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## **Steering Committee for the Rights of the Child (CDENF)**

**Comprehensive report on the Review of the implementation of Recommendation CM/Rec(2007)9 of the Committee of Ministers to member states on life projects for unaccompanied migrant minors**

## **Comprehensive report on the Review of the implementation of Recommendation CM/Rec(2007)9 of the Committee of Ministers to member states on life projects for unaccompanied migrant minors**

### **Introduction**

1. The Committee of the Ministers adopted on 12 July 2007 the Recommendation CM/Rec(2007)9 on life projects for unaccompanied migrant minors (“the Recommendation”) to respond to challenges faced by member states hosting large numbers of unaccompanied children. The Recommendation sets out the concept of “life projects” as a policy tool, based on a joint agreement for a limited duration between a state’s competent authorities and an unaccompanied or separated child, aimed at developing the capacities of the child to acquire or strengthen the skills to become independent, responsible and active in the society of the host country. “Life projects”, by virtue of their flexible, personalised and holistic nature, should define the child’s future prospects, promote their best interests and provide for a long-term response to the needs of both the child and the parties concerned.
2. The overall purpose of the Recommendation is to promote respect for the human rights and dignity of unaccompanied children who find themselves alone and vulnerable, far from their family environment and separated from their parents or guardians. To this end, the Recommendation provides detailed advice on how relevant authorities can, through the development of life projects, contribute to improving the welfare of unaccompanied children and further advice governments of both member and non-member states of the Council of Europe on how they could improve their policy and practice in relation to the migration management of unaccompanied children<sup>1</sup>.
3. Twelve years after the adoption of the Recommendation, several member states are still hosting large numbers of unaccompanied children in need of immediate assistance and access to durable solutions, which is considered to be evidence of the continued relevance of the issues covered by this Recommendation.
4. The Council of Europe is committed to assist member states in building strategies to respond to the difficulties faced by refugee and migrant children, especially unaccompanied and separated children. The Council of Europe Strategy for the Rights of the Child (2016-2021) identifies equal opportunities for and participation of all children as two priority areas for tackling the compelling challenges to children’s rights in the 47 member States. The Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019), under its third pillar “Enhancing the Integration of Children Who Would Remain in Europe: Providing Opportunities for Refugee and Migrant Children to Participate in Society” envisages a review of CM/Rec(2007)9 to be carried out and related training tools to be developed. Considering that the review of the recommendation was conducted under the Action Plan’s pillar on Enhancing the Integration of Children Who Would Remain in Europe, the review focuses on the implementation of life projects in Europe only, that is life projects in the European host country or European country of origin as well as life projects in both the European country and origin country.
5. The present report builds primarily on the information provided by 10 member states, namely: Armenia, Belgium, Bulgaria, Croatia, Finland, Slovenia, Italy, Ireland, Luxembourg and Poland. Additional selected resources on the protection and care of unaccompanied children in Europe were also reviewed and considered as appropriate.

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<sup>1</sup> Explanatory memorandum to the Recommendation CM/Rec(2007)9 of the Committee of Ministers to Member States on life projects for unaccompanied migrant minors.

## I. Impact assessment of the implementation of the principles of the recommendation in responding member states

6. This section deals with the general impact assessment of the Recommendation in responding member states. Member states were asked to inform as to whether there was an authority in charge of the implementation of the Recommendation, to make a self-assessment of its impact and to indicate relevant new measures as well as any obstacles encountered.

### 1. Life projects: concepts and terminology

#### Life projects

1. Life projects **aim to develop the capacities of minors** allowing them to acquire and **strengthen the skills necessary to become independent, responsible and active in society**. In order to achieve these objectives, life projects, fully in compliance with the **best interests of the child**, as defined in the Convention on the Rights of the Child, pursue the **social integration** of minors, their **personal and cultural development**, ensuring their right to adequate housing, health, education and vocational training, and employment.

2. Life projects are **individual tools**, based on a **joint undertaking** between the unaccompanied migrant minor and the competent authorities for a limited duration. They define the minor's future prospects, **promote the best interests of the child without discrimination** and provide a **long-term response** to the needs of both the minor and the parties concerned.

3. Life projects are a **lasting solution** for both member states and the minors themselves, meeting the challenges that the migration of unaccompanied minors poses. They shall therefore be an integrated policy tool available to Member States in order to meet the needs of such minors and to tackle the many difficulties arising from their difficult migration journey.

7. The Recommendation uses the term "*Life Projects*" to indicate the individual approach taken towards each unaccompanied migrant child. The social worker or other professional responsible for drawing up the life project for a child will look at his/her personal capacity and faculties and reflect these in a life project that is tailored to the child's individual circumstances and defines his/her future prospects taking into consideration his/her best interests. The ultimate goal of the life project shall be to integrate the child in the host country, in the country of origin or a third country and help him/her to become independent, responsible and active in society.

8. The analysis of the replies submitted by member states, suggests that although the "concept" of life projects is wide-spread, it is generally known as 'individual plan'. The term 'life project' does not appear to be used at national level in responding States. Many Member states have indeed developed national laws, policies and practices for the development of 'individual plans' for unaccompanied children following their identification and registration. Furthermore, national child protection services have developed a "case management" approach when working with children, that often, but not always, applies to cases of unaccompanied children (see below under overarching measures for implementation).

