



**Unaccompanied Minors:
Quantitative Aspects and Reception,
Return and Integration Policies.**

**Analysis of the Italian Case
for a Comparative Study at the EU Level**

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Unaccompanied Minors: Quantitative Aspects and Reception, Return and Integration Policies.

Analysis of the Italian Case for a Comparative Study at the EU Level

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1. INTRODUCTION: PURPOSE AND METHODOLOGY

On May 14, 2008 the Council of the European Union took a Decision to establish the launch of a European Migration Network (2008/381/EC)¹, internationally known as EMN (the English acronym of the Network). The objective of this Network consists in responding to the information needs of both EU and national institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum: therefore, it is expected to follow and support the EU policies and provide the general public with broader information on these topics.

The Italian Ministry of Interior has commissioned Caritas Italy - and consequently the IDOS Research Centre (which draws up for Caritas and Migrantes the well-known annual report called *Statistical Dossier on Immigration*) - to implement these activities. Therefore, since 2003, IDOS researchers have taken on the role of National Contact Point, first by coordinating both the pilot and preparatory phases of the EMN², and then, since the second half of 2008, by continuing their function of support in direct association with the Ministry of Interior.

After the approval of its legal basis, the European Migration Network has resumed its work at full speed: this also includes the completion - by the beginning of 2009 - of a study on reception, return and integration policies for unaccompanied foreign minors, which, among other things, analyzes the quantitative aspects of this phenomenon.

The overall purpose of this research (in line with the priorities of the EMN) is to deepen the knowledge of policies regarding unaccompanied minors within the European Union; to provide suggestions for possible improvements in reception and integration procedures within the Member States; and to highlight and allow the sharing of good practices regarding the sustainable return of unaccompanied minors to their countries of origin.

As regards its methodology, it is first of all important to specify the terminological origin of the adopted definitions. The description of “unaccompanied minors” (which this study is based on) is the one specified in Article 2 of Council Directive 2001/55/EC³: “*third world-country natives or stateless persons below the age of eighteen, who arrive on the territory of Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into care by such a person, or minors who are left unaccompanied after they have entered the territory of Member States*”.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:131:0007:0012:EN:PDF>.

² During this period, the Contact Point has published 3 pilot studies and has elaborated various small-scale studies, as well as statistical reports regarding the national policy trends in terms of immigration and asylum, as requested by the EU Commission.

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0055:EN:HTML>.

However, when analysing the national context, we had recourse to the first official definition by the legislator of the Regulation on the Tasks of the Committee for Foreign Minors (President of the Council of Ministers Decree no. 535, December 9, 1999), according to which “unaccompanied foreign minors on the Italian territory” are children without Italian (or any other EU country’s) citizenship, who - not having applied for asylum - find themselves in Italy without care and representation by parents or other legal guardians (either officially recognized guardians, or within third-degree relatives) in accordance with Italian laws.

On the one hand, this definition implicitly suggests how difficult it is to identify minors when verifying their condition of “non accompaniment”, or even their minor age; on the other hand, it suggests how urgent it is to protect such a highly vulnerable category. This has also been highlighted by the statistical data provided by the Committee for Foreign Minors, which is an inter-ministerial body having various functions, such as: overseeing the residence conditions of minors; working in cooperation with the involved administrations; verifying the status of the unaccompanied minors; implementing the assisted return procedures; and, finally, producing a census of the unaccompanied foreign minors on the national soil.

As far as national institutions are concerned, the complexity of action is due to a widely dispersed legislation regarding the protection of minors (and, specifically, the reception, return or integration of unaccompanied minors): in fact, there is a discrepancy between what is established for the protection of minors and the administrative regulation regarding entry and residence of non-EU foreign citizens.

The condition of “unaccompanied minor asylum applicant” in the Italian context is considered separately, and its jurisdiction is not assigned to the Committee for Foreign Minors, but to the National Commission for the Right of Asylum and, through it, to the competent Territorial Commissions. In Legislative Decree no. 85 of April 7, 2003 - the implementation of Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States – a new national definition can be found, according to which “unaccompanied minors” are *“natives of non-EU countries or stateless persons below the age of eighteen, who enter the country unaccompanied by an adult, until they are effectively taken into care by a responsible person, or minors who have been abandoned after they have entered the national territory”*.

It should be underlined that this definition - as well as those adopted at the European level - expressly excludes from its scope of reference all foreign minors who, in addition to being unaccompanied, come from an EU country. But in order to complete the analytical framework at the national level, it has been deemed appropriate to make specific references to the case of EU

unaccompanied minors, in particular those coming from Romania; in fact, until December 31, 2006, they were by far the most numerous group in Italy, and - as we shall see - the Ministry of Interior has taken particular care of them by implementing (on October 8, 2007) a specific Central Body for their protection (within the Department for Civil Liberties and Immigration).

As regards the other definitions of terminology necessary for the completion of this study, we have made reference to a Glossary which was prepared by the appropriate EMN working group, and is about to be published by the European Commission⁴.

The Italian Contact Point has collected and analyzed all the reference statistical data, the most recent and up-to-date publications (reports, monographs, essays, researches, etc.), the editorials and comments on the topic spread through websites, and news and information gathered from the main Italian media.

The following documents have been used as reference material: the Government Report on the Condition of Childhood and Adolescence in Italy (adopted by the Inter-ministerial Committee for Human Rights) which was based on the national draft approved by the National Observatory for Childhood and Adolescence and sent to the UN Committee on the Rights of the Child in January 2009⁵; the Independent Monitoring Report on the implementation of the Convention on the Rights of Children and Adolescents in Italy (edited by the CRC Working Group - consisting of 86 subjects of the Third Sector and, for some time now, actively involved in both promoting and protecting the rights of children and adolescents)⁶.

We've also made use of the technical deepening presented during the hearings of the fact-finding survey on unaccompanied foreign minors, which was launched by the Parliament Committee for Childhood on October 23, 2008⁷.

Furthermore, the periodical reports published by the Central Service of the Protection System for Asylum Applicants and Refugees (SPRAR)⁸ and by the Italian headquarters of the non-governmental organization called Save the Children⁹ have been of particular value.

At the international level, upon the European Commission's recommendation, we have taken into consideration some information documents published by the European Parliament ("*The*

⁴ Italy has actively collaborated with this working group, also by hosting one of its very first work meetings (Rome, October 28, 2005): <http://www.emnitaly.it/ev-10.htm>.

⁵ INTER-MINISTERIAL COMMITTEE FOR HUMAN RIGHTS, *Diritti in crescita, Third-Fourth Report to the UN on the Condition of Childhood and Adolescence in Italy*, Istituto degli Innocenti, Florence, January 2009.

⁶ WORKING GROUP ON THE CONVENTION ON THE RIGHTS OF CHILDHOOD AND ADOLESCENCE (CRC GROUP), *Fourth updating report on the monitoring of the Convention in Italy (2007-2008)*, Rome, May 2008.

⁷ For the stenographic version of the hearings held in 2008 see: http://www.camera.it/_bicamerale/leg16/infanzia/resoconti/Sedute2008.htm; for those held in 2009 see: http://www.camera.it/_bicamerale/leg16/infanzia/resoconti/Sedute2009.htm.

⁸ <http://www.serviziocentrale.it/ita/documenti.asp>.

⁹ http://www.savethechildren.it/2003/index.asp?area=pubblicazioni&n_pag=1&anno=2009.

Detention of Children in Member States' Migration Control and Determination Processes"¹⁰; *"The conditions in centres for third world country natives (detention camps, open centres as well as transit centres and transit zones), with a particular focus on provisions and facilities for persons with special needs in the 25 EU Member States"*¹¹); and also a study published in September 2008 by the IOM (International Organization for Migration) entitled *"Exchange of information and best practices on first reception, protection and treatment of unaccompanied minors: Manual of Best Practices and Recommendations"*¹².

Based on each single national study, the European Commission will then produce a synthesis in order to better outline a comparative study on this issue at the EU level, which would meet the information needs of both the political decision-makers and Member State societies.

At the same time, the Fundamental Rights Agency (FRA) has undertaken a study project on "separated" minor asylum applicants (to be completed by the second half of 2009), which also includes innovative methods such as the direct participation of the minors themselves through apposite focus groups or other methods of investigation¹³.

It must be noted that, following the UNHCR's footsteps, the definition of "separated child" adopted by this Agency refers to a minor below 18 years of age who is out of his country of origin and is separated from both parents or previous guardians. Therefore this definition extends its scope of reference, because some minors may be totally alone, whereas others may live together with adult family members (in an extended sense) who, nevertheless, are unable to assume the responsibility of their representation. In some cases it is the adults who may represent a risk to the well-being of the minors themselves, for reasons of abandonment, abuse, trafficking for sexual exploitation, begging, etc. Consequently, all these children are separated minors and therefore - according to the Agency for Fundamental Rights - can be granted protection through a wide range of international and regional instruments.

¹⁰ <http://www.libertysecurity.org/article1185.html>.

¹¹ http://www.libertysecurity.org/IMG/pdf_eu-ep-detention-centres-report.pdf.

¹² http://www.iomvienna.at/files/Upload/FINAL_MANUAL.pdf.

¹³ "Separated asylum seeking children in EU Member States: an examination of living conditions, provisions and decision-making procedures in selected EU Member States through child centered participatory research", <http://fra.europa.eu>.

2. MOTIVATIONS FOR SEEKING ENTRY INTO ITALY

Through the analysis of unaccompanied foreign minors' countries of origin, it seems quite obvious that they come from the periphery of the world economic system. The testimonies of the minors themselves and the analysis of the living conditions in their countries of origin (collected by researchers in more or less recent years) suggest that migration is perceived as one of the most important ways to improve their future as well as their families' socio-economic conditions. This can be properly considered their main reason for migration. In fact, at the basis of minors' migration, we can find the so-called "push-factors" - conflicts, wars, generalized poverty, social instability, negative perspective of the future creating a premature sense of responsibility, etc. - as well as the "pull-factors", such as Italy's image - as represented both by the positive feedbacks from their emigrated relatives/friends and by mass-media, especially television channels broadcasting in their countries. The multitude of migratory motivations may recall the famous Max Weber's "ideal types". It must be noted, however, that we make this distinction on a theoretical base only: in fact, the whole motivation process of migration choices must be analysed in both its complexity and its interconnection of various components. Even if some factors are more decisive than others, we must emphasize the interdependence of multiple factors, as confirmed by the interviews with the minors themselves¹⁴.

Unfortunately, there are few studies related to the motivational aspects of unaccompanied minors' migration. For statistical reasons, most of them are addressed to specific national groups like Albanians, Moroccans and Afghans; moreover, they only refer to legally entered unaccompanied minors. Yet, despite the fact that they only reflect views and attitudes of those minors who were interviewed during the survey, the obtained information is detailed and precise enough to let us understand the reasons behind the migration process for the most of them.

