

REACHING OUT TO  
UNACCOMPANIED MINORS (UAMS)  
AND PROMOTING DELIVERY OF SERVICES  
IN THEIR BEST INTEREST IN TURKEY  
PROJECT



**SAFE INFO  
IN TURKEY**

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# ASSESSMENT REPORT

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**ASSESSMENT  
REPORT**

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April 2014 Ankara



This research is conducted under the “Reaching Out to Unaccompanied Minors and Promoting Delivery of Services In Their Best Interest in Turkey” project funded by Norwegian Ministry of Justice and Public Security and implemented by International organization for Migration (IOM) Mission to Turkey in coordination with the Ministry of Family and Social Policy, Directorate General of Child Services and the Ministry of Interior Directorate General of Security.

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## ACKNOWLEDGEMENTS

The research has been conducted within the scope of the "Project on Reaching Out to Unaccompanied Minors and Promoting Delivery of Services in Their Best Interest in Turkey".

We are grateful to International Organization for Migration Turkey Office, Ministry of Interior and Ministry of Family and Social Policies for their sensitivity about the status of unaccompanied minors in Turkey, for taking an initiative in order to generate change and for giving us the opportunity to contribute to such process.

We would like to especially thank IOM Chief of Mission in Turkey; Dr. Meera Sethi and General Director of Child Services; Mr. Temindar Aytekin for their broad vision and encouragement. With her perfect coordination skills and competency in the field Ms. Yelda Devlet Karapınar of IOM has created a very productive working atmosphere for us and increased the quality of our research. We are grateful to Mr. Ramazan Daysal who spent a lot of efforts so that we could establish significant connections in the field and access statistical information. We appreciate the significant support and contribution provided by Ms. Gülser Ustaoglu, Mr. Emin Eraslan, Ms. Ebru Köker and Ms. Gülden Güneşligün. Without the dedicated efforts of Ms. Yasemin Kalaylıoğlu and Ms. Cemile Gizem Dinçer it would not be possible to complete the study in such a short time. We would like to thank the experts and children in the field, who shared their knowledge with us.

The mistakes and errors in the study belong to the authors and do not reflect the official opinion of the stakeholder institutions.

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**1**

# **INTRODUCTION**



## I. INTRODUCTION

Although the children and youngsters constitute a significant segment of global migrants, in the recent discussions of policy and research on migration the vulnerable status of children has become an issue in the migration processes and started to be taken into account. Frequently, migrant children have been considered as youngsters and children migrating with their families or have been accepted as passive victims of exploitation. (such as victim of human trafficking or illegal worker, who has been a victim of labor exploitation).<sup>1</sup> However, in addition to all of these perspectives the reality of dominant numbers of unaccompanied migrant children must be primarily addressed. At this point the definition of unaccompanied minor/child should be clarified. The term “unaccompanied minor/child” is defined as such in the legislation of the European Union<sup>2</sup>: *“Minor under the age of 18 who is a third country national or stateless and who arrived in the territory of the Member States unaccompanied by an adult responsible for them whether by law or by custom or left unaccompanied within the territory of the Member States.”*

There are several reasons and ways for the children to get unaccompanied. The most common belief is the linkage to irregular migration. For this reason, the issue is generally considered within the scope of discussions on migration of asylum seekers and refugees. In the recent years Turkey has recently experienced a gradually increasing flow of regular and irregular migrants. A significant number of migrants are either passing from Turkey or staying in Turkey. The migrants passing from Turkey might also stay in the country for several years. Consequently, the number of unaccompanied minors staying in or passing from Turkey and who are kept under the protection of units affiliated to Ministry of Family and Social Policies is increasing.

“Project on Reaching Out to Unaccompanied Minors and Promoting Delivery of Services in Their Best Interest in Turkey”<sup>3</sup> has been realized under the execution of International Organization for Migration in cooperation with the Ministry of Interior and Ministry of Family and Social Policies and with the financial support of the Ministry of Justice and Public Security of Norway.

As discussed in the report high numbers of migrants, who are actually unaccompanied minors, live without the protection of the state in Turkey. The situation leads to the question of how to access to these children and how to protect them against any kind of exploitation. The research follows a dual path:

1. Primarily, it was targeted to deal with the capacities and institutional structures of the government agencies responsible from the protection of unaccompanied migrant children. Additionally,

<sup>1</sup> IOM Report, 2011, Unaccompanied Children on the Move, p. 11.

<sup>2</sup> Council Directive 2001/55/EC, Article 2(f)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0055:EN:NOT>

<sup>3</sup> The Report must be evaluated as an institutional feedback.

inter-institutional cooperation was highly valued especially with the General Directorate of Security, its affiliated presidencies and Ministry of Family and Social Policies. Additionally, the role of the civil society organizations was considered in connection to unaccompanied minors.

2. Secondly, it was targeted not only to access the children accommodated at the dormitories but also access to the children who live on their own.

On the basis of the results compiled from the field study, proposals were developed for access, institutional capacity and cooperation about unaccompanied children. The mentioned field study was realized between June and August 2013 in İstanbul, Ankara, Van and Nevşehir. İstanbul was selected since it receives the highest number of migrants and the oldest MFSP agency serving the unaccompanied children exists there. Ankara was selected due to its being the bureaucratic hub of all stakeholder public institutions. Nevşehir was selected since it has an agency to serve these children in the recent four terms and at the same time for being a satellite province. Van was selected due to its being a border province with intensity of crossings where agencies providing services to the children and referring such children exist.

The study is basically a qualitative rapid appraisal research:

- Expert interviews: Interviews have been conducted with experts and bureaucrats working in the field in public sector and taking place in the decision making mechanisms as well as experts from international organizations and civil society organizations in order to compile different types of data.
- Semi structured interviews: In depth meetings were held with unaccompanied children staying at dormitories and staying alone in İstanbul through semi structured interview directive.
- Focus group interviews: Focus group interviews were conducted with two groups of 7 and 10 unaccompanied migrant children.
- In the research expert interviews have been conducted with experts from line ministries, public agencies and local governments, international organizations and CSO's (totally 73 organizations) in the field. In-depth interviews with 21 migrant children from Afghanistan, Iraq, Iran, Syria, Congo and Ghana, who receive support from organizations, 16 unaccompanied migrant children, who do not benefit from protection and 3 ex-minors<sup>4</sup> were held. Furthermore, focus group interviews were held in two meetings with 17 children. Totally 118 interviews were conducted; fifty four of them being with children.<sup>5</sup>

The report starts with a chapter focusing on the institutional structure and includes a brief explanation on the legal framework in Turkey in this respect, analyzes the research outcomes and interviews

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<sup>4</sup> Ex-minor concept defines the unaccompanied migrant children who completed the age of 18 recently.

<sup>5</sup> See Annex 1.

with a view to make a summary. The chapter on access strategies underlines the importance of unaccompanied minors, who live alone or who are under protection. While discussing the status and problems of these children proposals and strategies of access were emphasized. These chapters provide conclusions and separate policy recommendations to be further researched for specific themes of the chapters.

The report ends with a chapter on international legislation. The discussion in this chapter has been founded on the examination of unaccompanied minors within the framework of legislation of European Union. Selected practices on protection of unaccompanied children were introduced with the understanding that these could be evaluated as a guide for the practices that currently exist in Turkey. At this point, the protection of minors has a primary significance. However, international practices point out to the necessity of the inclusion of voluntary return options and different guardianship models to ensure the protection of the unaccompanied children in these discussions.



# 2

**INSTITUTIONAL CAPACITY ANALYSIS**

**AND RECOMMENDATIONS**

**FOR IMPROVEMENT**





## II. INSTITUTIONAL CAPACITY ANALYSIS AND RECOMMENDATIONS FOR IMPROVEMENT

### 1. ENTRY OF UNACCOMPANIED MINORS INTO THE COUNTRY

Entries of unaccompanied children into the country most frequently take place through illegal means. They cross the borders of the country in groups of tens through illegal means with the help of migrant smugglers that operate in their countries of origin and Turkey. The smugglers in the country of origin are contacted by the adults from their families or relatives and the bargaining about the money generally takes place at this stage. The method of payment for the money paid to migrant smugglers differs. Generally, a portion of the money is paid in advance with the balance paid when the minor reaches the target country. While minors may depart with a group of people they do not know at all, they may also set off within a group that includes people they are acquainted with. These acquaintances may be younger or older brothers or sisters, relatives, or even the parents of the minor. The minor might have lost his acquaintances under extraordinary border crossing conditions or might have been separated from her/his family after coming to Turkey. It has also been reported that there were minors, who actually came with their parents but stated to have arrived alone. These minors may have wanted to benefit from the special protection advantages of being a minor (prohibition to repatriate, etc.). In a sense the family members take their chances with “two separate stories” by consciously splitting into two.

The children, who enter the country, have three choices in front of them:

1. Just as they enter the country through illegal means, they similarly try to remain invisible and transit to a European country within the shortest time possible, again through illegal means.
2. They get registered by applying to the police or the United Nations High Commissioner’s Office for Refugees (UNHCR) after reaching their target province (this is sometimes Van, the province through which the entries take place most frequently, and sometimes such major provinces as Istanbul, Ankara, or İzmir) following their entry to Turkey.
3. The unaccompanied children can be identified by law enforcement units and get registered.

Unaccompanied minors, whose applications are received, evaluated, and the process about whom is started by the Turkish security units and UNHCR;

1. Are kept in organizations affiliated to Ministry of Family and Social Policies and the application for asylum and processes about the child are started here. One of the initial actions taken in the meantime is the taking of the child under “care” through the decision of the court.

2. The child, whose process has been initiated and whose application was accepted, is placed in a care institution in one of the satellite towns<sup>6</sup>.

Unaccompanied children are taken under care and protection in these orphanages until they reach the age of 18. Unaccompanied minors sometimes leave the organizations they stay in without permission and they go to other cities (and generally these cities are Istanbul, Ankara...) and work there and they contact their acquaintances. While some of these children return or are caught and surrendered to these organizations, some continue to live as illegal migrants. Some of these children are learned to have left the country and transited to other countries through illegal means.

## 2. PROCEDURES ON UNACCOMPANIED MINORS

Ministry of Interior is given preliminary information verbally and in writing immediately after when the unaccompanied children apply for asylum<sup>7</sup> and the procedures are initiated in coordination with Provincial Directorate of Family and Social Policies and/or Children Division and the child is referred to the institutions affiliated to the Ministry of Family and Social Policies or to the reception centers and shelters affiliated to the Ministry of Interior immediately or after the procedures are conducted according to the age of the child. In line with the procedures, the court issues an injunction for the children taken under care through the urgent approval.

At the stage of identification, statements and the information provided by the children, who do not have their identity cards available or any other documents proving their ages, are trusted in. However, when the person states that s/he is a child but there is a strong suspect for incoherency between his/her stated age and the age s/he looks like, the age is identified by a State Hospital or the Forensic Medicine Institution.

Until the age assessment is concluded, the person should be sheltered in an appropriate place by taking into account the possibility that the applicant's statement may be true. The person, who claims to be at a younger age, is treated as a child until the end of the investigation.

Having the social workers assigned in the related institutions and agencies to be present during the interview with the children is for the best interest of the child. During the assessment of the interview with the children, the interviewer takes into account the report in which the expert, who has participated in the interview, has reflected his/her opinions and sends a copy of the expert's opinion to the Ministry of Interior.

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<sup>6</sup> In accordance with the Turkish asylum system individuals requesting asylum shall be referred to a province in which they shall stay during the asylum process. These towns are called as satellite towns.

<sup>7</sup> See Annex 2 for Migration and Asylum procedures.

The unaccompanied children whose applications and procedures are concluded are referred to the institution where they will be taken care of.

### **Preparing the Interview Report<sup>8</sup>**

The interview report includes the following aspects:

- Personal information of the applicant,
- Travel routes, identity and travel documents,
- Main information about the applicant,
- Background information of the applicants as well as their relatives,
- Nationality of the applicant, if any,
- Their past country (countries) of residence and place(s) of residence, if any,
- Previous asylum applications, if any,
- All documents related to their reasons to apply for asylum/shelter,
- The incidents that the applicant was or may be subjected to,
- Reports of the social workers,
- Interviewer's opinion about whether the incidents gone through will result in persecution or serious damage or not,
- Opinion of the interviewer about whether the reason of the activities conducted by the applicant after s/he has left the country of origin creates the required conditions to apply for asylum or not.

## **2.1. INTERVIEW<sup>9</sup>**

According to the Geneva Convention, the aim of the interview is to identify whether the incidents the child went through are considered as persecution or the fear of being persecuted.

The interview room should be comfortable, safe and have the required equipment to ensure full confidentiality and prevent any interruption.

In order to collect the information to identify the reasons for applications by the children, information on country of origin is reviewed through POLNET (Police Computer Network) of Department of Foreigners Border Asylum of General Directorate of Security and, if required, additional information about the country of origin can be provided both through the internet and by getting in touch with the Ministry of Interior and the experts from the related country of origin.

<sup>8</sup> See; Circular on Procedures and Principles related to the Possible Population Movements and Mass Influx and Foreigners arriving in Turkey either as individuals or in Groups wishing to seek Asylum either from Turkey or requesting Residence Permits with the Intension of seeking Asylum from a Third Country.

<sup>9</sup> Circular on Procedures and Principles related to the Possible Population Movements and Mass Influx and Foreigners arriving in Turkey either as individuals or in Groups wishing to seek Asylum either from Turkey or requesting Residence Permits with the Intension of seeking Asylum from a Third Country.

In order to be able to identify the credibility of the reasons for application, the interviewer personally prepares the possible questions, which may be asked to the applicant during the interview, by grounding on the questions on Asylum-Asylum Seeker Form before the date of the interview.

If an interpreter will be present during the interview, the interpreter is warned before the interview to translate exactly what the applicant says and not to make any personal comments during interpretation and that the information about the interview is confidential and the interpreter must comply with the confidentiality.

Unless it is necessary for the family members and adults older than the age of 18 to be together, the interview is conducted personally. The situation of the children depends on the person who is at the age of legal majority and liable to look after them, besides, the personal interview should be also conducted if required or when the child requests it.

### QUESTION BOX

**How many of the children, who were entered in the security records and who made applications in Turkey, have been placed in third countries through legal means?**

**How many of them have transited to third countries through illegal means?**

**How many are still living in Turkey?**

Unaccompanied minors are subjected to an interview at the Department of Foreigners of the Provincial Directorate of Security when they are caught or when they apply themselves. The first interview is conducted by police officers assigned for this purpose. Police officers conduct in depth personal interviews with migrants. This is the first interview during which the unaccompanied minor tells her/his own story. The police officer listens to and records the “story” of each individual in her/his own words. Even though there are standard forms that serve as a guide for this interview, the interview is not limited with these forms. Each interview has its own dynamics. It can involve such extremely personal elements as the reason for the unaccompanied minor to leave her/his country, her/his experience that led her/him to leave, how s/he decided to leave, how s/he came, what s/he lived through during the process of leaving her/his country and coming to Turkey, her/his fears, hopes, and expectations and be full of emotion. Police officers say that an interview may sometimes take a full day (Van Foreigners Department). Interviews are frequently interrupted due to crying jags and excessively sentimental moments. Police officers have not been subjected to a special training that would allow them to conduct these types of interviews. Yet they have to be professionals with the ability to manage such an interview process and the knowledge of interview techniques. *Police officers*

*assigned with this duty should be subjected to supportive training on interview techniques.* They also state that they need these types of trainings.

If the child is understood to be unaccompanied during this initial interview conducted at the Foreigners Department, the situation is reported to the Ministry of Family and Social Policies (MFSP) and the child, accompanied by the police, is surrendered to the Ministry authorities. Unaccompanied minors are placed into the children and youth center or orphanage (home of love) found in the province with “urgent approval”. Provisions of “urgent approval” are applied about the child as required by the Child Protection Law<sup>10</sup>. The situation is reported to the court (to the juvenile court, or if nonexistent, to the family court), the necessary investigations are conducted, and an “injunction for care” is issued about her/him. The unaccompanied minor, about whom an injunction for care is issued, will benefit from all the rights conferred on them by the legislation, without any difference from other children in the same position such as sheltering, food, clothing, education, health, allowance (pocket money) etc. However, problems are experienced in practice, particularly with regard to access to education and health services.

*“...a pregnant foreigner goes in labor and goes to the hospital. Since she does not have an identity card, it is understood that she is illegally staying in the country. Therefore, she needs to be deported. The woman has no money; she will be deported. We gathered the family and took them to the airport. The mother left her newborn child under a parked car and covered it with a blanket at the last moment. I think she thought, “We have no hope for ourselves, the future of this child might be saved after we take off”. Of course we saw her and didn’t let it happen. This incident affected me deeply; it always runs in my head. What kind of a life was expecting her so she took the chance of going by leaving her newborn child behind?” (Nevşehir Provincial Directorate of Security, Foreigners Department).*

## 2.2. COMMUNICATION PATTERNS

Migrant smugglers provide unaccompanied children with “all sorts of” necessary information. Reportedly they quite frequently leave the children on the street of an appropriate police station or at the door of the Representation Office of the UNHCR. This situation was expressed by the Van Representative of the United Nations High Commissioner for Refugees as follows:

*“The United Nations building in Van has two entrance doors. One of them is the door to the garden for vehicle entrance and the other is the entrance door for people, where security officers are on duty at all times. Nobody has mistakenly knocked at the garden door until now. Migrants come by even knowing which door to knock.”*

<sup>10</sup> <http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.5.5395&MevzuatIliski=0&sourceXmlSearch=>  
Published in the Official Gazette No: 25876, Dated: July 15, 2000

Special attention should be drawn to the communication and information exchange among unaccompanied children and even all migrants, who come through irregular migration. There is quite an effective information network among migrants. All sorts of information sharing take place in the fastest manner among these people. The amendments in the asylum system (legislation) of the United Nations, Turkey, or third countries and the changes that take place in countries' attitudes and behaviors towards asylum seekers and refugees are of particular concern to unaccompanied minors and they try to be informed about all these within the shortest time. It should be noted that migrant smugglers play a special role in ensuring this type of information exchange and communication. The communication mentioned here gathers around such matters as the points that should be paid attention to in the story to be told, who to contact and how, including migrant smugglers, satellite cities and their characteristics, etc.

However, it was seen that there was not sufficient information about the children's rights, responsibilities, personal development and that they needed further details and guidance regarding these matters.

The most effective means used by the children in communicating both among themselves and their acquaintances in other countries is the Internet. Particularly the communication they establish over Facebook is widely preferred since it is both easy and inexpensive.

*"The most important tool in terms of their contact with the world is the Internet. A child coincidentally found the traces of his lost family. He found his family in the Netherlands over Facebook and was united with his family" (Yel Değirmeni ÇOGEM, Director).*

### **3. PROBLEMS FACED BY UNACCOMPANIED MINORS**

#### **3.1. PROBLEMS RELATED TO LEARNING TURKISH**

They best learn Turkish in mixed children's homes or centers with Turkish children or on the streets. Learning that directly meets the needs in life and is seen to be the most effective way. Their attendance to courses opened for children in children's homes or centers or those in Community Centers is another way that is followed.

The qualification of teachers providing education in these types of courses constitutes an important problem. These teachers are generally class teachers and they are trained in teaching reading and writing to children, whose mother tongue is Turkish. Yet, the mother tongue of these children is not Turkish and they are older than the children at school age. The primary need of these children is learning Turkish and not reading and writing. How and when to teach reading and writing is up to the

pedagogic experts. In addition, children, who are generally adolescents / juveniles not familiar with the Turkish culture, should be taught the language with methods and techniques that would attract their attention. Therefore, these teachers should be able to attract the children's attention without boring them and use interactive techniques.

*Teachers working in the Ministry of National Education and experienced in this field or teachers with experience, who work in Turkish Teaching Centers (TÖMER) of some universities (Ankara University, Hacettepe University, Gazi University, METU) etc.) are considered to be more appropriate for this job. A project should be developed in order to enable unaccompanied minors to benefit from these teachers during their learning. Some of the children, whose primary purpose is to be placed in a third country, may be reluctant to learn Turkish. Even if they are willing and aware of the importance of learning Turkish, they may be uninterested in attending these courses due to the boring nature of teaching methods and techniques.*

The finalization of the asylum applications of children may take a long time. This may last a few years on average. The lives of these children during this period become easier by learning Turkish. Not speaking the language and the consequent problems of communication lie behind the problems they experience most of the time. Children, who learn to speak Turkish can continue their education more easily and acquire a profession. All these gains bear critical importance for the lives of these children whether they go to a third country, return to their own countries, or stay in Turkey.

### **3.2. PROBLEMS RELATED TO ENROLLMENT**

Unaccompanied minors may have completed or left primary or secondary education within the education system of their countries of origin. Some, on the other hand, may have arrived in Turkey without having been included in the education system<sup>11</sup>. These children, who face the situation of starting education or continuing from where they left in their own country during the period they stay in Turkey, experience various difficulties.

Some children are reluctant to get or continue their education. They think it is too late for this. The problems they experience related to receiving education also intensify this reluctance.

Many of the unaccompanied minors want to spend most of their time in Turkey by working and earning money<sup>12</sup>. They want to share the money they earn with their families and save the amount they need for transiting to a third country. This seems more relevant to the children's purpose to be involved in irregular migration. Because of all these reasons, some of the children say that they want to work instead of getting / continuing education. According to them, the time spent at school is "the time lost".

<sup>11</sup> For detailed information see the Chapter on "External Access".

<sup>12</sup> For detailed information see the Chapter on "External Access".

