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Unaccompanied Minors: an Information Booklet

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Unaccompanied Minors:

An Information Booklet

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Centre for Social and Educational Research, DIT

Centre for Social and
Educational Research



DUBLIN INSTITUTE
of TECHNOLOGY
Institiúid Teicneolaíochta Bhaile Átha Cliath



Barnardos
Children, their rights
and their needs

Unaccompanied Minors: An Information Booklet
Researched and written by Dervla King

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While every effort has been made to include the various organisations that work with unaccompanied minors, new groups are being formed regularly, with the result that any such list becomes outdated quickly. It is hoped that the booklet will be used as a basic reference that can be added to and amended as necessary. Space has been provided at the end of the booklet for this purpose.

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SECTION 1

DEFINITIONS

Who is a refugee?

Under the terms of the 1951 Geneva Convention, a refugee is defined as a person who has fled his or her country and is unwilling or unable to return because of a **well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.**

Under Article 1(1) of the 1996 Refugee Act (as amended), the term "membership of a particular social group" has been extended to include membership of a trade union and membership of a group of persons whose defining characteristic is their belonging to the male or female sex or having a particular sexual orientation.

Who is an asylum seeker?

An asylum seeker is a person who has applied to be granted refugee status. Under the Geneva Convention, Ireland is obliged to examine each application for asylum that is lodged in the country. Anyone who is waiting for a decision to be made about his/her application is therefore legally allowed to reside in the country.

Who is an unaccompanied minor?

According to Section 8(5) of the 1996 Refugee Act (as amended), an unaccompanied minor is a child under age 18 who has arrived at the frontiers of the State or entered the State and who is not in anyone's custody. The following definition is used by organisations including the United Nations High Commissioner for Refugees (UNHCR) and UNICEF:

A person who is under the age of 18 or the legal age of majority, is separated from both parents, and is not with and being cared for by a guardian or other adult who, by law or custom, is responsible for him or her.

SECTION 2

THE RIGHTS OF UNACCOMPANIED MINORS

International provisions concerning unaccompanied minors

- **The UN Convention on the Rights of the Child (CRC):** The CRC, which was ratified by Ireland in 1992, contains specific reference to the rights of unaccompanied minors. According to Article 22(1)

States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other human rights or humanitarian instruments to which the said States are Parties.
- Article 22(2) sets out the duties of the States to help the UN and other NGOs in protecting and assisting the child and helping him/her to obtain the necessary information for family reunification. It states that "in cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason."
- Other relevant measures included in the Convention include Article 20(1), which refers to the duty of the State to provide special protection and assistance to children who are deprived of their family environment, and Article 39, which places an obligation on the State to facilitate the physical and psychological recovery and social integration of child victims.
- **The 1997 Council of Europe Resolution on unaccompanied minors who are nationals of third countries (97/C/221/03):** The resolution aims to establish guidelines for the treatment of unaccompanied minors, covering such areas as the conditions for their reception, stay and return.
- Article 3 sets out the minimum guarantees to which all unaccompanied minors should be entitled, including their right to necessary protection and

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basic care, their right to family reunification, to legal guardianship or representation, and to education and medical treatment.

- Article 4 covers the issue of asylum application procedures, including the accommodation of unaccompanied minors throughout the process and the way in which interviews should be conducted and applications assessed.
- Article 5 sets out provisions concerning the return of unaccompanied minors to their country of origin.
- Two annexes have been added to the Resolution, one which concerns measures to combat trafficking in minors, and the other which sets out measures to prevent their illegal entry into member States.
- **The Statement of Good Practice (SGP) produced by the Separated Children in Europe Programme:** The SGP aims to ensure that the rights of unaccompanied minors are respected at all stages of the asylum process. The Programme is a joint initiative of the Save the Children Alliance and the UN High Commissioner for Refugees, and involves 27 countries across Europe. The SGP sets out the commonly used definition of unaccompanied minors and discusses their various rights and entitlements, covering all areas from their arrival in a state to their entitlements when they enter the country. The guidelines contain specific provisions regarding registration and documentation, family reunification and care placements. In addition,
- Section 11 outlines the various legal entitlements that unaccompanied minors should have at all stages of the asylum application procedure.
- Section 12 discusses the minor's entitlements after a decision has been made about his or her application.

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Irish legislation and policies concerning unaccompanied minors

Irish legislation concerning unaccompanied minors, their rights and the treatment they should receive is contained in Sections 8(5) and 18 of the 1996 Refugee Act (as amended).

- Section 8(5)(a) states that if an immigration officer or authorised officer believes that a person under 18 years of age who is not in the custody of another person has arrived at the frontiers or in the State, she or he should inform the relevant health board as soon as possible. The minor will then be looked after according to the provisions set out in the 1991 Child Care Act.
- Section 8(5)(b) states that if the health board believes that the child needs to apply for refugee status, they should appoint someone who can make the application on behalf of the child. The health board is responsible for all costs, excluding legal ones, of any application that is made.
- Section 18 covers the issue of family reunification for people who have been granted refugee status. Refugees are allowed to apply to the Minister for Justice, Equality and Law reform for permission for a member of his or her family to enter and reside in Ireland. The Minister may also grant permission to a dependent member of the refugee's family to enter and reside in the country. In the case of an unaccompanied minor, 'dependent members' may refer to his or her parents.

The 1991 Child Care Act, which is concerned with the welfare of children who are not receiving adequate care and protection, contains several provisions relevant to unaccompanied minors in Ireland.

- Article 3(2)(a) states that the health boards are responsible for identifying children who are not receiving adequate care and protection.
- Article 4(1) states that if a child who resides or is found in the area of a health board requires care or protection that s/he is unlikely to receive unless s/he is

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taken into care, it is the duty of the health board to take him or her into its care.

- Under Article 26 of the Act, a guardian ad litem service was established that provides for the appointment of a legal guardian to represent the interests of such children in court and to act as an independent voice in the care proceedings.

In addition, the National Children's Strategy proposes that:

unaccompanied children seeking refugee status will be treated in accordance with best international practice, including the provision of a designated social worker and Guardian ad Litem.¹

As part of Objective K², the Strategy suggests that the special needs of non-English-speaking children should be recognised and that additional resources should be introduced that will enable them to more fully participate in mainstream school classes and activities.

