

Committee: Young Delegates Forum

Issue: Empowering and protecting unaccompanied minors

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INTRODUCTION

Honorable delegates,

We are delighted to welcome you to this year's 7th ATS MUN. As you are all probably aware of, this year's conference will be held online due to COVID 19 restrictions. Although this may be unfortunate, it shall not refrain us from sharing an exciting and educational experience as a whole! This year, we have been given the wonderful opportunity of chairing in the committee of YDF, and we will do our best to ensure a safe and pleasant environment!

YDF'S first topic revolves around the importance of offering protection to unaccompanied minors, while simultaneously strives to highlight the significance of this particular issue. As you are probably aware of, an incredibly high percentage of minors are forced in battling the challenges of everyday life on their own. In most cases, this issue is caused by a series of unfortunate events, or by any traumatic experiences within the family unit. A very typical, yet unfortunate example is minors being left behind due to their family transferring to another country as refugees. Although this particular topic already holds great significance, in this conference we will get the opportunity to analyze this issue even further, while at the same time provide the necessary solutions so as to face it appropriately!

This study guide will provide you with valuable pieces of information to get started. However, you will certainly need to make some further research on your own, so your country's policies apply with your position towards this topic.

Throughout the conference, you will be in the exciting position to form alliances, discuss, debate and most of all gain knowledge and valuable pieces of information.

We are all really looking forward to meeting you, and we sincerely hope you enjoy this upcoming conference!

Lastly, do not hesitate to contact us if there is anything else you would like to know, or if you have any questions regarding the conference or the agenda.

All the best,

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DEFINITION OF KEY TERMS

Unaccompanied Minor

An unaccompanied minor (sometimes known as a "separated child") is a child who is not accompanied by a legal guardian.¹

Legal Guardian

A person who has been appointed by a judge to take care of a minor child or incompetent adult (both called "ward") personally and/or manage that person's affairs.²

Asylum

Asylum is the protection granted by a state to someone who has left their home country as a political refugee.

"she applied for asylum and was granted refugee status"

Child Migration

Child migration, often known as "children in migration or mobility", is the movement of children aged 3 to 18 from one country or region to another, with or without their parents or legal guardians.³

Human Trafficking

Child trafficking is about taking children out of their protective environment and preying on their vulnerability, primarily for the purpose of forced labor, disposal and sexual exploitation.⁴

¹ OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, GENEVA, Guidelines on Policies and Procedures in dealing with unaccompanied Children Seeking Asylum February 1997

<https://www.unhcr.org/3d4f91cf4.pdf>

² <https://dictionary.law.com/Default.aspx?selected=843>

³ UNICEF child migration, April 2021 <https://data.unicef.org/topic/child-migration-and-displacement/migration/>

Non-governmental organizations/ NGOs

A non-governmental organization (NGO) is a non-profit group that functions independently of any government. NGOs, sometimes called civil societies, are organized on community, national and international levels to serve a social or political goal such as humanitarian causes or the environment.⁵

BACKGROUND INFORMATION

Deeper analysis

Unaccompanied minors have been an issue for many years. There is no specific date that can tell us when this problem started or a specific place that sparked the problem. An unaccompanied child is defined by law as someone who enters a country and fulfils the following prerequisites; under the age of 18, without lawful status and not effectively into the care of an adult. This issue has troubled many countries as it is both a political and social challenge for them. As minors arrive at the borders of a country, they are not taken care of correctly and instead they are presumed like migrants before children, which leads to more abuse, poverty and unhealthy living. Specific types of social work must be considered.

Furthermore, it is deemed important to strengthen the legal and socio-political foundations for the protection of both legal and illegal immigrants on a national and European level. As despite the harmonization process, there is still no unified European reception and protection policy. Instead, in many cases, national programs and concerns largely focused on immigration policy take precedence over international standards for the treatment of children. The aim is for the kids to arrive at a foreign country and actually have a chance to have a better life than the one they had and be protected. But due to ephemeral solutions they are mistreated and condemned to live year in fear and uncertainty.

