

Unaccompanied foreign minors in Italy: A political and social analysis

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Abstract

According to the Decree of the President of the Council of Ministers No 535/1999, Article 1, laying down the “Regulation on the tasks of the Committee for Foreign Minors, in conformity with Articles 33(2) and 33(2-bis) of Legislative Decree No 286 of 25 July 1998”, in Italy ‘unaccompanied foreign minor’ (UAM) refers to “a minor who does not have Italian or other EU citizenship, has not applied for asylum and is, for any reason, within the territory of the State without care or representation by their parents or other adults who are legally responsible for them under existing Italian laws”. This provision was defined as the solution to a social phenomenon that became particularly significant in the country number-wise in the 1990s. Despite the attention of the Government, the actual number of UAMs within the territory of the State is difficult to define, since most of them do not fulfil residence regulations and move considerably within Italian territory. Over the past seven years, the number of UAMs has remained stable with an average of 7/8,000 per year, and a peak of 8,461 in 2013. This figure will be greatly exceeded in 2014. This paper analyses the evolution of the presence of UAMs Italy, their characteristics, their migratory projects and some aspects of the social practices and procedures regarding UAMs in Italy.

Keywords Minors, Migrant, Italy, Social Procedures

1. Introduction

Minors who move in search of protection are not a new phenomenon [1]. In the years before the Second World War, the British Government admitted and gave protection to 10,000 Jewish children fleeing the Nazi regimes of Germany, Poland and Austria [2] [3]. However, the phenomenon of constant migration of non-EU unaccompanied minors (UAMs) towards Europe has been systematically described only from the 1980s. What is new compared to the past is that now minors migrate not only to flee wars and persecutions, but also because they have a project of economic migration. The background has also changed, since almost all EU countries have ratified the 1989 Convention on the Rights of the Child signed in New York.

According to some authors, the migratory pattern of a UAM cannot be compared to that of an adult. «The independent migration of children, while having several characteristics and many links in common with that of adults, has emerged as a specific phenomenon all over the world» [4] [5].

According to Liliana Suarez [6], instead, UAMs are involved in a different type of migration; they lack the ability to define a work strategy, even illegal work, and have no collective representation through processes of belonging or cultural implications.

A key specificity of the migration of minors is that their rights are recognized at an international level. In the case of adults, reference is made to the Universal Declaration of Human Rights. This includes the freedom to cross borders, which, to some extent, may be intended as the right to migrate, to leave a country, but not the right to immigrate, to enter a country [7]. The Declaration does not require any country to guarantee access to immigrants or to grant citizenship to foreign residents. By contrast, the universal recognition of the rights of children has led to a legal instrument whereby to a certain extent unaccompanied children have better protection and greater expectations compared to children who are abroad with their families. They could be encouraged to separate from their family members for this very reason [8].

Similarly, some literature highlights that studies on UAMs are based on their condition of being immigrants in Europe, which may result in a biased analysis, ethnocentric prejudices and misunderstandings [9]. The terms “child” or “young immigrant” may, for instance carry a stigma on what may be just a sociological aspect: being different in a context in which other children live in families [10].

This text is intended to investigate legal aspects as well as the social implications of the assistance and protection given to UAMs, with reference to the European framework, and to Italy in particular.

Before tackling the legal aspects linked to reception policies and practices, however, this phenomenon should be framed from a sociological and statistical perspective.

2. Sociology of migration and UAMs

In the European context, the concept of minors has a unique character legally, but it has very different nuances in terms of perceptions and cultural influences in each national context. A naive idea of childhood should be best avoided, as argued by Vacchiamo [11]. A starting

point to define UAMs may be the consensus on the fact that a minor is a person who has not reached 18 years of age. However, according to Genep [12], who analysed the rites of passage, the personal and cultural experience of these children vary; there are different rites that mark the passage from childhood to adulthood in different cultures. According to Bourdieu [13] there are no natural age groups; based on age differences, relational dynamics are built socially. Such dynamics vary, not only historically and at a generational level, but also through culture, in relation to social class and gender.

In the lives of unaccompanied children, unforced migration is often a form of self-affirmation of adult males, who are thus able to emancipate themselves. The same condition is experienced when they are small: they are able to undertake a difficult experience, which requires autonomy and determination. This will improve the condition of their families, or at least will result in a better future for them individually, as they will not be burdened by the economic conditions of the context in which they grew up.

As result, the condition of UAMs is a “special case” linked to a specific historic environment, with its epistemological autonomy in the sociology of migration, even though its numbers and multiple variables make this phenomenon particularly dynamic. For this reason a UN publication defined the arrival of children in population flows with two terms: an “unstoppable and changing” reality [14].

Using the reference framework of sociology of migration, at least three approaches will be taken here for our analysis.

The first approach does not disregard the conditions of origin and provides a partially ethnocentric view of migration, as if existence only begins when migrants arrive at their destination. They are, in fact, defined as immigrants (persons who arrive in a place), and not as “emigrants” (persons who left their place of origin). Consequently, the key problem of a migrant is to adapt to the hosting society. Only reconstructing the entire trajectory can help understand migratory processes [15]. This way of studying migration is particularly apt for understanding the presence of UAMs, overcoming a linear pattern in which minors who leave behind their past lives to move elsewhere permanently should be considered as a new phenomenon. Instead, it is necessary to consider the journey, which establishes a communication between two worlds and creates a link between two places, as well as the intercultural dialogue that links these worlds in the lives of these children. This reading of the migration of UAMs in a circular fashion means understanding and appreciating their worlds of origin, and not treating the reception of minors in way that is too patronizing [16] [17].