9. The UNCRC Committee in its General Comment 6 (2005) emphasises the desirability of founding durable solutions for all children, whether on the basis of asylum, subsidiary protection or, due to other legal or factual obstacles, to removal. Durable solutions address all the child's protection needs, take into account the child's view and, wherever possible, takes steps conducive to family reunification or provides for the return of the child to his/her country of origin when it is in his/her best interests<sup>2</sup>.

10. Similarly, the Recommendation CM/Rec (2007)9, calls for identification of "lasting solutions" reflected in the

child's life project that could be implemented either in the host country or in the country of origin or, alternatively, jointly in both countries. At the national, European and international levels, legal and policy documents concerning unaccompanied children, including in authoritative guidance provided by UNCRC Committee, the term "durable solution" is broadly used to refer to "lasting solutions" and "long-term responses".

<sup>2</sup> UN Committee on the Rights of the Child (CRC), General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6

11. Finally, the Recommendation uses the term “minor” and “child” to refer to persons below the age of 18 years old that are either unaccompanied or separated from their parents and legal guardians. At national level, the term minor is broadly used to refer to unaccompanied migrant children below the age of 18, in particular the older ones.

## 2. Overarching Implementation Measures

12. The Recommendation addresses all unaccompanied and separated children that are outside their country of origin, regardless of their status and irrespective of the reasons of their migration and whether or not they are asylum seekers or in need of subsidiary protection.

### *Unaccompanied migrant minors*

4. *This Recommendation concerns unaccompanied migrant minors who are **outside their country of origin, regardless of their status, irrespective of the reasons for their migration and whether or not they are asylum seekers.** The expression ‘unaccompanied migrant minors’ **includes separated children** and minors who have been left to their own devices after entering the territory of the member state.*

5. *Unaccompanied minors are children under the age of 18 who have been separated from both parents and other relatives and are not in the care of an adult who, by law or custom, is responsible for doing so.*

6. *Separated children are children under the age of 18 who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. They may, therefore, be children accompanied by other adult family members.*

13. Since the adoption of the Recommendation, a more elaborated legal and policy framework was put in place by European states addressing in particular asylum seeking and refugee children. Similarly, a protection framework of child victims of trafficking has also been developed, as a result of the wide ratification by states of the 2005 Council of Europe Convention on Action against Trafficking in Human Beings, and the adoption of related implementing measures.<sup>3</sup>

14. Special guarantees have been put in place for unaccompanied children seeking or enjoying asylum, in particular regarding non-refoulement and the identification of durable solutions. Similarly, authoritative guidance was provided by UNCRC Committee on the protection of human rights of immigrant children<sup>4</sup> and the treatment of unaccompanied and separated children Outside their Country of Origin,<sup>5</sup> stressing that efforts shall be made to meet the individual needs of each child, paying particular attention to the specific needs of refugee children and child victims of trafficking.

15. All responding member states considered that the Recommendation appeared to remain relevant today and considered that “life projects” remained a useful response to safeguard the best interests of the child throughout the integration process. In one member state,<sup>6</sup> a policy and legal framework was reported to be under development and the Recommendation CM7Rec(2007)9 constituted the reference document in relation to the development of individual plans for each and every unaccompanied child.

<sup>3</sup> To note also legislative changes as a result of the adoption of the EU Anti-trafficking Directive that applies to EU member states.

<sup>4</sup> UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, 16 November 2017, CMW/C/GC/3-CRC/C/GC/22 UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, 16 November 2017, CMW/C/GC/4-CRC/C/GC/23

<sup>5</sup> UN Committee on the Rights of the Child (CRC), General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6

<sup>6</sup> Slovenia.

16. However, less attention and protection was afforded to unaccompanied and separated children in migration that do not fall into those categories and especially those that do not have a residence status and are in legal limbo. Care and integration arrangements for unaccompanied children vary depending on their immigration status, i.e. whether they are seeking asylum, granted other forms of international protection or whether they are likely to achieve so.
17. Furthermore, the lack of co-ordination between different national authorities, such as border officials, immigration officers, social services, law enforcement, and child protection services, as well as between the lack of effective transnational cooperation, increases the risk of migrant and asylum-seeking children falling victims of trafficking.<sup>7</sup> To this end the Council of Europe and the European Union have called on states to apply a holistic child centred approach towards integrated child protection systems.
18. All reporting countries state that since 2007 steps have been taken to implement the principles and measures set out in CM/Rec(2007)9 on Life Projects for Unaccompanied Migrant Minors at the national level. In **Poland**, the protection framework for unaccompanied and separated children has been improved over the years, but the member state declares that only certain elements of the Recommendation are applied. Poland reported that national legal and policy framework and established practice do not reflect the provisions of the recommendations, despite the existence of provisions establishing the development of individual plans for unaccompanied children aged 17. However only unaccompanied children with permanent residence status in Poland, such as those with refugee status or subsidiary protection as well as EU nationals, can benefit from individual plans.
19. Furthermore, **Armenia** reports on legal developments strengthening the national protection framework for unaccompanied asylum-seeking children without providing comprehensive information on the implementation of the Recommendation.
20. In some reporting states protection is provided in the context of the national child protection system, which provides for the bases of social and welfare laws and policy (equally applying to unaccompanied children) as well as for the principles and approach of the life projects. For example, in **Ireland** all unaccompanied children are received into care of the state, under the Child Care Act 1991 and provided the same standards of care as Irish or EU national children in care of the state, regardless of their status. Standards of care include the provision of education, accommodation, social integration, allocation of a professionally qualified social worker upon identification of the unaccompanied child and aftercare planning, on the basis of an individual care plan.
21. In **Croatia**, the Social Welfare Act (OG 130/17), Article 4(15) provides for the development of individual plans for all children, including unaccompanied children. The “individual plan is a plan of changes of a life situation or of the behaviour of a beneficiary, drafted based on a comprehensive assessment of needs, difficulties and resources, in agreement with the beneficiary and his or her family members, for the purpose of overcoming unfavourable circumstances of life.”
22. In other countries such as **Bulgaria** and **Luxembourg**, protection measures for unaccompanied children are applied in the context of asylum and/or migration laws and policies. **Finland** reports in particular on the national legal framework on Immigrant Integration (1386/2010), that came into force in 2011, which concerns only those persons who have a residence status in Finland, including unaccompanied children.