Unaccompanied children who have undergone traumatic experiences frequently require assistance after they turn 18, when they may lose access to certain services. Integrating care arrangements and services as soon as feasible is critical to assisting the individual's transition into adulthood and independent living. Aftercare is an important part of a long-term solution, particularly for adolescents. Life projects and follow-up strategies

⁴ NSPCC "Human Trafficking" <https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/child-trafficking/#>

⁵ <https://www.investopedia.com/ask/answers/13/what-is-non-government-organization.asp>

are valuable resources. Caseworkers and officers can use the aftercare programs provided for national children who have been separated from their parents to plan support for the child's transition to maturity. Thus, it is of great importance to try and empower unaccompanied minors while protecting them and helping them built a better life.

Causes

There are many reasons that drive minors to flee and end up unaccompanied in the borders of a country. To begin, they can come in order or escape wars and conflicts, hardship or natural disasters, prejudice or harassment, or severe harm. In other words, they flee to other countries in hope of a better life and future, as countries in the EU or in America have a better economy and living standards, than countries such as Syria or Afghanistan. Instead, once they arrive at their destination, they are to face worse living standards than the ones in their country, as they are abandoned in the borders and not taken under proper care.

Additionally, many times families send their children in other countries aiming that they will reunite with family members that live there and will be able to live a healthier and happier life. However, these kids don't always find their family which leads them to staying at the border as unaccompanied minors who have no way of finding the family members in the country or going back.

Another frequent cause is that these children arrive in countries as victims of human trafficking which is intended for exploitation, such as forced labour or services or even sexual exploitation. These children have no way of escaping unless they are properly looked after by the country they enter.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

Afghanistan

Afghans began migrating in large numbers in the late 1980s, but the demographics have certainly changed in recent years. While many Afghans used to travel to neighboring countries like Iran and Pakistan, they have become increasingly hostile to Afghans in recent years, prompting them to seek sanctuary abroad. As a matter of fact, Afghans were the largest group of immigrants to Greece in 2014. Many of the unaccompanied adolescents are second-generation refugees from Afghanistan who have little or no ties to the country. Iran

has made it increasingly difficult for Afghan children to obtain residency permits and access education during the last decade, and Afghan migration is now severely restricted.

Pakistan

According to the UN, there were about 300,000 refugees from Pakistan last year while surprisingly, children made up 58 percent of the total. Minors were compelled to flee due to insecurity and conflicts in various sections of the nation. However, the country continues to house a large number of refugees, which is nearly 1.6 million from other countries. Similarly, to unaccompanied minors from other member states, children from Pakistan have been victims of both physical and psychological violence due to racism, and although many countries may offer these children lands, we also ought to ensure respectful and suitable living conditions.

Italy

Between January and December 2018, 3,536 (83 percent) of the 4,278 children that arrived in Italy were unaccompanied or separated. While the number of unaccompanied and separated children is similar to past years, it is down by 78% from the 15,779 unaccompanied and separated children who came in 2017. Although Italy is a member state from which unaccompanied minors originate from (such as Pakistan or Afghanistan), it surely plays a very important part since it is one of the primary “host” of child refugees.

Serbia

As of December 2018, a total of 1,140 children (880 males and 260 girls) were present in Serbia, a 63 percent increase from June 2018 but equivalent to the caseload in early January 2018. Many of these children (484) were unattended or separated from their families (281 boys and 203 girls), a six-fold increase from June 2018, when only 69 UASC were reported as present in the nation. As it can be understood, Serbia is one of the countries that holds most significance to this issue, since the issue is not only apparent, but also increasing.

Spain

A total of 13,000 unaccompanied and separated children were present in Spain by the end of 2018. In comparison to December 2017, this indicates a 103 percent increase. Andalusia, Melilla, Catalonia, the Basque Country, and Madrid currently host the majority of

UASC. While they are entitled to the same protection and care as Spanish children, the environment in which they are received may vary considerably.

