs to the Jungle Camp in Calais, the government passed the Dubs Amendment in 2016, which called on Britain's moral duty of protecting unaccompanied children seeking asylum in the United Kingdom (UK). In order to gain the public sympathy, the media immediately reacted by starting to include in its reports photographs of lone, vulnerable and innocent children with "childlike features" (McLaughlin, 2017:3), placed in nasty environments and in need of protection. The author puts forward that the images presented in media campaigns "suggested that what was at stake was not lives, ... but the very idea of childhood" (ibid:4). Meanwhile, after the first shipment of unaccompanied minors arrived to the UK, having realised that these children were no longer toddlers, the right-wing press began casting suspicion on the minor's real age. Consequently, the language used in media reports, the type of photographs and political discourses changed their focus from the protection needs of defenceless children to imply that juvenile delinquents were then taking advantage of Britain's hospitality (ibid:7). According to the author, the change in the discourse reveals that the Western conceptualization of childhood is a subjective concept that can be used for political ends, which go beyond the real intention of protecting the most vulnerable; and that issues of border control usually speak higher than humanitarian grounds. It also shows how highly politicised the practice of age assessment tests can be because asylum seeking minors were judged at the time according to their appearance of being more than 18 years old. In this regard, asylum seeking minors have to comply with the "dominant notions of childlike appearance and behaviour" (ibid:9), so that they are not excluded from their right to asylum as minors.

Nowadays, since there is no capacity to provide shelter to all unaccompanied minors and many minors are living on the streets without the appropriate care, distrust towards the fantastic malice intentions of older minors to benefit from special procedures in a certain Member State, although existing, can hardly be well-founded. As revealed by a key informant, the climate of suspicion was a reality before 2015. Presently, although the literature defends that young adults tend to say they are minors to benefit from better conditions, in Greece the opposite is happening: minors say they are older, so that they can continue their journeys to Northern Member States and escape confinement in reception centres under the protection of the first entering State. In fact, there is not a very evident effort from Greek authorities to carry out age assessment tests not only because once it is proved

that a minor is a minor the responsibility of the State will be full, but also because of the high costs implied by medical examinations.

Nevertheless, even when age-assessment tests are not at stake, the appearance of being older tends to work against minors. As revealed by another key informant, when trying to register unaccompanied minors in public school, she is often confronted with resistance by school personnel who mutter between the lines that it is not possible that the age of a young person so tall and physically developed is the one stated in the presented registration documents.

3.5 MENTAL CARE

Addressing children's treatment needs is a difficult project as it requires the collaboration of many actors (Fazel and Stein, 2002:368), such as agencies like the UNRCR and the World Health Organisation (WHO), governmental and non-governmental organisations, mental health specialists and voluntary organisations (Silove *et al.*, 2017:130). As we have seen in section 2.2, unaccompanied minors are a sensitive group that is likely to have been exposed to several levels of stress and possible traumatic events during the different phases of migration, such as exposure to violence and threats to relatives and friends, struggle with financial difficulties lived by their families, dangerous journeys and exploitation by criminal networks, and difficulties in adapting to a new culture after they arrive in the EU. All these stressors contribute to the development of feelings such as anxiety, the incapacity to cope daily tasks or a sense of hopelessness regarding their near future, which may result in psychological disorders. With the outstanding increase of minors arriving unaccompanied to the EU in 2015–2016, governments have been put under pressure and have been unable to provide adequate assistance to many of them.

Notwithstanding, international and EU law foresees that all children receive psychological support whenever necessary, independently of whether they are seeking asylum or not. Article 24 of the CRC (Health and health services) proclaims that "Children have the right to good quality health care — the best health care possible — to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy. Rich countries should help poorer countries achieve this", and Article 39 (Rehabilitation of child victims) imposes that "Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child". As mentioned above, Member States need to guarantee children's physical and mental health psychological support.