¹ *The National Children's Strategy: Our Children – Their Lives*, (2000:71), Dublin: The Stationery Office.

² "Children will be educated and supported to value social and cultural diversity so that all children including Travellers and other marginalised groups achieve their full potential." Ibid, 2000:70.

SECTION 3

BACKGROUND INFORMATION ON UNACCOMPANIED MINORS

The number of people applying for asylum in Ireland has been increasing steadily since the start of the 1990s, from 39 applications in 1992 to 10,938 in 2000. It is only over the past 2 years, however, that the number of unaccompanied minors seeking asylum in the country has shown any considerable increase. In 1999, 34 unaccompanied minors applied for asylum: there were 300 applications in 2000, while the number of applications received reached 425 in the first 7 months of 2001.

Statistical overview of unaccompanied minors seeking asylum in Ireland

According to the Office of the Refugee Applications Commissioner, a total of 300 unaccompanied minors applied for asylum in Ireland in 2000. Of this number, 201 were male and 99 female. In the first 7 months of 2001, 425 applications were made by unaccompanied minors, 261 of whom were male and 164 of whom were female.

In 2000, the main countries of origin were Nigeria (155 applicants), Romania (28 applicants), and Sierra Leone (20 applicants). They remained the primary countries of origin in the first 7 months of 2001. Other countries of origin include Algeria, Cameroon, and the Democratic Republic of Congo.

Total of Unaccompanied Minors applying for Asylum in Ireland

	2000	2001 (until 31/7/01)
Male	201	261
Female	99	164
Total	300	425

Source: Office of the Refugee Applications Commissioner

Why do unaccompanied minors apply for asylum in Ireland?

According to the Separated Children in Europe Programme, unaccompanied minors may be seeking asylum as a result of fear of persecution or lack of

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protection arising from human rights violations, armed conflict or disturbances in their own country. They may be the victims of trafficking for sexual or other exploitation, or they may have travelled to Europe to escape conditions of serious deprivation.³

A Barnardos report on refugee and asylum seeking children⁴ states that many of them will have left behind difficult and sometimes traumatic situations, which places them in a particularly vulnerable position. Children can easily become separated from their parents in situations of conflict or flight. The UNHCR⁵ states that boys and girls who are on their own make easy targets for recruitment into armed groups, as combatants, porters, spies, or servants. In addition, they can be at high risk of exploitation, physical and sexual abuse, and even death.

According to a 1997 report by the UNHCR, unaccompanied or separated minors are one of the groups most at risk within the populations affected by an emergency. Children and adolescents are in need of care and protection that they are not able to provide for themselves, as a result of which they are likely to suffer long-term effects if their physical and developmental needs are not met:

Few threats to a minor's well-being and long-term development equal that of being involuntarily separated from his or her parents and family. Immediate care and protection is needed, with consideration for the minor's long-term prospects.⁶

On their arrival, what kind of problems can they face?

It has been noted that although not all unaccompanied minors have experienced extreme traumatic situations or traumatic bereavement, many of them have been

³ Separated Children in Europe Programme,
< <http://www.Unaccompaniedminors/definition/children.first.html> >

⁴ Barnardos, *Meeting the Needs of Refugee and Asylum Seeking Children in Ireland*, (2000:14), Policy Briefing 5, Dublin: Barnardos.

⁵ UNHCR, *Report of the UNHCR: Question Relating to Refugees, Returnees and Displaced Persons and Humanitarian Questions*, A/53/325, August 26, 1998, Paragraph 6.

⁶ UNHCR, *Report of the UN High Commissioner for Refugees, Question Relating to Refugees, Returnee and Displaced Persons and Humanitarian Questions: Assistance to Unaccompanied Refugee Minors*, A/52/273, August 1997.

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forced to enter prematurely into independent life without, by definition, the family and community supports usually available to them:

In psychological terms, all experience loss to a greater or lesser degree, loss not only of family and friends but also of a defined identity, of a belonging; all experience culture shock and post-migratory stressors associated with new language, different lifestyles and customs.⁷

Other common problems with which unaccompanied minors are forced to cope include racism and associated hostility, the risks of marginalisation, and insecurity and anxiety within the asylum process. Rylands⁸ notes that it is extremely important to be concerned with the psychological health of unaccompanied minors, especially given the evidence from our own culture of the risks associated with the lack of parental structures to guide and support young people. She outlines the two main ways in which unaccompanied minors may be particularly vulnerable:

- In their external world (i.e. emotions and thoughts), they can be at risk of exploitation or negative influence
- In their internal world, they are at risk of being overwhelmed by anxiety and by loss

Culture shock can pose a big problem for unaccompanied minors. It is the term used to describe the disorientation and distress that people feel when they are placed in unfamiliar surroundings. It can particularly affect refugees and asylum seekers whose general way of life is very different to that of the host community into which they arrive. The following are the main characteristics of culture shock:

- **Strain**, which stems from the effort to make adaptations to a new country
- A sense of **loss and deprivation**
- Feelings of **exclusion and rejection**
- **Loss of identity**

⁷ Taken from a presentation delivered by Dr. Jennifer Rylands, Senior Clinical Psychologist with Psychology Service for Refugees and Asylum Seekers to the Conference on the Reception of Unaccompanied Minor Asylum Seekers, Dublin, June 6th, 2001.

⁸ *ibid*

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Typical reactions of unaccompanied minors who have experienced trauma and separation include depression, mood swings, increased levels of aggression and psychosomatic symptoms. Other symptoms of psychological difficulties are:

Flashbacks, which can manifest themselves through the sensory reliving of trauma, nightmares, and intrusive thoughts

Hyper arousal, which can result in sleeping difficulties, irritability, aggressiveness and concentration problems

Physical symptoms, such as fatigue, stomach pains, cardiac symptoms, headaches, and muscular and joint problems

Anxiety reactions that include suspicion, panic attacks, and fear of open space

Sadness, which may result in depressed moods, withdrawal, loss of appetite, and suicidal thoughts

Avoidance of any situations that remind the victim of traumatic experiences, emotional or body numbness, and phobias.⁹

Information on some of the cultural differences that may exist between Irish people and non-nationals can be found in Eimear Burke's *Customs Clearance*, which is published by the European Cultural Foundation.

