“Net For U” – Needs Tackling and Networks Tracing for nied Minors Integration

National Report for Germany prepared by CJD Hamburg + Eutin

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1. Introduction: General Overview and Key Challenges

Over the past decades, Germany has been a destination for children and unaccompanied minors (UAM) from Africa, Asia and Eastern Europe who fled from civil wars, economic hardship, violence, abuse and lack of opportunities in their home countries. As part of a growing global refugee and migration movement many of these youths leave their countries of origin under highly precarious conditions – by boat, by truck or by foot. Some UAM embark on their flight trajectory on their own and some are separated from their families during their journey. The majority of UAM in Germany looks back on an extensive travel time of months and at times even years.

The appropriate service provision for this vulnerable group and the focus on the “best interest of the child” constitutes an ongoing challenge for policy makers, government and youth service agencies, communities and social workers. In Germany, the service delivery is further complicated by a federal political system which grants discretion to the 16 “Bundesländer” (states) with respect to the accommodation of UAM. Due to this administrative structure, there are significant differences between individual states in the provision of services to this target group. Given their young age and their strenuous flight experiences these youths are in need of targeted services including accommodation, legal assistance, schooling, (mental) health care and assistance in all matters relating to life in exile. Besides outlining the provision of “logistical” services for UAM in the German context this report will further attempt to explore the role of family relations and networks for the emotional (in-) stability of the youths.

As the German partner of the EIF project “Net for U”, CJD Hamburg + Eutin conducted a series of 19 interviews with professionals who are working with the target group of UAM. In addition to interviewing social workers and representatives of direct service providers CJD also spoke to advocacy groups, international organizations as well as representatives of government agencies. Interviews were conducted in several states as well as urban areas and less populated areas of Germany. The majority of the interviews were conducted on the phone, 6 interviews in Hamburg and Lübeck were conducted in person.

The interviews reflected the heterogeneous landscape of implementation in different German states and localities. While the interviewees stressed the need to continuously improving the services for UAM some interviewees observed that the service provision, the cooperation between responsible agencies as well as the level of intercultural awareness have improved since the mid-1990s when the numbers of UAM first became more significant.

The interviews have demonstrated that the family focus of the study – and the related themes of family tracing and family reunification - was of great interest to the interviewees. However, it became clear that family relations are also amongst the least formalized domains of intervention. The subject of family relations remains ambivalent for both UAM themselves as well as for the social worker who provides integration services to the youth. However, interviewees alluded to the upcoming revision of the Dublin II legislation, which specifically emphasizes the obligation of EU-member states to protect the family unit (Janetzek 2013) with related implications to service provision.

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1 Appendix 1: List of Interviews – CJD Hamburg + Eutin, one written interview with the Federal Office for Migration and Refugees is still outstanding but answers will be included retroactively
2 Interview 2,7,10. These numbers correspond with the interview numbers in Annex 1: Interview Partners
The findings of this report are based primarily on the interviews that were conducted as well as policy papers and publications by practitioners working with the target group. More academic approaches to the subject are limited. A significant source of information for policy trends and debates, case studies of localities, and events is the “Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V.” (Bundesfachverband-UMF) – a national non-governmental association for UAM. Due to the limited sample group of interviewees the report does not claim to be exhaustive but rather intends to provide an overview of the key areas of needs and the challenges in addressing these needs.

2. Population Description

Due to the civil war in former Yugoslavia and the changing political situation in the former GUS states the number of refugees in Germany reached a peak in the mid-1990s. Thereafter the number of asylum requests gradually decreased until 2006 (Bundesamt für Migration und Flüchtlinge (BAMF) 2013). Since then there has been a steady increase in the number of UAM again, mainly as a consequence of the rising number of refugees from Afghanistan. Although their number is relatively low compared to their adult counterparts, this population continues to be of concern to government and NGO representatives.

2.1. Definition of Unaccompanied Minors (UAM) in Germany

According to EU Council Directive 2004/83/EC “unaccompanied minors” are “third-country nationals or stateless persons below the age of 18, who arrive on the territory of the Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person; it includes minors who are left unaccompanied after they have entered the territory of the Member States.”

Despite being a signatory to this directive Germany has – different from other EU-member states – introduced a particular legal provision with respect to UAM. In its Asylum Procedure Law Germany declares non-Germans as legally authorized to represent themselves in their asylum and immigration law cases upon reaching the age of 16. In light of this legislation, UAM at the age of 16 and 17 are eligible to pursue their legal proceedings pertaining to immigration and asylum without government obligation to install a legal guardian. This age differentiation continues to meet significant criticism from practitioners and NGO representatives who argue that this rule is a violation of the “best interest of the child” since it prevents an adequate service provision for this age group and leaves a minor unaccompanied during a highly complex legal procedure.

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3 A report by Bernd Parusel (2009) on UAM by the Federal Agency for Migration and Refugees (BAMF) was downloaded more than 5000 times and with that more often than any other document published by the agency.
4 § 12 Abs. 1 AsylVG and § 80 Abs. 1 AufenthG
2.2. Numbers of UAM and Countries of Origin

Determining the exact number of UAM in Germany is difficult. The Office of Foreign Registry (Ausländerzentralregister) indicates the age of foreign minors – however without determining his or her family status. Therefore, these numbers do not reveal if a minor entered Germany unaccompanied or with his or her family (Parusel 2009: 17).

According to the Federal Office for Migration and Refugees (BAMF), the number of UAM filing for asylum in 2011 amounted to 2,126 – compared to 1,304 in 2009. Out of this number, 714 were below the age of 16 and 1,412 were 16 or 17 years old (Bundesamt für Migration und Flüchtlinge (BAMF) 2011).

To assess the total number of UAM in the country, the Bundesfachverband UMF has provided an analysis which differentiates between the number of UAM who have applied for asylum and those who have been taken into custody by the Office of Youth Services. According to this analysis the number of UAM who were taken into custody by the Office of Youth Services has risen from 3,015 in 2009 to 3,787 in 2011 (Bundesfachverband UMF 2012). These numbers include the number of UAM who have filed an asylum request. While in some states the number of custodial care cases and asylum cases is almost identical, there is significant variation between this data in other states. These differences give an indication on the individual state’s priority on channeling an UAM into an asylum procedure.

Table 1: Numbers of UAM in Germany, 2009 and 2011

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>UAM in custody of Office of Youth Services</td>
<td>3,015</td>
<td>3,787</td>
</tr>
<tr>
<td>UAM filing for asylum</td>
<td>1,304</td>
<td>2,126</td>
</tr>
<tr>
<td>Below the age of 16</td>
<td>N/A</td>
<td>714</td>
</tr>
<tr>
<td>16 and 17 years old</td>
<td>N/A</td>
<td>1,412</td>
</tr>
<tr>
<td>UAM granted asylum (%)</td>
<td>N/A</td>
<td>11.6</td>
</tr>
<tr>
<td>UAM receiving subsidiary protection (%)</td>
<td>N/A 7</td>
<td>28.4</td>
</tr>
</tbody>
</table>

Sources: Bundesamt für Migration und Flüchtlinge (BAMF) 2011; Bundesfachverband UMF 2012

According to the Federal Agency for Migration and Refugees (BAMF), the main countries of origin of UAM in 2011 were Afghanistan (1,092), Iraq (199), Somalia (103) and Syria (84). 11.6% of UAM were granted asylum in accordance with Art. 16a of the German constitution (Grundgesetz) and 28.4 % received subsidiary protection based on humanitarian reasons. The remaining youths who do not fall under either of these protective paradigms commonly receive a limited permit to stay (Duldung) – which represents a “temporary suspension of deportation” and which goes along with limited rights and access to services.

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6 These numbers are estimates only since some states (Bundesländer) do not have reliable statics on custodial care cases for UAM.
7 Comparative data to be gathered on request
8 Subsidiary protection against “refoulement”, § 60 I-VII AufenthG.
9 § 60a AufenthG
Including all individuals who are currently awaiting their court decisions or who have a temporary status, it is estimated that between 5,000 and 10,000 UAM are currently residing on German territory.