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<sup>7</sup> GRETA - Group of Experts on Action against Trafficking in Human Beings, Trafficking in children, Thematic Chapter of the 6th General Report on GRETA's Activities. Council of Europe, 2018

**Italy** is one of the European countries that has received a considerable number of unaccompanied and separated children in the last years, overwhelming responsible child protection authorities. As from 2014, by virtue of special legislative and policy measures, unaccompanied children upon identification (regardless of whether they are asylum applicants) are entitled to protection until they turn 18 years old and engaged in the development of an individualized integration project that takes into account their experiences and attitudes.<sup>8</sup>

*3. Life projects as a tool for identification and implementation of lasting and durable solutions: Obstacles and limitations*

23. The Explanatory Memorandum of the Recommendation emphasises the importance of effectively communicating and explaining to the child that the commencement of a life project does not automatically lead to the grant of a residence permit. In its initial stage, the life project must be kept open-ended, in order to adapt it to the future decision on his/her immigration status. Clear, realistic and achievable objectives should be identified with the participation of the child, listed, prioritised, and broken down into manageable steps, regardless of whether the child will settle in the host country or not. For example, learning the language of the host country offers clear benefits, not only whilst the minor is in the host country, but also in the event of eventual return, as it may offer the possibility of enhanced employment prospects or other benefits. Similarly, the general long-term value of education, training or a healthy lifestyle should be stressed as intrinsic and not solely dependent on permanent residency in the host country.<sup>9</sup>

24. In most member states, child protection authorities are in charge of developing individual plans for unaccompanied children that will be granted refugee status and /or a long-term residence permit, to support their integration in the host country. However, only in a few countries authorities prepare an independence plan to support unaccompanied children prior to the transition to adulthood, such as in **Belgium and in Ireland**.

**In Ireland**, refugee and asylum-seeking children who are unaccompanied are entitled to attend mainstream and special education schools for primary and secondary level with their Irish and EU peers. In addition, the City of Dublin Education and Training Board (CDET) Youth and Education Service for Refugees and Migrants has been working with the Separated Children Seeking Asylum (SCSA) since 2001, providing a youth and education service to SCSA and young people from refugee backgrounds. It provides education (transition programmes to prepare for the mainstream school system as well as after-school activities) and support through various programmes where children and youths receive support in education, employment, housing, social welfare, wellbeing and health. The aim of these services is to empower separated children and young people to prepare for mainstream education and help them live healthy lives, while integrating and fully participating in society.<sup>10</sup>

25. Such measures theoretically apply to all children leaving state care, including unaccompanied minors with refugee or long-term residence status.<sup>11</sup> However, **Ireland** pointed out that, in practice, there are challenges in supporting care leavers in their transition to adulthood due to limited availability of accommodation, an issue which affects young people in general. Tusla, the Child and Family Agency, may maintain their placement or they may be supported through a housing assistance payment when renting accommodation. In **Finland**, no transition period is foreseen for unaccompanied children turning 18 years old.

<sup>8</sup> Legislative Decree n. 142/2015, establishing the current reception system, including specific provisions for UAMs, and Law n. 47/2017 concerning measures for the protection of UAMs

<sup>9</sup> Explanatory memorandum to the Recommendation CM/REC(2007)9 of the Committee of Ministers to Member States on life projects for unaccompanied migrant minors

<sup>10</sup> [http://cityofdublin.etb.ie/further-education/other-programme/#Separated Children](http://cityofdublin.etb.ie/further-education/other-programme/#Separated%20Children)

<sup>11</sup> Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway, Synthesis Report for the EMN Study, July 2018