In a report published by the Irish Refugee Council in 1999¹⁰, a group of unaccompanied minors discussed some of the problems that they had encountered since arriving in Ireland. Among the issues that arose was racism, with some respondents stating that they had experienced **racist verbal abuse** since their arrival in the country. The minors also expressed **confusion about their entitlements** and about the role of the various bodies and organisations with which they had been in contact. They felt that it was **unnecessarily difficult to access education**, but all believed that education was essential and that they required extra support in this area. Most of them did not practise any sport or participate in any leisure activities provided by schools: they stated that the main obstacles to their integration were a **lack of information** and **language difficulties**.

⁹ Refugee Project, (2000) *Asylum Seeker/Refugee Information Pack*, Dublin: Irish Commission for Justice and Peace.

¹⁰ MacNeice, Sara and Almirall, Laura, *Separated Children Seeking Asylum in Ireland: A Report on Legal and Social Conditions*, (1999), Dublin: Irish Refugee Council.

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Among the positive aspects of their life in Ireland that were listed by the unaccompanied minors were the **invaluable support they have received from individuals and some social workers** and the support that those who were attending school had received from **schools and teachers**.

A study carried out in 2001¹¹, which was based on interviews held with 28 unaccompanied minors, noted some of the post-migratory problems to which minors are particularly susceptible. These include fears of being sent home, separation from their families and worries about their families, boredom, loneliness, and poverty. Among other findings, the study highlighted how some minors had restricted access to emotional support and advice as a result of their situation. It was suggested that activities such as **attending church, going to school and using sports facilities** could facilitate social integration and the development of support networks, which would address some of the main stressors that can affect minors. In addition, it was recommended that a **register of volunteer families who could befriend and support unaccompanied minors** be developed. As Rylands¹² points out, attempts must be made to help minors with ordinary, normal psychosocial needs in order to ensure that normal needs are not pathologised and vulnerabilities are not over-emphasised.

¹¹ Rea, Avril, *Psychosocial Needs, Social Support and Estimates of Psychological Distress Among Unaccompanied Refugee Minors In Ireland*, Research Project for Doctorate in Clinical Psychology, Queens University Belfast (unpublished), 2001.

¹² *ibid*

SECTION 4

THE ASYLUM APPLICATION PROCEDURE

Relevant persons/bodies involved in the asylum application process include¹³:

Immigration officers

Immigration officers are involved in the application process insofar as if a child under 18 years of age arrives at the frontiers of the state and is not in someone's custody, the officer completes a referral form to the appropriate health board and informs the health board as soon as is practicable.

Health boards

Since 20 November, 2000, applications for asylum have been made on behalf of the unaccompanied minor by a social worker. The health boards are responsible for determining whether an application for refugee status should be made. In addition, they are responsible for the provision of social services and for meeting the accommodation, medical, and financial needs of minors.

Office of the Refugee Applications Commissioner (RAC)

If a person seeking asylum appears at the Office of the RAC and seems to be a minor, according to the terms of the 1996 Refugee Act, a referral form to the health board is completed and the board is informed as soon as is practicable. In the interim period, the social worker who is on duty in the Office of the RAC is contacted. Staff of the RAC do not take any further action, pending a decision by the health board to make an application on the minor's behalf. If an application is received on behalf of the minor from the health board representative, the normal processing procedure continues.

The Office of the Refugee Applications Commissioner is currently drawing up guidelines on the processing of asylum claims from unaccompanied minors.

Refugee Appeals Tribunal (RAT)

If the unaccompanied minor receives a negative decision after his/her first hearing, s/he may appeal to the RAT. The consideration of appeals made by

¹³ Taken from "The System in Ireland," Paper delivered to the Conference on the Reception of Unaccompanied Minor Asylum Seekers by Denise Barry, Department of Justice, Equality and Law Reform, Dublin, June 7th, 2001.

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minors is prioritised, and the RAT may either confirm or overrule the initial recommendation.

Refugee Legal Service

The Refugee Legal Service (RLS) was established in 1999 to provide low-cost legal advice and representation to all asylum seekers. The RLS is funded by the Legal Aid Board and has offices in Dublin, Cork and Galway. In the Dublin office, there are particular caseworkers and solicitors who have been trained in issues surrounding unaccompanied minors. Further information is provided in Section 6.

Minister for Justice, Equality and Law Reform

If a positive recommendation has been made about the application, the Minister must grant refugee status to the application. The Minister may refuse refugee status if a negative recommendation has been received. If the Minister refuses to give a declaration, the applicant will be given 15 working days to make recommendations as to why s/he should be allowed to remain in the State. Leave to remain is granted solely at the Minister's discretion.

Procedures involved in determining asylum applications made by unaccompanied minors¹⁴:

Initial interview

If an officer of the health board decides that an application for asylum should be made on behalf of the unaccompanied minor, s/he completes an initial application form which is faxed to the RAC. An appointment is then arranged for an initial interview. The interview is attended by the unaccompanied minor, the health board representative, and an official from the RAC. The unaccompanied minor and his/her representative are advised of their right to consult a solicitor and the UNHCR, following the interview. A photograph is taken of the applicant and if s/he is over 14 years of age, his/her fingerprints are taken.

¹⁴ Taken from "First Stage Consideration of Applications for a Declaration by Unaccompanied Minors," < <http://www.uvi.fi/cfproj/polmatersix.html> >

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The unaccompanied minor receives a questionnaire which must be completed and returned by a date and time specified by the RAC, which is generally about 7 days after issue. If the questionnaire is not returned by the specified date, s/he may be seen as deliberately obstructing the investigation of the application, with the result that the application could be deemed to be manifestly unfounded. When the unaccompanied minor and his/her representative returns the questionnaire, s/he is issued with a Temporary Residence Certificate. This contains his/her personal details and photograph.

