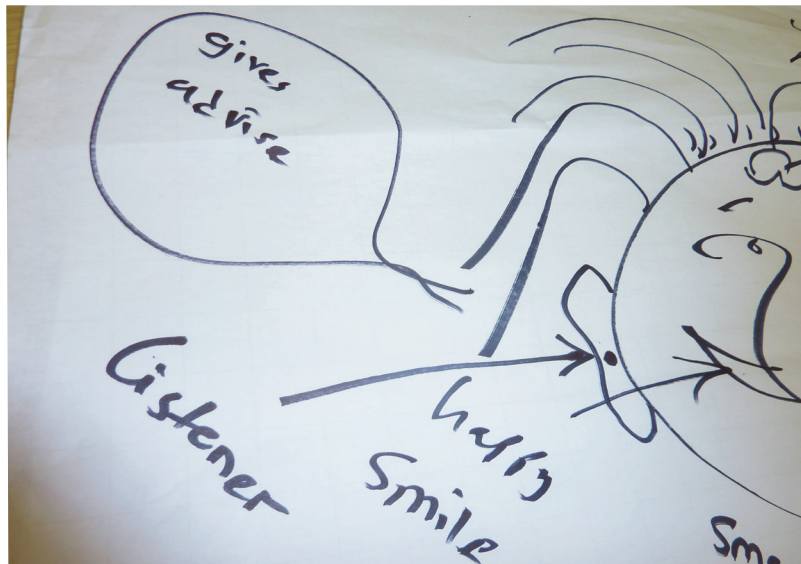
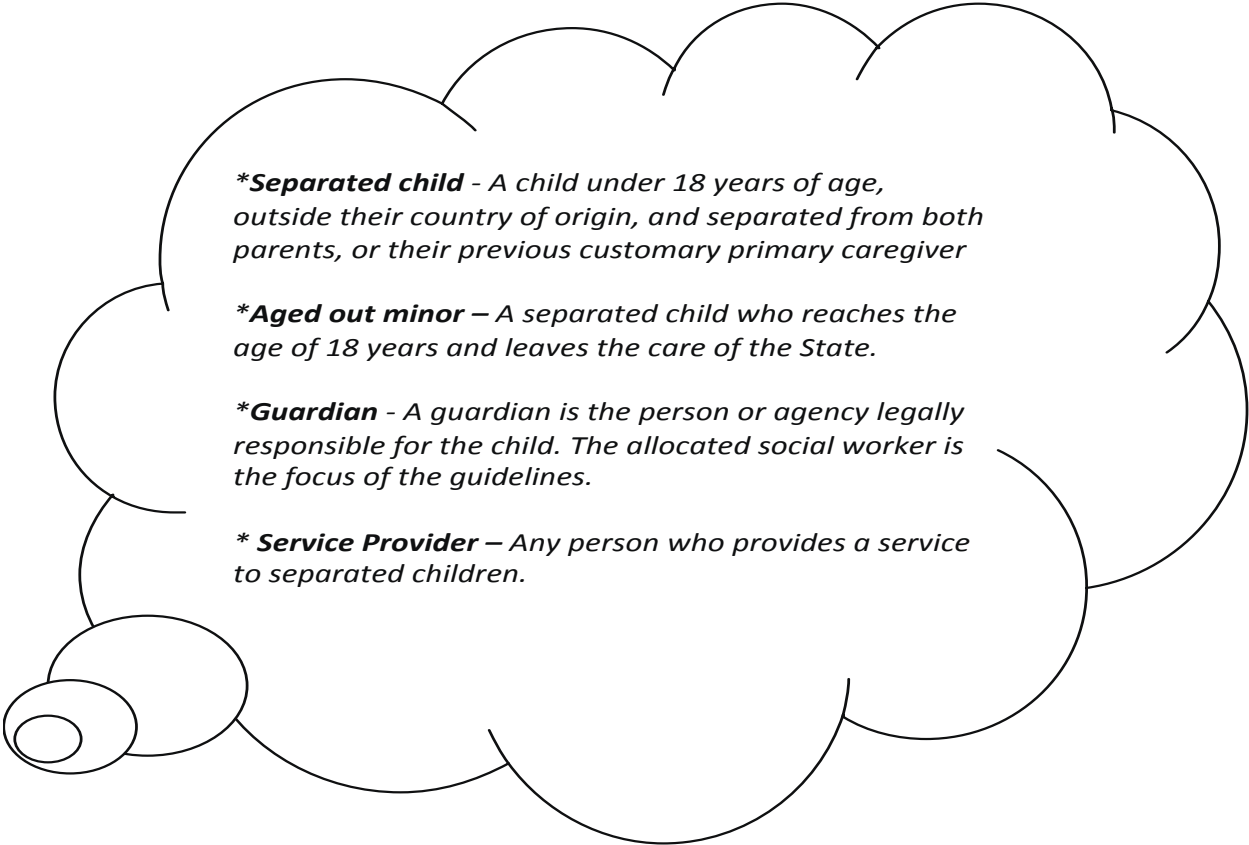