26. In cases where an individual plan is developed prior to the status determination of the child by the asylum and migration authorities, the implementation of the individual plan is interrupted when the child reaches adulthood by the rejection of application for international protection and/or further changes in its migration status.
27. In most states, unaccompanied children who are still in the asylum process or are waiting for a decision on a long-term residence permit, are usually denied international protection when they turn 18. Some member states however offer some opportunities to unaccompanied children that cannot be returned to prolong their stay for a limited period of time and /or until their return is feasible, but only in a few cases offer the possibilities for status regularization.<sup>12</sup> Four states (**Croatia, Belgium, Slovenia and Poland**) reported that if an unaccompanied child who is part-way through their life project reaches the age of majority, there is a possibility to issue a temporary residence permit to allow them the necessary time to complete their life project.
- In Italy, national law provides for the possibility to extend an unaccompanied child's residence permit for 6 months after he/she has turned 18, in the absence of a long-term residence permit. Moreover, the Juvenile Judge and the Court can decide to extend the protection of unaccompanied children that have aged out of care, allowing them to complete their integration project with the support of social services.
28. Prolonged asylum and migration procedures and the uncertainty arising from the insecure and precarious migration status have a negative impact on unaccompanied children's wellbeing and on their commitment and participation in the development and implementation of their life projects.<sup>13</sup> Furthermore, the lack of status often affects the child's ability to build and maintain relationships with the persons and/or the host country.
29. In countries like **Bulgaria** and **Croatia**, i.e. transit countries, unaccompanied children are unwilling to participate in their life project, as they cannot picture themselves in the country in the long term.
30. The Recommendation includes references to **practical tools and advice for practitioners** in the design and the implementation of life projects, providing a plan for young people in pursuit of a durable solution and also after it has been found. Life projects should set realistic objectives and should, to this end, take into consideration the legal status of the child, along with other elements such as the needs and the views of the child and the child's best interests. In practice, however, the legal and migration status of the child is the pivotal and determinant factor for the child's life and future prospects.
31. The development and implementation of life projects is very challenging and perhaps also unrealistic in practice for both professionals and children, in the cases in which a decision for a durable solution has not been made. Moreover, delays on the decision of the asylum/migration authorities on the status of the child result in a prolonged period of uncertainty in which it is difficult to define the long-term goals of the individual plan.

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<sup>12</sup> Ibid.

<sup>13</sup> UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, 16 November 2017, CMW/C/GC/4-CRC/C/GC/23 "The Committees recognize the negative impacts on children's well-being of having an insecure and precarious migration status. The Committees therefore recommend that States ensure that there are clear and accessible status determination procedures for children to regularize their status on various grounds (such as length of residence)".

*A holistic approach to life projects includes the following considerations:*

*i. the minor's **personal profile**: age, gender, identity, legal status, culture of origin, level of education, mental development and maturity, possible traumas suffered, health, vocational experience and skills;*

*ii. the minor's **migration itinerary**: factors influencing his or her departure, circumstances of the journey, duration of residence and living arrangements in countries of transit and in Europe;*

*iii. the minor's **family environment** and particularly the nature of his or her family relations;*

*iv. the **minor's expectations, wishes and perceptions**;*

*v. the **situation in the country of origin**: the political, legislative, socio-economic, educative and cultural context, the human rights situation (taking account of ethnic, religious and sex discrimination and other potential dangers), the availability of appropriate care and support, including reception;*

*vi. the **special guarantees afforded to unaccompanied minors seeking asylum**, in particular regarding non-refoulement and the identification of durable solutions;*

*vii. the **situation in the host country**: the political, legislative and socio-cultural context; availability of opportunities for the minor, including level and degree of support available; possibility of remaining in the host country; opportunities in terms of integration in the host country.*

32. It is essential for the effective implementation of the Recommendation that a durable solution is identified for unaccompanied children as soon as possible to avoid situations of limbo, which are particularly detrimental for children as they evolve.<sup>14</sup> The identification of a durable solution shall not be seen as an isolated process that follows the procedure for the migration and/or protection status of the child. Rather, identifying the adequate durable solution and determining the best interests of the child shall be one and the same process, which must therefore influence the immigration decision.<sup>15</sup>

33. Furthermore, asylum and migration procedures for unaccompanied children shall be dealt with as a priority and shall be promptly completed. In addition, states shall ensure that there are clear and accessible status determination procedures for children to regularize their status on various grounds.<sup>16</sup> If the child does not qualify for international protection, or if it is not appropriate for him/her to apply for protection, there should be other options for granting long-term residence permits, rather than temporary or one that expires when turning 18.

#### 4. *Developing life projects for unaccompanied children*

##### **Holistic approach to reflect the situation of each individual child**

34. A life project should be based on a comprehensive, integrated and interdisciplinary approach, from the beginning to the end. Based on a **holistic approach**, every life project should take account of the child's specific situation, the child's views and reflect the best interests of the child.<sup>17</sup> In all member states the best interests of the child is a guiding principle in all cases involving children, including unaccompanied children. However, not all states appear to have a specific procedure to determine the 'best interests of the child'<sup>18</sup> which should constitute the basis for any durable solution identification.