3. Legal Framework

The legal framework pertaining to UAM in Germany is characterized by the complex interaction of different areas of law pursuing a duality of objectives. For one, Germany is bound by international conventions to protect the “best interest of the child”. On the other hand, decisions are guided by regulations of the asylum and immigration law with a restrictive focus on controlling immigration into German territory.

3.1. Implementation and Responses to EU and International Law and Directives

Germany is a signatory of all three international conventions pertaining to UAM: the Geneva Convention on Refugees (GCR) from 1951, the Hague Convention on the Protection of Children from 1961, and the UN-Convention on the Rights of the Child (CRC) of 1989. In Art. 3 the CRC states that the “best interest of the child” shall be a primary consideration in all actions pertaining to the child. Art. 10 requests the signatory states to consider requests for family reunification in a “positive, humane and expeditious manner.” Art. 20 calls for special protection and assistance by the signatory state if a child is temporarily or permanently deprived of his or her family environment or cannot be allowed to remain in that environment.

The CRC came into effect in Germany on April 5, 1992. However, the German government introduced an exception to this convention with the objective of preventing uncontrolled immigration. Germany’s reservation stated that the convention shall not be interpreted as a rule that would tolerate irregular immigration. In addition, the reservation clarified that the convention should not limit Germany’s authority to pass laws and regulations on the conditions of entry and residence of migrants and should not prevent Germany to distinguish between Germans and non-Germans. Almost 20 years later and after significant pressure from advocacy groups the German government withdrew this exception on July 15, 2010 and with that made a commitment to equal treatment of all children within German territory (Bundesfachverband UMF 2011). The implications of this withdrawal remain controversial however. While advocacy groups and a recent proposal by the Social Democratic Party argue for the need to make consequential changes to the asylum, immigration and social law, opponents claim that the current legislation is sufficient to fully implement the CRC (Hib – Heute im Bundestag 2013).


http://www.aufenthaltstitel.de/unkinderrechtskonvention.html#vorbehaltserklaerung
The most significant EU legislation impacting on the status of UAM is Council Regulation 343/2003 – commonly referred to as Dublin II. This legislation determines which member state is responsible for the asylum proceedings of third country nationals. The system has initially been established with the intention of preventing multiple asylum requests and onward migration within member states. According to these regulations UAM who arrived in Germany but who entered the EU through one of its Southern member states are subject to deportations to their countries of entry (Dolk 2011). Although deportations of minors to overburdened member states have been processed less stringently the fear of being sent back is a dominant reality in the lives of many UAM. In a draft for revising the current Dublin II legislation the unit of the family and the protection of UAM are expected to receive a stronger emphasis. The draft version of Dublin III clearly commits to the „best interest of the child“ and requests the member states to appoint qualified representatives to support the youth in their legal proceedings (Art. 6). In addition, member states are obliged to verify possibilities of family reunification and to initiate appropriate steps to identify the presence of family members in other EU member states (Art. 6, 8). Different from Dublin II the revision of the legislation includes extended family members such as uncles, aunts and grandparents in its definition (Rat der Europäischen Union 2012; Janetzek 2013).

3.2. National Law

An important step towards protecting the rights of UAM and incorporating the values of the CRC into German legislation was the revision of the German Children and Youth Services Act. On October 1, 2005 a new version of § 42 SGB VIII was passed. In Art. 1 (3) it states that the Office of Youth Services is not only authorized but mandated to take a Non-German child or youth into custody, if he or she entered German territory without a parent or legal guardian. In Art. 2 the legislation requires the Office of Youth Services to develop a support plan in accordance with the best interest of the child and to provide for accommodation and health care. In addition, the Office of Youth Services is obliged to immediately nominate a legal guardian for the UAM. In accordance with this legislation, the German government has passed a “National Action Plan for a Child-Friendly Germany 2005-2010” (Bundesministerium für Familie, Senioren, Frauen und Jugend 2005). In this action plan the government commits itself to a more comprehensive “clearing process” to identify the individual needs of the UAM. Also, the action plan calls for age-appropriate accommodation for UAM and reinforces the need for the appointment of legal guardians for children under the age of 18.

These two national legislative provisions constitute a clear commitment to legal custody for UAM including those who are 16 and 17 years old. Contrary to these provisions the above-mentioned Asylum Procedure Law treats UAM upon the age of 16 as adults. As a consequence an asylum seeker who reaches the age of 16 could be housed in adult accommodations with the inherent risk of abuse, violence, lack of schooling, space and appropriate youth services. Under this regulation, a minor could also fall under the rule of redistribution within Germany territory in line with particular quotas for each state. These two legal mandates constitute the framework for service provision for UAM and

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11 Interview 17
12 Kinder- und Jugendhilfereformgesetz (KICK)

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due to Germany’s federal administrative order – have been interpreted and applied with significant variations in different states.\

4. Needs Assessment and Service Provision for UAM

In light of the above-mentioned legal and political framework, the following section will identify and discuss key areas of needs and services for UAMs based on the interviews conducted with professionals servicing this target-group.

4.1. Initial Clearing and Accommodation

Based on § 42 SGB VIII from 2005, the Office of Youth Services is responsible to take a foreign minor into its custody if he or she entered German territory without a parent or legal guardian. In line with this responsibility the Office of Youth Services is mandated to place their wards into age-appropriate places of accommodation. This task is clearly reinforced by the National Action Plan for a Child-Friendly Germany (Bundesministerium für Familie, Senioren, Frauen und Jugend 2005: 75). So far, a majority of German states have created “clearing houses” or similar facilities which constitute the first point of access and accommodation for UAM. The clearing houses offer shelter for about 3 months during which the youth is provided with basic services including clothing, health care, schooling, legal assistance, therapy – if needed – and recreation. During the initial clearing phase general information on the family situation of the youth is gathered – name of parents and siblings, place of residence of parents and siblings and status of contact with family members. This procedure is in accordance with EU Council Directive 2003/9/EC, Art. 3 which requests EU member states to identify and search for family members as long as this process meets the best interest of the child.

In some cases – mainly in larger cities with higher numbers of UAM – clearing houses are installed for UAM exclusively. In other communities clearing houses accommodate a mix of UAM and German youths. Some interviewees have stressed that UAM in most cases have a stabilizing effect on the group dynamic in an integrated clearing house. The German youths benefit since UAM tend to be “more polite” and “share experiences of extreme hardship”. The UAM benefit from communicating primarily in German however there are also concerns that their exposure to disadvantaged, at-risk German youths might have an adverse effect on their own development. The reasons of separation from their families differ significantly between UAM and German youths, a circumstance that needs to be taken into consideration when choosing appropriate spaces of accommodation.

Some states adhere to the provisions of the Asylum Procedure Law and continue to pursue a two-tier system between UAM under and above 16 years. Most prominent is the example of Bavaria where UAM at the age of 16 are housed in large adult facilities in former military barracks without the necessary pedagogical care. These circumstances have led to a hunger strike of young minors in one of the facilities in 2012 (Loerzer 2013).

[14] In 8 out of 16 states these facilities are named “clearing houses” in other states such as Schleswig-Holstein, Hamburg and Berlin facilities offer similar services.
[15] See also Annex 1: Sample intake interview in clearing house
[16] Interview 5
The UAM enter the clearing phase after many of them have experienced months – and at times - years of flight. During clearing extensive administrative issues have to be processed. As one of the first steps, the youth has to submit to a medical check to assess his or her correct age – as discussed in the following section. Also, the youth is confronted with an array of bureaucratic tasks which can be overwhelming. Once the youth is accommodated into a clearing house, he or she is familiarized with the legal options that surround his or her stay in Germany. Amongst these options, an asylum request is most common. However, as pointed out above only 11.6% of UAM have been granted asylum in 2011. Therefore, many interviewees have argued that the youth need a more extended time “to arrive” and “to breathe” to better assess their individual needs and to recover from the burdens of long flight trajectories. During this time, a multi-disciplinary team of social workers, psychologists, translators and potentially anthropologists should determine – in cooperation with the youth – what type of family relations exist, if an asylum request is the best option, what the objectives of the UAM are, and if mental health issues need to be addressed. In most cases, such an in-depth assessment is not possible due to a lack of personnel, resources and most importantly legal requirements.