By analysing the biographies of migrant minors, Monia Giovannetti outlines four profiles of unaccompanied minors in Italy¹⁵, highlighting the characteristics of the main "push and pull" factors that determine their migration choice:

1. ***Minors fleeing wars, persecutions, conflicts*** who, forced by objective reasons to leave their country without a clear destination, undertake a groping journey; this is, for example, the case of some Afghan minors who stop in other countries before choosing Italy.
2. ***"Dispatched Minors", driven to migrate for economic reasons in search of job opportunities***, who choose Italy because, after gathering information both by their family members and friends who have had positive migration experiences and by the media, they "have built" an

¹⁴ See MELOSSI DARIO, GIOVANNETTI MONIA, *I nuovi sciuscìa*, Donzelli, Rome, 2002.

¹⁵ GIOVANNETTI MONIA, *L'accoglienza incompiuta. Le politiche dei comuni italiani verso un sistema di protezione nazionale per i minori stranieri non accompagnati*, Mulino, Bologna, 2008.

image of Italy as a country offering the best socio-economic opportunities. Most of these cases are represented by Albanian minors who have a “wide range of knowledge” and high expectations from Italy, despite the lack of labour and housing opportunities.

3. ***Minors attracted by “new models and styles of life”***, who migrate in order to experience a new way of life, advertised by television images which nourish such a desire, sometimes since a very early age.

4. ***Minors motivated by the crumbling of society***, who opt for migration as a consequence of the departure of their family members or group of friends.

As will be highlighted later, the great majority of unaccompanied minors come from Morocco, Egypt, Albania and other Eastern European countries (all of them characterized by socio-economic and/or political problems). As shown by the interviews conducted by Melossi and Giovannetti¹⁶, the fall of Communism (and all of its consequences; i.e. the case of Albania), as well as other political conflicts (as in the case of Afghanistan) have had a negative impact on the population in terms of precarious economic conditions linked with social instability. This has led minors to flee to Italy or other countries. At the same time, the perception of migration as the “only hope” has continued to grow steadily.

Moreover, the socio-economic conditions of their family of origin have a direct influence on the migration choice of the minors, and generate the “adultization of minors”, a phenomenon consisting both in social roles which are unsuitable for their age and in a premature sense of responsibility. Poverty itself, combined with a low socio-educational status and the scarcity of local job opportunities, encourages minors to migrate in the hope of finding better jobs, or at least better salaries.

However, presuming that all the unaccompanied minors who have immigrated to Italy stem from a difficult socio-family background would be a mistake. In fact, in some cases the conditions of their families are decent¹⁷ and therefore the reason behind their migration must be sought elsewhere. In general, however, problematic socio-family background is nevertheless prevalent.

The problems of the school system in their countries of origin can also explain, to some extent, the unaccompanied foreign minors’ choice to migrate. A school system unable to facilitate students’ insertion in the labour market, as it does not offer positive prospects for the future, generates potential migrants.

¹⁶ MELOSSI DARIO, GIOVANNETTI MONIA, *Cit.*

¹⁷ GIORDANO CARLO, *Un momento particolare di un percorso migratorio particolare. Attese, aspirazioni ed immaginario pre-migratorio di minori stranieri non accompagnati d’origine albanese migranti verso l’Italia*, study presented during the “4th Conference on Young People & Societies in Europe and around the Mediterranean” organized by the University of Bologna (Forlì, March 26-28, 2009), in <http://www.giovaniesocieta.unibo.it/paper/1a/giordano.pdf>.

So far we have highlighted the main reasons that lead unaccompanied foreign minors to migrate, but we have neither explained nor detailed the question of why they migrate to Italy. The most relevant explanations lie in the construction of Italy's image and in the expectations connected to such a dream country offering great opportunities. This leads to an underestimation or trivialization of the risks linked with a minor's decision to migrate. The image conjured up in the minor's mind, before migrating, is a result of the following two reasons: family and friends who have had positive experiences of migration (or at least this is what they relate¹⁸) and the mass media, especially television¹⁹. Albania is the most eloquent example of the impact of television on the construction of Italy's image. In fact, social perception had produced a kind of "dualistic vision": the "old" of the Albanian society and the "new" of the western one²⁰.

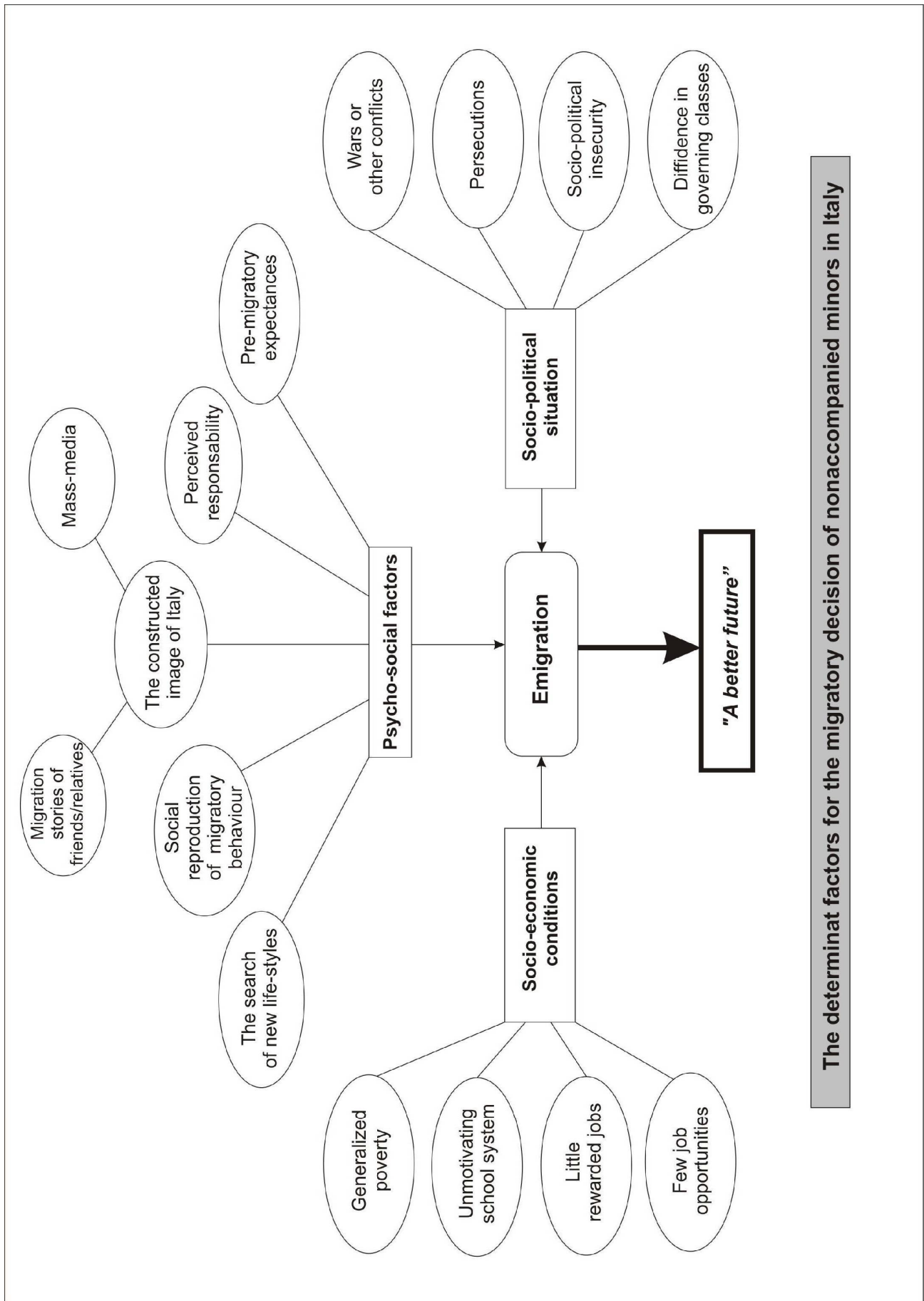
As regards unaccompanied foreign minors from EU Member States, it is assumed that in the absence of representative surveys, the determinant factors are the same, despite the diversity of the immigration paths, of the relevant legislation and of minors' expectations.

In conclusion, regardless of the increasingly common mirage of the West, in the imagination of migrant unaccompanied minors (mainly due to the "virtual space" factor) Italy is seen as the European *El Dorado* - although their expectations are not always satisfied. We can say that the neo-classical approach to the "cost-benefit analysis" regarding the migration choice is not always applicable in the case of unaccompanied foreign minors due to the risks they face in order to achieve a generic "better future".

¹⁸ According to Carlo Giordano, this confirms the theory of a "collective lie" by Abdelmalek Sayad regarding the tendency of immigrants - when reporting their experiences to others - to minimize the problems and suffering linked to emigration and to encourage immigration. See GIORDANO CARLO, *Cit.*

¹⁹ MELOSSI DARIO, GIOVANNETTI MONIA, *Cit.*

²⁰ See GIORDANO CARLO, *Cit.*



The determinat factors for the migratory decision of nonaccompanied minors in Italy

SOURCE: European Migration Network – National Contact Point for Italy

3. ENTRY PROCEDURES, INCLUDING BORDER CONTROL

With regard to foreign minors, their rights are guaranteed by the New York Convention on Children Rights of November 20, 1989, which was ratified and implemented in Italy by Law no. 176 of May 27, 1991. Italy has also ratified and implemented (Law no. 77, March 20, 2003) the European Convention on Children's Rights (Strasbourg, January 25, 1996). The "Committee for Foreign Minors" is the appropriate body in charge of overseeing the residence conditions of foreign minors who are temporarily admitted on the national territory, as well as coordinating the activities of the involved administrative bodies. This committee is an inter-ministerial body chaired by a representative of the Ministry of Social Policies (currently incorporated within the Ministry of Labour and Social Policies).

The Committee for Foreign Minors stemmed from the Committee for the Protection of Minors - established in 1994 by the Presidency of the Council of Ministers - when its composition and competences were changed by Law no. 40/1998. The President of the Council of Ministers Decree no. 535/1999 issued its Regulation, reducing the amount of its members to 9 only: one representative each for the Ministry of Labour and Social Policies, the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Justice, the Italian Municipalities Association (ANCI), the Union of Italian Provinces, the United Nations High Commissioner for Refugees (UNHCR) and, finally, a representative of a relevant association. The Committee for Foreign Minors is therefore in charge of overseeing: the residence conditions of minors, the cooperation with the involved administrations, the verification of the unaccompanied minor status, the implementation of the assisted return procedure and, finally, the census of unaccompanied minors on the territory. To this end, in the year 2000 the Committee created a special database of unaccompanied minors who have been reported to the Committee itself.

As regards the admission conditions for foreign minors, we need to distinguish between accompanied and unaccompanied minors. In the first case, minors are entrusted to relatives within the third degree - who are regularly residing on the national territory - by means of a formal procedure. In the second case, they are reported as residing in Italy without their parents or any other adult who can be legally responsible for their representation or assistance.