Absenteeism is a problem frequently encountered among children, who start school. Among the reasons for absenteeism, on the other hand, exclusion they experience at school, non-adaptation to school, inability to speak the language, working are a few of them.

One of the most important problems for the children, who want to continue their education, is the "problem of equivalence". If the child continued to or graduated from a school in her/his country of origin, this should primarily be certified. The reclamation and retrieval of this certificate from the country of origin is not always possible. It is also stated that these certificates are not always reliable enough. An official said that certificates stating two different situations about the same subject was obtained for an Iranian child. Some children come with certificates proving their education status. Even if the problem of certificate is solved one way or another, it is not usually sufficient to solve all the problems encountered completely. Let's assume that a child is certified to have completed the 6<sup>th</sup> grade in her/his country of origin, does the 6<sup>th</sup> grade in that country correspond to the knowledge and experience intended to be provided in the 6<sup>th</sup> grade in Turkey? Most of the time there is a difference against the child and this difference is required to be compensated through additional trainings. There are no regulations that would meet such requirements in the Turkish National Education system.

If the status of the child with regard to the level of education is not equalized with the grade s/he will continue, the physical continuation of the child to school becomes impossible. The child becomes unable to adapt to school due to such inequality and therefore does not want to continue her/his education. A child with a lower level of education compared to the rest of the class and inadequate knowledge of the language gets reactions from the teachers, administrators, and other children in the classroom and even their families, with the consideration that s/he adversely affects the overall success.

What can be done for a child that cannot certify the education s/he received in the country of origin? *After the child learns to speak Turkish at a sufficient level, a "level determination" work should be conducted by means of a commission and it should be ensured that the child starts education from that level.* However, it is stated that these types of solutions are not frequently generated and such approaches do not always work in practice.

Another problem expressed regarding training and education is the non-admission of unaccompanied minors, who could not have obtained a **foreign identification number**<sup>13</sup>. Even if unaccompanied children obtain a foreign identification number and go to school, report cards and diplomas cannot be given to these children. Official attendance of unaccompanied children to school is considered a reason for obtaining a residence permit; and a child, who obtains a residence permit, applies for family reunification. This bears the consequence of encouraging irregular migration.

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<sup>13</sup> Foreign identity number is a unique eleven digit number given to foreigners, who obtained Foreigner Residence Permit – Residence Permit / Work Permit in Turkey for a certain period and with any purpose. <https://tckimlik.nvi.gov.tr/>



### 3.3. UNACCOMPANIED MINORS AND VOCATIONAL TRAINING

Most of the unaccompanied minors come to Turkey without any vocational training and any professional skills in their countries of origin. Even if they have working experience in their country of origin, this is not generally based on a professional skill. They have the time and opportunities to receive vocational training during the period they are in Turkey if they wish to do so. However, the number of children receiving vocational training is quite low due to such reasons as the failure to provide the children with sufficient information in this respect, their lack of interest, and the fact that courses they can access easily and are willing to attend are not available. Generally, the children, who are waiting to be placed in a third country, will derive various benefits from developing their personal and professional qualifications. The vocational training, experience, and skills, which the unaccompanied children have, create many advantages in being admitted to a third country. Regardless of whether the unaccompanied children are admitted to a third country, they stay in Turkey, or return to their country of origin, the contribution of the vocational knowledge, skills, and experience they have / will have on their future lives is indisputable.

### 3.4. PERSONAL DEVELOPMENT COURSES

The benefits of such courses as painting, music, handicrafts, etc. opened for unaccompanied children in the organizations they stay in are indisputable in terms of their personal development. These opportunities should be provided for all children, particularly those with special interest and skills in certain branches of art. These types of courses are generally opened in the provinces, where interviews are conducted. However, criticisms concerning these courses not always sufficiently corresponding to the interests and skills of these children were received. It is evident that these courses will not meet the expectations in terms of acquiring a profession; therefore, children should not be led to spend all their times in these courses. These types of courses aiming at personal development should be opened in a balanced manner, without ignoring the interests and skills of children, and along with those aiming at vocational training. *The exhibiting of items, which have artistic values and which are produced by unaccompanied children, will bear beneficial results in terms of both their expressing themselves and establishing more harmonious communication with the social environment they live in.* Information was received that the products of not only children but also those of adults in similar status, who came through irregular migration, were included in some exhibitions.

### 3.5. WORKING LIFE OF UNACCOMPANIED MINORS

As known, foreigners, who do not have residence permits in our country, do not have the right to work, either. Therefore, unaccompanied children, who do not have residence permits, do not have work permits either. Furthermore, it is forbidden to employ children under the age of 15 in Turkey. However, children at the age of 14 can be employed in certain jobs without hindering their physical,

mental and moral development and education.<sup>14</sup> On the other hand, children, who apply for asylum in a third country and whose applications are accepted, stay in organizations until they reach the age of 18. These children are not permitted to work during the period they stay in these places. In contrast with this, most of the children staying in these organizations want to work for various reasons. Children say that they needed to send money to their families that encourage them to take this journey. They also say that they needed to earn the money they required during the period they stayed in Turkey; they wanted to save money before they are admitted to a third country through legal means; or they had to save the money that they had to pay to human smugglers for transiting to a third country through illegal means<sup>15</sup>. Therefore, children frequently leave the organizations they stay in without permission and work informally and even some of these children came to Turkey particularly to work or to be employed.

Unaccompanied children, who complete the age of 18, are required to stay in the city they reside in. These children, who generally move in with their friends after the age of 18, most often want to start working as soon as possible. However, since they are not permitted to work legally, they choose to work informally. Migrants, who settle for very low wages and informal jobs, are subjected to a severe exploitation of labor. As known, they participate in the working life under informal conditions in the form of cheap labor in many areas from agriculture to construction, from tourism to textiles, as well as the nursing of children, disabled, elderly and ill persons. In other words, the unaccompanied minors turn out to illegal foreign workers in time.

### **Businesses in which children work:**<sup>16</sup>

- Carpet cleaners
- Farms
- Car washers
- Gas stations
- Home care sector
- Nursing homes
- Tailors
- Turnery
- Mobile phone sales and repair centers
- Shepherding
- Feeding houses
- Watch selling
- Construction work

<sup>14</sup> See the related Article of the Law : <http://www.iskanunu.com/4857-sayili-is-kanunu/245-4857-sayili-is-kanunu-maddeli-metin#75z> and Regulation: <http://www.iskanunu.com/yonetmelikler/1054-cocuk-ve-genc-iscilerin-calistrilma-usul-ve-esaslar-hak-knda-yoenetmelike> (access to websites on July 15, 2014).

<sup>15</sup> See Chapter on External Access.

<sup>16</sup> This part is prepared in line with the information gathered through in-depth interviews.

## Where they work:

### Ankara

- Gölbaşı
- Polatlı
- Haymana
- Kazan
- Şereflikoçhisar
- OSTİM
- Siteler

### İstanbul

- Zeytinburnu
- Laleli

## **3.6. HEALTH PROBLEMS EXPERIENCED BY UNACCOMPANIED MINORS AND ACCESS TO HEALTH SERVICES**

Unaccompanied children may come to Turkey with some health problems. They may sometimes be aware of these problems, but sometimes they learn about these after they arrive in Turkey.

They may experience such health problems as stepping on a mine, being shot by a weapon, being cold, being starved, etc. during difficult border crossing conditions that last for days.

*“There were children, who stepped on mines, fell and broke their back. There were also others, who got injured up to their hips because of stepping on mines. Besides, there may also be children, who are subjected to the violence of smugglers. I saw such a case. I know their faces because most of them come and go. There are smugglers, who take all their money, the child goes back to the smuggler to ask for the remaining amount for instance, gets beaten, and comes back” (Van, Provincial Director, MFSP).*

*“We saw death with our own eyes, while we were crossing to Iran from Afghanistan. The border of Iran and Turkey is also very difficult, we walked for 10 hours. They told us to raise our hands while we were crossing the border from Afghanistan to Iran; there was violence, beating, and everything. One person got killed while crossing to Iran from Afghanistan 2 days before me, another died of thirst, and one other person was left behind because his leg was broken.” (Nevşehir YY, A).*

Some health problems of children may display differences depending on the countries they come from.

*“Cataract operations are very prevalent among children, who come from Africa, due to the sun and dust. Five children have been operated on their eyes until now. Afghans also have eye problems. ... Somatic pains are quite widespread. They complain from stomach and bone pain and the reason for the pain cannot be found; after a series of doctors, it is understood*

*that they suffer from somatic pain. One of the children suffers from severe pain at nights and says that he cannot sleep for a year. But this can also be associated with the culture. The services we receive for the children do not go one step further than state hospitals due to financial reasons; we cannot take them to anywhere we wish. All our operations have been realized at the research hospital until now, and not anywhere else" (Istanbul, Yel Değirmeni ÇOGEM, Deputy Director).*

*"They have all sorts of health problems you can think of. They may sometimes be hit by a bomb, get burns in their fingers, and lose the ability to move them. We tried to get a prosthesis implanted to a child but we couldn't manage. Abuse may take place during the journey or they may remain under the control of the smuggler when they come here." (Istanbul, Yel Değirmeni ÇOGEM, Deputy Director).*

In case an unaccompanied minor goes to the family physician or a hospital, s/he needs a Turkish Republic identity number that enables the effectuation of the transactions with the Social Security Institution. The access to health services of the children, who could not have obtained a foreign identification number and who experience health problems, may be quite problematic.

### **3.7. UNACCOMPANIED MINORS AND FOREIGN IDENTIFICATION NUMBERS**

Foreign identification numbers are given by the General Directorate of Population and Citizenship Affairs of the Ministry of Interior. For this, the processes at the Foreigners Department of the General Directorate of Security should be completed and the letter should be sent to the General Directorate of Population and Citizenship Affairs. Pursuant to the provisions of the Regulation on Keeping the Population Records of Foreigners Residing in Turkey, identity information of foreigners are reported to the General Directorate of Population and Citizenship Affairs by the General Directorate of Security electronically. The information sent is kept in the central database (Article 11/2). "Foreign identification numbers shall be given with the aim of reaching the records of persons registered in the foreigners register, establishing links among population registers, associating the records kept in public agencies related to foreigners with each other, and eliminating the problems they could encounter in other transactions, where identity numbers are obligatory" (Article 5/1).

Unaccompanied minors do not generally come with their identity cards or identity information. The most frequent reason for this is to prevent the establishment of any relationship with the authorities in their countries. The information provided by the children is taken as basis about their identities. It is asserted that there is no standard process related to the issuance of foreign identification numbers. Just as some children may receive their identity numbers in six months, there are also others, who still could not have obtained them for two years.

*"Identity problems cause a lot of difficulties; it took us 1.5 years to obtain them. Therefore, we could not get either of them enrolled in school" (Ankara, Sincan Orphanage, Social Worker).*

### 3.8. UNACCOMPANIED MINORS AND THE PROBLEM OF AGE

The same procedure applies regarding their age. The unaccompanied minors, who enter the country for the first time, tend to show their ages younger than 18 by considering being taken under care and getting their needs met in an institutional environment as an advantage. A person showing her/his age younger than s/he actually is guarantees the meeting of her/his needs in an institution, even if for a certain period of time.

If the police do not find the statement of the child about her/his age realistic, the child may be asked to get a bone test. In such a case, the action is taken according to the result of the "bone test" to be obtained from the hospital. If the police is not suspicious about the accuracy of the age declared by the child, on the other hand, the declared age is recorded and the action is taken accordingly. The officials of the organizations within the structure of the Ministry of Family and Social Policies may object to the ages of some children referred to these organizations in this manner. The circular dated 2010/03 of the Prime Ministry, General Directorate of Social Services and Child Protection Agency (abrogated) on the "processes concerning asylum seekers / refugees" requires that individuals, who do not have any identity card to prove their ages and whose physical developments do not seem to match their chronological ages, be admitted to these organizations after an age assessment report is obtained by the Provincial Directorates of Security. However, the age assessment of these children is actually monitored by the MFSP employees and this causes disturbance among the employees of the organization.

*"However, we experience problems about the ages they declare. We ask him how old he is and he says he is 15 but he seems older than us. Then we get a bone test done. There were 15-20 children, who lied.*

*There are also problems at the General Directorate of Security; the Foreigners Department should perform the age correction. They do not help us. We go and take the child and do everything ourselves. The child may sometimes be very old. There are problems associated with letting a child of 14 stay with someone at the age of 25.*

*This age correction should be done and submitted to us in order to prevent any exploitation of care. The juvenile branch and we deal with everything. If the General Directorate of Security sends us a 25 year old child as if s/he were 15 years old, we should not take this child to the bone test. In fact, we are exercising a right that is not vested on us by taking the child to the bone test". (MFSP Nevşehir Provincial Directorate, Deputy Director).*

Conflicts are being experienced among organizations about which organization should get the bone test done for the children that are claimed to be over the age of 18 based on their appearance. Even though it was stated in the relevant circular that the police should get the bone test done, in practice, the police claim that this is the duty of the MFSP officials. In fact, letting young individuals well over the age of 18 stay in the same institution with the children aged 13 - 14 really causes quite important problems.

It seems that providing temporary sheltering opportunities for the people, who come through irregular migration and who have no place to stay, would also solve this problem. As a matter of fact, it was stated

in the Ninth Development Plan that legal and institutional regulations would be introduced related to the construction of sheltering centers during the period of the plan. Likewise, it was also mentioned in the Turkish National Action Plan for the Adoption of the EU Acquis in the Field of Asylum and Migration that especially the above mentioned facilities should be completed, the necessary equipment should be provided, and investment projects should be implemented in order to ensure the establishment of acceptance and sheltering centers for asylum seekers and guesthouses for refugees as well as the implementation of the EU Acquis.

Some of the children, who declare to be younger or state their actual age during the first interview, are not satisfied with the accommodating organization's conditions and want to move in to an apartment. Especially the children, who cannot work under such organization's conditions, however wish to work and earn money for various reasons, attempt to leave these places and move in with their friends with the support of the circle of friends they make after a while as well. It was also seen that some children, whose requests are not accepted, applied for the bone test to correct their ages themselves. The children, who move in with their friends, find the opportunity to work and travel more easily. These types of requests are sometimes also based on the fact that some children find the orphanage conditions excessively disciplined and boring.

### 3.9. UNACCOMPANIED MINORS AND SPORTS

The unaccompanied minors under care were observed to show great interest in sports and particularly in football. Besides football, wrestling and far eastern sports are also welcomed with interest by these children.

Football is the most popular branch of sports among children. It is a good means of passing time and recreation for children. Therefore, it is extremely important that these organizations have football fields and similar sports grounds / opportunities. If the organization does not have a football field, this need is tried to be met with the synthetic pitches found in the surroundings. The children complain about these opportunities being limited.

*"We only eat here, it would be nice if we could do physical exercises now and then, there are no courses, either, you know." (Nevşehir Orphanage, Sadakat).*

The children want that licenses be issued for them to be provided with the opportunity to do professional sports if they are talented. Stating that they could not understand why they were not provided with the right to get licenses, the children also mentioned that there were very talented children among them, especially in football, and they could be very successful if they were given the chance. It was stated that a child in the Nevşehir Orphanage had a gift for football and another in the Istanbul Yel Değirmeni ÇOGEM was very talented in wrestling.

*The Ministry of Youth and Sports should be contacted and it should be clarified whether or not the requesting children could be provided with the opportunity to do sports by issuing sportsmen licenses for them. If they are given the chance, it is quite possible that talented athletes are found among the unaccompanied minors, because children consider success in sports as a "way out".*

#### 4. APPOINTMENT OF GUARDIANS OR TRUSTEES FOR UNACCOMPANIED MINORS<sup>17</sup>

One of the matters addressed during the meetings held was the appointment of guardians or trustees for unaccompanied minors. As known, unaccompanied minors are children below the age of 18 with no guardians by nature accompanying them. These children may have guardians by nature (parents) in their own countries or in another country. The information related to this may sometimes be obtained from the children. And sometimes children may not have any information about what happened to their parents. Children coming from regions of conflict state that their parents died or might have died. Even if the parents are alive and their whereabouts are known, they may not be in a position to physically act as the legal representatives of these children. Yet the permission of a legal representative is sometimes required in order to be able to decide about unaccompanied minors. Unaccompanied minors may apply for asylum, select the third country in which they will seek asylum, stand trial if they commit a crime, or be the victim of a crime or their rights may be overridden. For instance, in case a child is to be subjected to a medical intervention, the permission of her/his parents, or if they do not exist her/his guardian is required in some circumstances. There are two solutions according to the Turkish legal system with regard to such matters as the monitoring and protection of the rights of unaccompanied minors and conducting certain operations about them: Appointment of 1) a guardian or 2) a trustee. In order for a guardian to be appointed for a child, the parents must not exist or their parental rights must have been abolished. *Under the existing situation it can be possible to appoint a guardian for an unaccompanied minor by assuming that s/he does not have any parents or they do not / cannot fulfill their parental duties.* This legal matter should be discussed, interpreted, and decided on.

When it is accepted that appointing a guardian will be possible, then the question of who to appoint for this duty will arise. According to the current practices in Turkey, it is quite common to appoint guardians from among the relatives. However, there are a lot of children, for whom a guardian has not been appointed even though they do not have parents. In the case of the children, who are taken under care and who do not have parents, one of the employees of the organization and most frequently a social worker is appointed as guardian if s/he volunteers for this duty. It has been observed in recent years that social workers hardly volunteer to perform this duty.

The other option is the trusteeship system, which gives the person more limited rights, authorities, and responsibilities as conducting some operations about the child and representing her/him. Volunteering is required for trusteeship as well. In either of the cases, no payments are made to the person appointed as guardian or trustee.

In the light of these facts, the authorities of the Ministry of Family and Social Policies state that it is not currently easy to operate the process of appointing a guardian or a trustee for unaccompanied minors, the “public guardianship” system should be accepted by making an amendment in the Turkish Civil Code and every child, about whom an injunction was issued, who did not have a guardian by nature, and parental rights for whom were abolished, should be taken under public guardianship. A

<sup>17</sup> See Country Practices on UAMs.

person assigned on behalf of the public will be responsible for a child taken under public guardianship and that person will fulfill the duties imposed on the public by such guardianship on behalf of the public. This person can be a social worker or a lawyer working in the public sector or at the Ministry of Family and Social Policies or a freelance social worker or lawyer working with the public under a contract.

## 5. LIFE IN CHILD ORGANIZATIONS

Unaccompanied children are directed to child organizations affiliated to the Ministry of Family and Social Policies immediately after the initial interview conducted at the General Directorate of Security. They are admitted to the organization with urgent approval within the framework of the Child Protection Law and an injunction for care is issued by the court following the completion of the relevant processes.

The children, whose processes are conducted in Van, are sheltered in the children and youth center on a temporary basis. Primarily the children working on the streets in the city center of Van benefit from the children and youth center (ÇOGEM) in Van. Interviews were held with both unaccompanied minors and other children at the center. The unaccompanied minors, who stay here, live with these children and participate in similar activities during daytime. At night, on the other hand, only the unaccompanied minors stay at the center. Participating in many activities and courses such as football, table tennis, swimming, and water sports, etc. during the day, these children appear to be pleased with the services provided by the center. The interaction among the children during this short period of time they stay here contributes to learning Turkish and adapting to Turkey within a short time. The children generally request to be sent to big cities as Istanbul and Ankara from this center. Especially Istanbul is the place they most want to go. Istanbul comes in the lead among the most favorable places for both working and transiting to third countries.

*"We have a hard time here. There is uncertainty and it bothers us. There are people I have known, seen here in the last six years. We live here until we go to a third country. We want to get education here. There are no language courses and there are no sports activities as well." (Neveşehir Orphanage, A).*

*"I am disappointed. UN does not care about us. My teacher got the file number. We were supposed to go to an interview but it was cancelled. I do not know the reason." (Neveşehir Orphanage, I).*

The children staying at the organization are generally of Afghan, Iranian, or Iraqi origin. Most of them speak Persian. There are no personnel who can speak Persian and understand the children.

The children interviewed at the organization state that they pass their days in uncertainty and that they do not know what kind of a future awaited them. Particularly, the Afghan children seem to



be quite disappointed and irritated about the fact that their interviews at the United Nations High Commissioner's Office for Refugees were suspended and a satisfactory explanation was not provided about the reason for such suspension. On the other hand, they also complained about not being provided with the opportunity of receiving training or attending language courses as well as the lack of sufficient sports activities. They further stated that the language course opened for them at the Public Training Center did not meet their expectations particularly in terms of the qualifications and attitudes of teachers.

*"First the school here should be opened. I want to learn English and computer skills. If the courses are opened I will go to all of them. The children staying here like football the most. We will not probably become the best football players but we can reach a certain point. Someone can see us while we are playing and help us. We tell them what we want here but nobody listens to us. Let's say I cannot manage to go to the third country and stay here. Let's suppose the Turkish government makes a law and lets us stay. If I can speak the language and play football, I can become a football player." (Nevşehir Orphanage, İ).*

They further stated that they did not speak Turkish, nobody among the personnel spoke their language, and this caused many misunderstandings.

Unaccompanied migrant boys and girls stay with other children under protection in the Ankara Sarayköy Sevgi Evi (Home of Love). There were five registered unaccompanied minors in total in the organization at the time of the interview. Three of them were Iraqis; one was Syrian, and the other Afghan. Special attention is paid to the education problems of the children in the organization. Older children are experiencing problems of equivalence and adaptation to school. The Provincial Directorate of National Education was contacted and a teacher came to the organization within the framework of an accelerated education program (a project) support for such a student, who could speak Turkish; the child was given private lessons and raised to the level of first five grades. Currently the child has reached a level, where he is able to continue his education from the 6<sup>th</sup> grade.