Closing a Protection Gap



A Guide for Guardians of Separated Children

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***Separated child** - A child under 18 years of age, outside their country of origin, and separated from both parents, or their previous customary primary caregiver

***Aged out minor** – A separated child who reaches the age of 18 years and leaves the care of the State.

***Guardian** - A guardian is the person or agency legally responsible for the child. The allocated social worker is the focus of the guidelines.

*** Service Provider** – Any person who provides a service to separated children.

Introduction

Separated children and guardians voice their opinion in the project 'Closing a Protection Gap for Separated Children in Europe'. In eight national reports they talk about the qualifications and responsibilities of the guardian in relation to reception, return, legal procedures and durable solutions for the child. Separated children identify what qualities they would like in a guardian. The recommendations in the Irish report provide an instrument to strengthen the qualifications of service providers working with separated children. You can find the full text of the report at www.irishrefugeecouncil.ie.

The current difference in the level of protection separated children receive in European countries is not acceptable. All European countries have signed the Convention on the Rights of the Child and have the obligation to take into account the special needs of separated children. Proper guardianship systems are essential to assist in finding a durable solution for separated children, whether that be assistance in return to their country of origin; transfer to another country, for example for family reunification; or integration into the host country.

This guide provides a toolbox for service providers in supporting the special needs and rights of separated children.

Photo: Sophie Magennis, Head of Office at UNHCR, and Separated Children's Officer at the IRC, Samantha Arnold, at the launch of 'Closing a Protection Gap: Core Standards for the Guardians of Separated Children', 1 /2/11.



Recommendations

Separated children may be seeking asylum because of fear of persecution or lack of protection due to human rights violations, armed conflict or disturbances in their own country. Others may have travelled to Ireland to escape conditions of extreme deprivation. Many have witnessed violence or been the victim of physical or sexual violence themselves. They may have seen family members beaten, raped or even killed.

These traumatic experiences place these children at risk of developing psychological problems in the future. Children within the asylum process are at particular risk and require special attention due to their dependence on adults to navigate the complex asylum system, their vulnerability to physical and psychological trauma and problems with accessing support or mainstream services essential to their growth and development. Like all children, they need protection and care to develop into healthy young adults.

The following recommendations were derived from the gaps identified by separated children, aged-out minors, service providers and past research.

CLARIFY ROLES AND RESPONSIBILITIES

- Ensure the child understands who has legal responsibility for them.
- Work towards making the separated child feel safe.
- Be a consistent and reliable figure and role model

DETERMINING CARE PLANS AND THE BEST INTERESTS OF THE CHILD

- Ensure each separated child has a care plan with a durable solution in mind after an individual assessment determining their immediate and long-term protection, accommodation, health, psycho-social, education and care needs. This should be re-evaluated, monitored and updated regularly.
- Use UNHCR Guidelines on Best Interest Determination, along with the child's own views in assessing their best interest.
- Consult with the child in collaboration with the care staff or foster carers and the child's solicitor in making individual care plans for the separated child.
- Give children a copy of their own care plan.
- Involve the child in all decisions that affect them.
- Ensure, above all, that all decisions are taken in the child's best interests.