The housing facilities for UAM showed significant variation in Germany. While the barrack style accommodation for some UAM in Bavaria mark one end of the spectrum, there are clearing facilities with a large array of youth specific services like the LEB clearing house in Hamburg: 10 translators for 34 UMs, 12 staff members for 24 hour supervision, daily group meeting to address various subjects including discrimination and racism (also amongst residents), sports hall, basketball court, computer lab with internet access, craft class, language classes. However, after the initial clearing phase of about 3 months the youth is transferred to a more permanent group home to wait for a decision on his or her legal/immigration status.

4.2. Transition after Initial Accommodation

The transition into longer-term housing is linked to significant problems in some communities and particularly in larger cities such as Hamburg and Berlin. In these cities with a highly competitive rental market, UAM without permanent residence papers compete with German applicants for accommodation. With an increase in UAM for the past 5-7 years most facilities are overcrowded which in turn leads to backlogs in clearing homes where the youths are only supposed to stay for 3 months but in some cases stay up to 9 months. While stationary – and very cost-intensive- residences – with 24 hour assistance under § 34 SGB VIII are less in demand the largest need can currently be identified for ambulant residences under § 30 SGB VIII which provide both assistance as a well as a certain level of independence to the youth. Some interviewees have criticized that the situation is further complicated by granting too many options to the UAM. The youths are encouraged “to shop” around for residences that best suit their expectations making placements more difficult. This view was rejected.

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17 For an example of an initial clearing process view Annex 2.
18 As pointed out in section, there are significant differences between states. In Hamburg, the number of asylum requests and the number of custodial cases by the Office of Youth Services is almost identical which resulting from the fact that youth are asked to request for asylum immediately upon arrival (Bundesfachverband UMF 2012)
19 Interview 2,5,6,8,16,17
20 Interview 6
21 LEB Erstaufnahmeeinrichtung 3, Hamburg, site visit on January 21, 2013.
22 Interview 11,15
by those arguing that the youth need to feel comfortable and accepted in the new place of residence.\textsuperscript{23} In addition, there are complaints that the complexity of applying for financial entitlements unnecessarily complicates and prolongs the transition from a clearing house to a more permanent group home (Bürgerschaft Hamburg 2013).\textsuperscript{24}

Although the problem of overcrowded accommodations is being recognized, cities and communities are unwilling to expand residential facilities due to the lack of predictability of refugee numbers. In fact, many facilities and group homes have been closed down when the numbers of refugees decreased around 2005-2006. The recent increase of refugees confronts communities with new challenges (Espenhorst 2011).

An additional barrier to a smooth transition from a clearing house to a group home is a practice in some states where youth are transferred into geographically distant communities in line with predetermined quotas after their initial 3 months of clearing. This practice avoids continuity of services and interrupts efforts that have been initiated with respect to schooling and social networks.\textsuperscript{25}

### 4.3. Age Determination

Many of the UAM enter Germany without their passports or papers of identification that provide information about their age. In order to determine if an individual falls under the responsibility of the Office of Youth Services all states have developed approaches of age determination – some of which are criticized as a violation of the UN CRC.\textsuperscript{26} These practices include medical examinations and X-rays of the carpus and teeth if the Office of Immigration assumes that the youth is older than indicated (Wiese 2010). In other states the age of the youth is estimated by a representative of the Office of Immigration. Such practices have been criticized by interviewees who stressed the need for trained pedagogical and psychological staff to assess the age of the youth. These interviewees warned to conduct this assessment immediately upon arrival of the youth. It is advisable to give social workers and psychologists time to observe the age-specific behavior of the youth for a more extended period of time.\textsuperscript{27} Besides, one social worker stated that many of the youth look significantly older after many months of flight – after two weeks in a protected environment the young person looks more like his or her age.\textsuperscript{28}

However, another interviewee stated that one should confront the fact that many UAM declare a younger age below 18 to prevent deportation and to gain access to a minimum of services including the right to education.\textsuperscript{29} As a consequence, many of those who enter Germany as UAM fail to pass the methods of age determination mentioned above. In Hamburg – for example – the age of more than half of all UAM was adjusted to 18 and above by the Office of Immigration in 2010 (Wiese 2010; Gunßer 2012). This aspect is closely related to the very narrow legal confines which surround the options for UAM to secure their status in Germany.

\textsuperscript{23} Interview 15
\textsuperscript{24} The current level of basic entitlement for asylum seekers – which was only recently increased – ranges between 324 and 358 EUR. This level is below the level of Hartz IV (welfare) for German nationals since it excludes the “Ansparungsgauschale” – a savings allowance which does not apply to UAM who are expected to leave the country again.
\textsuperscript{25} Interview 5
\textsuperscript{26} BUMF: „Altersfestsetzung“, http://www.b-umf.de/index.php?/Themen/altersfestsetzung.html
\textsuperscript{27} Interview 6
\textsuperscript{28} Interview 2
\textsuperscript{29} Interview 16
4.4. Legal Assistance and Guardianship

In line with § 42 SGB VIII the Office of Youth Services has to provide the UAM with a legal guardian as soon as he or she is taken into custody. As mentioned above, the appointment of a legal guardian is still not put into practice in some states, which adhere to the provisions of the Asylum Procedure Law for UAM at the age of 16 and 17.

In the majority of cases, the Office of Youth Services appoints one of their employees as official guardians. In 2011 a revision of the existing custodial law reduced the number of wards per guardian to 50. Prior to that, some guardians had caseloads of up to 200-300 youth including both UAM as well as German youth in need. In larger cities like Hamburg and Berlin, the UAM is assigned one guardian upon arrival and a different guardian after moving to a more permanent residence in a different neighborhood of the city. Under these conditions, there is very limited room for establishing a more personal relationship between UAM and legal guardians.

One of the key roles of the legal guardian is the assistance of the youth in his or her legal process. In general, official guardians that are employed by the Office of Youth Services will pursue the priority of applying for asylum. For some countries of origin however this time-and resource intensive procedure bears very limited prospects of success. This leads to yet another reality that some interviewees have addressed. The current legal framework of asylum is narrowly defined for political refugees only. With the absence of an alternative framework, youths who have fled from poverty and lack of access to education are channeled into the same procedure and are likely to be rejected after lengthy periods of waiting and declined appeals of their asylum cases.

A number of interviewees have stated that the caseload of legal guardians remains too high and have requested targeted training for appointed guardians who – in many cases – lack the knowledge of the (legal) particularities of custodial care for UAM. In order to provide the youth with more tailored legal assistance some states have installed a lawyer as an “assistant” guardian for more complex legal cases. One interviewee stated that most Germans will need legal assistance to resolve even small legal questions. Therefore, it is unrealistic to expect a foreign minor without German language skills to process the complexities of German asylum law without appropriate assistance. A service provider in Schleswig-Holstein covers 80% of the expenses of the appeal expenses at the administrative court.

Many UAM – especially the younger ones – would also benefit from more interpersonal contact. In Germany, some NGOs have specialized on seeking private guardians who develop stronger interpersonal relationships of support for the youth. While some interviewees consider private guardians as a very constructive approach, others raised concerns that private guardians are not experienced enough to deal with the administrative hurdles during initial clearing. In addition, one interviewee reported that private guardians at times have misplaced expectations of the youth which cannot be met. The interviewee mentioned that in the 1990s some German families attempted to adopt
UAM. However, in the majority of cases adoptions were not successful due to the advanced age of the youths combined with diverging cultural frameworks. Therefore, private guardians – just as official/appointed guardians – need to be carefully trained for servicing the particular target group.\textsuperscript{38}

Some interviewees have reported on efforts to install relatives (extended family) who live in Germany as legal guardians. However, in many cases relatives lack the space and resources to accommodate the youth and at times there is a certain risk that the service provision might be interrupted when transferring the youth into a family household.\textsuperscript{39}