Legal representation

All asylum seekers have the right to be represented by a legal representative during the asylum procedure. The RLS provides low-cost legal representation, in addition to which applicants may access private legal representation if they are in a position to pay for the services of a private solicitor.

Dublin Convention

The applicant may be issued with a notice in writing that his/her application may be examined under the Dublin Convention. The Convention, which came into force on 1 September, 1997, is a mechanism that is used to determine which EU Member State is responsible for examining a particular application for refugee status. Any applicants who

- (a) have lodged, or had an asylum application examined, in another Convention country,
- or
- (b) have entered the EU through another Convention country, or
- (c) have a valid residence permit or visa for another Convention country

may have their applications transferred to the country in question.

If the unaccompanied minor wishes to make an appeal against a decision made under the Convention, s/he or his/her representative must do so within 5 working days of the issue of the notice. In some cases, an unaccompanied minor may be required to participate in a separate interview that specifically relates to the consideration of an application under the Dublin Convention. S/he should be accompanied by his/her representative to any such interview.

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Substantive Interview

Following the return of the completed questionnaire to the RAC, and if the terms of the Dublin Convention do not apply to the application, a substantive interview is organised for the applicant. The unaccompanied minor and his/her representative are notified in writing of the time, date and place to attend for interview. The letter issued to unaccompanied minors differs from the letter that is generally issued to asylum seekers, in that it informs the minor that s/he must be accompanied by a health board officer or representative for the interview.

The interview aims to establish the full details of the claim for asylum. It is carried out by an authorised officer who has been specifically trained to interview unaccompanied minors. The interviewer keeps a written record of the interview, which is presented to the unaccompanied minor and the representative to allow them to review it. If they believe that something has not been recorded accurately, they are given the opportunity to have it rectified. The minor and his/her representative are asked to sign each page to confirm that it is an accurate account of the interview. Each page is also signed by the interviewer. If the minor cannot sign the record, the representative should sign on his/her behalf. Written and oral records are taken into account when the application is being assessed, as are any representations made by the UNHCR in connection with the application.¹⁵

Manifestly unfounded applications

The Refugee Act 1996 (as amended) sets out 12 grounds on which a claim for asylum can be held to be manifestly unfounded. An application may be deemed to be manifestly unfounded if it is decided that the applicant has no grounds to fear persecution in his/her country, or if it is judged to be a deliberate misrepresentation of the applicant's status or an abuse of asylum procedures. If this conclusion is reached prior to the substantive interview, the unaccompanied minor and his/her representative are notified in writing and requested to attend for an interview at a specified date, time and place.

¹⁵ For more information as to the procedure in practice, see *Asylum in Ireland – A Report on the Fairness and Sustainability of Asylum Determinations at First Instance*, 2000, Dublin: Irish Refugee Council.

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If the decision is reached following the substantive interview, the unaccompanied minor and his/her representative are sent a copy of the recommendation and the reasons for it. A copy is also sent to the solicitor (if known) and to the UNHCR.

Non-attendance of unaccompanied minor at his/her interview

Under the terms of Section 11(9) of the 1996 Refugee Act (as amended), any asylum applicant who does not turn up for an interview with an authorised officer will be notified in writing by the Refugee Applications Commissioner of an alternative interview, to be held at a specified time and place. The applicant will also be informed in the letter that if s/he does not attend the alternative interview without reasonable cause, the Commissioner will make a recommendation that s/he should not be declared to be a refugee. The applicant's representative is also notified about the developments.

The role of the health boards

Under the provisions of the 1991 Child Care Act, every health board is required to promote the welfare of children in its area who are not receiving adequate care and protection. As a result, they have a statutory obligation to address the needs of unaccompanied minors in relation to accommodation, medical and social needs, and access to education. Health boards are also responsible for making applications for asylum on behalf of the unaccompanied minors.

The health boards' main responsibilities in this area are:

- (a) Making the decision as to whether it is in the best interests of the child to make an application for asylum;
- (b) If they decide to do so, to support the child throughout the asylum process; and
- (c) To provide for the immediate and ongoing needs and welfare of the child through appropriate placement and links with health, psychological and social services.

To date, most of the referrals to the health board that have been made by the Immigration Authorities or by the office of the Refugee Application Commissioner were made to the East Coast Area Health Board.

SECTION 4 THE ASYLUM APPLICATION PROCEDURE

Procedures within the health board

Every young person is seen on the day of referral by a caseworker or a social worker, who carries out an immediate needs assessment that covers topics such as diet and accommodation. The social worker's first priority is to establish if the minor has family members who are already in the country. If so, steps are taken at once to facilitate reunification. If the minor is alone, s/he is placed in appropriate accommodation. Further services provided by the health board are outlined below.

SECTION 5

ENTITLEMENTS OF UNACCOMPANIED MINORS¹⁶

Accommodation

Unaccompanied minors may be placed in any of the following: foster care, hostels, residential units, B&Bs, or hotels. Any placements of unaccompanied minors made by the health boards are decided according to the age and needs of the individual. In the case of unaccompanied minors aged up to 12 years, attempts are made to place them with foster parents. Older teenagers may be placed with a foster carer or in supported lodging. At present, there is no residential unit specifically designed for unaccompanied minor asylum seekers, with the result that some are instead housed in existing residential units. One example of such accommodation is Sutton Castle in Dublin, which is dedicated solely to unaccompanied minors. Two residential homes for unaccompanied minors are being established in early 2002, one of which will be for emergency accommodation and the other which will be a group home that provides medium to long-term care.

Minors may also be housed in B&Bs or hostels that are occupied by adult asylum seekers. Various levels of support are available in these venues, ranging from the availability of cooking facilities for self-catering to the provision of 3 meals per day. Several unaccompanied minors have applied to live with families that they have established connections with. Each of these cases has been assessed on an individual basis by the health boards before any decisions have been reached. The health boards do not support asylum seekers under 18 who live in private rented accommodation, except in very exceptional circumstances.

To date, the policy of dispersing asylum seekers to locations outside Dublin has not been applied to unaccompanied minors. The small number who do apply for asylum at a point of arrival outside Dublin are looked after by the relevant health board in the area.

¹⁶ Information compiled from correspondence with social workers from the Unaccompanied Minors' Social Work Team, community welfare officers from the ERHA, and further sources as referenced.

