

**Policies. practices and data on
unaccompanied minors in 2014**
Italian Case

National EMN-Conference 2014
Unaccompanied minors – Swedish and European perspectives
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Unaccompanied minors.

The peculiarities of the Italian case

- In Italy there is no a special law governing the issue of unaccompanied minors.
- According to DPCM 535/99 art. 1. c. 2:
Unaccompanied foreign minor is a third-country national or stateless minor that, *not having submitted an application for asylum*, is for any reason within the state without assistance and representation by parents or other adults legally responsible for him under the laws in force in the Italian legal system.

Implications of the specificities

- Between the Convention on the Rights of the Child of New York, 1989 ratified and enforced by Law n. 176/1991 and Articles 32 and 33 of the Consolidation Act on immigration (Best interests of the child).
- Unaccompanied minors *asylum seekers* are currently excluded from the definition as well as the competence of the Directorate General of Immigration of the Ministry of Labour since subject of specific legislative provisions.

MiSNA and MiSNARA: two categories. two paths

- According to Art. 28 of DL 251/2007 unaccompanied minors asylum seekers are foreigners minors are in the country for any reason, without assistance and representation on the part of parents or other adult legally responsible for them, which requires the recognition of refugee status or subsidiary protection.
- Specific provisions regarding unaccompanied minors asylum seekers are provided by art. 19 of DL. 25/2008; art. 28 of DL. 251/2007 and Directive of the Ministry of Interior December 7th. 2006.

At the border

- Prohibition of expulsion and non refoulement.
- First step: identification and reporting to the Authorities (Directorate General of the Ministry of Labour and Social policies; Public Prosecutor at the Juvenile Court; Tutelary Judge).
- During this phase, the minor receives all information about their rights including the possibility to apply for asylum.



WELCOME KIT

GLI ABITANTI DI QUESTA TERRA E IL CIELO
SONO FELICI CHE TU SIA ARRIVATO VIVO.

THE PEOPLE OF THIS LAND, EARTH AND SKY ARE
HAPPY THAT YOU HAVE ARRIVED ALIVE AND WELL.

LES HABITANTS DE CETTE TERRE ET CIEL
SONT HEUREUX QUE TU SOIS ARRIVÉ VIVANT.

سكان هذا البلد والله سعداء لأنك وصلت حياً

BENVENUTO !



SUJON



GULA



ANIK



ELLEN



SHI



IBRAHIM



KARIMA



SOPON



MAGDA



KARMAN



HASSAN



LEYMAH

Abbiamo aiutato il Garante per l'Infanzia e l'Adolescenza a pensare ad un Kit per informarti e aiutarti nel tempo che passerai in Italia.

Welcome! We have helped the Authority for Children and Adolescents develop a Kit to give you information and assistance while you are in Italy.

Bienvenue! Nous avons aidé le Défenseur de l'Enfant et de l'Adolescent à concevoir un kit pour t'informer et t'aider au cours de la période que tu passeras en Italie. Garde-le avec toi, il te sera utile pour le reste de ton voyage.

أهلاً بك في إيطاليا! يسعدنا جميعاً أن تكون قد وصلت حياً بكون الله
ساعدنا ضامن الطفولة والمراهقة على التفكير برزمة لتوفير المعلومات الضرورية لك،
ولمساعتك أثناء الفترة التي ستقضيها في إيطاليا
احتفظ بها ستساعدك طوال رحلتك

TAKE CARE OF THIS KIT!



If asylum seekers

- The communication of the application for asylum is given to the Juvenile Court.
- After taking in charge by the tutelary judge, the minor is immediately assigned to the Protection System for Asylum Seekers and Refugees (SPRAR) where there are spaces and services specifically targeted to unaccompanied minors.
- The asylum application is examined by the Commission for the recognition of refugee status, which during the proceeding inquiring the child and his tutor.
- If the Commission recognizes minor as a refugee, he receives a permit for asylum; or the "subsidiary protection" or "humanitarian protection".
- The minor has the right to appeal to the Ordinary Court against the decision of the Commission.

Not asylum seekers

- First reception in a so-called bridge structure.
- Family tracing;
- If family tracing is positive it can be started the procedures for voluntary assisted return;
- The minor has the right to appeal the Judiciary (ordinary or TAR) by the parents or guardian for annulment of the decision.