35. The Recommendation provides detailed guidance on the elements that should be taken into consideration when assessing and determining the best interests of the child and ultimately developing a life project that takes into consideration the child's individual situation and

<sup>14</sup> Committee on the Rights of the Child (CRC), General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), 29 May 2013, CRC /C/GC/14

<sup>15</sup> Durable Solutions for Separated Children in Europe, Irish Refugee Council, 2015

<sup>16</sup> UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, 16 November 2017, CMW/C/GC/4-CRC/C/GC/23

<sup>17</sup> Explanatory memorandum to the Recommendation CM/REC(2007)9 of the Committee of Ministers to Member States on life projects for unaccompanied migrant minors

<sup>18</sup> Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway, Synthesis Report for the EMN Study, July 2018

needs. Relevant guidance is also provided by the UNCRC Committee in its General Comment 14 on the Best Interests of the Child (Art.3 of the UNCRC).

36. Some countries indicate that they have protocols or guidance for professionals conducting a best interests' determination in the context of a life project for an unaccompanied child (**Bulgaria, Croatia, Belgium, Ireland, Italy**), without however providing further information. In Ireland all children who are unaccompanied are also children in care, and subject to a very high standard in terms of assessment of needs, care planning and aftercare planning dictated by national regulations and standards.
37. One of the main challenges identified concerns the fact that the results of the best interests' determination (BID), in most cases conducted by child protection authorities, are not necessarily reflected in the decision on the migration status of the child, which is instead issued by migration authorities. In **Ireland**, the best interests assessment is conducted on all young people in care.
38. **Croatia** is drafting a proposal for an individual plan on the basis of the need assessment, so that the actual needs of each child can be duly taken into account. Upon developing an individual plan, measures for long-term care are proposed for each child. In **Finland**, national laws explicitly provide for the framework to be used in assessing the child's best interests when developing the integration plan. In **Italy**, the best interests of the child are assessed periodically and taking into consideration the views of the child and the other information about his/her personal story, journey, family and health that are contained in the personal file, as well as other variables.
39. All the responding member states declare that all the elements included in the Recommendation are taken into consideration in their national best interests' determination process. **Slovenia and Italy** further underlined that family reunification and family tracing are initiated when necessary.

#### 5. *Actors and professionals involved*

40. In all countries, guardians and social workers, jointly with competent national child protection or other authorities and relevant organisations, are leading the process for the development of an individual plan and they are also responsible for its implementation and assessment. According to the Council of Europe Recommendation on effective guardianship for unaccompanied and separated children in the context of migration, the role of the guardian specifically extends to "guiding children in their transition to adulthood, including through individualised life projects"<sup>19</sup>.
41. However, there is not always clarity on the actors that have the primary responsibility on developing an individual plan for the child, as in many occasions more than one actor is involved in the individual need assessment and/or drafting individual plans. This is often the case because the organisation or authority responsible for the accommodation and reception of the child is different from the social or child protection authority and or guardianship service.

In Finland, the personal integration plan for an unaccompanied child who has been issued a residence permit is developed by the staff (social worker) of municipal authorities who are responsible. However, the social worker in the group home where the child resides, should also prepare an initial need assessment that includes the information on the child's circumstances in the country of origin and the family. A coordination meeting is set between the two in order to share information and avoid the same questions being asked to the child.

<sup>19</sup> Recommendation CM/Rec(2019)11 of the Committee of Ministers to member States on effective guardianship for unaccompanied and separated children in the context of migration, Principle 4(1)(d).

42. Depending on the child's movement to different locations, reception and accommodation facilities across the country and throughout time, actors, service providers and experts involved may change, also according to the child's migration status that can constantly vary. In this context, it is pivotal to appoint a reference person responsible for the child that will follow-up on the development assessment and monitoring of his/her individual plan throughout his/her entire stay in the country.
43. In **Italy**, the system provides for the involvement of several actors with different tasks and levels of direct engagement with the child. Following an individual interview upon arrival, qualified personnel of the child's reception facility prepare a personal file that contains all the relevant elements to assess the best interests of the child, including their personal details, story, journey, health issues, family relationships, etc. The personal file is updated regularly. It is transmitted to the social services of the municipality and to the Public Prosecutor's Office at the Juvenile Court, as well as to second reception authorities before the child is transferred, in order to prepare an individualised integration project.
44. In **Ireland** unaccompanied children are taken into care on their arrival by the national child protection authority and a permanent specialised social worker is assigned to that child. The social worker will change only if the allocated person leaves his or her position, or if the child moves to another area of the country, when another social worker will be allocated to them. The allocated social worker will carry out assessment and monitoring, based on all relevant inputs and on the child's care plan.

In Luxembourg, an individual assessment of the child's needs and circumstances is carried out by a psychologist, and constitutes the basis for the development of a child's individual plan.

45. However, the role of care providers and child protection professionals, such as social workers and guardians responsible for developing an individual plan and the child's life project, is ultimately limited by immigration and asylum decisions. Indeed, immigration and asylum authorities are competent when it comes to finding durable solutions and/or, in practice, in determining the objectives of a life project of a child, in accordance with their decision on the legal and migration status of the child.