The integration within the public health system of all migrants including children, regardless of their legal status, is of utmost importance (UNICEF, 2017:1; Frank *et al.*,

2017:36). However, there are several barriers that hinder their integration, such as legal impediments in national law, lack of professional interpretation, and financial barriers (UNICEF, 2017:1). For those who are placed in state institutions, their mental health problems are not always treated (Senovilla Hernández, 2014:90) and most only receive urgent medical care (Eurochild, 2016:9, UNICEF, 2017:2).

As to the institutions in Portugal that took part in this investigation, all confirmed that psychological support and treatment are guaranteed to all minors without exception. However, UNICEF draws attention to the fact that many Member States rely on the work of NGOs to provide this kind of service and sometimes the service is not sufficient to all children (UNICEF, 2017:6). Moreover, in some countries, such as Greece, psychological support is only available at some initial reception centres. FRA also reports on the difficulties faced by some Member States to provide psychological care to traumatised persons due to the shortage of specialised medical staff in reception centres, which could provide assistance. Another difficulty is to sustain long-term therapy to people lacking a permanent residence permit (FRA, 2017:13–14). Due to lack of staff and poorly trained staff, there is also the possibility of misdiagnoses of post-traumatic disorders (Frank *et al.*, 2017:32 and 36).

The Social Security services refer minors to Health Centres that provide psychological support and conduct an initial assessment of the minor's general health. Therefore, unaccompanied minors who entered a Member State by irregular means and are not protected by a health insurance system, can only benefit from emergency medical care in public hospitals.

4. A PERSPECTIVE OF PRACTITIONERS WORKING WITH UNACCOMPANIED MINORS IN TWO EU COUNTRIES

4.1 PORTUGAL AND GREECE

As informed in chapter 1.3, the methodology used to assess if the expectations behind independent child migration are in line with the reality faced by unaccompanied minors in the EU was to consult with professionals and volunteers working with unaccompanied minors on a daily basis. Chapter 4. makes a summary of the topics approached during the interviews conducted to practitioners working in Portugal and Greece. These two countries were selected for practical reasons and also because while Portugal is one of the EU Member States presenting the lowest number of unaccompanied minors' asylum applications, by contrast, Greece is one displaying the highest numbers in recent years (Eurostat press release, 2016). Therefore, it was considered relevant to compare the perspectives of practitioners in both countries regarding the motivations and fulfilment of migration expectations of unaccompanied minors.

As stated in chapter 3.1 and confirmed by interviewees, reception of unaccompanied minor asylum applicants in Portugal is mainly managed by SEF. When minors who do not request asylum are intercepted by state authorities, the Public Prosecution initiates a civil procedure which will lead to a promotion and protective order allowing the residential reception. If, in addition, the police seize an unaccompanied minor committing a felony, an emergency response is activated, being one of the objectives to find a place to host the minor. The network of reception facilities is managed by Santa Casa da Misericórdia, which has protocols with several institutions capable of providing shelter for children at risk. For example, Casa Pia de Lisboa has been receiving considerably more unaccompanied minors since 2015 and currently holds two 2 different centres, one for emergency responses and another for longer responses. The other institutions participating in this study also asserted their interest in offering shelter to unaccompanied foreign minors alongside with national ones. The objective of these reception centres is to transform the minors' daily life in a predictable routine that safeguards care and education for an adaptative behaviour in the Portuguese society. In Greece, accommodation of unaccompanied minors within autonomy or emergency responses falls under the responsibility of the Ministry of Health and Social Solidarity, while the Hellenic Police deals with the examination of asylum applications. The latest increase of unaccompanied minors has forced state authorities to recur to services provided by NGOs, which consist of a series of services related to basic needs such as, among others, housing, access to education, psychosocial development, legal aid, or guardianship. Both in Portugal and in Greece, the Public Prosecution should be informed that an unaccompanied minor was identified in the country by the asylum offices, which shall

ensure that a representative/guardian is appointed. While in Portugal this process is usually quite rapid, in Greece it can take up to several months due to the large numbers of unaccompanied minor migrants in the country. The District Attorney is appointed as a temporary guardian, but in some cases h/she may formally assign full guardianship to the directors of shelters or social workers of state institutions (EMN, 2014:15).