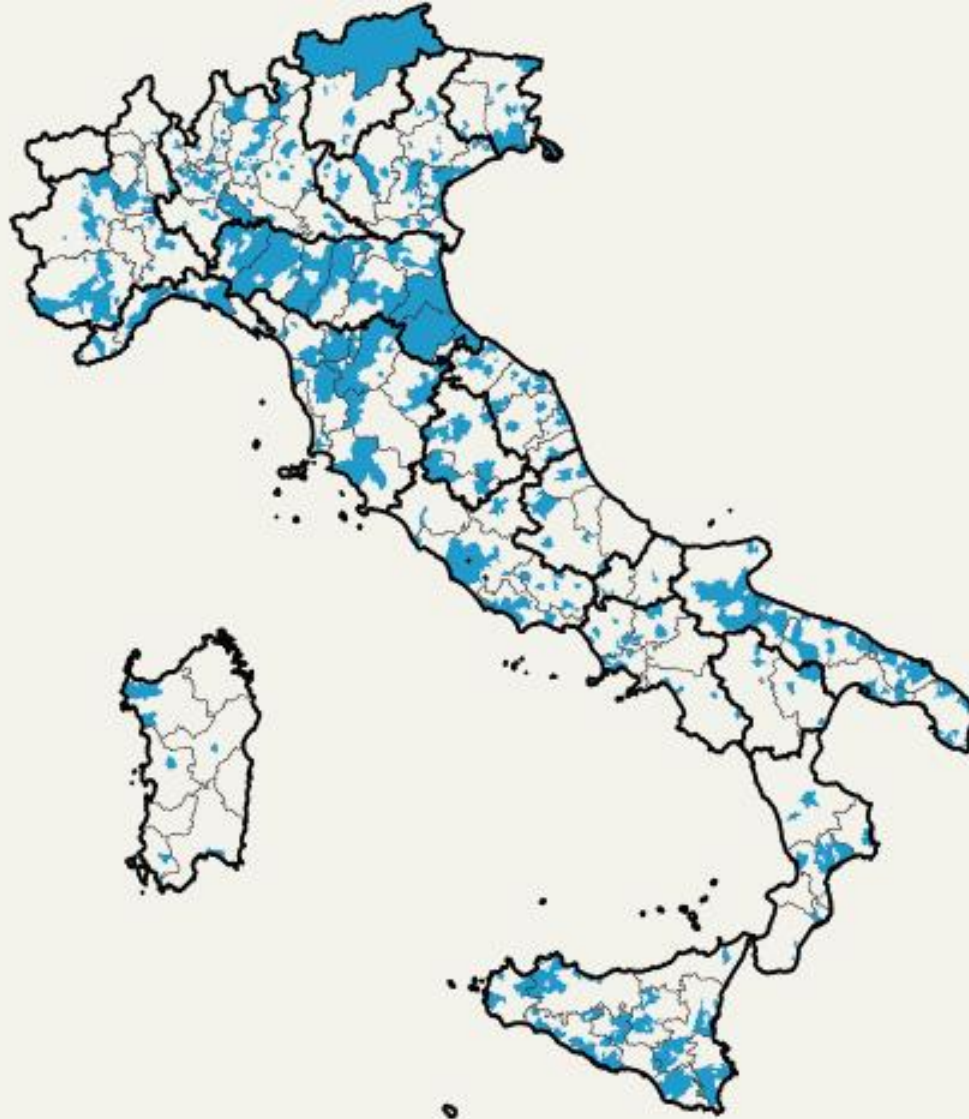
Custody and guardianship

- To the unaccompanied minors apply rules laid down by Italian law on the subject of care and protection of neglect children:
- opening of the guardianship by the judicial authority for the minor whose parents can not exercise the paternal power;
- custody of the child, temporarily deprived of a family environment, to a family or a community.

Second reception

- The assistance and supervision of unaccompanied foreign minors is area at issue of social services of Cities.
- The local authority activate the procedures provided for under Italian law, such as the opening of the guardianship, custody, activation of a process of integration and the application for a residence permit (known as taking care of the minor).
- The Ministry of Labour and Social Policies has promoted the national program for the protection of unaccompanied foreign minors. in agreement with the ANCI (National association of Italian Cities).