The employees of the organization are having difficulties in communicating with the children, who cannot speak Turkish. It was stated that the courses at the Public Training Center were not sufficient to teach the children Turkish. On the other hand, it does not seem possible for the children, who cannot speak Turkish to go to school.

The children in the organization display a considerable interest in sports. Receiving the support of a sports teacher as well, they enjoy playing table tennis and football very much and they play them well. They may sometimes immediately resort to violence when they communicate with other children. They cannot make themselves understood due to not being able to speak the language and immediately start defending themselves. The children generally come to Turkey to go to a third country; however,

there are also some children, particularly among the Afghan children, who have chosen Turkey as their target country.

The social service personnel stated that the children, who could not manage to obtain a foreign identification number, had serious losses and therefore all these problems should be addressed one by one. They further explained that the dialogue among the institutions was inadequate and that they could be simply told “to wait” when they called the Directorate for Security regarding prolonged transactions.

There were five registered foreign boys in the Ankara, Sincan Orphanage for Boys at the time of the interview. Four of them were Afghanis and one Syrian.

The children attend the language courses opened at public training centers. They experience serious problems if they cannot obtain foreign identification numbers. The children, who could not obtain an identity number even after one and a half years, could not be sent to school.

The children staying in the organization and especially those coming from Afghanistan learn Turkish within a short time. The officials state that these children are very clever.

It was stated that the unaccompanied minors established good relationships with other children and they adapted well, and that the children, who were Turkish citizens, did not exclude them.

It was asserted that it was more logical to let unaccompanied minors live with other children taken under care. Administrators and social workers consider gathering unaccompanied minors in one place as the same as discriminating. According to their opinion, the children may stay separated from others for a short while when they first arrive but then they should be transferred to mixed child organizations. In mixed organizations, they also learn details about the Turkish culture besides Turkish. Children living together, eating and sleeping together, making jokes together, and adapt more easily.

The authorized personnel of the organization stated that they had no information about the applications of the children, the children did not know when they would go, either, and this uncertainty was disturbing both for them and the children.

They further explained that they contacted the United Nations, the Foreigners Department of the General Directorate of Security, etc. for these migrant children, however many problems were not addressed in detail, and that it was not sufficient to meet the physical needs of the children only.

It was stated that more in depth psychosocial works should be conducted with these unaccompanied minors, who previously lived on the streets, were raped, and lived through traumas, rather than just meeting their physical needs.

Istanbul Yel Değirmeni Children and Youth Center connected to the Ministry of Family and Social Policies is the most experienced organization in terms of working with unaccompanied minors. It is

stated that they kept in touch with some of the children, who previously stayed here and then went to third countries through either legal or illegal means.

Courses on such subjects as the Turkish language, computers, painting, handicrafts such as stained glass, etc. are being provided to the children within the center. In addition, opportunities are given to those, who are interested in sports. There are children, who play football and do wrestling.

There are various non-governmental organizations and volunteers, who support the activities performed at the center. It is stated that the children are occasionally permitted to follow their application transactions being executed at the United Nations High Commissioner's Office for Refugees and to obtain information in this respect. Some children, on the other hand, leave the center without permission. When this happens, the situation is reported to the Children Branch of the Provincial Directorate for Security.

Children using telephones and working outside are tolerated. It is stated that the unaccompanied minors should be treated more flexibly within the framework of their characteristics, needs, and expectations.

The unaccompanied girls in Istanbul stay together with other girls that are under care at the Bahçelievler Orphanage. This is an organization, where unaccompanied girls are being brought over the past six years. The girls, who come here, have serious problems. There are children, who came due to the civil war in their countries, who were raped, whose families were killed in front of their eyes, and who survived severe traumas. It was stated that these children had difficulties in expressing themselves. The biggest fear of the children is being sent back to their countries of origin.

Currently six girls were staying at the center. Four of these girls came from Afghanistan; one came from Iran and the other from Congo. They are allowed to use mobile phones to enable them to contact their drifted apart families easily and permitted to go out to see people from their own communities and to obtain information. Such practices cause the reaction of other girls. They request the same opportunities to be given to them. There is a natural interaction among the girls, and this helps them to learn Turkish. Even though the food cultures of the girls coming from different countries are occasionally taken into consideration, this is not always possible.

No events that could be considered serious were experienced among the children. The girl from Congo attacked two personnel once due to a misunderstanding. They got angry because they thought the personnel provided incorrect information to the UN authorities, who visited the organization.

The primary need of the unaccompanied girls is to receive psychosocial support. They can be subsequently directed to various courses. However, the employees of the organization state that they do not have sufficient knowledge about how they could work with these children and they use trial and error methods to find their way. They say that they need in-service training.

## THE NOTICE POSTED AT THE ENTRANCE OF THE YEL DEĞİRMENİ CHILDREN AND YOUTH CENTER

### BASIC RULES OF THE ORGANIZATION

Dear Friend,

Welcome to our Organization. From now on we are together and we are a part of your family. Providing you with a fine living environment is our duty and greatest pleasure.

There are other children / young and old people or women in this new living environment besides you. We have to live with them in an environment of love and respect.

The place you will stay in within the organization is your new living environment. Your comfort here is important to us.

You can only be comfortable by not disturbing others. Therefore, please observe the below rules and behave according to these rules.

- Please approach all personnel at the organization with respect and kindness and do not forget to keep your distance of respect.
- Whenever you have a problem or there is a situation that upsets or disturbs you, always report it to the specialized personnel or the nursing staff working for you at the organization. Never keep it inside.
- Establish harmonized, quarrel-free, and friendly relationships with other service receivers. Do not forget, they might have lived through incidents similar to what you have experienced.
- Keep the place you live in tidy and clean.
- Never leave the organization without permission.
- Always avoid behaviors that would put your security at risk. You are valuable to us and our country.
- Whenever you have a health problem or you do not feel well always report it to the organization nurse, the specialized personnel, or the nursing staff.
- Please pay attention to the following in common areas (corridors, cafeteria, halls, visitors' rooms, etc.) during the period of your stay at the organization: Do not speak loudly. Take care to ensure that your clothing is closer to outdoor clothing rather than typical home environment clothing while you are wandering around in these areas: Underwear, mini shorts, bustiers, and all sorts of clothing that leave the upper torso above the belly open are unnecessarily attention grabbing both for other service receivers and the personnel as well as the visitors.

Welcome again,

With love

Organization Management

## 6. TRENDS AND CONDITIONS OF VOLUNTARY RETURN FOR UNACCOMPANIED MINORS<sup>18</sup>

It is possible for the migrants and unaccompanied minors, who lose their hopes for being placed in a third country, to voluntarily return to their countries of origin. At this point, the voluntary return mechanisms should be operated very well. Contacts are made with the countries and families of the children, who are convinced for voluntary return following the guidance provided to them. The officials of the International Organization for Migration (IOM) in the respective country are contacted. Information proving the family information of the child is gathered and a permission certificate is issued to IOM to bring the child to the family.

It was stated during the interviews conducted that an Afghan child, who was working in a bakery shop in Ankara, Samanpazarı, learned the profession very well, returned to Kabul with the money he saved here, and opened a bakery shop there. Such return examples are not frequent. It was observed during the interviews that the children were quite disturbed when the subject of return was brought up. Still, it should be explained that enforced returns were prohibited, however, all sorts of conveniences and assistance would be provided in case voluntary return was requested. As known, pursuant to the Law on Foreigners and International Protection, “No one may be returned to a place where s/he may be subject to torture, inhuman or degrading punishment or treatment, or where her/his life or freedom may be under threat on account of her/his race, religion, nationality, membership of a particular social group or political opinion.” (Article 4/1). On the other hand, it is also stated that material and financial assistance could be provided to applicants and beneficiaries of international protection, who intend to voluntarily return, and the General Directorate of Migration Management would carry out the voluntary return procedures in cooperation with international organizations, public agencies and organizations, and non-governmental organizations (Article 87/1, 2).

## 7. UNACCOMPANIED MINORS AND CRIME

Crimes committed by unaccompanied minors or these children becoming the victims of crimes constituted another subject that was addressed during the interviews. Especially during our interviews with the security units, we observed that there was a prevalent opinion in the direction that these children did not frequently commit crimes in general. It was stated that these children, who entered the country through illegal means and who were expecting to be admitted to another country as refugees, tried particularly hard not to get involved in a crime; because they thought that this would adversely affect the process regarding their admission to a third country. The children, who stay in the country under illegal conditions and who are afraid of getting caught, also take care not to be involved in judicial cases.

<sup>18</sup> See Country Practices on UAMs chapter of the Report.

*"They are permitted to live elsewhere but they live in Ankara, therefore they live a closed life. Generally in the surroundings of Aydinlikevler, Solfasol, and Sitel... Turkey is the last stop for the people coming from Afghanistan. They are tolerated here and their crime rates are very low as well. People from Bangladesh (there are none in Ankara) are those with the highest crime rates. We also know that the crime rates of those coming from the Turkic Republics, Georgia, and Romania are also high but we have never heard of them in Ankara, only in Istanbul". (Ankara, Provincial Directorate of Security, Child Department).*

Sometimes they come from the provinces they are permitted to reside to other provinces through illegal means and they live and work there. In such cases, they try not to get involved in judicial cases as well. It was also stated that there were some small differences in terms of committing crimes depending on the countries of origin of the children.

*"The Sudanese are involved in drugs. Afghans keep their hands clean with respect to drugs, they are generally in rural areas, they are obedient but the lack of passports constitutes a problem for the police even if they are included within the most honest group. Still, we have to say that the Somalians and Afghans do not commit crimes ...". (Ankara, Provincial Directorate of Security, Child Department).*

*"Minors, who stay in unaccompanied status do not generally get involved in serious crimes ... We get in contact with these children in two situations. First, if they are involved in a crime. The second, when they leave the orphanage and do not come back, we are informed about them on missing persons' records. To tell the truth, involvement in crimes rarely takes place. There have been 128 cases related to children since the beginning of the year. I know that foreign children were in victim position. There are also cases of theft in which a few Iranian children are suspects but these are only minor crimes" (Nevşehir, Provincial Directorate of Security, Children Department).*

*"Afghan children frequently run away. More incidents are reported to us about the Iranians. They do not interact much with their surroundings. They have incidents arising from disputes among themselves. Domestic violence cases are also reported, violence against women is common. Drug and alcohol abuse can be seen. "You are engaged in prostitution", says one to the other and the other attacks him. Insulting, malicious injury. And sometimes they experience such problems as not being able to pay their rents. That's all. The neighbors can complain about the foreigners claiming that 10 people stay in one apartment. We issue injunctions for husbands in violent incidents. It happened once. We issued an injunction*

*against the woman in another case. When we give them suspension, they make up. Generally hostilities, disputes among themselves, an Iranian beats another Iranian, they have a fight. Since they are in minority they live together” (Nevşehir, Provincial Directorate of Security, Police Station).*

*“Another incident in which minors were involved is as follows: Four Iranian children were taken into custody. They stole a man’s telephone on the road; it is considered major crime since they also hit the man” (Nevşehir, Provincial Directorate of Security, Public Order Department).*

The information provided indicates that criminal cases are rare among unaccompanied children.

*“They know what is considered a crime. They are refugees based on 5 criteria, they do not commit crimes. There are no cases of theft towards the personnel, but it is seen among them. There was a fight between two Afghans here, which took place in front of everyone. One of them swore at the other about his deceased mother. The child attacked him with a knife in his hand in the cafeteria. He cut his throat. We caught him on the run. We rushed the injured one to the hospital just in time. He was saved at the hospital and then admitted to the third country. He finally went abroad; he is currently living in the United States. But the other is in prison” (Yel Değirmeni, ÇOGEM, Director).*

The children, who were victims of murder in Ankara, were also mentioned, which made us think that the relationships involving these children should be examined more closely.

## **K K (Girl, Congo)**

*I didn't decide to come here. Others decided for me. A friend of my family brought me here. I didn't know that I was coming here. Our friend told me that he would take me to my mother in Sweden. I was previously living with my aunt. After they brought me here we stayed here for 3 days; then they left me on the streets and left. I knew then that I was in Turkey. We came by plane. Then I lived on the streets for a while. Afterwards, a man found me and took me to Kızılay. Then, they brought me here.*

*Everything was different here. I understood that I would never see my aunt again when I came here. In fact, we were not getting along with my aunt; my sister had run away before because of being treated badly. I was told that my mother was in Sweden. I have no information about my mother. I don't know anything about the process they involved me in to bring me here. They told me that my aunt arranged everything. I came directly to Istanbul. I don't remember how long it lasted and which borders I crossed but we changed planes on the way.*

*They told me they would come back when they left me on the streets but they never did. I don't know where I was left. We stayed in a house for a few days. There is currently no one I know or no contact address.*

*Sometimes people from the Congo Embassy come here and ask me questions. Probably the police told them that I was here. They told me that they would help me find my mother. They come to see me and they also left their number to call them in case I have any problems.*

*I am sick.. I do not want to talk about this. I have no problems about the people in the orphanage. They treat me quite well. I do not want to become friends with anyone, because friends turn out to be problematic later on.*

*I could attend a Turkish or English course.*

*I want to find my mother.*

*I do not want to think about my own country.*

*I want to become a doctor or be educated in business administration.*

*I am interested in basketball. There is a basketball court here but there are no balls to play with.*

*I do not want to disturb anybody. Nobody understands me here. They cannot speak French.*

*I would prefer staying here rather than going back to Congo.*

*During the entire process of coming to Turkey from Congo, the thing I found most difficult was staying on the streets. I stayed on the streets for one day. Boys disturbed me there, they touched me, pushed me.*



## **Mh (Boy, Afghanistan)**

*I came as a stowaway during the El Eid in 2010. I passed over Iran. There is distress in my country, which is the reason of my flight. There was a problem over land. I wanted to take it, they did not let me. My mother and father passed away. I was 7 years old. Then, I went to another city; they took care of me for seven years. Then, they found me and I fled again. After that I worked for two years. I worked as a plumber. Then I moved to Iran over Pakistan on foot. I spent 20 days in Iran and 90 days in Turkey.*

*They gathered us in Urmia at 6 in the afternoon. We walked at night. We crossed the border to reach Van with 5 other people. There were other people there as well. They took me to Istanbul and the smuggler left me outside. I stayed there for about one month. I gave my money, 600 dollars, then my friend gave a little more. There was no money, no water, it was terrible.*

*I stayed in the woods, in a container in Iran. We walked during the day and hid at nights.*

*I am bored to death. I had no chance to go to school. I only went to school for 3 years in Pakistan and then nothing. I did not go to school here, I attended English courses. But, they are no good. I am an only child. I do not have any relatives anywhere. I had a friend here but I cannot contact him. If I had had his number, I would have talked to him.*

*I can go anywhere but I would like to go to Canada. Canada is nice, working is nice, education is nice, I like the cold.*

*The life is good in this organization. I did not speak Turkish when I came here, then I learned Persian. I do not speak it very well, only a little. I do not talk with many people.*

*I do not know how to read. I mostly listen. I watch television, I watch the news.*

*I play cricket.*

*I do not know anybody here. I went for psychology, but it was no use. I call the UN, they say they do not know.*

*I do not know what I will do when I turn 18, it is very difficult here. It is very difficult in Turkey. Those, who came before me went, but I could not have managed to go yet.*

*People have friends here. I do not have any friends.*

*I am currently attending gardening and English courses. They are attending the Turkish course now. There is also a course in English.*

*They play outside. I used to go jogging in the mornings but I do not do it during the Ramadan.*

*I would like to work with refugee children if I had the chance. Since I am a refugee myself in my own life, I would do the same.*

*It is nice here (Istanbul), this place is better. A friend of mine, who went to Adana, says that he is having problems there. He went to Adana and says that it is difficult. We went to Alanya once.*

*There were not this many children before, now many children arrived.*

*I want to go to school. Canada permits this. You can both work and go to school. I want it very much, to receive education. If I have the chance, I want to become a doctor. I want to build a car; I want to be an engineer. I want to be very good in everything; I want to help others. I want to build a family. I want my children to be very well; I want them to be in a place where they can go to school, in other words, I want everything to be well.*

*I think people are good here. As far as I see. They ask me if there are bad people, I haven't seen any.*

*The UN did not ask me anything; some people I came with lost their lives. Some were fighting on the way. You have to use your brain and not get involved in a fight.*

*I use the computer, Facebook. I talk with people, who went from here. I met them in Istanbul and then we became friends. I do not make friend if I do not know them.*

*Please tell the UN, it has been 3 years, I want to go.*

*One language means one person, two languages means two persons. Working is good. You have to work wherever you go in the world. You have to have good intentions. Religion makes no difference, intention is important.*

*I haven't seen anybody, who got involved in crime. I do not get close with anyone here.*

## **İz. (Boy, Afghanistan)**

*The shepherd took me to the police station. They informed against me as being illegal and the police brought me here. The shepherd used to give me 10 - 15 liras. I bought shoes, food, and so on. They used to take me to the village by car. There were no other Afghan children working there. I am 13 years old. I have been in Turkey for 3 – 4 years. I was 6 or 7 when I first came.*

*I was in Şerefli Koçhisar. My brother had an acquaintance. I stayed there. I worked as a shepherd. Time passed quickly. I stayed at home at nights. My brother was in Iran, now he is back. My brother knew a smuggler; they first took me to Istanbul. Then they brought me to Koçhisar and left me there.*

*We were living in Iran, I have a younger brother; he went to Afghanistan now. My father died. My mother is married in Afghanistan. My older brother is back, he was in Akyurt last time I heard of him. The Director does not let me; otherwise I would go to my older brother. I have not applied to go to another country. We went with the teachers and I got the residence permit.*

*I want to be a policeman when I grow up. I want to be a policeman in Turkey. I sometimes talk with my mother. I have friends here. A is my best friend. We play soccer. We sometimes quarrel over our stuff.*

*I was scared during my journey to here. The shepherd never beat me. There were not many sheep, about 100 only.*

*My older brother was not working. He wants to stay here, too. We are Uzbeks.*

*If I were the manager here, I would change the roads. They are ragged. I would change the fields. I would plant trees and flowers. I would bring table tennis. I would bring bumper cars. I have only been to Ulus so far, I haven't been to Kızılay. I would prohibit going out at nights. I would prohibit leaving the orphanage without permission and fighting. I would also impose prohibitions on the personnel. I would require them not to beat the children. They beat the children and fight with them when the children get spoilt. The teacher taught me how to play table tennis here.*

*We are staying as a group of 9 at home. The rooms are for 2, 3, and 4 persons. The food comes from the cafeteria and they are good. I am fasting. We woke up before dawn and ate cheese sandwiches, tomatoes, watermelon and drank tea. A Koran teacher comes here.*

*They bring the clothing and we pick them ourselves.*

## 8. RECOMMENDATIONS

### Language Training

- Organizations should be made to better meet the Turkish learning needs of the children, the services of teachers with experience, who work in Turkish Teaching Centers (TÖMER) of universities should be benefited from.
- More professional pedagogical approaches should be developed to solve the language problem of children in order to be able to provide better services to children.

### Vocational Training

- Efficient vocational training courses in areas that could attract the interest of unaccompanied minors should be opened for these children.
- Their training should be supported with courses aiming at personal development.

### School

- Their problems of equivalence should be solved more rapidly in order to allow them to continue their education and they should be able to get diplomas from the schools they attend.
- The problems experienced in admission to schools should be solved and accelerated through personal complementation trainings should be provided.
- Even if unaccompanied minors obtain a foreign identification number and go to school, report cards and diplomas cannot be given to these children. This problem should be solved by observing the best interest of the child.

### Institutions and Their Duties

- Definitions of duty of all institutions providing services to unaccompanied minors should be reviewed, coordinated working opportunities that would enable cooperation among institutions should be developed.
- The duties, roles, and functions of all personnel working in all institutions providing services to unaccompanied minors should be clearly defined and in-service trainings should be organized in this direction.
- A detailed registration system should be developed in the institutions providing services to unaccompanied minors.
- The person conducting the first interview held at the Foreigners Branch should be a professional (social worker, psychologist), who can manage such an interview process and who knows

interview techniques. In cases where this is not possible, *the police officers assigned with this duty should be subjected to supportive training on interview techniques.*

## **Care**

- Unaccompanied minors can learn Turkish more quickly with the help of the other children they are staying with and adapt to the Turkish culture more easily. Moreover, Ministry of Family and Social Policies should establish specialty organizations for UAMs in accordance with their needs.
- The sports opportunities provided to unaccompanied minors should be improved and obtaining licenses for those interested should be facilitated.

## **Asylum and unaccompanied minors**

- The applications for asylum of unaccompanied children are sometimes not finalized for months and the children stay in Turkey for months and years. Living in “waiting” position during this period causes the children to lose many opportunities for their lives. The children may also get prepared for their future while they are waiting for the result of their applications; effective and sound guiding works should be conducted regarding this matter.

## **Residence and Foreign Identification Number**

- There are complaints about such processes as granting residence permits and foreign identification numbers taking a long time. Unaccompanied minors need these in many transactions to be conducted about their lives. Such processes should be completed before referral to organizations so that children can benefit from fundamental rights such as education and health.

## **Health Services**

- The biggest difficulty in the access to health services by unaccompanied minors is experienced by those not having foreign identification numbers. In order not to experience difficulties in benefiting from health services it is necessary to accelerate operations related to provision of foreign identification numbers.

