

# Durable Solutions for Separated Children in Europe

## National Report: Cyprus



HFC  
"Hope  
For  
Children"



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# CYPRUS

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“Hope For Children” UNCRC Policy Center  
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## **Glossary of Terms**

BIA: Best Interests Assessment

BID: Best Interests Determination

CRC: See UNCRC

DS: Durable Solution

EC: European Commission

ECHR: European Court of Human Rights

HFC: Hope for Children

HFH: Home for Hope

ISS: International Social Services

Mol: Ministry of Interior

MoL: Ministry of Labour and Social Insurance

NGO: Non-Governmental Organisation

SCEP: Separated Children in Europe Programme

SWS: Social Welfare Services

TCN: Third Country National

THB: Trafficking in Human Being

UMAS (s): Unaccompanied Minor Asylum Seeker(s)

UM(s): Unaccompanied Minor(s)

UM: Unaccompanied Minor

UNCRC: United Nations Convention on the Rights of the Child

UNHCR: United Nations High Commissioner for Refugees

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## 1. Introduction

Children are at an increased risk of being separated from their families or customary caregivers during the chaos of conflict, flight and displacement. A separated child is a child under 18 years of age who has 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. Some do not travel alone but in the company of others, potentially including traffickers or smugglers.<sup>1</sup>

Separated children, like adults, flee their countries for a number of reasons. Some travel to join family who previously migrated. Others flee war, civil unrest, natural disaster or persecution. Some children migrate in search of work, opportunity, education or an improved standard of living. Additionally, children may migrate unaccompanied to escape a difficult family environment. This can involve sexual or physical maltreatment or the prospect of forced marriage. Others may migrate to escape female genital mutilation, child marriage or conscription into formal or informal armed forces.<sup>2</sup> Some separated children are also sent by their parents to pursue a better life, both for the child, in the short term, and their family, in the long term<sup>3</sup>

A significant body of research has also emerged around the specific vulnerability of separated children post-migration,<sup>1</sup> over recent years. The literature argues that separation from family and carers can be traumatic for children and thus increase their vulnerability,<sup>4</sup> contending that separated children are at a high risk of experiencing: sexual exploitation and abuse including: early/forced marriage and human trafficking; military recruitment; child labour including forced domestic labour; detention; discrimination; neglect and violence.<sup>5</sup> However, research also points to the resilience of separated children to integrate, overcome difficult experiences and thrive in new communities.<sup>6</sup> Therefore, separated children can be considered vulnerable due to their circumstances and sometimes past experiences, while also being considered resilient with the ability to forge new paths.

Separated children, once in the country of arrival, are considered to be particularly vulnerable because they lack essential adult care and the traditional support systems of parents and family.<sup>7</sup> It is for this reason that the European Commission and others argue that a durable solution for separated children must be found as a matter of priority.<sup>8</sup>

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1. See: UN Committee on the Rights of the Child General Comment No. 6 on Treatment of Unaccompanied and Separated Children Outside their Country of Origin, Committee on the Rights of the Child, Committee on the Rights of the Child, 2005 (CRC/GC/2005/6).

2. See, generally: UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, 22 December 2009, HCR/GIP/09/08, available at: <http://www.refworld.org/docid/4b2f4f6d2.html> [accessed 9 March 2015].

3. European Migration Network, Unaccompanied Minors – an EU comparative study (2010) at 22. Available at: [http://emm.si/files/publikacije/00\\_emn\\_synthesis\\_report\\_unaccompanied\\_minors.pdf](http://emm.si/files/publikacije/00_emn_synthesis_report_unaccompanied_minors.pdf) [Date accessed: 7th August 2014].

4. See, for example: Russell, S. (1999) Unaccompanied Refugee Children in the United Kingdom. *International Journal of Refugee Law* 11(1), Bhabha, J. and Young, W. (1999) Not Adults in Miniature: Unaccompanied Child Asylum Seekers and the New U.S. Guidelines. *International Journal of Refugee Law* 11(1) and Bhabha, J. (2004) Demography and rights: women, children and access to asylum. *International Journal of Refugee Law* 16(2).