### 4.5. Processing of Asylum Request

The complex procedures of an asylum request constitute an overwhelming experience for many youths especially if they are not accompanied by a legal guardian. The first decisive step is the official interview at the Federal Office of Migration and Refugees where the UAM is requested to present his or her flight reasons. According to a study by the European ASQAEM\textsuperscript{40} Project initiated by UNHCR the interviewing procedures and techniques at the Federal Office demonstrated a number of shortcomings in responding to the needs of the particular age group. Examples introduced by the study were inappropriate waiting rooms that were intimidating rather than comforting, several interruptions of the interview through frequent phone calls and colleagues entering the room and insufficient interview skills to gain the trust of the youth (Lange 2009). According to one interviewee from the Federal Office of Migration and Refugees the agency is aware of some of these deficiencies and has taken initiative to improve the accommodation of UAM.\textsuperscript{41} Due to organizational hurdles it has not yet been possible to assign individual interview times resulting in extensive waiting times for the youths. To alleviate the stress during waiting periods separate waiting rooms for UAM have recently been installed. Apart from logistical adjustments, the Federal Office has appointed designated interviewers specialized on UAM. These interviewers receive special training taking into consideration aspects of psychological development as well as cultural and educational factors impacting the experiences of the UAM. The interviews of UAM in the agency are based on the “Dialogical Communication Method (DCM)” developed by Gamst and Langbelle at the University of Oslo (Lange 2009: 5) with the intention of creating an atmosphere of trust and safety. Apart from the interviewing techniques it is important to find an age-appropriate approach to informing the youths about the asylum procedure. The above-mentioned study has found examples in which interviewers have submitted the UAM to very lengthy and formal explanations which were difficult to understand (Lange 2009: 6). The Federal Office of Migration and Refugees is currently developing a concept for a multimedia introduction to asylum procedures for adults that should also be used for UAM in the near future.\textsuperscript{42}

### 4.6. Access to Education

Although all states grant a general right to schooling for UAM, there is no common approach in Germany of how to implement this right. In addition, three states exclude UAM from compulsory school

\textsuperscript{38} Interview 16
\textsuperscript{39} Interview 13
\textsuperscript{40} Asylum Systems Quality Assurance and Evaluation Mechanism Project in the Central and Eastern European sub-region
\textsuperscript{41} Interview 17
\textsuperscript{42} Interview 17
attendance arguing that their presence does not constitute “a regular residence” as defined by school legislation.\(^{43}\) The absence of compulsory school attendance has implications for the provision of educational services and the funding of logistics including transportation and school books (Parsel 2009: 59, Studnitz 2011).

Once again, UAM at the age of 16 and 17 face larger obstacles to obtain schooling. In some states, access to education is only provided in cases where special exceptions and agreements are made between the Office of Youth Services and the school administration. In one of the states without compulsory school attendance, an interviewee explained the difficulties to secure schooling after the release of the youth from a clearing house.\(^{44}\)

Practitioners are faced with large variations of educational experiences between the youth. While some UAM have never attended school some have reached more advanced levels of education in their countries of origin. However, due to the limited German language skills an accurate assessment tends to be difficult. To address this issue, the Institute for Vocational Education in Hamburg has agreed to invite native speakers to conduct the education assessments.\(^{45}\)

In the initial phase, the main focus is placed on German language classes. In some “Bundesländer” UAMs are only allowed to attend “regular” schools below the age of 16. After that they have to attend special vocational training schools with only other refugees. The disadvantage here is that the interaction with native speakers is limited. Most teachers are not prepared – and allowed – to teach “German as a second language”. Some interviewees have reported low motivation of teachers and cynical approaches to educating this target group: “you’ll be a cleaning lady anyways...”\(^{46}\) There is a great need to train teachers to educate this target group. However, there are also examples of motivated teachers and school directors: e.g. “Welcome classes” for non-German speakers in Berlin, which are gradually being incorporated into regular classes.\(^{47}\) Another highly innovative and dedicated initiative to provide schooling for UAM is the non-profit organization “Schlau Schule”\(^{48}\) in Munich which can be translated as “Smart School”. Founded in 2003, the private school provides educational assistance to about 140 UAM and has a success rate of 95% of students who reach their “Hauptschulabschluss” – the basic educational degree in Germany. The initiative places a strong emphasis on (re-)building the confidence and self-esteem of the youths and also develops opportunities for internships and vocational training to facilitate the transition from school to employment. Given the visible success of the initiative a replication in other localities would be desirable. From a policy level it is questionable however to delegate the responsibilities for education to non-governmental stakeholders.

However practitioners have pointed out that it is essential to identify the motivations of the UAM. While some are eager to pursue their education others place their priority on finding employment to reimburse those who financially supported them during their flight. As stated by one psychologist school attendance can represent enormous pressure for some youths – especially for those with a limited educational background. These youths might have gathered significant practical working ex-

\(^{43}\) These states are Hessen, Baden-Württemberg, Saarland.
\(^{44}\) Interview 5
\(^{45}\) Interview 14
\(^{46}\) Interview 12
\(^{47}\) Interview 16
\(^{48}\) http://www.schlau-schule.de/
experiences that might be more useful in a working environment. Yet, social workers, legal guardians and judges seem to place the primary focus on schooling.49

4.7. Work/Employment

For the past few years, a public debate around demographic change and the shortage of “professionals” has emerged in Germany and various government incentives to recruit qualified personnel from abroad have been introduced.50 With this shortage in mind, many interviewees have criticized that the potential of UAM is not sufficiently recognized. After 6000 miles and months of flight many of the youth have significant social capital and motivation to be trained.51 In addition, many of the youths have gained substantial vocational experience working for years as a carpenter or tailor or other professions in their countries of origin.52 However, according to German Asylum Procedure Law a UAM is not allowed to work during the first year of residence in Germany.53 After this period, UAM with a temporary legal status (Duldung) fall under the priority rule for 4 years during which priority needs to be granted to an EU job applicant.

Given the young age of the UAM, they would be a target group for the dual vocational training system which is prevalent in Germany and provides integrated practical and theoretical training for certain professional areas. However, in order to start a dual vocational program a UAM needs the approval of the Immigration Office and the Federal Employment Agency which assesses the potential priority of EU applicants.54 Besides these administrative hurdles, the temporary legal status of most UAM – unless they are approved asylum seeker- is a deterrent to most employers. Interviewees have reported on UAM who have been successfully placed into internships and performed to the great satisfaction of their employers. However, a continuation into a dual education training program was not possible due to their short-term legal status.

Some states have recognized the potential of UAM as candidates for the dual education system and are very interested in addressing administrative barriers which would include the incorporation of German as a foreign language classes as modules in the dual education system.55 One interviewee has reported on the significant language barriers during the dual education process for many UAM. The interviewee criticized that there are very limited efforts made by the school system to facilitate the transition from school into the vocational training system. In addition, UAM are discouraged by the lack of financial support during vocational training resulting from conflicting competencies of government agencies which would need to be streamlined to better service this target group. While German youths in need are eligible for financial support during their vocational training, UAM need to prove a residence in Germany for four years. This delay creates a serious obstacle for many UAM who are likely to lose their “momentum” during this time period.56 This regulation further appears

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49 Interview 19
50 http://www.bluecard-eu.de/
51 Interview 4
52 Interview 19
53 § 61 AsylVFG
54 Interview 18
55 Hamburger Institut für berufliche Bildung (HIBB).
56 In Schleswig-Holstein, an engaged teacher has brought this shortcoming to the attention of the political arena and has submitted a petition to the government. Supported by the Green party this initiative is currently pending, Erdmann, K.: Wie Flüchtlinge zum Nichtstun verdammt werden, www.ndr.de/info/programm/sendungen/reportagen/audio155563.html
short-sighted given the significant discrepancy between open positions for vocational training and low numbers of applicants in Germany.\textsuperscript{57} Given the bureaucratic hurdles and the financial burden many UAM work under precarious conditions in the services industry.\textsuperscript{58}

In an effort to circumvent these hurdles and to prepare the youth for vocational training and employment the Refugee Mental Health Clinic in Hamburg has started to launch an internship project for its patients. The clinic is attached to one of the largest and most renowned hospitals in Germany – the University Hospital of Hamburg (UKE). A staff member in charge of community outreach has developed internship possibilities for nursing assistants, janitors, etc. with the hospital and youths receive assistance in writing applications, preparing for job interviews and learning about the job market in Germany.\textsuperscript{59}

4.8. (Mental) Health Care

In the course of the interviews practitioners reinforced the importance of psychological therapy to address the emotional needs of the UAM. Interviewees have reported that the UAM are “traumatized – extremely traumatized.”\textsuperscript{60} While the interviewees stressed the need to address questions of mental health some stated that it is important to let the youth “arrive” before starting the intervention. Upon arrival most UAM are most concerned about their legal status and making a living: “they want freedom, money and a place to stay”.\textsuperscript{61} At the same time, one interviewee stated that residents of a clearing house are requesting very frequent doctor’s visits which might result from sincere health concerns but might also reflect the desire for emotional care and attention.\textsuperscript{62} Some interviewees have mentioned initial cultural barriers and low levels of motivation with respect to psychological treatment – at least during the initial phase.

According to one psychologist, there is a large variation between patients and therapy approaches need to be adapted accordingly.\textsuperscript{63} Some youth suffer from basic challenges of adaption to their new environment and the loneliness that goes along with them. In order to avoid a chronification of their mental condition it is essential to provide them with low-intensity treatment. However, a significant number of patients are also diagnosed with post-traumatic stress disorder requiring for more intense treatment on a weekly basis for at least one year. While some patients are open to treatment others are highly reluctant to opening up and have serious thoughts of committing suicide. They tend to re-live situations in which they experienced severe fears of death. According to the psychologist the symptoms of traumatic stress are largely universal. However UAM from countries in which feelings tend not to be discussed openly show a larger tendency for physical symptoms such as insomnia, headache, panic attacks, etc.\textsuperscript{64} Therefore, it is important to provide a safe and calm location and setting for the therapy session.

\textsuperscript{57} In Hamburg there are currently 5.400 open positions that employers cannot fill: Keine Bewerber für tausende Lehrstellen, http://www.ndr.de/regional/hamburg/ausbildung369.html
\textsuperscript{58} Interview 11
\textsuperscript{59} Interview 19
\textsuperscript{60} Interview 2
\textsuperscript{61} Interview 6
\textsuperscript{62} Interview 6
\textsuperscript{63} Interview 19
\textsuperscript{64} http://protect-able.eu/wp-content/uploads/2013/01/protect-global-eng.pdf
While many of the youths have been exposed to violence in their countries of origin, the most severe instances of traumatization often occur during the flight itself when many UAM become victims of physical and sexual abuse. The fear of abuse continues after their arrival in Germany. According to one interviewee the influence of traffickers remains high and constitutes a severe risk for the emotional stability of the youths. Traffickers exert pressure by demanding for additional fees although the flight is completed and force the youths to work for them as drug dealers. Due to the illegal nature of hiring a trafficker practitioners and UAM are faced with the challenge of pressing charges against the offenders. Apart from the trauma surrounding their flight trajectories, a number of youth further express severe fears of being sent back to Greece under Dublin II. An additional – and key factor – for the continuation of fears and trauma is the insecurity that UAM face concerning their legal status in Germany. Given this accumulation of ongoing challenges and fears the parameters for in-depth psychological therapy are often limited. Although the UAM have arrived in Germany “in their minds the drama continues, they continue to be on the run”. However, according to recent studies psychological therapy has proven to be effective even for those UAM with a precarious legal status.

There are also a number of practical challenges including the identification of an appropriate therapist. In larger cities such as Hamburg and Berlin the waiting lists are extensive. In Hamburg, a youth has to wait for 3 months before getting an appointment. Some therapists who speak the native languages of the UAM are not certified by the health insurances others on the other hand do not have the language skills. These therapists rely on translators which bears the risk of impeding the openness of the treatment process. Therefore the clinic for mental health in Hamburg requests translators to avoid contact with patients outside of the therapy context. By hiring translators in various languages significant costs are being accumulated which are not covered by the health insurance. In Hamburg’s clinic for mental health an array of translation services can only be offered with the support of “Children for Tomorrow” a foundation dedicated to supporting refugee children.

Despite these challenges most clearing houses and group homes have established good relationships with providers of therapy. While most interviewees appreciated the impact of therapy some raised concerns about the quick prescription of psycho-pharmaceuticals for UAM. Others argued that in some severe cases medication might help them to sleep and establish a daily routine.

5. Emotional Needs Assessment and the Role of the Family

Closely related to the question of mental health is the question of family relations which play an important role in addressing the emotional needs of the UAM. The separation from their family environment is a key reason for the vulnerability of the target group. Although practitioners recognize the importance of family relations the interviews demonstrated that they are amongst the least formalized domains of interventions. Despite the great significance of family relations particularly for

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65 Interview 19
66 Interview 2,6
67 Interview 14
68 Interview 19
69 www.children-for-tomorrow.de
70 Interview 15
this age group, they are often treated as a taboo and evoke a certain level of ambivalence for both UAM themselves as well as for the social worker who provides integration services to the youth.

### 5.1. Challenges of Family Tracing

When considering the circumstances of family relations of UAM it needs to be acknowledged that there is a reason why these youths have arrived on their own in Germany. These reasons vary depending on the individual but can roughly be categorized into four scenarios:

1. The UAM arrive alone because their parents are no longer alive and often times have been the victim of violence in the UAM’s country of origin.
2. The UAM have been separated from their families during their flight. According to one interviewee young men commonly are asked to walk while children and the elderly are transported with vehicles often leading to different pathways.\(^{71}\)
3. The UAM have been sent by their parents to escape from their countries of origin for economic or political reasons. In this scenario the youth is burdened with enormous pressure to succeed and to pay back the family and traffickers.
4. Domestic violence and abuse in the family have been key reasons for the flight of the UAM. According to one interviewee UAM flee from civil conflict but also from the effects that these conflicts have on their families – “war as a catalyst for destroyed families”.\(^{72}\)

From a social services point of view these particularities of family relations need to be carefully assessed and understood on a case by case basis to provide the youths with services that correspond to the individual “best interest of the child.” However, an accurate assessment of family relations is complicated by the fact that most UAM fear repercussions for their asylum request and for their families at home when they reveal details on their family lives. In fact, many UAM are briefed by traffickers – and families themselves – to deny the existence of their families and consequently have to juggle two narratives about their families (see also European Union Agency for Fundamental Rights 2010: 58).\(^{73}\) In many cases, they have developed a completely new identity after arriving in Germany (Woeger e.V. 2000: 14). On the one hand, the narrow legal parameters which would secure a permit to stay urge the youths to suppress overt contact with their parents/families. On the other hand, most youths yearn for family contact even in those cases where dysfunctional family dynamics might have led to their escape.\(^{74}\) Some of them have feelings of guilt because they have left their families behind; they want to rescue their families. This behavioral pattern constitutes a reversal of the child-parent dynamic and places a heavy burden on the UAM.\(^{75}\)

To incorporate family relations into needs assessment and service provision social workers therefore need to find very individualized and informal ways of addressing the family history. However, in this process practitioners find themselves in an ambivalent position. For one, they face the challenge of gaining the trust of the youth – which tends to be a very time-intensive process. Once the trust is established and the youth reveals information about his or her family the practitioner has to deter-

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\(^{71}\) Interview 19
\(^{72}\) Interview 14
\(^{73}\) Interview 6,9,16
\(^{74}\) Interview 7,19
\(^{75}\) Interview 14
mine how to process this information. While a psychotherapist is bound to professional confidentiality, a social worker only has a limited obligation of confidentiality and can be called upon by judges and the immigration office. Therefore, the social worker faces a potential conflict of interest in wanting to protect the best interest of the child and providing information to state authorities in charge of the UAM’s legal process.

5.2. Ensuring the Best Interest of the Child in Family Tracing

When considering the parameters of family tracing two questions should – according to the practitioners – guide the process: Is family tracing in the best interest of the child? And if yes, which channels of family tracing should be chosen?

In a letter to the European Commissioner for Home Affairs, the International Committee of the Red Cross (IRC) states that family tracing should stem from “a genuine wish from the child to search for his or her family members” and that “restoring family links” should be a “humanitarian goal as such...separate and distinct from any family tracing in the context of asylum determination or return procedures.” According to the Red Cross the complex activities of family tracing and reunification needs to include “knowing the fears or real wishes of a child.”

According to an interviewee representing the organization International Social Services (ISD) a careful assessment of the best interest should not automatically lead to family tracing but could also reveal that the parents are not in a position to raise their child. In some cases parents simply might not see any other option than sending their children away, in other cases parents might have “sold” their children to provide for them. Also, interviewees have reported on cases in which the UAM’s father urged his son to join the Taliban against his will – constituting a reason for flight. Therefore, a verification of the best interest of the child needs to be conducted without prejudice. Given the complexities of identifying the best interest of the child – and the serious repercussions of a mislead assessment – interviewees have stressed the need for well-trained personnel to conduct this assessment.

Apart from pedagogical experience, interviewees have emphasized the need for experts who speak the language of the youth and are familiar with his or her cultural context. One interviewee representing an advocacy group has stated that the revision of the Dublin II regulation will place a stronger responsibility for family tracing on the Federal Office of Migration and Refugees and questioned the capacity of this authority to fully address the best interest of the child given its mandate as a federal agency. In an interview the Federal Office of Migration and Refugees acknowledged that family tracing needs to be conducted in close cooperation with external partners such as the International Red Cross (IRC), the International Social Services (ISD), UNHCR, Clearing homes, youth group homes, immigration offices and other experts working with UAM.

76 Interview 9,10
78 Interview 10
79 Interview 7
80 Interview 17
5.3. Logistics of Family Tracing

Once it is established that family contact is wanted and in the best interest of the child several paths can be chosen. The International Red Cross (IRC) in collaboration with its local partners is most prominent in re-establishing contact in regions with limited access to communication technologies or in so-called failed states. The IRC can also assist when families get separated during their flight trajectories. In fact, a representative of the IRC reported that there is a growing number of search requests within the territory of the EU. Due to its international mandate as an independent humanitarian organization the IRC emphasizes the protection of the individual who decides to start the search procedure and does not reveal information on family relations to immigration authorities.81

Although the IRC International Search Services remain in demand, an unpublished study by the organization has found that most youths are in contact with their parents and families facilitated by tools of new media including Facebook, e-mail and mobile phones. This finding was supported by most interviewees who stated that UAM pursue these lines of communication without significant intervention from their social workers. Most facilities provide the youths with the technical infrastructure of using the internet, skyping, etc. While almost all UAM have access to these media in Germany, the access to these communication tools in their home countries might not be as prevalent and limits the frequency of contact. Some interviewees have reported that the youths have had emotional breakdowns after speaking to their family in their home countries.82 In cases where the youth was closely supported in establishing family contact, he or she tended to better process the emotional impact. Interviewees reported on cases where the social worker accompanied the search for an extended period of time and when contact with the mother of the youth was finally established he was extremely happy and became much more positive. A translator also reported on a lengthy search which resulted in establishing contact between a UAM and his father. The youth feels relieved and frequently sends money to his father giving him a sense of “giving back”.83

Apart from providing the technical “logistics” of communication, some facilities actively support UAM in visiting family members in other EU states during their vacation.84 In addition facilities support UAM in developing contacts with relatives who are already in Germany and who are willing and able to become the legal guardian of their family member.

5.4. Family Reunification and Voluntary Return

Once family tracing has been established as a practice in line with the best interest of the child the question of family reunification with three potential scenarios emerges:

1.) Family reunification in any EU member state: According to Art. 6 of Council Regulation (EC) No 343/2003 (Dublin II) “family unity should be preserved in so far as this is compatible with the other objectives pursued by establishing criteria and mechanisms for determining the Member State responsible for examining an asylum application.”

2.) Family reunification in Germany: According to German immigration law § 36 Abs. 1 AufenthG the parents of an UAM can be issued with a residence permit to join their unaccompanied

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81 Interview 8
82 Interview 2,11
83 Interview 7,14
84 Interview 2
child even without prove of income or sufficient living space which constitutes an exception to general requirements.

3.) Family reunification in the UAM’s country of origin through facilitating voluntary return.

As noted above in chapter *Erreur ! Source du renvoi introuvable.*, there has been an increase of requests to international search services for family tracing within the territory of the EU. A number of interviewees have confirmed this trend. Some social service providers actively support the youths in visiting their family members not only in other parts of Germany but also in other EU member states. These visits and the prospect of joining a family member have reportedly had a positive effect on the UAM. According to the Federal Office of Migration and Refugees the new Dublin legislation will further intensify efforts to reunify UAM on EU territory. The government agency representative stressed that these efforts of family tracing are limited to EU member states and are not targeting family reunifications in the countries of origin of the UAM.86 However, the interviewees also stated that UAM are extremely fearful of being sent back to Greece or Italy to reunite with their families. The conditions in these countries of primary entry for refugees with large case numbers have been extensively criticized by NGOs (Human Rights Watch 2013; Bordermonitoring.eu e.V. 2013) and have led to a decision by the European Court of Human Rights in 2011 to stop deportations to Greece due to “the risk of being submitted to inhumane treatment” (European Court of Human Rights 2011). In line with this decision, the German Minister of Interior has ordered a ban on deportations to Greece due to “serious shortcomings” in the Greek asylum procedure (Bundesministerium des Inneren 2011). Although a clear ban has not yet been pronounced for Italy, deportations are currently being halted (European Court of Human Rights 2013).

Despite the above-mentioned favorable legal regulation, the numbers of family reunifications on German territory remain very limited. Although the parents of UAM are exempt from the strict income and self-sufficiency rules for other migrants, family reunifications are complicated by two legal restraints. First, the UAM needs to have a permit of residence or needs to have an approved asylum status and secondly, the UAM needs to be under the age of 18.86 Due to very lengthy asylum procedures and the low numbers of approved asylum appeals these two conditions can hardly ever be met leading to only 9 family reunifications with UAM in 2007 (Parusel 2009: 55).87

Some interviewees have reported on successful family reunifications in Germany.88 In these cases, the parents of the UAM have arrived in Greece or Italy and were able to join their unaccompanied children. However, the process reportedly is very time-intensive and can take up to one year. The interviewees have demonstrated that family reunification often depends on the personal engagement of the individual social worker who takes the initiative to seek cooperative partners in other EU member states and devotes time to intensive bureaucratic procedures.89 According to the interviewees family reunification in Germany could also represent a certain burden for some youths who are not yet in a stable position – an aspect that most UAM do not consider prior to initiating family reuni-

85 Interview 17
86 § 36 Abs.1 AufenthG
87 A recent decision by the German Bundesverwaltungsgericht authorized both parents of UAM to join their child as long as he or she is under the age of 18, http://www.bverwg.de/presse/pressemitteilungen/pressemitteilung.php?jahr=2013&nr=23
88 Interview 2,11
89 Interview 2
fication (See also European Union Agency for Human Rights 2010: 58). For example, reuniting a family might also mean that the UAM has to be housed in an adult accommodation with his/her family which does not provide the relevant services. The re-submission to the family hierarchy after having reached a certain level of independence might also bear the potential for conflict.90

Some interviewees have stated that the voluntary return of a youth to his or her home country should not be excluded as an option. Some youths continue to be emotionally unstable and suffer from homesickness. Once the youth expresses the desire to return, the repatriation needs to be closely supervised. It is paramount that the return includes the family and ensures that the youth is accommodated by a safe guardian in his or her country of origin. One interviewee reported on a current case in his facility where a youth had a strong desire to return but due to the absence of a safe accommodation in his country of origin German authorities were not allow to repatriate the individual.91 The International Red Cross facilitates this return process – provided the youth agrees to return – however according to one representative it is too late to establish family contact just before the youth is being sent back.92 Although there are a number of humanitarian programs that support the voluntary return of UAM and provide them with assistance upon arrival93 the number of UAM who return voluntarily to their home countries remains low. Between 2005 and 2008 only 137 UAM returned voluntarily and their number decreased gradually over time from 54 returnees in 2005 to 19 in 2008 (Parusel 2009: 62). The reluctance to consider a voluntary return amongst UAM was confirmed by most interviewees. Despite hardship and loneliness in Germany, most UAM fear the return to violence, poverty and the lack of perspectives in their home countries and hope to benefit from the opportunities they expect in Germany.

6. Conclusion: Key Recommendations for Needs Assessment and Family Tracing

The interviews and literature research on UAM have demonstrated the complexity of needs of this target group. Policy makers and practitioners are confronted with a variety of factors: the young age of the population, the diversity in countries of origin and cultural backgrounds, the legal confines, experiences of trauma and abuse, and the emotional and socio-economic needs of the target group.