## **Psycho - social support**

- Special therapy and rehabilitation programs targeting the traumas experienced by unaccompanied minors should be developed in the organizations they stay in addition to the care plan for these children.

- The primary need of unaccompanied girls and boys is to receive psycho-social support. The communication knowledge and skills of the personnel working at the child organizations, where unaccompanied minors are staying, should be strengthened in order to be able to provide this support.

## **Legislation**

- The personnel of all the organizations assigned in this area should be informed about the legislation on asylum seekers and refugees, primarily including the new Law on Foreigners and International Protection. Different applications arising from not knowing, having wrong information about / misinterpreting the legislation should be prevented.
- It should be ensured that those working in this area contribute to and participate in the preparation of the secondary legislation to be issued in line with the new law.
- A workshop should be organized exclusively on the subjects of “guardianship”, “public guardianship”, and trusteeship”, which also constitute a matter of debate within the context of unaccompanied minors. It should be ensured that all relevant parties and the people specialized in this subject participate in this workshop and a strategy is determined after extensive discussions on the matter.
- The transactions for renewing residence permits should be completed in a way that no gaps are left in between.

## **Return Strategy**

In order for voluntary return to be encouraged;

- Efforts should be sent to work more closely with unaccompanied,
- The real reasons that force them to migrate should be determined,
- Assistance to facilitate return should be provided without undermining the sensitivities within the framework of non-refoulement.

Removal centers function as care centers in principle. The management of these centers should be organized under the control of the civil administration excluding security units within the framework of international care standards.

3

STRATEGIES TO ACCESS

UNACCOMPANIED MINORS





### III. STRATEGIES TO ACCESS UNACCOMPANIED MINORS

#### 1. PURPOSE OF THE STUDY

*"1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.*

*2. States Parties shall in accordance with their national laws ensure alternative care for such a child.*

*3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background."*

#### **UN Convention on the Rights of the Child, Art. 20**

Unaccompanied minors are migrant children, who are drifted apart from their families or the adults that are legally obliged to look after these children (IOM, 2011:11). Unaccompanied minors may sometimes migrate due to the five causes of being an asylum seeker and sometimes for such reasons as receiving education, working, and building a new life. Sometimes children get separated from their families on the road because of death or getting lost.

The unaccompanied minor cases have increased in Turkey since 2007 and reached an undeniable prevalence today. These are the children, who have rights in our country and who should be provided with institutional support pursuant to the UN Convention on the Rights of the Child, which was also signed and ratified by Turkey. Turkey is currently trying to apply initiatives in order to provide unaccompanied children with children's rights and to take them services in line with their best interests. This survey was conducted with the aim of providing scientific contribution to the attempts of increasing the institutional capacity related to the subject and developing strategies to access these children.

## 2. DEVELOPING ACCESS STRATEGIES, METHODOLOGICAL APPROACH, METHODS USED, AND SCOPE OF THE SURVEY

There are four keys to planning an effective access strategy:

- **Situation analysis:** What are the methods of access to children being currently applied by the organizations operating in the field of unaccompanied minors? These must be identified.
- **Defining the target group:** The profile of the unaccompanied minors in Turkey (ethnicity, reason for coming, average age, languages spoken, media used) must be defined.
- **Survey:** Since we need findings to realize the first and second objectives, a rapid appraisal survey was conducted.
- **Determining the objectives, stakeholders, tools, and themes for communication** is necessary therefore these were identified in line with the information obtained from the survey.

The survey is a rapid appraisal survey, which was designed to put forth an analysis towards these requirements.

### ***Methodical Approach***

The survey was designed as a rapid appraisal survey.

Four principles that constitute the basic principles of this type of surveys were adopted as methodical approach:

- *Efficiency and avoiding tautology*
- *Triangulation*<sup>19</sup>
- *Being application oriented*
- *Contextuality*

### ***Interviews Conducted***

Two basic groups were interviewed in this survey:

- **Unaccompanied minors:** Interviews were conducted with both the children staying in the relevant organizations and those living alone in migrant neighborhoods and not staying in these organizations, some of whom were registered and some were not. The second sub-group comprised of the children, who were living unaware of their rights in the gray area between legality and illegality.

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<sup>19</sup> Triangulation is adopting methodological pluralism and using various types of data together in a survey. For further information on methodological approach in rapid appraisal surveys, see. (Atasü - Topcuoglu, 2012).

- **Experts in the area:** Interviews were conducted with organizations and experts, who identify and take care of unaccompanied minors within the current system as well as those involved in the subject and providing assistance and advocacy.

### ***Methods used in the Survey***

- **Statistical data:** Relevant data on UAMs were requested from related institutions and organizations and were examined.
- **Expert interviews:** Different types of data were compiled by both interviewing experts and bureaucrats, who work in the public sector in the relevant field and who are assigned in decision making mechanism, and by resorting to the opinions of the experts in non-governmental and international organizations.
- **Semi-structured interview:** In-depth interviews were conducted with both the unaccompanied children staying in the relevant organizations and those living alone in Istanbul based on the semi-structured interview guidelines.
- **Focus group interviews:** Focus group interviews were conducted with two groups of unaccompanied minors comprising of 7 and 10 children.

*It is not possible to generalize all unaccompanied minors, who are currently in Turkey, or who will come in the future, based on the findings obtained from this survey.* The group that was interviewed does not constitute a representative sample group. The children, who were interviewed, were reached by two methods: The organizations, where the children were staying in the four selected provinces, were visited, the officials of such organizations and the children were informed about the subject and the purpose of the survey, and volunteering children were interviewed with the permission of the officials. The unaccompanied minors, who were living alone and not staying in these organizations, could only be reached in Istanbul. These children were reached with the snowball sampling method. The Afghan and African migrant groups were reached by starting with a number of snowball centers. The information compiled in the survey provides an insight into the realities experienced by the migrants in our country.

### 3. SITUATION ANALYSIS

#### ***What are the methods of accessing unaccompanied minors used by the organizations dealing with these children?***

- The interviews conducted with the experts of the public and international organizations related to the subject clearly indicate that all actors within the current system operate through applications or referrals by the institutions to which such applications are made. There is no active access strategy other than the migrant smuggling operations conducted by the security units – the basic target of which is not actually migrant children.
- Such organizations as UNCHR and ASAM for refugees also operate with application systems and the MFSP organizations operate with the referrals by other organizations. Currently there are no access strategies or access policies in general for migrant children.
- There is no official or non-official statistical estimation about the number of unaccompanied minors in Turkey. The existing data do not allow us to understand the success of the identification and referral system of UAMs. However, the fact that some unaccompanied minors referred to such organizations ran away from these organizations, preferring to be illegal migrants instead of staying at a care institution brings into mind the possibility of lack of communication.

The interviews conducted with the children staying in these institutions and those not staying in them as well as the experts specialized in this field reveal two basic requirements. It is clearly evident that there is ***a requirement for developing a two tier access strategy*** both for the stage at which these unaccompanied minors are identified and for the period following their placement in institutions.

- a. external access:** access to migrant children outside, who are under the age of 18,
- b. internal access:** ***efficient communication*** that would enable the sustainability of the children's connections with the system and ensure that the system operates in a child friendly manner. Currently, there is a requirement for developing a communication strategy for the children staying in the relevant institutions.

## 4. TARGET GROUP: UNACCOMPANIED MINORS

### 4.1. REASONS OF LEAVING THE COUNTRY

When we look at the matter in general, the causes of these children's arrival, whether they are living alone or in the relevant institutions, may be listed as follows.

- Civil wars, armed conflicts, or lack of security of life in their countries of origin,
- Running away from becoming a child soldier,
- Parents killed in their country of origin,
- Political, religious, or sectarian pressures,
- Poverty and young people trying to find a way out,
- The positive image of Turkey: they think that they will find better living conditions here,
- Finding a job: they think that migrants can find a job and save money,
- Education: UAMs think that they can receive education, which is not possible in their home countries, in Turkey,
- Health: those with health problems come for treatment. An effective reason for youngsters with serious diseases to be sent as UAMs was explained as provision of health assistance and service to asylum applicants as well.
- They came to transit to Europe. The main target of some of the children in their journey is not to come to Turkey. They prefer to migrate to Europe after coming to Turkey and this fact was mentioned by both the children and the experts. However, this cannot be generalized for the entire UAMs. Nearly half of the interviewed children wanted and hoped to stay in Turkey and live the rest of their lives here.

### 4.2. JOURNEYS OF CHILDREN

The causes for the children's arrivals and how they come differ depending on the countries they come from and their family backgrounds. At this point it is necessary to emphasize that the diversity in the area is much more layered. Since the survey was conducted in limited time and although the limited findings illustrate the differentiation these are still not sufficient for a detailed analysis. Unaccompanied minors will be classified under two main groups in this report based on the findings: The children of **African** origin and those of **Asian - Middle Eastern** origin.

**African unaccompanied minors** were reached with the use of snowball sampling method in the institutions, where these children stay, and the neighborhoods frequently visited by African migrants. The findings in the field study on the profile of migrant children conducted in 2012<sup>20</sup> and the observations made in this survey in the relevant organizations as well as the pre-interviews conducted with other migrant adults to enter the area suggest that there is a decline in the migration of African children. Assuming that there is no change in the local push factors of this migration, it is possible to set forth two hypotheses regarding this matter:

*Hypothesis 1. Long journeys of escape may no longer be possible for the African children as in the past.* Particularly the political situation, which became dangerous and unbalanced following the Arab Spring that took place in the countries located on the route of their flight, has increased the risk of death on the way and this may have become a factor that prevented children from undertaking a journey.

*Hypothesis 2.* The dangers on the way not only decrease the number of people taking the journey but also prolong the duration of journeys. Stories supporting this hypothesis were revealed during the survey. Some stories show that it takes the children, who take their chances to go on the journey, approximately 2.5 to 3 years to reach the borders of Istanbul, therefore, some children may become over the age of 18 until they reach Istanbul.

**Countries of origin:** The children, who were interviewed, came from Ghana, Congo, New Guinea, Ivory Coast, Cameroon, and Tanzania.

**Stories of journey:** Some children, who shared their stories with us, were children in depression, who had been subjected to such severe traumas as witnessing the death of their parents. They were aware of their refugee identities and had directly applied to the UNHCR. Another group took the journey under the influence of football player agents, who promised them that they would make them football players. These managers agreed with the families of the children and charged them between 1,000 and 4,000 dollars by guaranteeing that they would make these children football players in Europe and abandoned the children to their fates in such countries as Libya and Tunisia.. One of them was born and grew up here.

Reaching **Asian - Middle Eastern unaccompanied children**, on the other hand, we had to go to other districts and much more different areas of work. It was observed that the population of the unaccompanied minors of Asian - Middle Eastern origin was larger compared to that of African children in general within the boundaries of Istanbul. However, this is only an observation and as mentioned earlier, the official figures are not known. The most visible ones within this group are the

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<sup>20</sup> The study supported by IOM and Government of Sweden was published in 2012 by IOM.

Afghans. As a matter of fact, Afghans constituted the majority among the children interviewed in the MFSP organizations.

**Countries of origin:** The children, who were interviewed, came from Afghanistan, Iraq, Iran, and Pakistan. Even the Afghan children have different ethnic identities in terms of their origins (Hazara, Pashtun, Tajik, and Uzbek<sup>21</sup>), most of them migrated for similar reasons. Almost all of the Afghan children came to Turkey over Iran.

**Causes of their arrival:** Even though the life stories of children are different from each other, poverty, war trauma, desolation, sectarian violence, hopelessness about their countries, bad education conditions in their countries, existence of relatives in the West, and the desire / mission to be the “rescuer of the family” may be listed among the most prevalent causes of migration for children.

**Stories of journey:** The children, who were interviewed, used similar methods (illegal migration) and similar routes and they experienced journeys involving high risks under severe conditions. All of them started their journeys without anybody from their families accompanying them. According to what they told us, the fees paid to smugglers for coming to Turkey ranged between 1,000 - 1,500 dollars.

The children told us that, the duration of their journeys changed depending on seasonal conditions, these journeys took between 15 and 60 days, the really difficult part of their journey was the extremely long walk between the borders of Iran and Turkey, they witnessed people die from those travelling with them, they got injured, they were exposed to the risk of losing their feet due to winter conditions. The stories suggest that the transit route, the points reached in Van, and then the journey to Istanbul take place in a similar manner for most of the unaccompanied minors.

**Child labor and violence:** Another common point suggested by the stories told us is the extreme child labor.

*“I was working in Iran. I could not stay with my mother. I worked as a construction worker.” (UAM, male, 17).*

*“Then I found a smuggler. He brought me to Iran. I worked for 3-4 months in Iran. I was apprehended frequently. I was deported so I returned. We could not work there. We came to Turkey... In Iran I swear they beat us. They do not care if you are a child or elderly person. They beat if they apprehend. What is the reason? Just being a fugitive”. (UAM, male, 17).*

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<sup>21</sup> We should point out that there are many ethnic groups in Afghanistan. 42 % Pashtuns, 27 % Tajiks, 9 % Hazaras, 9 % Uzbeks, 4 % Aimaks, 3 % Turkmens, 2 % Balochs, and 4 % others (Kyrgyz, Kypchak, Arab, Hindu, etc.) ([http://www.indexmundi.com/Afghanistan/demographics\\_profile.html](http://www.indexmundi.com/Afghanistan/demographics_profile.html))

Particularly the children coming over Afghanistan and Pakistan come to Iran before reaching Turkey and they work in constructions, industrial workshops, and markets for periods ranging between 6 months and 2 years in order to save money “in this stop”. The stories indicate that the children were subjected to violence and abuse particularly during this stage of their journey. The children told that Afghans were not wanted in Iran, the monies they earned were taken from them with the use of violence, and Iranians threw stones to the bachelor flats in which they stayed.

*“I was in Şerefli Köçisar. My brother had an acquaintance. I stayed there. I worked as a shepherd. The shepherd used to give me 10 - 15 liras. I bought shoes, food, and so on. They used to take me to the village by car”. (Unaccompanied Minor, male, 16).*

It was identified that UAMs are subject to labor exploitation not only on migration routes but while trying to survive in Turkey as well. All of the UAMs interviewed were either working or has worked before.

#### **4.3. PLACES WHERE THE CHILDREN WHO DO NOT STAY IN ORGANIZATIONS LIVE AND THEIR DAILY LIVES**

Of the 16 children, who were interviewed, none of them had contacted any national or international organization to receive assistance. They stated that the main reason for this was their fear of becoming deported. The daily lives of these children are quite different from those staying in the relevant organizations.

The interviews show that, the places where the children lived in Turkey and the jobs they could find were determined according to the solidarity patterns they were included in. These solidarity patterns almost always appear as networks established over ethnic origin, because the practice of such patterns require a certain amount of trust and such conditions as common language and a similar culture, which would constitute the basis for this trust.

Therefore, the unaccompanied minors should be considered both as children and adolescents and the cultures they come from as well as the current general atmosphere in their countries of origin should be taken into account when thinking about and trying to understand these children.

##### **a) Unaccompanied Minors of African Origin**

###### ***Places they live in Istanbul:***

The African unaccompanied minors were primarily encountered in such districts as Fatih, Merter, Tarlabası, and Kumkapı, in living spaces for 8 to 10 people on basement floors, training tracks on the sides of sports fields, under the counter textile mills, mobile phone shops, and district market places.



### ***The problems experienced by these children in Turkey:***

The problems they live through, on the other hand, are difficult living conditions, the hostility against foreigners, not being able to find a job, and not being able to apply to any institutions regarding the matters of health. None of them had the chance to participate in any education activities here. The interviews suggest that these children cannot generally find jobs; they could only earn 500 TL in a month in spite of working for 18 hours in a day in the illegal jobs they found particularly in the textile sector, and besides the compensations for their works were often not given by their employers.

### ***Migration tendencies of the children:***

The children interviewed, (except for the child, who was born and grew up here and who wanted to become a football player) *do not plan to live in Turkey. In brief, adolescent migrants rarely want to stay anywhere unless they develop social - personal relationships through sports or other forms of socialization and it is possible to say that they chase their dreams when there are no real ties.* They want to save money as soon as possible and reach the borders of the European Union with the connections they establish.

### ***b) Unaccompanied minors of Asian - Middle Eastern origin***

#### ***Places they live in Istanbul:***

eytinburnu, Merter, and Bayrampaşa are the leading districts, where unaccompanied minors of Asian - Middle Eastern origin are found. The main reason for the children primarily choosing Zeytinburnu is that Afghan Turks live in this region in large groups and there are many enterprises and associations that suit the Afghan way of living and the Afghan culture. A second reason is that the under counter textile sector is intensely located here in neighborhood alleys and there are many construction sites with ongoing construction works, which constitute the factors for the preference of this region in terms of the availability of jobs and common language.

#### ***Daily lives of children in Istanbul:***

The stories told by the children suggest that they are living by joining the migrant networks located here as much as possible; they primarily reach their acquaintances or relatives they had contacted before they started out their journeys. If they do not know anybody, they look for regions, where they can speak the same language. Only a few of the children can speak a language other than their mother tongues. Those settling in the houses of their acquaintances are informed about the way of living here by others, who came before them; they learn what they should and should not do. Then, the process of arranging a job, if possible, in the places of work of their acquaintances and saving money starts. A great majority of children try to send the monies they earn to their families. There are mobile money transferors in their regions of residence, who help them in this regard. These persons are paid 10 % of the money to be sent to the family to ensure that the money reaches the family

in Afghanistan or Pakistan. The children are immediately informed about almost any situation in Istanbul within a short time. With respect to health problems, on the other hand, since they cannot go to hospitals, a doctor, who is a migrant himself, and whose whereabouts are well known in the region, is reached. The stories told indicate that this doctor charges more money compared to normal hospital fees, however, can administer medication.

#### **4.4. RELATIONSHIP OF THE CHILDREN WITH THE LOCAL COMMUNITY**

Even if it seems that the children living outside are more likely to communicate with a broader social environment, it was determined that they could not be in contact with people other than those in their ethnic groups until they learn to speak Turkish.

The people in the street generally have a better opinion about the Afghans. Such expressions as “we have the same religion, they are hard working, quiet, and intelligent people; they learn Turkish very fast” were revealed both in conversations with people from the public and during the interviews held with particularly the personnel of the charitable organizations. This constitutes an advantage for the Afghans to be able to socialize.

Again, news were published in a positive language in the local newspapers in Van during the period of the survey that a Somali migrant would recite the call to prayer during Ramadan.

The observations and interviews show that, in life outside the organizations, primarily the language, that is, speaking Turkish, and then the religion come up as the two most important factors in the establishment of a positive relationship between the local people and the migrants. Especially the language is the key to the socialization of unaccompanied minors.

#### **4.5. DAILY LIVES OF THE CHILDREN STAYING AT THE ORGANIZATIONS**

The daily lives of the children staying in the relevant organizations are generally arranged in a way that they wake up altogether in the morning, have breakfast, have some leisure time, have lunch, take an afternoon nap, have dinner, and sleep. There are generally no continuous activities for the children, who do not go to school. The organizations that were visited have football fields, table tennis, and gymnasiums and the children can use these facilities whenever they wish during the day.

*“Almost all of them experience psychological timidity.” (Organization Personnel, SHU, Ankara)*

*“I am about to burst because of keeping everything inside. You cannot trust anyone. You tell your secret one day and they make it public the other day.” (Unaccompanied Minor, Female, 16)*

*“The language problem is valid both for them and for us. We experience problems about the support of the Directorate of Security. I have never seen any Somali child coming with an interpreter to the Atatürk Orphanage.” (Organization Personnel, Ankara)*

Apart from this general outlook, the lives of the children display differences according to the opportunities provided in different organizations. The relevant organizations in Van, Nevşehir, Istanbul, and Ankara were visited in the survey and interviews were conducted in these places. ***The same conditions cannot be provided to the children in every organization.***

For instance, while computer rooms are in nonrenewable condition or not available at all or telephoning is very limited in some provinces, Yel Değirmeni in Istanbul, which is the oldest organization in its field, offers all these opportunities and the daily routine besides providing psycho-social support to the children, engaging psychologists for those in need, ensuring enrollments in schools, and providing Turkish courses and library facilities as a result of their cooperation with non-governmental organizations as well as organizing, with the help of the non-governmental organizations again, such activities that would break the daily routine as out of town trips and such cultural integration activities as cooking together.

At this point, the ***elder brotherhood system*** comes up as an important application in ensuring communication inside the institution: In the example of Yel Değirmeni, children from different ethnic groups, who speak Turkish well, act as interpreters for their friends and the institution personnel, thus ensuring continuous communication.

Besides, thanks to the ***Turkish education*** provided in the institution, the children become able to express themselves within a short time.

The ***friendship relations*** of those staying in the organizations can develop within an environment comprising of the organization residents and the relationships established within this framework are quite limited. All of the children, with whom face to face interviews were conducted, responded negatively when they were asked if they had a close friend or someone they trusted. The children described their friendship relationships as distant relationships.

***The language was observed to be the most efficient factor that determines limits and relationships.*** Children, who did not know why they were brought to the organization and why they were staying there, who were unaware of the process they were involved, and who had quite high levels of concern were also encountered during the survey (The Van example).

On the other hand, children speaking Turkish well, can both get along with the officials and promote to the level of leadership within the group by interpreting to other children, who share the same mother tongue. However, if there is nobody speaking the language of the child, these children can become completely isolated.

The interpreter being a person from within the group may lead to various handicaps depending on his/her personality. No complaint in this respect was received during the field study, however, these types of possibilities should be taken into account when an institutional model is devised.