The main difference between the two countries regarding the treatment of unaccompanied minors is that in Portugal it is possible to have a closer follow-up of minors from the moment they are put under the custody of the State, while in Greece, as the numbers of minors in need are overwhelming, secure accommodation, care and representation has been described as a failure and poor treatment has been lately denounced by several actors working in the field.

Age assessment tests are not performed regularly in any of these countries.

4.2 FINDINGS

Although dependant on the individual background of each minor, motivations mentioned during the interviews were largely coincident with the ones identified in the literature, which have a strong emphasis on the expectation of a better life. The origin countries of unaccompanied minors in Portugal referred by the key informants were mostly African countries like the Republic of Congo, the Democratic Republic of Congo, Nigeria, Sierra Leone, Ivory Coast, Guinea Conakry, Mali, Angola and Cape Verde. In these cases, although the search for a job was identified as being a primary goal for many minors, in general, the objective of sending remittances back home does not play a very important role because many of them lost their families or lost contact with them before migrating. Forced marriages, religious persecution, persecution due to sexual orientation and fear of retaliation from their families and cultural circles were also mentioned. One professional also informed to have worked with victims of human trafficking. Confirming the findings of chapter 2, four key informants reported that many minors see work as a normal cultural practice and that they are used to work at an early age to provide for the family and personal expenses, what includes also financing their travel costs to Europe. Therefore, when they arrive in Portugal, they usually wish to continue working because this is what they have always done. Only after being integrated in an institution, some discover that attending school is not a privilege for a few but a right to which they are entitled as well, and this is when their objective turns away from working to studying because they realise that by doing so the chances of a better future will become higher. Conversely, a key informant working in Greece reported that most unaccompanied minors were coming from Syria, Iraq and Pakistan, mostly fleeing for their lives and for security reasons. According to the interviewee, who mentioned as an example

the case of one minor escaping from an honour crime, these minors live the same kind of drama as the ones at war or who risk moving in the search of a better life.

Cultural integration in Portugal of African unaccompanied minors was described as being more or less easy. One of the biggest challenges is related to difficulties in finding work suitable to the personal profile of each minor. As following the ratification of the Convention concerning Minimum Age for Admission to Employment of the International Labour Organization (1973), the minimum age for employment “shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years” (art. 2.3), minors under 16 cannot legally work and minors over 16 and under 18 need permission from their parents or guardians. According to the Convention, some exceptions can be made under specific requirements; however, the average age for working in EU Member States is 16 years old with parent’s consent or from 18 years old on (EU, 2017). Additionally, if the minor is undocumented, it becomes impossible for h/her to find a job. Having a work contract would grant them a residence permit, however, even after completing a professional traineeship and having formal certification, companies will not hire due to lack of documentation. Although some take longer than others to acquire professional competences, minors are encouraged to do voluntary work and trainings to gain some professional experience that can be used later in their professional future²⁶. Trainings at the hotel industry (in the kitchens), kindergartens and support to activities with children, telecommunications shops, and carpentry were the most common activities mentioned.

As relationship with peers is also important for their integration into a new society, institutions tend to promote socio cultural activities to know the host country and promote interaction with other minors, such as in Portuguese language courses, literacy courses whenever necessary and other leisure activities. The same type of courses is offered in Greece. Volunteers teach minors how to behave in classroom, in the summer they organise tours to the beach, cultural-specific programmes, offer arts and language courses and encourage them to do sports. However, as for many unaccompanied minors Athens is only a transit country because what they really want is to go to Germany or Sweden, the language courses offered in Athens include other languages besides the national one.