A practical implementation of this approach is the case of Albanian minors who arrived in Italy between 1991 and 1992: some of them have become Italian nationals by now, and others have entered cooperation projects between Albania and Italy.

A second reading of sociology of migration has to do with the trend to interpret the situations of foreigners in terms of a group and not of individuals. We refer here to statistical and descriptive studies, in which common characteristics are used to identify a group. Many studies on UAMs present variable data (such as age, sex, origin, etc.) without analyses aimed at a deeper understanding. There is the risk of forgetting that each immigrant is also an

emigrant, a man or a woman, or in this case a child or an adolescent, with his/her wealth of emotions, characteristics, memories and hopes that have been left behind; their aggregation does not represent an ideal type, but it is just a pretence for heuristic purposes [18].

As a result, even if quantitative data account for some of the research on UAMs, the subjective and unique nature of the cases that have been studied would require a deeper analysis.

A third, more practical, approach has characterised migration studies lately. It has to do with the act of new technologies [19] [20] [21]. Over the past fifteen years, there has been a revolution in the way in which people communicate, which has had a very important impact on the lives of migrants, and consequences on the population. As a well-known French author put it, we witness the «death of distance», through the strengthening of communication exchanges that have changed the face of planetary geography [22]. Against this backdrop of more intense communication, immigrants have the greatest need to communicate, as they have moved to a world that is not their own; hence they use all communication tools with their countries of origin [23]. Minors are those who use the net the most. Through mediated communication, the “digital natives” reconstitute the family unity that was divided.

3. Definition of UAMs and evolution of this phenomenon in Italy

In 1997, the Council of the European Union defined these children as “unaccompanied minors”; in the same year, the UN Agency for Refugees (UNHCR) started reporting about minors who had difficulties joining their family members, for many different reasons. During the second half of the 1990s, most documents published on this topic highlighted how difficult it is was to define the persons who needed help and the relevant educational interventions [24]. According to Senovilla [25], the terminology used in each national context clearly expresses the specific traditions concerning minors’ protection. Many European countries (Scandinavian countries, Germany, United Kingdom, Austria, Greece, Portugal, and in most of the new States of enlarged Europe) that tend to limit the interventions in favour of migrants and have a stronger tradition of asylum legislation tend to use the terms ‘unaccompanied asylum-seeking minors’ or ‘unaccompanied refugee minors’. In Italy, a country of recent immigration and of traditionally economic migration, the most frequently used term is (foreign) unaccompanied minors.

According to the Decree of the President of the Council of Ministers No 535/1999, Article 1, laying down the “Regulation on the tasks of the Committee for Foreign Minors, in conformity with Articles 33(2) and 33(2-bis) of Legislative Decree No 286 of 25 July 1998”, in Italy ‘unaccompanied foreign minor’ (UAM) refers to «a minor who does not have Italian or other EU citizenship, has not applied for asylum and is, for any reason, within the territory of the State without care or representation by their parents or other adults who are legally responsible for them under existing Italian laws». This provision was defined as the solution to a social phenomenon that became particularly significant in the country number-wise in the 1990s.

According to Campani and Salimbeni [26], the phenomenon of the presence of UAMs in Italy developed in at least four phases. The first phase occurred with the arrival of groups of asylum seekers - a few dozen minors - from Hungary and Czechoslovakia during the 1950s and 1960s. The second phase saw the arrival of Vietnamese and Cambodian minors, mostly orphans and abandoned children, entrusted to religious organizations in the early 1960, and, some refugee minors from the Horn of Africa in the second part of the decade. The third phase (1980s) involved Eritrean, Tigrinya and Ethiopian groups, minors from Somalia (mainly Mogadishu) and Sudan, and later from the Maghreb area (Morocco and Tunisia in particular) and Algeria. Then at the end of the 1980s, following the Chernobyl nuclear accident, Italy started receiving minors aged between 7 and 14 for temporary periods or even permanently from the regions of Belarus that were hit by the disaster (41,000 minors in 1995; 21,914, in 2009; and 13,095 in 2013. Source: Ministry of Labour and Social Policies).

Apart from the last case, the first three phases concerned children who had fled war zones, alone or with no adults accompanying them. So, following Italy's ratification of the New York Convention on the Rights of the Child of 1989 (by Law No 176/1991), in 1994 the Italian Government decided to set up the Committee for Foreign Minors (CMS) in order to regulate the reception of Belarusian and Albanian children. The CMS is responsible for monitoring solidarity interventions proposed by public and private entities within international solidarity programmes aimed at UAMs, allowing the minors to stay with Italian families, usually for no longer than 90 days. Then with the entry into force of Legislative Decree n. 113/1999, the activities of the CSM were extended to all UAMs, in accordance with the provisions of the New York Convention.

A fifth phase began at the end of 2010, following the events linked to the so-called Arab Spring and involving countries such as Egypt, Tunisia and later Syria (North Africa, but also the Middle East); all of a sudden migration flows increased between the Mediterranean shores (the Sicilian coast in particular), leading the Government to declare a state of national emergency (18 February 2011).

The CMS was also responsible for making a survey of UAMs in Italy, providing information on their presence over the past fifteen year. CMS data indicate that there were 8,307 minors from Eastern Europe and the Balkans (Rumania, Albania, Serbia and Moldavia) in 2000 and 8,146 in 2001. Between 2006 and 2008 the number dropped slightly with 6,543 and 7,343 minors respectively, mainly from Sub-Saharan African countries (Egypt, Tunisia, Eritrea, and Somalia) and Asia (the Middle East — Afghanistan, Palestine, Iraq and also Bangladesh), to reach 6,100 in 2009 and 4,866 in 2010. From 2010, migration flows began increasing again, reaching 7,750 minors in 2011; 7,575 in 2012; 8,461 at the end of 2013; and 11,010 as of 31 August 2014, with a distinction between those who are in Italy and those who are considered "untraceable".

According to Campani et al [27] with reference to the previous five years, there were the following categories of UAMs in Italy:

- (1) unaccompanied adolescents who were either asylum seekers or who could benefit from measures of temporary protection for humanitarian reasons (which may be specific to the country of origin);
- (2) UAMs who came to Italy to join their parents, who might not fulfil the requirements to start reunification procedures (the so-called “partially UAMs”);
- (3) UAMs exploited by criminal organizations (with ties to prostitution, begging, child labour or drug pushing), who were often abducted or who came with the consent of their families of origin; or
- (4) UAMs who reached Italy illegally, through trafficking channels run by organized crime or who arrived with a specific economic migratory project, just like adults; they often had to help their families pay for the debt incurred for their departure.

In addition to specific studies carried out by experts, data from different sources and specific reports on UAMs have been produced over the years. It is worthwhile mentioning the following: (1) data produced by the CMS, which in 2012 was merged into the Directorate General of Immigration and Integration Policies - Ministry of Labour and Social Policies (Ministerial Directorate). The Directorate prepares a national report every two months; (2) the System of Protection for Asylum Seekers and Refugees (SPRAR) compiles an annual report every year; (3) since 2009 the National Association of Italian Municipalities (ANCI), through Cittalia-Fondazione Anci Ricerche, has published five reports on UAMs in Italy; and (4) the Ministerial Directorate published a Report in June 2014 entitled Foreign Minors. The Phenomenon of Temporary Reception in Italy in 2013 [28].

Despite the attention of the Government, the actual number of UAMs within the territory of the State is difficult to define [29], since most of them do not fulfil residence regulations and move considerably within Italian territory. Under Article 5 of the Decree of the President of the Council of Ministers No 535/1999, public officials, civil servants and public organizations providing health and care services are required to inform the CMS without delay if they learn of the entry/presence of a UAM within the territory of the State. Yet, the data that have been regularly collected and published, however significant, are by no means complete. In fact, not all authorities within the territory of the State systematically report the presence of UAMs. Many of them are the victims of trafficking, and are therefore “hidden”; some face criminal proceedings, and some are “accompanied” by adults who are not really able to take care of them. By the same token, not all UAMs who enter Italy come into contact with the institutions, nor are they necessarily intercepted by law enforcement authorities [30]. CMS data do not include UAMs who applied for asylum. They are, in fact, surveyed by the National Asylum Commission and by SPRAR.

Over the past seven years, the number of UAMs has remained stable with an average of 7/8,000 per year, and a peak of 8,461 in 2013. This figure has been greatly exceeded in 2014 (more than 14,000).

When it comes to the minors’ nationalities, the most significant change compared to the past concerns Romanian minors. Their number increased six fold in seven years and exponentially

in the years just before 1 January 2007, when Rumania and Bulgaria joined the European Union, and the provisions contained in the Consolidated Act on Immigration, Legislative Decree No. 286/1998, (hereinafter Immigration Law) ceased to be applicable. Over the years, there has been a gradual but increasing presence of Albanians, then of Moroccans, and lately of Egyptians and Syrians.

The majority of reported UAMs are boys, while girls account for about 15-20% (mostly from Moldavia and Albania). As regards age, more than 80% belongs to the 15-17 age group, so they are teenagers; however, a presence of UAMs aged 11-12 and even 7 has been recorded very recently.

According to the ANCI Report, the Regions that have the highest presence of UAMs are Lombardy and Lazio, followed by Piedmont, Emilia-Romagna and Friuli-Venezia Giulia. Traditionally the phenomenon is mainly concentrated in the central-northern regions, even if the UAMs may have arrived by sea.

In conclusion, most UAMs who are in Italy come from Morocco, Egypt, Albania and other North- African and Middle- Eastern countries. The social and economic difficulties and/or political problems of these countries may be the main reason why they look for opportunities elsewhere. Some authors [31] argue that the social and economic conditions of the families of origin directly affect the migratory choices of minors. This causes the “adultization of children”, who seek to improve the economic conditions of their families or leave their family ties behind. Minors are driven to migrate by war, but also by poverty, which is associated with low social and educational statuses and poor employment opportunities; so, they hope to find a better situation in Italy, or in another European country.

Analyses suggest that UAMs do not have structured migratory projects with pre-defined expectations. If they see migration as a way to flee conflicts and persecution, their arrival in Italy is often accidental and determined by external factors. Or it may be the result of progressive adjustments to the opportunities that may arise during their journey. They usually apply for international protection only at a later stage.

In the following sections, we will analyse some aspects of the social practices and procedures regarding UAMs in Italy. Entry in Italy, as in other European countries, is governed by a series of laws and regulations, but the general principle of the “best interests of the child” stands above all provisions. According to this principle, Italian and foreign minors are protected and assisted in every need and necessity by the Italian State; this is especially true for children who are in the country without any adult accompanying them.

4. Entry and assessment procedures of UAMs in Italy

Foreigners are required to have a passport or other travel document recognized as valid by all Schengen States in order to enter Italy, just like any adult entering or staying in or in transit in the Schengen Area.

However, all UAMs are entitled to obtain a “residence permit for minors” on the basis of their declarations, even if they do not have official documents, simply by virtue of their being underage, and thus non-removable.

In addition, Article 343 of the Civil Code requires that a “public guardianship” case must be opened for all UAMs within 30 days from the submission of a residence permit application.