Another important point is the professional people visiting the organization and offering **psycho-social support** to the children in need of such support. This is organized by the Helsinki Citizens' Assembly in Istanbul. The existence of such a mechanism is important in terms of both supporting the children and solving minor disputes before they grow out to be problems through a third adult overseeing the organizations. Incorporation of such a mechanism in the institutional model would bring benefits.

**Ethnicity differences** can also affect friendship relationships from time to time. For instance, since Pashtuns among the Afghan children come from the same brother-in-law as Taliban, they may be subjected to exclusion by others. *Multiculturalism and the ability to create multicultural environments should constitute the major component of the access and communication strategy implementation.*

## 5. RECOMMENDATIONS ON METHOD FOR INTERNAL ACCESS

### 5.1. PRINCIPLES TO BE FOLLOWED

We should be inclusive and convincing rather than being exclusive while developing messages for target groups and communicating these messages.

In order to succeed in this, the sense of trust should be created before all else.

Trust is a key for both external and internal access. As also mentioned earlier, some unaccompanied migrants do not apply to any institutions or organizations with the fear of being deported. The lack of trust in the target group is the most important obstacle that the access strategy should overcome.

It should always be kept in mind that the sense of trust can only address a small target group.

- **Right based:** The messages to be given should advance children's rights and be in the nature of making children aware of their rights.
- **Participatory:** Involving persons with leadership qualities from the group in the process (for instance involvement of the Union of Young Refugees<sup>22</sup>) and ensuring that such people play an active role in communication as a group in order to create and maintain trust will positively affect the effectiveness and permanence of the messages.

<sup>22</sup> The Union of Young Refugees is a solidarity network established by the young people, who were identified as unaccompanied minors and stayed in orphanages, however, left these institutions when they turned 18 in Turkey. As a matter of fact, it was established in the winter of 2010 - 2011, as a result of the search for a common solution to the problem of staying on the streets after leaving the orphanages.

- **Multicultural:** Since the target group comprises of children coming from many different cultures and the persons within the social environment of these children, the messages, communication tools, and wordings should be multicultural.
- **Multilingual:** It should be possible to ensure communication in the languages spoken by the target segment. Messages are required to explain the unaccompanied minors their rights here, the operation of the system, and their options in a manner they can understand and in their mother tongues.
- **Provision of simple, comprehensible, and functional information:** The communication materials to be generated should provide simple, easily understandable and functional, practical, life-oriented, and concrete information.
- **Accessible:** The messages should be given through different means (printed materials, audiovisual materials, social media, applications, and group works); these means should be accessible.
- **Repeatable:** The messages should be repeatable whenever necessary. For instance, organization trainings should be developed in the form of trainer trainings and they should be repeatable and sustainable. The audiovisual materials should be reviewable or re-audible over the telephone line or the internet.
- **Interactive:** Since the campaign targets young people and a dynamic segment, it should not be thought as a simple and one-sided communication strategy and instead, it should also contain dialogue environments that receive feedback from target segments. Some access tools to be generated should be interactive and open to the feedbacks of the target group as well as to evaluation and revision.
- **Monitoring:** In terms of guaranteeing the success of the process, it should monitor the reactions of those watching (media, target group, other NGOs, etc.).

## 5.2. TARGET GROUPS AND KEY MESSAGES IN THE ACCESS STRATEGY

Messages with different contents should be generated for each target segment group depending on their needs, positions, and characteristics.

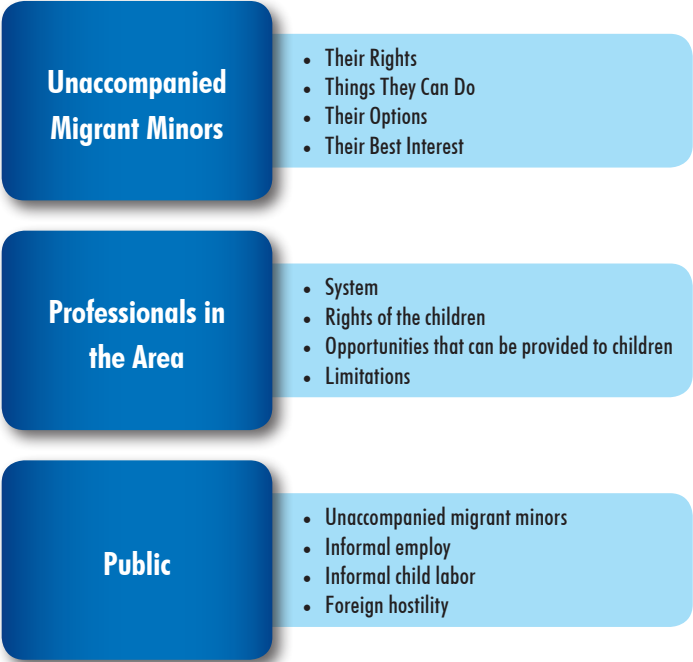
a. Our target segment is primarily the **unaccompanied minors**, who have not been identified yet and the children placed in the relevant institutions.

The level of knowledge and awareness of the social community about such social areas as the regions where unaccompanied minors are concentrated, the cities they are directed to, neighborhoods

frequently preferred by migrants in terms of those not yet accessed, and the jobs in which they most frequently work is extremely important in terms of both ensuring access and preventing violation of rights.

b. However, the interviews conducted with the experts during the survey suggest that **security officials and the personnel of the relevant institutions and organizations that provide services, assistance, and education** also need training support about the operation of the referral mechanism, the operation of the processes related to the children in Turkey as well as their rights and obligations, and developing local / practical cooperation regarding the subject.

c. The third group is the public, that is, the community in the provinces to which the children are directed. The **NGOs** that are concerned or have the potential to become concerned with the subject are critical partners in terms of both their incorporation into the system and creating a public opinion.



**Figure 1. Three basic target groups and specific informative messages for each**

## 5.3. OBJECTIVES IN THE ACCESS STRATEGY

### a) Short and Medium Term Objectives

- Creating a dialogue environment among the public and non-governmental organizations related to the subject within the campaign
- Ensuring the participation of the children as well in the materials to be developed
  - Establishing dialogue with the *Union of Young Refugees*<sup>23</sup>, which is an organization established by unaccompanied minors on their own initiative, and ensuring their participation in the process
  - Announcing such activities as short films, social media and blogs to the children and ensuring that they are open to the participation of those willing to participate
- Obtaining the approval of the stakeholders in the slogans and information materials to be developed
- Ensuring that the all actors in field provide support to this matter and share the same statement in the communication campaign
- Ensuring internal access and effective in-house communication
  - Preparing materials that would inform the children (printed, audiovisual materials)
  - Making short films for the public and the children
- Creating an organization culture, in which multicultural and mutual communication is operated
  - Ensuring the realization of effective communication in organizations
  - Ensuring effective communication between the personnel and the children through personnel trainings while increasing the capacity
    - Trainer trainings
    - Increasing the efficiency of the children's communication with their close social environments in organizations
    - Language support
    - Interpreter support
    - Breaking the ice inside the group<sup>24</sup>
    - Using art therapy and participation methods (video biography workshop, collective wall painting, etc.)

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<sup>23</sup> See Footnote 20.

<sup>24</sup> There is a general distance between the personnel and the children based on the language barrier which has been ongoing for a long time and which has taken the shape of a relationship form and institution culture. This distance should be overcome and relationships based on efficient communication should be developed.

## ***b) Long term objectives***

- Establishing an effective referral mechanism operating throughout the country for unaccompanied minors
  - Building capacity
  - Sustaining partnerships
  - Carrying out the capacity building and access strategies in coordination
- Ensuring external access and reaching more children
  - Selecting those appropriate from among the street work methods, establishing the infrastructure for their application, ensuring cooperation
  - Sustaining the participation of the children
  - Providing information to networks
- Raising awareness in the public: Explaining the concept of unaccompanied minor to the public, raising awareness about the contradiction of employing illegal minors with the children's rights and the laws; enlightening the public regarding the hostility against foreigners,
  - Short films
  - Posters and banners related to the subject
- Creating attitude and behavior changes in unaccompanied minors
  - Ensuring that the children apply to institutions through providing information and building up confidence in institutions
  - Ensuring that the non-governmental organizations operating in the fields of migrants and human rights, local governments, and charitable organizations become able to make referrals.



## 6. RECOMMENDATIONS ON METHOD FOR EXTERNAL ACCESS

Access strategies can be considered to have two stages as external access and internal access. External access strategies are the strategies that can be used to access unaccompanied minors, who have not applied to any institution or who have not been identified yet. Internal access strategies are the strategies of communication with the minors, who have been identified and referred to organizations.

### 6.1. EXTERNAL ACCESS STRATEGIES

External access strategies can be classified under three foci.



Figure 2. External access strategies

#### A. Face to Face Access Through Street Work

##### *Mobile team*

The mobile team may be used to reach unaccompanied minors particularly at large and crowded cities like Istanbul. A team moving in medium sized vehicle and comprising of persons speaking different languages (especially English, French, Arabic and Persian) and specialized in the fields of street works and youth activities may be formed. This team may try to reach the young people living or working on the streets. The vehicle may also contain basic medical aid materials. This team may inform young migrants (children and ex-minors) about their rights here, basic health and hygiene, and the social services they could reach and provide active guidance.

### ***Supervision of working areas***

It is among the findings of the survey that children, especially in rural areas, work in the textile sector, small manufacturing shops, organized industrial zones, small factories and shops. Besides, it is also known that not only migrant children but also citizens are illegally employed in these places quite frequently. Providing the Ministry of Labor and Social Security with an infrastructure that would enable the work inspectors to inspect not only large production plants but also small sized factories would be a solution in terms of the general activities for determining illegal employment and identifying migrant children.

### ***Health screenings***

Conditions such as being registered or not or legal status are not taken into consideration in health screenings. Therefore, many migrants can be subjected to these screenings. It is also possible to encounter unaccompanied minors in these screenings. Public health screenings can also be incorporated into the access strategy within the framework of street services.

Public health teams may be informed about the subject and refer the children to relevant organizations.

Or more generally, social workers, who could inform and guide all sorts of target groups when necessary, may be included in public health teams. These social workers may be subjected to brief training on UAMs and become active implementers in the access strategy.

### ***B. Including Related Organizations in the Referral Mechanism***

As illustrated in the Situation Analysis the existing system works through applications and referral. The local administrations of migrant intensive areas, migrant and human rights NGOs and charity organizations in communication with migrant groups especially children, can inform the unaccompanied minors about their rights or direct them to sources of information. To this aim it is necessary to communicate with such organizations.

### ***C. Transmitting Accurate Information to Social Networks***

Accessing every child in the area and especially those scared of being found directly through street works is a difficult method that should however be tried.

*Well, how are we going to reach the children we cannot come face to face?*

The best way to increase the success of street work and furthermore, increasing the number of applications by the children will be to inform them accurately from their own sources of information, that is, from their own networks. Therefore, the non-governmental organizations operating in the field of migrants should be taken as partners in the access strategy together with their initiatives.

The current migrant communities should be informed about the situations of unaccompanied minors, the risks they may be exposed to, opportunities provided by the relevant organizations, and application methods. These communities should be provided with the basic application information such as the necessary web addresses and telephone numbers prepared within the context of the access strategy as well as the contact details of the non-governmental organizations that provide consultancy services, which could be referred to at least in these types of situations.

#### ***D. Creating Anonymous Addresses for Asking and Sharing Information***

##### ***Voice information and message line***

Some of the children did not have the chance to receive education in their countries or origin, therefore they do not know how to read and write. A source, from which the illiterate children can also personally obtain information about their situation will be effective.

Given the various languages required in the field, a hotline/helpline to be established may not be an economic solution in the long run in terms of applications and costs.

However, an automatic line may both keep the costs low and provide voice information.

When someone calls this automatic line, the caller may dial the desired language and be informed about the rights of unaccompanied migrant children and the system in the language chosen. S/he may obtain information about where and how to submit an application. In addition s/he may be referred to the relevant unit of the closest partner NGO or local government.

If a more interactive line is desired, a mechanism may be developed, where the caller can leave a message in the language of the child after the voice information record is finished. When a message is received, the automatic line may send the message to a relevant person in every province in the form of an e-mail. Questions may be answered in this manner by calling the children back.

##### ***Internet and Social Media***

Many literate unaccompanied minors and ex-minors, who stay in the relevant institutions or live alone under illegal conditions, use the Internet. They like the Internet. They use it to communicate, receive information or entertain themselves. Reaching the children through a medium they both like and have fun will be both possible and effective.

The places they most frequently navigate over the Internet are Facebook and Skype. They also often look at the news about their countries of origin.

A Facebook account to be opened may be helpful in announcing the artistic activities to be realized within the framework of the access strategy, providing information about the rights of the children and the system, and providing links to the web pages of partner organizations. This method will also

be useful for publishing application numbers. Success stories may be posted on this page as well; successful children may be included among the “friends” of the page. Children may recommend this page to each other.

In addition, a blog may be prepared on the Internet and news about the countries of origin may be placed in this site in the mother tongues of the children besides the above information. Thus, the website may become more attractive for the children. Ensuring the contribution of the children in placing the news in the website may be beneficial in terms of increasing the popularity of its contents and use.

## **6.2. SELECTION OF LOCATION FOR ACCESS STRATEGY**

The location of the activities is also important in an effective access strategy. Social media and the Internet domain should be used in the access strategy. However, in order for the printed materials to be prepared besides these (posters, booklets), visual material (short films) projections, and street work to be effective, determination of a physical location will also be necessary. The regions, where the children are living should be determined and selected in terms of the activities that would inform both the public and the children.

The survey indicates that unaccompanied children try to come to a city center as much as they can. Most of them try to go to a more central location after coming on foot from border provinces such as Van. They can also go to Ankara, İzmir, or Çanakkale. But the real center is Istanbul. The children generally like Istanbul and want to stay there.

In the cities they arrive, on the other hand, they live in the neighborhoods surrounding the centers generally inhabited by migrants, because there are people speaking their languages as well as a migrant network in these places. They can obtain information, find jobs, and arrange a place to stay by using this network. In brief, they can hold on in places, where these networks are located.

The access strategy should be initially started in such cities as Istanbul, Ankara, and İzmir and on transit routes, where many migrant and illegal crossings take place, such as Van. At the local level, on the other hand, works can be performed in cooperation with the mukhtars of the migrant neighborhoods in these provinces.

Based on the experience obtained from the survey, the children in Istanbul can generally be reached after nine in the evening during week days or on Sundays (because they work at other times). Children of Middle Eastern - Asian origin can be reached in parks, courtyards of mosques, depots where they collect papers, cheap restaurants, Internet cafes, and the surroundings of the Zeytinburnu coast.

The African unaccompanied minors, on the other hand, can be encountered in such districts as Fatih, Merter, Tarlabası, and Kumkapı, in living spaces for 8 to 10 people on basement floors, training tracks on the sides of sports fields, under the counter textile mills, mobile phone shops, and district market places.

## 7. INTERNAL ACCESS, ACCESS AND COMMUNICATION IN ORGANIZATIONS

### 7.1. PROBLEMS EXPERIENCED IN THE ORGANIZATIONS AND COMMUNICATION

#### ***A. Lack of Communication Between the Children and the Organization Personnel and Adverse Organization Atmosphere***

Currently, communication in organizations is problematic in most of the provinces visited.

In order for these programs to be successful, personal psycho-social support programs are also required. The children, who experienced trauma cannot express themselves due to both language problems and inner obstacles. For instance, from the children interviewed, a 16 year old girl from Congo suffered from both a heart disease and depression; however, she did not want to express her problems to the organization personnel.

It is clearly revealed in this example that;

- Communication should be ensured between the personnel and the children within the organization,
- The language barrier should be overcome in order to enable the child to express herself more comfortably,
- Psycho-social support should be provided,
- Cooperation should be established by the organization with other effective and competent organizations.

The uncertainty of the process in addition to the inability of the children to receive an answer they can understand when they ask a question cause this uncertainty to become even more mysterious and result in the accumulation of negative emotions in the children.

#### ***B. Lack of Communication and Cooperation among the Relevant Provincial Organizations***

Only Yel Değirmeni, which is the oldest organization in its field, works in cooperation with the relevant NGOs. As a result of this cooperation, these NGOs provide psycho-social support and legal consultancy to the children as well as psychologists whenever needed.

The establishment of the public – NGO trust relationship and partnerships is important in terms of carrying out the system of identifying and referring unaccompanied minors to be established, complementing the care given by the organization with the NGO activities, and the better operation of the institutional care.

On the other hand, various examples of the lack of dialogue and a cooperation networks among public agencies were observed in the field. For instance, even though the community health center in Van was an institution operating with high motivation, the officials of this institution were not aware of the fact that unaccompanied minors were staying in ÇOGEM. When they learned this from the survey team, their first reaction was to say “They are our target segment; how can we reach them? We

should immediately go there and perform health checks and vaccinate them if necessary". Similarly, the officials in the provincial social services did not have any institutional information concerning public health, either. Connections were established between the officials of these organizations during the field survey.

The organizations performing different duties in the field and their personnel should know each other in terms of building institutional capacity. Establishment of dialogue and communication networks among the public agencies related to the subject at the local level should also be realized urgently in terms of both the access strategy and institutional capacity.

## **7.2. INTERNAL ACCESS STRATEGIES – RECOMMENDATIONS FOR EFFECTIVE COMMUNICATION IN THE ORGANIZATIONS**

Internal access strategy can be dealt under three foci.



**Figure 3. Internal access strategies**

### ***A. Establishing Two Way Communication Rather Than One Way Communication***

In access strategy, communication should not be considered as the transmission of information coming from one source to the target segment in different media and the passive receipt of messages by the target segment (O'Sullivan et al., 1996). *Not considering* the target segment solely as the receiver and in passive position is important in terms of the access and communication strategies being long termed and increasing their effectiveness.

We have to consider the children, who constitute our target segment as one of the determinant sides of communication. In this sense, **including the children in actions as much as possible and receiving feedback from target segments** is important for an effective communication strategy.

**The purpose in the internal access efforts within the organization is to lay the ground for the establishment of positive relationships by creating mutual communication.**

The **communication** here should be **interactive**. We have to consider the target segment as both the children and the organization personnel. **Increasing their abilities to establish good communication is one of the short-term objectives.**

The personnel in the organization should be provided with training on working in multicultural environments, **the abilities of the organization personnel related to the subject should be increased and they should be provided with trainer trainings.**

We should target relationships based on trust rather than negative relationships between the children and the personnel in organizations through good communication. At this point, it is critically important that the communication is interactive and the feedback mechanisms are open. The children should be able to express any problems, needs, or requests concerning their situations here. These expressions should be responded with answers they can comprehend rather than violence.

**One of the medium and long-term consequences of the internal access strategy within the organization is improving the operation of organizations through establishing good communication with the children.**

Ensuring this requires language and good communication skills. We use the term communication here in a broad sense to cover the communication with all institutions and individuals that the children have relationships with.

Not having any information about the processes in addition to the quite uncertain nature of the processes they pass through may increase their anxiety and a mechanism may step in, whereby they blame the organizations personnel, with whom they cannot establish a communication because of the language barrier.

## ***B. Empowering the Personnel Within the System***

### ***Providing information regarding the system in general***

After the new system is established, the personnel should be informed about the process, its operation, partners, task distribution and obligations. The personnel working in the relevant organizations should also be informed about the processes of the children. This information is critical in terms of ensuring healthy operation of these processes.

### ***Local working groups***

Local working groups should be established among the personnel of the relevant organizations and cooperation and coordination should be ensured on system and case basis through periodic meetings.

### ***Information provided to the children about the system by the personnel***

The children's ability to establish good relationships within the institution and to receive explanations about their processes in a manner they can comprehend is important in terms of their stays here being more humane and experiencing fewer problems in organizations.

## ***C. Improving Communication Skills in Multicultural Environment and Ensuring A Pedagogic Approach***

### ***Providing information to the target population of the system***

Organization personnel should be provided with training support on such matters as children's rights, child neglect and abuse, the psycho-social profile of unaccompanied minors, cultures of countries of origin, etc. In this manner, the personnel should be ensured to understand and get to know the "foreign adolescents" they are faced with. Such training support may be developed in the form of trainer trainings and their continuity can be ensured after they are initially given to the relevant personnel.

### ***Establishing a multicultural and positive organization culture***

Trainings on working in multicultural environments, group dynamics, conflict resolution strategies applied within groups, etc. should be given. At the end of these trainings, the personnel should be brought to a level, where they can provide training to and conduct group game play activities with the children staying in the organization on such subjects as multicultural life, wondering and learning different cultures, living together, respecting each other, learning from each other, etc.

Communication inside the organization, programs in which the rights and obligations are explained to children, brochures written in different languages are needed. Games and joint activities are as



necessary as provision of information in creating and sustaining a positive organizational culture. The personnel of the organization must be informed about such activities and games.

#### ***D. Effective communication efforts inside the organization being repetitive and complementing each other***

***Repetition is important and necessary.*** These types of group game play activities should be repeated in order to ensure that the circulation and life practices of children are established in the organization.

***Group work should be supported with individual work.*** As also mentioned in earlier studies, different traumas generally cause different reactions in minors. The efforts at this point should also be supported with individual psycho-social assistance.

#### ***E. Overcoming the Language Barrier***

The interpreter should serve everybody in her/his own language.

The Persian spoken by the Afghans is quite different from the advanced Persian spoken by the interpreters graduated from the Persian Language and Literature Departments in Turkey. The interpreters interviewed also stated that they could not always understand everything said by those coming from Afghanistan while performing their duties. From the four official interpreters interviewed in the field, one of them with higher motivation compared to others stated that he learned the words in other dialects after a while as he spoke with them and tried to understand what they said and that he could now establish better communication with these children.

Another important point is that almost all of the interpreters are men. A perception that women would talk to other women more comfortably and men would communicate with other men more easily would be deficient here. However, in some incidents, things can be explained more easily to persons, who could be put in place of mothers. On the other hand, female interpreters should also be assigned for unaccompanied girls referred to these organizations.

### **7.3. SIDE THEMES TO BE USED IN THE MATERIALS**

#### ***a. Admired artists***

Music has been determined as an important component for the campaign materials to be produced. All of the children interviewed in the survey enjoyed listening to music. The music tastes of the children were also asked for the short films to be shot. Justin Bieber was the most frequently mentioned name

among foreign singers; besides, Tarkan and İbrahim Tatlıses came out as the favorite singers of the Middle Eastern - Asian children.

#### ***b. Football***

Football, which constituted the common ground for all boys, who were interviewed, as their favorite sports, is a concept that can also be used in the access strategy.

As one of the in-house communication strategies, the personnel and the children may play football together.

Football may be used a theme in posters and brochures to be produced to inform the children.

#### ***c. Strong individual images***

Almost all of the children staying in the organizations and all of those interviewed are in their adolescence periods. As most young people passing through this period, they enjoy images expressing power; they want to be '*strong, grown-up, and successful*'. Therefore, strong male figures, who face up to difficulties, are their favorites among heroes. This is reflected in all their preferences with respect to films, sports, comic books, animated cartoons, etc. Their interest in 'body building' is also consistent with this perception.

*'strong, grown-up, and successful' examples may be effective in the communication campaign.*

#### ***d. Favorite colors***

Colors are important to most of the children, they have tastes and meanings. These can be used in the virtual environment to be developed and the flyers to be produced to attract attention.

The most liked colors in general are green (they think it represents success), white, and red.

#### ***e. Plenty of pictures / few letters***

It was realized that the habit of reading long texts was low even among literate children. Such materials as comic books, caricatures, etc. which contain plenty of pictures and relatively less text, are preferred by the children. Pictures, comic books, etc. may be preferred in terms of increasing the effectiveness of written and printed materials.

#### ***f. Cartoons / Animations***

Animations may also be used in short films to be made with the purpose of informing and training. Almost half of the children interviewed stated that they watched animated cartoons when they saw one.

## 8. ACCESS AND INSTITUTIONAL CAPACITY

As mentioned earlier, currently the access policy is deficient. The experts specialized in the field stated that the system operated with difficulty due to the high number of applications submitted to UNHCR and ASAM, which are the relevant organizations.

Therefore, the risk of increasing number of applications for asylum by unaccompanied children as a result of any access strategy should also be taken into consideration. It is clearly evident that the sound operation of the access strategy is closely associated with the improvement of institutional capacity.

***For the sound operation of the access strategy, the institutional infrastructure should be developed in two directions:***

**a.** Increasing the service and placement capacity to respond to increasing number of applications. (This might mean a further increase in the number of applications. An increase in refugee quotas does not seem likely in the international conjuncture. In this situation, it will be necessary to raise the institutional capacity to a level, where it will be possible to care for more unaccompanied minors for longer periods of time).

**b.** Generating other alternatives that could take place as a result of the applications of unaccompanied minors during their migration process. For instance, taking them under subsidiary protection, finding their families, developing family reunification strategies, etc. Additionally, programs towards balancing the migration movement through providing economic support in return and thus contributing to regional development in the country of origin can be developed as policies framing the existing mechanism. To examine country examples will be beneficial for the development of these types of programs.

***The basic principle in institutional infrastructure is to ensure that both the options to be developed and the applications are for the best interest of the child and consistent with the children's' rights.***

## 9. HINDRANCES OF ACCESS

Some of the children come with the aim of working. Those, who come alone due to reasons of becoming refugees or who get drifted apart from their families on the way, on the other hand, want to work in order to maintain their lives under the current conditions.

In some other cases, as revealed during the interviews, families sell all they have as a last hope and finance their children's journeys. However, we should not forget that this does not mean the children do not meet one of the five criteria of being a refugee! In such cases, children feel the desire to work and earn money within the shortest time and pay their debts by sending this money to their families.

In brief, some of the children were observed to have quite a strong urge for working. However, it is not possible for them to start working as soon as they enter the system. This is one of the reasons explaining flights and a hindrance that should be taken into consideration in the access strategy.

## 10. RECOMMENDATIONS FOR LEGISLATION

### **1. Health**

While developing secondary legislation and institutional capacity, the conditions under which health benefits and health expenses could be financed, should be determined. These children are subjected to the regulation on health tourism since they are foreigners. Even if they can get medical examination, the financing of the medication differs depending on the dialogue between the MFSP organization in the city and the provincial Social Assistance and Solidarity Foundation or the power of the relevant Social Assistance and Solidarity Foundation. The Ministry of Health may incorporate a provision into the relevant regulation concerning the foreign children taken under institutional care within the framework of secondary legislation. Apart from this, a protocol may be signed between provincial MFSP organizations and Social Assistance and Solidarity Foundations.

### **2. Granting foreign Identification numbers**

It was stated in almost every organization that children could not be enrolled at schools and could not benefit from health services due to delays in the provision of foreign identification numbers and that this constituted a serious problem. A provision similar to the following may be incorporated into the secondary legislation regarding the subject: "Foreign identification numbers will be granted to unaccompanied minors placed in organizations, by accepting their place of residence as the institution they are placed in, within 3 weeks if there is no requirement for determining their ages or if such a requirement exists, within 3 weeks, following the confirmation that they are minors as a result of the age assessment."

### **3. Regulation recommendations related to organizations**

The children placed in organizations must obtain permission from the Foreigners Police in order to be able to go to Ankara to attend the UN interviews. When this is the case pursuant to the legislation, a long bureaucracy takes place between the organization and the police. Children may sometimes miss their interviews because of the long time such exchange of correspondences takes. This correspondence process should be shortened. The relevant organizations may be vested with the authority to give limited permission to attend UN interviews.

### **4. Regulating the procedure concerning discharges from organizations**

### **5. Adding foreign children in the sports licenses regulation**

A great majority of the children like football. The either watch or play football if they find the chance. Some also dream about becoming football players. A child, who wanted to become a professional wrestler was also interviewed. Under the current regulations these children cannot obtain licenses – in terms of participation rights, they may be included in the licensing system through an arrangement made in the secondary legislation.

## **5. Trusteeship**

Appointing a trustee, who will be helpful in determining the best interest of the child, providing consultancy in legal process, and carrying out bureaucratic transactions, will be beneficial and effective in both finalizing files rapidly and solving various conditions and problems that might be encountered by the children in Turkey.

## **6. Establishing a specialized asylum court**

A specialized asylum court may be established in order to ensure the legal registration of the best interests of unaccompanied minors and their legal representation, to protect the rights of the children and to fulfill the international obligations of Turkey in transnational transactions to be realized about the children, and to resolve potential legal disputes. There are such courts in the Netherlands.

# **11. NEW SURVEYS THAT ARE NEEDED**

## **1. Positioning of migrant labor in rural areas**

During the interviews conducted, the specialists in Ankara and Van stated that migrants also worked in rural areas and especially the Afghans were engaged in shepherding. In addition, news related to the subject were also covered in local media during the period of the survey.

A field study on the positioning of migrant labor in rural areas may be beneficial in terms of clarifying such cases.

ILO and IOM may jointly develop a project and conduct a survey in this area.

Even though migration is generally directed towards urban areas, there is also a nomadic group of migrants in Turkey, who work in agriculture and animal husbandry. Understanding the profile of this group will provide important data to the management of migration.

Since this matter is closely related to informal employment, the support of both the Ministry of Interior and the Ministry of Labor and Social Security would be beneficial.

## **2. Examining country examples for voluntary repatriation**

Systems of the European Union countries, and particularly those of the Netherlands and Norway should be examined in such matters as repatriation, family reunification, ensuring the best interest in the country of origin, etc.<sup>25</sup>

The countries work actively within the framework of the human rights and children's rights law in order to ensure the best interest of unaccompanied minors, who are not refugees, in their own countries of origin.

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<sup>25</sup> Examples from certain European countries are given in the next chapter of the Report.

A twinning project may be developed in this area through partnering with Dutch and Norwegian organizations and a research may be conducted under this project. The methods of application of the removal policies of Europe as well as their impact on Turkey may be investigated in this research. How can active migration management be applied on groups coming to Turkey? Can migration policies particularly related to the safe return of vulnerable groups be applied without offending human rights? Is this possible within the context of Turkey? A research to be conducted within the framework of study visits to and interviews in foreign countries with the aim of searching answers to these and similar questions by also obtaining the opinions of the bureaucrats here, which would focus on the outputs of a series of interviews, the classification of alternative models, and a model proposal for Turkey, may be extremely beneficial.

Such a research will contribute positive data for the Law on Foreigners and International Protection and the General Directorate of Migration Management, which has recently been institutionalized.

### ***3. Child labor and migration***

Even if its rate and sector changes from one province to the other, child labor was observed as a social problem, which also covers unaccompanied minors.

Child labor, which is highly prevalent specifically in Van, can be observed in almost every street and square of the city. It was also seen that almost all of the people working in the textile mills and tailor shops at the city center of Van were children. This subject was also brought up during some interviews; according to the information obtained from the NGOs and university students, these children mostly comprised the Afghan minors. The existence of such a market has created an area for child labor targeting migrant children and specifically unaccompanied minors.

In addition to this finding, all of the 15 migrant children, who were interviewed in Istanbul and who were not staying in any organizations, were working. In brief, findings suggesting that unaccompanied minors worked in various provinces were obtained. A comprehensive child labor research will be beneficial in terms of clarifying the subject and developing solution proposals.

### ***4. Profile and needs analysis survey concerning Syrian migrants***

Allegations of Syrian migrants working as seasonal workers were published in the newspapers but there is no scientific data available about the profile of these workers. Furthermore, the official number of Syrians coming to Turkey, which was recently 200,000, is estimated to have tripled. If these estimations are true, then it means that Turkey is facing an influx of migration that is as big as the migration of Bulgarians. Understanding the profile and needs of such a large segment of migrants is indispensable in order to be able to manage this migration movement efficiently.

### ***5. Perception about migrants in migration receiving cities***

Another important point is the relationship of the local people and the migrants in cities receiving foreign immigrants or to which asylum seekers are directed. Understanding the dimensions of this relationship and knowing the points of view of the local people as well as the interactions between these two groups will provide important data in terms of the placements and referrals as well as migration management.

### ***6. Renewal of minor profile survey after five years***

Repeating profile surveys about the minors at five years intervals is important in terms of determining the differentiating characteristics of this segment in time and updating the necessary messages since this segment is very dynamic and variable. What can change? There may be changes in the ethnicities, genders, major age groups, purposes of arrival of the migrants and even whether they come for staying temporarily or permanently. When the events experienced in Egypt and Syria are taken into consideration, significant changes may also take place in the near future in the profiles of the migrants in general as well as illegal migrants and unaccompanied minors.

### ***7. Organization appraisal survey***

In addition, a survey may be conducted with the children, who stayed in the organizations, two years after the new system is developed to determine the operability of the system and whether or not new requirements have arisen.





# 4

## INTERNATIONAL LEGISLATION AND COUNTRY EXAMPLES ON UNACCOMPANIED MINORS



## IV. INTERNATIONAL LEGISLATION AND COUNTRY EXAMPLES ON UNACCOMPANIED MINORS

In this study entry and stay of unaccompanied minors in a country, provisions of international legislation on protection, integration and removal of such children have been examined in general in addition to provisions of relevant legislation and specific practices in Belgium, United Kingdom, Norway and Greece.

The most comprehensive document on the issue is the 1989 United Nations Convention on the Rights of the Child (CRC)<sup>26</sup>. According to United Nations Committee on the Rights of the Child<sup>27</sup> unaccompanied child (minor) is described as the child “who is separated from both parents or other relatives and who is not under the protection of an adult responsible for the child by law or by custom.”

The basic principles in protection of unaccompanied minors are as follows:

- Non-discrimination,
- Best interest of the child,
- Life long development,
- Family unity,
- Non-refoulement,
- Guiding and developing the capacities of the child through appropriate means,
- Participation and
- Confidentiality<sup>28</sup>

The “**priority**” procedures to follow up in the protection of unaccompanied minors are recommended as:<sup>29</sup>

1. Identity assessment of a minor must be done immediately when a child arrives a country.
2. The registration and documentation must be completed without any delay. The age of the minor must be identified through the soundest method within this process.
3. How the minor was separated from the family or legal guardian must be identified.
4. The specific situation of each child (being a victim of human trafficking) must be paid attention to.
5. A rapid tracing and monitoring process must be initiated in order to find the other members of the family.

<sup>26</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

<sup>27</sup> General Comment on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin of 1 September 2005 (Comment No.6)

<sup>28</sup> IOM. (2011). Unaccompanied Children on The Move. Geneva: International Organization for Migration, Annex II

<sup>29</sup> ICRC, IRC, Save the Children, UNICEF, UNHCR, World Vision, (2004). Inter-agency Guiding Principles on Unaccompanied and Separated Children

**“Specific protection needs”** to follow up in protection of the unaccompanied minor are recommended as:<sup>30</sup>

1. A guardian must definitely be appointed to the minor. The guardianship should normally be assigned to a family member if possible but if this is not possible then an adult non-family member or caretaker can be assigned with a view to ensure the best interest of the child.
2. The child must be accommodated in the most suitable place. At this stage, ethnic, religious, cultural and linguistic background of the minor must be taken into account.
3. Minor should be able to attend an education institution, vocational education should also be available and special attention must be paid to education of children with disabilities.
4. Unaccompanied children should have the same right to access to health care as local population under the same health and care standards.
5. Government authorities should take special measures in order to protect the minors who are vulnerable to different forms exploitation and abuse<sup>31</sup>.
6. Specific measures for the prevention of use of children as soldiers must be adopted.
7. Detention should not be implemented and could be used only as a measure of last resort. If a child is detained, his or her inherent dignity will be respected. Briefly, such a treatment should never have a punitive nature.
8. In case of juvenile delinquency a child focused approach should be adopted, child must be treated as an individual in need of protection and should benefit from assistance services.
9. If the children are to be employed this should not prevent their education and should be planned in a way to hinder exploitation.
10. Finally, the personnel dealing with unaccompanied children should be trained in a way to take into account the vulnerability of such children.

The **long-term** options available for unaccompanied minors are as such:<sup>32</sup>

1. Return of the minor to the country of origin should be planned in accordance with the best interest of the child.
2. It should be ensured that the child will have the most suitable reception and care he/she returns to the country of origin and a legal guardian must be assigned to her/him immediately. Return should be on voluntary basis.

<sup>30</sup> IOM (2011). Annex II p. 53

<sup>31</sup> Report by Frontex called “Unaccompanied Minors in the Migration Process” states that unaccompanied minors could be subject to sexual, legal and economic exploitation and could be exposed to child abuse.

<sup>32</sup> A.g.e. p. 60

3. On the other hand, the child must be able to integrate into the local community in case of return. Such integration must be ensured both legally and socially.
4. Resettlement in a third country could also be an option if the child cannot return to his/her country of origin and if this is suitable with the best interest of the child. In this case it should be ensured that the child is protected against refoulement, persecution or other human rights violations in the country of stay.
5. Finally, if all efforts with regard to tracing and family reunification have failed then adoption of the child could be an alternative. Adoption by relatives of the child in the country of origin or adoption by a family at least from the same culture should be preferred.

## 1. UNACCOMPANIED MINORS IN THE EUROPEAN UNION

The term “unaccompanied minor”<sup>33</sup> has been described as follows under the legislation of European Union:

“Minor under the age of 18 who is a third country national or stateless and who arrived in the territory of the Member States unaccompanied by an adult responsible for them whether by law or by custom or left unaccompanied within the territory of the Member States.”

The Principle Decision of the EU Council on Third Country National Unaccompanied Minors<sup>34</sup> regulates the admission, stay, return and asylum procedures of the minors. Accordingly;

- Member States may, refuse admission at the frontier to the unaccompanied minors in particular if they are without the required documentation and authorizations. Member States should cooperate to fight against such situations. Article 2(1).
- In case of unaccompanied minors who apply for asylum refoulement shall not be applicable, protection will be provided at the border and necessary care and protection shall be given. Article 2(2-3); Article 3(1-2).
- Member States should in cooperation with the international organizations endeavor to trace the family of the unaccompanied minor. Article 3(3).
- For the best protection and representation of the unaccompanied minor a legal guardian or an organization for care and well being of the minor or other possible representation should be offered. In case of assigning a legal guardian to an unaccompanied minor then this individual must ensure to meet the legal, social, medical and psychological needs of the child. Article 3(4-5).

<sup>33</sup> Council Directive 2001/55/EC Madde 2(f) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0055:EN:NOT>

<sup>34</sup> Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997Y0719\(02\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997Y0719(02):EN:NOT)

- Medical treatment must be immediately provided to a minor, who has been subject to any form of neglect. Article 3(7).
- The asylum operations of an unaccompanied minor must have priority in terms of finalization, age assessment should be carried out in accordance with the medical age test and the minor must be accommodated with the adult relatives, with a foster family or in reception centers with special provisions for minors or in other accommodation with suitable conditions for minors. Minors above the age of 16 can also be placed in reception centers for adult asylum seekers. During the application interviews the legal guardian, specially appointed adult representative or institution must be present, the interviews must be conducted by trained personnel and in case of granting of refugee status to the unaccompanied minor, he/she should be provided with long term accommodation arrangements as well. Article 4.
- In case of return of the unaccompanied minor it should be ensured that the protection mechanisms exist in the country of return and if such possibilities do not exist then the return should not be considered. Return should only be an option if re-uniting with the other members of the family is possible, if relevant authorities provide suitable solutions in the country of origin or in the third country and if returns are facilitated by international organizations such as UNHCR, UNICEF or civil society organizations. Article 5.

In addition to the above mentioned provisions in accordance with the Council Directive laying down minimum standards for the reception of unaccompanied minors<sup>35</sup> it is required to endeavor to trace the family of the minor and the personnel dealing with such children to have sufficient training and experience. In accordance with another Council Directive on asylum<sup>36</sup> it is necessary to re-unite an unaccompanied minor in a EU country with a member of the family or relative in another country.

In accordance with the Directive on common standards and procedures in Member States for returning illegally staying third-country nationals<sup>37</sup> assistance will be provided to unaccompanied minors other than the service provided by law enforcement authorities and it will be ensured that a guardian or suitable reception center exists in the country of return. The period of stay in the country, school status, existence of other family members and social connections will be taken into account for the sake of the minor. In this period, family unity, treatment of diseases, access to basic education system and fulfillment of specific needs will be ensured. Detention of the unaccompanied minor is envisaged

<sup>35</sup> Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:NOT>

<sup>36</sup> 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 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:NOT>

<sup>37</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0115:EN:NOT>

as the last resort remedy in the Directive and will be terminated in the shortest possible time if applicable.

There are EU funds available<sup>38</sup> to cover the expenses concerning the care, return and family reunification of unaccompanied minors.

**“Policies on Reception, Return and Integration Arrangements For, and Numbers of, Unaccompanied Minors”** prepared by European Migration Network National Contact Points<sup>39</sup>, reflect the procedures applicable for unaccompanied minors in 22 European countries including Austria Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, the Netherlands, Malta, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. The report analyzes the reasons of such unaccompanied minors to come to EU, entry procedures, admission regulations, measures envisaged for reintegration, detention and return procedures and the best practices.

EU experience on UAMs mostly consists of the asylum application and post application processes but the minors get acquainted with the system under several other circumstances. Sometimes the reason is family reunification, sometimes minors try to go to EU countries to join the diaspora in that country or to meet their community for economic reasons, in search of medical treatment, some minors run away from their families with personal efforts, some can be assisted by human smugglers. In such cases the travel and other expenses of the children can sometimes be paid by the families and these children leave the country with the will, consent or coercion of their families. In some cases the minors are included in the process after being identified as victims of human trafficking.

In these processes when such children contact the authorities of the relevant country with or without their will (upon apprehension) they make the asylum application. The children unaware of asylum procedures may not be able to be involved in that process. The asylum applications in EU countries and the procedures to be followed afterwards are quite similar but there might be differences in the legal regulations of the relevant countries pertaining to migration laws. For example, some minors can be removed from a country due to rejection of entry into that country based on age assessment differences between relevant legal regulations.

One of the most widespread situations that UAMs are faced with in the Member States is the disappearance of significant number of them from the accommodation centers. Sometimes children leave upon their will

<sup>38</sup> For example Council Decision of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General Programme Solidarity and Management of Migration Flows <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007D0435:EN:NOT> ; Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme Solidarity and Management of Migration Flows <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007D0575:EN:NOT>

<sup>39</sup> European Migration Network (2010). Policies on Reception, Return and Integration arrangements for, and numbers of, Unaccompanied Minors – an EU comparative study <http://emn.sarenet.es/Downloads/prepareShowFiles.do?directoryID=115>.

from open facilities but it is also considered that such minors could be taken out of these facilities and could easily become victims of human trafficking.

Standard procedures do not exist in the Member States pertaining to age assessment. There are no absolute examinations to show age assessment other than the interviews, document examination and physical examination. However, if there exists a doubt about the child to be younger, then the age is determined to be less. Furthermore, unaccompanied children elder than the age of 18 are asked to leave the accommodation facility, the Member State does not provide any kind of protection and such children are forced to leave the country.

In the Member States there are only a limited number of successful cases in which the family of the UAM has been traced. In some of these cases the child has been reunified with his/her family in the home country in accordance with the principle of best interest of child. However, it has not been possible to find the families in most of the cases.

In all of the Member States in accordance with the relevant integration arrangements support is provided to UAMs in terms of health care (emergency assistance, psychological support and care), education (priority given to language lessons) and employment (limited and more for children above the age of 16).

Detention of unaccompanied minors is never implemented in some Member States but resorted to as the last remedy in some others. Detention is realized in the process following the deportation decision or in case of juvenile delinquency. Procedures pertaining to detention are mostly shaped in accordance with the provisions in the legislation on foreigners.

Although the return of UAMs to the country of origin can be done in accordance with the best interest of the child and realized through voluntary return programs assisted by IOM in general these are quite limited. The children are most of the time not willing to return to their home countries. Additionally, the authorities of the countries of origin refrain to cooperate on the issue.



## 2. COUNTRY PRACTICES ON UNACCOMPANIED MINORS: EXAMPLES OF BELGIUM, NORWAY, GREECE AND THE UNITED KINGDOM

In this section the legislation and practices concerning entry to the country, admission, integration, detention and removal of unaccompanied children are introduced.

### 2.1. BELGIUM<sup>40</sup>

#### Entry to the Country

For an unaccompanied minor to enter Belgium legally he/she must acquire a three-month or shorter term C type visa. His/her guardian must accompany him or a relative must be waiting for the child at the frontier. If the child is unaccompanied and does not have the legal documents then although it is possible to return him/her to the country of origin in principle, the minor will be transferred to "Monitoring and Orientation Centers" in accordance with the Belgium Law on Guardianship for a period of 15 days. The child will be accepted as "not entered to the country" in these centers, his/her age will be assessed, his/her identity will be determined and if there is a doubt on his/her being under the age of 18 medical age assessment will be done by the Guardianship Institution. In accordance with a circular dated 23 April 2004 if a police officer or migrant bureau officer meets an unaccompanied minor, he/she will be obliged to fill in the form of unaccompanied minor immediately and notify the Migration Department and Guardianship Institution about the situation.<sup>41</sup>

If there is an asylum application by the minor then expert officers will be appointed so as to take the application with priority. For the minors who do not lodge an asylum application, action will be taken in accordance with a circular published in 2005. Accordingly, three alternatives will be provided to the minor as family reunification, return or residence.<sup>42</sup> For the minors who have been victims of human trafficking the obligation to cooperate with judicial authorities in order to obtain the residence right has been abolished through an arrangement done in 2008.

#### Admission and Accommodation

When the Guardianship Institution is informed about the existence of an unaccompanied minor the child will be taken to the Monitoring and Orientation Centre and assigned a legal guardian. The vulnerable minors with specific needs (such as pregnancy, psychological disorders and etc.) will be transferred to special reception centers. In the second phase the minors with and without asylum

<sup>40</sup> The information has been compiled from "European Migration Network (2010). Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – an EU Comparative Study".

<sup>41</sup> IOM Brussels. (2009). Guidelines and Internal Procedure on Return and Integration Assistance to Unaccompanied Minors. p. 4.

<sup>42</sup> Some NGOs argue that these alternatives are compelled to the child. The guardian of the minor has the right to object to the Foreigners Object Council.

application will be separated from each other. At this stage longer-term possibilities such as recreation, enrollment at school, learning the language, getting psychological treatment will be offered to the minor. The minor with asylum application will be accepted to Federal Reception Centers (Fedasil). The minor will stay in these centers for a period of 4 to 12 months.

Minors, who do not lodge asylum application or whose application have been rejected, will stay under the authority of the Communities<sup>43</sup> and be transferred to Youth Assistance Services, which are open to all minors including unaccompanied ones.

In the third phase suitable alternatives will be determined so as to envisage a permanent solution for the minor. Federal and regional authorities will provide a house or accommodation facility for the minor. In case of emergency minors can be referred to foster families or shelters for the victims.

In general the most suitable accommodation facility for the unaccompanied minors in Belgium is the reception centers with a capacity of 40 or families. Foster families are the best solution for the children under the age of 12. These children should be able to make use of the services available in the centers even when they stay with the families and the mechanism should be strictly controlled.

## **Guardianship**

Belgian Law on Guardianship regulates the operation principles of the Guardianship Institution and how to treat the unaccompanied minors. Accordingly, there are two types of guardianship mechanisms. The first type is also called as professional guardianship and guardianship is undertaken through NGOs such as the Red Cross. The other type is the voluntary guardianship in which private individuals act as guardians. Voluntary guardians receive a certain amount of money per minor from the state. The extent of information exchange between the state and the voluntary guardian, criteria on the appointment of guardians suitable with the specific needs of the minor, regular trainings provided to guardians, presence of communication channels between the guardian and the state about the return of the minor are the issues highly debatable on the guardianship institution.<sup>44</sup>

## **Disappearances**

Disappearance of unaccompanied minors in Belgium mostly takes place in open monitoring centers. For example, 562 minors left these centers in the year 2008. The disappearances mostly occur generally in the first days and prior to the appointment of the guardian. In order to fight against this problem an agreement between the relevant agencies has been concluded in order to take steps for provision of better pedagogical assistance to the minors, registration of fingerprints, and appointment

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<sup>43</sup> There are three separate public communities in Belgium speaking Flemish, French and German.

<sup>44</sup> IOM (2013). *Children on the Move*. Geneva: International Organization for Migration. p. 52

of the guardian in a shorter period and better monitoring of disappeared UAMs at EU level.

### **Victims of Human Trafficking**

UAMs who have been identified, as victims will be transferred to one of the three community centers specially designed for victims. After the relation of the minor with the traffickers has been cut he/she will receive assistance from the authorities and a residence permit will be arranged for him/her.

### **Age Assessment**

The agency authorized to undertake age assessment in Belgium is the Guardianship Institution. The information in legal documents will be taken as basis primarily in the age assessment and a triple test will be applicable in case of doubt. Dental examination, radiologist examination and bone examination are included in this system in order to identify an average age. In case of doubt the lowest age identified will be accepted as valid.

### **Family Tracing**

One of the duties attributed to the legal guardian of the UAM in order to find a permanent solution to his/her problem is tracing the family and family re-unification. There exists a service by Red Cross with that purpose<sup>45</sup>. Relevant unit of Belgium Migration Authority MINTEH<sup>46</sup> and possibilities provided by the Ministry of Foreign Affairs could be used with this purpose as well. However, limited progress has been attained until now and the juvenile courts render decisions that harden the return of the minors to their countries.

### **Family Reunification**

Family reunification of unaccompanied minors is nearly impossible in Belgium. However, the families can lodge an application with this purpose. The exception in this regard is the unaccompanied minors with refugee status to come to live with their families but in this case the parents want to bring the other children as well. There are only a few examples. Identification of the family connection of the minor is under the responsibility of the Guardianship Institution.

### **Health Care**

Minors staying at reception centers will be entitled to health care services as well as health insurance. In addition to health check ups done at the initial stages the most suitable care services (to stay with foster family) can be provided to the minors. However, there are inadequacies in terms of providing

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<sup>45</sup> Tracing Service of the Belgian Red Cross

<sup>46</sup> Minors Bureau of the Entry and Residence Directorate (MINTEH)

psychological support to minors who have lodged an asylum application and have suffered serious traumas.

## **Education**

The children in Belgium (including the unaccompanied ones) are obliged to get education between the ages of 6 and 18. Mandatory education for UAMs starts at the 60th day following the registration in the Foreigners Registry System. If the child stays in the country illegally he/she is entitled to right to education as well. The authority vests on the Community administration on that issue.

## **Employment**

For an UAM to be employed he/she has to be at least 15 years old and should receive full time education. For employment the student must have a contracted work permit, should not work more than 20 hours a week and should work on a topic relevant to his/her education.

## **Detention**

UAMs apprehended at the frontiers of Belgium or in Belgium for various reasons will be delivered to local police authorities and the operations will be undertaken at the police office. Determination of identity, fingerprint and photo identification, iris scanning will be done accordingly. In case the minors are identified to be illegal migrants it might also be possible to scan documents or to obtain info in order to find the traffickers or smugglers. After this stage contact is established with the Migration Department and the operations will be undertaken in accordance with the Law on Guardianship. Minors under these circumstances will be transferred to Monitoring and Orientation Centre and age assessment will be done if deemed necessary.

When the families illegally staying in Belgium are apprehended by police forces their deportation operations will be initiated and these families are accommodated in houses or flats until the time of deportation without restricting their mobility. A "return coach" will be appointed to these families to explain them the situation, to point out to importance of cooperation and to prepare them to return. These return coaches work together with IOM in order to organize voluntary return of these individuals.

## **Voluntary Return**

Belgium does not mandatorily deport unaccompanied minors but instead plans voluntary return together with IOM. Although it is legally possible to return the unaccompanied minors with illegal status identified at the airport the numbers are quite low in practice. Suspended return decisions are rendered about unaccompanied minors in Belgium. In this case the guardian tries to plan the return

of the minor to the country of origin and the state provides a certain amount of financial assistance for such returns. In some cases in accordance with Dublin rules<sup>47</sup> it is possible to return these minors to the country where they came from. If the minor refuses return despite the suitable conditions then his/her legal status is terminated. At this point sometimes minors leave the institution or guardian and disappear. It has been reported that some migrant children continue to stay illegally.<sup>48</sup>

Unaccompanied minors above the age of 18 without residence permit are returned to their home countries. Most of the time minors, who refuse return option, are compelled to leave the institution they reside at and cannot benefit from health assistance, cannot continue university education and are deprived of other social assistance funds. In practice, when these children reach the age of 18 instead of directly depriving them from such services after necessary notifications had been done the residence permit is extended from 6 to 12 months, assistance is provided to find a job and an ID is given. If the residence permit is extended for three times then the individual can get an indefinite residence permit.

## 2.2. HOLLAND

Unaccompanied minors coming to Holland especially the ones applying for asylum are the children trying to reach the country through illegal means for economic reasons and are deceived and smuggled by human traffickers. Some of the children (especially the African minors) were reported to have been mistreated or forced to marry which led them to run away from their families. Some of them were forced to work, some were penalized due to the crimes committed by other family members, some were forced to serve as soldiers in conflict areas and these were listed as reasons of leaving the home countries for unaccompanied minors reaching Holland.<sup>49</sup> Most of the children coming to Holland are from Somalia, Iraq, Afghanistan and China.

### Entry to the Country

When an unaccompanied minor reaching international airports of Holland lodges an asylum application, his/her entry is rejected but he/she is allowed to leave the airport. Asylum applications are transacted by expert teams affiliated to Migration and Citizenship Agency. A guardian is appointed

<sup>47</sup> In accordance with Dublin Convention if a foreigner who came to an EU country for the first time and who lodged an asylum application leaves that country after being registered in order to go to another EU country and gets apprehended there followed by an asylum application in the second EU country, then he will be returned to the first EU country of application. For detailed provisions see [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:41997A0819\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:41997A0819(01):EN:NOT)

<sup>48</sup> IOM. (2008). Exchange of Information and Best Practices on First Reception, Protection and Treatment of Unaccompanied Minors: Manual of Best Practices and Recommendations. p.72

<sup>49</sup> European Migration Network (2010).s. 24

to the minor in the shortest time and the appointed guardian signs the asylum application on behalf of the minor.<sup>50</sup>

### **Admission and Accommodation**

Minor applying for asylum is surrendered to a host family by Nidos Agency and accommodated in admission centers or homes of Central Asylum Seeker Admission Agency under the Ministry of Justice. Minors are accommodated in different centers in accordance with their skills and characteristics so as to provide the services needed for their daily requirements. Minors under 13 are kept by host families with children who have the similar cultural background, minors between 13-15 are kept in homes and minors between 15-18 are accommodated in admission centers. In the past years due to disappearance of girls (Indians and Nigerians) a protection system was initiated so that minors under the risk of exploitation were transferred to protected admission centers.<sup>51</sup>

### **Guardianship**

In accordance with the guardianship legislation in Holland it is required to immediately appoint a guardian to the unaccompanied minor. Guardians found by Nidos Agency are the supervisors of the legal rights of the minor. Guardianship requires a university degree and a ten-day basic training on guardianship. Daily care and visits are ensured by host families or Central asylum Seeker Admission Agency. The guardian contacts closely with these people and plans the most suitable alternative for integration or return of the minor.

### **Disappearances**

With the increase in the number of disappearing boys and girls in Holland the connection of these cases with human trafficking was investigated and the number was decreased with the efforts of related institutions.<sup>52</sup>

### **Victims of Human Trafficking**

The regulation issued on minor victims of human trafficking includes arrangements to provide residence permits to such minors and apprehension of criminals with the support of such children. Following the decision of the court on existence of a human trafficking case permanent residence permit can be issued to the minor as well. Minors with victim residence permit have the right to apply for permanent residence if the period of staying with victim residence permit exceeds three years.<sup>53</sup>

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<sup>50</sup> EMN (2010). s.33

<sup>51</sup> EMN (2010). s.40

<sup>52</sup> EMN (2010). s.48

<sup>53</sup> EMN (2010). s.39

## Age Assessment

Age assessment is done with the consent of the child if the child cannot prove his/her age through legal documents or if there exists a suspicion about the age of the child. Age assessment is based on measuring the wrist and collarbones of the minor and calculations taking into account sex of the child and the assessment can be repeated upon the child's request.<sup>54</sup>

Children, who reside for 3 or more years under the title of unaccompanied minor, may request permanent residence permit when they reach the age of 18. However, this situation can be justified only with humanitarian considerations and in exceptional cases. It is principal not to extend the residence permits of the minors whose asylum application has been rejected. However, the way is open for the minors under the age of 15 primarily to obtain temporary residence and after the age of 18 permanent residence permit.<sup>55</sup>

## Family Tracing

In practices to find the family members of the minors the investigations are carried out by migration liaison officers and authorities of Ministry of Foreign Affairs of Holland.<sup>56</sup>

## Health Care

Minors can make use of primary health care provided to other asylum seekers and minors in need of further treatment (PTSD, depression, etc.) can make use of such services. Minors with psychological disorders and disturbing the others are transferred to special admission centers. Furthermore, civil society organizations also provide voluntary health care services.<sup>57</sup>

## Education

Regardless of their status of residence minors in Holland are obliged to get education. It is a priority to provide Dutch language courses to such children enrolled in mandatory formal education. Education services and format of education are decided and provided by the municipality where the minor resides.<sup>58</sup>

## Employment

Employability of minors in Holland is determined in accordance with their status of residence. Minors with ongoing asylum application process can work 24 hours a week but the minors whose return to

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<sup>54</sup> EMN (2010). s.53

<sup>55</sup> EMN (2010). s.55

<sup>56</sup> EMN (2010). p.57

<sup>57</sup> EMN (2010). p.60

<sup>58</sup> EMN (2010). p. 63

home country was found to be dangerous can work longer hours. The limitations on working hours will be abolished for minors whose asylum application has been accepted.<sup>59</sup>

## **Detention**

Detention or administrative custody for deportation purposes is possible. But the possibilities for the best interest of child are evaluated as a priority. Mandatory detention for minors is implemented if it is required by public order and national security.<sup>60</sup> Detention period for a minor who has been decided to be deported is at most fourteen days and legal support is provided in this period.<sup>61</sup>

Detention of minors, who continue to stay illegally in the country, can be done by Foreigners Police. The police inform the Return Service, which undertakes the return operations to third countries, under the Ministry of Justice. In any case Youth Social Assistance Office is informed as well. If deportation of the minor is obligatory then such decision must be rendered by the judges of Foreigner Courts.<sup>62</sup>

## **Voluntary Return**

Minors, who are not found suitable to stay in Holland, are forced to leave the country. Government of Holland insists on such returns to happen before the age of 18. With this purpose the authorities consider the capacity of the child to act alone, availability of appropriate accommodation conditions in the home country and possibility of return to home country under suitable conditions. Generally, girls and women with children are not quite fond of return, the people with family at home are more positive about return and children who have been previously subject to violence and pressure are not preferred to return. IOM takes part in assisted voluntary return practices. Holland has facilities in Angola and Congo to arrange returns and to facilitate the returns of minors.<sup>63</sup> Minors without family or minors who were not found suitable to immediately go back to their families are accommodated in these facilities. There are minors, who leave these facilities and disappear although they stay in these facilities.<sup>64</sup>

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<sup>59</sup> EMN (2010). p.65

<sup>60</sup> EMN (2010). p.69

<sup>61</sup> European Commission. (2011). p. 283

<sup>62</sup> EMN (2010). p.34

<sup>63</sup> European Commission. (2011). p. 45

<sup>64</sup> EMN (2010)..p..74



## 2.3. THE UNITED KINGDOM<sup>65</sup>

### Entry to the Country

Unaccompanied minors generally enter the United Kingdom out of their own decision and under the direction of their families. Families start and direct the migration process. Minors entering the country illegally do not talk about their migration experience, which may be because they are traumatized or have been rehearsed by their families. Minors tell stories rehearsed to them by their parents which will fulfill asylum conditions, amplifying political reasons and omitting economic reasons for seeking asylum.

An unaccompanied minor may apply for asylum in the United Kingdom at the point of entry. In practice, most asylum applications (80 per cent) are made after entry at the United Kingdom Border Agency (UKBA). It is seen that minors initiate the asylum process once they enter the country with the help of smugglers.

### Reception and Accommodation

Care and accommodation service is provided to unaccompanied minors as per relevant provisions of the Children Act. According to the Law, minors will be formally 'looked after' or 'accommodated' and will have a named social worker responsible for assessing the child's needs. The social worker will prepare a care plan for minors. Accommodation service will be provided by Children's Services. After a prescreening, it may be decided to place the child in foster care; place the child in a residential home or place the child in a residential home. Independent accommodation may be provided for some older unaccompanied minors; however these children will definitely be under the supervision of a social worker. In practice, unaccompanied minors under 16 years go into foster care with family whilst those over 16 mostly go into semi-independent living.

### Guardianship

The United Kingdom does not have a guardianship system, which provides parental authority. An unaccompanied minor is not provided with a guardian after they are granted with the refugee status. This situation causes the minor to be deprived of legal representation and care and well being of a minor cannot be ensured with parental authority.<sup>66</sup>

### Age Assessment

United Kingdom has observed an increase in the number of asylum applicants claiming to be under 18 years of age. An age assessment is usually made at the start of the screening process. If the

<sup>65</sup> The information below is generally compiled from a study entitled "European Migration Network (2010). Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – an EU Comparative Study".

<sup>66</sup> Delbos, L. (2010). The Reception and Care of Unaccompanied Minors in Eight Countries of The European Union. p. 100

physical appearance and/or general demeanor very strongly suggest that they are significantly over the age of 18 years, the applicant is normally treated as an adult. Merton compliant age assessment system is preferred. This system requires two experienced social workers to assess applicant's physical appearance, social development, their account of their family life and educational history. This assessment is accepted by the United Kingdom Border Agency.

## **Disappearances**

It was observed that some children taking shelter in local care centers go missing from local authority care. National NGOs have expressed their concern that these children might be abused and victimized by human traffickers. To tackle this, a guideline was prepared to deal with these children missing from care centers.

## **Health Care**

If an unaccompanied minor is assessed as needing care, then the Local Authority Children's Services will provide them with access to a number of services. Minors are entitled to free access to a care program known as National Health Service. This program includes trained and experienced interpreters, counseling, medical, sexual and mental health services. In addition, there are two voluntary organizations, which provide care for children who are victims of war and have been tortured.

## **Education**

Unaccompanied minors applying for asylum in the United Kingdom between the ages of 5 and 16 years have the same rights as all other children to compulsory education. Those aged from 16 to 18 years are eligible for the advanced education. However, for minors in this age range, their immigration status is taken into consideration by local authority social services and thus these minors are deprived of long-term programs.

## **Detention**

In the United Kingdom, detention of foreigners, is covered by the Immigration Act 1971 and the Nationality, Immigration and Asylum Act 2002. However, as a matter of policy, unaccompanied minors may only be detained in the following limited circumstances: very exceptionally, overnight, whilst alternative arrangements are made for their care and safety; on the day of a planned removal, to facilitate their safe escort between their residence and the port of removal; and in criminal cases, in exceptional circumstances, where it can be shown that the individual poses a serious risk to the public and a decision to remove the individual has been taken.