Foreign minors in Italy are granted the right to education, to health care and to the same labour protections as for Italian minors (including the prohibition of working if the minor is below 16 years of age and has not yet fulfilled school obligations). Moreover, unaccompanied minors are legally granted special protection and assistance, such as accommodation in a safe place, the

principle of *non-refoulement*, the right to a “minor age” residence permit and the possibility of recurring to guardianship or foster care.

Unaccompanied foreign minor asylum applicants represent a different case, and the Directive of the Ministry of Interior of December 7, 2006 aimed to solve their specific problems. According to this directive (which reinstates the existing Italian laws on immigration, including both Law no. 39 of February 28, 1990 and the Decree of the President of the Republic no. 303 of September 16, 2004), unaccompanied foreign minors have the “right to receive all the information regarding the possibility of applying for asylum - and the connected consequences of the application according to the current legislation - as well as the right of expressing their own opinion”. To this aim, a cultural mediator or an interpreter provides the necessary assistance.

In case an unaccompanied foreign minor applies for international protection, the authority receiving the application immediately suspends the usual procedure followed by the Committee for Foreign Minors for the time being; the asylum application is then brought to the attention of the Juvenile Courts having territorial jurisdiction; and finally the application itself is confirmed by a guardian, who is appointed by the Tutelary Judge and who will provide assistance during the whole procedure of examination of the application (Legislative Decree no. 25/2008). At the same time, the minor is reported to the Committee for Foreign Minors, which would be responsible for him in case of a negative response to the application for asylum.

In the meantime, when a minor is not yet eligible to receive protection and assistance from the Protection System for Asylum Applicants and Refugees (SPRAR), and since the detention of unaccompanied foreign minors is prohibited, the minor is in this case hosted and assisted by the social services of the Municipality where he currently resides (sometimes in accommodation facilities owned or managed by the so-called “third sector”, when a specific agreement has been set). Furthermore, the municipalities have the duty to immediately report the minor to the Central Service of the SPRAR so that he can receive protection - that is provided by the System itself and funded by the National Fund for Asylum Policies and Services.

The accuracy of the asylum application procedure regarding unaccompanied foreign minors at the border or within the national territory is handled by the Border Police, the Police Offices within the Reception Centres and the Police Headquarters, in collaboration with the United Nations High Commissioner for Refugees and other agencies involved in asylum applicants’ protection.

Once the asylum application has been submitted (after the guardian’s approval), the Police headquarters issues the documentation certifying the status of minor’s application for asylum; once in possession of this documentation, he can finally have access to all the reception services offered by the SPRAR. If the SPRAR cannot immediately accommodate the minor in its facilities,

hospitality and assistance should then be provided by the same Municipality in which the minor himself is residing at that time.

During the hearing before the National Commission for the Right of Asylum, the unaccompanied minor is assisted by his guardian, and is adequately informed about the importance and the possible consequences of that personal hearing. In case the minor's application is not confirmed or the international protection status is not granted, the matter is then turned over to the Committee for Foreign Minors.

The issue of unaccompanied foreign minor asylum applicants is particularly delicate also in the light of the large number of them arriving by sea on the Southern shores of Italy (and particularly Sicily), as recently pointed out by the Minister of Interior Roberto Maroni²¹ during a hearing at the Parliamentary Commission for Childhood. In 2008, the total amount of minors who landed on the Italian coastline was 2,751, of whom 2,124 were unaccompanied. The main areas of origin were Egypt, Eritrea, Nigeria, Somalia, Tunisia and Ghana. The most critical situation was recorded in the Sicilian island of Lampedusa, where, out of the 2,327 minors arrived in the course of the year, 1,948 were unaccompanied. The trend is increasing, if considering that the total amount of minors in 2007 was 2,180, of whom 1,700 were unaccompanied. As we shall see, only a few hundred of them have applied for asylum.

According to the Foreign and Border Police Service of the Public Security Department, during 2008 other severely affected border crossings were the Adriatic ports of Ancona, Venice, Bari and Brindisi and the airports of Rome (Fiumicino) and Milan (Malpensa)²².

There are many unaccompanied foreign minors who, not being intercepted at points of entry, are then tracked on the national territory. This mainly happens in the street, but also in cases of spontaneous show up in public service offices, at police headquarters or associations, and as the result of crime-fighting operations aiming to dismantle networks involved in trafficking and exploitation of children. Also included among the unaccompanied foreign minors intercepted on national territory is the substantial number of those who have drifted away from the emergency reception facilities since the very early stage of identification.

For all the reported unaccompanied minors, the Committee for Foreign Minors recognizes the principle of *non-refoulement* (except for reasons of public order and State security, in which case the Juvenile Court will enforce the expulsion) and the fact that "the reception should not be

²¹ Hearing of the Minister of Interior Roberto Maroni before the Parliament Commission for Childhood on the investigation regarding unaccompanied minors (February 25, 2009), in http://www.interno.it/mininterno/export/sites/default/it/assets/files/relazioni_parlamentari/2009/0878_25_02_09_Audizione_Ministro_com_infanzia.pdf.

²² WORKING GROUP ON THE CONVENTION ON THE RIGHTS OF CHILDHOOD AND ADOLESCENCE (CRC GROUP), *Second supplementary report to the United Nations on the monitoring of the Convention in Italy*, Rome, November 2009.

limited to mere maintenance or hospitality” but must also include “the necessary care, education, training, sport”, in view, however, of an assisted return (Guidelines 2001)²³.

The principle of *non-refoulement* (established by art. 19, paragraph 2 of the Consolidation Act on Immigration no. 286/1998) is preceded - in paragraph 1 of the same article - by the principle of *non-refoulement* to a country where the subject runs the risk of persecution.

The procedures for unaccompanied minors who do not submit an asylum application are the following: at the time when their presence on the territory is officially reported, they are issued a temporary residence permit for minor age reasons (Presidential Decree no. 394/1999, art. 28) which allows an investigation on their family and the organization of their assisted return.

The minor age residence permit can be issued only in the case of absence of the conditions required for the release of other types of permit, such as custody, family or others (Circular of the Ministry of Interior, December 23, 1999).

If an adult family member regularly residing in Italy is tracked down, the relevant judicial authority shall entrust the minor to him; otherwise, in the absence of an appropriate family environment, the minor is fostered by a family or a community, according to art. 2, par. 1 and 2 of Law no. 184/1983.

Furthermore, the Commission for Childhood concludes agreements, on the one hand with national humanitarian organizations or associations (such as VIS, AIBI, etc.) or, on the other hand, with international ones (such as the International Social Service, the International Organization for Migration or the Italian Red Cross) in order to implement programs aiming to track down the unaccompanied minor’s family in his country of origin; this kind of research, carried out in the best interest of the minor, must be absolutely confidential, in order to protect the safety of the minor who applies for international protection (Legislative Decree no. 140/2005).

If possible, in the interests of the minor and in order to guarantee the right to family unity, the minor is reunited with his family through apposite projects of assisted return, including the accompaniment of the minor to his country of origin, his family reunification and his gradual reintegration (school, work, etc.). In this case, once the investigations are successfully completed and the insertion program is elaborated, the Committee for Foreign Minors informs the Juvenile Court, which then issues an authorization for the return - unless there are judicial proceedings to be borne by the minor or mandatory procedural requirements. The repatriation is then carried out by the Police (in case of assisted return), the social services and/or the organizations which had completed the investigation in the country of origin.

²³ http://www.solidarietasociale.gov.it/SolidarietaSociale/tematiche/Immigrazione/minori_stranieri.

In the absence of the necessary and indispensable conditions for the assisted return, the Committee decides in favour of a “non-suit”. It then reports the situation to the social services and the Tutelary Judge (or the Juvenile Court), which have to provide for the custody of minors (Law no. 183/1984) and start a project of social and civil integration of at least two years.

The Committee takes its decisions for or against the return of unaccompanied minors based on criteria which are not rigidly established by law. For this reason, it is important that the Committee has access to the widest possible range of information in order to assess the risks and opportunities, as well as evaluate the will of the minor.

The minor, or the adult who is responsible for his custody, may appeal to the Courts (Ordinary Court or TAR - Regional Administrative Tribunal) in order to contest the authorization for the return. Similarly, the unaccompanied foreign minor asylum applicant can appeal to the Court to contest the refusal of the status recognition on the part of the relevant Committee.

The coming of age of a minor is another delicate point because under certain conditions the former minor may apply for a residence permit for study or work - due to art. 25 of Law no. 189/2002 (whereas previously, on the basis of the 1998 Consolidation Act on Immigration, this option was impossible for a minor who was made a ward of court). If the unaccompanied foreign minor is in possession of a residence permit for reasons of custody (due to the “non-suit” decision or to the custody ordered by the Juvenile Court or Social Services, and enforced by the Tutelary Judge), not only can he immediately enter the labour market (in accordance, of course, with the rules on child labour), but he may also convert his previous residence permit into a new one for reasons of study or work as soon as he comes of age (Circular of the Ministry of Interior of April 9, 2001).

In the specific case that a minor is under the custody of a regularly residing non-EU citizen, he may have his name endorsed on his guardian’s residence permit until he turns 14 and then he receives his own residence permit for family reasons. The residence permit for family reasons allows him to work, and can also be converted into a residence permit for study or work when the minor comes of age.

According to Law no. 184/1983, the rules concerning minors entrusted to a guardian (name endorsed on the guardian’s residence permit and issue of a residence permit for family reasons after turning 14) should also be applied to:

- minors under protection living with their guardian who, if foreigner, must be regularly residing in Italy (according to the Consolidation Act on Immigration no. 286/1998, art. 29, par. 2; Consolidation Act on Immigration no. 286/1998, art. 31, par. 1);

- minors entrusted *de facto* (i.e., without any measure enforced on the basis of Law no. 184/1983) to regularly residing relatives within the fourth degree, who live with the relatives themselves (Law no. 184/1983, art. 9, par. 4; Consolidation Act on Immigration no. 286/1998, art. 29, par. 2; Consolidation Act on Immigration no. 286/1998, art. 31, par. 1).

Although the fact that, when confronted with minors who are in these conditions, many Police Headquarters do not issue a residence permit for family reasons, but only for minor age reasons, it is still possible to appeal the decision to the Courts in order to obtain a residence permit for family reasons.

The Circular Letter of the Ministry of Interior of March 28, 2008 (establishing that both guardianship and foster care are valid requirements for obtaining a residence permit at the coming of age) put an end to the restrictive interpretation of the legislation, according to which the conversion of a minor age residence permit into another type of residence permit at the coming of age would be provided only for those minors who can prove that they have been living in Italy for at least 3 years and have been attending an integration program for at least 2 years (this provision precluded *de facto* all minors over 15 from access to these opportunities).

The legislature revised the matter through regulatory modifications (Law no. 94/2009, also known as the “Security Package”), following which the issuing of residence permits upon coming of age is now possible only if the requirements provided for by Law no. 189/2002 are met *jointly* (and no longer *alternately*).

Thus, according to the new regulation, residence permits issued to unaccompanied foreign minors for minor age reasons can be converted at the coming of age only when the following joint requirements are met: being under guardianship or foster care, having entered Italy since at least 3 years and attending an integration project since at least 2 years.