## 6. *Interdisciplinary approach*

46. Those member states whose systems provide for the development of individual plans, usually see the involvement of various actors especially in the implementation phase, i.e. child protection authority (guardian/social worker or legal representative), accommodation/reception facility, school staff, etc. The actors having leading and coordinating roles varies among member states and they depend on the national protection system. For example, **Belgium** assigns the leading roles to the Guardianship Service and the child's guardian, while in **Ireland** the social worker allocated to the child has this role.
47. For the correct development and implementation of life projects, cooperation between migration and child protection authorities is of primary importance. However, both member states' replies and the literature seem to point out that cooperation between the two sections is usually fragmented and that the status and the decision-making power of migration authorities overrides, in practice, the opinions, best interests assessments and determination carried out by child protection authorities. While immigration authorities should definitely take into account the child protection staff's considerations, the latter should be duly trained to address the child's migration status and to seek legal advice when appropriate.<sup>20</sup> For developing and applying an interdisciplinary approach, interagency co-operation and coordination are essential.

<sup>20</sup> Let Children be Children, Lessons from the Field on the Protection and Integration of Refugee and Migrant Children in Europe, Eurochild and SOS Child Villages, November 2017, pages 80-85.

48. **Armenia, Belgium, Bulgaria, Croatia, Finland, Ireland, Italy, and Slovenia** report that steps are being taken by competent authorities towards coordination of the various agencies dealing with unaccompanied children. In **Ireland**, the Government is reviewing the provision of services to people in the asylum process, including accommodation. A White Paper has been published, a key component of which is ensuring a co-ordinated response by immigration, health and education services.
49. Most states have not created a specific institutional body in charge of coordinating actions taken towards unaccompanied children by different authorities. In **Bulgaria and Finland**, coordinating tasks are assigned to the State Agency for Refugees and the immigration Office and the Reception facilities respectively. Other actors related to education and health may also carry out such tasks (**Armenia, Croatia, Italy**), as well as non-governmental organizations (**Slovenia**).
50. Despite the quite common practice of assigning a guardian or social worker the coordinating role, because of the lack of norms and of communication between child welfare and immigration professionals, most systems are reported to be weak and defaulting.<sup>21</sup>

**Italy** presents two interdependent levels of reception whose communication is ensured by the National Information System regarding unaccompanied Minors (SIM).<sup>22</sup> This system registers the entrance and tracks the child's path throughout the Italian territory. For each child, the system registers personal data, possible identification document and information about concluded or pending administrative procedures, such as guardianship or application for asylum. Each actor involved, according to municipal and regional competences, has access to this system and can display or insert relevant data.

### *7. Child's participation in the development and implementation of the life project*

51. All responding member states confirm that the development and implementation of each child's individual plan is closely followed by the relevant authorities, without however specifying what steps are taken to ensure that the child is informed of his or her rights, that he/she is able to express his/her views and on how those views are given due weight when establishing the life project/integration pathway.
52. In **Finland and Croatia**, the integration plan is drawn up by childcare services professional experts and service providers jointly with the child or the young person and his/her guardian or representative. In **Ireland**, the system requires to hear the child in the care planning process and the development of the individual plan, and his or her rights and responsibilities are all discussed. In **Italy**, the child's views are at the core of every reception procedure and implemented at all its stages.<sup>23</sup> **Bulgaria** indicated that the child is constantly consulted by the child protection professionals. In **Slovenia**, children are informed about their rights by their respective guardian, carers and other experts whilst nongovernmental organisations also play a key role in the information provision.
53. The individual plans do not always take the form of an agreement between the competent authority and the unaccompanied child. **Armenia, Belgium, Croatia, Finland, Ireland, Luxembourg, and Slovenia** reported that when starting a life project the authorities are entering into a type of agreement with the child, which however does not take the form of a formal document and does not provide for any direct consequences in case of breach or non-compliance (Croatia, Ireland, Bulgaria). The most tangible consequences will of course derive from a lack of positive impact of the plan on the child's life. In **Finland**, an integration plan is drawn up by the Employment Office for 17 years old children that are unemployed jobseekers, and in this case, the child is entitled to unemployment benefit which she/he will lose in the

<sup>21</sup> Durable Solutions for Separated Children in Europe, Irish Refugee Council, 2015

<sup>22</sup> The SIM was established by Law No. 47/2017

<sup>23</sup> Law n. 47/2017

event the integration plan is not followed. In **Italy**, whenever the reception project does not seem to respond to the needs of the child, it is amended taking into account the child's views.

#### 8. *Transnational cooperation*

54. The Recommendation underlines the importance of transnational cooperation without however including specific recommendations or measures that could facilitate such cooperation or pointing out the use of existing legal frameworks.
55. Transnational cooperation is essential not only to collect information on the child's history, his family and life in his/her host country to better decide on a tailored durable solution, but also for the design, implementation and monitoring of a life project in the country of origin and/or a third country, following family reunification, resettlement or return of the child.
56. The Explanatory Memorandum emphasises that the authorities in the host country are responsible for the correct implementation of the life project throughout its duration, even if the individual returns to the country of origin either as a minor or after having turned 18. In so doing, they should assist authorities in the latter country and establish new cooperation agreements to monitor the adequate development and conclusion of the plan.<sup>24</sup>
57. None of the responding member states seem to carry out such activities and engage in transnational cooperation when it comes to life projects. This is mainly due to: first, the projects are not designed to include returnees and/or those who are not granted a residence status; second, because the communication between the authorities of different countries has often revealed lengthy and inefficient. With no doubt, these challenges negatively impact the ability of the host country to monitor the course of the life project in the country of origin.
58. Transnational cooperation for the development, implementation and monitoring of life projects to be efficient and effective, requires a formal legislative and policy framework, that would facilitate cooperation of all actors, including of child protection authorities, at both institutional and operational level.