SECTION 5 ENTITLEMENTS OF UNACCOMPANIED MINORS

Income support

Unaccompanied minors receive either direct provision or supplementary welfare allowance, depending on where they are living. To date, those who are living in Sutton Castle receive direct provision, which comprises 3 meals a day and an allowance of £15 a week. It is envisaged that this model of support will become more common in the future. Unaccompanied minors living in B&B or hostel accommodation where meals are not provided receive a supplementary welfare allowance of £84 a week, to cover expenses for food, clothing, travel, etc.

Unaccompanied minors in full-time education are entitled to receive Child Benefit. In addition, they may be entitled to such benefits as travel subsidies and the Back-to-School Clothing and Footwear Allowance. Their eligibility for these benefits is decided on the basis of individual needs assessments, which are carried out by Community Welfare Officers.

Medical services

All unaccompanied minors are entitled to free access to medical care and free medication, should they require it. They are issued with a medical card application form by their caseworker or social worker and, if required, given assistance with filling it in. They are then assigned to a GP in the area where they are staying, who completes the form. The medical card will usually arrive within three to four weeks of the form being submitted.

Voluntary health screening is available for all asylum seekers. People who are over 16 years of age are legally able to give their consent for medical screening, should they wish to avail of the service. In the case of unaccompanied minors who are under age 16 and who request or require screening, the health board must apply to the court to gain permission for the screening to take place. Testing for TB and Hepatitis B is offered to all asylum applicants, but is not compulsory. At present, unaccompanied minors are referred to the existing Area Medical Officer Service if necessary, but it has been proposed that a separate service be established to deal solely with minors.

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There are no specific services for pregnant unaccompanied minors or young mothers who are under age 18. They are referred to existing services by the social work team, in addition to which their individual accommodation needs are assessed and they are assigned a specific social worker. If they are thought to be in need of additional support, they can be referred to public health nurses and family support workers.

Psychology service

Unaccompanied minors in need of counselling and psychological services may be referred to the Psychology Service for Refugees and Asylum Seekers, which comes under the aegis of the Northern Area Health Board. It was initially established in response to the anticipated needs of Bosnian programme refugees, but its remit has since been extended to cover referrals of refugees and asylum seekers made by the Northern, East Coast and South-Western Health Boards.

Among the services provided by the Psychology Service are a counselling and clinical psychology service and therapy and counselling for refugees and asylum seekers. One post has been specifically designated to provide services for unaccompanied minors. Referrals to the service come from a wide variety of sources, including social workers, non-governmental organisations, GPs, and self-referrals. The Psychology Service also maintains close contact with the statutory social work team for unaccompanied minors and with relevant voluntary organisations. Contact details are provided in Section 6.

Counselling for survivors of torture, a psychosocial outreach support service, advocacy and practical support for survivors of torture (including unaccompanied minors) are also available at the Spiritan Asylum Services Initiative (SPIRASI). See Section 6 for details.

Education

As is the case for Irish children, unaccompanied minors are entitled to attend primary and post-primary schools up to age 18. Applications for enrolment in schools can be made by the minors themselves, by project workers, or by third parties.

SECTION 5 ENTITLEMENTS OF UNACCOMPANIED MINORS

Since January 2000, additional temporary teachers have been sanctioned for all **primary schools** with more than 15 non-English speaking non-nationals. This entitlement is available for a period up to 2 years. Schools with 3 or less non-national pupils must meet any additional costs incurred from their own resources. An annual grant of £5,000 for the recruitment of part-time teachers is paid to schools with 4-9 non-national students. Schools with an enrolment of 10-14 non-national students receive an annual grant of £7,500, while a £200 start-up grant is available to schools that appoint a full-time teacher. Similar provisions are made in **post-primary schools**, but resources are allocated on the basis of 1½ hour's teaching per student per week. In addition, every non-national student is entitled to language assistance for a period of 2 years¹⁷.

According to a letter dated 27 September, 2001 concerning third-country nationals' access to PLCs, VTOS and Youthreach programmes¹⁸, anyone who applied for asylum in the State after 26 July 1999, is not eligible for free PLC tuition. Exceptions are made in the case of asylum seekers who have been granted 'leave to remain' or who are the parents of an Irish-born child. Asylum seekers who entered the country before 26 July 1999, who have been waiting at least a year for a determination of their case and who are in possession of the notice of their right to work from the Department of Justice, Equality and Law Reform are entitled to free tuition on PLC courses. For other asylum seekers, including unaccompanied minors, the annual fee for the courses is £2,877. Those who pay it should be self-supporting and have approval to remain in the State.

Unaccompanied minors aged between 15 and 18 who have not completed upper secondary education and whose circumstances mean that school is not a viable option for them may be eligible for admission to Youthreach. As is the case for other asylum seekers, unaccompanied minors are not entitled to receive student

¹⁷ Irish Vocational Education Association, IVEA Policy on Educational Provision for Asylum Seekers, Refugees and other Non-Nationals, (2001:26), Dublin: Irish Vocational Association Working Group Report.

¹⁸ Letter to Chief Executive Officers of VECs, Principals of PLC colleges and National Co-ordinators from Assistant Principal Peter Kelly, Further Education Section, Department of Education and Science.

SECTION 5 ENTITLEMENTS OF UNACCOMPANIED MINORS

maintenance grants. In addition, they are not eligible for free tuition in third level colleges.

All asylum seekers, including unaccompanied minors, are entitled to attend the educational courses that are provided on a voluntary basis by various organisations.

Family reunification

The Unaccompanied Minors' social work team provides a service that helps minors to be reunited with their families, where appropriate.

Employment

As with other asylum seekers, unaccompanied minors are not allowed to seek paid employment, unless they made an application for refugee status prior to 26 July, 1999.

SECTION 6

ORGANISATIONS WORKING WITH UNACCOMPANIED MINORS IN IRELAND

ACCOMMODATION

Clann Housing Association

3rd Floor, 18 Dame Street, Dublin 2

Tel: 01 6775010 Email: clannh@iol.ie Contact: Christine Dibelius

Clann Housing is a voluntary organisation (limited company with charitable status). It provides housing for refugees, conducts research, and tries to influence public policy on the housing needs of refugees. In early 2002, Clann is establishing 2 residential homes for separated asylum seeking children. 1 of the homes will be for emergency accommodation, and the other will be a group home that provides medium to long-term care. Children and young people resident in these homes will be provided with a range of supports and advice, in co-operation with other service providers.

ADVICE ON DISCRIMINATION

Equality Authority

Clonmel Place, Dublin 2

Tel: 01 4173333 Website: www.equality.ie

The Equality Authority can provide advice to people who feel that they have experienced discriminatory treatment regarding employment or vocational training. Discrimination on the basis of race (which includes nationality, colour, and ethnic or national origin) is one of the areas about which the organisation provides free legal advice.

National Consultative Committee on Racism and Interculturalism

26 Harcourt Street, Dublin 2

Tel: 01 4785777 Email: nccri@eircom.net Website: www.nccri.com

Through its website, the NCCRI provides a mechanism that allows people to report incidents of racism. A form is available on the site <http://www.nccri.com/ReportForm-P.htm> that can either be emailed or posted to the organisation. The aim of the system is to build up a profile of emerging patterns of racist abuse, e.g. based on location.

SECTION 6 ORGANISATIONS WORKING WITH UNACCOMPANIED MINORS IN IRELAND

ASYLUM APPLICATION PROCEDURE

Reception and Integration Agency

94 St. Stephen's Green, Dublin 2
Tel: 01 4183200 Fax: 01 4183271

Refugee Appeals Tribunal

6/7 Hanover Street, Dublin 2
Tel: 1890 201458

Refugee Applications Commissioner

79/83 Lower Mount Street, Dublin 2
Tel: 01 6028000/1890 202418

Social Work Team for Separated Children Who Are Seeking Asylum

Baggot Street Community Hospital, 18 Upper Baggot Street, Dublin 4
Tel: 01 6681577 Fax: 01 6607982

COMMUNITY DEVELOPMENT

Southside Partnership

Unite Project

24 Adelaide Street, Dun Laoghaire, Co. Dublin
Tel: 01 2301011 Email: anne.griffin@sspship.ie
Contact: Anne Griffin

The Southside Partnership, of which the Unite Project is part, is funded through ADM under NDP funding. The Unite Project comes under the community development strand of the Partnership, which aims to provide actions that directly reduce unemployment and social exclusion and improve the quality of life of specifically targeted groups. The goal of Unite is to provide an integrated response to the needs of asylum seekers and refugees living within its catchment area. To this end, it brings together 17 local development organisations that are both statutory and voluntary. Further details concerning the organisations involved in the project are available from the above address.

SECTION 6 ORGANISATIONS WORKING WITH UNACCOMPANIED MINORS IN IRELAND

EDUCATIONAL ORGANISATIONS

City of Dublin VEC

Adult Learning Centre, 1 Parnell Square, Dublin 1

Tel: 01 8786662 E-mail: jessica.wanzenbock@cdvec.ie

Contact: Jessica Wanzenbock, Unaccompanied Minors Project Co-ordinator

The City of Dublin VEC (CDVEC) is involved in the provision of a wide range of educational services, including schools, colleges, adult literacy and community education, and Youthreach programmes. In addition, it offers language and literacy courses for asylum seekers and refugees. The CDVEC runs educational programmes that are specifically aimed at unaccompanied minors. The organisation's Unaccompanied Minors Project is currently involved in establishing English-language programmes and after school activities for unaccompanied minors within the City of Dublin area. It also operated a summer school for minors during July and August 2001, which may be repeated in the future.

Youthreach

Co. Dublin VEC, Main Road, Tallaght, Dublin 14

Tel: 01 4515666

Contact: Research and Policy Co-ordinator

Youthreach forms part of the Co. Dublin VEC. The main services it provides are education and training. It offers the following services specifically for unaccompanied minors:

Education: In co-operation with the health boards and voluntary agencies, training and education may be provided for unaccompanied minors who are unable to access mainstream school or who may have been unable to deal with mainstream school. The education programme it provides can be adapted to meet the needs of individuals, e.g. English language classes, literacy development, liaison with schools on behalf of those who have had difficulty in accessing mainstream education.

Mental health: A professional psychological service is available for unaccompanied minors who are registered with Youthreach.

SECTION 6 ORGANISATIONS WORKING WITH UNACCOMPANIED MINORS IN IRELAND

Advice on social welfare entitlements: May be provided to unaccompanied minors through personal development or life and social skills classes as part of an education programme.

FAMILY REUNIFICATION

Irish Red Cross

16 Merrion Square, Dublin 2

Tel: 01 6765135/6/7 Email: redcross@iol.ie/jwilson@redcross.ie

Contact: Jennifer Wilson

The Irish Red Cross is a statutory organisation that receives funding from the State and from voluntary membership. The main services it provides are first aid training; fundraising for work in Ireland and abroad; and the recruitment of skilled personnel to work as delegates overseas. It also provides the following services for unaccompanied minors:

Family reunification: The organisation provides a tracing service that aims to re-establish family contact prior to reunification. It draws on its expertise to provide unaccompanied minors with information they need on the topic and directs them to any appropriate agencies or offices. In addition, it advises clients on issues relating to travel documentation.

GENERAL

National Committee for Development Education

Bishop's Square, Redmond's Hill, Dublin 2

Tel: 01 6620866 Email: info@ncde.ie Website: www.ncde.ie

Contact: Barbara Wilson

The National Committee for Development Education (NCDE) is a government agency that comes under the aegis of the Department of Foreign Affairs. Its main functions are to support and promote development education, provide grants for development education work, and provide a resource centre and library.