The reception of unaccompanied foreign minors - and related expenses - is a responsibility of the Municipalities which, since 1990, acquired a statute of autonomy (Law no. 142/1990). To this regard, the Ministry of Interior only manages the first reception until the appointment of a guardian, whereas the funds for minors’ reception are allocated by the Regions based on the reported amount of minors (instead of the actual one).

On the basis of Law no. 384/2002 regarding the implementation of the integrated system of interventions and social services, the Municipalities have to program and implement their services in accordance with the various agencies involved. This aspect could explain the discrepancies in the practical application of the legislation on Italian territory, due to the lack of an adequate financial support.

As for the unaccompanied foreign minors reported in the database of the Committee for Foreign Minors since 2000, over the years they have remained stable, that is between 7,000 and 8,000 cases, mostly coming from Albania, Egypt and Morocco. Until 2006 - that is, for the period before the EU joining - Romania has been by far the first country of origin, with about one-third of the total amount.

The database of the Committee for Foreign Minors is a dynamic database which is daily updated on the basis of the new data entered: minors who in the meantime have reached legal age, returned ones, those who have died and also those who have applied for international protection. This data is then made public on a periodical basis.

At the end of 2007 the number of unaccompanied foreign minors reported in the Committee's database amounted to 7,548. Of these, 4,579 were cancelled during 2008 because by then they had returned to their country of origin, had been entrusted or had reached legal age. During the same period of time, 8,944 new cases were reported, of which 46% does not concur with the database on account of the above mentioned reasons affecting that year.

ITALY. Unaccompanied foreign minors reported to the Committee for Foreign Minors (2000-2008)

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total	8,307	8,146	7,040	8,194	8,100	7,583	6,453	7,548	7,797
Identified	-	-	1,157	881	2,151	2,034	2,180	1,917	1,797
% Identified	-	-	16.4	10.7	26.6	26.8	33.8	25.4	23.0
Unidentified	-	-	5,883	7,313	5,949	5,549	4,273	5,631	6,000
% Unidentified	-	-	83.6	89.2	73.4	73.2	66.2	74.6	77.0

SOURCE: Committee for Foreign Minors (within the Ministry of Labour and Social Policies)

Therefore, during 2008 the total amount of these minors was 7,797, of whom 4,828 had been reported during 2008 and 2,969 during the previous years. The majority came from Morocco (15.3%), Egypt (13.7%), Albania (12.5%), Palestine (9.5%) and Afghanistan (8.5%), followed by Eritrea (5.0%), Nigeria (4.1%), Somalia (3.9%), Serbia (3.8%) and Iraq (3.7%). Their age ranged between 16 and 17 (76.8%)²⁴.

However, since this data is not exhaustive, it is understated in respect to the real weight of the phenomenon because, on the one hand, it does not include those unaccompanied foreign minors who apply for asylum, who are victims of trafficking or who are EU citizens, and, on the other hand, it does not take into account all those unaccompanied foreign minors who have never been in contact with the national reception system.

²⁴ SAVE THE CHILDREN (ITALY), *Dossier Minori Stranieri. I minori stranieri non accompagnati in Italia. Accoglienza e prospettive*, Rome, February 2009.

Furthermore, we must also take into consideration that the 2008 figures do not include minors coming from a very important country of origin in terms of number of cases, that is Romania: until recently, they represented the majority of unaccompanied foreign minors (approximately one-third of the total since 2004)²⁵.

At the end of the third quarter of 2009, the database of the Committee for Foreign Minors recorded 6,587 unaccompanied foreign minors, of whom 77% were unidentified.

ITALY. Unaccompanied foreign minors reported to the Committee for Foreign Minors: countries of origin (2000-2008)

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Albania	69.2%	54.2%	23.5%	27.0%	17.9%	14.0%	17.4%	17.2%	12.5%
Romania	5.0%	7.9%	17.3%	25.6%	38.9%	34.5%	33.5%	-	-
Morocco	7.7%	14.8%	21.7%	24.8%	20.7%	18.6%	21.7%	19.8%	15.3%
Others	18.2%	23.1%	37.6%	22.6%	22.6%	32.9%	27.4%	63.0%	72.2%
Total	8,307	8,146	7,040	8,194	8,100	7,583	6,453	7,548	7,797

SOURCE: Committee for Foreign Minors (within the Ministry of Labour and Social Policies)

Since 2002 the Committee for Foreign Minors has distinguished between identified minors (under the care of the Committee) and those reported but remaining unidentified, either because considered outside the Committee's competence or because gone away before the identification process. The percentage of identified minors has varied over the years, without ever exceeding one-third of the total and remaining stable at around 2,000 (in absolute terms). Therefore, in 2008 the unidentified minors under the care of social services in Italy (and those whose family could not be tracked down in their country of origin) amounted to 6,000. The identified ones were only 1,797.

With regard to gender composition, there was a progressive predominance of males, whose percentage increased from about 70% in 2004 to over 90% in 2008. The pattern of age groups shows a very definite trend: between 2004 and 2008 there was a reduction by half of the incidence of minors less than 14 years of age (from 20.8% to 11.8%), whereas the minors who were coming of age (the seventeen-year olds) rose by 10% and represented half of the total (of unaccompanied foreign minors).

²⁵ In October 2007, a specific Central Body for the protection of unaccompanied minors (OCR) has been created within the Ministry of Interior for those ones coming from countries which have recently joined the EU. The OCR is responsible for ensuring the rights of EU unaccompanied minors, evaluate projects for reception and also assisted return, as well as ensure the implementation of the Italy-Romania Agreement (June 2008) for the protection of unaccompanied Romanian minors in Italy. See: Ministry of Interior, "Direttiva sulla gestione della presenza dei minori romeni non accompagnati o in difficoltà presenti sul territorio italiano", Memorandum Circular. no. 246 of January 20, 2009, available on: www.interno.it/mininterno/export/sites/default/it/assets/files/16/0911_circolare_prot._n._246_del_20.01.09.pdf.

Regarding the territorial distribution, the amounts recorded during 2007 in Sicily were impressive: in this region, the reported unaccompanied foreign minors increased, from one year to the other, from 2.4% to 34.4% of the national total. On the contrary, in important regions such as Lombardy, Lazio and Campania a general decrease of reported unaccompanied foreign minors was recorded.

ITALY. Unaccompanied foreign minors reported to the Committee for Foreign Minors: age and gender (2004-2008)

years	2001	2002	2003	2004	2005	2006	2007	2008
0-6	3.6%	1.9%	2.2%	4.8%	1.7%	1.5%	0.8%	1.0%
7-14	15.2%	22.2%	14.5%	16.0%	15.7%	16.2%	11.3%	10.8%
15	11.9%	21.2%	1.2%	13.1%	12.8%	13.0%	12.3%	11.4%
16	23.0%	35.4%	24.5%	24.9%	23.3%	25.9%	25.5%	26.2%
17	46.3%	19.5%	46.6%	41.1%	46.5%	43.4%	50.1%	50.6%
Total	8,146	7,040	8,194	8,100	7,583	6,453	7,548	7,797
% of Males:	86.4%	83.1%	81.6%	72.2%	81.5%	81.8%	91.9%	90.5%

SOURCE: Committee for Foreign Minors (within the Ministry of Labour and Social Policies)

Identification capabilities vary from region to region: as already mentioned, an average of one out of four unaccompanied foreign minors who are reported to the Committee for Foreign Minors is identified. This means that they are taken into care by the Committee, which will then decide whether to proceed with the assisted return or a “non-suit” decision. Some regions reach a relatively high level of positive identifications (more than 50%). This is the case, for example, of the regions of Trentino Alto Adige (69%), Piedmont (55.3%) and Tuscany (52.3%).

Concerning the southern regions (where landings by boat are much more frequent during the summer), the identification coefficient is extremely low (almost equal to zero): it ranges from 0.6% in the island regions (Sicily and Sardinia) to 14.1% in the remaining regions.

Finally, as regards unaccompanied foreign minor asylum applicants who presented their application in the course of 2008, their total number amounted to 573, of whom 520 were males. The most represented age group is the over 16-year-old one (81.7%), followed by the under 14-year-old group (10.5%) and by the remaining one with 7.9%. It should be noted that, in the case of girls, the incidence of those under 14 years of age is equal to one-third of the total (32.1%) and they mainly come from Nigeria, Somalia and Eritrea. These three countries of origin, altogether, represent three-quarters of the total amount of females.

As regards the countries of origin, Afghanistan is by far the most frequent one with over one-third of unaccompanied foreign minor asylum applicants, followed by some countries in the Horn of Africa (Somalia, Eritrea) and Sub-Saharan Africa (Nigeria, Ghana, Ivory Coast, Burkina Faso).

ITALY. Unaccompanied foreign minor asylum applicants: age, gender and nationality (2008)

	M				F				MF			
	0-13	14-15	16-17	Tot.	0-13	14-15	16-17	Tot.	0-13	14-15	16-17	Tot.
Afghanistan	5	17	178	200	-	-	-	-	5	17	178	200
Somalia	4	9	40	53	6	6	4	16	10	14	44	69
Nigeria	8	1	39	48	4	-	14	18	12	1	53	66
Eritrea	2	4	37	43	-	-	6	6	2	4	43	49
Ghana	2	3	30	35	1	-	-	1	3	3	30	36
Ivory Coast	3	1	15	19	-	-	1	1	3	1	16	20
Algeria	1	-	14	15	-	-	-	-	1	-	14	15
Burkina F.	2	-	8	10	-	-	-	-	2	-	8	10
Bangladesh	4	0	6	10	-	-	-	-	4	0	6	10
Sudan	1	-	8	9	-	-	-	-	1	-	8	9
Other countries	10	3	65	78	6	1	4	11	16	4	69	89
Total	43	38	439	520	17	7	29	53	60	45	468	573

SOURCE: National Commission for the Right of Asylum

During 2008, the Territorial Commissions recognized the refugee status in 29.6% of cases, the subsidiary protection status in 31.3% of them and the humanitarian reasons in 18.6% of them. About one-fifth of unaccompanied foreign minor asylum applicants were denied access, therefore their cases fell again within the exclusive competence of the Committee for Foreign Minors.

