



**TRAINING
MANUAL**

**ON SOCIAL
INTEGRATION**

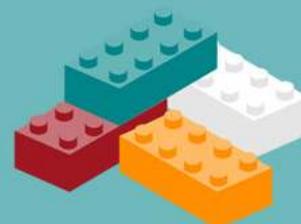
**OF REFUGEE
CHILDREN AND
UNACCOMPANIED
MINORS**



**FOR
DEVELOPING**



**SOCIAL
WORKERS'**



COMPETENCES

ACCESS

TRAINING MANUAL ON SOCIAL INTEGRATION REFUGEE CHILDREN AND UNACCOMPANIED MINORS FOR DEVELOPING SOCIAL WORKERS' COMPETENCES

*Lifelong Learning Programme
Grundtvig Learning Partnerships Project 2011-2013*



Lifelong
Learning
Programme



Content

ABOUT THE MANUAL	4
ACKNOWLEDGEMENTS	4
DISCLAIMER	4
LIFELONG LEARNING PROGRAMME.....	5
1. INTRODUCTION	7
2. GENERAL LIST OF COMPETENCIES	9
Professional Competencies.....	9
Ability to relate the self to the outside world.....	10
Being able to use a full range of communications skills	10
Building a relationship of trust.....	11
Ability to Empower People.....	11
Networking competencies	11
Psychological and strategic abilities.....	11
Further general competencies	12
3. CASE STUDIES	13
3.1 Italy – the case of Walid	13
3.2 Germany – the case of Karim	17
3.3 Denmark – the case of Hamida	25
3.4 Spain – the case of Farid	28
3.5 Lithuania – the case of Aasha.....	32
3.6 Poland – the case of the Chechen teenager	38
3.7 Romania – the case of Lara	41
3.8 Sweden – the case of Morteza.....	47
3.9 Turkey – the case of Ebulfaz.....	50
4. CONCLUSIONS	55
5. LEGAL FRAMEWORK.....	56
5.1. International legal framework	57
5.2. National legal framework.....	59
5.2.1 Italy.....	59
5.2.2 Germany.....	60
5.2.3 Denmark.....	61
5.2.4 Spain.....	62



5.2.5 Lithuania	64
5.2.6 Poland.....	66
5.2.7 Romania	67
5.2.8 Sweden	71
5.2.9 Turkey.....	72
6. FURTHER READINGS	74
7. PARTNER AND COLLABORATING ORGANISATIONS	76



Training manual on social integration refugee children and unaccompanied minors for developing social workers' competences (ACCESS)





ABOUT THE MANUAL

ACKNOWLEDGEMENTS

This handbook is a common project of a Grundtvig Learning partnership. We would like to acknowledge the input of the involved partner organisations CEIPES (Italy), IMIR (Germany), AOF Randers (Denmark), RESPECT Refugees Europe (Spain), SMK (Lithuania), Stowarzyszenie Obszary Kultury (Poland), AUR (Romania), Svenska kyrkan Örkelljunga (Sweden) and IHAD (Turkey) in the production of this manual. The reader will find more about the organisation in the last chapter of this manual (**¡Error! No se encuentra el origen de la referencia.page ¡Error! Marcador no definido.6**).

More information about the project can be found at the project website <http://access.ceipes.org/>

DISCLAIMER

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LIFELONG LEARNING PROGRAMME



The European Commission's Lifelong Learning Programme¹ enables people at all stages of their lives to take part in stimulating learning experiences, as well as helping to develop the education and training sector across Europe.

The programme funds a range of actions including exchanges, study visits and networking activities. Projects are intended not only for individual students and learners, but also for teachers, trainers and all others involved in education and training.

There are four sub-programmes which fund projects at different levels of education and training:

- Comenius for schools
- Erasmus for higher education
- Leonardo da Vinci for vocational education and training
- Grundtvig for adult education

GRUNDTVIG FOR ADULT EDUCATION²

Launched in 2000, Grundtvig aims to provide adults with more ways to improve their knowledge and skills, facilitate their personal development and boost their employment prospects. It also helps to tackle problems associated with Europe's ageing population.

It covers not only teachers, trainers, staff and organisations working in the sector, but also learners in adult education. These include relevant associations, counselling organisations, information services, policy-making bodies and others such as NGOs, enterprises, voluntary groups and research centres.

The Grundtvig programme focuses on the teaching and study needs of learners taking adult education and 'alternative' education courses, as well as the organisations delivering these services. It aims to help develop the adult education sector, as well as enable more people to undertake learning experiences, notably in other European countries.

Under this Programme there are several types of projects or actions are funded:

- In-service training courses
- Grundtvig workshops
- Visits and exchanges
- Assistantships
- Learning partnerships
- Multilateral projects
- Networks
- Preparatory visits
- Senior volunteering projects

¹ http://ec.europa.eu/education/lifelong-learning-programme/index_en.htm

² http://ec.europa.eu/education/lifelong-learning-programme/grundtvig_en.htm



Grundtvig learning partnerships enable organisations working in the field of adult learning to work together on topics of common interest. A particular focus is on enabling smaller organisations to take part.

Compared with the generally larger-scale Grundtvig multilateral co-operation projects, partnerships focus more on the cooperation process rather producing concrete 'products'. In a Grundtvig learning partnership, trainers and learners from at least three participating countries work together, exchanging experiences, practices and methods.

The European Shared Treasure (EST)³ database presents partnerships and their products.

³ <http://www.europeansharedtreasure.eu/>



1. INTRODUCTION

This document is the main outcome of the project “Training manual on social integration of refugee children and unaccompanied minors for developing social workers’ competences (ACCESS)” - a project funded by the European Commission under the Lifelong Learning Programme, Grundtvig Learning Partnerships. It intends to be a training manual on social integration of refugee children and unaccompanied minors with special focus on their right to access education.

The objectives of this project were:

- To improve the knowledge of members and staff of partner organisations and other NGOs on the subject of social integration and rights of refugee children
- To raise awareness on social integration of refugee children and their right to access education
- To share experience and knowledge on social integration of refugees
- Contribute to understanding and respect for human rights and democracy
- To encourage tolerance and respect for other people and cultures
- To create opportunities for international exchanges, mobility and cooperation of staff, educators and learners from vulnerable groups, without any discrimination.

The manual was developed by the learning partnership between 2011 and 2013. This development process was assisted by five partnership meetings:

1. The first meeting was held by CEIPES, the coordinating organisation, in Palermo in November 2011. In a brainstorming exercise, the format and content of the manual was explored and it was agreed to collect case studies.
2. The second meeting was held in Ankara in May 2012, hosted by IHAD. In various workshops the content of the manual was further developed. It was agreed that the manual would have to be practical and would have to focus on the needs/challenges of the social workers and volunteers working with the minors.
3. The third meeting took place in October 2012 in Vilnius, hosted by SMK. The partnership worked intensively on case study format and extracted the competencies from each of the case studies.
4. The fourth meeting in Bucharest in March 2013, hosted by AUR, finalised the manual, added information concerning the legal context and prepared the dissemination strategy for the manual.
5. In the last meeting in Hamburg in June 2013, hosted by IMIR, the manual was launched. The launch was accompanied by an intercultural festival, where stakeholders, in direct interaction with the learning partnership, were familiarized with the manual.

The case studies, which are present and are the core of the manual, all have the same format. They consist of the following structure:

- DESCRIPTION OF THE CASE
- WHAT IS THE MAIN CHALLENGE?
- WHAT IT WAS DONE AND HOW IT WAS SOLVED?
- HOW DID IT END?
- LESSONS LEARNED



- SOCIAL WORKER'S COMPETENCIES

This core of compelling stories is framed by a general overview of the competencies needed by volunteers and social workers interacting with minors and international and national background information on the legal situation of minors on those different levels.



2. GENERAL LIST OF COMPETENCIES

A holistic approach to work with the refugee is needed. Such a holistic approach should include the following competencies which have been identified by the activists of our learning partnership. To present the competencies as concretely as possible, we have firstly clustered and summarised them under different headings. The relationship between the volunteer or social worker with the refugee minor is then briefly described, mostly in question form, which is followed by a clarification on what needs to be done and the appropriate competencies are then listed.

Professional Competencies

Minor-Volunteer/Social Worker Relationship: Health

- How does he/she feel and if there is any health problem, where does he/she think it came from and/or what to do

To Do:

- How is his/her health status, physical and psychological?

Competencies:

- Ability to look up possibilities for medical support

Minor-Volunteer/Social Worker Relationship: Education

- What skills and resources does she/he have; these include e.g. completed school or vocational training, attendance at a religious school (e.g. Qur'an school) occupation, household or agricultural skills, technical skills, etc.

To Do:

- What possibilities do I have to include him or her in educational systems?

Competencies:

- Have knowledge of the local educational system and infrastructure and the access to it

Minor-Volunteer/Social Worker Relationship: Rights

- What does he/she already know about his/her rights

To Do:

- What are his/her special rights and how does he/she get access to them

Competencies:

- Be able to establish contact with a lawyer and having basic knowledge of the local/national asylum law
- Be able to read and understand the relevant laws and regulations
- Knowledge and expertise - of the laws applicable in the situation they want to solve or to know the procedures which can be applied in such cases. This is important in light of the fact that wrong benefit information can create a lack of confidence in the social worker;
- Knowledge of Asylum Law

Minor-Volunteer/Social Worker Relationship: Authorities

- What does he/she think about the authorities; what has he/she experienced with them already?



To Do:

- Has there already been contact with the authorities?

Competencies:

- Ability to get to know the relevant institutions and their procedures and the way they treat immigrants
- Having the know-how of how to deal with them. What would the outcome be, were the social worker to lose patience or get angry with officials?

Ability to relate the self to the outside world

Minor-Volunteer/Social Worker Relationship: Principles of the relationship

- Describe the principles of the relationship to the minor

To Do:

- Clarify the principles on which the relationship should be based. They don't have to be that professional but very clear.

Competencies:

- Reflect their own position and work
- Self-reflection
- Humility - being able to question oneself, being aware of one's strengths and weaknesses
- Altruism – instinctive way to deal with people from a different cultural background & life experience
- Intercultural understanding, which includes the ability to reflect on one's own ethnocentrism.
- Flexibility – being able to adapt one's behaviour according to the people and the situation with or without anticipation
- Open mindedness

Being able to use a full range of communications skills

Minor-Volunteer/Social Worker Relationship: Communication

- Does she/he really understand what I am saying to her/him?
- Is she/he able to express him/herself?
- Am I able to explain everything properly to him/her; do I understand what he/she is saying to me?

To Do:

- Find a basis for communication; if you can't, search for somebody who can, then try to recruit this person in case of need. You can even arrange for these translators to help over mobile phone.

Competencies:

Active Communication skills

- Intercultural communication abilities
- Verbal & non-verbal communication skills
- Language skills play a large part in gaining trust.
- Being sensitive.

Receptive Communication skills

- Comprehension
- Listening capacity



- Attention

Building a relationship of trust

Minor-Volunteer/Social Worker Relationship:

- How can the social worker understand the refugee minor's perspective?

To Do:

- Build up a relationship of trust.
- Establish trust based dialogue

Competencies:

- Be empathetic
- Be reliable
- To see and find situations of safety, development and experience in which the minor develops life experience, self confidence and trust in a logical sequence of actions and consequences
- Be responsible

Ability to Empower People

Minor-Volunteer/Social Worker Relationship: Future

- What are his/her wishes regarding the next time/steps?

To do:

- What are my possibilities in quantity and quality to support him/her?
- Define and communicate your own role in the relationship between him/her and you.
- What are you able to do?

Competencies:

- Being able to activate the resources of the minor.
- Being able to empower the minor
- Being able to help the minor to build up social capital (network contacts)

Networking competencies

Minor-Volunteer/Social Worker Relationship: Networking

- Which Network already exists in his or her surroundings?
- Which Network do I have to support him or her?

To Do:

- Activate Networks or build up a new one.

Competencies:

- Networking ability
- Knowledge about the local organisations dealing with refugees
- The structure of the network should include organisations with staff who can speak foreign languages.

Psychological and strategic abilities

Minor-Volunteer/Social Worker Relationship: Flight

- How has he/she experienced fleeing?
- What was the reason for fleeing?

To Do:

- Preparing to demand asylum.



- Has there been any contact with authorities in another European country?
- Is the reason for seeking refuge a valid claim?
- Has there been any mistreatment during re-locating?

Competencies:

- In the case of disturbing accounts concerning the need to have fled, to keep a professional distance. Not to get too deeply involved.
- To be able to create a dynamic experience in the minor's life and feelings
- A social worker has to be confident and shouldn't fear making a mistake during the process. He/she should make a strategy for intervention and thus gain experience in this way.

Minor-Volunteer/Social Worker Relationship: Strategies

- How can the minor be part of setting up the plan or strategies?

To Do:

- Explain each step to be done and ascertain that the minor has fully understood it.
- Make a plan, which deals with every possibility

Competencies:

- Being able to build a structure
- *Intercultural Knowledge* - of a minimum of customs and traditions of the refugee child's/unaccompanied minor's country of origin, so that if possible, cultural barriers are greatly reduced.
- Organizational skills and knowledge of local law to help avoid setbacks that would cause loss of gained trust, e.g. immigration, housing, educational issues.

Further general competencies

Experience and Open-mindedness

Experience - working with people from multicultural backgrounds as well as having an open mind – very often, reactions of refugees to certain issues is unpredictable. The experience of having worked with people from multicultural backgrounds is an extremely valuable asset towards making a good social worker. Furthermore, due to cultural differences, "an open mind helps enormously in working with this group of people, who are often vulnerable".

Creativity

Creativity – being able to innovate one's methods and resources.

Making use of creative, deductive and pedagogical tools and methods while interacting with the refugee. (Film and drawing are example in this case).

Patience

Patience - many refugees have endured abuse in their home country, the resulting trauma has repercussions on their behaviour until they get used to their host country. Most of them are still afraid and fearful and therefore patience plays a vital role to win their confidence whilst providing them useful services.

To summarise, being patient, calm, non-judgmental, empathetic, assertive, communicative, consistent, consequent, culturally aware, pragmatic and being an active listener are helpful competencies for volunteers and social workers working with minors.



3. CASE STUDIES

3.1 Italy – the case of Walid

DESCRIPTION OF THE CASE

Walid is an Egyptian boy who arrived in Italy at 17 years old. He is the oldest of five siblings with a bricklayer father and a housewife mother. The family lives in a rural area two hours from the city of Cairo. He has decided to emigrate after dropping out of school; he was attending high school intermittently, getting poor marks, he studied eight years without obtaining his license. Also, he occasionally worked with his father but without much enthusiasm. The “Arab Spring” occurred as an opportunity as he wanted to become financially independent and to be able to give some economic support to his family.

Walid arrived in Italy by boat, along with other compatriots, to the coast of Pozzallo, Ragusa. He has been placed by the Ragusa police in a housing community in the city of Palermo with 4 other Egyptian minors.

The city social services in charge of immigrants, nomads and refugees is composed of a coordinator social assistant, two social assistants, one psychologist and two social instructors, as well as intercultural mediator.

WHAT IS THE MAIN CHALLENGE?

According to the social worker in charge of Walid since his arrival in the Sicilian capital, her main challenge had been to get Walid to accept the legal and administrative steps he had to go through to achieve his aims. It was difficult to make him understand and accept why he had to and how to do them. Finally the social worker struggled to remain a friendly social support as well as a legal mediator.

1. Integration

Walid is well integrated. At the beginning, Walid and his friends had difficulties regarding their entry into the community. They were aggressive and provocative towards other foreign residents. Regarding these behaviour issues, social workers took the decision to separate them after talking to them both together and separately. Each of them moved to different communities and from then on Walid started to integrate into the community and into the Italian culture.

Today Walid remains compatriotic yet is well integrated; his main difficulty is due to the current social and economic crisis that limits his possibility of independence.

2. Legal state

Walid is still in the process of acquiring a residence permit. He is waiting for the decision of both the Committee for asylum seekers and the Migration office (questura) of Palermo.



3. Interpersonal relations

Walid's social abilities have vastly improved; he is much less manipulative and suspicious. At first, it was difficult to establish a relation of trust. Indeed, it took some time to get real information from him about his life experience so far. It was hard for the social worker to establish an authentic and sincere contact. This was even harder due to the presence of other Egyptian minors who had built a wall of tension between the social workers and themselves. Most of the time, not only Walid, but also other immigrants and refugees deny their situation and do not want to face all the legal procedures.

4. Language & Education

As Walid arrived in Italy at an advanced age, combined by the fact that he had never liked school, his learning path has not been easy. Also, it's been hard for him to acquire European customs. Notwithstanding, to date, he has obtained a sufficient understanding of the Italian language and is able to speak, write and read simple texts.

WHAT WAS DONE AND HOW WAS IT SOLVED?

Most of the social assistants working in public institutions have built their skills through cases they have come across over the years. Most of them can speak or understand a bit of English, their cultural and linguistic knowledge is basic. They compensate for their narrow experience by using the Internet and other means of information to learn and update their knowledge about the children's country. They rely a lot on a constant communication with colleagues and especially mediators that know much more about the cultures and languages of the immigrants. Some mediators also work at the community houses in order to spend more time with the children and get to know them better. In Palermo, they are dealing mostly with immigrants from Bangladesh and North Africa, which allows them to develop and improve their knowledge about these countries' cultural and political situations.

1. Communication techniques

In the case of Walid, the social worker uses important communication skills regarding the way she talks to the boy and his friends. It is important for her to explain in a clear way who she is, what she does and why she does it. This is her strategy to establish trust through transparency and direct dialogue. She takes as important her capacity for listening. She interviews individually, with or without intercultural mediators, as well as meeting in small groups to explain in the fairest way what she is aiming to do and why. She also takes time to consult with her colleagues for their points of view.

2. Psychological aspects

The social worker relies a lot on her personal empathy and altruism. Thanks to her experience she is able to have an instinctive feeling about "how" she must behave to 'break the ice'. She is also really patient. She takes time to explain how the "welcome" and construction of the "welcoming project" function and allows time for Walid to think by himself. She listens carefully to his life story, his migration story, his dreams, hopes and fears.

3. Education

The complexity of the problems involved demand structures with specialised staff with intercultural skills and formal and non-formal pedagogy. The staff dealing with these children have to be able to promote and enhance independence and autonomy. Social workers mainly



apply informal educational methods in order to stand out from a school's role. According to the Italian process of integration, immigrants have different options to receive the proper education. Apart from the two months language course, they can either go to a public school or take a vocational course.

HOW DID IT END?