5. See, generally: Bhabha, J. (2014) *Child Migration and Human Rights in a Global Age*. Princeton, Princeton University Press. & See, for example: Communication from the Commission to the European Parliament and the Council - Action Plan on Unaccompanied Minors (2010 – 2014) SEC(2010)534 /\* COM/2010/0213 final and Bhabha, J. and Young, W. (1999) Not Adults in Miniature: Unaccompanied Child Asylum Seekers and the New U.S. Guidelines. *International Journal of Refugee Law* 11(1)

6. See, for example: M. Ni Raghallaigh & R. Gilligan (2010) Active survival in the lives of unaccompanied minors: coping strategies, resilience, and the relevance of religion *Child and Family Social Work* 15:2, 226-237.

7. See, generally: Separated Children in Europe Programme, SCEP Statement of Good Practice, March 2010, 4th Revised Edition, available at: <http://www.refworld.org/docid/415450694.html> [accessed 9 March 2015].

8. European Commission, Report from the Commission to the Council and the European Parliament. Brussels 28.9.2012 COM(2012) 554 final.

## 1.2 Durable Solutions: International Law and Guidance and the European Union

The European Commission, in their Mid-term report on the implementation of the Action Plan on Unaccompanied Minors, identified ‘prevention, reception and identification of a durable solution’ as one of the main strands to focus on in respect of promoting a European-wide approach to the care of separated children, reiterating the need for European harmonisation.<sup>9</sup> In order to harmonise the aforementioned strands across Europe, there must be an understanding of the key principles and terminology at play. In the case of ‘durable solutions’, there is a general lack of clarity around the term.

The term ‘Durable solutions’, in the context of separated children, appears in a number of comments, reports and guidelines. The European Commission,<sup>10</sup> UNHCR,<sup>11</sup> SCEP,<sup>12</sup> the Committee on the Rights of the Child,<sup>13</sup> the Council of Europe’s Life Projects,<sup>14</sup> UNICEF’s Child Notices,<sup>15</sup> the Core Standards for Separated Children in Europe,<sup>16</sup> the Fundamental Rights Agency,<sup>17</sup> UNHCR and UNICEF’s Safe and Sound<sup>18</sup> report as well as European legislation<sup>19</sup> all suggest that finding a durable solution that is in the best interests of the child is part of a robust system of safeguarding separated children. UNHCR further notes that this principle applies both in the case of a child who has been granted asylum and one who has received a negative decision in relation to an asylum claim. UNICEF and UNHCR note the importance of considering child specific protection needs in the effort to determine durable solutions, in particular, one which includes providing international protection (refugee or subsidiary/complimentary protection).<sup>20</sup> UNHCR argues that a solution should be identified on a case-by-case basis and all aspects of the case should be duly weighed and considered in respect of the best interest of the child.<sup>21</sup>

SCEP and the Core Standards contend that the best interest of the child must be determined in the short and long term through identifying a durable solution that addresses all their protection needs, considers their own views and, wherever possible, leads to overcome SCEP and the Core Standards contend that the best interest of

9. Ibid.

10. Recommendation CM/Rec(2007)9 of the Committee of Ministers to member states on life projects for unaccompanied migrant minors. Adopted by the Committee of Ministers on 12 July 2007 at the 10002nd meeting of the Ministers’ Deputies.

11. UN High Commissioner for Refugees (UNHCR), Field Handbook for the Implementation of UNHCR BID Guidelines, November 2011, available at: <http://www.refworld.org/docid/4e4a57d02.html> [accessed 9 March 2015].

12. Separated Children in Europe Programme, SCEP Statement of Good Practice, March 2010, 4th Revised Edition, available at: <http://www.refworld.org/docid/415450694.html> [accessed 9 March 2015].

13. UN Committee on the Rights of the Child (CRC), General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6, available at: <http://www.refworld.org/docid/42dd174b4.html> [accessed 9 March 2015].

14. L. Drammeh (2010) Life Projects for Unaccompanied Migrant Minors : A handbook for front-line professionals. Council of Europe Publishing(hereinafter Life Projects 2010). Available at [http://www.coe.int/t/dg3/migration/archives/Source/ID10053-Life%20projects\\_GB.pdf](http://www.coe.int/t/dg3/migration/archives/Source/ID10053-Life%20projects_GB.pdf) [accessed 30 September 2014] (c).

15. See, for example, UN Children’s Fund (UNICEF), Child Notice Afghanistan 2013, January 2013, available at: <http://www.refworld.org/docid/5124c09e2.html> [accessed 9 March 2015].