ITALY. Unaccompanied foreign minors reported to and identified at the Committee for Foreign Minors: countries of origin (2008)

Country of Origin	Identified Minors		Unidentified Minors		Total	
	nr.	%	nr.	%	nr.	%
Morocco	426	5.5	766	9.8	1,192	15.3
Egypt	294	3.8	778	10.0	1,072	13.7
Albania	597	7.7	377	4.8	974	12.5
Palestine	-	0.0	738	9.5	738	9.5
Afghanistan	2	0.0	659	8.5	661	8.5
Eritrea	2	0.0	387	5.0	389	5.0
Nigeria	11	0.1	312	4.0	323	4.1
Somalia	2	0.0	302	3.9	304	3.9
Serbian Rep.	223	2.9	70	0.9	293	3.8
Irak	2	0.0	285	3.7	287	3.7
Total	1,797	23.0	6,000	77.0	7,797	100.0

SOURCE: Committee for Foreign Minors (within the Ministry of Labour and Social Policies)

ITALY. Unaccompanied foreign minors reported to and identified at the Committee for Foreign Minors (2008)

Regions	Reported	Unidentified	%	Regions	Reported	Unidentified	%
	(A)	(B)	B/A		(A)	(B)	B/A
Piedmont	530	237	44.7	Lazio	376	292	77.7
Valle d'Aosta	14	6	42.9	Centre	1,048	741	70.7
Liguria	58	45	77.6	Abruzzi	28	22	78.6
Lombardy	986	494	50.1	Molise	3	2	66.7
North West	1,588	782	49.2	Campania	56	45	80.4
Trentino-AA	168	52	31.0	Apulia	306	257	84.0
Veneto	318	169	53.1	Basilicata	6	6	100.0
Friuli-VG	340	227	66.8	Calabria	104	100	96.2
Emilia-Rom.	568	354	62.3	South	503	432	85.9
North East	1,394	802	57.5	Sicily	3,226	3,205	99.3
Tuscany	331	158	47.7	Sardinia	38	38	100.0
Umbria	12	10	83.3	Islands	3,264	3,243	99.4
Marche	329	281	85.4	Total	7,797	6,000	77.0

SOURCE: Committee for Foreign Minors (within the Ministry of Labour and Social Policies)

ITALY. Unaccompanied foreign minors reported to the Committee for Foreign Minors, per regions (2000-2008)

<i>Regions</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Piedmont	735	766	822	913	480	638	685	619	530
Valle d'Aosta	15	20	20	28	2	7	24	18	14
Liguria	137	149	192	226	197	190	181	91	58
Lombardy	1,132	1,263	1,557	1,768	2,092	1,479	1,533	1,077	986
<i>North West</i>	<i>2,019</i>	<i>2,198</i>	<i>2,591</i>	<i>2,935</i>	<i>2,771</i>	<i>2,314</i>	<i>2,423</i>	<i>1,805</i>	<i>1,588</i>
Trentino A A	372	349	160	188	207	157	151	165	168
Veneto	383	339	205	275	368	305	329	355	318
Friuli Venezia Giulia	360	416	435	573	726	661	524	334	340
Emilia Romagna	628	782	682	790	826	578	677	643	568
<i>North East</i>	<i>1,743</i>	<i>1,886</i>	<i>1,482</i>	<i>1,826</i>	<i>2,127</i>	<i>1,701</i>	<i>1,681</i>	<i>1,497</i>	<i>1,394</i>
<i>North</i>	<i>3,762</i>	<i>4,084</i>	<i>4,073</i>	<i>4,761</i>	<i>4,898</i>	<i>4,015</i>	<i>4,104</i>	<i>3,302</i>	<i>2,982</i>
Tuscany	993	831	577	725	569	410	387	368	331
Umbria	69	72	65	85	48	29	30	21	12
Marche	148	191	250	307	262	192	250	299	329
Lazio	864	1,059	991	1,242	1,209	1,292	908	371	376
<i>Centre</i>	<i>2,074</i>	<i>2,153</i>	<i>1,883</i>	<i>2,359</i>	<i>2,088</i>	<i>1,923</i>	<i>1,575</i>	<i>1,059</i>	<i>1,048</i>
Abruzzi	73	65	14	56	95	78	88	55	28
Molise	10	12	11	10	15	13	16	7	3
Campania	159	161	134	174	65	117	129	62	56
Apulia	1,982	1,409	644	634	675	331	282	314	306
Basilicata	122	75	59	21	22	20	22	8	6
Calabria	36	57	64	64	148	134	72	124	104
<i>South</i>	<i>2,382</i>	<i>1,779</i>	<i>926</i>	<i>959</i>	<i>1,020</i>	<i>693</i>	<i>609</i>	<i>570</i>	<i>503</i>
Sicily	77	77	68	97	92	942	151	2,599	3,226
Sardinia	13	53	90	18	2	10	14	18	38
<i>Islands</i>	<i>90</i>	<i>130</i>	<i>158</i>	<i>115</i>	<i>94</i>	<i>952</i>	<i>165</i>	<i>2,617</i>	<i>3,264</i>
Total	8,307	8,146	7,040	8,194	8,100	7,583	6,453	7,548	7,797

SOURCE: Committee for Foreign Minors (within the Ministry of Labour and Social Policies)

4. RECEPTION PROCEDURES AND MEASURES OF INTEGRATION

Before explaining the reception procedures carried out for unaccompanied foreign minors, it is important to address problematical aspects, such as those highlighted, for example, by *Save the Children* (Italian branch office): mainly the fact that minors have no direct access to adequate hosting opportunities and that the conditions of the appropriate centres and communities are non-sustainable - these aspects are a violation of children's protection rights²⁶. This peculiarity of the reception system could help explain the phenomenon of minors who escape from reception centres. In 2006, 62% of all unaccompanied foreign minors accepted in Hospitality Centres have become untraceable²⁷. To this regard, we should mention the fact that, despite a legislation constantly calling for the well-being of minors, in some cases they come of age before the Committee has had the opportunity to take a decision on their return, and this renders those minors irregular immigrants.

The reception procedures differ depending on the situation of the minors when they come in contact with social services. However, as already mentioned, aside from their respective conditions, minors' forced return is prohibited (except when they pose a threat to public order and State security, according to the Consolidation Act on Immigration no. 286/1998, art. 19), as well as their detention in Centres for adult immigrants.

The reception of unaccompanied foreign minors comprises two phases: basically, the first reception and the second one (within the latter one, social services have a greater role).

In 2006, 6,102 unaccompanied foreign minors - equal to 78% of total minors (7,870) reported to the Committee for Foreign Minors - were hosted in Hospitality Centres (first reception centres): the majority of them were male (70%) and came from Romania (42%), Morocco (12.4 %) and Albania (8.4%), followed by Afghans, Egyptians, Palestinians and Iraqis²⁸. This first reception is temporary: in fact it cannot last more than ninety days. Its purpose consists in offering unaccompanied minors immediate and temporary shelter through adequate measures, as well as proposing a plan of action (after the presence of a minor has been reported to the Committee for Foreign Minors, the Police, the Juvenile Court or the Tutelary Judge).

In this phase of first reception, private and contracted facilities are most commonly used (3,176, equal to 96% of all reception centres in 2006)²⁹. During the last 15 years, most of these

²⁶ SAVE THE CHILDREN (ITALY), *Dossier Minori Stranieri. I minori stranieri non accompagnati in Italia. Accoglienza e prospettive*, Rome, February 2009.

²⁷ A.N.C.I., *Minori stranieri non accompagnati. Secondo Rapporto ANCI 2007* (edited by GIOVANNETTI MONIA), Rome, 2007.

²⁸ GIOVANNETTI MONIA, *Politiche e pratiche di accoglienza dei minori stranieri non accompagnati in Italia*, 2008, in *E-migrinter*, no. 2/2008, pp. 98-120.

²⁹ A.N.C.I., *Cit.*

structures have experienced a gradual shift of the types of users, passing from mainly Italian minors to foreign ones, in particular unaccompanied ones, and this is mainly due to the opportunity to profit from the help of professional cultural mediators.

The 1,194 unaccompanied foreign minors who in 2008 were meant to be placed in intra-family and other types of family foster care, were then hosted in private facilities. Several local authorities, such as Parma, Modena, Genova and Bologna, are now trying out a type of foster care or custody called “homocultural”, i.e. foreign families who have shown to be positive examples of integration in our country, and who are willing to offer themselves as a valuable resource to families of the same culture that, for various reasons, are going through a difficult period.

In about the same phase when social services start applying integration procedures for minors, the Committee for Foreign Minors (supported by the International Organization for Migration) starts an investigation on the minor’s family members for purposes of repatriation. Sometimes this process can be quite slow, due to the long procedures entailed in the identification of the minor. The age verification – upon the approval of the minor himself or his legal representative – is required only if there are doubts about the minor’s actual age. Until the researches do not prove the contrary or in case of doubt, he continues being considered a minor and is granted protection as any unaccompanied minor would be³⁰. The refusal of the minor to undergo a visit does not influence the decision on his asylum application or even its acceptance.

Currently, the investigation methods to determine the age of minors without identity papers include radiography (wrist, teeth) and anthropometric measures (carried out by appropriate medical-paediatric teams). The first method has been harshly criticized on account of the possible impact on the children’s health, but also the second one (even though it does not involve exposure to radiation) because it does not take into account variations related to the subject’s ethnicity and state of nutrition³¹.

However, in June 2008 an inter-ministerial working group was created at the Ministry of Interior (with the support of various scientific experts), in order to accurately study the scientific publications as well as the documents published by international bodies on this issue.

Another problematic situation is well illustrated by the Lampedusa Centre (a Temporary Detention Centre CPT in 1998, First Aid and Reception Centre since 2006, and Centre for Identification and Expulsion today). According at least to Save the Children (Italy)³², the massive

³⁰ Circular Letter of the Ministry of Interior (July 9, 2007) on the identification of migrant minors.

³¹ Answer of the sub-secretary Ferruccio Fazio to Parliament Interrogation no. 5-0049, by Mussolini and Barani: *Misure volte a far cessare l'utilizzo della radiografia al polso per l'accertamento dell'età dei minori stranieri non accompagnati*, in http://new.camera.it/_dati/leg16/lavori/bollet/frsmcdin.asp?AD=1&percboll=/_dati/leg16/lavori/bollet/200809/0925/html/12/pagpro=20n3|all=off|commis=12.

³² SAVE THE CHILDREN (ITALY), *Accoglienza e tutela dei minori nel centro di Lampedusa*, Rome, January 2009.

recourse to age verification procedures in this Centre raises major concerns. Specifically, they regard the respect of children's rights, due to the absence of any indication to the margin of error, the long waiting period for the examination results, the provided information (or lack thereof) and the applied procedure in case of refusal of consent, the failure to deliver a copy of the results, and even the prolonged permanence in the Centre over and beyond the established maximum time of 48 hours (due to lack of availability in the appropriate facilities). Nevertheless, since 2006, due to a partial financial support by the European Union, the *Praesidium Project* was set up, whereby examinations are delegated to the Italian Red Cross, and monitoring activities to Save the Children.

After being reported to the Committee for Foreign Minors, the minor is granted a minor age residence permit which - even if in the past it was not always converted into a residence permit for employment or study reasons when the minor came of age - makes him a regular immigrant. If his parents in the country of origin are tracked down, there are two options: the *assisted return* (so that the minor is sent back to his family's care³³), or a *non-suit* - when appropriate/needed, and in the best interest of the minor. In the latter case the minor is fostered by any existing relatives within the fourth degree, the social services, a family or a community, in order to start a project of assistance for his socio-educational integration.