#### 9. *Tools and procedures developed at national level to support practitioners*

59. The majority of responding member states reported on guidelines, procedures and tools available at national level that aim to support practitioners in the development, adaptation and monitoring of life projects/individual plans for unaccompanied children. However, in most replies the information was insufficiently detailed on the practical tools developed.
60. Some countries reported on policy guidance to ensure the protection of unaccompanied children, such as: the equity of care policy (**Ireland**), a Protocol on procedures for unaccompanied children (**Croatia**), guidelines concerning the residence status of unaccompanied children turning 18 years old (**Italy**). In **Ireland**, all unaccompanied children are taken into care and the same standards and procedures for the development and monitoring of the individual care plans being applied are applied to all children in care. In **Finland**, the Centre of Expertise in Immigrant Integration<sup>25</sup> has developed a model for an integration plan that is available online and can be used for all practitioners.<sup>26</sup>

#### 10. *Review of individual plans developed and monitoring provisions*

61. Provision must be made for progress, monitoring and reviewing life projects and individual plans both routinely and in response to changes in the child's situation.

<sup>24</sup> Explanatory memorandum to the Recommendation CM/REC (2007)9 of the Committee of Ministers to Member States on life projects for unaccompanied migrant minors

<sup>25</sup> Which is part Ministry of Economic Affairs and Employment

<sup>26</sup> <https://kotouttaminen.fi/en/integration-plan-for-an-unaccompanied-minor>

62. In some countries specific timelines are foreseen in legal and policy documents and a review process is clearly defined. In **Luxembourg**, for example, the individual plan has to be reviewed three months after its finalization and every six months thereafter. In most countries, the implementation of the individual plan is reviewed in practice by the social worker, guardian or other expert staff of the competent authority that has developed it. In **Slovenia**, there is no regular monitoring that would systematically include child's views. In **Finland** the implementation of the Integration Plan is followed by the child's social worker. In **Poland**, individual programs leading to independence and individual integration programmes are monitored by family support centres. In **Ireland** the care plans are reviewed and updated regularly during a child's time in care (every six months in the first two years, and then once a year). In **Luxembourg** and in **Bulgaria**, the state's service providers and the Child Protection Departments respectively, shall submit regular reports to competent authority.
63. **Italy** has not given any details on specific provisions; the guardians have a central role in ensuring that the child's best interests are met. To this end guardians follow all the aspects of the child's life and may intervene and impact on the individual plan of the child.

#### *11. Requirements for the successful implementation of life projects*

64. The Recommendation provides specific requirements and conditions for the successful implementation of life projects and attributes clear responsibilities to state actors to ensure the protection of unaccompanied/separated children, those seeking asylum and victims of trafficking. States are, in particular, required to allocate appropriate resources develop a human rights and protection framework for unaccompanied children grounded in the UN Convention on the Rights of the Child. To this end, host countries shall ensure all unaccompanied children full access to all the services available to national children. Furthermore, other services should be made available for children with special needs, including mental health support, support to victims of trauma, torture or other violence, including for example female genital mutilation, rape or forced marriage.<sup>27</sup> Finally, it is strongly recommended that the professionals working with unaccompanied/separated children are duly trained for the successful implementation of life projects.
65. Unaccompanied and separated children in Europe are facing persistent challenges related, among others, to their protection and care, accommodation, access to quality health care and education<sup>28</sup>. Reception facilities are not always adapted to the needs of children and staff members are not always trained or qualified to work with them<sup>29</sup>. At the same time, in many EU member states, reception standards for children remain critical, including detention practices. The Fundamental Rights Agency (FRA) points out that asylum-seeking children have limited or no access to education, they continue to face legal and practical obstacles to access asylum procedures in several EU member states. Moreover, the FRA reports the existence of legal and practical barriers to family reunification for beneficiaries of subsidiary protection which remain a great concern.<sup>30</sup> Challenges related to identification and registration of unaccompanied children, including age assessment and prompt appointment of qualified guardians and information provision remain.<sup>31</sup>

<sup>27</sup> Life Projects for unaccompanied migrant minors A handbook for front-line professionals, Louise Drammeh, Council of Europe, 2010

<sup>28</sup> CoE, Thematic Report on migrant and refugee children Prepared by the Special Representative of the Secretary General on migration and refugees, Information Documents SG/Inf(2017)13

<sup>29</sup> COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL, The protection of children in migration, Brussels, 12.4.2017 COM (2017) 211 final

<sup>30</sup> FRA, Migration to the EU: five persistent challenges, February 2018

<sup>31</sup> CoE, Thematic Report on migrant and refugee children Prepared by the Special Representative of the Secretary General on migration and refugees, Information Documents SG/Inf(2017)13  
FRA, BEYOND THE PEAK: CHALLENGES REMAIN, BUT MIGRATION NUMBERS DROP, March 2019