Cities with minors contacted or taking charge over the period 2011-2012



Permits to stay

- All minors have the right to obtain a “stay permit for underage” (DPR. 394/1999. art. 28), even in the absence of formal documentation and on the basis of their statements. It is valid for the entire period required for family tracing in their countries of origin.
- The Minors holders of a permit for underage can convert it into a "permission for custody" in the event that next the decision of "no place to arrange for return" from the General Direction.
- It is assigned to unaccompanied minors directly or by order of the juvenile court or at the initiative of the Social Services rendered enforceable by the tutelary judge;
- This permit allows entry into the labour market in accordance with the laws protecting child labor. In addition, it can be converted into a residence permit for study or work at the age of 18 years of age (Circular of the Ministry of the Interior on April 9 2001).

Access to rights and social services

- Foreign minors holders of a stay permit must be compulsorily enrolled in the National Health Service and then They have fully access to all the guaranteed benefits from the health care system;
- All foreign minors, including those without a stay permit, have the right to be enrolled in school.
- The enrollment of foreign children occurs in the manner and under the conditions provided for Italian minors, and can be requested at any time of year.

Once adult (18+)

- The unaccompanied minors holders of a permit for custody, upon reaching the age of majority, they can convert the stay permit in the following types: study, work or medical care.
- It is awarded to those who are: in Italy for at least three years; participated in an integration project for a period of at least 2 years; having availability of housing; attending courses of study or carry out regular work or are in possession of an employment contract even if not yet started.
- If the conversion is applied for by minor who has not participated in an integration project and is in Italy for less than three years, the Police (*Questura*) decides after the positive opinion of the Directorate General of the Ministry of Labour.

Some data

	2009		2010		2011		2012		2013	
	MF	% F	MF	% F	MF	% F	MF	% F	MF	% F
Asylum Applications submitted by unaccompanied minors in Italy	420	12.9	305	8.5	825	5.1	970	3.1	805	5.5
Unaccompanied minors NOT applying for asylum in Italy	5.984	9.1	4.438	9.5	7.750	5.4	7.575	5.8	8.491	6.5

Asylum Applications submitted by unaccompanied minors disaggregated by age. 2009 - 2013

	2009		2010		2011		2012		2013	
	a. v.	%	a. v.	%	a. v.	%	a. v.	%	a. v.	%
Less than 14	15	3.6	14	4.6	31	3.8	5	0.5	8	1.0
14 to 15	51	12.1	33	10.8	77	9.3	32	3.3	84	10.4
16 to 17	354	84.3	258	84.6	717	86.9	933	96.2	713	88.6
Total	420	100.0	305	100.0	825	100.0	970	100.0	805	100.0

Unaccompanied minors not Asylum seekers disaggregated by their age. 2009 - 2013

	2009		2010		2011		2012		2013	
	a. v.	%	a. v.	%	a. v.	%	a. v.	%	a. v.	%
Less than 15	791	13.2	647	14.6	720	9.3	698	9.2	892	10.5
15 years old	629	10.5	558	12.6	817	10.5	746	9.8	1,083	12.8
16 years old	1,359	22.7	1,104	24.9	2,006	25.9	1,895	25.0	2,144	25.3
17 years old	3,205	53.6	2,129	48.0	4,207	54.3	4,236	55.9	4,372	51.5
Total	5,984	100.0	4,438	100.0	7,750	100.0	7,575	100.0	8,491	100.0

Country of origin 2013

Asylum Applications

Somalia	159
Gambia	116
Afghanistan	70
Bangladesh	70
Mali	70
Eritrea	45
Senegal	44
Nigeria	39
Pakistan	39
Egypt	24
Other:	129
Total	805

not Asylum seekers

Egypt	1,828
Bangladesh	1,107
Afghanistan	1,087
Somalia	932
Albania	804
Eritrea	537
Morocco	333
Tunisia	229
Gambia	210
Senegal	209
Other	702
Total	8,491

Asylum Applications for country of nationality

	2009	2013
Somalia	39	159
Gambia	28	116
Afghanistan	90	70
Bangladesh	0	70
Mali	0	70
Eritrea	36	45
Senegal	0	44
Nigeria	72	39
Pakistan	0	39
Egypt	0	24
Other	81	129
Total	420	805

Unaccompanied minors for country of nationality

	2010	2013
Egypt	492	1828
Bangladesh	255	1107
Afghanistan	919	1087
Somalia	172	932
Albania	400	804
Eritrea	145	537
Morocco	652	333
Tunisia	115	229
Gambia	0	210
Senegal	110	209
Pakistan	95	174
Kosovo	168	127
Syria	0	110
Other	158	130
Total	4438	8491

Thank you!

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