Lack of enough reception centres is also a major problem in Greece. Minors who are lucky enough to be put in reception centres can be considered to benefit from luxurious

²⁶ According to the Portuguese Labour Code, amended by article 3 of Law 14/2018 of 19 March, minors below 16 years old cannot work, except h/she has concluded compulsory education or is enrolled in a course at secondary level. Article 68 states that minors below 16 years old can only perform light tasks and article 69 that minors without compulsory education can only be admitted for work if their studies require work as a form of professional qualification. Article 70 refers to the need of parental consent when a minor below 16 years old has not concluded compulsory education.

conditions in comparison to those in refugee camps because there they will have meals, have a place to sleep and some level of security; they will also have professionals and lawyers to advise them and help them with the asylum procedures, while in the camps they do not even have satisfactory sanitary conditions. A legitimate concern on what to do with a minor who arrives alone and does not meet the conditions to receive the refugee status was also mentioned, because according to the rules, these minors should not even have entered the country. Although accommodation in reception centres is not a major problem in Portugal, there is also a genuine concern about finding durable solutions for undocumented children.

In general, integration at school can be difficult. When unaccompanied minors go to school for the first time, the challenges are huge not only because they need to adapt to new rules — such as being on time for class or never forget school material, what for someone who has never attended school regularly is sometimes difficult to internalise —, but also because they do not master the national language or do not have a formal education correspondent to their age range. Attending school in the origin countries may not be a consecutive action, that is, minors may attend school for some time and then interrupt it, mostly because they start working at an early age. Although they value school, lack of concentration spam triggered by previous traumatic experiences may bring additional difficulties into the learning process. To deal with these kind of difficulties, many choose to enrol in professional courses for handcrafts and short-term trainings because this way they can swiftly see the results of their efforts. Specific examples of how professionals search for creative solutions that may apply to such minors and meet their expectations were described by most interviewees. In one specific case, one of the contacted institutions responsible for reception mentioned how it managed to obtain, with the intervention from the Portuguese Ministry of Education, an equivalence with the 9th grade, so that one minor could attend a professional course in industrial engineering, what is not very easy to find in Portugal. Despite many efforts, one institution also reported that when minors want to pressure the institution in order to get something, they sometimes start by not going to classes for a certain period because they know attending school is an institutional priority for the implementation of their life projects. Nevertheless, cases of academic success were also reported by other institutions. Cases of rebellion against authority were reported by two interviewees.

One of the challenges posed to institutions working with unaccompanied minors both in Portugal and in Greece is that many follow the ideal of reaching northern Europe. As countries have quotas for receiving migrants and because countries are not interested in receiving more people than the ones they already have, families and minors are forced to come through and stay in Southern Europe. They seem to be aware that in the EU there is

free movement of people, however they do not always realise that once registered in one country they are not encouraged to leave it during the asylum process, although they do. From the perspective of one interviewee working in Greece, family reunification is used as a strategy to obtain permission to stay in the EU. If there is an existing direct line family member (husband, father, mother or siblings) in the EU, it is common for families to send the most vulnerable member first, usually a child, and ask for family reunification later. The information that this strategy will be succeeded is conveyed by friends or acquaintances that migrated beforehand.

One institution in Portugal reported that it received unaccompanied minors coming from Afghanistan. As the migration crisis was at its peak, a group of institutions showed interest, before UNHCR and the Portuguese State Secretary for Citizenship and Equality, to contribute to the problem by receiving unaccompanied minors in one pre-defined centre. The circumstances of reception of these minors were, therefore, very specific and different from what had been the long experience of the concerned centre in dealing with national children at risk and deprived of parental care who, in most cases, are taken from their families due to family neglect. The reported experience by the concerned reception centre was therefore slightly different and actions were reportedly more difficult to implement due to cultural differences. When unaccompanied minors are put under the responsibility of a reception centre in Portugal, one of the first steps is to establish a well-defined action plan and a proposal for a life project together with the minors, which includes a planned intervention at many levels of their lives. The objective is at an extent to make them feel they will be treated as adolescents and in the same way as national youths deprived of parental care. However, the concerned centre reported that this had a reverse effect and that it took a while for the involved professionals to understand that being treated as a minor was not what the minors were expecting to find in Portugal. On the contrary, it turned out that minors wished to preserve their self-governing life-style and to be left alone. An existing previous report with a psychological diagnosis of those minors, that the centre had to insist to receive from the concerned authorities, stated the many details of the migratory processes of those minors through Afghanistan, Pakistan, Iran, Turkey and Greece. As language was a communication barrier, this report was essential to adapt the social response to the minor's profiles, but it came in too late. Moreover, it was only possible to hire an interpreter after three months from the beginning of the project, when communication challenges had already escalated. Already during the first days after the minor's arrival, it was noted by professionals that these minors wanted to fulfil the European dream of having money above all. Two of the minors had family in Pakistan and wanted to send money back home. For the others, this was not so important, but having money at hand played an important role in the individual fulfilment of their expectations.