66. One of the most worrying aspects of states' practices in dealing with unaccompanied and separated children is that their access to services is often depending on their immigration status. Those who have obtained refugee status, subsidiary protection or other form of long residence permits are more likely to benefit from these services enjoying a treatment equal to the one afforded to children who are citizens of that state.
67. In their submission, member states do not provide very comprehensive information on how implementation is monitored by national or local authorities and on their obligations towards the child. The information provided by member states mainly focuses on monitoring of reception facilities that are in principle responsible for the provision and or facilitate access to other support services.
68. In **Finland**, protection responsibilities are divided among various actors at national and local level. According to the Integration Act, the Government Regional Offices are responsible for the agreement on the establishment of family group homes and other residential units intended for unaccompanied children and young person's residing in the country (holders of long-term residence permit), and the supervision and monitoring of their operations. Information to the child is provided by the child protection personnel, social workers, legal representatives and guardians. Interpretation is used when needed. Furthermore, unaccompanied children with a residence permit are entitled to the same economic support as other children residing in Finland. The support will vary according to the age and type of accommodation. Nevertheless, different actors are responsible for the reception and protection of unaccompanied children seeking asylum and those that haven't obtained a residence permit.
69. In **Ireland**, residential care facilities, which are limited to small group home settings (46 children), are subject to regular monitoring by competent authorities, a guardian ad litem is appointed in relation to court proceedings if necessary, and child-friendly information is provided to young people in their own language and through the use of translators. **In Italy**, reception facilities are monitored by competent reception authorities at both State and Prefectural level to ensure that compliance with the national reception standards and the best interests of the child are met. **In Poland**, monitoring responsibilities are assigned primarily to the competent authorities, but also to the courts. However, the Commissioner for Citizens' Rights has pointed out the lack of a comprehensive monitoring system of the situation and support provided to unaccompanied children in Poland.

#### *12. Access to education and vocational training*

70. All ten states reported that unaccompanied children have access to classes in the language of the host country and education on an equal footing with nationals.
71. In **Slovenia**, education on equal footing is provided for all children applying for international protection and they have to be enrolled in school within a three months period. In **Italy**, unaccompanied children have by law access to the national education system whilst educational institutions have the obligation to take measures to facilitate enrolments and attendance. Furthermore, they have access to language classes, including within the reception facility or other special arrangements when necessary.
72. Nevertheless, the Council of Europe Special Representative of the Secretary General on migration and refugees, pointed out that in practice many children face both systemic and practical barriers to accessing quality

*25. For as long as the life project is implemented in the host country, Member States **should guarantee unaccompanied migrant minors access to classes in the language of the host country, to education and/or to appropriate vocational training on an equal footing with nationals.** The minor should also have the **possibility of entering the labour market.***

education.<sup>32</sup> The FRA also reported that the most common challenges to accessing education include: long waiting periods, language barriers, residing in remote locations, lack of information on educational opportunities, limited financial support for asylum applicants, bureaucracy and racism.<sup>33</sup> In **Poland**, recent legal reform provided for additional support for the integration of migrant children in the education system, including through the assistance of a cultural assistant, the provision of additional classes in Polish and compensatory classes from other subjects. However, unaccompanied children that are placed in closed centres cannot enrol in the Polish education system and schools. Classes for unaccompanied children in administrative detention are offered within the facility by teachers assigned from the closest educational institution.

73. None of the member states' submissions provide any information on access to vocational training. However, many report that access to vocational training for asylum seeking children and children without residence status is restricted.<sup>34</sup>

## II. Communication Strategy and Dissemination Assessment

74. Only 4 states (**Armenia, Belgium, Bulgaria and Luxembourg**) reported that the content of the Recommendation and/or the principles of the recommendation had been disseminated at national level. In **Luxembourg**, the text of the Recommendation, the Explanatory memorandum and the handbook for professionals are publicly available on the website of the Children's Rights Service. **Bulgaria** states that dissemination has taken place through governmental organizations and media.

75. Furthermore, few states reported on actions taken at the domestic level, to exchange experience and improve knowledge of competent authorities and professionals on "life projects" of unaccompanied children and expertise in implementing them. Such actions included: training courses (**Belgium, Bulgaria Croatia, Italy and Ireland**) conferences (**Croatia and Ireland**) and seminars (**Croatia, Italy and Ireland**).

76. **Italy** referred to trainings and seminars within the broader scope of the protection of unaccompanied children, the functioning of reception and asylum systems and the related procedures developed to integrate the Recommendation on the life projects, although not focusing on the latter. Trainings organised by various state departments and authorities with the support of International (IOM, UNHCR) and EU organizations (EASO). Furthermore, dedicated trainings for guardians were organised by the Italian Independent Authority for Children and Adolescents in order to enhance their capacities and knowledge of available tools and instruments to facilitate integration of children within the Italian society.

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<sup>32</sup> CoE, Thematic Report on migrant and refugee children Prepared by the Special Representative of the Secretary General on migration and refugees, Information Documents SG/Inf(2017)13

<sup>33</sup> European Union Agency for Fundamental Rights (FRA), Current Migration Situation in the EU: Education (2017)

<sup>34</sup> Separated, asylum-seeking children in European Union Member States, Comparative report