Walid's behaviour today is much more thoughtful. He fully takes part in the local and national community. He is able to run and manage his life on his own. He has a social life with different peers, even though he frequents mainly North African people. After a year, he has received his residence permit. He's been accepted under the humanitarian protection.

There are so many complex ongoing problems that it's necessary to adapt the structures with specialized interculturally educated staff with the ability to promote and enhance independence and autonomy within the children.

Bureaucracy is slow and complicated. Delays are normal for all kind of procedures such as the residency permits which allow immigrants access to vocational training. As the Italian education system requires compulsory attendance up to 16 years of age – it would be far more efficient, according to social workers, where it was streamlined. Indeed, it would increase the chances of jobs and thus, the autonomy of immigrants.

Walid's social worker feels well prepared and quite experienced. She regrets not having more time to collect information about the culture of the immigrants' countries to learn and improve her professional skills. However, she believes it is a primordial duty for her and her peers to keep on a lifelong learning, especially regarding these geopolitical, economic and cultural factors that determine and influence individual and collective migrations. This vital step, for a social worker's daily work, remains a personal initiative. Some peers, however, deem searching for scarce relevant material in an understandable language as a waste of time in an already overcharged timetable.

ITALIAN SOCIAL ASSISTANTS AND TUTORS OF CHILD IMMIGRANT From a Public service's point of view

They admit themselves that their role is sometimes limited and even frustrating as they are unable to respond to the needs of the children. The language barrier is the main cause mentioned. In such cases they have to wait for a mediator/translator, which can sometimes take a while.

Difficulties with communication and/or a simple relationship can also occur when the child has a clear idea of what he/she wants to get from his immigration. The challenge becomes major for the social workers when the child's behaviour might not suit his/her integration. Challenges can be due to the child's social network, comprising of fellow nationals. Sometimes the hardest thing is to explain to the child about his/her situation or/and immigrant status. The conflict here is obviously between his/her "dream" and the legal framework that he/she has to fit into and leads to constant negotiations between parties involved.

Most of the immigrants in Palermo fled from their country for a better life, for freedom and for better economic conditions, so that they could send some money back home to support their family. In other words, they want to be free, work and earn their own money.



The social workers require more time and means for better knowledge and explanations about cultural, political and economic aspects of the country of emigration. There is a definite need to deal with each child personally as each “story” will engender consequences in behaviour and their perspective on life.

From an association/community's point of view

Associations face the same challenges as public institutions. However, the relationship built, the time spent with each child to build this relationship and the environment that they are evaluating, acquire a totally different character.

From a community perspective, the relationship with the children is different. There is a proper life sharing experience. Social workers establish an individual relationship with the children and support them in the daily tasks required of them for being part of this community. We visited a community house in Palermo where teenagers are free to come and go as they please, as long as they respect the house rules. Accordingly, teenagers are quite well integrated as their way of dressing and behaving like other teenagers of their age shows.

SOCIAL WORKER'S COMPETENCIES

- Empathy – The ability to understand and share the feelings of another.
- Altruism – The practice of disinterested and selfless concern for the well-being of others.
- Intercultural communication abilities
- Verbal & non-verbal communication skills
- Psychological abilities
- Humility - be able to question oneself, being aware of one's strengths and weaknesses
- Creativity – being able to innovate one's methods and resources
- Flexibility – being able to adapt one's behaviour according to the people and the situation with or without anticipation
- Open-mindedness
- Listening capacity
- Patience



3.2 Germany – the case of Karim

DESCRIPTION OF THE CASE

In the fall of 2010 during an internship, “the social worker” had first contact with Karim. The facility in which his internship took place is a non-formal counselling centre for people who came from abroad to Hamburg. Among the visitors to the counselling centre are asylum-seekers both with and without applications for asylum, tolerated people with and without limited residence permits (Duldungsstatus). All of them need support for contact with local authorities and/or other matters of everyday life. Affiliated to the counselling centre is a project called "Infobus". The "information bus" is a camper van that regularly runs to the initial and central reception facility for migrants in Hamburg (Zentrale Erstaufnahme, ZEA). There, regular counselling is carried out locally. It includes accompanying migrants to appointments at the ZEA and giving general advice on legal topics of residence and asylum. Normally, the social workers distribute flyers in many different languages in front of the ZEA in which they point out their advice services and ask the migrants directly if they need assistance.

That fall, “the social worker” saw a lonesome boy in front of the building. He seemed to be unaccompanied. He could not see any reference person close to him. The boy was dressed in very thin clothes considering the cold season and he seemed to shiver slightly. Also, the social worker was under the impression that boy might be underage. To verify his first impression, the social worker went up to him and spoke to him. The boy told me that his name was Karim and that he had arrived in Hamburg a few days ago from Benin. After his uncle, who had organized the trip, left him at Hamburg Central Station, Karim met a fellow who took him to the local mosque and advised him to go directly to the ZEA. Until the moment they met he hadn't had any contact with the authorities in the institutions. He had only given his name and date of birth to the security guards at the entrance and had been given a room to sleep. At that time there was no French-speaking person around for him to be able to get more information or to communicate properly.

WHAT IS THE MAIN CHALLENGE?

Principles

Before we discuss the challenge in this case we will name the approaches and underlying assumptions that were used for analysing the situation and the subsequent actions. During his studies in social work, he learned to focus his perspective on three methods of social work, dealing with people in need.

1. *'Orientation on the conditions of life' approach*

Orientation on the conditions of life means supporting social relationships, especially family, relatives, neighbours or community groups (community) by promoting the available opportunities (resources) and their use in the solution of social problems.

The action plan of the orientation on the conditions of life contains the following basic principles:

- Prevention, which means, above all, to focus on the positive, liveable and desirable conditions and to help stabilizing the situation of the person over time.



- Regionalization, understood as part of decentralization. It means to rely on and use local structures and small-scale learning and support concepts.
- Life orientation as perception and action principle. People are to be respected including their life experience, the interpretation patterns of those affected are to be adopted, the ability to help oneself should be supported, low-outreach activities are to be established and promoted (empowerment).
- Participation, understood as full participation of stakeholders in the aid process.
- Integration, understood as preventing processes of exclusion of marginalized groups.

2. Empowerment approach

Empowerment means to encourage people to discover their own strengths and to assist them in the acquisition of self-determination and autonomy of life. The aim of empowerment practice is to strengthen the existing (though often hidden) capabilities (competences) of the users of social services in autonomous life organization and to bring up resources to help them reach their own ways of life and to live in a self-determined way. Empowerment – to put it in a nutshell – is the idea of (re-)acquisition of self-determination on the circumstances of one's life (Herriger 2006).

3. Resource-oriented approach

The resource-oriented approach is an empowerment strategy which leads to enable people to use support services independently and to interfere as little as possible in their life-world (Möbius 2010).

The basics are:

- Promoting participation in society in terms of empowerment approach (self-help).
- Mobilization and stabilization of individual resources and networks.
- Participation of all stakeholders in the formulation of objectives, care planning and conception at an equal and eye level contact.
- Transparency of the planning and the history of previous aid.
- Use of instruments and methods of resource collection and a continuous process of reflection and documentation.

Main challenge

The main challenge for the social worker was to **organize the first contact with an unaccompanied refugee minor**. This main challenge can be divided into the following three subordinated challenges:

1. to find out on which principles I could establish a relationship
2. to make a plan that refers to the goals the refugee has stated
3. to go through the process of executing the plan

Steps

The three challenges have been divided into the following steps, which can merge:

1. The first step was to **build a relationship of trust** on which cooperation could be based.
2. The second step was to **find out what Karim needed directly**.
3. The next step was to clarify his **flight biography** and all other points that are important to identify and take the next steps.
4. Now it was important to find out what **his own ideas** about the next steps were, like what Karim wants, what goals he has and **what skills he has brought with him** to overcome the challenge of staying in Germany.



5. Now, based on the collected information and the statements of Karim, it was necessary to find out **which strategies should be chosen** to get Karim where he wants to get, including a plan B if plan A fails.
6. The last step was to **get the process of asylum going**.

WHAT WAS DONE AND HOW WAS IT SOLVED?

Build a relationship of trust

With his rudimentary knowledge of French the "social worker" made Karim understand who he was and what kind of support he or the project "Infobus" could offer Karim.

He did so mainly by having a casual conversation with Karim. The social worker deliberately didn't ask him questions about origin, age or flight. This was to be done later, so the talk did not take the same direction as typical conversations with an authority, which often have the character of an interrogation.

Find out the needs

On the one hand there were some very obvious needs; in that he was standing in front of the facility in shorts, a shirt and sandals although it was about 12 degrees Celsius. On the other hand, less obvious needs such as his state of health (mentally and physically), his legal status, his food supply and his information level (knowledge) regarding his stay in Germany.

The method the social worker used to find out his needs was kind of a client-centred interview.

After the first conversation the social worker took the check-list and checked what information was still missing yet needed to develop a strategy for the next steps. The check-list refers to the different life situations that influence each other, as mentioned before.

Find out goals and resources

Karim mentioned that he wanted to go to school and stay in Germany. To continue his interrupted education seemed very essential to him. He had attended school up to the 7th class in Benin when his father took him away from school and wanted him to work in the fields to bring some money home.

Belief was an elementary part of his life, too. When he arrived at the central station of Hamburg, he met somebody who took him to a mosque and found some people to talk to and get advice from. At that moment I, the social worker, was not able to identify this as a very powerful resource.

To find out his goals and resources the social worker used the method of a *client-centred interview again*.

Throughout these interviews I, the social worker, often repeated that he is collecting information by the way and that they will need this information to build up the strategy. The goals of Karim were

- to stay in Germany,
- to get back in school or to start an occasional training and
- to learn the German language.

These were the goals of which he told me. There were probably some more that he didn't.



Collect information about the flight biography and background

He let Karim tell him something about his past. Which country had he come from, how he came to Germany and if he had friends or relatives in Hamburg and the surrounding area. It was important that he knew what I, the social worker, was going to do with the information he gave me.

Here again he used the method of a *client-centred interview*.

Afterwards I wrote down what I heard in minutes created from memory with the most important points for the next steps and discussed them with him.

Make a strategy

After I clarified these points with him, I started to activate a network. In my previous discussions and accompanying of migrants, I had already noticed that the counselling institution had a strong network of supporters. This included supporters in the areas of work-, residence-, social-, and housing law, counselling centres, migrant organizations, language courses, debt advice, employment law counselling and an organization which organizes and performs free medical treatment of undocumented migrants. After a few days, it was clear in which different ways to support Karim during his demand for asylum were possible. I had made an analysis of his situation with him and explained to him the various options and related action steps.

At this point of the process, three things were necessary.

- Firstly, to go over the information with Karim which I had collected during the interviews.
- Secondly, to use the check-list for getting an overview of the people in the mentioned networks before actually contacting them.
- And lastly, to discuss the different opportunities and plans and their consequences. It had to be determined whether this was really what Karim wanted. It was helpful to visualize the different plans in a mind map.

Plan A according to his goals, was to get the authorities to accept Karim as a minor. Since minors in Germany fall under the Youth Services Act they must receive access to shelter appropriate for children and access to education. He also has the right to experts, such as social workers who can deal properly with his special situation. As Karim was a minor, it seemed best to bring him to an institution for local children and the youth emergency service (KJND) as quickly as possible.

Plan B was to try to get his demand for asylum to a successful end if plan A failed. However, the prospects were not good relating to his reasons for flight. To be forced to marry and therefore to be forced to leave school, are not accepted as reasons for asylum. The perspective with the highest possibility of success was that deportation would be suspended until the authorities received a valid passport from Benin. According to national law, after two years of toleration (*Duldung*) he would have been entitled to a temporary residence permit because of an on-going deportation hindrance (not having a passport). Here, however, the duty of cooperation had to be considered.

If suspected for not cooperating sufficiently in the procurement of an identity document, his seeking asylum would result in failure. This is a balancing act. On one hand he needs to cooperate only so far that he won't receive new documents from Benin, on the other hand not



too little so that he would be suspected of a cover up or concealment of important information.

Karim already had a **Plan C**, however the social worker didn't get to know that until much later.

Get the plan going/Execute the plan

After the social worker talked with his colleagues about a fitting strategy and discussed it with Karim, they visited the KJND late at night and asked them to take care of Karim and give him a place to stay. As there was no translator and none of the coaches were able to speak French, the social worker was asked to interpret. After about two hours of waiting, the KJND told them they don't believe Karim and question his age. The reason was that his size didn't correspond to his stated age. At the time, it was common practice in Hamburg to verify the age of refugee minors on the basis of a medical examination of the wrist bones. This was now a condition for the KJND to accept those seeking help. They were only willing to take care of Karim if he consented to this procedure of age classification. With lawyer assistance they lodged an objection to that decision. This was rejected. Eventually, the age of Karim was set at a fictional 19 years, based on the medical examination. Based on this decision, he was now regarded as an adult and after a few weeks redistributed into a facility for asylum seekers and migrants without a residence permit in Bavaria in Southern Germany, in a region far away from any big city and with nearly no infrastructure such as German language courses, access to counselling centres or even shops. From time to time the social worker and Karim had contact and Karim told him about what he was doing. After about half a year, his application for asylum was rejected. However, as he didn't possess a valid ID card, the deportation had to be suspended until the authorities procured a passport. At the same time this situation offered the only prospect for a legalized stay in Germany. At this point, the social worker's possibilities to support Karim on his way had to end. The only thing left was keeping loose contact with him and through his lawyer in Hamburg.

However, there were still opportunities beyond those of social workers or volunteers, for example, the possibility to access informal networks. These may often be located around religious communities or cultural clubs. In Karim's case, he accessed this kind of network through the mosque which he attended every day during his stay in Hamburg.

HOW DID IT END?

After a two month silence, Karim called the social worker to say that he was in Hamburg again and asked to meet.

Karim has now been working at a hotel for a year and has a permanent home in Hamburg. Both his residence in Hamburg and his work activities are illegal. On the grounds of an obligation of residence and no work permit Karim, is missing the legal basis.

Despite these restrictive conditions and his precarious living situation Karim has been able to work, to live in Hamburg and to learn the German language. He even has a girlfriend and can thus build up more social networks in Hamburg.

After talking for about two years after initial contact, it turns out that an essential part of his success was his religious network. From the start, he had regularly visited a mosque and had



sometimes spent the whole day there. He told the social worker that this non-formal network opened many options for him, including access to housing, employment and educational opportunities.

The future prospect for him is that he still maintains a temporary residence permit due to a deportation hindrance. With this status it is possible to live in Hamburg officially and to seek education, considering that he desired to go to school or do an apprenticeship from the very start. The break in his education could thus come to an end. The uncertainty of being deported, however, remains.

Finally, it can be noted that plan A failed. Plan B is still running, to obtain an temporary residence permit due to the deportation hindrance. Plan C is giving Karim a chance, in a sort of way, to be successful. He has reached two of his goals and has a perspective, in spite of it possibly ending in illegal status and a sudden deportation.

LESSONS LEARNED

The summary of the structural framework and associated preliminary plans for action gave them an overview of the events going on around them.

Having a network of supporters and experts helped the social worker to build a strategy which considered most of the barriers and opportunities.

The social worker also came to the conclusion that the principles on which the help process was based reached their goals. His impression was that Karim had been the one in control throughout the whole process of what was happening, when it was happening and why. Karim was the expert of his own situation and the social worker had “only” been a kind of a lawyer, assisting him to manage his own challenges.

By focusing on his resources, the social worker was able to build an equality-based relationship with Karim.

One of his resources that I hadn't discovered was to connect to people and thereby access and build his own network. In future, it could be helpful to encourage a client to seek out religious communities or cultural clubs in the surrounding area and access their informal networks, as Karim did.

SOCIAL WORKER'S COMPETENCIES

Checklist: First Contact

Subject	Minor	Volunteer	To Do	Competencies
Relationship of trust	What is his life Situation?	How can the social worker understand the Perspective of K.	Build up a relationship of trust	Be empathic



Network	Which Network does already exist in his or her surrounding	Which Network do I have to support him or her	Activate Networks or build up a new one	Networking Knowledge about the local organisations dealing with refugees
Health	How does he/she feel and if there is any health problem, where does he/she think it came from or what to do about it	How is his/her health status, physical and psychological	Look up possibilities for medical support	
Education	What skills and resources does she/he have; these include e.g. completed school or vocational training, attendance at a religious school (e.g. Qur'an school) occupation, household or agricultural skills, technical skills, etc.	What possibilities do I have to include him or her in educational systems	Have knowledge of the local educational system an infrastructure and the access to it	
Rights	What does he/she already know about his/her rights	Which are the special rights of him/her and how does he/she get access to them	Stay in contact to a lawyer and have basic knowledge of the local/national asylum law	Be able to read and understand the relevant laws and regulations
Authorities	What does he/she think about the authorities; what has he/she experienced with them already	Has there already been contact to the authorities	Get to know the relevant institutions and their procedures for absorbing immigrants	Know how to deal with them. What would the outcome be, were the social worker to lose patience or get angry with officials?
Flight	How has he/she experienced the flight	What was the reason for flight	Preparing to the demand for asylum, has there been contact to authorities in another European country? Is the reason for seeking refuge a valid claim? Has there been any mistreatment during flight.	In the case of disturbing accounts concerning the need to have fled, to keep a professional distance. Not to get too deeply involved.
Future	What are his/her wishes looking forward for the next	What are my possibilities in and	Define and communicate your own role in the	Activating the resources of the minor. Empower him



	time/steps	quality to support him/her	relation between him/her and you. What are you able to do?	or her.
Communication	Does she/he really understand what I am saying to her/him; is she/he able to express him/herself	Am I able to explain everything properly to him/her; do I understand what he/she is saying to me	Find a basis for communication; if you can't, search for somebody who does and try to recruit this person in case of need. You may also do translations through the mobile phone.	Listening being sensitive
Strategies	How can the minor can be part of setting up the plan or strategies	Explain every step which is going to be done and ascertain that the minor has fully understood it	Make a plan, which deals with every possibility	Build up a structure
Principles of the relationship	Describe them to the minor	Clarify on which principles the relationship should be based. They don't have to be that professional but clear.	Reflect their own position and work	Self-reflection



3.3 Denmark – the case of Hamida

DESCRIPTION OF THE CASE

Hamida is a 17 year old girl spending her third year in a centre with her brother and parents. She is Sudanese and a Sunni Muslim. She speaks Arabic, English and Danish.