As for the second reception, its aim is to integrate the unaccompanied foreign minors through long-term education projects which last until they come of age. In 2008, those inserted in the second phase of reception amounted to 3,841, of whom more than 92% were male. They mainly came from Afghanistan (15.3%), Egypt (11.7%), Albania (10.9%), Morocco (8.4%) and Kosovo (7.9%), and almost a half of them (44.8%) were hosted by Municipalities with a population of more than 100,000 inhabitants³⁴. Three-quarters of them (76.7%) were between 16 and 17 years old and 23.3% of them became untraceable before coming of age.

This phase involves a long-term project of insertion within residential communities, a specific program for the minor (literacy, school or work insertion, training, socio-educational activities, etc.) and the request for a residence permit in accordance with art. 2 of Law no. 184/1983. The residence permit for custody may be converted into a residence permit for work or study when the minor comes of age, but only if the following two conditions are fulfilled: 1) he has been in Italy since at least three years and 2) he has been part of a project of social and civic integration for at least a 2 years, the latter managed by a public or private body operating at the national level (Consolidation Act on Immigration no. 286/98, art. 32; Law no. 189/2002, art. 25, par. 1 and 1-bis). But this measure does not apply to minors who have come of age after the implementation of Law

³³ Assisted return refers to all the measures enforced in order to provide the minor with the necessary assistance during reunification with his family or until he is fostered by the competent authorities in his country of origin.

³⁴ ANCI, *Cit.*

no. 189/2002. This matter should have been solved in the end by the Circular Letter of the Ministry of Interior dated March 28, 2008, which equates guardianship with foster care as prerequisites for the issue of a residence permit at the coming of age. This was followed by Decision no. 2941 (April 7, 2009) of the Sixth Section of the State Council, which legally determined that foreign minors who are in Italy and want to convert their residence permit into a permit for employment purposes are not always required to participate in projects of social and civic integration as provided in the Immigration Act. The so-called “Security Package” (Law no. 94/2009) revised this aspect, by establishing that such requirements have to be met jointly³⁵.

A minor who has been previously fostered by a foreign citizen legally living in Italy is issued a residence permit for family reasons when turning 14 (Consolidation Act on Immigration no. 286/98, art. 31, par. 2); this permit can be converted into a residence permit for work or study as soon as he comes of age.

As regards unaccompanied foreign minors who are victims of trafficking or exploitation, they are granted protection by the issuing of a residence permit for social protection reasons (in accordance with art. 18 of Immigration Law no. 40/1998), even without the obligation to denounce those who have exploited them (it must be noted, however, that the authorities do not always enforce this measure, unless the minor agrees to denounce them). This kind of residence permit is issued even when the unaccompanied foreign minor has committed a crime and, after serving his sentence, has proved his participation in an assistance and social integration program. Between 2001 and 2008, as referred to by the Department for Rights and Equal Opportunities, the total amount of identified minors who were victims of trafficking was 1,032, of whom 94 reported cases in 2008 alone.

In 2008, among the different kinds of exploitation, sexual exploitation was the most common one (61.8%), followed by labour exploitation and petty crime (both at 8.8%) and by begging (5.9%).

During 2009, a protocol on the identification of and the support for children who are victims of trafficking was developed within a community program called AGIS, which is managed by Save the Children (Italy) in cooperation with the above mentioned Department.

The severity of unaccompanied foreign minors’ involvement in trafficking for exploitation was highlighted by the prefect of Agrigento (having jurisdiction over Lampedusa) before the

³⁵ This situation was amended by Law no. 94 (July 15, 2009), which laid down provisions relating to public safety, and whose intervention was structural with the provisions contained in art. 22, letter v, par. 1 and 2, (which amends art. 32 of the Unique Text on Immigration, no. 286/1998). The new regulation – as mentioned in the previous chapter on entry procedures - establishes that residence permits issued to unaccompanied foreign minors for minor age reasons may be converted upon coming of age only if the following requirements are met jointly: being under guardianship or foster care, having entered Italy since at least 3 years and participating in projects of integration for at least 2 years.

Parliament Commission on Childhood. By using the image of a “change of clothes” he summed up the situation this way: “I can well imagine that they have been put on a boat by someone; I can also imagine that, somehow, they have managed to pay the transit fee through the Strait of Sicily, but everything has been thought out in their countries of origin and may be related to people who already operate in Italy. Earlier no girls were involved, but now we see them beginning to show up. They arrive, we make them join the community, and the day after they wear clothes which are different from those provided by the center. They have a cell-phone, but it is not us who provide it to them; they spend half an hour, an hour, talking on the phone, then disappear. This whole situation is a real concern, especially because of these aspects which may encourage criminal activity and exploitation of children on our territory. We should worry about the fact that these children do not apply for recognition of refugee status or political asylum; they only seek to enter the community, and then disappear”³⁶.

As regards foreign minors’ right to health, those who hold a residence permit are registered in the National Health Service (SSN) and are entitled access to all the medical care granted by the Italian healthcare system - as for any Italian citizen. The foreign minors without any kind of residence permit cannot be registered in the SSN, and can only benefit from ambulatory and day hospital care, either urgent or long-term, as well as preventive medicine programs (Consolidation Act on Immigration no. 286/98, art. 35, par. 3).

The Italian regulation regarding foreign minors’ right to education provides for compulsory school attendance until the age of sixteen, and allows both holders and non-holders of a residence permit to enrol in schools at any level. It is lamented that this regulation is not always homogeneously enforced, and that some schools and professional institutes do not accept minors without a residence permit³⁷.

Regarding the collaboration between local bodies and other institutions, in 2006 the most frequently stipulated protocols of agreement were those involving Municipalities and social services - reception communities, health services, Local Health Authorities (ASL) - followed, at a distance, by those stipulated between institutions and public order and bodies of security - Police, Juvenile Courts, Prefectures, Tutelary Judges. Based on the quality of their cooperation with the above mentioned bodies, the evaluation of the Municipalities themselves was at the average level, whereas the better scores were obtained by reception communities, guardians and schools³⁸.

³⁶ Parliament Commission on Childhood. Fact-finding survey on unaccompanied foreign minors. Hearing held on November 26, 2008. Address of the Prefect of Agrigento, Umberto Postiglione: http://www.camera.it/_dati/leg16/lavori/stenbic/36/2008/1126/INTERO.pdf.

³⁷ ROZZI ELENA, *The situation of EU and non-EU separated children in Italy*, in “E-migrinter”, no. 2/2008, pp. 13-26.

³⁸ GIOVANNETTI MONIA, *L'accoglienza incompiuta. Le politiche dei comuni italiani verso un sistema di protezione nazionale per i minori stranieri non accompagnati*, Mulino, Bologna, 2008.

It must be noted that minors' integration into reception facilities represents a well-known problem of sustainability, due to the amount of allocated funds which are not sufficient enough to cover the necessary expenses of the local bodies. In 2008 the Ministry of Interior reimbursed 5,400,000 euros to the Regions for the reception of unaccompanied foreign minors, whereas in the first 2 months of 2009 the requests reached 3 million euros³⁹.

The institutional network comprises both public and private bodies, as well as national and international organizations and associations committed to solve the problems of minors in general and/or unaccompanied foreign minors in particular. In addition to the above mentioned bodies (Municipalities, Committee for Foreign Minors, Tutelary Judges, Juvenile Courts, Police), the role of other bodies (social services, Local Health Authorities, schools, communities, NGOs) is also essential.

As regards unaccompanied foreign minor asylum applicants, it must be noted that, despite the Committee for Foreign Minors' attempt to separate asylum applicants from the category of unaccompanied foreign minors, the 1997 definition by the EU Commission includes them. Starting from 2007⁴⁰, when a minor crosses the border he is taken into care by a Tutelary Judge, and immediately after by the SPRAR (Protection System for Asylum Applicants and Refugees) - and not by any available structure on the territory, as in the past. Unaccompanied foreign minors' willingness to apply for asylum represents an indispensable condition for starting the procedure. Therefore, the 2007 Joint Directive insists that the minor must be informed of this possibility and how to use it. After the verification of minor's age, identity and nationality, a temporary residence permit for asylum applicants (or the so-called Dublin residence permit, if there are doubts about the competence of Italy to examine the application) is issued. Then, the Territorial Commission, after receiving the documents from Police headquarters, sets a time-limit for the hearing. Within three days from the hearing, the Territorial Commission will decide whether the applicant can be granted international protection. In case of non-confirmation of the application or of non-recognition of the international protection, the unaccompanied foreign minor comes under the jurisdiction of the Committee for Foreign Minors.

The amount of unaccompanied foreign minor asylum applicants has been continuously increasing in recent years. According to data gathered by the SPRAR during its reception activities, from a total of 31 unaccompanied foreign minor asylum applicants who were hosted in 2006, the amount increased to 197 in 2007⁴¹.

³⁹ Hearing of the Minister of Interior Roberto Maroni before the Parliament Commission for Childhood, on a survey regarding unaccompanied minors (February 25, 2009).

⁴⁰ Directive on unaccompanied foreign minor asylum applicants of January 2007 of the Ministry of Interior, in collaboration with the Ministry of Justice.

⁴¹ ANCI, *Cit.*

In 2008 the number of unaccompanied foreign minor asylum applicants who were provided accommodation within the SPRAR system doubled, amounting to 409. This was due to a more adequate supply of services, although the available places were still insufficient with respect to the number of applications (in the same year, the new minor asylum applicants amounted to 573). In fact, many of them were hosted by other local structures for children's care.

Thanks to the involvement of over 20 local authorities, the overall supply of available places rose to 307, of which 125 were funded by the National Fund for Asylum Policies and Services (which was established in 2002; Law no. 189/2002, art. 32, par. 1); 96 were provided for by Ordinance no. 3620 of Civil Protection, and the remaining 86 were created as an exception in order to face the emergency situation caused by landings in Sicily.

The majority of these minors are male (82.3%), close to coming of age (80% of them are between 16 and 17 years old) and mainly come from Afghanistan (48.8%), Somalia (8.9%), Nigeria (8.8%), Eritrea (6.4%), Ivory Coast (3.4 %), Ghana (2.0%), Turkey (1.9%), Togo (1.6%) and Iraq (1.4%)⁴².

⁴² SPRAR CENTRAL SERVICE – ANCI, *Annual Report on the Protection System for Asylum Applicants and Refugees, year 2008-2009*, Rome, December 2009.

5. RETURN PROCEDURES

As already mentioned, there are two solutions for unaccompanied foreign minors in Italy: either the assisted return (art. 7, par. 1 of the Decree of the President of the Council of Ministers no. 535/1999), or the stay on the territory (which requires the implementation of special integration measures). In both cases, the modalities of implementation may give rise to problematic issues. The best solution would be to enforce both options depending on the best interest of each single minor, as provided for by the Convention on the Rights of the Child (New York, 1989), which was ratified by Italy in 1990.