TIMELINE OF EVENTS

Date	Description of Event
1997	Flores v. Reno Settlement which calls for the government to hold children “in facilities that are safe and sanitary”.
2003	Office of Refugee Resettlement takes charge of the supervision of unaccompanied minors.
2008	Congress passed the Trafficking Victims Protection Reauthorization Act.
12 September 2013	European Parliament resolution on unaccompanied minors in the European
2014	American immigration crisis. During fiscal year 2014 (October 2013-September 2014), 68,541 unaccompanied children were apprehended at the US/Mexico border— a 77 percent increase over the previous year. ⁶
14 May 2018	Council of the European Union initiated the launch of the European Migration Network (EMN).
16 April 2021	The collaboration of the Special Secretary for the Protection of Unaccompanied minors of the Ministry of Migration and Asylum and UNHCR, the UN Refugee Agency, the International Organization for Migration (IOM), Arsis and the Network for children’s Rights set in motion a Mechanism which can rapidly recognize unaccompanied minors who are living in unsure conditions and transfer them to safer accommodations.

UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

⁶ Lind, D. (2014, October 10). *The 2014 Central American migrant crisis*. Vox from <https://www.vox.com/2014/10/10/18088638/child-migrant-crisis-unaccompanied-alien-children-rio-grande-valley-obama-immigration>.

European Parliament resolution on unaccompanied minors in Europe

It includes recommendations and strategic directions for improving the status of unaccompanied kids in the European Union and ensuring that their fundamental rights are fully upheld. The Parliament remembers that unaccompanied minors are, above all, vulnerable children, and that in all dealings with them, EU nations and the EU must prioritize child protection. It emphasizes the need of putting the child's best interests first and believes that the EU must address the root reasons of migration, as well as child protection and the issue of unaccompanied children, as part of its development and cooperation policies.

The legal status of unaccompanied children within international, European and national frameworks; protective standards VS. Restrictive implementation

It was published within the framework of the PUCAFREU Project "Promoting unaccompanied children's access to fundamental rights in the European Union" in 2011. The European Union's Fundamental Rights and Citizenship Programme co-funded this initiative.

Resolution 36/5 on Unaccompanied Migrant Children and Adolescents and Human Rights³

On 28 September 2017, the Human Rights Council passed this resolution⁷.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Over the years there have been many attempts to solve the issue, as this has been a problem for very long. However, there has not been found a long-lasting and efficient solution that can tackle the issue.

European Migration Network (EMN)

The European Migration Network (EMN) is an EU-funded network that aims to provide up-to-date, objective, trustworthy, and comparable information on migration and asylum to European Union Institutions, as well as authorities and institutions from EU Member States, in order to inform policies. The EMN also serves to disseminate such information to the general public. The need for National Governments to share information on all aspects of migration and make a significant contribution to a common asylum and immigration policy

⁷ *The legal status of unaccompanied children.* (n.d.). Retrieved September 18, 2021, from <https://calenda.org/217903?file=1>.

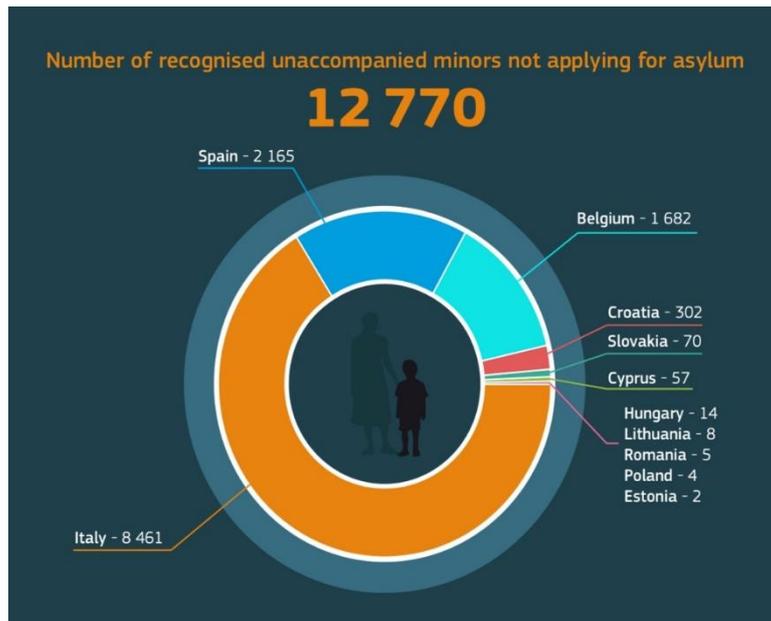
was first proposed by the European Council in Laeken in 2001 and was later reaffirmed by the European Council in Thessaloniki in 2003, the year the EMN was initiated as a pilot project.

The Launch of a National Tracing and Protection Mechanism for Unaccompanied Children in Precarious Conditions

On April 16th of 2021 the Special Secretary for the Protection of Unaccompanied minors of the Ministry of Migration and Asylum and UNHCR, the UN Refugee Agency, the International Organization for Migration (IOM), Arsis and the Network for children's Rights collaborated to set in motion a mechanism which can rapidly recognize unaccompanied minors who are living in unsure conditions and transfer them to safer accommodations.

A telephone hotline is available 24 hours a day, 7 days a week to identify and locate children in need. The hotline advises children, people, local and state governments on the processes and measures to be performed from the time an unaccompanied kid is identified until they are placed in an emergency housing. Through mobile units, day centres, and information desks, children will also get material and psychosocial support, interpretation, and safe accompanying when outside of the accommodation, including representation during registration procedures with authorities and educational activities. Unaccompanied children in emergency housing will receive specialized assistance and additional care until they are relocated to long-term housing, which is determined after a comprehensive assessment of the child's requirements, background, and possibilities accessible.

The National Tracing and Protection Mechanism for Unaccompanied Minors intends to provide an effective alternative to protective police custody, which has been used as an intermediate measure of protection for years due to a shortage of age-appropriate care facilities.



POSSIBLE SOLUTIONS

Ensuring housing for unaccompanied minors

Before shining light on the psychological aspects of the matter, we should definitely remind to ourselves how one can only grow, under a safe, loving and respectful environment. To be more specific, all unaccompanied minors should be given a form of housing, so as to be given the opportunity to grow normally, without allowing the absence of their biological family become an obstacle. This could signify foster homes, adoption services, group housing etc.

Providing each minor with the necessary psychological support

After providing unaccompanied minors with the appropriate housing, we should definitely have a look on the psychological side of the matter. As it can be pretty self-explanatory, most, if not all unaccompanied minors, carry a lot of baggage and psychological trauma. Thus, providing these children or adolescents the correct psychological support and guidance, could perhaps not only resolve, but prevent potential psychological imbalances from rising to the surface. This could be done by, free therapy, group therapy, online therapy etc.

Giving unaccompanied minors the right to be treated as official citizens

As we can all understand, most of these children may unfortunately face many challenges, especially if they are new residents on a foreign member state. For instance, many individuals may try to physically harm or abuse them, while others may manipulate

them into child labor or similar illegal practices. Therefore, every minor should be given the right to have not only a legal guardian (or a legal organization who is responsible for their care), but also an attorney, to stand up for their rights as minors. In this particular case, the right to an attorney, is supported by the Special Secretariat for the Protection of Unaccompanied Minors of Ministry of Migration and Asylum.

Ensuring the right to education

The goal of member states should not only be to protect, but also empower unaccompanied minors, molding them into powerful and respectful citizens. Thus, we should not neglect the right to proper education, so as to both ensure these minors a bright academic future, but also help them get used into their new member state. Education can be even more helpful, by adding professors who speak the same language as the unaccompanied children, so as to make their transition a bit smoother.

Calling upon NGOs to ensure free textbooks, laptops and school supplies

As we it can be understood, so as to be able to learn, students need a series of technical supplies to support their journey towards educational stability. However, since these children do not unfortunately have biological family members to support them financially, bigger organizations such as NGO's, could dynamically change this dynamic, by offering technical supplies (such as textbooks or laptops), in order to help unaccompanied minors with their educational journey.

FURTHER RESEARCH

-  [Unaccompanied Alien Children: An Overview](#)
-  [ICMC Report for OCHCR on Protecting the Rights of the Child in Humanitarian Situations – Human Rights Council Resolution 34/16](#)
-  [The 2014 Central American migrant crisis](#)
-  [The legal status of unaccompanied children within international, European and national frameworks; protective standards VS. Restrictive implementation](#)
-  [Legal representation of unaccompanied children](#)
-  [Immigrant justice issues](#)

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