Hamida has been attending a Danish folk school up until recently from the time she's been in Dk. She has friends, but it's the close ones who understand her. These are other Muslim asylum girls around the age of 16-17. At the centre there are around 400 people, of mostly Afghani, Iranian or Syrian origin. There are also some Chechen families. She usually succeeds in finding 2-3 girlfriends; however, they all leave at some point either after receiving a residence permit, or, as in the case of her best friend, getting deported a few months ago. Hamida is an extremely socially responsible person, she is polite and cheerful and sensitive to other people's feelings. She feels her life experience is so limited that she doesn't know what she'd like to do, yet wishes to do something. She keeps herself inside a safety/ comfort zone and doesn't ask for help. Fortunately, she's intelligent and well-equipped to explain her emotions and thoughts.

WHAT IS THE MAIN CHALLENGE?

To help Hamida create a meaningful life situation and personal development within the ever changing and uncontrollable frames of centre life and to help her fight a strong feeling of loss and loneliness developed from her experience before and at the time of asylum.

Main challenge

In the current situation, Hamida has little possibility, if at all, of controlling her future and therefore, has no idea what she wants to pursue. The main challenge is to give her an authentic feeling of life experience with goals to help her decide what actually interests her, to develop her identity and create a feeling of dynamic and development in her life.

WHAT WAS DONE AND HOW WAS IT SOLVED?

Hamida visits a psychologist with whom she confides without the pressure of responsibility towards her family or friends. He also gives her needed support by discussing possible solutions to problems and frustrations.

Hamida attends the centre school for adults and is in the group of young adults aged 17-23. She also regularly attends riding lessons with a steady group of participants. Here she's within her comfort zone although is still learning. The connection with the animals and the responsibility give her noticeable self-confidence and less passivity.

The thought behind the school is to create a bond between the youths through experiences and challenges which they solve together. Also to give them experience of real life problems and how to solve them. Through well-organized learning situations they develop self-



confidence and they learn to work in a group, experiencing their weaknesses and, more importantly, their strengths. Through succeeding in their projects they also gain a feeling of worth, pride and belief in their own abilities.

Hamida has a close relationship with one of the employees and has been given a few hours a week to leave the centre with Lamis, going for walks, trips, etc. The strength of this relationship is the employee's position as an outsider who can be trusted but has a different set of capitals (Bourdieu). Having this time out gives Hamida the opportunity to reflect upon things she learns, does not learn, likes to learn and do and how to fit them into the image of herself, thereby giving the ground for what she wants to become.

HOW DID IT END?

This situation, or most of it, has a natural solution if Lamis and her family receive a positive answer from the court which realistically will happen within 6 months, although nothing is given.

Hamida has a family with whom she shares emotional bonds and parents who have life experience to guide her part of the way to integration in this new society. In addition to her challenges many youths come alone, without family.

Municipalities in Denmark work differently with the young (mostly) men who have received a resident permit. Some municipalities give them an apartment – some will make them live in group homes until they are 18. Group homes have a lot of positive points. Here the young men have their room and toilet but make food together. There are pedagogues and psychological help for them, so they can get help from the pedagogues in school, social life etc. The psychologist helps them overcome any grief and loss and helps them live with their traumas – if they have experienced traumas while escaping from their country to Denmark. These young men help each other and have a strong bond. When they turn 18, they can move to their own apartment. In these group homes they learn to cook, deal with bills, make social networks etc. However, just as often, the municipalities often find an apartment for the young men- where they feel lonely and relearning to take responsibility of daily life is limited.

LESSONS LEARNED

Working with Hamida and the group of youths, it is clear to see that bonds that develop bring them together, give them an excuse to meet and develop friendship across cultural and linguistic borders. It also gives them a chance to define themselves and their identity.

The practical projects bring experience to the youths and are a base for questioning and discovering what they are actually capable of.

Riding, driving, running and other physical activities release tension from stress and creates a dynamic feeling which, to a certain degree, substitutes the sense of their life being in a rut.



SOCIAL WORKER'S COMPETENCIES

- To be able to create dynamic experiences in a minor's life and feelings
- To see and find situations of safety, development and experience in which the minor develops life experience, self confidence and trust in a logical sequence of actions and consequences
- Reliability



3.4 Spain – the case of Farid

DESCRIPTION OF THE CASE⁴

Farid⁵ is an unaccompanied minor from Afghanistan who was forced to join the Taliban and to leave his family. Together with two other boys, he was taken to Pakistan to be trained for Jihad and used for a suicide attack. Once he arrived in Pakistan, Farid succeeded to escape. He found a man, Chaudery, who told him that he could help taking him to Europe, where he could be safer, but he had to pay him 5,500 USD.

Farid could talk on the phone with his father and told him about the possibility to go to Europe. His father agreed to sell the piece of land that the family had and then travel to the Afghani-Pakistani border to deliver the money to Chaudery.

After the two arrived in Barcelona, the man gave Farid 30 euros and told him that their encounter has ended. Farid was left alone and he lived on the streets sleeping in the subway for days. One day he heard two boys speaking his language and asked for help. The two boys told him about an organization that assists refugees and asylum seekers and took him there.

Farid was taken by the lawyer of the organization to the police, where he was asked questions and had to take the wrist bone test. When the tests confirmed that he was underage, he was moved to a minors' centre.

WHAT IS THE MAIN CHALLENGE?

After meeting Farid and having a conversation regarding his fleeing experience, the educator from the minors' centre decided that there were three challenges he had to deal with while caring for him:

- The first one was the language barrier. Although Farid speaks a bit of English and can communicate with his educator and the lawyer from the refugee organisation, due to the language barrier (but not only), he didn't interact much with the other minors from the centre. The other kids did not speak English and he didn't speak Spanish or Catalan. He made just one friend, a boy from Pakistan, because they could communicate.
- Another challenge, maybe more important, was to trust that the persons around him were trying to help. He had a really hard time going to the police, telling his story and being examined. He didn't trust the police due to his background. By the time Farid arrived at the minors' shelter, though scared about his future, he was feeling less tense.
- The third challenge was to help him overcome the differences between his culture and the Spanish culture. When he arrived in Barcelona, he was really scared because he didn't know the place and all the strange, unknown things were making him feel uncomfortable. He knew he would never see his parents, his friends and the people back home. He was alone in a country that seemed to him another world, people were

⁴ Translation based on: Irene Zarza, Gintare Eidimtare, Museu Memorial de l'Exili, Anna Figueras, Estel•la Pareja, Catalunya, Terra d'Asil, Comissió Catalana d'Ajuda al Refugiat, 2011, translation by Camelia Cosma

⁵ Farid is not the real name of the minor.



wearing clothes he had never seen before, the roads were paved with concrete and there were many cars.

Spanish context and the process followed when attending unaccompanied minors⁶

In Spain there is a network of reception units within the Child Protection Services of the different Autonomous Communities and Cities that attend the needs of abandoned minors; in the case of unaccompanied foreign minors, these centres usually provide assistance exclusively to them, are managed by non-profit organisations and NGOs and have multicultural and multidisciplinary educational teams.

The illegal entry of the unaccompanied minors is governed by a combination of legislation on foreign affairs and the protection of minors in situations of risk or abandonment. Although the illegal entry is not managed through the right of asylum, the legislation on foreign affairs allows them to apply for it. Because of this, the legislation on foreign affairs sets forth that once the age of the minor is confirmed, the unaccompanied foreigner must be referred to the Child Protection Services of the Autonomous Communities, the competent bodies for declaring their abandonment, assuming their guardianship and exercising any necessary protective measures. As can be appreciated, this legislation provides for additional guarantees and more favourable arrangements for unaccompanied foreign minors than detention, which in any case are compatible with the Directive on Return.

One of the guarantees offered to unaccompanied minors is the intervention of the Prosecution Office, which holds the legal mandate of overseeing the fulfilment of the guarantees of the procedures carried out with these minors and for exercising their rights. Therefore, it must be informed of all decisions taken in relation to unaccompanied foreign minors. Specifically, the Special Prosecutors for Foreign Affairs are assigned the tasks of coordination, supervision and transfer of the procedures to be followed as to the proceedings on the determination of age and the return of unaccompanied foreign minors.

The residence of unaccompanied foreign minors under the guardianship of the Public Bodies is considered legal to all intents and purposes. Upon the request of the entity which holds their guardianship, these minors may exercise this right once 9 months have lapsed since the child was referred to the competent Child Protection Services and it has been confirmed that they cannot return to their family or to their country of origin.

The Spanish Government, through the Delegations and Sub-Delegations of the Government, must therefore grant a residence permit, retroactively in effect as of the date when the minor was referred to the Child Protection Services. This residence permit is not an impediment to a subsequent return of the child when it can be carried out in accordance with the provisions of the legislation in force.

The Child Protection Services must provide documentation and successfully complete the procedures for the administrative regularisation of the minors under their guardianship so that they may be socially integrated, this being the ultimate objective of the intervention.

⁶ Policies on reception, return and integration arrangements for unaccompanied foreign minors, European Migration Network (EMN), June 2009



WHAT WAS DONE AND HOW WAS IT SOLVED?

Farid received assistance mainly from two institutions. One was the minors' centre where he was transferred after the radiological test results confirmed that he was a minor and where an educator was assigned his case. The other institution was an organisation working with refugees that assisted him from the beginning, which offered him legal assistance and advised him how to apply for the residence permit in Spain.

Psychological assistance, social integration and education

In Farid's case, the educator first had to gain his trust and make him feel safe and comfortable in the minors' residence. She started the conversation by presenting the organisation and the work it was doing with youngsters in similar situations to his. After that, the educator asked simple things about him, his family, life in Afghanistan under the Taliban, his hobbies, etc. and in return explained a bit about the culture, customs, habits and traditions of Spanish society.

In the next meetings, Farid was encouraged little by little to talk about his experiences and fears. Using active listening and empathy, the educator was also able to grasp from Farid's non-verbal language what he was trying to communicate. At all times, the educator maintained an open and non-judgmental attitude. After regular individual contact, a relationship of trust was established between the educator and the minor. Furthermore, Farid even agreed to give a testimony of his flight experience to Europe.

For Farid it was difficult to speak English, he felt comfortable and could defend himself only speaking Pashto. At the minors residence he made one friend, another boy from Pakistan, because he could communicate with him in his language. The educator decided that this was a good start and it could be exploited. Engaging Farid in the different activities taking part in the centre, he could later relate with the other youngsters in the centre and also from outside.

In order to reduce the cultural shock and to learn more about Spanish society, Farid participated in recreational and leisure activities organised outside the centre, also in talks and exchanges about cultural customs, habits and traditions.

The educator considered it necessary that Farid continued his education and suggested to him that he first take Catalan or Spanish classes in order to overcome the language barrier. This would also give him the opportunity of meeting other persons outside the institutional framework and would have a positive effect, encouraging him to be more open and make friends. Once he had a good command of the Spanish language, he could then later enrol in some vocational training courses.

In Spain, all foreign minors are guaranteed the right to education and all foreign minors in situations of risk or under the guardianship or custody of an entity of the Child Protection Services, even when they do not have legal residence status, are entitled to healthcare and other public services.

During this empowerment process of the minor, the educator had to always have in mind his responsibility towards his family. Farid was very aware that when his father sold the piece of land for him to travel to Europe, his family was left without a source of income. That's why his final objective was to have a job and start sending some money to his family. This need



reflected also on spending more time doing certain activities (for example using the internet to communicate) or learning, than the ones allocated normally in the centre.

Legal assistance

Another important fact was to make Farid feel involved in the decision making process regarding his status. He was explained all the procedures for asking asylum and residence in Spain. Besides the help received from the educators from the minors' residence, Farid has also been granted administrative and legal counselling regarding his situation and residence permit by the lawyer from the NGO that assisted him from the start.

HOW DID IT END?

Farid started learning Spanish and is very eager to communicate, to better know the people around him and make new friends. He wants to study and realises that here in Catalonia he has a lot of opportunities. He can also find the support and understanding that he needs and most of all, he feels safe.

"What do I want to be when I'll be older? I'm like a little kid who wants everything. Sometimes I dream of being a lawyer, a doctor or an engineer. I dream of being a great man, to help my family and the people of my country. But sometimes I see the driver of the subway and I think that's a good job too. I think maybe I do not have to be a great man; I can be a little man, but a good person. As the man who helped me in the beginning or the lawyer of CCAR. They are great people who have helped me a lot. I want to be like them."

SOCIAL WORKER'S COMPETENCIES

- Empathy
- Intercultural understanding
- Communication skills (including non-verbal)
- Asylum law knowledge
- Networking - knowing the right persons or organisations from different areas that could help



3.5 Lithuania – the case of Aasha

DESCRIPTION OF THE CASE

This story is one of the most successful unaccompanied minors' cases of the Rukla Refugee Centre. Aasha, an endlessly talented and energetic girl from Vietnam, is now 20 years old. Aasha came to Lithuania when she was just 17 years old. She had to leave her homeland - Vietnam, because of suppressive ethnic violence in her country. One of the gangs, involved in human trafficking, helped Aasha to reach Russia. Because of human rights violations in this vast country the teenager did not dare stay in Russia. She decided not to wait around and came to Lithuania.

When Aasha came to Lithuania, she was an inexperienced 17 year old girl – unaccompanied minor. A new place, incomprehensible language and strangers all affected the teenager's inner world. There was a whole team working with Aasha in the Rukla Refugee Centre and these people became like parents for Aasha. They gave her their time and attention and cared for her psychological health. Both social workers and other institution employees consistently encouraged Aasha to share the loneliness and pain that she was suffering in order to heal and forget the traumatic past. With the workers' support, as well as her own efforts, Aasha was able to rely on her own abilities; she started to trust the people around her.

Aasha has been living in Lithuania for almost 4 years now. At the moment she lives in Vilnius, the capital city of Lithuania. She has acquired a professional education in sewing and design which has opened up new possibilities for her to find work in Lithuania. In Vilnius there is a small Vietnamese community. She contacted her fellow countrymen and with their help and support, she got a job in Gariūnai marketplace. This led her to move to Vilnius.

According to Aasha, she is probably born under a lucky star, because she feels so lucky to be able to work and live in Lithuania. She came to this country with other Vietnamese. When they were captured by the Lithuanian police, Aasha was only 17 years old, but her friends were older than 20. For this reason, Aasha was sent to the Rukla Centre and her friends - stayed in the Pabrade Centre. Aasha's family still lives in Vietnam. Aasha still has refugee status however, she has temporary permission to live and work legally in Lithuania. Currently, Aasha is working in Gariūnai marketplace as a clothing vendor.

WHAT IS THE MAIN CHALLENGE?

As I mentioned before, Aasha's case is one of the success stories of unaccompanied minors in the Centre. When working with other refugees, asylum seekers and unaccompanied minors, we usually have to face a lot of obstacles.

The usual problems of the above mentioned groups are probably similar everywhere. In reality, we do not have the right to ask them why they decided to leave their homeland. If they are unwilling to speak and share, we cannot force them. Therefore, the problems come only when they, themselves, decide to talk to us. In our work, we also come across some curious stories as well. For example, Vietnamese are usually unable to communicate in any language other than their own. Therefore, to get information from them is rather challenging or sometimes even hopeless. Although our financial resources are limited, we can usually afford



to pay a translator to help resolve some major issues, however speaking about “openness” is difficult. The more open refugees tell us that they leave their home countries due to family conflicts or instability. But what exact instability falls on their shoulders, they don't explain.

The other challenge while working with this target group is – helping them to find work. What kind of work can a refugee do? By the way, according to Lithuanian law, unaccompanied minors do not work in Lithuania. So, that leaves only adults, and from this group – half of them are not at all interested in any job opportunities. On the other hand, those whom we can call and identify as genuine refugees, learn the language and look for work. They also pass the Constitution exam.

Also, I would like to mention that refugees are not hopeless people. Although some refugees' main purpose for staying is to spend the required term specified in our law and then to spread their wings in search of another, more economically developed stronger country. These people are looking for happiness, but while wandering around they can rarely find it. Those who escape from the Centre and are re-caught, are detained and deported to their country of origin. Working with those, who are only looking for the opportunity to “run” to another European country, is really challenging and difficult.

Main challenge

The main challenges while working with Aasha were:

- *Language barrier:*

At the beginning, when Aasha started living in the Rukla Refugee Centre, due to the language barrier, she faced many problems. It was not only her who faced them, but also those who were working with her. She was only able to communicate in her native language – Vietnamese, so was unable to communicate with social workers and other people living in the centre. This caused a lot of problems for the Centre staff who had to look for other ways to communicate with the girl and gain her trust. However, she had a talent for learning languages and slowly began communicating with the Centre's workers. Aasha, also, very actively and willingly participated in various festivals organized by the Centre. The girl's friendliness enabled her to make new friends easily and capture the hearts of the social workers.

- *Long-term life goals, believing in future:*

While Aasha was living in the Rukla Refugee Centre, as well as now - as she's become independent and lives in Vilnius, one of the main challenges with her was her focus on short-term goals. It was difficult to convince the girl how important it was to plan her life and future and achieve set goals. Until now, she thinks that future planning doesn't make much sense. It's easier, much better and more comfortable to live in the present. It's unfortunate that this challenge could not be realised.

- *What has helped to overcome challenges?*

Aasha and the people surrounding her helped to discover the girl's deep and hidden capacity for creativity. She made beautiful handicrafts and for this reason, was given the opportunity to participate in Jonava and Kaunas districts organized competitions. She also won various prizes. In addition, another one of her talents was discovered - painting. Even now, it's possible to see her works in the Rukla Refugee Reception Centre. Literally, I can say that this girl has become one of the most active and talented foreigners of the Centre.



WHAT WAS DONE AND HOW WAS IT SOLVED?

When Aasha came to the Refugees Reception Centre, work with her started in the same order as with other unaccompanied minors. Firstly, she was accommodated in the unaccompanied minors' sector. As mentioned above, there was the language barrier with everyone around her that was a source of problems. She was able to communicate only in her native language – Vietnamese, so she could not communicate with social workers and other people, living in centre and they needed to gain her trust.

The work with Aasha started from social, educational and psychological help. Also there were some issues that the girl, due to the language barrier, couldn't communicate with others. However, gradually over time, when engaged in the Lithuanian language courses, she was able to communicate with people without a translator's assistance.

Educational help

An individual Lithuanian language learning programme was prepared for Aasha. During these courses she acquired essential knowledge of the Lithuanian language and how to prepare for studies at the Lithuanian vocational school. Every day, attending language classes for a 6 month period, the Vietnamese girl amazingly learned to speak and write in Lithuanian.

She was also involved in computer courses. Informatics lessons gave her an opportunity, not only for the first time in her life to use the Internet, but also to gain knowledge about the world around her.

After one year of attending lessons, learning and living in the RRC, the girl passed the Lithuanian language and computer exam and was able to move forward in the adaptation program.

Taking into consideration Aasha's artistic hobbies, social workers proposed that she seek a profession corresponding to her talents - sewing and design. Aasha accepted this proposal and went to study in Kaunas. Due to her strong will and strength, she gained a vocational education and also found a lot of new friends. After acquiring a professional education in sewing and design for Vietnamese girls, new opportunities to find a job in Lithuania opened up.

Aasha was also involved in psychological assistance groups. She constantly met with a psychologist whose aim was to help her build trust, self-esteem, self-confidence, etc.

Main achievements whilst working with Aasha:

Career aspirations

The Centre staff helped Aasha to discover her talents. The girl was always a marvel of carefully hand-made products and wonderful painting. The social workers recognised her talents and pushed her not to waste them and use them as much as possible. Due to her creativity, the girl was repeatedly sent to Kaunas and Jonava urban handicraft and drawing contests. Constant friendly rivalry revealed outstanding Vietnamese talent that also helped her to learn and know all about Lithuanian culture.



Increased self-confidence

When Aasha arrived in Lithuania, she was an inexperienced 17-year-old girl. The new location, unknown language and strangers disturbed her inner world. However, the Centre staff became like new parents and were always providing her attention and allocating time for her.

Continuous promotion to share loneliness and pain and providing support has helped her to forget the painful past. Slowly she started to rely on her own abilities.

Time spent in Rukla

While living in the Rukla Centre she met wonderful and helpful people. Although they were from different countries and different cultures, the Centre always encourages everyone to live as a big family, sharing difficulties and joys. All those living in the Rukla Centre are learning, playing, making food, eating. This common activity helped Aasha to learn new things, to prepare for the job market and lead her to maturity.

Aasha said that when she arrived in Lithuania she was only 17 years old and in the Rukla Refugee Reception Centre she had a kind of parents - the people who helped her to gain strength. Every day she studied, had the opportunity to learn to use a computer and surf the Internet. In addition, there were German and Finnish volunteers who were sincerely trying to help those living in the Centre. Together with the volunteers she cooked, ate lunch or dinner and organized small gatherings on weekends. Also, she got a chance to take part in contests and win prizes. And finally, when she finished her studies in Kaunas, she found a job.

HOW DID IT END?

Aasha has gained a profession in the sewing and design field. She is still a refugee, but she has a temporary permit to live and work in Lithuania legally. At the moment she is working in one of the marketplaces. Aasha is partly satisfied that she lives here, in Lithuania. According to her, this is a fabulous country, compared with the homeland. However, finding a good job, as well as in her homeland, is difficult. The salary she earns is small. The cost of living is much higher than the money she earns, especially in the capital.

She's learned to speak Lithuanian; she's found her native country community here in Lithuania. She has been able to find work and live independently.

LESSONS LEARNED

Refugees' successful adaptation depends on their own determination and desire:

Refugees' adaptation depends very much on their own determination and desire. If the refugee is willing to learn the Lithuanian language, know the culture and the specifics, the adaptation program is simple, relatively easy and invaluable stage in human life. However, sometimes it occurs that the refugees are too attached to their own traditions and values and in this case there is a threat to the adaptation performance.

Different strategies while working with different refugee groups:



Social workers expose different refugee groups. When looking at the refugees behaviour and monitoring their worldview, it is possible to outline one group of people coming to Lithuania whose comfort zone is entirely within their own traditions. For this reason, they hinder their way to an easier integration. On the other hand, there is another group of people who try to adapt to the new language, customs and lifestyle which allows them to freely integrate into the local community. In Rukla Refugee Centre, social workers usually are facing with two main types of refugees. One group of people are those who suffered in their homeland and are simply looking for a safer place to live. These migrants are satisfied with the services provided by the various institutions, and they integrate easily into Lithuanian society. Another group of refugees are those who are forced to stay in this country, Lithuania for them is merely an intermediate stop before moving forward in Western Europe. These foreigners are not interested in learning Lithuanian nor adapting to the new society. They are constantly complaining about their life here. These people are less victims and more like economic migrants, seeking to earn money.

Find the interests of the refugee when seeking a successful adaptation and integration process:

Refugees are people disadvantaged by violence or poverty and by moving to a strange land they are looking for a happier and better social situation in the world. The actual life of these people begins when they realize the worth of their new country, when they get to know the culture and the people. For this reason, one of the most important goals is to integrate into a new society, connect with locals, to adopt the customs and traditions. This "adaptation" term does not include a job search, rented housing or income. Integration is the understanding of country's culture and values, language, and becoming a member of a new community. In society, the stereotype of foreigners being a burden on the state dominates, However, the same cannot be said about those, who have well-adapted in society and who are able to contribute to the nation's development. It's possible to use refugees' skills and talents for community development or improvement.

SOCIAL WORKER'S COMPETENCIES

Main competencies which are necessary when working with refugees, asylum seekers, unaccompanied minors were identified by several social workers.

According to them - personal social worker, working with refugees, attributes and values are:

- Attention
- Responsibility
- Knowledge
- Comprehension

Personal social workers attributes and values are the basis of a professional and competent social worker. Personal characteristics of the social worker play a huge role as not all people are able to work as social workers. It is important to be able to listen and understand. While working with refugees, it is very important that the personal qualities are consistent with the social worker assigned attributes: communication, quick orientation, thoroughness, honesty, diligence. Also, a social worker must be very tolerant, maybe even more tolerant than working with other groups of people. A social worker should have such values as empathy, humanity, compassion, discretion confidentiality. A social worker must be able to understand that some of the refugees have come from war zones, economically deprived areas and during their trip through other countries have faced a lot things. They need to feel safe being here and now.



The other thing is that a social worker must also be able to keep a certain distance between the refugee and himself/herself.

Attention:

Social worker must know, understand and pay attention to the fact that some of the refugees come from war zones and have experienced psychological or physical violence. Social work with those who have experienced violence is specific. Refugees have many special needs as well as a wide range of issues (ranging from traumatic experiences and the psychological problems that have arisen, and, lastly, new experiences – the feeling of obscurity, feeling withdrawn, separation, etc.). Social work with them is a broader, much more complex process.

Knowledge is another very important competence:

All people are individualities and, in one way or another, have good qualities and shortcomings. That is why people are special, because they are unique, different. However, this target group is especially unique and specific to the sole fact that they are people from other cultures, other countries, different religions, and for social workers and refugees to understand each other is more difficult. A social worker should have some basic knowledge about the refugee's culture, lifestyle and habits. Special access to this target group is affected by their "otherness", so working with refugees, the social worker should be familiar with the country's cultural - religious characteristics, which might determine the methods of working with clients.

Comprehension:

As these people have changed their place of residence, cultural, social environment, it is natural that their process of adaptation and integration will be more difficult. Furthermore, additional problems are caused by the inability to communicate in the Lithuanian language. Of course, the social worker is not fully qualified to assist clients in all areas, but, if necessary, shall refer the refugee/asylum seeker to an appropriate specialist. This highlights the necessity for collective teamwork. Refugees, coming to Lithuania feel insecure and do not even trust the office workers. For a social worker who works with refugees, it can be very difficult to gain their confidence and requires a lot of patience, especially with those who've been through a heavy ordeal before arriving in the country. They feel vulnerable and don't trust anyone.



3.6 Poland – the case of the Chechen teenager

DESCRIPTION OF THE CASE AND MAIN CHALLENGE

A Chechen teenager on Polish territory without care was applying for refugee status and staying in Polish foster care. The challenge for his teacher was to overcome his aversion to all forms of social integration that included complying with the rules prevailing in the institution, learning Polish and, in general, to being educated in Poland.

The boy did not talk much about his experiences, but it is known that he came from a place engulfed in armed conflict. In addition to the psychological effects of long-term risks and separation from loved ones, the factor that hindered his integration into a new place was the cultural difference between Poland and Chechnya.

Taciturn, very serious and introverted, he came across as tense and nervous. Towards colleagues, he was overbearing and often aggressive. He refused to comply with the rules prevailing in the institution and especially disobeyed the educators. A particular objection was caused by the fact that orders were given to him by a woman. He was not interested in any form of fun and entertainment, or learning about the realities of life in Poland. For this reason he didn't study Polish and avoided school. While at school, he had a passive attitude, was closed and didn't make friends with Polish students. The situation was all the more tense when the boy was about to reach the age of majority because there was little time left to prepare him for the eventual independent life in Poland. The laconic statements during interviews with his tutor hinted of criticism for conditions in Poland, customs, culture and the way of life.

WHAT WAS DONE AND HOW WAS IT SOLVED?

The teacher began strengthening her authority by calmly, clearly and firmly communicating her expectations. She was consistently emphasizing that certain rules in Poland apply to all, regardless of background or gender, and there is no exception to them. Effectuated previously announced consequences for inappropriate behaviour - for example, the boy had to buy items that he deliberately destroyed from his own money.

In order to overcome the boy's hostility, the teacher used two main methods: interview and contact with a former Chechen graduate of the facility.

Individual conversations started with loose conversation about Chechen culture and traditions, emphasizing the similarities with Polish culture, such as commitment to family values, hospitality, shared experience of Christmas. Over time, as the ice broke, they were talking about cultural differences. The purpose, of course, of the teacher, was not to convince the boy that Polish culture is better, but is also valuable and has a lot to offer. Notwithstanding, by living in Poland, one must accept some of its elements which doesn't mean having to sacrifice one's own identity. She began to ask him what he liked about Poland and what not, what in the Polish reality was better than in his homeland, what Poles should learn from Chechens and vice versa. By the way, in a friendly atmosphere, she explained the differences between the two cultures, for example, the different role of women, the vision of male-female relationships. She also spoke to him about the various ways of life, events, passions for which the boy could think in his context and also the simple pleasures popular in our country. The



teacher was also in regular contact with the boy's teachers - he was lucky to attend a unique public school, especially welcoming to foreign youth, where he participated in classes specially created for foreigners, as well as in classes together with their Polish peers. The teachers had a competent and sympathetic attitude to him.

In addition to the interviews, the teacher persuaded the boy to participate in the framework of the so-called community, or group of pupils in school. These discussions focused primarily living in the facility, prevailing rules and relationships between pupils.

Another important activity was for the boy to meet a former graduate of the centre, an adult now, a few years older than him, Chechen and well acclimatized in Poland. The teacher did not participate in the talks, did not interfere in their content and didn't ask about them.

HOW DID IT END?

The first action taken, aimed at mastering the aggression and disobedience of the boy, brought good and relatively quick results. Determined tone, consistency and tenacity of the teacher made a big impression on the boy and raised his respect. Following the orders of a Polish woman or obeying the basic house rules was no longer something unacceptable. As a result, the boy was involved in less conflicts and nervous situations that lead to improving his state of mind. His relationship with peers was also calmer and gradually improved. In this atmosphere, it was easier getting the boy to speak and open up.

Encouraging the boy to openly express his perceptions, opinions and feelings also was easier. After breaking the ice, the impression was that he enjoyed the attention devoted to him. It was much more complex to reduce his hostility towards many elements prevailing in the Polish lifestyle, customs and social order, such as the different role of women, the organization of family life, the greater impact of regulatory administration and daily life attitudes to sexual content in the culture. However, also in this field, we can mention at least a partial success – although the boy mostly kept his negative opinions about these phenomena, he had a better understanding. This meant that his attitude became less dramatic and emotional.

The boy willingly met with a former graduate of the institution, invited by the educator - to see how life might look for Chechen refugees in Poland. Additionally, it made the boy feel more confident and gain a better idea of the Polish reality, including the orientation of practical issues, such as health care organization and integration programs for refugees.

Importantly, the boy began to enter into friendly relations with other people - peers, tutor and teacher. Despite his explosive temperament, he behaved more freely and was more cheerfully disposed. He began to be more involved in learning Polish which helped his contact with classmates. The situation in the school also improved - he was indeed a diligent student and showed interest in some subjects and often actively participated in the activities. In the institution he was happily spending time playing ball or other games, which at the beginning he was not interested in. He found pleasure in trips organized by educators, visits to the cinema, a joint celebration of different occasions.

As a result, approaching the age of majority, the boy not only felt freer and safer in Poland, but was also much better prepared for independence and gained the appropriate skills to



effectively manage his life further. The results achieved by the educator have to be considered positive.

According to Polish law, no private data or specific information of the boy and his situation could be given.

SOCIAL WORKER'S COMPETENCIES

The worker was well planned and used very effective tools. The main objective was to obtain the boy's trust in order for him to change his behaviour, to open and readily integrate. One of the key factors in attaining this objective was introducing the boy to a fellow national who went through the same procedure, successfully integrating into Polish society.

The social skills/competences exhibited by the worker were as follows:

- Patience, calmness, non-judgmental, empathy, assertiveness, communicative, active listener, consistent, consequent, culturally aware and pragmatic.
- Language skills play a large part in gaining trust.
- Organizational skills and knowledge of local law help to avoid setbacks that would cause loss of gained trust, e.g. immigration, housing, educational issues.



3.7 Romania – the case of Lara

DESCRIPTION OF THE CASE

Integration of refugees in the conventional sense of the term should start right from the time of their application for asylum. However, practice has shown us that things don't happen the way they should and the issues faced by this category of people are very complex.

In the following pages we will expose the case of Lara, a young Iraqi girl that was only ten years old upon entering Romania, along with her family. For five years the situation of Lara was a relatively good one, but after that period problems started to reappear. Father's early disappearance led to the emergence of financial problems, compounded by the family situation. In the Romanian juridical system when a person has been granted any form of protection by the state, they have the right to be housed in DAI IGI Centre for a period of 6 months that can be extended further for another six months, while continuing the "integration program". Nevertheless within 2 months after the recognition they must start paying rent to IGI DAI (General Inspectorate for Immigrants Asylum and Integration Directorate).

The right to education is governed by Romanian law for minors seeking asylum and for those who were recognized a form of protection in Romania. So, Lara has had the opportunity, since the time of the application, to be enrolled in school. Problems arise when the minor asylum seeker / person with a form of protection requires mandatory teaching materials and clothing (uniform – where applicable). Most times they are unable to acquire these things. The asylum law doesn't cover more financial support for these people in order to help them overcome this situation.

Being at an early age when they arrived in Romania, learning the language and school integration was a relatively easy process for Lara. She was enrolled in mandatory Romanian secondary school. Nevertheless, the tragedy that she and her family went through (her father's death) has shown that integration into the host society wasn't the real success that everybody was convinced of. Lara, her mother, sister and brother were being moved from one Regional Centre for Accommodation to another. In 2009 she was moved in the Regional Centre for Accommodation for asylum seekers, in Galati (SE Region of Romania).

Until a direct contact with her, the conclusion from different persons that previously spoke with her was that the problems she was experiencing were far too complex and heavy for a girl at such an early age. Instead of focusing her attention on activities appropriate for her age (her studies interacting with kids her age) Lara and her family were struggling every day to ensure themselves a minimum level of subsistence (food, clothing, rent etc.)

Lara's attitude towards foreigners was an inappropriate and aggressive one, as they were seen as people who would do to her even more harm sooner or later. This attitude was due to the problems faced after the death of her father.



WHAT IS THE MAIN CHALLENGE?

From the very first contact with Lara's family, it was easy to understand that due to the issues they were experiencing, they could have been included in more than one disadvantaged social group, making their interaction with me even more difficult. Initially, Lara was extremely reluctant to communicate, resuming only to greeting. However, a connection with Lara was established and slowly the cold distant relationship changed into a confident close one.

WHAT WAS DONE AND HOW WAS IT SOLVED?

PRINCIPLES

To start the integration program, the steps to follow were structured, based on Lara's needs.

Initially, building a relationship based on mutual trust was tried to further discover the major problems that she was facing. Furthermore, the goal was to encourage Lara in terms of participation in recreational activities, but also to encourage her to participate in professional training courses and her file preparation in order to acquire permanent residence in the host country.

1. Initial contact and building a relationship based on trust

Because the situation was extremely difficult for Lara and her attitude was one of reluctance. Starting with discussions on subjects such as the weather or about the situation at the Centre, she began to talk of personal matters with greater significance for her (issues such as her family's situation, school problems and problems in the host society). With every step, Lara's confidence grew and resulted with her recounting everything that ever had happened to her in the last years. This is how all became clear and the reason for her bad attitude towards people in general.

2. Discovering the major problems Lara was experiencing and finding ways to solve or improve them

The trust she built in the social worker led to discovering the problems Lara was facing.

The main problematic situations Lara was going through were:

Problems within the family - after her father's death, the younger brother became the pillar of the family, a responsibility which caused him to become aggressive towards Lara, her older sister and their mother. The only one that could find the strength to stand up to him was Lara's big sister, who was trying to protect all of them. Though housed in a DAI IGI Centre, authorities could not have taken any viable measures in this case because the injured parties had to submit a complaint in order to take legal action against the boy. This complaint was never filed, which is why the situation didn't improve.

Problems with accommodation - due to the frequent conflicts that took place within the family, their stay at the centre was threatened. Lara and her family had the right to be accommodated in one of the Accommodation Centres for Asylum Seekers only on the grounds represented by her family's situation - a single mother with minor children.

Problems at school - Lara was confronted with an extremely severe situation - by having to move from one school to another upon their transferral to different DAI IGI Centres. The



problems within her family and the lack of real support in her professional training were endangering the girl's chances for a stable education and background. All these facts led to disastrous results at school. Lara risked failing at two major classes.

Problems with healthcare - Lara was a minor within the compulsory education system, so by law, she benefited for personal medical insurance through her legal representative – her mother. The lack of information from Lara's mother regarding the completion of such insurance policies and also the precarious financial situation that they were in, led to a lack of medical insurance for the family members. Without that, Lara could only receive care in an emergency and for a period not exceeding three days. Their medical problems could not be covered by the IGI DAI centre because the institution has a duty only towards asylum seekers and not to the people to whom only a form of protection is recognized - the provisions of Article 17 of Law 122/2006 on asylum in Romania as amended and supplemented further.

Financial problems – no one from the family had a job. The three kids, Lara included, were in school and the mother didn't have a place to work. All this had led to a shortage of necessary funds to ensure a decent living. The lack of money led to a lack of adequate nutrition but also the lack of proper clothing, footwear and school supplies for the two minors.

All these problems led towards Lara's loss of self-confidence, becoming an introverted and distant person. However, each time we concluded a session regarding her problems in Romania she used to say *"at least now I am not afraid anymore. It is peaceful here, we aren't afraid for our lives"*.

3. Encouraging participation in recreational activities

Lara's transformation into an introvert had worsened her situation. To improve the state of affairs that her whole family was in, they were encouraged to participate in recreational activities, to involve themselves in activities that they all enjoyed.

4. Encouraging participation in training courses and preparation for the application file to acquire permanent residence

Given the talks with Lara and the experiences shared, she decided to undertake all activities required to complete the vocational training courses in becoming a "retail worker". Her awareness of the importance of a qualification in order to easily find a job upon completion of the studies had a positive impact, something that made me realize that Lara had begun the process of integration into the society of the host country, which was an important breakthrough.

Following the same direction, Lara decided to prepare her application file in order to obtain permanent residence in Romania.

While looking at their family issues, talks with her aggressive brother were attempted, trying to explain that this wasn't acceptable behaviour and that their problems could be solved by means other than the use of force. Slowly, the situation improved, beatings became rarer and the brother began to realize that non-aggressive behaviour had a positive impact on him too. Later, Lara's brother decided to move to another city to find a job and at the same time to abandon his studies (although he received support for continuing education, his material needs were then a higher priority for him).

Problems at school began to disappear for Lara. She had support when preparing her homework, to better understand the lessons taught by her teachers, to make her a more



responsible person by encouraging that fact that she was a very capable person. As Lara began to obtain higher grades, her self-confidence also grew.

Medical problems have improved as well – Lara's mother refused to seek employment to have her medical insurances paid by her employer. Nevertheless, she decided to pay the monthly contribution in order for her and her minor children to benefit of medical insurance.

Lara's financial issues have improved in the sense that her sister found a job and was able to provide the essentials of a decent living for her family.

The walks in the park, her going out with her classmates, meeting new people, visiting museums or the botanical garden helped improve Lara's state of mind. She became more self-confident, she stopped looking at new people as potential threats and it became easier for her to open up and be more communicative.

Both Lara and her mother attended professional qualification courses, payment of which was guaranteed under a project funded by the European Fund for Refugees. Within the same project Lara was supported in learning Romania's history and geography and all the other knowledge required for obtaining Romanian citizenship. Lara was also supported in obtaining permanent residence in Romania, the first step in acquiring citizenship in the host country.

HOW DID IT END?

Help and support materialized so that Lara completed the 8th grade elementary school. At this moment she is going to high school. She also graduated from vocational training courses for "retail work".

As for accommodation, Lara and her mother moved from the IGI DAI centre to a normal two-room rented apartment in the city. Rent is paid partially by the organizations that implement projects from EC funds dedicated to the improvement of the integration of refugees into Romania and some help is provided by her older sister who no longer lives in Romania.

Outdoor activities have also led to a positive change in Lara's mood – she is proving daily to be a strong person who only needs support and guidance from time to time.

Both Lara and her mother gained permanent residence in Romania. They were assisted in order to submit the case to acquire Romanian citizenship. However, less than a month ago, they were informed that they are required to bring documents proving means of maintenance over the past three years or else they won't be eligible for Romanian citizenship. As Lara's mother is not employed and Lara is still a student, that dream will come true somewhere in the future. However, Lara continues to strive to achieve the necessary documentation of acquiring Romanian citizenship.

LESSONS LEARNED

"You can accomplish anything if you set a goal that you really want to achieve and with a little bit of support from the side" - Lara strongly believes in this motto.



Every person coming into a foreign country needs support and understanding. The collaboration between authorities, authorities and NGOs, authorities - NGOs - refugees can lead to easier integration into society. Also, the awareness of the host society on problems faced by people that benefit from a form of protection and the amendments made to existing legislation would give viable help to this group of people, reducing their traumas to the minimum.

Although a minor's integration in a foreign state is more easily done when other members of the family are together, there may be other problems that occur during this process. Lara's brother's behaviour had a negative effect on the social development of the girl and increased her reluctance to communicate with people she didn't know.

The refugees don't need an attitude of sympathy but one of understanding. "A shoulder" to lean on until they learn "to walk" in the new society and to help others in difficult situations to integrate into the host society.

Often Lara stated that in Romania "at least now I am not afraid anymore. It is peaceful here, we aren't afraid for our lives". She has gained a positive perspective regarding her difficulties which helps her in being strong throughout her current endeavours.

SOCIAL WORKER'S COMPETENCIES

As for the competence the social worker should have in the intervention process with refugee children or unaccompanied minors:

- *Knowledge and expertise* - of the laws applicable in the situation they want to solve or to know the procedures which can be applied in such cases. This is important, in light of the fact that wrong beneficiary information can result in the lack of confidence in social worker;
- *Intercultural Knowledge* - of a minimum of customs and traditions of the country of origin of a refugee child or unaccompanied minor so that, if possible, cultural barriers are greatly reduced. We refer to a minimum of customs / traditions because it is very difficult, if not impossible, to know all the customs and traditions of all States / ethnicity / religious communities.
- *Experience* - working with people from multicultural backgrounds as well as having an open mind – very often, reactions of refugees to certain issues is unpredictable. The experience of having worked with people from multicultural backgrounds is an extremely valuable asset towards making a good social worker. Furthermore, due to cultural differences, "an open mind helps enormously in working with this group of people, who are often vulnerable"
- *Patience* - many refugees have endured abuse in their home country, the resulting trauma has repercussions on their behaviour until they get used to their host country. Most of them are still afraid and fearful and therefore patience plays a vital role to win their confidence whilst providing them useful services.



All these skills are valuable, for example; a social worker needs more than just those mentioned previously; however without them, he will not be able to meet and provide real support to refugees.



3.8 Sweden – the case of Morteza

DESCRIPTION OF THE CASE

Having a mixed population in Sweden is very common, especially in Malmö. It's a mixture of people from different countries. Recently, many unaccompanied minors have been appearing in the city. Sweden has become one of the countries that takes in the highest number of unaccompanied minors. These refugees seeking asylum live in a refugee camp where Henrik works as an integration leader. They are under 18 and they come without family. Morteza is one of them. He received his permanent stay visa just a week ago. He lives in the camp with other Afghan refugees.

Henrik's role as an integration leader is to help refugees understand how Swedish society works. His responsibility is broad, such as language support, explaining the asylum process, being a link between legal guardian and refugee, setting goals and helping refugees to reach them, following the camp's routines and encouraging social contact through social activities. Henrik is motivated to work with accompanied minors yet has little experience and information regarding Afghanistan and the Muslim culture.

Morteza has just received a positive answer from the immigration board that he can stay in Sweden. It means he will probably focus more on his future in Sweden than his problems in Afghanistan. Language is a big hurdle for him to integrate more smoothly into society. He has difficulties with speaking Swedish and can understand a few words in English. He attends his language preparation course every day. Furthermore, he's really upset and concerned about his family in Afghanistan.

WHAT IS THE MAIN CHALLENGE?

The main challenge for Henrik, as a social worker, was to have healthy, personal communication with Morteza. Henrik also had worries concerning misunderstandings due to a lack of information and experience with Morteza's cultural codes, leading to big problems between Morteza and himself.

Communication between social workers and refugees in the camp take place with the help of interpreters over the telephone or by simply using body language and/or gestures until refugees start to learn the local language. There is other help available from other refugees who can speak the local language or English. Even if these communication channels worked to some extent, misunderstandings always arose between Morteza and Henrik.

Most of the misunderstandings were based on the lack of information about cultural codes that Morteza brought from Afghanistan. For example; Henrik went into Morteza's room with his shoes on. For refugees, this is really rude and disrespectful behaviour. However for Henrik it is normal to enter a room with shoes on. It started the conflict, which was not serious but could possibly be the spark leading to further outbursts of unexpressed problems and feelings afterwards.



WHAT WAS DONE AND HOW WAS IT SOLVED?

In order to dissipate misunderstandings, to create more communication channels involving personal contact and to promote social workers' experiences about refugees' cultural background, Henrik decided to apply the following method.

Three parts of the method

The first part of the method was to let Henrik and Morteza develop a personal contact through social activities. They went to concerts and Henrik invited Morteza to his home for dinner. During this stage, Henrik was able to ascertain what Morteza's needs, interests, hobbies were. This information would be used at a later stage of the method.

The second part of the method was to find a tool such as art to break down the language barrier, to express problems, feelings, and traditions with personal and creative ideas... without Swedish Filmmaking was one of the tools Henrik picked to handle the challenge. He decided to choose a theme about "living in Afghanistan" as he wanted to get to know the cultural codes of the refugee. In this part there were several steps that Henrik and Morteza followed.

Step 1:

The Afghan theme was relatively broad and needed to be specified. Henrik and Morteza brainstormed. Morteza got some ideas about what he wanted to tell Henrik about Afghanistan, (food, language, family life, work, weather, geography, values and ethnic groups)

Step 2:

Morteza chose one of these points – Family Life. Henrik let him draw some pictures about life in Afghanistan. Morteza had time to think and was able to express himself in a non-verbal way.

Step 3:

Henrik and Morteza 'discussed' the pictures which helped Morteza to better express himself. Henrik started to get an idea about life in Afghanistan. At this point some other Afghan refugees helped Morteza to explain the pictures to Henrik.

Step 4:

While Morteza was talking, Henrik started to film him. He wanted Morteza to make a story from the drawings which were his own experience. They put the drawings the order that was to become the skeleton, in other words, the storyboard for the film which they were making together.

Step 5:

By the end of the process Morteza had a story about life in Afghanistan and he told this story with his own experiences in the film. He explained everything in his own language and it was translated in Swedish.

The third part is about self-expression and about sharing the film with other refugees and social workers. It's a sort of reflection and evaluation that can eventually be spread through other social networks to promote understanding.



HOW DID IT END?

Watch the film (the film that Henrik is working on. It is not ready yet, but you can see that the same method is applied. Theme is the road between Afghanistan and Sweden)

YouTube: http://www.youtube.com/watch?feature=player_embedded&v=OoR_nbTfhIU

The product doesn't have to be so professional, the process is more important. Through the film making process, social workers can learn and acquire more knowledge about the cultural codes of Afghanistan that will consequently enhance their competence.

The final product will be shown on YouTube or different kinds of social networks. This will help refugees to feel proud of their own product and a feeling they are important for others and for the local environment. On the other hand, the process helps social workers:

- More information about Morteza's background, that they can't get through interpreters or formal communication
- To have an idea and show how they can go from a theme to make a story
- Feelings – how Morteza feels, what are his difficulties in the given situation
- To trust – building a closer personal relationship

HOW IT CAN BE BETTER?

At the end of intervention, Henrik and other social workers came up with some helpful ideas that could be helpful for the filmmaking process.

- Social workers should be also aware of individual differences (maybe some refugees like to work with film; others may prefer to express themselves in different ways – photo, painting)
- Social workers need technical knowledge (you have to choose software or programs which you really can work well with, so the process can go flow and working together can be fun)
- Simple technical equipment is needed (camera, computer, software etc.) The final product obviously won't be a professional film so complicated software is not required.
- Working in small groups or individually is much better and more effective than working with large ones.

SOCIAL WORKER'S COMPETENCIES

- Trust building
- Making use of creative, deductive, and pedagogical tools and methods while interacting with the refugee. (Film and drawing are examples in this case)
- Helping the refugee to build up social capital
- Empower the refugee
- A holistic approach to working with the refugee



3.9 Turkey – the case of Ebulfaz

DESCRIPTION OF THE CASE

Mustafa met Ebulfaz, while he was waiting for a meal in the queue of a public soup kitchen supported by Sultanahmet Municipality of İstanbul in the winter of 2011. He was trembling due to the cold weather and had neither a coat nor boots. As Mustafa works for an NGO working for social support to migrants and asylum seekers in İstanbul, he regularly visits the Municipality soup kitchen to help asylum seekers. At SCRA (Support Centre for Refugees and Asylum Seekers), they give both legal and social assistance to the refugees. Police officers usually direct asylum seekers particularly, unaccompanied minors to their support centre.

It was difficult to communicate with Ebulfaz as he only spoke Pashto. Mustafa tried his chance to communicate in English, Thank God he understood English, although couldn't speak it. He learned few words in Turkish as well. Mustafa asked him several questions after he introduced himself and SCRA. He told Ebulfaz that he could take him to their centre to talk about his situation. At first, he looked him in fear, but later changed his mind and took one of his friends along. They went to SCRA.

One of Mustafa's colleagues who speaks Pashto, kindly helped him during the interview phase. Ebulfaz told him that he had been in Turkey for nearly 6 months. He told them that he was 15 years old. He was born in Kabil and lived with his family until the civil war, where he attended a high school for boys only. His mother died when he was 6 years old, and his father died in 2009 during an attack, his stepmother and two younger brothers were still in Kabil. He left his country with a relative. They stayed in Tehran for nearly 2 months and then decided to go to Canada. They crossed the border with the help of smugglers. Ebulfaz didn't say anything about the money given to smugglers. Eren, Mustafa's colleague didn't insist on asking questions or receiving answers about traumatic experiences.

They learned that Ebulfaz had applied to the UNHCR office to go to Canada. However, the application process usually takes more than 2 years. During this time he couldn't attend high school with his peers. He didn't have any formal identity paper except a UNHCR form. He didn't know how to manage the process regarding access to education.

WHAT IS THE MAIN CHALLENGE?

In this case, Mustafa recognized several challenges. The main one, however, was to provide state protection to Ebulfaz, as he was an unaccompanied minor.

1. Legal problems

In Turkey, asylum seekers can't enjoy their basic rights due to current legislation. Turkey which puts geographical concern about The 1951 Convention relating to the Status of Refugees, has not been able to give asylum to thousands of asylum-seekers coming to Europe as well as to deal with the legal and humanitarian problems of refugees, asylum-seekers and immigrants knocking on the doors of Turkey via illegal migration.



2. Accommodation problems

The problems are inter-connected in terms of economic situation and having shelter. Ebulfaz is a minor living alone on the streets, parks and sometimes in mosques. He is vulnerable to ill treatment, abuse and the common problems of the street.

3. Health problems

Ebulfaz experienced torture during his flight process and was suffering from post-traumatic stress disorder (PTSD). He couldn't trust people around him. In spite of this, he kept his dreams alive about the future. He needed psychological support as quickly as possible to get over the trauma and feelings related to his flight.

Ebulfaz had a cough and cold frequently since he lived on the street. He couldn't access the health services provided by health institutions due to lack of social security.

4. Educational problems

In Turkey, there is a "Regulation of Implement", declared on the 22nd June 2006 by the Security General Directorate of the Ministry of the Interior and a regulation declared in 1994. Turkey is the country of the EU's southeastern border and is an important transit country for refugees and asylum seekers.

According to article 22 of the Refugee Convention, States Parties shall take appropriate measures to ensure that a child seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which they said States are Parties.

The regulation announced in September 22, 2006, related to Educational Problems of Refugee Children facilitated gaining formal documents indicating education levels of refugee children and accepting them into primary education. According to this regulation, children that attend primary school will receive their residence papers free of charge. In addition, UNHCR assists refugee children if they attend school. According to UNHCR records, UNHCR supported aid to 484 children (out of 1868). The rate of children attending school was determined as 26% according to UNHCR records. The awareness raising campaigns to increase the ratio of refugee children in schools still continue.

There isn't any separate provision in the constitution. Thus foreigners have the right to access education according to the constitution. As mentioned above, in the regulation for foreigners and asylum, it is declared that refugees should receive the opportunity for education.

It should be obligatory to be a Turkish citizen to enjoy the right to education. However, foreigners can apply to schools with the permission of Governorship where they reside. Although education in Turkey is open for legal residents and as there is a lack of regulation concerning the status of refugees, these people face difficulties to attend secondary and higher level schooling.

Documents such as, obligatory registration, residence permit and other school registration papers cause barriers that cannot be overcome, and it becomes impossible to attend secondary school and university for refugees. Besides, registration costs and other educational expenses are much to overcome. If the refugee children can't receive any certificate or high school diploma, there's a problem to continue their higher education in Turkey.



A regulation is required that will adjudge the status and rights of refugee children. The legislation should facilitate educational opportunities, the registration process and schooling fees should be eliminated for these students. There are considerable numbers of refugee children from Afghanistan, Iran, Iraq and Somali who try to continue their education in the provinces where this project is implemented.

WHAT WAS DONE AND HOW WAS IT SOLVED?

After discussing the situation of Ebulfaz in SCRA, they underlined the steps that should be taken into account such as:

- The first step was to learn more about his **preflight and flight** situation. This is important since voluntary return could be in mind if he had relatives in his country.
- The second step was to provide him with **health service** (to consult a psychologist with Ebulfaz to eliminate PTSD, and to take him to the doctor)
- The third step was to find a solution for his **accommodation** problem and to place him into a social service and child protection agency
- The fourth step was to discuss with Ebulfaz about his **future plans**, whether or not to go to Canada. In this case it is important to accelerate the process.
- During the waiting process, solutions should be adapted for his **education**. Ebulfaz should be taken into an adaptation programme and then to attend school

Information about pre-flight situation

Ebulfaz talked his life in Kabil and his flight to Iran. He was deeply affected by the civil war and had no close relatives. He didn't want to return to his country. Mustafa checked the information about country of origin and talked with officers in the UNHCR office. They also affirmed the situation in Kabil.

Health services

Mustafa took Ebulfaz to the local health centre for a general physical examination by a physician. He was given medicine for his cough and flu. Nutrients were also receipted to regain his immunity. Ebulfaz was also examined by a psychologist for his PTSD at the centre. He visited the centre several times to cope with his symptoms of PTSD.

After examination, the symptoms that he experienced were:

- Shoulder pain and headaches "from the back of my neck to my eyes";
- Seeing flashes of memories of the night of the event when he is going about his normal daily activities;
- Nightmares, "I dream it is always raining, there is water everywhere and animals are chasing me, like lions ..."
- Accelerated heart rate and breathing;
- An increased startled response upon hearing mobile phones, reportedly being afraid even of answering the phone;

Accommodation and education

Plan A: According to Turkish law, Ebulfaz may be taken in by state institutions regarding unaccompanied children. In this context he may attend the school of social services or any other relevant institution.



Plan B: In case of unsuccessful attempts regarding state social services, Mustafa decided to use their network for his adaptation. The network consists of 20 institutions, including municipalities, associations of social support, unions of education, human rights organisations.

Unfortunately, Plan B seemed easier than Plan A. Since he was 15 years old, the director of the institution wasn't willing to accept him.

Through the assistance of the Teacher's Union, Mustafa asked the director of a school close to the dormitory of the Municipality. He convinced the director to take Ebulfaz to the school under the regulation of 2006. However the director told Mustafa that there wasn't any mechanism to teach him Turkish. Mustafa was aware that Ebulfaz may not receive any official paper or licence after finishing the semester but Mustafa believes that it would be useful to be socialized.

Future plans:

Ebulfaz said that he wanted to go to Canada, however he didn't receive acceptance yet. Therefore during the waiting process it seemed logical to initiate the integration process, for this purpose Mustafa used SCRA's network. His dream was to play football and become a player.

HOW DID IT END?

SCRA, placed Ebulfaz in the dormitory of the Metropolitan Municipality for unaccompanied minors. He started to attend high school and also enrolled in a Turkish language course initiated by the Teacher's Union in Istanbul.

Mustafa and his colleagues to visit him regularly at the dormitory. Nowadays, he plays in the amateur team of the Municipality; sometimes they also go to watch his match. He hopes to be accepted by a professional team.

LESSONS LEARNED

Through Ebulfaz story Mustafa and his colleagues have learned several things and the real challenges regarding refugees in Turkey once again. They usually meet obstacles at state level particularly at the social service institute. It was really difficult to place him in a dormitory of state social service institute.

Although he attends school and plays football in an amateur team, his status still remains illegal under Turkish law. At this point Mustafa recognised the importance of a network. Members of SCRA's network made a great effort to solve his integration problems. In sum, his position depends on the personal relations of network members. The situation is actually a kind of condone special to him.

In this case Mustafa also had a different experience; Ebulfaz is his first unaccompanied Afghan client. It was important for Mustafa to cope with all kinds of difficulties on behalf of Ebulfaz. Therefore he forced all sources and used all networks to find solutions for him.



Mustafa also recognized that considering Ebulfaz's competencies, his wishes, his hopes for the future were also determinative for his life. In this way, he overcame over PTSD, his fears and feelings of exhaustion.

Finally, Mustafa felt the responsibility to develop a strategy for unaccompanied minors and in this context made a list of suggestions regarding the procedure for unaccompanied minors as:

- A consultation mechanism that provides of all the relevant issues to the legislative drafting of asylum and immigration law should be maintained. The legal arrangements should be brought forward to the parliamentary agenda immediately.
- An effective control mechanism should be developed by giving priority to the training of public personnel in border transit regions.
- Public authorities should take much more responsibility to satisfy the basic needs of refugees and asylum-seekers such as nourishment, education, health and accommodation and solidarity with civil institutions.
- An up and running protection mechanism should be developed to deal with the needs and problems of the sensitive groups.

SOCIAL WORKER'S COMPETENCIES

As a social worker, Mustafa found out several competences in this case.

1. The main competence is having a network - A social worker can be the first contact to build up coordination among relevant organizations and institutions. As it was in this case, he had to make the effort to meet all the different parties, including state officers, unions and social service agencies and he acted as a moderator as well.

2. Professional competencies - A social worker has to be confident and shouldn't fear making any mistake during the process. He should make a strategy for the intervention and he or she gains experience in this way.

3. Establishing trust-based dialogue - It's one of his competences that helps him during interviews with asylum seekers. Ebulfaz also trusted him and he was convinced to act in cooperation with Mustafa.

4. The structure of our SCRA - Working in such an organization having staff who can speak Pashto and other foreign languages. SCRA also allowed the opportunity for Ebulfaz to become integrated and express himself.

5. Having the opportunity to follow up over time - Mustafa doesn't break off his dialogue with Ebulfaz and the members of his network that help him. In this way, he is able to check the stages of Ebulfaz's progress.



4. CONCLUSIONS

After reading through the cases, we now can understand the situation in which Walid in Italy, Karim in Germany, Hamida in Denmark, Farid in Spain, Aasha in Lithuania, the Chechen teenager in Poland, Lara in Romania, Morteza in Sweden and Ebulfaz in Turkey are living. Despite all the national differences, it becomes clear that the challenges volunteers and social workers involved in work with under-aged refugees and unaccompanied minors face in getting them into educational system are somehow similar. The challenges lie in securing the basic needs of the minors, which then enables them to participate in education. This is somehow not surprising for different reasons:

- With the exception of our partner in Turkey, all other partners do their work under a common European legal framework and Turkey acts, like all partners under a common international humanitarian frame.
- The nature of the problems the minors face in each national context is somehow different, but as they are all human beings, some basics of human existence and the common experience of the flight remain, despite the national differences, the same.

The general competencies with which the volunteers and social workers interacting with minors need to meet these challenges are, therefore, not so culturally specific, although they need to be specific to the local context. As already mentioned, the interaction with minors needs a holistic approach, which calls for specific sets of competencies of the people working with them.

- There is a set of professional competencies needed, which are related mainly to health and education issues, and to the issues of rights and interaction with state authorities.
- A second set focuses on the ability to relate the self to the outside world and to reflect it critically. This essentially needs as well, the ability to use the full range of communications skills, including verbal and non-verbal, as well as active and receptive communication skills.
- At the core is the ability to build a relationship of trust with the minor combined with the ability to empower the minor to take his or her future into his or her own hands.
- Supportive competencies are networking competencies, psychological and strategic abilities, which allow overcoming structural barriers, which stem from the legal framework in place and often reinforces structural discrimination of the minor.
- Further general competencies, such as experience and open-mindedness, creativity and patience are needed to deal with the complex and difficult life situations of minors, which often stem from the discriminatory frame work which is in place.

We hope that we have produced a helpful tool for all those who work in the field of minors and unaccompanied refugees and that the manual helps to understand the situation of the minors, who are stuck in a system of “European Apartheid” as Etienne Balibar framed it.



5. LEGAL FRAMEWORK

This chapter offers an overview of the legal framework regarding refugee children and unaccompanied minors at EU and national country level. A comparison with the asylum law in Turkey, a non-EU state, is also made.

With regard to existing legislation in the European Union countries, three models of assisting unaccompanied minors can be described:

- Asylum seekers model: The minors are treated under the asylum/refugee law. This model is used in Switzerland, Portugal, Denmark, United Kingdom, the Netherlands and Germany.
- Unaccompanied minors' model: The minors' assistance falls under the social system protection. This model is applied in Spain and Italy.
- Mixed model: if the minor is found at the border, he/she has to apply for asylum, but if he/she is detected in the country's territory is treated as unaccompanied minor and would be given protection. This model would apply in France.

First we consider that it is necessary to define two notions: asylum seeker and refugee.

Article 14 of the Universal Declaration of Human Rights (1948) states that "everyone has the right to seek and to enjoy in other countries asylum from persecution." An asylum seeker hence is a person who has left his country and sought asylum in another country and who is still waiting for a decision on his application for asylum. The right to seek asylum, however, does not necessarily imply that the person has an absolute right to get asylum. Eligibility is determined after undergoing a careful investigation of the applications submitted by the asylum seekers. Asylum seekers are different from economic migrants.

Article 1 (A) of the 1951 Convention relating to the status of Refugees states that a refugee is any person who "owing to race, nationality, religion, membership of a particular social group of political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country..."

A person satisfying these criteria is called a convention refugee. Recently some countries (i.e. Sweden) have added sex and sexual disposition as ground for granting a refugee status.

A refugee is also someone who is stateless and who, for the same reason, is outside the country of his or her habitual residence and who is unable or unwilling to return due to such fear as stated above.



5.1. International legal framework

Currently, the international legal instrument responsible for promoting and protecting fundamental rights of minors is the **United Nations Convention on the Rights of the Child** (November 20, 1989). One of the most important principles enshrined in this Convention and that directly affects this group would be the one that states that "in all actions and decisions affecting the minors must prevail supreme interest of the child" (art. 3), without no discrimination on grounds of nationality (art. 2) or by reason of administrative irregularities (art. 4).

The United Nations Committee on the Rights of the Child produced in 2005 **A general observation on the treatment of unaccompanied and separated children outside their country of origin**, which sets among its objectives to provide guidance on the protection, care and proper treatment of the children concerned.

As far as European legislation is concerned, the most important rule is **Resolution 97/C 221/03 of the Council of Europe of 26 June 1997 on unaccompanied minors from third countries**. This provision recognizes that Member States may refuse the entry of children that do not have the proper authorization and recommend both the prevention of entry and their illegal stay.

At the end of 2003 and 2004 a number of provisions with indirect effects on unaccompanied minors were approved, such as the **Family Reunification Directive** or **Long-term Residence Directive**. For example, Article 2f) of Directive 2003/86/EC of September 22, 2003 on the right to family reunification provides a definition of what is considered unaccompanied minors.

With regard to the repatriation of unaccompanied migrant children should also be taken into consideration the **Directive 2008/115/EC of the European Parliament and Council of the EU on common standards and procedures in Member States for returning third-country nationals staying illegally in its territory**.

The Dublin Regulation⁷

The Dublin Regulation (Regulation 2003/343/CE; sometimes the Dublin II Regulation; previously the Dublin Convention) is a European Union law that determines the EU Member State responsible to examine an application for asylum seekers seeking international protection under the Geneva Convention and the EU Qualification Directive, within the European Union. It is the cornerstone of the Dublin System, which consists of the Dublin Regulation and the EURODAC Regulation, which establishes a Europe-wide fingerprinting database for unauthorised entrants to the EU. The Dublin Regulation aims to "determine rapidly the Member State responsible [for an asylum claim]"⁸ and provides for the transfer of an asylum seeker to that Member State. Usually, the responsible Member State will be the state through which the asylum seeker first entered the EU.

The Dublin Regulation was adopted in 2003, ostensibly replacing the Dublin Convention. The Dublin Convention was signed in Dublin, Ireland on 15 June 1990, and first came into force on 1 September 1997 for the first twelve signatories (Belgium, Denmark, France, Germany,

⁷ http://en.wikipedia.org/wiki/Dublin_Regulation

⁸ "Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national". EU Publications Office. Retrieved 2009-05-31, recital (4).



Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom), on 1 October 1997 for Austria and Sweden, and on 1 January 1998 for Finland. Recently, the treaty has been extended to some countries outside the Union, such as Norway and Iceland. Switzerland has become a signatory to the Regulation and on 5 June 2005 voted by 54.6% to ratify it; it came into effect on 12 December 2008.

On 3 December 2008, the European Commission proposed amendments to the Dublin Regulation, creating an opportunity for reform of the Dublin System.⁹

One of the principal aims of the Dublin Regulation is to prevent an applicant from submitting applications in multiple Member States. Another aim is to reduce the number of "orbiting" asylum seekers, who are shuttled from member state to member state. However since the country that a person first arrived in is responsible for dealing with the application, this puts excessive pressure on border areas, where states are often least able to offer asylum seekers support and protection. Currently, those being transferred under Dublin are not always able to access an asylum procedure. This puts people at risk of being returned to persecution.¹⁰

⁹["European Commission Proposal to recast the Dublin Regulation"](#) (PDF). European Commission. Retrieved 2012-03-01.

¹⁰ ["Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered"](#). ECRE. Retrieved 2008-03-31.



5.2. National legal framework

5.2.1 Italy

In Italy there are three forms of protection, consisting respectively in refugee status under the Geneva Convention 1951 relating to refugee status, subsidiary protection under Article 14 Legislative Decree 251/07 - both forms of international protection - and a third form of protection, national, humanitarian protection, governed by articles 19, Article 5 co. 6 of Legislative Decree 286/98 and article 32 law 189/2002.

The procedure includes a first phase and a second administrative type of court, only possible, in the case where the administrative phase and resulting in a negative decision. The law provides a unified procedure for all forms of protection.¹¹

The legislation of children's rights is recent and based on the evolution of the concept of children and its increasing consequences within the society.

Foreign minors, even if they entered illegally in Italy, are covered by the rights guaranteed by the New York Convention on the Rights of the Child of 1989, where it is also stated that all actions concerning children should be taken regarding the only "interests of the child."

The Committee for Foreign Minors hinged at the Ministry of Social Solidarity oversees the residence conditions of foreign children temporarily admitted to the territory and coordinates the activities of the authorities concerned.

The rights to all children

Education - All foreign minors, even without a residence permit, have the right to enrolled in a school.

Health care - Children foreigners who hold a residence permit (for minors, for custody, for family reasons, for social protection for asylum or asylum) required to be registered, from those who exercise the protection, the National Health Service (SSN) and therefore have full right of access to all insured benefits from our health care system.

Work - Foreign minors apply for employment according to the same rules than Italian children (be employed only after the age of 16 and after having complied with the obligation school).

Additional rights to foreign minors "unaccompanied"

For unaccompanied minors, Italian laws give the following rights of care and protection of children. In particular the rules relating to:

- The placement of a child in a safe place
- The protection for the child whose parents are not objectively in a position to exercise parental authority;
- Custody of the child temporarily deprived of a family environment, a family or a community.

The expectations may be ordered by the Juvenile Court (judicial custody) or by the local social services, in the case of a parent or guardian unable to exercise its responsibilities over the

¹¹ <http://www.interno.gov.it/mininterno/export/sites/default/it/temi/minori/sottotema005.html>



child. In such a case the consent of the parents or guardian are unable to provide and the tutelary judge that a provision, makes executive custody (custody agreement).

Every unaccompanied foreign minor must be reported by that tracks across the country: the Public Prosecutor at the Juvenile Court.

Residence permit

All unaccompanied minors have the right to obtain, by the mere fact of being a minor (and then be expelled), a residence permit for minors.

Children who have permits for minors can convert one to expectations if, as a result of the measure "does not proceed to return" by the Committee for Foreign Minors, are committed directly or by order of the Juvenile Court or on the initiative of the Social Services enforced by the Tutelary Judge.

The residence permit for foreign child custody allows to work in all those cases in which the Italian law allows minors in general and can be converted into a permit for work or study at the age of 18.

The children entrusted to a foreign citizen legally residing, living with custodial, are recorded in the residence permit of the same until the age of 14 years and receive a residence permit for family reasons at the age of 14 years.

An application for a residence permit for unaccompanied minors must be submitted by the person exercising the powers of guardianship over the child and therefore:

- the guardian, if one has been appointed one;
- legal representative of the institution or by the local community or, if the child is placed in an institution or community or is otherwise assisted by the local.

Asylum

The asylum application is examined by the Territorial Commission for the Recognition of Refugee Status. If the child is recognized as a refugee, he receives a permit for asylum. However, in the case, the application is rejected; the Commission may invite the commissioner to issue a permit for humanitarian reasons, if he considers the return of the child dangerous and inappropriate. The child has the right, through his parents or guardian, to appeal to the Ordinary Court against the decision of the Commission.

5.2.2 Germany¹²

The legal situation of unaccompanied minor refugees in Germany¹³ is characterized by the interaction of different areas of law, which aim to remove the tension between child protection and a defensive migration policy. The national and international laws and treaties of unaccompanied refugee minors interact with the German asylum and immigration law, which serves predominantly regulatory interests.

¹² Translation based on: Katarina Podlech: UNBEGLEITETE MINDERJÄHIGE FLÜCHTLINGE MIT TRAUMATISCHEN ERFahrungen: EINE HERAUSFORDERUNG FÜR DIE SOZIALE ARBEIT, <http://www.themenpool-migration.eu/dtraum05.htm>, accessed 13.12.2012, translation by Andreas Hieronymus

¹³ Translation based on: Katarina Podlech: UNBEGLEITETE MINDERJÄHIGE FLÜCHTLINGE MIT TRAUMATISCHEN ERFahrungen: EINE HERAUSFORDERUNG FÜR DIE SOZIALE ARBEIT, <http://www.themenpool-migration.eu/dtraum05.htm>, accessed 13.12.2012, translation by Andreas Hieronymus



The most important legal principles at the German national level are:

- the Children and Youth Welfare Act (KJHG), and
- the provisions of the Immigration and Asylum Law of the Federal Republic of Germany

The regulations of the UN Convention on the Rights of the Child (CRC) on child welfare are not sufficiently taken into account in the German immigration and asylum legislation. According to Article 22, paragraph 1 of the CRC, States Parties have the obligation CRC, to recognized children as a refugee and to provide appropriate protection and humanitarian assistance, regardless of whether it is accompanied by his parents or other person or not.

Unaccompanied refugee minors are subjects to the same safeguards as any other children who are temporarily or permanently separated from their families (Article 22, paragraph 2, sentence 2 CRC). Unaccompanied minors therefore have equal access to youth services as other children do. On the occasion of the ratification of the CRC in 1992, the Federal Government in power at that time formulated an international legal declaration that the CRC may not restrict the freedom of decision of the Federal Government with respect to the question of who is allowed to enter under what conditions to Germany and is allowed to stay here.

Largely due to this international Declaration, Article 22 CRC has so far remained without significance for refugee children in Germany. While the effectiveness of the Convention is legally controversial, the Hague Minors Agreement (MSA) entitles unaccompanied refugee minors to measures under the Youth Assistance Act (KJHG). The KJHG forms in connection with the MSA, the main legal basis for the protection of unaccompanied refugee minors in Germany.

Limitations of the rights of unaccompanied minors arise primarily from the act of minors in asylum proceedings under section 12, paragraph 1 Asylum Procedure Act (AsylVfG). After minors have completed their 16th birthday, they are capable of procedural actions under this Act. They have to run their asylum procedure themselves; while under 16-year-old unaccompanied refugee minors need a legal representative.

This system has far-reaching consequences for unaccompanied refugee children in educational practice, because it is interpreted by many authorities as a comprehensive act. 16 - to 18-year-old unaccompanied refugee children are sometimes outside the asylum procedure treated as adults and are excluded from youth welfare measures. In addition, the residency status of unaccompanied minors is usually characterized by great uncertainty. In most cases, unaccompanied minors only receive "toleration" by paragraph 55-56 Aliens Act (Aliens Act). But the "toleration" is not a legal residence, but is only a temporary suspension of deportation.

5.2.3 Denmark

In order to be granted asylum in Denmark, an applicant must meet the conditions listed in the **United Nations Refugee Convention**, or the conditions for Protected Status as defined in **Section 7 of the Danish Aliens Act**.

In addition, Denmark grants protection in cases where, as a state, it is obliged to do so in order to comply with the international conventions it has ratified. For example, residence permits are granted to asylum seekers who risk the death penalty, torture, inhumane or degrading treatment or punishment, if they return to their country of origin.



The legislative background for the intervention and assistance of unaccompanied minors in Denmark falls under the following international treaties and conventions:

- Protocol to the Refugee Convention (1967)
- Convention on Human Rights (1950)
- Convention on the Status of Stateless Persons (1954)
- Torture Convention (1984)
- Schengen Convention (1997)
- Dublin Convention (1997)
- Dublin Regulation (2003)

5.2.4 Spain¹⁴

All interventions with unaccompanied minors should be conducted in accordance with¹⁵:

- the Spanish Constitution of December 27, 1978, articles 10, 27, 39, in particular article 39.4, which states that "children shall enjoy the protection provided in international agreements that ensure their rights"
- Law 62/2003 of 30 December on fiscal, administrative and social issues, chapter 3 on measures for the implementation of equal treatment.

On these children converge on one hand the enforcement of children protection, and the other the management and control of migration flows, immigration, with the following main instruments in force:

Legislation on child protection:

- Law 1/1996 of January 15, on the Legal Protection of Minors, and partial modification the Civil Code and Civil Procedure Act
- Organic Law 5/2000 of January 12, regulating the criminal responsibility of minors
- Law 3/2005 of February 18, on the care and protection of children and adolescents

Immigration legislation:

- Organic Law 4/2000 of January 11, regulating the rights and freedoms of foreigners in Spain, amended by Organic Law 8/2000 and Law 14/2003 on the rights and freedoms of foreigners in Spain and their social integration
- Instruction 2/2001 of June 28, of the General Prosecutor of the state, regarding the interpretation of art. 35 of Organic Law 4/2000 on the rights and freedoms of foreigners in Spain and their social integration
- Royal Decree 2393/2004 of 30 December, approving the regulation implementing the Organic Law 4/2000
- Royal Decree 240/2007 of 16 February on the entry, free movement and residence in Spain of citizens of the Member States of the European Union and other States party to the Agreement on the European Economic Area

¹⁴ Translation based on: Amaia BRAVO ARTEAGA, Iriana SANTOS GONZÁLEZ, Jorge F. DEL VALLE, Revisión de actuaciones llevadas a cabo con menores extranjeros no acompañados en el Estado Español, Grupo de Investigación en Familia e Infancia (GIFI), University of Oviedo, Spain, 2010, translation by Camelia Cosma UNHCR Spain <http://www.acnur.org/secciones/index.php?viewCat=83> (accessed on 21 of December 2011)

¹⁵ <http://www.acnur.org/secciones/index.php?viewCat=83-UNHCR> Spain, (accessed on 21 of December 2011)
Translation based on: Amaia BRAVO ARTEAGA, Iriana SANTOS GONZÁLEZ, Jorge F. DEL VALLE, Revisión de actuaciones llevadas a cabo con menores extranjeros no acompañados en el Estado Español, Grupo de Investigación en Familia e Infancia (GIFI), University of Oviedo, Spain, 2010, translation by Camelia Cosma



Asylum legislation:

- Law 5/1984 of March 26, amended by Law 9/1994 of May 19, regulating the right of asylum and refugee status.
- Implementing Regulations approved by Royal Decree 203/1995 of February 10
- Royal Decree 864/2001 of February 10, which approves the Regulation implementing Law 5/1984, regulating the right of asylum and refugee status.
- Law 12/2009 of October 30, regulating the right of asylum and subsidiary protection

Catalan legislation:

- Law 37/1991 of 30 December, on measures for the protection of unaccompanied children and adoption
- Decree 2/1997 of 7 January, approving the regulation on protection of unaccompanied children and adoption
- Decree 62/2001 of 20 February, modifying partially the Decree 2/1997
- Titles VI and VII of the Act 9/1998 of 15 July, of the Family Code
- Resolution of 19 May 2000, on the participation of foreign children supervised by the public administration on government programs in job training, mediation and employment promotion managed by the Labour Department

The legal system authorizing the granting of working and residence permits to unaccompanied minors is regulated in:

- Agreement between the Kingdom of Spain and the Kingdom of Morocco regarding the circulation of people, transit and readmission of illegal foreigners, signed in Madrid on 13 February 1992
- Instrument of ratification of 23 July 1993, of the Agreement on the accession of the Kingdom of Spain to the Schengen Agreement Application Convention

Repatriation agreements

Spain has signed two international agreements on repatriation of unaccompanied children. One with Morocco - **Agreement between the Kingdom of Spain and the Kingdom of Morocco on cooperation in the field of prevention of illegal immigration unaccompanied children, their protection and assisted return** - and another one with Romania - **Agreement between Spain and Romania on cooperation in the field of protection of unaccompanied Romanian minors in Spain, their return and fight against their exploitation** (has entered into force in 2006).

Actions in the areas of health and education with unaccompanied minors and refugees children

The fact that the unaccompanied minors do not initially have a residence permit is not in any way an obstacle to access to healthcare or to educational or training activities and programmes which may, in the opinion of the Child Protection Services, be to their benefit.

As to education for unaccompanied foreign minors, two different itineraries of education and training are available, depending on the minor's age:

- Those under the age of 16 participate in compulsory schooling. For a variety of reasons, such as their late incorporation during the academic year, lack of knowledge of the language of reception or deficient schooling of their country of origin, they can have difficulties in adapting.
- Those over 16 enrol on training courses such as gardening, carpentry, welding, masonry, mechanics, hotel and restaurant services and computing, which aid their incorporation into the labour market since they carry out internships at businesses. In



Spain, these minors are entitled to enrol on the vocational training courses organised by the Public Employment Services.

As regards healthcare, it must be highlighted that in Spain foreigners under legal age are guaranteed universal health coverage, irrespective of their administrative situation. Therefore, these minors receive any healthcare they may require at all times.

5.2.5 Lithuania

Since independence in 1990, Lithuania has become an important destination for irregular migrants and asylum seekers from the former Soviet republics and Central Asia, receiving considerably higher numbers of asylum seekers compared to the other Baltic countries. Since it became a European Union member in 2004, Lithuania's eastern frontier has become an external border for the Euro zone. In addition, Lithuania is an immigrant source country and a key country of origin of trafficked peoples. Although Lithuania does not generally detain asylum seekers, irregular migrants are often detained for as long as nine months in conditions that observers qualify as very poor.

Main legal acts, regulating the refugees' status and situation in Lithuania:

- Convention Relating to the Status of Refugees, approved on July 28, 1951, published in the newspaper "Valstybės žinios", 07-02-1997, No 1216
- The Law of the Republic of Lithuania "On The Legal Status Of Aliens" of April 29, 2004, published in the newspaper "Valstybės žinios", 2004, No 73-253917
- The Law of the Approval, The Effect And The Implementation Of The Civil Code. Civil Code, July 18, 2000 No VIII-1864, published in the newspaper "Valstybės žinios", 06-09-2000, No 74
- The Order No A1-238 of the Minister of Social Security and Labour of October 21, 2004 "Relating to the Approval of the Description of the Support of the State of Lithuania for the Order of the Integration for The Foreigners Granted Asylum in the Republic of Lithuania", published in the newspaper "Valstybės žinios", 28-10-2004, No 57-574118
- The Order No A1-234 of the Minister of Social Security and Labour "Relating to the Approval of the Regulations of the Refugees Reception Centre", published in the newspaper "Valstybės žinios", 23-08-2005, No 102-3795
- The Order No 20 of the Minister of Social Security and Labour of February 13, 2002 "Relating To The Approval Of The Conditions And The Order Of The Accommodation In The Refugees Reception Centre, Planning The Employment Of The Foreigners And The Order Of The Use Of The Disciplinary Sanctions", published in the newspaper "Valstybės žinios", 20-02-2002, No 17-702.

Legislation of asylum seekers

Various international and national laws regulate the law basis of asylum seekers and refugees. Granting of asylum in the Republic of Lithuania is regulated by the Law and the order of the Minister of the Interior of the Republic of Lithuania No. 1V-361 of 15 November 2004 on "Approval of description of procedure of processing of asylum applications lodged by aliens, taking and implementing asylum decisions"⁹ detailing its provisions. Other supporting

¹⁶ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=32581&p_query=&p_tr2

¹⁷ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=315087&p_query=&p_tr2

¹⁸ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=243878&p_query=&p_tr2



legislation regulates the procedure of issuing refugee's travel document, accommodation rules of minors' asylum seekers at the Refugee Reception Centre and other legal relations established by launching asylum procedure or closing it by a positive decision.

Other legal law for asylum seekers:

- "The Legal Status of Aliens"
- Public Administration Law
- Social Services Law
- Health Law and the Social Security Act

Unaccompanied minors' legal framework

Conditions of entry to Lithuania for all foreign nationals, including unaccompanied minors foreign nationals, are regulated by the law on the legal status of Aliens and provisions of *acquis* transferred into legislation.

Article 5 of the Law states that foreign nationals entering and departing from the Republic of Lithuania, are subject to provisions of 15 March 2006 Regulation of the European Parliament and of the Council (EC) No. 562/2006, therein below – the Schengen Borders Code . Since Lithuania became a full-fledged member of the Schengen space on 30 March 2008, the Law and Schengen Border Code became the principal legal acts defining entry of individuals, including unaccompanied minors, to the Republic of Lithuania.

Citizens of third countries, including unaccompanied minors, can enter and travel throughout the territories of Member States, subject to all Schengen provisions, not longer than 3 months, if upon entry they fulfil the following conditions stated in the Schengen *acquis*.

The Law states that unaccompanied minor seeking asylum must be granted an entry into country, i.e. **the Law does not foresee conditions for refusing an entry to the Republic of Lithuania to an unaccompanied minor seeking asylum.** However, if an unaccompanied minor does not lodge an application for asylum, (s)he can be refused.

Unaccompanied minors are not distinguished from other foreign nationals and they are subject to general Schengen requirements on lawful entry to the Schengen space. However, border guards devote more attention to entering minors.

No separate data is collected on entry to Lithuania of unaccompanied minors not seeking asylum.

If an unaccompanied minor does not fulfil the requirements of lawful entry and does not lodge an application for asylum (s)he can be refused an entry into country. If an unaccompanied minor seeks asylum, (s)he must be allowed into the Republic of Lithuania.

Procedures related to unaccompanied minors foreign nationals who do not lodge asylum application are foreseen only in general rules approved on 24 December 2004 by order of the Minister of the Interior No. 1V-429 "On taking and implementing decisions on obliging foreign nationals to depart, expel, return and passage in transit through the territory of the Republic of Lithuania" and are invoked with an aim to expel unaccompanied minors from Lithuania. Unaccompanied minors not seeking asylum face the procedure of return.



5.2.6 Poland¹⁹

All interventions with unaccompanied minors should be conducted in accordance with the Polish Constitution of April 2, 1997, articles 37 and 72, in particular articles 72.1 (“The Republic of Poland²⁰ shall ensure protection of the rights of the child. Everyone shall have the right to demand of organs of public authority that they defend children against violence, cruelty, exploitation and actions which undermine their moral sense”) and 72.2 (“A child deprived of parental care shall have the right to care and assistance provided by public authorities”).

Immigration and asylum legislation:

- Act of 13 June 2003 on Foreigners (with amendments);
- Act of 13 June 2003 on granting protection to aliens within the territory of the Republic of Poland (with amendments);
- Act of 28 July 2011 on the legalization of stay of some foreigners on Polish territory amending the Act on granting protection to foreigners within the territory of the Polish and the Law on Foreigners;
- Act of 14 July 2006 on the entry into, residence in and exit from the Republic of Poland of nationals of the European Union Member States and their family members (with amendments);
- Act of 13 July 2006 on Passport Documents;
- Ordinance by the Minister of Labour and Social Policy on providing assistance to foreigners who have been granted the status of a refugee in the Republic of Poland or who have received subsidiary protection, dated 9 March 2009;
- Act of 15 February 1962 on Polish Citizenship (with amendments);
- Act of 17 October 2008 on changing the first and last name.

Legislation on child protection, care and social assistance:

- Act of 12 March 2004 on social assistance (with amendments);
- Family and Custody Code dated 25 February 1964 (with amendments);
- International Private Law dated 12 November 1965 (with amendments);
- Act of 7 September 1991 on the Educational System (with amendments);
- Act of 27 August 2004 on Healthcare Services Financed with Public Resources;
- Act of 30 August 1991 on Healthcare Facilities;
- Ordinance by the Minister of Labour and Social Policy on educational-care centres dated 19 October 2007;
- Ordinance by the Minister of Labour and Social Policy on foster families dated 18 October 2004 (with amendments).

¹⁹ Policies on reception, return and integration arrangements for, and numbers of, unaccompanied minors in Poland, prepared by: Polish National Contact Point to the European Migration Network, 2009
UNHCR Poland <http://www.unhcr-centraleurope.org/pl/materialy/dokumenty-prawne/krajowe-prawo-azylowe.html>

Bulletin of the Public Information – Office for Foreigners <http://bip.udsc.gov.pl/?cid=61>



5.2.7 Romania

Who is an international protection seeker?

The applicant for international protection, so-called asylum seeker is represented by foreign citizens who expressed willingness to achieve a form of protection in Romania, as long as the request is not resolved by a final judgment.

The refugee is a person who left the country of origin or country of usual residence (if stateless persons) seeking international protection from fear of persecution. Fear of persecution must be based on one or more grounds listed in the 1951 Geneva Convention on Refugees and the Protocol Additional from New York in 1967, these reasons are based on:

1. Race - will consider, in particular, considerations of colour, descent, or membership of a particular ethnic group;
2. Religion - will consider, in particular, the orientation towards theistic, nontheistic and atheistic beliefs, the participation or non-participation in formal rituals in public or private, either alone or together with others, other religious acts or expressions of beliefs or forms of personal conduct policy based or imposed by a particular religion;
3. Nationality - will take into consideration the membership of a group determined by its cultural, ethnic or linguistic, geographical or political origins or common relationship he has with the population of another state, without being restricted to the notion of citizenship or statelessness;
4. Affiliation to a particular social group - a group is considered a particular social group, specifically if:
 - a. Members of that group have inborn characteristics or a common past that cannot be changed, traits or beliefs that are fundamental to identity or consciousness of that person, which is why it cannot be forced to changing it;
 - b. The group has a distinct identity in the relevant country, because it is perceived as being different from the rest of society;
 - c. Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation. The sexual orientation cannot determine a social group when specific actions are criminal acts of sexual orientation by the Romanian law.

Political opinion - if the concept of political opinion, in particular, has an opinion on a particular issue, related to potential agents of persecution and their policies or methods, whether or not this view was manifested by the applicant.

Acts of persecution / agents of persecution

Romanian law closely establishes which are the acts of persecution, which qualifies a person to be recognized the refugee status. They must be sufficiently serious by their nature or because of their inclusion in a systematic practice as well as their recurrence, that it constitutes a serious violation of the fundamental human rights, in particular the rights from which derogation cannot be made from the Convention for the Protection of human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950; or acts and deeds mentioned above, can be considered as persecution if they are determined by reasons such as race, nationality, religion, membership of a particular social group or political opinion, whether they are real or were attributed to the person concerned by the agent that exerts persecution.



Acts of persecution, which can be qualified, may take the form of:

- Acts of physical and mental violence, including acts of sexual violence
- Legal, administrative, police and / or judicial measures which are discriminatory or applied in a discriminatory manner
- Prosecution or punishment disproportionate or discriminatory
- Inability retrieval following a discriminatory or disproportionate punishment
- Prosecution or punishment due to the refusal of military service in case of conflict when military service would entail committing crimes or acts falling under the exclusion from recognition as refugees;
- Abuse or gender-specific discrimination and abuses or discrimination specific to children.

When analysing the documents and facts of persecution, the competent authority shall take into account if they come, especially from the following agents of persecution:

The State

Parties or organizations controlling the State or a substantial part of the territory of the State

Non-governmental agency, if agency referred to in 1. and 2., including international organizations, are unable or unwilling to provide protection against persecution or when they assume or tolerate acts of non-State actors

The definition of the term “refugee” is found in 1. Art. of the Geneva Convention of 1951 concerning refugee status, according to which a refugee is a person who *“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion, or membership in a particular social group, is outside the country of his or her nationality and is unable or unwilling, due to such fear, to benefit from the protection of that country’s government; 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 unwilling, due to such fear, to return to it.”*

Be noted that the above definition does not apply to foreigners receiving protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees (UNHCR). When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in, in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons will benefit from refugee status.

In general, economic problems, although genuine and in some cases very serious, do not make constitution motives for the recognition of refugee status.

Subsidiary protection

Another form of protection that can be recognized for foreign citizens or stateless persons is the subsidiary protection. It may be granted to a foreign citizen or stateless person that does not qualify for recognition as a refugee and on which there are reasonable grounds to believe that if returned to their country of origin or the country in which he was habitually resident, will be in serious risk and is unable or, because of that risk, unwilling for protection from that country. By serious risk it will be understood: conviction to the death penalty or enforcement of such penalty, or torture, inhuman or degrading treatment or punishment, a serious threat, individually, to the life or integrity because of indiscriminate violence in situations international or internal armed conflict, if the applicant is part of the civilian population.



This form of protection is based on the European Convention, being found in EU countries laws.

Immigration to Romania

A foreign citizen or stateless person which is located in Romania, from when he expressed the wish to obtain a form of protection becomes an asylum seeker. In this case as well as for other foreigners may apply to the Dublin II Regulation. This means that after registering the application, the competent authorities may ask another Member State to assume responsibility for examining the asylum application. This is the case where the applicant has transited, obtained a visa or has a family member in another EU Member State. Also, the Regulation leaves the decision up to each state to apply the sovereignty clause - thus, a state may assume responsibility on the examination of an asylum application, even if he was not responsible under the Dublin II Regulation.

In the event that the competent national authorities wish to request the application of the Dublin II Regulation, asylum procedure is suspended until the applicant Member State responsible will answer. In this regard, competence is the department "Dublin" from the General Inspectorate for Immigration - Asylum and Integration Directorate. Irrespective of the decision, the asylum seeker has the opportunity to appeal, within 2 days from the notification before the Law Court District 4 Bucharest - the only competent court in such cases.

Access to the procedure for requesting international protection

Asylum application is individual and the competent authorities ensure access to the asylum procedure to any foreign citizen or stateless persons on the territory of Romania or at the border, from the moment the manifestation of will is expressed in writing or orally, from which is shown that it requires Romanian state protection. Asylum applications shall be filed personally by foreigners staying in Romania or when checking in the control point for crossing the state border, in the case of foreigner minors, asylum applications may be submitted by the legal representative.

Romanian National Authority, which have competence in the reception of asylum applications are:

1. The General Inspectorate for Immigration and its territorial structures
2. Border Police structures
3. The structures of the Romanian Police
4. National Administration of Penitentiaries structures of the Ministry of Justice

From the moment of application for asylum until the judgment becomes final, the applicant is allowed to stay in Romania. The applicant is issued a temporary identity document, whose validity is extended periodically. Depending on the type of procedure that is analysed for the asylum application, in case the asylum application is refused, the applicant is provided up to 15 day, time to leave the country voluntarily to repatriation. Romanian law provides to the person with a request permanently rejected the right to access to a new procedure - under certain conditions, or requiring toleration of stay on the Romanian territory - with the fulfilment of some conditions.

Situation of minors

Because it's a different legal regime according to the status that the foreigner has, asylum law in Romania, states distinctly their rights and obligations. The application for asylum from an unaccompanied minor is analysed with priority, national competent authorities (IGI) take steps to appoint, in the shortest time, a legal representative to assist the unaccompanied minor



asylum seekers during the asylum procedure²¹. Also, forensic examination can be made on request from IGI with the acknowledgement and agreement of the legal representative and minor.

Be noted that asylum applications from minors cannot be the expedited procedure - so there are situations in which a person asylum application may be expedited procedure, but the minor must request and consider the ordinary procedure. In addition, access to education is provided to all underage asylum seekers - they follow during a school year of a preparatory course, and after the examination committee appreciates the level of knowledge of the Romanian language they set enrolment of the minor who obtained a form of protection in Romania in the corresponding study grade.

In terms of the right to education of asylum seekers and refugees in Romania, due to legislative differences, the two categories will be analysed separately.

Only minor asylum seekers enjoy this right; regulations in this regard are talking about the possibility of minor asylum seekers in having access to compulsory education under the same conditions as the Romanian citizen minors. Minor asylum seekers receive a free preparatory course during a school year in order to register in the national education system. Underage asylum seekers access is free and unconditional, methodology, teachers, textbooks and educational materials necessary for carrying out preparatory course in order to register in their national education system is provided by the Ministry of Education. At least these are the regulations in force in Romania at the moment, but the reality is slightly different. A minor needs many more to go to school, in the first place season appropriate clothing, school supplies, a proper diet etc.

Also IGI can provide the necessary space and supplies for the course. Situation, also in this case is different if we talk about supplies, because if these charges are not included in the budget, you cannot make purchases in this regard. Thus the minor asylum seeker and his family face economic barriers regarding the exercise of this right.

It is worth mentioning that in over 50% of minor asylum seekers cases aged over 16 years, are not included in this program. Both IGI the legal representative, and the minor does not take the necessary steps for this purpose, more so as these claimants identity is declared and the procedure for determining a form of protection can last for two years. Therefore, the right to education is covered but there are minors who do not exercise this right for various reasons.

As for the right to education for people with a form of protection (refugee / subsidiary protection), they have access to all forms of education under the same conditions provided by law for Romanian citizens. Another type of constraint occurs in the situation of these people, the more often a person with a form of protection needs to find means for maintenance - so to find a job. In Romania, the beneficiary of a form of protection, if accessing the integration program, is entitled to receive a refundable aid for 6 months, and the right to stand accommodated in Regional Centres Accommodation in exchange for rent for a period of 6 months with the possibility of extension for another similar period. After this time, the person with a form of protection is forced to sustain, to pay utilities and rent. Most times they do not continue their studies. In the best case the person attends the program "Second Chance", courses that take place during weekends.



As for the person who is staying in the regulated toleration, not about a right to education because they do not have it. In 2011, these people were allowed to get hired in order to cover their basic needs. Up to that time, the tolerated asylum seeker was only allowed to stay in Romania - nobody cares if he has a minimum of food and shelter necessary for living.

5.2.8 Sweden

According to the Swedish Aliens law, persons who are found not to be “convention” refugees under the 1951 Refugees Convention may also qualify for asylum under a category known as ‘persons in need of protection – skyddsbehövande’. This includes those that have left their native country and have good reason to fear capital punishment, torture, need protection due to war (internal/external) or an environmental disaster in their native country.

When one seeks asylum in Sweden, the Migration Board takes the fingerprints to establish if the person has entered the EU without the necessary papers and if he/she has already applied for asylum in another EU member state. These fingerprints are compared with fingerprint data transmitted by other participating States and already stored in the central database. If EURODAC (European Automated Fingerprint Recognition System) reveals that the fingerprints have already been recorded, the person can be sent back to the country where the fingerprints were originally recorded. Under the EURODAC system, each participating State has to promptly take the prints of all fingers of every asylum seeker over the age of 14. These fingerprints are compared with fingerprint data transmitted by other participating States and already stored in the central database.

The Swedish Migration Board²² is the administrative authority with headquarters in Norrköping and decentralised regional offices in Malmö, Göteborg and Stockholm. It has full and exclusive responsibility for deciding on entry into the country and interviewing applicants for asylum, carrying out all other investigations during the procedure as well as making first instance decisions. In order to establish applicant’s identity, fingerprints and photographs are compulsory. Applicants may also be subject to a language test in order to ascertain their nationality or ethnic group. All asylum applications, whether at border points or within the country, are submitted to the Swedish Migration Board. At border points, in particular, the border police have no authority to decide on entry of asylum seekers and must refer all cases to the Migration Board. There are Migration officers present at all main border points. However, if the person does not/will not seek asylum then the border police decides in the case and this can imply after a summary investigation, the person can be expelled without the case being referred to the Swedish Migration Board.

Unaccompanied minor asylum seekers are processed under the normal refugee determination procedure. Upon their arrival in Sweden, they are appointed both a guardian and a legal representative. The task of the guardian, a so-called “good man”, is to assist the child during the interviews – sometimes along with the legal representative – and to ensure that his/her rights and special needs are taken into consideration. The support provided by the guardian aims to ensure that, upon coming of age, the child has developed to his maximum capacity.

²² www.migrationsverket.se



5.2.9 Turkey

Turkey maintains the status of being one of countries in which irregular and illegal immigration takes place most and which is used as a transit pass route by many refugees, asylum-seekers and immigrants. Tens of thousands of asylum-seekers and immigrants most of whom come from Middle East, Asia or Africa and who leave their countries due to political or economic reasons try to transit to European countries by using land and sea frontier of Turkey.

It's emphasized in the article 14 of UN Universal Declaration of Human Rights that the right of asylum is a basic human right. However, Turkey still doesn't have a legislation of refugee and asylum which is integrated and arranged in compliance with international standards. It seems that "Expedited procedure" regulation which is one of the goals of Action Plan for Asylum and Migration doesn't fulfil the expectations about setting up a rapid asylum procedure.²³ International asylum law should be taken into consideration on what kind of applications will be forwarded to this procedure and on determining being subject to international rules. In order for the law to meet the expectations, the definitions of refugee, asylum seeker and immigrant should initially be regulated as proposed by international law and obstacles in access to asylum procedure should be removed and asylum seekers should benefit from the international protection provisions.

Turkey which puts "**geographical limitation**" to the **1951 Convention** relating to the Status of Refugees has not been able to give asylum to thousands of asylum-seekers coming out of Europe as well as to deal with the legal and humanitarian problems of refugees, asylum-seekers and immigrants knocking on the doors of Turkey via illegal migration. Therefore, it's necessary to abide by international legal protection to prevent discrimination in the implementation of **1967 Protocol** and to fill the gap which was left by **1994 regulation having arrangements related to the rules of asylum**. Turkey's attempt on this subject is so crucial, EU's burden sharing is as much crucial in covering the social and economic needs of refugees, asylum-seekers and immigrants whose problems are growing every passing year. Consequently, Turkey is rightfully anxious about remaining under a serious burden when its geographical limitation is abolished and changing to target country from transit country. It's still uncertain that under what circumstances Turkey which faces closely with the adverse outcomes of dismissive and discriminatory policy developed against illegal migration by EU institutions will accept readmission agreement with EU.

With the enforcement of the circular of the Ministry of Interior on "transference of authority of regulation numbered 1994/6169", governorships in 7 cities have the power of decision in determining status in 2011 and İstanbul governorship has become decision maker in asylum applications in Atatürk International Airport Border Crossing Point. Within this scope, it's approved by ministry on June 30, 2011 that in order to make effective, fair and rapid decision about people who come from countries out of Europe and who seek asylum in Turkey to transit to a third country, as a pilot scheme, according to the 6th article of the regulation, power of decision about asylum applications at the first phase will be transferred to Ankara, İzmir, Gaziantep, Van, Kayseri, Erzurum and Kırklareli Governorships for all asylum applications made in above-named governorships; asylum applications made only at Atatürk Airport Border Point will be transferred to İstanbul Governorship since date October 1, 2011; a period up to 72 hours will be allowed for foreigners whose application is rejected (negative decision) in İstanbul-Atatürk Airport Border Point, right of objection for 15 days will remain for the

²³ http://gib.icisleri.gov.tr/ortak_icerik/gib/Ulusal%20Mevzuat/Yonetmelikler/EKi.pdf



foreigners whose application is rejected (negative decision) in Ankara, İzmir, Gaziantep, Van, Kayseri, Erzurum and Kırklareli Governorships.

Regarding with unaccompanied minors, General Directorate of Social Services and Child Care Agency is the authorized institution. Through legislation of 2010/03 related to refugees, the state is responsible for protection and rehabilitation services to unaccompanied children. For this purpose, unaccompanied minors are settled to shelters in several provinces. Additionally, Ministry of Education carried out several legislations regarding with refugee children. According to this legislation, refugee children are free of residence fee during their educational life. However there are still problems about the integration process of refugee children.



6. FURTHER READINGS

LEGAL FRAMEWORK

Italy

UNHCR Refugees in Italy (in Italian)

<http://www.unhcr.it/cms/attach/editor/PDF/escursus.pdf>

UNHCR Asylum in Italy (in Italian)

<http://www.unhcr.it/news/dir/165/view/1225/lasilo-in-italia-122500.html>

UNHCR International protection recognition procedure in Italy (in Italian)

<http://www.unhcr.it/news/dir/166/view/1219/procedura-per-il-riconoscimento-della-protezione-internazionale-e-il-ruolo-dellunhcr-121900.html>

Italian Ministry of Work and Social Affairs – Unaccompanied minors (in Italian)

http://www.lavoro.gov.it/Lavoro/md/AreaSociale/Immigrazione/PrimoPiano/Consultazione_pubblica_Minori_Accolti.htm

Germany

<http://www.b-umf.de> : For more than ten years the Federal Association for Unaccompanied Minor Refugees (Bundesfachverband Unbegleitete Minderjährige Flüchtlinge, in short: B-UMF) has been working towards the improvement of the legal situation of minors, who come to Germany without the support of a guardian. They work to ensure standards of protection in line with international norms and best practices. The Federal Association (B-UMF) is a registered organization with three members in the board of directors. The head office, with currently five full-time employees, is situated in Munich. The organization has a total of almost 150 members, including more than 40 other organizations.

<http://www.proasyl.de/en/topics/zahlen-und-fakten/unbegleitete-minderjaehrige/>: Pro Asyl provides background information on the numbers of unaccompanied minors and lobby for the improvement of their legal situation.

<http://www.themenpool-migration.eu/dtraum05.htm>: The “thematic pool on migration” provides background information for people working in the field in German. The website provides as well an online course.

Romania

IGI website on national legislation (in Romanian)

<http://ori.mai.gov.ro/detalii/pagina/ro/Legislatie-nationala/121>

Asylum Law 122/2006 (in English)

http://www.cnrr.ro/index.php?option=com_content&view=article&id=109%3Alege-1222006&catid=41%3Alegislatie&Itemid=30&lang=en

Other Laws

http://www.cnrr.ro/index.php?option=com_content&view=category&id=41&Itemid=48&lang=en



Locations of open centres, and closed detention centres, for asylum seekers and irregular migrants in Romania

<http://www.google.com/maps/ms?ie=UTF8&hl=en&msa=0&ll=45.92823,24.884033&spn=5.761954,9.84375&z=7&msid=111187538337842192309.0004684cf76b4707ec7ee>

Legal statement on immigration and refugees (in English)

http://www.detention-in-europe.org/images/stories/romanian_asylum_law.pdf



7. PARTNER AND COLLABORATING ORGANISATIONS

Centro Internazionale per la Promozione dell'Educazione e lo Sviluppo (CEIPES), Palermo, Italy



CEIPES works at European, International and local level coordinates CEIPES Network from diverse municipality of Sicily region. The main purpose of CEIPES is to promote the Education and Development of young people and adults through activities in education, training, culture, nonviolence,

interculturality, solidarity, human rights, active citizenship, international cooperation, and promote services thus contributing to human and civil growth at individual, community and world levels.

The mission of CEIPES is to foster and support the sustainable development of local communities and individuals' empowerment through education and training, human rights and international cooperation.

CONTACT DETAILS:

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Palermo 91141, Italy

Phone: +39 0917848236

Email: info@ceipes.org

Website: <http://www.ceipes.org>

Institut für Migrations und Rassismusforschung E.V. (IMIR), Hamburg, Germany



The Institute Researching Migration- and Racisms

[IMIR] mainly works in the field of science and research but also practically with/in organizing

different meetings and trainings, for example with school children, university students and with teachers. The last program, "Research in School" has been in cooperation with the "Körperstiftung". In the seminars the Institute provided tools for analysing the situation of migrants and refugees and sensitize the students and teachers with different research methods for the needs of migrants. The specific focus was on schools which are in a district with a high amount of migrants. The aim was to create awareness and understanding for the needs and the point of view of migrants and the positive role they can play for the whole of society. The approach was to work with new innovative science methodologies to introduce new practices in the everyday school life.

Further [IMIR] organizes conferences on topics like Anti-discrimination, equal rights for refugees and free access to education, work and public space for migrants and refugees.

CONTACT DETAILS:

Nernstweg 32-34

22765 Hamburg, Germany

Phone: +49-40-4305396

Email: office@imir.de

Website: <http://www.imir.de>



AOF Randers, Randers, Denmark



AOF is an adult education provider in Randers and Djursland, where the unemployment rate is getting high because it has been an industrial area. The organisation has special focus on participants with specific needs, i.e. long-term unemployed, migrants and refugees, people with all kinds of disability. Its aim is to secure as normal a life as possible for the marginalized citizens – therefore the organisation collaborates with public and private enterprise in our region, including trade unions.

CONTACT DETAILS:

Østervold 28, 2. sal |
8900 Randers, Denmark
Phone: +45 21433214
Email: annthorsted@gmail.com
Website: <http://www.aof-randers.dk>

RESPECT Refugees Europe, Barcelona, Spain



RESPECT Refugees Europe is an NGO working to raise awareness among youth about refugees and refugees' issues, encouraging activism and further empower refugee children and communities through letter and cultural exchange. We work also intensively in capacity building, increasing the skills and knowledge of local NGOs and volunteers in developing countries, as well as in Europe, by giving online trainings (i.e. NGO management, soft skills, training of trainers, conflict resolution, refugees and internally displaced persons, repatriation, international humanitarian law).

CONTACT DETAILS:

Carrer Lleida, 9, 3-1
08930 Sant Adria de Besos, Barcelona, Spain
Phone: +34 93 314 08 00
Email: respect@respectrefugiados.org
Website: <http://respectrefugiados.org>

Klaipėdos apskrities teisininkų klubas, Klaipėda, Lithuania



Social organization Klaipėda County Lawyers Club was officially registered in 1997. Klaipėda County Lawyers Club is a public youth organization, on a voluntary basis uniting those studying in College of Social Sciences. In its activities the club follows the Lithuanian Constitution, laws, executive regulations and the legal statute of the Klaipėda County Lawyers Club. Club's principal activity – the provision of advice on legal matters. Club members – Law students, studying in PI College of Social Sciences. Each year, the number ranges from 11 to 30 members. All members are volunteers. Klaipėda County Lawyers club helps to develop the club and has developed a law to create the right conditions for social and cultural needs for club members and other citizens'. Klaipėda County Lawyers club helps to develop the law, to create the right conditions for club members and other citizens' social and cultural needs.



CONTACT DETAILS:

Tilzes street 52
LT-91110 Klaipeda, Lithuania
Phone: +37 046397385
Email: inter@smk.lt
Website: <http://www.smk.lt>

Stowarzyszenie Obszary Kultury, Łódź, Poland

Association "Obszary Kultury" is located in Łódź, the city of multicultural traditions, but its actions have a nationwide range. It copes with popularization of the idea of European integration and tolerance, supporting with its activities milieus of dysfunctional and disabled people, national minorities, refugees and their rights. Members of the Association are Łódź-based educators, culture experts, research workers, students of Łódź universities, and psychotherapists. Many of them are associated with Łódź educational centres and art centres. The common feature of members of the Association is their passion for social work and creativity in taking up cultural topics.

CONTACT DETAILS:

Krzemieniecka 2a
94-030 Łódź, Poland
Phone: +48 42 6881347
Email: mogld@math.uni.lodz.pl

Asociatia Nationala a Specialistilor in Resurse Umane (AUR), Bucharest, Romania



National Association of Specialists in Human Resources is a non-governmental, non-profit professional organization, with legal personality, created to promote the concept of human resources in Romania. "AUR" – A.N.S.R.U is a pragmatic organisation, oriented towards action and prevention, whose objectives are:

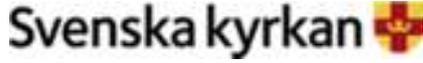
- Refining, elaborating and implementing the professional standards within the human resources area.
- Providing professional assistance in the human resources area – consultancy and coaching, training sessions, seminars, workshops, professional counselling etc.
- Implementing national and international projects promoting human rights and labour rights, as well as the equal opportunity legislation.
- Active involvement in the promotion and implementation of the Romanian development policy for the achievement of the Millennium Development Goals.

CONTACT DETAILS:

Nicolae Balcescu Avenue, 17-19
010043 Bucharest, Romania
Phone: +40 21 313 38 83
Email: org.aur@gmail.com
Website: <http://www.resurseumane-aur.ro>



Svenska kyrkan, Örkelljunga församling, Örkelljunga, Sweden



Swedish Church of Örkelljunga is working with all parts of society especially immigrants who need extra help. Örkelljunga municipality decided to get immigrants

progressively from different countries and these people need help in school and in their normal life. In this point Örkelljunga Parish is effective bridge between immigrants' children, their families and society. The organization works with schools in Örkelljunga as local help. It takes place also different activities for youth and adult so that they can come together and have time to speak in Language Cafe, Homework Support, and Intercultural Evening.

CONTACT DETAILS:

Svenska kyrkan Örkelljunga församling, Box 30

286 21 Örkelljunga, Sweden

Phone: +46736123462

Email: necmettinmeletli@yahoo.com, boel.skoglund@svenskakyrkan.se

Website: <http://integrationorkelljunga.blogspot.com/>

İnsan Hakları Araştırmaları Derneği (IHAD), Ankara, Turkey



Human Rights Research Association (İHAD) has been founded by a group including legists, academics and human right activists in 2006 in Ankara. İHAD, as a

human rights movement independent from states, governments, political and ideological groups, conducts researching, follow-up, monitoring, reporting and publication activities and projects in different areas of human rights.

The vision of Human Rights Research Association is a world where law, freedom and justice is applied to all. The mission of İHAD is to work for protecting and developing the humanitarian values through using the methods of research, monitoring, reporting and training.

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