Concern has been raised about the inadequacy of the current Italian legislation, especially regarding the indication of the procedure determining and ensuring the minor's best interests before the decision of return, and the evaluation of the risks involved in case it is enforced. Despite the provisions of the above mentioned Convention, the minor's right to be heard (taking into account his choice as well as his age) is sometimes violated due to the lack of judicial control over the procedures, even when the return procedure is established against his will⁴³. The sensitivity of the issues here dealt with is directly linked with the fact that sometimes the return is enforced even against the minor's will or, on the contrary, is not enforced even if the minor has requested it.

Since a long time, in the course of public controversies and debates, the situation depicted by these statistical figures has been taken into consideration. First of all, we would like to focus on those cases (which are not few) in which the Committee does not succeed in taking a decision - a situation which "pushes" the involved minors towards a condition of irregularity.

Another relevant aspect of the assisted return measure is the fact that it is not perceived as a solution to the problematic condition of the unaccompanied foreign minors who find themselves in Italy, but rather as a "response" to an emergency situation, to the problems, to the "discomfort" of Italian society and to the "burden" represented by the resources that have to be spent for assisting these minors⁴⁴.

It's rather difficult not to emphasize the fact that the decision of assisted return becomes even more problematic when it is not possible to monitor the post-return, which aims at the reintegration of the minor in his country of origin.

In light of these considerations, Monia Giovannetti⁴⁵, editor of the SPRAR thematic reports, speaks not only of an "unfinished reception" but also of an "unfinished reintegration", causing

⁴³ ROZZI ELENA, *The situation of EU and non-EU separated children in Italy*, in "E-migrinter", no. 2/2008, pp. 13-26.

⁴⁴ GIOVANNETTI MONIA, *Politiche e pratiche di accoglienza dei minori stranieri non accompagnati in Italia*, in "E-migrinter", no. 2/2008, pp. 98-120.

⁴⁵ GIOVANNETTI MONIA, *L'accoglienza incompiuta. Le politiche dei comuni italiani verso un sistema di protezione nazionale per i minori stranieri non accompagnati*, Mulino, Bologna, 2008.

negative social fallout on the minors themselves, on their country and also on Italy. It should be recognized, however, that the assisted return procedure is followed by a more appropriate monitoring at the regional level, through projects and programs involving the Italian Municipalities (especially big cities) and various countries of origin.

Moreover, in recent years, the amount of assisted return measures has continuously decreased. If in 2003 assisted returns accounted for 25% of the identified minors, in 2006 they amounted to only 8 cases, which corresponds to 0.38% of a total of 2,180 identified minors.

ITALY. Assisted Voluntary Returns of Unaccompanied Foreign Minors (2000-2008)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008*	Total
Cases	22	142	199	218	126	108	8	1	2	827

* Provisional data drawn from the hearing of the Chairman of the Committee for Foreign Minors before the Parliament Commission on Childhood (November 26, 2008)

SOURCE: *Committee for Foreign Minors (within the Ministry of Labour and Social Policies)*

Three important elements play a role in this kind of return procedure: the local authority (through the local social services), the Committee for Foreign Minors and the International Organization for Migration (which in April 2008 took the place of the International Social Service - ISS). The procedure goes like this: after the hearing with the minor, the local social services send their reports to the Committee; then, after evaluating the situation, and if necessary, the Committee alerts the International Organization for Migration (IOM), whose main duties consist in gathering information on the minor's family of origin and submitting the results to the Committee. However, since these procedures are delicate, sometimes problematic issues can arise, as underlined by competent social workers. In particular, it was noted that Committee for Foreign Minors' investigations and reporting of outcomes are delayed, and furthermore it is very often the case that the Italian social services do not even receive the IOM reports (or, previously, the ISS reports) from the Committee, despite the usefulness of this exchange of information for an optimal protection of the minor. In fact, this is a very important issue for the social services in order to launch a proper socio-educational project⁴⁶.

After the return measure has been established (a relevant competence of the Committee for Foreign Minors), the case passes under the jurisdiction of the IOM. The main IOM responsibilities in assisting the return of unaccompanied minors are the following: carrying out investigations on the family of origin after receiving the reports from the Committee; technically organizing the activities connected to the assisted return; following the minor's situation even after his return and starting reintegration projects *in loco*.

⁴⁶ According to the social workers, the Committee itself is responsible for a certain "inactivism" which could harm the situation of the minor. See the analysis of the interviews with social workers of Prato in GIOVANNETTI MONIA, *Cit.*

Family investigations basically include speaking with the family of origin, in order to: obtain clear information about their socio-economic situation; understand the relationship between parents/relatives and the minor; and make sure that the family is willing and able to welcome the minor and take care of him in a proper way.

During the first 4 semesters of the “Family Tracing” project (April 2008-March 2010), the Committee assigned to the IOM 881 investigations in 31 different countries, of which 755 have been completed, 50 are still in progress and only 76 have been suspended or deemed impossible to accomplish. In the absolute majority of cases (96%), investigations regarded males.

In half the cases (53.8%), investigations provided positive results, by indicating the feasibility of returns (406 in families and 20 in proper structures), although an actual implementation took place only in 5 cases.

Concerning the investigations providing positive results, 75.6% of cases regarded minors from European countries (out of 406 total cases, 156 regarded Albania and 135 Kosovo). Africa follows with 12.3% (the percentage of Senegal is 27, but it must be noted that in Morocco and Egypt it has not been possible to conclude the investigations), Asia with 10.3% (Bangladesh 27, Pakistan 25) and finally Latin America with 1.7%.

Countries of origin of Unaccompanied Minors, which the CFM commissioned to complete an investigation regarding family during the first 4 semesters of the “Family Tracing” IOM project (Apr. 2008-Mar. 2010)

Country of origin	Number of investigations commissioned by the CFM	Number of investigations completed by the IOM	Number of void/revoked/impossible investigations	Number of feasible returns		Gender		AVR
				yes	Yes but not in fam.	M	F	
Kosovo	295	289	1	135	6	295	0	2
Albania	283	259	12	156	17	281	2	-
Bangladesh	68	53	3	27	-	68	0	-
Senegal	52	42	2	27	1	47	5	-
Morocco	29	0	29	-	-	27	2	-
Pakistan	25	22	-	15	1	25	0	-
Moldova	24	22	1	10	1	21	3	-
Egypt	23	0	23	-	-	23	0	1
Tunisia	16	16	-	7	-	16	0	-
Nigeria	13	11	-	6	-	7	6	-
Tot. First 10	828	714	71	383	26	810	18	3
Others	53	41	5	23	6	40	17	2
Total	881	755	76	406	20	850	35	5

SOURCE: International Organization for Migration. “Family Tracing” Project

We deem it useful to report here the standard procedure regarding family surveys in Albania, as highlighted in a study by Giulia Martini published by “The Other Law” Documentation Centre of the University of Florence⁴⁷. The first phase consists in gathering information about the socio-economic conditions of the family, verifying personal information, the number of family members, the socio-economic status of parents and other relatives. Moreover, the investigations regard the minor’s previous education and activities, the reasons behind his migration choice, the family’s awareness of his departure and emigration, any existing contact with him, their relationship with the minor prior to his departure, the family’s availability to take him back in case of an assisted return, and so on. In the report to be sent to the Committee, social workers can express their own opinion about a possible assisted return.

We have focused on family investigations because the information obtained through them, as well as through the hearing with the minors, could be valid criteria for the Committee’s decisions regarding the assisted returns, despite the uncertainty surrounding this field of study.

It is still useful to recall the case of Albania⁴⁸, where reinsertion projects consist in training courses, followed by an apprenticeship period funded by the Italian Government, and a subsequent job insertion in the place of origin, whenever possible. The minor can decide to participate or not in these projects. In case of refusal, an attempt to convince him (either directly or through his parents or other family members) is carried out, for two main reasons: to offer the opportunity of reintegration after a failed immigration attempt - which is sometimes a traumatic experience – and, especially, to avoid his return to Italy. Statistical figures show that many repatriated minors come back to the same foreign country where they had previously gone (and not only once). The Albanian sociologist Rando Devole explains that, behind this tendency to return, there is also a “crisis” of the minor who, “like any other emigrant who has returned home, strongly perceives the cultural distance determined by his absence”⁴⁹.

It is necessary to improve the active collaboration of the IOM with the public or private social services of the countries of origin, with NGOs and other similar associations, and with the police (for instance, when the opposition of the minor to assisted return makes it necessary). Special attention should be paid to the residence facilities in the country of origin because, in some cases, even the repatriated minors might be temporarily hosted in such facilities, especially when they come from areas with no educational opportunities.

In most cases, however, these facilities are not in accordance with the purposes of repatriation, due to the absence of specifically reserved space for repatriated minors and to the lack

⁴⁷ Cfr. MARTINI GIULIA, *Il rimpatrio assistito dei minori albanesi non accompagnati. Aspetti giuridici e sociologici*, Florence, 2006, in www.altrodiritto.unifi.it/migranti/martini/index.htm.

⁴⁸ See MARTINI GIULIA, *Cit.*

⁴⁹ See MARTINI GIULIA, *Cit.*

of qualified personnel. The psycho-social needs of these minors are not fulfilled by these environments, where different problems must be handled by adopting different solutions.

A special case is represented by the return of unaccompanied foreign minors who are victims of trafficking, whose procedures could be streamlined and expedited by the approval of a bill which is currently under discussion in Parliament and is entitled “Measures against Prostitution” (AS no. 1079); furthermore, this is already provided for by the “Security Package” (Law no. 94/2009) for EU unaccompanied foreign minors involved in prostitution.

However, the assisted return of Romanian unaccompanied foreign minors is based on a precise plan of action and a path of reintegration in Romania which are under the supervision of the relevant Central Body. In particular, this body provides a two-year monitoring consisting in an initial period of at least six months for the first part of the integration, and in a second one lasting up to two years for the full integration process⁵⁰.

As concerns the funds allocated for the return procedures, an important source is the European Return Fund, which is one of the four financial instruments of the Framework Program “Solidarity and Management of Migration Flows”. In 2008, the European Commission approved for Italy a 71 million euro MAP (Multi-Annual Programme) for the years 2008-2013, which also funds programs of voluntary assisted return and reinsertion for vulnerable groups⁵¹. The previous EMN study on return migration (December 2006) had highlighted that the cost of the assisted voluntary return may vary between 2,000 and 5,000 euros per beneficiary. In cases of trafficking or victims of exploitation, the cost of the assisted return is much higher, whereas in cases of forced repatriation, it is four times as much⁵².

⁵⁰ Parliament Commission on Childhood. Fact-finding survey on unaccompanied foreign minors. Hearing held on December 10, 2008. Address of the President of the Central Link Organism for the protection of unaccompanied EU minors, Prefect Mario Ciclosi: http://www.camera.it/_dati/leg16/lavori/stenbic/36/2008/1210/INTERO.pdf.

⁵¹ Cfr. http://www.interno.it/mininterno/export/sites/default/it/temi/immigrazione/fondo_europeo_rimpatri.html.

⁵² Cfr. EMN ITALY (edited by AMMENDOLA CARMELITA, PITTAU FRANCO, RICCI ANTONIO), *Return Migration in Italy: the Italian case*, IDOS, Rome, 2006.

6. CONCLUDING REMARKS: BEST PRACTICE AND LESSONS LEARNED

In Italy, the issue of unaccompanied minors is not new. In past centuries, and for a long time (as Bruna Bianchi⁵³ has recalled), Italy had been one of the main countries of origin of unaccompanied minors: very young craftsmen, hawkers, chimney sweeps, coppersmiths, chair-menders, grinders, etc., seasonally crossing the Alps in order to offer their work. Other children were entrusted to wandering musicians and craftsmen on the basis of contracts lasting several years. There were also cases of exploitation or abuse, especially after the socio-economic deterioration experienced in many regions during the years after national unification (1861)⁵⁴.

Today, those events are almost a remote (or at least removed) past, because since the mid-70s the historical, social and economic evolution has made Italy a point of arrival for unaccompanied minors coming from the rest of the world⁵⁵.

Currently, the main problem is related to the need to strengthen the coordination between central bodies (Committee for Foreign Minors, which is part of the Ministry of Labour and Social Policies) and local bodies (Municipalities represented by the ANCI). Hence the need to enhance the full potential of civil society and “associationism” in view of improving the reception and integration of unaccompanied foreign minors.

Secondly, there are problems related to heterogeneous practices and procedures at a local level with regard to identification upon arrival, timing, logistics and distribution of goods and services, hosting conditions, cases of overcrowding, distinction between first and second level of reception, professional profile of the operators and provision of cultural mediation services, as well as information activities regarding the possibility of applying for asylum and access to the SPRAR⁵⁶.

In this regard, the survey on reception facilities for unaccompanied foreign minors recently prepared by the Psychoanalytic Institute for Social Research (IPRS), in collaboration with the Committee for Foreign Minors (using funds provided for the Regions included in the National

⁵³ BIANCHI BRUNA, *Percorsi dell'emigrazione minorile*, in BEVILACQUA PIERO, DE CLEMENTI ANDREINA, FRANZINA EMILIO (edited by), *Storia dell'emigrazione italiana. Arrivi*, Donzelli, Rome, 2002, pp. 355-375.

⁵⁴ XIXth century literature gives us an example of this in Hector Melot's children's novel *Sans Famille* (1878), in which he narrates the adventures of young Rémi (Remigio).

⁵⁵ PITTAU FRANCO, *35 anni di immigrazione in Italia*, in CARITAS/MIGRANTES, *Dossier Statistico Immigrazione 2005*, IDOS, Rome, 2005, pp. 69-76.

⁵⁶ These needs have been highlighted by Save the Children (Italy) in the monitoring implemented for the Praesidium Project III, in partnership with UNHCR, IOM and the Italian Red Cross (and under the coordination of the Ministry of Interior). See, SAVE THE CHILDREN (ITALY), *Dossier Minori Stranieri. I minori stranieri non accompagnati in Italia. Accoglienza e prospettive di integrazione*, Rome, February 2009.

Operative Programme for Security: Calabria, Campania, Apulia and Sicily) will make for a valuable contribution⁵⁷.

After pointing out the “turbulent” attitude of the newly arrived in Sicily, the monitoring of the IPRS confirmed the widespread habit among minors to leave rather early the structures in which they are first located (the Institute defines this as “disreactionism” between minors and hosting facilities), even though, surprisingly, the time spent by the unaccompanied foreign minors in the communities has also showed that there is now a significant number of young boys relying on the support provided by these facilities for a period longer than two years, thereby giving testimony of satisfactory experiences of insertion.

Moreover, the survey emphasized the impression of being faced with a process of structural adjustment, which consists in developing a progressive specialization in the management of unaccompanied foreign minors: in 80% of cases, hosting services met the expected standards.

Costs are an indicator of the quality of the provided services and the degree of custody that the facilities are designed to ensure to the minor. These structures also provide a growing response to the needs of the child, by the involvement of qualified experts during the hosting phase and the presentation of initiatives and programs aimed at social inclusion. Among the above mentioned key figures there are the cultural mediator and the psychologist.

At the operational level, it is urgent to reach a standardization of intervention measures and facilities, and to move from an emergency phase to a more structured one. Consequently, this is the reason why a National Program for Protection of Unaccompanied Foreign Minors was launched in 2007. This program was financed by the fund for social inclusion of immigrants of the Ministry of Labour and Social Policies, and carried out by the ANCI through the creation of 400 jobs, for a total expenditure that initially was equal to 10 million euros, and in 2010 has increased to 15 million euros (see the chapter about integration and hosting).

It is a testing ground for a national system of assistance and integration for unaccompanied foreign minors, with specific regard to the first reception phase. This program (through a network of Municipalities selected by public announcement) benefits from the experience of targeted projects implemented by important Municipalities like Turin, Bologna, Parma, Modena, Piacenza, etc.

The matter regarding minors’ access to the right of asylum or their regularization by the issue of a residence permit does has generated public focus, particularly on the part of public officials. This matter is the first cause of the many escapes from the first reception centres⁵⁸:

⁵⁷ I.P.R.S., *Rilevazione delle strutture di accoglienza per i minori stranieri non accompagnati in Calabria, Campania, Puglia e Sicilia*, Rome, June 2009.

⁵⁸ A.N.C.I., *Minori stranieri non accompagnati. Secondo Rapporto ANCI 2007* (edited by GIOVANNETTI MONIA), Rome, 2007.

according to the ANCI national survey, about 62% of the minors flee, becoming potential victims of exploitation⁵⁹.

Giuseppe Silveri (President of the Committee for Foreign Minors) spoke strongly about exploitation at the hearing before the Parliament Commission for Childhood of November 26, 2008, pointing out that “it is precisely in Sicily that we must intervene in order to guarantee a second reception - after the first one in Lampedusa or in some other coastal port – which has to be focused and well organized, so that minors can then be moved to other centers, thus keeping control of the situation”⁶⁰.

In view of these critical situations and the financial sustainability, the Circular Letter of the Ministry of Interior of February 13, 2009 has drawn attention to the need of establishing a special section for minors within the Territorial Councils for Immigration and adopting, through them, all the proper measures in order to evaluate the quantitative aspect of admissions and expulsions and to verify the quality standards of reception.

The urgency of a further legislation development and its implementation seems highly desirable. In fact, unaccompanied foreign minors, once adults, represent an important part of the new multicultural Italy (even if at different levels). “Do you consider yourself Italian or Muslim?” - asked the writer Eraldo Affinati to one of them. “Well, I am Muslim inside and Italian outside,” was the prompt reply⁶¹. These minors, since they live in precarious conditions, need to be considered an important target and cared for with the same attention given to those who come for reasons of family reunification or those born in Italy by foreign parents.

⁵⁹ The 60% figure has been confirmed by the final monitoring Report of the reception communities in Sicily (Project *Praesidium III*), managed by Save the Children. See SAVE THE CHILDREN (ITALY), *L'accoglienza dei minori in arrivo via mare*, Rome, April 2009.

⁶⁰ Parliament Commission on Childhood. Fact-finding survey on unaccompanied foreign minors. Hearing held on November 26, 2008. Address of the President of the Committee for Foreign Minors (within the Ministry of Labour and Social Policies, Giuseppe Silveri: http://www.camera.it/_dati/leg16/lavori/stenbic/36/2008/1126/INTERO.pdf.

⁶¹ This passage is taken from Eraldo Affinati's novel-diary, set in the “city of children”, the historic community for childhood created in Rome after World War II by the Irish priest John Patrick Carrol-Abbing. See AFFINATI ERALDO, *La città dei ragazzi*, Mondadori, Milan, 2008.

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ANNEX II: LEGISLATION

International and European Acts and Laws

- *Initiative Advice of the Regions Committee regarding the condition of unaccompanied foreign minors – the role of, and the proposals made by, the local and regional bodies*, approved by the Plenary Session (October 1-12, 2006);
- *Resolution of the Committee on unaccompanied minors from third world countries*, implemented on June 26, 1997 by the Council for Justice and Internal Affairs;
- *European Convention on the Exercise of Children's Rights*, signed in Strasbourg on January 25, 1996 (ratified and enforced by Law no. 77 of March 20, 2003);
- *Convention on The Protection of Children and International Adoption*, The Hague 1993 (Law no. 476/1998, ratification of The Hague 1993 Convention);
- *Convention on the Rights of the Child*, signed in New York on November 20, 1989 (ratified and enforced by Law no. 176 of May 27, 1991);
- *Convention on the Civil Aspects of International Child Abduction*, The Hague 1980, and *Convention on the Custody of Children*, Luxembourg 1980 (Law no. 64/1994, ratification of The Hague and Luxembourg 1980 Conventions);
- *Convention on Repatriates*, The Hague 1970 (Law no. 396/1975, ratification of The Hague 1970 Convention);
- *Convention on the Competent Jurisdiction*, The Hague 1961 (Law no. 742/1980, ratification of The Hague 1961 Convention);
- *Convention for the Protection of Human Rights and Fundamental Freedoms*, Rome, 1950.

Italian Legislation

- Circular of the Ministry of Interior (February 13, 2009) regarding unaccompanied foreign minors;
- Circular of the Ministry of Interior (January 20, 2009) regarding the assistance, within Italian territory, of Romanian minors who are unaccompanied or in trouble;
- Circular of the Ministry of Interior (March 28, 2008) on the problems regarding issuing a residence permit for family reasons to a minor who has turned 14, and the conversion of his residence permit (or its renewal) for family reasons after his coming of age;
- Circular of the Ministry of Interior (July 9, 2007) regarding the identification of migrants who are minors;
- Inter-ministerial Directive (December 7, 2006) regarding unaccompanied foreign minor asylum applicants (this Directive came into force on March 7, 2007);
- Legislative Decree no. 226 (October 17, 2005), "General standards and level of benefits for the second cycle of the education system in education and training, in accordance with art. 2 of Law no. 53 (March 28, 2003)";
- Legislative Decree no. 76 (April 15, 2005), "Definition of the general rules on the right and duty to education and training, in accordance with art. 2, par. 1, letter c) of Act no. 53 (March 28, 2003)";
- Law no. 53 (March 28, 2003), "Delegation to the Government to define general standards of education and levels of benefits in education and training";
- Circular of the Ministry of Interior (2001) regarding residence permits for the minors, issued to foreign unaccompanied minors as per art. 28, par. 1, letter a) of D.P.R. no. 394/1999;
- Law no. 328 (November 8, 2000), framework Law for the creation of an integrated system of interventions and social services;
- Decree of the President of the Council of Ministers no. 535 (December 9, 1999) regarding the duties of the Committee for Foreign Minors;
- Decree of the President of the Republic (D.P.R.) no. 448 (September 22, 1988), "Approval of the provisions on criminal proceedings against juvenile offenders";
- Law no. 184 (May 4, 1983), "Right of the child to a family, as amended by Law no. 149 (March 28, 2001)";
- Italian Constitution, art. 10, par. 3;
- Civil code, art. 343 and following; art. 371, par. 1, no. 1; art. 403.