CONTACT

- Ensure that your case load is such that you are able to maintain reasonable contact with the separated child depending on the needs of the individual child.
- Ensure that the child is not required to repeat personal and traumatic information to large numbers of people.
- Hold meetings face-to-face and apart from the foster family or other carers.
- Ensure that the child has your contact details in order to communicate directly and privately with you.
- Provide additional and more consistent support to new arrivals.

COMMUNICATING, UNDERSTANDING AND ENCOURAGING PARTICIPATION

- Inform the child of their rights separately.
- Bear in mind the need to develop the relationship with separated children slowly. Clarify roles and responsibilities.
- Only introduce vital information or immediate concerns at the first meeting.
- Explain legal, educational and care circumstances slowly and break down the information.
- Ensure the child understands what is being planned and discussed- use visual or written aids.
- Make sure child-friendly materials are available for the first meeting with the separated child.
- Make sure the child is aware that interpretation and translation services are available during interviews, assessments or meetings.
- Inform the child of how and where to complain about their solicitor, social worker and carers (foster or residential). Make sure information is accessible and written in a child-friendly way so the child can refer to the written information in order to be able to make complaints independently.

‘I’d like my social worker to be a good listener & always to [stand] behind me doesn’t matter if I’m wrong or right’
- (Aged-Out Minor)

‘It’s important to listen - ask them (separated children), they’ll tell you’
- (Social Worker)

‘You have to ask yourself, have I considered the child’s wishes & views?’
(Guardian ad Litem)

INDEPENDENT ADVOCACY

- Where there is a conflict of interest with the organisation to which you are affiliated, refer the young person on to work with an independent advocate through an NGO or advocate for the appointment of a guardian *ad Litem*.

COMMUNITY & CHILD DEVELOPMENT

- Put in place a support network for the child.
- Link the child with specialised services, including mentor and psycho-social services.
- Act as an intermediary between the child, schools, lawyers and other service providers.

AGE ASSESSMENT

- No separated child should be subjected to intrusive medical examinations for the purposes of age assessment.
- Work towards ensuring the child is supported through age assessment procedures. Appeal decisions with ORAC if, after observation, the child appears to be a different age.

THE ASYLUM PROCESS

- Get advice and include the child in deciding whether or not applying for asylum is in their best interest.
- Talk the child through the asylum process and assure them of your support.
- Ensure that information is available in different languages in a child-friendly format and in hard copy. Repeat information regularly and check for understanding.
- Ensure a responsible adult attends all meetings and interviews with the separated child. This person should be chosen to attend by the separated child.

TRAINING & KNOWLEDGE

- Be prepared for interviews and know your role and responsibilities in the process.
- Be vigilant for signs of distress during interviews and ask for breaks when needed.
- Ask for help every step of the way.
- Seek training on unfamiliar topics (e.g. human trafficking, exploitation, asylum legislation, cultural sensitivity, etc). Ask NGOs and State agencies!

PREVENTION OF CHILDREN GOING MISSING FROM CARE

- You are responsible for collecting identity information to the best of your ability.
- Look out for signs that a child has been trafficked and be familiar with the relevant legislation and procedures for the protection of victims of trafficking.
- Provide a consistent presence and build a relationship built on trust with the young person.