Throughout the interviews the focus on “the best interest of the child” was emphasized. However, how does one appropriately assess the “best interest of the child”? And who is in a position to provide such assessment? And even if such assessment is professionally conducted which means does one have to respond to these interests based on the confining legal and economic parameters? These questions remain and practitioners continue to address these challenging tasks when performing their role as caretakers in the absence of parents and families. In summary, some key recommendations can be made to better service this target group:

90 Interview 11
91 Interview 6
92 Interview 8
Streamlining of services for UAM in all German states: This recommendation applies to the particularities of the German administrative system and includes the request to abolish a two-tier system which differentiates between UAM under 16 and over 16 years of age in some states. All UAM under the age of 18 should be accommodated in youth facilities and should be appointed a legal guardian.

Extended period of clearing tailored for the target group: Well-trained staff needs to have sufficient time to obtain a more in-depth knowledge of the individual’s flight motivation and family situation. Based on this assessment, legal options need to be explored that correspond to the individual context of the UAM. The “one size fits all” approach of applying for asylum fails to acknowledge the multitude of flight reasons – some of them rooted in severe economic need and abuse rather than political persecution. The current clearing phase of 3 months should be extended to 6 months to allow the UAM to “arrive” and to devise the most appropriate plan of intervention. To assist the UAM in managing the bureaucratic hurdles upon arrival the above mentioned national advocacy group B-UMF has developed a very useful tool – a welcome brochure in 8 languages with detailed insight into the German (legal) system written by refugee youth for refugee youth/UAM (Bundesfachverband UMF 2010). This publication is not only informative but also empowering in its emphasis on the rights of the youth.

Training and familiarization for staff and legal guardians: A reoccurring theme was the lack of trained legal guardians and staff in government agencies, social service facilities and clearing homes. While practitioners might be experienced in working with youths in general it is paramount to improve intercultural competencies – which at times means leaving one’s own comfort zone. The competencies should also include a broader knowledge of the individual countries of origin, of legal particularities and of assessment tools for identifying mental health needs. These competencies appear to be an important condition for gaining the trust of the UAM. Throughout the interviews it became evident that due to the informality of the flight process questionnaires are not an appropriate tool to assess the best interest of the youth. Rather long-term personal relationships and patience will encourage the youth to reveal relevant information.

Institutional cooperation: The service provision for UAM concerns a variety of stakeholders including social workers, psychologists, immigration offices, offices of youth services and courts. The interviews have demonstrated a certain level of antagonism between these stakeholders. While the social worker tends to be viewed as the “the good cop” with the “best interest of the child” in mind, the immigration office is often perceived as “the bad cop” with the primary objective of deporting the UAM. However, an effective approach to servicing the “best interest of the child” can only be found if these entities cooperate closely from the very beginning. To promote this process the organization of International Social Service (ISD) in Berlin offers regular training workshop for joint teams of representatives from the Office of Youth Services and the Immigration Office from the same locality. Applications are only accepted if participants from these two agencies apply in tandem.

Holistic Approach to Service Provision: There needs to be an integration of services that address the socio-economic and the emotional needs of the youths. A pure focus on legal proceedings and educational development does not account for the psychological needs of the UAM. On the other hand, an emphasis on psychotherapy will be ineffective if it is not connected with social contacts, recreational programs, and a meaningful structure outside of the therapy context. In Hamburg the above-

http://www.deutscher-verein.de/03-events/2012/gruppe7/f-728-12/
mentioned Refugee Mental Health Clinic with the support of the foundation Children for Tomorrow is currently developing a network of resources including arts therapy, job/internship preparation, a mentoring program as well as supervision and training for social workers in clearing homes to assist them in identifying psychological needs. The NGO Oase Pankow e.V. in Berlin initiates partnerships between new arrivals UAM and those who have already completed the clearing phase to promote social contact with peers (Parusel 2009: 60).

**Promote recreation/arts projects:** Many facilities offer opportunities for recreation such as sports activities and excursions which tend to be limited however by a lack of financial resources and personnel. The CJD Hamburg + Eutin recently launched an innovative theater project giving a voice to UAM. Participants are young refugees from various countries of origin with no previous experience in acting or theater performance. The youths are encouraged to tell their stories by means of their theater character and are actively involved in developing the script of the play. Producer of the experimental theater project is a young Afghan director. The play is shown at a highly established theater in Hamburg and is an on-going project with a sense of longevity.  

**Advocacy and implementation of Dublin II revision:** As pointed out above, different legal tools should be developed for youths who fled from political persecution and those who left their countries for other reasons of socio-economic hardship. Both groups are expected to continue to enter EU territory. Both groups remain vulnerable and are in particular need of advocacy. A number of advocacy groups have emerged in Germany and have worked towards influencing legal decision-making – most prominent amongst them the Bundesfachverband UMF e.V. with a great level of policy involvement and networking potential. The draft for the new Dublin III legislation includes a clear commitment to family tracing and extends the current definition of the core family to an extended family approach. Interviewees appreciate this new legislation with a clear dedication to the “the child’s best interest”. However, it remains questionable if stakeholders like the immigration office and the Federal Office for Migration and Refugees who also decide on the individuals asylum case are in a position to appropriately address the question of family tracing. According to interviewees this task of family tracing should be delegated responsibilities to pedagogical experts.

**Transition from Youth Services to “Independence”:** Many interviewees have brought up the difficult transition from a relatively tight network of protection when under the wings of the Office of Youth Services and the “free fall” for some UAM when they turn 18 and are released from these structures. In a number of cases the youths transition into adult accommodations and await the lengthy decision on their asylum case without employment or training. A relatively smooth transition was observed in those cases in which social workers began to search for more permanent housing prior to the move of the UAM. The difficulties of the transitional phase are mainly rooted in the narrow legal parameters for schooling and vocational training for the target group. To “park” young and often motivated individuals while awaiting a trial decision does not only contradict humanitarian principles but also seems shortsighted from a cost-benefit analysis in the context of a shortage of professionals in Germany.

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EU Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.


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## Annex 1: Interview Partners