Their ages were estimated by SEF because they did not have formal identification and because in Portugal age-assessment tests are not performed regularly. Suspicion about the real age of some of the group and that they were advised not to say they were older than 18 years old hang in the air. After being registered in a camp in Greece as minors and after the statement requesting a residence permit in Portugal, their age was defined according to the information provided directly by them. Once in Portugal, the minors were placed in well-equipped apartments, which had already been used in other emergency social responses but were vacant at the time, and were immediately integrated in the Secondary School of the area. This project required the allocation of several staff, who had to be available 24 hours a day to solve all kinds of mishaps. It also demanded sharing staff taken from other social responses to assist these minors. Moreover, it involved a heavy financial effort by the institution and there was some disappointment about the state in which apartments were left only after two weeks. Although the signed protocol foresaw a duration of 18 months, it was waived in approximately nine months because it was damaging the functioning of the other social responses in the same institution. Compliance with household rules such as having lunch on time or participating in the activities within the previously defined life project revealed to be a major problem as these minors were used to a self-governing life-style, without a routine plan and living an adult's reality from an early age. For example, if they were hungry in the middle of the night, they would prepare food and make noise for the neighbours by putting music loud like in a party. The greatest shock was to realise that the arranged proposal for their development did not match their expectations, which were summarised by the willingness of being in safety, having access to Wi-Fi, have a job and clothing. For example, to make them understand that they could not work at their age was troublesome. According to an interviewee, even the court that ruled their promotion and protective order did not understand this reality. Besides the staff allocated to take care of them, the work of the auxiliaries and technical team was also affected because, in particular one of the minors, became easily violent whenever his intentions had to be thwarted. At the same time, interviewees stated that in his good moments he was very tender boy, what suggests that his aggressive behaviour was related to PTSD and needed a specialised monitoring. From the 4th month of the project it was possible to assign a psychologist, who had previous experience with other refugees in a local hospital, to follow up the minors. Once again, two major difficulties hindered the process: first, there was the need for an interpreter to be present at the medical appointments, what evidently compromised the relation of trust and willingness to speak freely about sensitive matters; second, the fact that the hired interpreter was a woman and therefore could not exert any kind of authority over boys, made the process even more complicated. Finally, other setbacks related to the condition of being an adolescent and lack of preparation for what to expect from the minors

were also pointed out. Dependency on Wi-Fi and social media, although a characteristic common to most adolescents, was also disturbing because professionals were not expecting them to be so dependent and the networks in which they relied were of dubious nature. It was suspected that minors were being instructed to act in a certain way.

All interviewees confirmed that Portugal is not the primary choice of unaccompanied minors. When asked if minors usually find in Portugal what they were expecting, most interviewed professionals replied that children associate Portugal with the football player Cristiano Ronaldo, the sun, the beach and nothing else. As information is sometimes contradictory or non-existent, minors do not expect that their financial independence would take so long, that they would have the obligation of concluding their studies in order to find work and that institutional staff would have a say in defining their life projects — what could be misinterpreted as interference with their lives. The fact that awareness about what would happen next is usually not raised prior to their journeys, was also a problem. One interview stated that minors complain that SEF takes too long to take care of their legalisation and documentation.

To work with children is nonetheless rewarding. A volunteer in Greece confided that even today he still maintains contact through WhatsApp with some of the people he met and spoke of minors with great affection. In Portugal, all professionals used at some point during the interviews loving expressions to refer to specific cases of unaccompanied minors whom they had taken care of along their professional lives.

5. CONCLUSIONS

The aim of this research was to present an overview on the situation of unaccompanied minors in the EU, placing a special emphasis on their motivations and expectations for migration. As several studies confirm, there have always been minors moving alone in cultures where work and migration are seen as a preparation for adulthood and a normal cultural practice. Moreover, minors who decide to migrate on their own are usually the ones who have already had some experience with regional and/or international migration. In recent years, the worsening of conditions in transit countries, reinforced by stricter rules in the labour market towards immigrants, coupled with conflicts in the Middle East and Africa, have certainly contributed to an increasing number of unaccompanied minors seeking a safe and better life in the EU. Additionally, free broadcast television and the spread of the internet has also been fuelling a perception of wealth and status, which supposedly can only be achieved by migrating into the globalised world, ultimately embodied by Europe.

Although international and EU law foresees the protection of refugees and other migrants, giving special attention to the needs of vulnerable groups such as unaccompanied minors, this research has highlighted that there is a gap between good intentions and reality. This gap is present in the inability of Member States to implement children's rights as defined on paper and also in the minors' disappointment towards what they find in the EU. For example, many young people feel unable to fulfil their goals and dreams and see themselves trapped in complicated and lengthy administrative procedures which they believe prevent them from meeting their aspirations. The principle of the doubt in age-assessment procedures does not always prevail against personal moral judgements. Frontline Member States are also struggling to give suitable shelter and care to recent flows of unaccompanied minors due to financial and structural constraints. Some unaccompanied minors end up living on the streets, while others choose to abscond because they distrust the system. In spite of these and other barriers, many families and children continue to find that the benefits of moving to Europe pay off.

When embarking on the migration adventure, minors bring with them the expectation that Europe is the land of rights and opportunities and do not always realise that it is necessary to work hard to achieve their objectives. In other words, they do not always realise that all rights come with associated duties and that arriving in Europe may not be synonym to accomplishing a dream or project. In some cases, this investigation found that minors may react negatively to the offered solutions after knowing they are finally safe from the dangers incurred before migration and defy authority because they have always been the only authority in their own lives. This may happen either because transgression and

revolt are inherent characteristics of adolescence, or because the minors' arrival to the EU gives them a feeling of having reached a higher degree of freedom and autonomy that increases their propensity to new claims and new projects, thus highlighting the gap between expectations and reality.

One of the setbacks reported by practitioners in Portugal has been related to the difficulties in adapting the established mechanisms for children at risk at national level to the specific needs of unaccompanied minor migrants, who have a higher expectation of autonomy and self-sufficiency than national children deprived of parental care. For example, in the case of the Portuguese project that received Afghan unaccompanied minors from Greece, one of the difficulties observed was that the court did not have access to the various actors involved in the process; in essence, the promoter of the project was not called to go to court to put in context the background of these minors, and therefore their need for autonomy was not considered.

While it is unquestionable that minors, and especially adolescents that have been on their own for many years and experienced traumatic events, are vulnerable and therefore need special safeguards regarding their rights as minors and the opportunity of living the kind of childhood they never had; this dissertation has shown that vulnerability can co-exist with agency. Providing unaccompanied minor migrants with a stable and structured environment is fundamental but it is also necessary to find a balanced approach that supports their individual choices and gives them space to strengthen their personal and social identity. On the one hand it is understandable that nation-states must protect their own interests by controlling immigration and that many would not even have the financial or structural capacity for welcoming all minors that wish to migrate due to economic reasons. On the other hand, if national, regional and international obligations followed by Member States pursue the ideal of offering special protection and assistance to all children and ensuring their well-being and development, it is necessary to take more concrete actions in that respect, starting by actually giving them the right to be heard and taking their motivations and objectives into consideration.

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Recast Qualification Directive (Directive 2011/95/EU)

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