A residence permit for minors can be converted into a “residence permit for foster care” if the Ministerial Directorate decides not to repatriate the minor, who is placed in foster care by a decision of the Juvenile Court, or upon the initiative of the Social services, made enforceable by the Guardianship Court.

A residence permit for foster care allows a UAM to work in all the cases in which Italian law permits minors to work, in compliance with the regulation on child labour. The residence permit can be converted into a residence permit for study or work reasons when the minor turns 18.

A minor who is fostered by and lives with a third-country national regularly staying in Italy is registered in the foster parent’s residence permit as long as he/she is under 14; the minor is then given a residence permit for family reasons when turning 14.

UAMs who might suffer persecution in their countries for reasons of race, religion, nationality, political beliefs or belonging to a social group, are entitled to apply for asylum through their guardians. Asylum applications are examined by the Local Commission for the Recognition of Refugee Status. If a minor is granted refugee status, he/she receives a residence permit for asylum reasons. If the asylum application is rejected, the Commission can still invite the Questore (Provincial Chief of Police) to issue a residence permit for humanitarian reasons, if the repatriation of the minor may be dangerous or inappropriate. At any rate, the minor is entitled to lodge an appeal against the Commission’s decision before an ordinary court through his/her guardian. Generally, the Questore does grant a “residence permit for humanitarian reasons”, which allows the UAM to stay in the country legally after he/she turns 18.

In the case of adolescents who (1) have no valid documents and declare that they are underage but their age is doubtful; or (2) are caught committing a crime for which it must be assessed if they are under 14; or (3) declare they are of age but their age is doubtful (e.g. some underage victims of the exploitation of prostitution claim they are of age), the procedure in place provides for an age assessment and never for the removal or refusal of entry.

According to the Italian law, age assessment procedures must be undertaken fully respecting the minor’s rights, health and dignity; they must be carried out in the least invasive way possible, and never forcibly. Age assessment procedures must be undertaken by independent and properly trained professionals.

A UAM arriving at a land/sea border of the Italian State must be preliminarily identified by police authorities, following a report by a public official. According to the law, police authorities must undertake an initial age assessment and should report the presence of the minor to the Ministerial Directorate, the Public Prosecutor’s Office at the Juvenile Court, and the Guardianship Court. Police authorities check the availability of reception facilities within that district. If there is no availability, they immediately inform the Public Prosecutor’s Office

at the Juvenile Court, and request the Ministerial Directorate to indicate which facilities they may contact for prompt reception.

These reception facilities, called “bridge facilities”, are located all over Italy, are used for the initial phase of reception only. The minors are later transferred to reception facilities that will host them until they come of age. Bridge facilities allow for an immediate and safe placement of the minors while the necessary background checks are carried out to define the following integration process in the best interest of the child.

Once the police authorities have been instructed on which bridge facility to use, they transfer the minor and report his/her name to the local social services, the Public Prosecutor’s Office at the Juvenile Court and the Guardianship Court. As soon as possible, the Mayor, or his/her representative, takes the following action at the bridge facility:

- (1) requests the Police authorities to fully identify the child and to ascertain that he/she is actually underage;
- (2) checks his/her unaccompanied status;
- (3) acquires information on any family members who may be in Italy;
- (4) informs the minor on the possibility to apply for international protection; and
- (5) makes sure that a health check-up is arranged, which may be done in local health-care facilities, in order to protect both the minor and the community.

Then, the Mayor, or one of his/her representative, reports the minor to the Ministerial Directorate. The Ministerial Directorate indicates the Municipalities in which there are reception facilities that have availabilities that best respond to the protection needs of the minor. The bridge facility will arrange the transfer, agreeing on the when and how with the Municipality of destination.

As soon as the minor arrives within the territory of the Municipality of destination, he/she enters the care of the local social services, which initiate the statutory procedures (request the Guardianship Court to open a public guardianship case, apply for a residence permit for minors, etc.) and update the Ministerial Directorate, the Public Prosecutor’s Office at the Juvenile Court and the Guardianship Court.

If an official from a local authority identifies a UAM, he/she has to notify:

- The Public Prosecutor’s Office at the Juvenile Court, which takes the relevant measures if the minor is in the state of abandonment and, usually, is below 14 years of age;
- The Guardianship Court, which opens a legal guardianship case;
- The Ministerial Directorate, which uses the information for survey purposes, starts a family tracing investigation, and monitors the situation of the child, or to the SPRAR if the minor has already lodged an asylum application;
- The diplomatic mission/consular post of the minor’s country of origin, to provide information on the protection measures that have been adopted (except for asylum-seeking UAMs, since this information may entail risks of persecution).

The notifications must be made as soon as possible, irrespective of whether or not the minor has been previously identified, has received a residence permit, and his/her identity has been cleared up (if he/she has given different names to different authorities). Any such notification must be made in a way to protect confidentiality.

The police and other public officials, civil servants and providers of essential public services who trace a UAM have the same reporting obligations to the Public Prosecutor's Office at the Juvenile Court and to the Ministerial Directorate.

If a minor shows on his/her volition at an Initial Reception Centre, the reception centre must immediately notify the local social services and the Questura (Provincial Police Headquarters) within 48 hours. It also has to lodge a request at the Guardianship Court for a guardian to be appointed within 30 days. In practice, the reception centre contacts the local social services.

There are no differences in the event that the age of the child is uncertain or doubtful.