RETURN & REUNIFICATION

- Contact the Irish Red Cross as soon as possible to discuss options.
- Inform the child of their right to pursue a confidential application to 'Restore Family Links', individually or with your help.
- Include the option of 'Restoring Family Links' as part of any care plan.
- Ensure that you do not contact any person or body in the child's country of origin that may put the child or the child's family in danger.
- Always consult with the Irish Red Cross or the International Organization for Migration (IOM) when undertaking a search for family.
- Once proceedings have been initiated, keep the Irish Red Cross informed of any changes of address for the child, especially when they leave the care of the HSE.
- Maintain contact with the child upon return until satisfied that the welfare of the separated child is being upheld in their best interest.
- Contact IOM for updates if you do not have contact with the child or the child's guardian or social worker in the country of return.

RELATIONSHIP BUILDING: TRUST & DOING 'FUN' THINGS

- Keep changes in social workers to a minimum.
- Respect the child's right to confidentiality.
- Ensure that the child is linked in with activities that are appropriate to the child's needs and interests.
- Work towards being a link between the child and others providing support to him or her.
- Work towards a consistent schedule and try to meet for a coffee or a social activity, where possible.
- Ring your separated child just to check-in, with no other administrative reasons.

AFTERCARE

- Continue support throughout the ageing-out process and after.
- Maintain contact with the separated child until satisfied that the child is able to thrive in Ireland independently and has an alternative support system in place - which may be a voluntary mentor. Work towards ensuring after-care support for separated children, regardless of status.
- Prepare the child to live independently before they reach the age of 18.
- Ensure separated children have access to education when they are moved out of Dublin, including access to language supports.

Useful contacts

FOR INFORMATION:

The Integration Centre
18 Dame Street, Dublin 2
Phone: (01) 645 3070 / (01) 677 0061

Ombudsman for Children's Office
Millennium House, 52-56 Great Strand Street Dublin 1
Free phone: 1800 202040

United Nations High Commissioner for Refugees (UNHCR)
Merrion House, Suite 4, 1-3 Lower Fitzwilliam Street, Dublin 2
Phone: (01) 631 4613

Barnardos Ireland
Christchurch Square, Dublin 8
Phone: (01) 453 0355 Callsave: 1850 222 300

Irish Society for the Prevention of Cruelty to Children (ISPCC)
29 Lower Baggot Street, Dublin 2
Free phone: 1800 666 666

Irish Association for Young People in Care (IAYPIC)
7 Red Cow Lane, Smithfield, Dublin 7
Phone: (01) 872 7652

The Health Service Executive Team for Separated Children
Phone: (01) 647 7000

Crosscare Youth After Care Support Service
26 Upper Wellington Street, Dublin 7
Phone: (01) 830 1188 /(01) 882 8670 / Mobile: 085 146 1452

FOR INDEPENDENT LEGAL ADVICE:

Free Legal Advice Centres
13 Lower Dorset Street, Dublin 1
Phone: 1890 350 250

Irish Refugee Council
2nd Floor Ballast House, Aston Quay, Dublin 2
Phone: (01) 764 5854

Immigrant Council of Ireland
2 St. Andrews Street, Dublin 2
Phone: (01) 674 0202

FOR HELP IN FAMILY TRACING:

Irish Red Cross

The Irish Red Cross Head Office, 16 Merrion Square, Dublin 2

Phone: (01) 642 4600

FOR INFORMATION ON RETURN TO HOME COUNTRIES:

International Organization for Migration

7 Hill Street, Dublin 1

Phone: (01) 878 7900

FOR EDUCATION SUPPORT:

Separated Children Education Service (CDVEC)

Parnell Adult learning centre, Parnell Square, Dublin 1

Phone: (01) 878 6662

FOR EMOTIONAL SUPPORT:

Childline

Free phone: 1800 666 666.

Samaritans

112 Marlborough Street, Dublin 1

Phone: (01) 671 0071

Teenfocus

Phone: (01) 676 7960

Closing a Protection Gap

Closing a Protection Gap aims to improve the situation and opportunities for separated children by developing core standards with a focus on qualifications of guardians based on the views of separated children in relation to their rights according to the Convention on the Rights of the Child and European Union directives.

Endorsed by:

