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FORUM
 FOSTER CARE FOR
 UNACCOMPANIED
 MIGRANT CHILDREN



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 and Citizenship Programme
 of the European Union

Guidance on Minimum Standards for provision of Foster Care for Unaccompanied Migrant Children



Credit Photo Valentina Tamborra

European Partners



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1. BACKGROUND

The Guidance on Minimum Standards is developed within the framework of the project **FORUM For Unaccompanied Minors - transfer of knowledge for professionals to increase foster care.**

The FORUM project responds to the European Commission priority to ensure better protection and respect for the rights of all children in migration on EU territory through the **development of a quality foster care service system** promoting the exchange of expertise from countries where foster care is already developed toward countries where the foster care provision is still limited.

In recent years, the number of children reaching EU Member States has increased and many of them are arriving unaccompanied. The existing European Union policies and legislation¹ provide a wide framework for the protection of the rights of children in migration but the recent surge of arriving migrant children have exposed gaps and shortcomings in protecting their rights and the need for target actions to better protect children in migration has been highlighted.

The project is implemented within the EU recent policies and legislation framework for the protection of the rights of the child in migration: **Communication from the Commission to the European Parliament and the Council – The protection of children in migration** (2017); the **Action Plan on Unaccompanied Minors** (2010-2014); The **European Agenda on Migration**; the Commission Recommendation “**Investing in Children: Breaking the cycle of Disadvantages**” (2013).

The “10th European Forum on the rights of the child: the protection of children in migration²” have underlined the need for targeted actions to better protect children in migration.

The action is shaped around the concept of **best interest of child** which means that all the activities should contribute to guarantee full and effective enjoyment of all the rights as well as the holistic development of the child, including physical, mental, spiritual, moral and social development.

Because of Unaccompanied Migrant Children status and degree of vulnerability, child reception must be addressed taking into account that they need a legal guardian firstly and special care and attention secondly. Too often, range of solutions in project target countries - where the empowerment of legal guardian is still left behind - is limited to residential care without considering, as priority, the best interests of the child. Moreover, in these target countries, many of the key stakeholders do not consider Unaccompanied Migrant Children as being children before being migrants.

Countries have been thus selected based on the number of Unaccompanied Migrant Children, on their experience on foster care and on the lack of practices on foster care. Based on the Report “*Reception and Living in families. Overview of family based reception for Unaccompanied Minors in the EU member States*”³, the following targeted countries have been selected:

- Countries with high percentage of Unaccompanied Migrant Children claiming for asylum (Italy, Hungary and Austria)
- Transiting countries who are expected to increase the number of Unaccompanied Migrant Children or welcoming them through relocation policies (Slovenia, Hungary and Czech Republic)
- Partner from countries with experience in foster care for Unaccompanied Migrant Children (UK)

¹ Communication from the Commission to the European Parliament and the Council – COM (2017) 211 final

² http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=34456

³ NIDOS; SALAR, CHTB, 2015.

- Partner from countries with large number of migrant children in residential care (Spain)
- Partner with great expertise in advocacy who can channel project outcomes through EU member States (EUROCHILD, Belgium).

The project is built on three pillars: Advocacy, Transfer of Knowledge and Capacity building.

- **Advocacy** at local, national and European level aims at raising awareness and promoting foster care benefits not only for Unaccompanied Migrant Children but for the whole reception system.

In order to initiate foster care programs, key stakeholders from public and private sector managing reception system need to understand the potential benefits and risks of foster care.

The partner EUROCHILD has designed a toolkit to assist child rights advocates and other professionals in influencing the governments at national, regional and local level, to promote the development of better care services for unaccompanied and separated migrant children in the EU. The toolkit can be downloaded at FORUM Website: <https://forum-project.alberodellavita.org/materials/>

- **Transfer of knowledge** is meant from associations with sound experience in foster care toward associations with minor experience; the project has elaborated a Guidance on Minimum Standards to be adapted at the national context through national standards for foster care services.
- **Capacity building** of professionals dealing with migration and child protection is crucial to extend good practices and standards to a wide range of key actors.

The project is coordinated by Fondazione L'Albero della Vita and implemented in partnership with European relevant organizations committed to improve the protection and reception of migrants and Unaccompanied Migrant Children: Accem (Spain), Organization for Aid to Refugees OPU (Czech Republic), Family Child Youth Association FCYA (Hungary), FICE – International Federation of Educative Communities (Austria), and Slovenska Filantropija (Slovenia).

Fondazione L'Albero della Vita was founded in Italy in April 1997 and since its foundation, Fondazione L'Albero della Vita has committed itself to promote effective actions aiming at ensuring well-being, protecting and promoting rights, encouraging the development of children, their families and the communities to which they belong, both in Italy and in the world.

Accem: Accem is an NGO which works in promoting the defense of fundamental rights, the support and accompaniment of persons at risk of social exclusion, with a focus on asylum and migrations.

FICE Austria: FICE Austria is the national section of FICE-International. The vision is to create networks across continents worldwide to support actions and all those working with at-risk children, children with special needs and children and young people in out-of-home care. All activities aim to respect the personality, interests and needs of the child or the young person.

Organization for Aid to Refugees (OPU) has been helping refugees and foreigners in the Czech Republic for 25 years. OPU's main activities include providing free legal and social counselling to applicants for international protection and to other foreigners in the Czech Republic, organizing training programs for both professionals and the general public, and other activities aimed at promoting integration of foreigners.

Slovenska filantropija is a non-governmental and humanitarian organization operating in public interest since 1992. Its programs are aimed at increasing the quality of life in the community and advocacy

for the disadvantaged. Various activities are combined in program units Migrations, Volunteering, Intergenerational cooperation, Promotion of health, International and development cooperation. Areas of work of the Migration unit are psychosocial, integration, legal and learning assistance, leisure activities, awareness raising and advocacy for the rights of unaccompanied and separated children, asylum-seekers, persons with international protection and other migrants.

FCYA - Family, Child, Youth Association is a non-profit organization established in 1993 in Hungary. It aims to support the protection of children and strengthen families by fortifying, training and providing services to helping professionals. The association is also involved in numerous international research and training programs, it takes part to prestigious national and international conferences.

THE EXPERT PARTNERS ARE:

CORAM (UK): an NGO with great experience in foster care and providing care and support for migrant children. It runs expert group's activities.

Fondazione ISMU: is one the most influencing research center on migration in Italy and Europe. It is member of the expert group.

EUROCHILD: is an advocacy network of organizations who promote the well-being of children. It supports the applicant in the advocacy activities and dissemination of project findings and results.

The Guidance on Minimum Standards has been designed by the **Expert Group** constituted within the project FORUM – For Unaccompanied Minors - transfer of knowledge for professionals to increase foster care with the contributions of all partners.

The Expert Group is composed of: Kamena Dorling, from CORAM CHILDREN LEGAL CENTER LBG – CORAM IntlS(UK), Giulio Giovanni Valtolina and Nicoletta Pavesi, from ISMU - Iniziative e Studi sulla Multietnicità, Dr. Maria Herzog, expert on foster care (Hungary) and Dr. Muireean Ní Raghallaigh, Lecturer in Social Work, School of Social Policy, Social Work and Social Justice, from University College Dublin (Ireland), author of one of the most relevant study on foster care system for Unaccompanied Migrant Children in Ireland⁴.



⁴ 2013, Foster Care and Supported Lodgings for separated Asylum Seeking Young People in Ireland, Banrandos and the Health Service Executive.

2. THE GUIDANCE ON MINIMUM STANDARDS

The Guidance on Minimum Standards has been developed by the interdisciplinary group of experts in coordination with partner's organizations and it details standards for foster care services for Unaccompanied Migrant Children.

The standards apply to those overseeing the provision of foster care to Unaccompanied Migrant Children. Where a standard places an expectation on foster careers, this should be interpreted as an expectation on those overseeing the fostering service to support the foster career to meet the standard.

Minimum standards do not mean standardization of provision.

The Standards are designed to be applicable to the wide variety of different types of services or projects: service providers should aim to meet the minimum standards but **should strive also for best practice.**

Standards includes: legal framework; children well-being; recruitment, training and assessment of foster carers; placement; training, development and ongoing support; monitoring; transition to adulthood.

Based on the Standards highlighted in the Guidance document, each target country is called to formulate a **Guide on National Standards**, in order to adapt the minimum standards to the national priorities and context.

The Minimum Standards reflect the key principles enshrined in the UN Convention on the Rights of the Child; as regards foster care, the following general principles are of particular importance:

- Non-discrimination (article 2)
- Best interests of the child as a primary consideration in all matters affecting them (article 3)
- The right to life, survival and development (article 6)
- Right of the child to express his or her views freely (article 12).

The Standards in providing foster care have been clustered according to the following main categories:

- Children's emotional, social and educational development
- Recruitment, assessment and training
- Placements
- Training, development and ongoing support
- Monitoring
- Promoting independence and transition to adulthood

The application of the Minimum Standards should be carried out with a strong **gender perspective**. An expert on gender mainstreaming has been involved in the project to analyse the gender dimension of the migration phenomena and how this is reflected in the project deliverables.

Gender is indeed a cross-cutting theme which is present in all the spheres of life. In the context of Unaccompanied Migrant Children, the gender dimension is particularly relevant as it strongly affects both the condition of being children as well as being migrant.

Among the Unaccompanied Children in Europe, a huge percentage, 89%, are boys, while only 11% are girls. The gender component is strongly related with the decision to undertake the migration path, which can find its root in several interconnected reasons. Among them, the necessity to contribute to the livelihoods of the family, the continuity with a traditionally migration culture, the transition to adulthood, but also persecutions, wars and other harsh living conditions. Sometimes, especially for boys, migration is a voluntary decision. Taking into account the drivers to migrate, and the experience during migration, gender is a fundamental element when designing interventions; gender is among the elements that influence both the decision and the experience and therefore must always be considered.

Based on these assumptions, the Guidance include as well a part of recommendations in order to guide social services, professionals and organizations in the strengthened inclusion of the gender dimension in the provision of the foster care for Unaccompanied Migrant Children.



Credit Photo Valentina Tamborra

3. DEFINITION OF UNACCOMPANIED MIGRANT CHILDREN

According to the European Commission¹, the term ‘children in migration’ covers all third national country children who migrate from their country of origin to and within the territory of the EU in search of survival, security, improved standards of living, education, economic opportunities, protection from exploitation and abuse, family reunification or a combination of these factors...”.

However, we consider these standards to be applied to all children in migration.

Unaccompanied Migrant Children (also called unaccompanied minors) are children, as defined in article 1 of the Convention of the Rights of the Child, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.²

Separated children are children, as defined in article 1 of the Convention, who have been separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

The document adopts the definition set up in the Article 20 of the United Nation Convention on the Rights of the Child:

The UN Convention on the Rights of the Child, Article 20:

- 1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.*
- 2. States Parties shall in accordance with their national laws ensure alternative care for such a child.*
- 3. Such care could include, inter alia, foster placement, kafala of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.*

The Minimum Standards are applied to Unaccompanied Migrant Children who are seeking, or have sought, asylum in the host country as well as to Unaccompanied Migrant Children who arrived in a EU country but are not seeking for asylum.

¹ EC, “The protection of children in migration”, 2016

² Para 7, General Comment No. 6 (2005), Treatment of unaccompanied and separated children outside their country of origin, at <http://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf>

4. THE MINIMUM STANDARDS

All family-based care-settings must meet general Minimum Standards in terms of, for example, living conditions, safeguarding and access to basic services (such as education and health).

The Minimum Standards should reflect the key principles enshrined in the UN Convention on the Rights of the Child, which are discussed in the Committee on the Rights of the Child's General Comment Number 6 (2005) on the Treatment of Unaccompanied and Separated Children outside of their Countries of Origin.

As regards foster care, the following general principles are of particular importance:

- Non-discrimination (article 2)
- Best interests of the child as a primary consideration in all matters affecting them (article 3)
- The right to life, survival and development (article 6)
- Right of the child to express his or her views freely (article 12)

All of those involved in the provision of foster care should ensure that in all actions concerning children, the best interest of the child is a primary consideration; that they are treated as a child first and foremost, without discrimination, and that each child who is capable of forming his or her own views has the right to express those views freely in all matters affecting them, according to his/her age and degree of maturity.

A child's carer/s have a responsibility to promote all aspects of the child's development.

1. Children's emotional, social and educational development

Foster carers of Unaccompanied Migrant Children should help them experience as full a family life as possible as part of a loving foster family with a carer / carers who can make everyday decisions as they would their own child/ren.

Foster carers should value diversity and should enable the child to experience a positive sense of identity and help them to reach their potential. This should be done through individualised care, by providing an environment and culture that promotes, models and supports positive behaviour and helps the children develop skills and emotional resilience that will prepare them for independent living, including reunification with their families where possible and appropriate.

However, it's important to highlight the need to assess if family reunification is in the best interests of the child. Family reunification in the country of origin is not in the best interests of the child and should therefore not be pursued where there is a "reasonable risk" that such a return would lead to the violation of fundamental human rights of the child¹.

Foster carers should ensure that the Unaccompanied Child's views, wishes and feelings are taken into account in all aspects of their care; and that they are helped to understand why it may not be possible to act upon their wishes in all cases; and know how to obtain support and make a complaint.

Foster carers should advocate for all aspects of the child's development, including educational attainment and physical and emotional health and well-being. The child's wishes and feelings should be taken into account, by the foster family as well as by other key individuals in their life, for example social workers, teachers, legal professionals, guardians, local authority staff and advocates.

¹ <https://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf>

A child's health should be promoted in accordance with their placement plan, and foster carers should be clear about what responsibilities and decisions are delegated to them and when consent from the child or guardian for medical treatment or other decisions needs to be obtained.

Foster carers should be given practical help to support appropriate contact with family, if this is in the best interest of the child, alongside support to manage any difficult emotional or other issues that the child and foster carer may have as a result of contact.

Foster carers should be supported to promote children's social and emotional development, and to enable children to develop emotional resilience and positive self-esteem.

Children should be helped by their foster carer to develop their emotional, intellectual, social, creative and physical skills. They should be supported to take part in school based and out of school activities.

Foster carers should actively safeguard and promote the welfare of foster children. They should endeavour to make positive relationships with children, generate a culture of openness and trust and should be aware of and alert to any signs or symptoms that might indicate a child is at risk of harm, or at risk of going missing.

2. Recruitment, assessment & training

A fostering service should recruit, assess and support a diverse group of foster carers who can respond appropriately to the wide-ranging needs of the Unaccompanied Migrant Children for whom they provide care, including their ethnic, cultural, religious and linguistic needs. This may include carers from the host country and carers from a migrant background.

The fostering service should as well develop criteria and guidance on how to select the migrant children given a recruited family, taking into account his/her wishes, background situation, specific needs or any other relevant aspect that might affect the smooth relationship with the foster family.

The assessment process should be set out clearly to prospective foster carers, including:

- the qualities, skills or aptitudes being sought or to be achieved;
- the standards to be applied in the assessment;
- the stages and content of the selection process and, where possible, timescales involved;
- the information to be given to applicants.

The assessment should be conducted by someone with appropriate training and knowledge and should involve face to face meetings with the prospective foster carers and with any other family members living in the household. In most cases there are standard criteria on the professional level and experience needed to do the assessment and the training. In some programs, like the PRIDE for instance, the assessment is done during the pre-service training, where the trainers and the members of the group are also providing feedback for the prospective foster parents.

The foster home should be able to comfortably accommodate all who live there including where appropriate any suitable aids and adaptations when caring for a child with disabilities or other special needs/vulnerabilities. It should be warm, adequately furnished and decorated, and maintained to a good standard of cleanliness and hygiene. Outdoor spaces which are part of the premises should be safe and secure.

The environment, neighbourhood and availability of relevant services (for example appropriate school education and access to religious institutions) should also be assessed before a child is placed in that area.

Prospective foster carers should be provided with training and preparation to become foster carers in a way which addresses, and given practical techniques to manage, the issues they are likely to encounter and identify the competencies and strengths they have or need to develop.

3. Placements

Prior to the placement of each child, the foster carer should be provided with all the information held by the fostering service that they need to carry out their role effectively. The information is provided in a clear, comprehensive written form and includes the support that will be available to the foster carer.

It is very important to recognise the sensitivity of some of the information and data protection, confidentiality. It has to be regulated carefully and not used to block the provision of the needed information.

The placement should be discussed with the child and they should be given information about the foster care system and their rights.

Efforts should always be made to place children with carers who can meet their needs, including their ethnic, religious, cultural and linguistic needs. In making decisions about where a child should be placed, the best interests of the child should be a primary consideration and his/her consent should be taken into consideration, as his/her wishes and feelings taken into account. The consent of his/her guardian is also needed.

When placements are made, foster carers and Unaccompanied Children should be made clear about the continuing care or support that will be in place (and whether this will continue when the child transitions into adulthood) and contingency plans should be made should the placement not work out.

Siblings should not be separated from each other in care placements unless there are compelling reasons for doing so. Where they are separated, regular and appropriate arrangements should be put in place for them to have contact with each other.

A child should be welcomed into a foster home and leave a foster home in a planned and sensitive manner which makes them feel respected, valued and accepted. Clear procedures should exist for introducing children into the foster care placement, to the foster carer and to others living in the household. These procedures should cover planned and, where permitted, emergency/immediate foster care placements. They help children understand what to expect from living in the foster home.

Where there are other children in the foster family, their views should be listened to and they should be encouraged to engage with the foster child.

4. Training, development and ongoing support

Foster carers should receive the training and development they need to carry out their role effectively, on an ongoing basis. A clear framework of training and development should be put in place and this should be used as the basis for assessing foster carers' performance and identifying their development needs.

Foster carers should have the support services and development opportunities they need in order to learn the various skills and approaches that can help them provide their foster child with the best possible care.

This should include an understanding of:

- the domestic immigration and asylum system and how to support the child within that system;
- the situation of unaccompanied children in the country and in Europe in general;
- the impact of migration on unaccompanied children;
- the impact of previous adversities, including trauma, on unaccompanied children;
- trafficking and the risks of children going missing;
- the social care system and services that can support foster families during foster care;
- resilience;
- cultural diversity;
- gender issues;
- the rights and the duties of the foster child and foster family;
- the importance of family contact (where appropriate and safe).

Foster carers should receive support on how to manage their responses and feelings arising from caring for children, particularly where children display very challenging behaviour, and should understand how children's previous experiences can manifest in challenging behaviour.

Sufficient resources and supports should be put in place to enable difficulties in foster placements to be overcome, in order to ensure continuity of care for unaccompanied children, unless such continuity is not considered to be in their best interests.

5. Monitoring

The relevant agency or authority should visit and conduct flexible monitoring of each foster care arrangement, at a minimum four times a year with approximately three months' intervals until the child turns 18, or in case the foster care continues, until the foster care ends.

Visits can be organised as well with no prior advice. Ideally monitoring should be undertaken by a different social worker to the one supervising the foster parents.

Monitoring should include an opportunity for foster carers and the child to share their views on any needs and problems that should be addressed, both separately and together.

6. Promoting independence and transition to adulthood

Foster carers should help children to prepare for leaving the foster family, with the nature of the preparation depending on why they are leaving the foster family.

Unaccompanied Children may be moving on to a new care placement or moving out of care because they have turned 18. They may be reuniting with family either in the country of reception, in the country of origin or in another country. In some contexts, Unaccompanied Children may be subject to deportation orders, being returned either to their country of origin or to a third country, or reunited to his/her family or resettled in a third country. The nature of the preparation will vary depending on the plan that is in place for the children.

Foster carers should help children to prepare for adulthood so that they can reach their potential and

achieve psychosocial and economic wellbeing. There should be training and support available in preparing and supporting young people to make the transition to independence and to either building their futures in that country, in their country of origin or in another country. This might include education and employment.

Foster families cannot be alone in this important commitment. Social Services or other competent authorities have the responsibility to support foster families, promoting support projects for children in transition to adulthood, along with the public services network and third sector organisations (for example in relation to social housing, education, apprenticeships, employment, etc.).

7. Gender dimension

As result of the gender analysis conducted, Minimum Standards on how to mainstream the gender component in providing foster care have been point out:

- Mention and include gender among the grounds that influence the needs of children and that are taken into consideration when designing an intervention, together with ethnic, cultural, religious and linguistic needs;
- Research and provide more details on the different experiences children live according to their gender, both as children and as migrant children, so that professionals are able to design more punctual interventions that can better address needs of children;
- Due to the nature of the phenomena, pay extra attention on masculinity dynamics and make sure that they are adequately studied, acknowledged, understood and integrated in the design of interventions;
- Make sure that gender is considered and discussed as a driver for migration, but also a cross-cutting theme that influence all migration steps;
- Duly stress the importance of preparing operators and foster families on how to deal with gender related elements that may lead to physical, psychological and behavioural health issues;
- When dealing with foster families, make sure that operators -and foster families themselves- are duly aware that gender is profoundly linked to the culture of each country and as so, there are implications that can define and affect the family experience;
- Ensure that gender neutral language is always used, and that words, images, video and other messages do not reinforce stereotypes and prejudices. Take extra care on unwanted subliminal messages.