5. Legal Guardianship of UAMs in Italy

According to current Italian regulation a minor is not considered able to exercise his/her rights, ("unable to act"), and this applies to anyone under 18 years of age. If we consider that, besides the age factor, the person concerned is an unaccompanied foreigner, the law provides for the appointment of a guardian, who will guarantee the protection of the minor and the exercise of his/her rights, pursuant to Article 343 of the Civil Code. A legal guardian is appointed by the Guardianship Court; the general procedure is to appoint the Mayor of the place where the minor is received. The Mayor then usually delegates the local social services, even though there are no specific provisions in this regard. In some cities, given the high number of guardianship cases, public guardianship offices have been set up, usually within the Social Services Directorate. The law states that every year each guardian has to submit a report to the court on the conditions of the minor and has to take care of him/her on a regular basis. In Rome, there are sixteen guardians from the local authority, who are required to report to the Public Prosecutor's Office every six months on the 3,500 UAMs placed in reception facilities.

A guardian must – personally or through others (for instance the staff of the Reception Centres) - apply for a residence permit at the Questura, register the minor with the National Health-Care Service, give consent to the medical treatments that may be needed, and enrol the minor at school, recreational activities and working activities, as the case may be. A guardian is also required to legally represent the minor when needed or if the minor is involved in a criminal case, and assist him/her if he/she intends to contest the rejection of the international protection application. In addition, a guardian has to accompany the asylum-seeking UAM to the interview with the Commission for the Recognition of Refugee Status. Finally, a guardian has to manage the minor's assets reliably and conscientiously. The

guardian's proxy is however temporary: all these duties are performed only until the minor comes of age.

In the unfortunate case that a guardian turns out to be unsuited to his role, he/she may be suspended and removed from office by the Guardianship Court.

A guardian may accept more than one assignment and be responsible for a number of minors at the same time. A guardian is on call at all times, since his/her consent may be needed any time in an emergency that, as such, is unpredictable. The guardian's assignment implies a long-term commitment and a number of responsibilities, but no remuneration.

It has been observed several times that «mismatches between procedures and the interpretations of regulation in different local contexts is a crucial issue in Italy, due to which the right of an unaccompanied minor to have a guardian is not always adequately respected» [32]. The opening of a guardianship case – pursuant to Article 343 of the Civil Code - is not required in all Municipalities; a case may be submitted to the Juvenile Court that provides for adoption, foster care or other measures, in accordance to Articles 9 and 10 of Law 184/1983 [33]. In addition, it may take a long time for the guardianship case to be opened, which is perhaps even more serious; in Rome it may take up to twelve months in some cases.

Another major issue has to do with the appointment of guardians. It has already been said that the mayor is usually appointed; the mayor, in turn, delegates a social assistant, a psychologist or a professional educator from the social services. However, it has been questioned whether it makes sense to have guardianship exercised as a bureaucratic task by a civil servant, or as an additional burden on top of educational tasks in the reception facility (moreover, the law forbids to appoint people who are in charge of reception facilities). As a result, in Regions like Emilia-Romagna, Lazio, Veneto, and others, an increasing number of guardians have been appointed who do not have other duties and who are willing to perform this role full time.

Finally, the Closing a Protection Gap Project should be mentioned, within a European initiative for defining the standards for the protection of UAMs. A lack of guidelines and protection models has been identified in Italy. According to the preliminary findings of the research carried out in 2012 by Defence for Children Italy, the figure of the guardian is not always clearly defined, is not independent and lacks skills and training tools.

The police, as soon as they know what bridge facility to use, transfer minors and send their names to the local social services as well as to the Public Prosecutor's Office at the Juvenile Court and to the Guardianship Court. At the bridge facility, the Mayor or his/her representative promptly do the following: ask the Police to finally identify the child and verify the minor's age; check the actual status of the UAM ; gather information on any siblings who may be already in Italy; inform the minor on the possibility to ask for international protection; a health screening is performed at the local healthcare facilities, in the minor's and community's best interest.

Then, the Mayor or his/her representative reports the minor to the Ministerial Directorate, which in turn tells the Municipality what reception communities are available, to best respond

to the minor's protection interest. The minor leaves the bridge facility when and how agreed upon with the destination Municipality.

As soon as a minor arrives at their final (destination) municipality, he/she enters the care of the local social services. These latter initiate every statutory procedure (request the Guardianship Court to open a public guardianship case, apply for the residence permit granted to minors, etc.), update the Ministerial Directorate, as well as the local Public Prosecutor's Office at the Juvenile Court and Guardianship Court.

If an official from a local authority identifies a UAM, he/she has to notify the Public Prosecutor's Office at the Juvenile Court, the Guardianship Court, the Ministerial Directorate, and the diplomatic mission/consular post of the minor's country of origin.

The notification must be made as soon as possible, irrespective of whether the child has been previously identified, has received a residence permit, or his/her identity has been ascertained (i.e. a child who has given different names to different Authorities). Any such communications must guarantee both protection and confidentiality.

The same reporting requirements to the Public Prosecutor's Office at the Juvenile Court and the Ministerial Directorate apply to the police and other public officials, public servants and public service operators who trace a UAM.

In the event a minor has shown on his/her volition to a reception centre, the latter must immediately report the minor to the local social services and inform the police within 48 hours, as well as apply to the Guardianship Court for the appointment of a guardian within 30 days. In practice, it is the centre that contacts the local social services.

The same applies when the child's age is uncertain or doubtful; the actual age must be determined according to the procedures described above.

In the specific case of asylum-seeking UAMs, the Ministerial Directorate will no longer be responsible for the care and the reception of the children. Such responsibilities will lie with the SPRAR.

Otherwise, the responsibility for the care and management of UAMs is up to the local social services, by virtue of the principle introduced by Article 23(c) of Presidential Decree No 616/1977, which attributed to local authorities a number of functions, including care activities related to both Italian and foreigner minors.

This principle was also confirmed by Article 13 of Legislative Decree No 267/2000 (Law on Local Authorities). Foreign children who are traced locally, or who show up on their own volition, are placed in a safe place (Article 403 of the Civil Code), and are taken care of by the Mayor of the local authority that involves the social services. The local authority must initiate the procedures provided for by the Italian law, such as those concerning guardianship, foster care, the integration process and the application for a residence permit (the so-called "taking charge of the child").

To achieve these objectives, in 2007 the Ministry of Labour and Social Affairs launched the "National Programme for the protection of UAMs", in agreement with ANCI. The idea was to set up a national system to take charge of and integrate UAMs, coordinate local interventions and ensure monitoring. The programme objective was to develop and

disseminate standardized procedures, test innovative instruments and promote the knowledge and use of family custody for UAMs; however, the programme was never financed.

Under the terms of the Immigration Law and the case-law of the Constitutional Court and the Council of State, minors holding a permit for minor's integration, foster care, family reasons or minor age, should be granted a residence permit for study, access to employment, employment or self-employment, upon turning 18 years of age, under the following conditions:

1) Minors who have lived in Italy for 3 years and have taken part in an integration programme for 2 years :

UAMs who fulfil the following requirements can obtain a permit for study, access to employment, employment or self-employment, upon turning 18 years of age:

- (a) they have not been subject to any measure taken by the Ministerial Directorate;
- (b) they have been in Italy for at least 3 years before, i.e. before turning 15;
- (c) they have taken part in a social and civil integration programme run by a public or private body for at least 2 years (only national projects listed in the registry provided for by Article 52, Presidential Decree 394/99);
- (d) they attend school classes, or are engaged in paid employment in the forms and in the manner required by Italian law, or hold an employment contract even if they have not started working yet;
- (e) they have a place to live;

Fulfilment of such requirements must be duly proven by means of relevant documents;

2) Fostered minors:

(a) Children with a permit for foster care and decision against repatriation taken by the Ministerial Directorate.

At age 18, a permit for study, access to employment, employment or self-employment, or for health or treatment reasons can be granted to minors who, after receiving the decision against repatriation by the Ministerial Directorate and after being given in foster care under Law 184/83, received a residence permit for foster care before the age of 18;

b) Minors under in foster care, under Law 184/83.

At age 18, minors in foster care under Article 2 of Law 184/83 on adoptions can obtain a permit to study, access to employment, employment or self-employment, or for health or treatment reasons;

c) Minors under protection and minors under "de facto" foster care by relatives up to the fourth degree.

Currently, however, local authorities have limited resources to help 18 years old youth gain some independence. Hence, there is an awful divide between before and after turning 18 years of age.

6. Conclusions and perspective of social work with UAMs

The description of the procedures for the reception of UAMs and asylum-seeking UAMs does not fully reflect the impact of this social phenomenon on each welfare service provider at a local level. In fact, Italy is characterized by extremely varied reception models for UAMs. At the same time, we can identify a common intervention process, in which reception is the main protection and security measure, followed by integration policies, with a special focus on training and employment, until minors turn 18 years of age.

In Italy, the social policies adopted by local authorities are mainly concentrated on two types of intervention, integration and housing. These policies unfold and develop differently according to the local context, local resources, the role played by the mayor in defining and managing this phenomenon, and the level of involvement and interaction among local social stakeholders. According to the information gathered, it is clear that the management and care of UAMs are based on a welfare mix, where an extremely important role is played by third-sector organizations (NGOs), in agreement with local authorities.

All the above issues favouring the migration of UAMs are too broad to be tackled in this paper. However, we can mention the factors that drive migration and those that attract immigration (push and pull factors, respectively).

The main factors in the context of origin that may cause emigration may be grouped into three areas: development, population and security.

Development-related aspects refer to the economic, production, technological conditions, etc. that limit minors in the enjoyment of rights that are denied to them. In this regard, some critical thinking should be made on the ways wealth is measured in countries [34] [35]. It should be recognised that it is the destruction of traditional forms of economy, rather than poverty, that creates ties of dependence between nations. The theorists of cooperation highlighted the need for a paradigm shift, denouncing the ethnocentric nature and sometimes violent concept of “development” [36] [37]. For reasons of space, these thoughts will not be further elaborated on.

There is instead greater consensus in the literature on the demographic aspects that are key migration factors. Population growth in the countries of origin is correlated to the number of siblings of UAMs, the age of their parents, and population ageing in the countries of destination.

A third aspect is linked to basic uncertainty and situations of risk. This concept is considered in its broad notion. It is not limited to conflicts, wars and persecutions (which do have an important impact), but it also concerns the uncertainty of rights, such as health, a dignified old age and the certainty to keep one’s properties [38].

At a macro level, the most evident pull factors may also be mentioned: the impact of the media, an idea of Europe taken from cinema and television images, the impact of the Internet,

personal curiosity, the idea of journey, the dream of one's future, etc. There are also aspects such as easy transportation and easy "regular" access to Europe at "reduced costs". Finally, another element has to do with education, health and welfare services, which are provided at a much higher level than in the countries of origin [39].

As already touched upon, another specific push factor for minors is the protection of being a minor, in particular for asylum seekers, in most European countries. The evolution of this phenomenon over the past five years has shown that greater mobility of children and adolescents leaving their families may be a side effect of granting them universal rights. But, for the conclusions of this paper, the mesosociological elements concerning the involvement of their families in the decision to migrate are more important. In our opinion, explaining the reason why migrants go to a given country is no longer necessary; it is instead important to figure out why all children from a given town are incline to undertake a migratory journey and reach Italy with sacrifices and difficulties.

If we understand the processes, in fact, it is possible to give social policy indications. First of all, it is necessary to strengthen any child de-institutionalisation experience, since foster families are very few nationwide. For the purposes of a child's successful integration in Italy, it is essential to start procedures for regularizing the minor, recognizing international protection and speeding up the opening of a public guardianship case.

According to the available information, there are pronounced differences at a local level with regard to the issuance of the residence permit or the guardianship process, with significant variations depending on where the child is received.

An analysis of relations among the subjects appointed to take charge of UAM, shows that it is necessary to strengthen and formalize inter-institutional relationships among the various entities; most importantly, it is necessary to ensure that adequate financial resources are allocated to the local authorities for such interventions and for adapting the facilities to increase the number of places available for UAMs.

Local authorities seem to be fundamental to the coordination of interventions; they can help solve issues that do not originate locally; this is why many have been asking for a national intervention framework to support complex processes aimed at taking charge of minors.

One critical issue for the protection of UAMs is the regulatory framework, which has not been fully systematized yet, with very heterogeneous practices from one city to another. UAMs' migration projects are highly diverse, and local welfare institutions need to pay attention to individual cases in order to define practices which best protect the interest of the child. Migration flows evolve continuously, while adolescents have unique characteristics, which makes continuous demands on local policies. Fragmented interventions should be replaced by effective operational protocols: local authority operators feel they are alone, with no power to coordinate interventions, in the absence of a coherent national policy.

According to research reports, the following ten recommendations seem to be especially important to design any future interventions.

A - Informal network of support

Although the legal definition of UAM is clear and unambiguous, it is believed that the concept of “unaccompanied” contains significant subtleties: indeed, the network of fellow compatriots or relatives without a legal residence permit exerts a strong influence on the lives of unaccompanied minors.

Direct sources (staff, operators) confirm that a significant proportion of children for whom a guardianship case for UAM is opened have, in fact, been present within the territory of the State for a long time. It is necessary to understand with whom, for how long, doing what and why they decide to rely on institutional guardianship at a given moment. However, it can be assumed that, to a certain extent and particularly for some nationalities, minors enter the guardianship system only when they are about to turn 18 for the specific purpose of getting a regular residence permit, as they are pushed and encouraged to do so by their fellow countrymen.

B - Need to provide consistent rules

Our analysis shows that regulation on UAMs as holders of a residence permit when they are still minors are quite incomplete and contradictory. Given the existence of an uncoordinated and inconsistent set of rules on UAMs, inevitably, the Police make arbitrary decisions. Unified legislation would consolidate all rules governing the matter in a consistent and coordinated fashion. This approach would contribute to separate the legislation on foreign minors from immigration legislation in general, and from quota policies, as is actually the case when these subjects turn 18.

At the same time, a general principle should be affirmed: in case of delays by public administration or by a foreign authority in taking measures to safeguard the legitimate interests of a child, appropriate arrangements should be put in place to prevent the child from suffering any harm. For example, a specific provision should be made on the effects of an administration failing to take action in sensitive cases such as the opening of a guardianship case, the issuing of a residence permit, etc.

As to the arrangement of administrative and judicial offices, it would be desirable to encourage the training of specialized professionals with an expertise on the issues and rights of UAMs and asylum-seeking UAMs. These professionals should work permanently for the entities that are involved in different ways and capacities in the management of this issue. A close synergy should be promoted to ensure the effective protection of the child’s interest. Moreover, the rules governing the powers of the Guardianship Court, Juvenile Court and Ordinary Courts should be amended in order to establish collaboration between these authorities. For example, one jurisdiction, such as the Juvenile Court, could be given different competences, for instance, to initiate the procedure for an assisted return to the country of origin.

C - Local authorities as guarantors of UAMs’ rights

The mayor of the city where an unaccompanied child is identified has the task of enforcing the rights that the law grants to minors, on behalf and under the supervision of the Guardianship Court, even though this supervision is more theoretical than real.

An analysis of the procedures in place has shown that the mayor has a dual role in terms of local welfare. On the one hand, the Mayor reports to and is informed by the institutions that take decisions concerning the minor (age identification and assessment by the Police; recognition of refugee status by the Territorial Committees; issuing of the residence permit by the Questura; foster care by relatives as decided by the Guardianship Court; repatriation agreed upon by the Ministerial Directorate and IOM; recognition of certificates and diplomas by the Embassies, etc.). An analysis of these procedures has highlighted the need to introduce operational protocols to make the integration of competences effective and timely.

On the other hand, the mayor plays a crucial role in setting the local network of welfare services in motion; he/she acts as an intermediary for minors to fully benefit from the public services they are entitled to. At times, their rights are not implemented because of difficulties in using such services: for instance, healthcare services to protect mental health (where no cultural mediation is provided) or integration into compulsory education, or job placement services, or other leisure time and socialization services.

There is unanimous consensus on rights such as health, training or leisure time. However, enforcing these rights turns into a complex task at a local level, with many institutions hardly keeping up with the new needs of a dynamic intercultural society. UAMs constitute a particularly hard test, due to a number of reasons, such as cultural barriers, their being adolescents and their history of discomfort.

D – Central role of the educational project

Within the framework of local welfare, an individualized educational project seems to be a fundamental tool to make measures aimed at minors, more consistent and harmonious. Social workers claim that they work on an emergency basis, with their job mainly consisting in providing assistance. However difficult, a shift is needed from an approach based on assistance to education and promotion, i.e. from emergency to regular actions, even when these actions stem from emergencies. This effort entails firm beliefs as well as concrete methods and strategies.

A national in-depth study suggests that the child should be first and foremost considered as the holder of rights and not just a recipient of varied interventions: the commitment to make to minors should consist in supporting, guiding, accompanying, helping and verifying their development process.

In this perspective, interventions aimed at training and job placement are not sufficient. The development of children should be approached holistically, offering ongoing, coordinated interventions while monitoring their effectiveness against whatever goal they pursue, even after 18 years of age.

An educational approach goes beyond the emergency and assistance. It is focused on the child as a person; it is intended to grasp the child's potential and resources and get him/her

interested in a different type of future. Moreover, it stimulates the child's desire and boosts his/her confidence in outcomes that can be reached with the child's personal commitment, which is supported and monitored.

E – Relationship with street minors and the problem of missing children

In addition to improving and upgrading the local system for the protection of children, it is necessary to meet any emerging needs through targeted interventions, which address existing criticalities, such as the issue of missing children, through an outreach educational programme.

In the field of social interventions, it is a common practice to report the presence of street children who avoid any contact with the social services. They have entered circuits of exploitation that are hard to counter. These minors often flee the initial reception centre after a very short time. Involving street children in the fight against the problem of missing children is one of the most critical areas, as the dimension of prevention and community development seems to have been left out of reception policies.

F – Education and training

Training and employment seem to be crucial tools for the integration of UAMs into Italian society. Here, we have tried to show that there is a widespread recognition of the right to education for all children, especially to primary schooling, while highlighting some difficulties in terms of inclusion into secondary education or other forms of training.

The so-called Permanent Territorial Centres play a key role in teaching basic Italian and obtaining a high school diploma. This pinpoints the importance of system actions offering students aged 15-18 the possibility to attend courses helping them obtain high school diplomas or relevant qualification. However, the recognition of the school titles obtained in the countries of origin seems difficult due to lengthy and complex bureaucratic procedures.

G – Cultural mediation and peer education

Multicultural and multidisciplinary teams seem to be an appropriate way to work with UAMs. These teams often avail themselves of cultural mediators, especially during the initial interview with minors and at the time of getting in touch with their families (or Territorial Committees, in the case of refugees). The nature of interventions, professionalism and skills of mediators varies with the context, especially because there is no clear national legislation in this area.

Locally conducted analyses show that these professionals are involved mainly in emergencies, instead of working with project teams on a regular basis. This is mostly due to a lack of resources and of staff training options.

I – Coming of age, a true challenge

The strategies implemented by local authorities to protect UAMs are put to the test during the transition to adulthood, when many rights are lost. Job placement is fundamental to

successfully address two important aspects: the residence permit (as an adult) and independent living arrangements.

L – Girls are more vulnerable

UAMs are mostly boys; we have considered many variables (timeliness of the care provided to UAMs, job placement, independent living arrangements, etc.) and the gender variable clearly indicates that girls are more vulnerable in their integration process.

This evidence should provide food for thought for operators at the different levels of local welfare systems. They should give greater attention to female UAMs; girls should be helped remove any obstacles they may encounter during their integration process due to mere fact of being female (besides being alone and migrants). This extra effort should also aim at protecting them against the risk of being victims of trafficking and prostitution, and the risks connected to being alone asylum-seeking girls in their teens.

Aside from the above-mentioned social policies, more remarks can be made.

One of the current issues of social policies concerning minors is that UAMs represent a phenomenon on the rise. This group requires the same type of protection as given to children in difficulty, but the number of cases, the inability to anticipate their arrival and the implications on local authorities have resulted in serious imbalances in the protection systems of many Italian Municipalities [40]. Problems of financial coverage and the lack of economic and professional resources are not the only difficulties that have been met. There is also a lack of correspondence between the available resources and the needs of UAMs, as a consequence of the individual choices related to their migratory projects, the cultural change and the condition of being “undocumented” [41].

According to Sassen [42], immigrants and refugees give rise to a tension between the protection of human rights and the protection of the sovereignty of a state. This tension is particularly heightened in the case of immigrants who have illegal status, which results in a conflict between the authority of the state to check entries into the country and its obligation to protect those who are in its territory. From the viewpoints of those who study this phenomenon, this conflict is paradigmatic in the case of children who migrate alone, because the migrants to check are also the children to protect. This produces a conflict of interests within the States, a tension that is not always solved in favour of the child [43].

Many authors are convinced that the ambit of political and institutional attention for UAMs is at the borders between two opposite and often contradictory legal conditions. On the one hand, UAMs are minors; on the other hand, they are foreigners who are in the country illegally [44] [45] [46] [47] [48] [49]. Under the laws in force in all European countries, the minority status should prevail and therefore all guarantees should be applied for the enjoyment of rights that cannot be discriminated against on the basis of origin, language or nationality.

However, the condition of being a foreigner and the way in which UAMs have entered the country represent a tension of an opposite sign: the applicable legal instruments contain rules

on security and public order. The ambivalence of these two realities of the UAMS are very visible in the way they are treated. This is why, first of all, there is a need to contribute to the definition of standardized and clear procedures to be shared at a European, national, local and inter-institutional levels. In this way, local authorities could design and implement sustainable quality protection measures, also from a financial perspective. Secondly, a circular, timely and appropriate information exchanges should be promoted between the European, national, local and inter-institutional levels. The aim would be to encourage a synergistic approach, in which the competences and roles of the various stakeholders are geared toward common goals. In particular, an improved and practical identification procedure for minors should be applied. Finally, planning efforts should enable to put together an improved network of services, to be defined through multilevel governance involving every local welfare stakeholder, for a more effective response to such a dynamic and moving target.

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