SECTION 6 ORGANISATIONS WORKING WITH UNACCOMPANIED MINORS IN IRELAND

YARD: Youth Action Against Racism and Discrimination

17 Upper Stephen Street, Dublin 8

Tel: 01 4751826 Email: yard@defy.ie

Contact: Blanca Blanco, Project Officer

YARD is run in partnership with the NGDO Development Education for Youth and the National Youth Council of Ireland. Although it does not work specifically with unaccompanied minors, it addresses issues of discrimination based on religion, sexual orientation, disability, race, and membership of the Travelling community and other ethnic minority groups. Activities include raising awareness of racism and discrimination in the youth work sector, supporting youth organisations with their programmes, providing training for youth leaders on anti-racist development education, and producing educational resources for youth organisations and groups. YARD also develops policy on anti-racist and anti-discrimination issues and promotes the inclusion of young people from minority groups in mainstream youth organisations.

INFORMATION SERVICES

Refugee Information Service

Richmond Business Campus, Morning Star Avenue, Dublin 7

Tel: 01 8090437 Fax: 01 8726252 Email: refinfo@eircom.net

The Refugee Information Service provides information to refugees and asylum seekers on the following areas: social welfare entitlements; medical entitlements; English language classes; education and training; support groups; the right to work; and asylum and residence issues. It produces information booklets on issues of concern to people seeking asylum in Ireland and provides an outreach service at 4 venues throughout Dublin (Rialto Parish Centre, Inner City Renewal Group, Tallaght Citizens Information Centre, and Rathmines Information Centre). The Refugee Information Service welcomes queries from unaccompanied minors.

SECTION 6 ORGANISATIONS WORKING WITH UNACCOMPANIED MINORS IN IRELAND

LEGAL SERVICES

Refugee Legal Service

Timberlay House, 79/83 Lower Mount Street, Dublin 2

Tel: 01 6310800 or Freephone 1800 229222 Fax: 01 6615011

The Refugee Legal Service (RLS) is a State-funded organisation that was established by the Legal Aid Board to provide confidential and independent legal services to people applying for asylum in Ireland. It also provides legal aid and advice on deportation orders, in appropriate cases. Among other services, the RLS assists applicants who are submitting questionnaires to the Refugee Applications Commissioner (RAC) and provides advice prior to interviews. It may also make written submissions to the RAC in support of individual applications for asylum and provide representation before the Refugee Appeals Tribunal. In appropriate cases, a paralegal from the RLS will attend an unaccompanied minor's interview at the RAC.

LOBBYING ORGANISATIONS

Amnesty International, Irish Section

Sean McBride House, 48 Fleet Street, Dublin 2

Tel: 01 6776361 Email: fcrowley@amnesty.iol.ie

Contact: Fiona Crowley, Refugee Officer

Amnesty International is a non-governmental organisation involved in the following areas: lobbying the Irish government and campaigning on human rights issues including asylum and anti-racism, and promoting public and NGO action on international human rights violations. It provides the following general services for unaccompanied minors:

Asylum applications: Provides assistance if proper procedures have not been followed and a person is at risk of refoulement, i.e. if there are serious human rights violations in the country to which it is proposed to return them. Provides country of origin information to asylum seekers and their lawyers for the purpose of asylum applications.

SECTION 6 ORGANISATIONS WORKING WITH UNACCOMPANIED MINORS IN IRELAND

Family reunification: Provides assistance with family reunification and family tracing in exceptional circumstances.

PSYCHOLOGICAL SERVICES

Psychology Service for Refugees and Asylum Seekers

Psychology Department, St. Brendan's Hospital, Rathdown Road, Dublin 7

Tel: 01 8680166 Fax: 01 8680166

Contact: Jennifer Rylands, Senior Clinical Psychologist

As outlined in Section 5, the Psychology Service has designated 1 post specifically for unaccompanied minors. To date, unaccompanied minors have been referred to the service for problems that include anxiety, depression, post-trauma, responses to torture, and difficulties arising from cultural barriers or racism. The service is confidential and independent of other government agencies. It is also provided free of charge. The Psychology Service may refer clients on to other organisations and bodies for advice on accommodation, health care, etc. where it is deemed necessary.

SUPPORTS FOR SPECIFIC MINORITY GROUPS

Islamic Cultural Centre of Ireland

19 Roebuck Road, Clonskeagh, Dublin 14

Tel: 01 2080000 Email: iccislam@eircom.net

Contact: Ali Selim

The Islamic Cultural Centre is a limited company with charity status. Its main functions are as an information centre, a charity organisation, and a provider of adult education. It does not offer any specific services to unaccompanied minors, but provides both English and Arabic classes in which they can enrol. It also offers clients advice on social welfare entitlements through the provision of leaflets, booklets, etc.

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LASC (Latin America Solidarity Centre)

5 Merrion Row, Dublin 2

Tel: 01 6760435 Email: lasc@iol.ie

Contact: Azucena Bermudez

LASC is a voluntary organisation whose main functions include solidarity work, cultural promotion and development education. These are achieved through courses on Latin American issues, the provision of a resource centre, Spanish lessons, and talks, meetings and cultural events that raise public awareness. LASC does not provide any services specifically aimed at unaccompanied minors.

Nigerian Support Group

c/o Comhlámh, 10 Upper Camden Street, Dublin 2

Tel: 01 4783490 Email: anasi@eircom.net

Contact: Chairperson

Formerly known as the Association of Nigerian Asylum Seekers in Ireland, the Nigerian Support Group is a voluntary organisation. Its main functions are supporting and welcoming new asylum seekers and immigrants, providing advice on asylum application procedures, and working towards the integration of Nigerians into the Irish community. It provides the following services specifically for unaccompanied minor asylum seekers from Nigeria:

Asylum application: Assisting unaccompanied minors to complete their asylum applications in their own words and providing assistance with translation.

Family reunification: In the case of minors whose parents have arrived in Ireland, the organisation arranges counselling and works with the health boards and the Dept. of Justice, Equality and Law Reform to meet any needs that arise.

Education: Visiting schools that are attended by unaccompanied minors.

Advice on social welfare entitlements: Referrals to the Refugee Information Service or local Community Welfare officers, where applicable.

Other activities: Social activities; organising weekend visits for unaccompanied minors with families.

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TRAINING

United Nations High Commissioner for Refugees

27 Fitzwilliam Street Upper, Dublin 2

Tel: 01 6328675

To date, the UNHCR has been involved with unaccompanied minors seeking asylum in Ireland through the provision of training for interviewers from the Office of the Refugee Applications Commissioner. Although the organisation does not tend to deal directly with individual cases, it provides advice and assistance to service providers who do. It is envisaged that the UNHCR will also provide training programmes for officials from the Refugee Legal Service and the Refugee Applications Tribunal who are working with unaccompanied minors.