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<td>09.01.2013</td>
<td><strong>LEB Erstaufnahmeeinrichtung 2</strong>, Clearing House/Facility of First Access</td>
<td>Hamburg</td>
<td>Head of Facility</td>
<td>Phone</td>
</tr>
<tr>
<td>2</td>
<td>11.01.2013</td>
<td><strong>ALREJU</strong>, Clearing House</td>
<td>Brandenburg</td>
<td>Social worker</td>
<td>Phone</td>
</tr>
<tr>
<td>3</td>
<td>14.01.2013</td>
<td><strong>Hamburger Kinder-und Jugendhilfe (HAKIJU)</strong>, Office of Children and Youth Services</td>
<td>Hamburg</td>
<td>Social worker</td>
<td>Phone</td>
</tr>
<tr>
<td>4</td>
<td>14.01.2013</td>
<td><strong>Kinderschutzbund Ostholstein</strong>, Youth Protection Services</td>
<td>Schleswig-Holstein</td>
<td>Head of stationary facilities</td>
<td>Phone</td>
</tr>
<tr>
<td>5</td>
<td>15.01.2013</td>
<td><strong>AJUMI</strong>, Clearing House</td>
<td>Baden-Württemberg</td>
<td>Head of Department</td>
<td>Phone</td>
</tr>
<tr>
<td>6</td>
<td>21.01.2013</td>
<td><strong>LEB Erstaufnahmeeinrichtung 3</strong>, Clearing House/Facility of First Access</td>
<td>Hamburg</td>
<td>Head of Facility</td>
<td>In person</td>
</tr>
<tr>
<td>7</td>
<td>22.01.2013</td>
<td><strong>Kinderschutzbund Ostholstein</strong>, Youth Protection Services</td>
<td>Schleswig-Holstein</td>
<td>Translator</td>
<td>In person</td>
</tr>
<tr>
<td>8</td>
<td>23.01.2013</td>
<td><strong>DRK Suchdienst</strong>, Red Cross International Search Services</td>
<td>Berlin</td>
<td>Lawyer and former legal guardian</td>
<td>Phone</td>
</tr>
<tr>
<td>9</td>
<td>31.01.2013</td>
<td><strong>WeGe ins Leben e.V.</strong>, Group Home for UAM</td>
<td>Berlin</td>
<td>Head of Facility</td>
<td>Phone</td>
</tr>
<tr>
<td>10</td>
<td>07.02.2013</td>
<td><strong>Internationaler Sozialdienst (ISD)</strong>, International Social Services</td>
<td>Berlin</td>
<td>Lawyer and legal expert</td>
<td>Phone</td>
</tr>
<tr>
<td>11</td>
<td>19.02.2013</td>
<td><strong>LEB Jugendwohnungen</strong>, Group Home for UAM</td>
<td>Hamburg</td>
<td>Social worker</td>
<td>In person</td>
</tr>
<tr>
<td>12</td>
<td>25.02.2013</td>
<td><strong>CJD Hamburg</strong></td>
<td>Hamburg</td>
<td>Teacher of integration classes</td>
<td>In person</td>
</tr>
<tr>
<td>13</td>
<td>26.02.2013</td>
<td><strong>Bundesfachverband unbeegleitete Minderjährige Flüchtlinge (B-UMF)</strong>, Advocacy organization for UAM</td>
<td>Berlin</td>
<td>Policy specialist</td>
<td>Phone</td>
</tr>
<tr>
<td>14</td>
<td>26.02.2013</td>
<td><strong>CJD Hamburg</strong></td>
<td>Hamburg</td>
<td>Social worker</td>
<td>In person</td>
</tr>
<tr>
<td>No.</td>
<td>Date</td>
<td>Agency/Organization</td>
<td>Location</td>
<td>Description</td>
<td>Method</td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
<td>---------------------------------------------------------------</td>
<td>-------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>15</td>
<td>28.02.2013</td>
<td>Hamburger Kinder-und Jugendhilfe (HAKIJU), Office of Children and Youth Services (facilitator)</td>
<td>Hamburg</td>
<td>Meeting of about 40 professionals working with UAM in Hamburg</td>
<td>In person</td>
</tr>
<tr>
<td>16</td>
<td>06.03.2013</td>
<td>Evin e.V., Group home for UAM</td>
<td>Berlin</td>
<td>Social worker and advocacy worker</td>
<td>Phone</td>
</tr>
<tr>
<td>17</td>
<td>12.03.2013</td>
<td>Bundesamt für Migration und Flüchtlinge (BAMF), Federal Office for Migration and Refugees</td>
<td>Nürnberg</td>
<td>Head of Unit 430 - Dublin</td>
<td>Written Interview</td>
</tr>
<tr>
<td>18</td>
<td>20.03.2013</td>
<td>Ausländerbehörde Hamburg, Immigration Office</td>
<td>Hamburg</td>
<td>Pressestelle</td>
<td>Phone</td>
</tr>
<tr>
<td>19</td>
<td>08.04.2013</td>
<td>Flüchtlingsambulanz HH UKE, Refugee Mental Health Clinic</td>
<td>Hamburg</td>
<td>Psychologist/therapist</td>
<td>In person</td>
</tr>
</tbody>
</table>
Annex 2: Sample Intake Interview in Clearing House

**Information on child/youth**

<table>
<thead>
<tr>
<th>Personal data of child/youth:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>First name:</td>
</tr>
<tr>
<td>Date of birth:</td>
<td>Place of birth:</td>
</tr>
<tr>
<td>Nationality:</td>
<td>Ethnic group:</td>
</tr>
<tr>
<td>Sex:</td>
<td>Religion:</td>
</tr>
<tr>
<td>Height:</td>
<td>Eye colour:</td>
</tr>
<tr>
<td>Last place of residence:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Diseases/special characteristics:</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Health insurance:</th>
<th>Insured through:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Data of parents</th>
<th>Father</th>
<th>Mother</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Profession:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of birth:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Place of residence:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Marital status:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of passing:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Siblings</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>First name:</td>
<td>Date of birth</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Place of residence</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Language</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Official documents</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Education</th>
<th></th>
<th>to</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Diplomas</th>
<th></th>
</tr>
</thead>
</table>
Flight reasons: 

Recommendations: 

**Residence since birth**

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>With</th>
<th>In/where</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td></td>
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</tr>
</tbody>
</table>

Are your parents aware of your journey and your current whereabouts?

Have your parents agreed to your journey?

Please describe your trajectory to Germany (route / means of transportation)?

**Entry into Germany:**

<table>
<thead>
<tr>
<th>Where?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>When?</td>
<td></td>
</tr>
<tr>
<td>With whom?</td>
<td></td>
</tr>
<tr>
<td>When did you leave your home country?</td>
<td></td>
</tr>
<tr>
<td>With whom did you leave your home country?</td>
<td></td>
</tr>
<tr>
<td>Where in Germany was your first official point of entry?</td>
<td></td>
</tr>
</tbody>
</table>
Was Germany the desired destination of your journey?

Do relatives and friends live in Germany?

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comments on further proceedings:

<table>
<thead>
<tr>
<th>Legal status of child/youth</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Schooling/education</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Social/financial benefits during clearing phase</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Others / hobbies / personal goals</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Instances of drug and alcohol abuse</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Smoker?</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Ability to cook?</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Ability to swim?</th>
<th></th>
</tr>
</thead>
</table>

Understood and translated house rules, key rules, instruction on general prohibition to smoke throughout the facility

Accepted on:

______________________________  ______________________________  ______________________________
Clearing house                  Translator                    Youth
Annex 3: Checklist for Intake in Clearing House and Youth Residence

Deutscher Kinderschutzbund
Kreisverband Ostholstein e.V.

Vor dem Kremper Tor 19
23730 Neustadt
Telefon 0 45 61 / 51 23 -0
Fax 0 45 61 / 51 23 - 23

Internet: www.Kinderschutzbund-oh.de
E-Mail: info@Kinderschutzbund-oh.de

Checklist for Initial Intake

1. Intake interview with social worker and legal guardian
2. Completion of intake form and transmission to head office
3. Organize health check and identify if medication is needed
4. Prepare personal file
5. School registration (language classes) and registration in sports club
6. In-house schooling and integration measures by facility employees
7. Apply for health insurance card
8. Check legal status and request legal assistance
9. Apply for clothing at Office of Youth Services
10. Prepare case and development file
11. Registration at the registry office
12. Send new address to all relevant institutions (e.g. Federal Office of Migration and Refugees, schools)
13. Apply for pocket money and clothing assistance at head office
14. Security instruction (emergency exits, fire extinguishers, first aid, emergency numbers, etc.)
15. Request power of attorney from legal guardian to accompany youth to court appointment for asylum case
16. Get monthly ticket for public transportation for school attendance
17. Set appointment with therapist (trauma, experiences of war) Very important!!!

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Annex 4: Checklist for Moving out of Youth Residence after Age 18

Deutscher Kinderschutzbund
Kreisverband Ostholstein e.V.

Vor dem Krempers Tor 19
23730 Neustadt

Telefon 0 45 61 / 51 23 -0
Fax 0 45 61 / 51 23 - 23

Internet: www.Kinderschutzbund-oh.de
E-Mail: info@Kinderschutzbund-oh.de

Checklist for Moving Out After Reaching Age of 18

1. Information of Immigration Agency on new address of youth
2. Report departure of youth to head office
3. Search for new residence or group home
4. Apply for monthly subsistence/benefits and coverage of rent expenses at local “jobcenters”
5. Purchase of furniture and other household items
6. Open a checking account
7. Introduce youth to new social worker at local community office
8. Introduce youth to service providers/integration services (CJD, Red Cross, etc.)
9. Initiate plans for continuing education and resolve financing of educational measures
10. Review of personal files and clarification of further handling of personal documents
11. Advisory meeting at Jobcenter (school/work/training)
12. Apply for student health insurance upon age of 18
13. Apply for waiver for health insurance payments and for GEZ (TV, radio, etc.) payments
14. Install money transfer order for rent, electricity, water, etc.
15. Concluding meetings with doctors
16. Concluding meetings with social workers and legal guardians
17. Apply for free checking account after reaching age of 17

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