## Voluntary Return

In case it is ensured that unaccompanied minors would have better conditions and adequate reception and care arrangements in the country to which the minor was to be returned, then they will be removed. If the return is to the parents, the practice is applied more frequently. However, the parents often refuse to co-operate. Voluntary return is primarily executed through two programs, namely Voluntary Assisted Return and Reintegration Program, which is applied to any minor who has been in the asylum system at any stage and Assisted Voluntary Return for Irregular Migrants Scheme, which is applicable to illegally staying migrants, who have overstayed their visas or have been smuggled or trafficked into the country. Both of these programs are run by IOM. Unaccompanied minors, who are willing to be involved in either program, are provided with reintegration assistance through education and training. In cases when no family can be traced, the unaccompanied minor can be placed in a foster family based on a report by the minor's social worker.<sup>67</sup>

Unaccompanied minors are informed whether or not they are eligible to be covered by a plan named "leaving care support" a couple of months before the age of 18. A personal adviser is assigned for those who are older than 18 and the plan are developed jointly. This means that the young person has access to different assistance. "Leaving care support" program continues to at least the age of 21 years and may be up to 24 + years if the individual remains in education. However, after the government declared that the process to remove such unaccompanied minors, who are staying in the country as part of this program would be accelerated, this group of such individuals experienced serious concerns.<sup>68</sup>

## 2.4. NORWAY

### Entry to the Country

Norway is historically a country, which receives high number of migrants. In this scope, the unaccompanied minors entering the country are also high in number. A large number of these minors arrived Norway after they left Greece following an asylum application lodged in Greece.<sup>69</sup> The highest number of asylum applications to Norway in the first 8 months of the year 2013 was lodged by unaccompanied minors of Somalia, Eritrea and Afghan descent.<sup>70</sup>

There are two organizations responsible for following up the procedures related to unaccompanied minors in Norway. Child Protection Agency takes care of minors under 14 years of age and those older

<sup>67</sup> Delbos, L. (2010). The Reception and Care of Unaccompanied Minors in Eight Countries of THE European Union. p. 42

<sup>68</sup> Sigona, N. & Hughes, V. (2012). No Way Out, No Way In: Irregular Migrant Children and Families in the UK. Research Report: Oxford University, p. 26

<sup>69</sup> Frontex (2010). Unaccompanied Minors in the Migration Process, Warsaw, p. 18-19

<sup>70</sup> <http://www.udi.no/Norwegian-Directorate-of-Immigration/Oversiktsider/statistics/Asylum/Unaccompanied-minors-applications-and-decisions/Applications-from-unaccompanied-minor-asylum-seekers-in-2013/>

than 14 are taken care by Migration Department.<sup>71</sup> Child Rights Committee criticizes the fact that elder children are taken care by this department.<sup>72</sup>

## **Reception and Accommodation**

Minors who are 14 or younger are referred to Child Protection Agency by Migration Department and accommodated in residential type childcare centers. Minors are rarely placed in foster families.<sup>73</sup> There are centers of accommodation specifically designed for children older than 15 where they are separated from adults. Article 38 of Norwegian Migration Law stipulates that unaccompanied minors are granted with residence permit in case it is foreseen that proper care cannot be provided in the country to which the minor was to be returned.

## **Guardianship**

Article 92 of the Norwegian Immigration Act<sup>74</sup> stipulates that unaccompanied minor will be provided with free legal aid without delay. In addition, Article 98 stipulates that county governor's office will assign a "provisional guardian" for unaccompanied minors who lodge an asylum application.<sup>75</sup> Provisional guardian needs to receive proper training and be supervised by governor's office on a regular basis. Provisional guardian must be appointed on a voluntary basis and suitable for the task. Provisional guardian must present a certificate stating that the person does not have any criminal record. The provisional guardian, who has been appointed for a minor must be notified to the Immigration Department.

Provisional guardian will safeguard minor's legal rights and perform his/her duties taking due account of best interest of the minor. The guardian will be present during conversation between the authorities and minor, assist the minor in connection with investigations of identity and with tracing his/her parents and maintain contact with the minor's lawyer. The provisional guardian does not have responsibility for the minor's maintenance and daily care. The guardian will take due account of the minor's national, linguistic, religious and cultural background, ensuring appropriate communication with the minor.

There is no limitation regarding the number of children for whom the provisional guardians can be held responsible.<sup>76</sup> The guardian's assignment terminates when the minor reaches the age of 18, permanent "guardian" is appointed under the provisions of Guardianship Act, the minor leaves the country or the minor's parents come to Norway.

<sup>71</sup> Hühmann, L. (2010). Unaccompanied Minors in Germany and Europe, [www.migrationeducation.org](http://www.migrationeducation.org), p.2

<sup>72</sup> European Commission (2011). p. 45

<sup>73</sup> European Commission (2011). p. 45

<sup>74</sup> Act of 15 May 2008 on the Entry of Foreign Nationals into the Kingdom of Norway and Their Stay in the Realm (Immigration Act)

<sup>75</sup> For further information: <http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Protection/Asylum-seekers-and-refugees/Unaccompanied-minor-asylum-seekers/The-role-of-provisional-guardian/>

<sup>76</sup> European Commission (2011). p.285

## Age Assessment

In cases where there is doubt as to age examination or there is objection to the identified age, consent of the minor will be received for age examination. The margin of error inherent in the medical age examination that comprises X-ray examination of the teeth and the corpus will be taken into consideration and then a decision will be taken.<sup>77</sup>

## Family Tracing

Authorities in Norway are in cooperation with Red Cross when it comes to tracing the family of minors. However, the best interest of the minor will be ensured. It is not preferred to bring in the whole family to Norway to achieve family reunification.

## Education-Health Care

These minors will be provided with opportunities for educational, health care, social and spare time activities. However; it is reported that children over 15 years of age are not always provided with education opportunities. In addition, if younger brothers or sisters of the sibling are also in the country as the minor, then it must be ensured that these individuals are settled in the same place.<sup>78</sup>

## Detention

In Norway the maximum period of detention is 12 weeks according to national legislation which also applies to unaccompanied children as no separate maximum limit has been set for these group.<sup>79</sup> Despite limited time of detention, these minors are provided with education when necessary.<sup>80</sup>

## Voluntary Return

Norway is subject to EU's Return Directive.<sup>81</sup> Voluntary return of minors is one of the priorities of the Norwegian government. It is obligatory to employ a person in charge of removal in removal centers and these persons are provided with courses to develop negotiation skills and ability of persuasion. Video clips, which encourage minors to return, are prepared in various languages and shown to migrants. It is aimed to ensure that minors speak their mother tongue and participate in cultural activities, thus they keep their ties with their country and do not experience integration problems when they are back.<sup>82</sup>

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<sup>77</sup> <http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Protection/Asylum-seekers-and-refugees/Unaccompanied-minor-asylum-seekers/>

<sup>78</sup> European Commission (2011). p. 286

<sup>79</sup> European Commission (2011). p. 74

<sup>80</sup> European Commission (2011). p. 76

<sup>81</sup> European Commission (2011). p. 45

<sup>82</sup> European Commission (2011). p. 69

Unaccompanied minors have to discuss their departure plan with the police. Minors who refuse to cooperate with the police in this regard might be forced to leave the country. Generally, the average duration to leave the country is 21 days as far as voluntary returns are removed.<sup>83</sup> IOM, supports voluntary return programs aiming to reach minors in Norway. In addition, Norway takes part in European Return Program for Unaccompanied Minors (ERPUM)<sup>84</sup>, which is run by Sweden.

In addition, Article 90 of the Immigration Act stipulates that an unaccompanied minor may only be forcibly removed to a family member, an appointed guardian or to some other appropriate care arrangement.<sup>85</sup> The minor must be accompanied during the return process.<sup>86</sup> Norway temporarily stopped deportations to Greece as per Dublin rules upon criticism regarding the fact that appropriate care is not provided in Greece.<sup>87</sup>

## 2.5. GREECE<sup>88</sup>

### Entry to the Country

The statutory provisions of the national aliens legislation in Greece does not provide specifically for the conditions of legal entry of unaccompanied children, except in humanitarian cases in which minors are accommodated in charitable institutions. In addition, a residence permit is also provided to unaccompanied minors when ordered by a decision of the Juvenile Courts.

It is stated that Greek border authorities are not trained enough to deal with vulnerable unaccompanied minors. When combined with the barrier, which is lack of interpreters, it is reported that unaccompanied minors are treated as adults when they enter the country.

As a rule, unaccompanied minors, who are caught, as irregular migrant must be informed by the police of their right to apply for asylum and the minor must be represented by a guardian. Minors, who do not lodge an application for asylum or whose application for asylum is rejected do not have any rights. These minors might be detained or deported by taking part in the same process as adults.<sup>89</sup> A residence permit called "Red Card" can be issued for these minors and it prevents the minors whose

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<sup>83</sup> European Commission (2011). p. 285

<sup>84</sup> The European Return Platform for Unaccompanied Minors

<sup>85</sup> Lemberg-Pedersen, M., Schuster, L., Stern, R, Gibney, M.J. ve Allsop, J. (2013). The Deportation of Unaccompanied Minors from the EU, University of Oxford, Workshop Report, p.10

<sup>86</sup> EC (2011). p. 288

<sup>87</sup> Human Rights Watch. (2008). p.98

<sup>88</sup> This information was adapted from a study entitled as "European Migration Network. (2010). Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – an EU Comparative Study" "Human Rights Watch. (2008). Left to Survive: Systematic Failure to Protect Unaccompanied Migrant Children in Greece,".

<sup>89</sup> Human Rights Watch. (2008)..

application for asylum has been received from being deported. These minors are generally referred to the care centers.

While unaccompanied minors over 14 years of age can lodge their applications alone, legal guardians can lodge this application on behalf of minors below 14 years of age. Even though there is a rule, which says that such application, processes for unaccompanied minors should be initiated without delay, it is observed that completing the application process might sometimes take days.<sup>90</sup>

## **Reception and Accommodation**

There are various centers available to accommodate unaccompanied minors, who come to Greece illegally. These centers are financed by national budget or European Refugee Fund. Minors, who are victims of human trafficking, are accommodated in shelters, which are run by National Social Counseling Centre.<sup>91</sup> This agency signed agreements with certain NGOs to get this service from them. In addition, it is suggested that accommodation places and care services for unaccompanied minors in Greece are not satisfactory.<sup>92</sup>

## **Guardianship**

As per legislation in Greece and circulars issued by Ministry of Interior, provisional legal guardians who are in charge of unaccompanied minors are prosecutors. As per the Civil Law in Greece, guardianship is supervised by a supreme board. Guardians are in charge of hearing the minor and looking after their best interest before courts and supervisory board reaches a decision about the minor.

In addition, the legislation does not explicitly provide conditions for legal guardianship for unaccompanied minors. Therefore, it is claimed that prosecutors do not have same idea over their roles or do not look after minors' best interest during detention. In a study carried out by HRW<sup>93</sup>, it is suggested that prosecutors do not know how many children they are responsible for and there are no records available. In addition, when legal guardianship is assumed by the prosecutor's office, it is not possible to look after minor's best interest since parental authority cannot be exercised.<sup>94</sup>

## **Employment**

Unaccompanied minors are allowed to work in Greece under the conditions given in EU Acquis. Children between 15 and 17 years of age are subject to labor protection conditions, which impose a

<sup>90</sup> Human Rights Watch. (2008). p.43

<sup>91</sup> European Migration Network. (2010).

<sup>92</sup> Human Rights Watch. (2008). Ayrica bakınız. European Commission. (2011). Comparative Study on Practices in the Field of Return of Minors, p.42

<sup>93</sup> Human Rights Watch. (2008).

<sup>94</sup> Delbos, L. (2010). The Reception and Care of Unaccompanied Minors in Eight Countries of THE European Union. p. 101

restriction on working hours, and these children need to be paid with minimum wage at least. It is banned to employ minors in jobs, which threaten their morality, health and safety. However, a report drafted by relevant agencies<sup>95</sup> suggest that working conditions do not enable minors to have a self sustained life and there are some minors who work illegally without their legal guardians giving their consent to their legal employment.

## **Education**

Although unaccompanied minors, who lodge an application for asylum have right to education, it is claimed that there is no system, which enables minors to enjoy this right or supervises the practice.<sup>96</sup>

## **Age Assessment**

A decree adopted in 2008 stipulates that medical examination is required for age assessment of minors. However, the decree does not explicitly mention which method should be used. Anyone who is claiming to be a minor will be treated as a minor until the final result of medical examination is obtained.

## **Victims of Trafficking in Human Beings**

Article 47 of the Law numbered 3386 stipulates that an unaccompanied minor who is a victim of trafficking in human beings must be protected by relevant authorities, quick steps must be taken to trace the family, legal guardian must be appointed and legal assistance must be provided.

## **Detention**

Unaccompanied minors that are held in detention centers for illegally resident migrants are separated from adults until the completion of the procedure of the age assessment, the determination of their country of origin and recognition of their status as an asylum applicant. However, it is alleged that there is not enough information if minors are referred to any protective institution after being released from detention.

There is no provision in Greek legislation, which bans detention of unaccompanied minors, who enter the country with invalid documents or stay in the country illegally. Detention conditions that are applicable to adult migrants are same to those applicable to minors and there is no obstacle before deportation of minors.<sup>97</sup>

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<sup>95</sup> UNHCR and HRW

<sup>96</sup> UNHCR. (2010 ). Trees Only Move in the Wind. A Study of Unaccompanied Afghan Children in Europe. p.25

<sup>97</sup> European Commission. (2011). Comparative Study on Practices in the Field of Return of Minors, p.253



## Voluntary Return

Legislation (Law 3386/2005)<sup>98</sup> in Greece does not prohibit explicitly the return of unaccompanied minors to their country of origin and/or to the country they transited before their illegal entry, unless the Juvenile Court has ordered against them. According to the data collected in 2008, 1153 minors were removed to their country of origin from Greece. It is not confirmed whether or not these minors have access to proper care in the countries that they are deported to and / or there is no reassurance concerning re-integration. For instance, Readmission Agreement signed between Greece and Turkey does not include any provision regarding unaccompanied minors.<sup>99</sup> The situation is different if it is for the return of an unaccompanied minor, who was a victim of trafficking. In such cases, the IOM conducts a feasibility assessment, which facilitates the return of the person concerned.

Minors to be deported have right to objection in 5 days to the police. In a study, which was conducted<sup>100</sup>, it is suggested that minors who have in their hand a deportation decision written in Greek language are not aware of this situation. In some cases, these minors even think that this is a document, which allows them to legally stay in the country. In other words, it is clear that these decisions are not written in a language that can be understood by unaccompanied minors and these decisions are not communicated to them in conditions, which make it easier for the minors to understand them.

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<sup>98</sup> Amendment in the Law on Entry, Stay and Social Integration of Third Country Nationals in Greece.

<sup>99</sup> Human Rights Watch. (2008).

<sup>100</sup> Human Rights Watch. (2008).



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**ANNEX 1: ORGANIZATIONS CONTACTED IN THE SURVEY**

**ANNEX 2: MIGRATION AND ASYLUM OPERATIONS**



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## ANNEX 1: ORGANIZATIONS CONTACTED IN THE SURVEY

Istanbul SGDD (ASAM)

Istanbul General Directorate for Security, Public Order Department

Istanbul Helsinki Citizens' Assembly

Istanbul MFSP Bahçelievler Orphanage for Girls

Istanbul General Directorate of Security, Children Dept.

Istanbul General Directorate of Security, Repatriation Center

Istanbul General Directorate of Security, Anti-Smuggling and Organized Crime Branch

Istanbul Human Resources' Development Foundation

Istanbul Doctors Without Frontiers

Istanbul, Provincial Directorate of Social Services

Istanbul General Directorate of Security Foreigners Branch

Istanbul MFSP Yel Değirmeni

Istanbul Provincial Directorate for Health – Medical Social Service Unit and Employee Rights and Security Unit,

Istanbul MFSP Provincial Directorate

Istanbul Fatih District Directorate of Public Training

Istanbul Provincial Directorate of National Education, Life Long Learning Dept.

Istanbul General Secretariat of Public Hospitals Union

Istanbul Yel Değirmeni

Istanbul, IOM

Istanbul, UNHCR

Istanbul, Zeytinburnu Municipality AKDEM

Caritas

Union of Young Refugees

Istanbul, Deniz Feneri Association

Istanbul, Migrant Solidarity Kitchen

Nevşehir, General Directorate of Security Foreigners Branch

Nevşehir, Social Solidarity Foundation  
Nevşehir MFSP Provincial Directorate of Social Services  
Nevşehir, General Directorate of Security, Public Order Dept.  
Nevşehir, General Directorate of Security Children Dept.  
Nevşehir, General Directorate of Security, Police Station  
Nevşehir, MFSP Orphanage  
Nevşehir, MFSP Provincial Directorate  
Nevşehir Orphanage  
Nevşehir, Unaccompanied Minors  
Nevşehir, Chief Public Prosecutor's Office  
Nevşehir, National Education Directorate  
Nevşehir, Office of Mufti  
Nevşehir, Provincial Directorate of Public Health  
Nevşehir, KADAV  
Nevşehir, ASAM  
Van Public Prosecutor's Office  
Van MFSP Provincial Directorate of Social Services  
Van UNHCR Office  
Van General Directorate of Security, Public Order Dept. Director  
Van General Directorate of Security, Children Dept. Director  
Van TEGEV  
Van MFSP Children and Youth Center  
Van Directorate of Security  
Van Human Rights Foundation of Turkey  
Van Ministry of Interior, Repatriation Center  
Van Kimse Yok Mu? (Is anybody there?)  
Van General Directorate for Security, Repatriation Center

Van, Governorship Health and Direct Assistance Bureau  
 Van, Green Card Bureau  
 Van, DAKA  
 Van, Health Branch Directorate  
 Van, Public Health Directorate  
 Van, Children and Youth Center  
 Van, Children and Youth Center  
 Van, Provincial Directorate of National Education  
 Van, Municipality  
 Van-Der  
 VAKAD  
 Van, Mukhtar of Cumhuriyet Neighborhood  
 Ankara Homes of Love  
 Ankara Sincan Orphanage  
 Ankara Provincial Directorate of Social Services  
 Ankara Hacettepe University, Communication Department, An Official  
 Ankara, MFSP - General Directorate of Nursing Services  
 Ankara, MFSP - Department of European Union and Foreign Affairs  
 Ankara, IOM  
 Ankara, General Directorate of Security, Children Branch Directorate  
 Ankara, General Directorate of Security, Department of Anti-Smuggling and Organized Crime  
 Ankara, General Directorate of Security, Foreigners Department - Repatriation Center  
 Ankara, General Directorate of Security, Public Order Department

## ANNEX 2: MIGRATION AND ASYLUM OPERATIONS

### Migration and Asylum Operations:

Applications of asylum are undertaken within the framework of Asylum Regulation of 1994 (Article 6), Geneva Convention of 1951 and Protocol of 1967.

Both the foreigners seeking asylum in Turkey and the ones requesting residence in Turkey in order to seek asylum in another country will apply to the Provincial Security Directorate (Foreigners – Passport and Foreigners Branch Directorate) of the relevant place with a written petition if they came to Turkey through legal means and to the governor’s offices at the point of entry if they came to Turkey through illegal means.<sup>101</sup>

In accordance with 1994 Asylum Regulation if the asylum application is done at border check points then the application will be received by the authorized personnel and the relevant operations will be undertaken in coordination with the General Directorate of Security and Passport and Foreigners Branch Directorate. The individuals failing to apply within a reasonable period will be required to explain the reasons of such delay and to cooperate with the authorities in this respect.<sup>102</sup>

In line with the European Council’s Admission Conditions Directive written and oral information will be provided to the foreigners about their rights and responsibilities in Turkey and a minimum of six month residence permit will be given to constitute the basis for granting a foreigners identity number and an ID. Foreigners benefit from interpretation services free of charge. The principles of the informative materials to be provided to foreigners are as follows:<sup>103</sup>

- Procedure to be followed pertaining to the application
- The rights and responsibilities of the applicant during the procedure
- Possible consequences in case of failure to abide by the ire obligations and to cooperate with the authorities
- Rights and obligations after the status of refugee/asylum seeker has been granted

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<sup>101</sup> 1994 Asylum Regulation

<sup>102</sup> Asylum Regulation, Article 5

<sup>103</sup> Cengiz Başak, Mülteciler, Sığınmacılar ve Yasa Dışı Göçmenler, Ankara: İçişleri Bakanlığı Genel Yayın No: 686, 2011, pp. 26-27

After the initiation of the operations;

- The identity of the applicant will be determined.
- A photo of the applicant will be taken.
- Fingerprints will be taken and examined.
- Individual interviews will be conducted with the applicant.
- An interview report will be prepared.
- The application will be forwarded to the Ministry of Interior in a way to include the evaluations made by the authorized personnel about the application and the opinion of the governor's office.
- Until an instruction is received by the Ministry of Interior the applicant will be accommodated in a certain place.
- Applicants from non-European countries will be informed that they should be registered at UNHCR.
- Applicants with the risk of carrying contagious diseases will be examined in coordination with the Provincial Health Directorate.

**However:**

**No refugee/asylum seeker or applicant can be detained, arrested in Turkey in accordance with the principle of non-refoulement unless he/she commits a crime.**

**Determination of identity:**

The documents to be needed/submitted during the determination of identity are as follows:

- Documents for identification such as identity card, marriage certificate, driver's license, passport, etc.
- Flight, train or other tickets used while travelling to Turkey and any documents submitted as evidence at the stage of application: school diplomas, professional identity used in the country of origin where the applicant worked, credit card records, envelopes indicating the address of the applicant.
- Identities, phone and address information of the relatives of the applicant in the country of origin.

If there is no contradicting evidence the declaration and information submitted by the applicant will be taken into consideration in determination of identity.

Within 15 days following the application it is compulsory to grant an ID.

"Identity Document", will be granted free of charge to the applicant, who will receive an official residence permit and applicant's family members separately.

"Identity Document" will have validity within the boundaries of the province it was granted. If the province and status of the applicant changes the old Identity Document will be taken back and a new one will be arranged.

The residence permit and identity document must be presented together for the utilization of the rights related to health, education, social assistance and employment.

After the petition of the applicant has been received, determination of identity and taking of fingerprints have been completed an officer in civilian attire will have a preliminary interview with the applicant. The applicant will be informed in writing about his/her rights and obligations in the period he /she stays in Turkey. If deemed necessary Asylum Application and Preliminary Interview Form will be filled in by the help of an interpreter. Date for official interview is given through "Personal Interview Appointment Document". The applicant informs his/her residence address in the province to the Foreigners Branch and will be informed about the signature procedure he/she is obliged to fulfill regularly.