VOLUNTARY ORGANISATIONS WITH SPECIFIC SERVICES FOR UNACCOMPANIED MINORS

Dun Laoghaire Refugee Project

c/o Haven, Crosthwaite Park South, Dun Laoghaire, Co. Dublin

Email: dunlaoghairerefugee@ireland.com

Contact: Gary Kilgallen (Chairperson), Joan Dobbryn, Mary King

The Dun Laoghaire Refugee Project (DRP) is a voluntary organisation. It works with asylum seekers living in 2 hostels in Dun Laoghaire, providing them with advice and support in areas that include education, social welfare, health and social integration. The DRP, which works closely with social workers from the ERHA, provides the following services specifically for unaccompanied minors:

Asylum application procedure: Provides Irish Refugee Council leaflets on the application procedure and assistance with registering with legal services; attends at interviews if requested.

Family reunification: Referrals made to UNHCR and Red Cross, if requested

Health care: Minors are advised to attend a GP at the initial meeting and appointments are made with GPs on their behalf, if requested. Referrals and outreach support is provided for young mothers and pregnant unaccompanied minors.

SECTION 6 ORGANISATIONS WORKING WITH UNACCOMPANIED MINORS IN IRELAND

Education: If requested, referrals, applications and attendance at interview are provided at the following: schools; Youthreach; Sportreach; VEC and TCD computer classes; and English language classes. The DRP offers one-to-one English language teaching, where required, and arranges one-to-one literacy classes. Follow-up liaison provided with schools.

Mental health: Referrals made to counselling services, if indicated and requested. Advice on social welfare entitlements: Liaison with Community Welfare Officers re. school books, uniforms, and children's allowance.

Other services: Twice-weekly supervised homework club; swimming; regular outings to theatre, cinema, and other social events.

Irish Refugee Council

40 Lower Dominick Street, Dublin 1

Tel: 01 8730042 Email: refugee@iol.ie

Contact: Dug Cubie (Legal Officer)

The Irish Refugee Council (IRC) is a registered charity. Its main activities include: research and policy formulation on issues relating to refugees and asylum seekers; advocacy, lobbying and training; and the provision of legal advice for asylum seekers and refugees, including separated children. It provides the following services specifically for separated children:

Asylum applications: General advice on the asylum procedure; occasional attendance at asylum interviews.

Family reunification: Information and advice on procedures for family reunification; assistance with contacting the Red Cross for family tracing.

Mental health: Referrals to the NAHB Psychology Service for Refugees and Asylum Seekers.

Further services: The IRC acts as a contact for social workers who deal with separated children. It provides training on issues relating to separated children for relevant organisations and groups. In addition, it is the NGO Implementing Partner for Ireland of the Separated Children in Europe Programme.

SECTION 6 ORGANISATIONS WORKING WITH UNACCOMPANIED MINORS IN IRELAND

Spiritan Asylum Services Initiative (SPIRASI)

213 North Circular Road, Phibsboro, Dublin 7

Tel: 01 8389664/8683504/8684830 Fax: 01 8686500 Email: spiro@indigo.ie

Contact: Fr. Michael Begley (Director), Fr. Michael Murray (Assistant Director)

Richard Tomkin (Programme Co-ordinator, Irish Centre for Survivors of Torture)

Kate Creedon (Outreach Programme Co-ordinator), Bernadette Freyne (Language Programme Co-ordinator)

SPIRASI is a voluntary organisation. The main services it provides are: English language and IT training for asylum seekers; external training with schools, community and specialist groups; a medical and psychological programme for torture survivors; research and publications; hospitality and creative arts; and social outreach. The organisation provides the following services that are specifically aimed at unaccompanied minors:

Referrals to other organisations for advice on the asylum application procedure, accommodation, and family reunification.

Health care: Medical assessments for survivors of torture or witnesses to torture. Personal and therapeutic support for survivors, including physiotherapy and Chinese massage.

Education: Offers English Language and IT courses at various levels for unaccompanied minors, in addition to writing classes and a creative arts group.

Mental health: Counselling for survivors of torture, psychosocial outreach support service, advocacy and practical support for survivors of torture.

Advice on social welfare entitlements: provided for survivors of torture; all others are referred to relevant organisations.

Vincentian Refugee Centre

St. Peter's Church , Phibsboro, Dublin 7

Tel: 01 8102580 Email: refugeecentrephibsboro@eircom.net

Contact: Breege Keenan, Social Worker

The Vincentian Refugee Centre is a voluntary organisation. The main services it provides are: assistance with locating accommodation; English classes; information on social welfare entitlements; outreach work; and a women's group.

SECTION 6 ORGANISATIONS WORKING WITH UNACCOMPANIED MINORS IN IRELAND

The organisation provides the following services specifically for unaccompanied minors:

Asylum application procedure: Ensures that minors have registered with the Refugee Legal Services. Provides assistance to some teenagers who have just turned 18 with their substantive interviews and attends interviews with them.

Accommodation: Helps to find accommodation for unaccompanied minors who have been given permission by social workers to live independently.

Family reunification: Referrals to the Red Cross and other relevant agencies throughout Europe.

Health care: Ensures that unaccompanied minors have a medical card; accompanies minors for appointments with hospitals, maternity hospitals, GPs, and opticians.

Education: Assessments of clients' levels of education; assistance with finding schools close to their accommodation; provision of information on adult education courses for those who do not wish to go to school. The Centre runs a homework club for unaccompanied minors 2 evenings a week, where they receive assistance from teachers, lecturers, and students who are members of the Society of St. Vincent de Paul.

Mental health: Referrals to psychological services.

Advice on social welfare entitlements: Advises clients on Child Benefit, Medical Card, Back to School Allowance, and Exceptional Needs Payments, where appropriate.

Other services: Extracurricular activities; visits to unaccompanied minors' accommodation; follow-up work.

NOTES AND UPDATES

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