16. See: <http://www.corestandardsforguardians.com/> [accessed 19 May 2015].

17. European Union: European Agency for Fundamental Rights, Guardianship for children deprived of parental care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking, June 2014, ISBN 978-92-9239-464-6, available at: <http://www.refworld.org/docid/53b14fd34.html> (hereinafter Handbook 2014) [accessed 30 September 2014], p 92-98.

18. UN High Commissioner for Refugees (UNHCR), Safe and Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe, October 2014, available at: <http://www.refworld.org/docid/5423da264.html> [accessed 9 March 2015].

19. European Union: Council of the European Union, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, 15 April 2011, 2011/36/EU, available at: <http://www.refworld.org/docid/50ec1e172.html> [accessed 30 September 2014]. Preamble: Recital 23 & Article 16(2).

20. UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, 22 December 2009, HCR/GIP/09/08, available at: <http://www.refworld.org/docid/4b2f4f6d2.html> [accessed 9 March 2015].

21. UN High Commissioner for Refugees (UNHCR), Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum, February 1997, available at: <http://www.refworld.org/docid/3ae6b3360.html> [accessed 30 September 2014].

the child must be determined in the short and long term through identifying a durable solution that addresses all their protection needs, considers their own views and, wherever possible, leads to overcoming the situation of being unaccompanied or separated, including through exploring the possibility of family reunification in the country of arrival, third country or in their home country.<sup>22</sup>

The Committee on the Rights of the Child holds that regard must be had to the child's identity when making a Best Interests Determination. European law requires that such a determination take into account the child's nationality, upbringing, ethnic, cultural and linguistic background,<sup>23</sup> particular vulnerabilities and protection needs and also the child's views in accordance with their age and maturity,<sup>24</sup> including when determining their accommodation arrangements.<sup>25</sup> The Council of Europe in the Life Projects contends that the purpose of considering these factors is to develop the capacities and potential of each child, to support the development of independence and responsibility and resilience to enable each young person to become an active member of society whether they remain in the host country or return to the country of origin.<sup>26</sup> This guidance highlights the inter-connectivity of the durable solutions process and the best interest determination process. Therefore, the durable solution must involve a best interest determination and indeed be a solution that reflects the best interest of the child. This is supported by the UNHCR's description of the durable solution process, noting that consideration for Article 3.1 of the CRC, which relates to the best interest,<sup>27</sup> must be considered at the outset, before a durable solution decision can be taken.<sup>28</sup> In this way, the best interest assessment must come before decisions relating to the durable solution are made. As the durable solution process evolves, the best interest must also be re-assessed in line with any changes in circumstances or wishes of the child. The above named reports and guidelines argue that provision must be made for progress, monitoring and reviewing or revising the project both routinely and in response to changes in the minor's situation.

The Life Projects argue that the solution must be 'lasting'<sup>29</sup> for both Member States and the minors themselves, meeting the challenges arising out of the migration of unaccompanied minors.<sup>30</sup> The Fundamental Rights Agency argues that it must also ensure that the child's rights are secured into the future.<sup>31</sup>

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**22.** UN High Commissioner for Refugees (UNHCR), Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum, February 1997, available at: <http://www.refworld.org/docid/3ae6b3360.html> [accessed 30 September 2014].

**23.** European Union: Council of the European Union, Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, L 180/96, available at: <http://www.refworld.org/docid/51d29db54.html> [accessed 30 September 2014].

**24.** Ibid & UN Committee on the Rights of the Child (CRC), CRC General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6, available at: <http://www.refworld.org/docid/42dd174b4.html> [accessed 30 September 2014], 79-94.

**25.** European Union: Council of the European Union, Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), 20 December 2011, OJ L 337; December 2011, pp 9-26, available at: <http://www.refworld.org/docid/4f197df02.html> [accessed 30 September 2014], Article 30(3).

**26.** Life Projects 2010.

**27.** Convention on the Rights of the Child 1989, Article 3 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. 3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

**28.** See Figure 1 in UNHCR (2014) Safe and Sound: What States can do to ensure respect for the best interests of unaccompanied and separated children in Europe, p 16.

**29.** Life Projects 2010 p 9.

**30.** Ibid.

**31.** European Union: European Agency for Fundamental Rights, Guardianship for children deprived of parental care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking, June 2014, ISBN 978-92-9239-464-6, available at: <http://www.refworld.org/docid/53b14fd34.html> (hereinafter Handbook 2014) [accessed 30 September 2014], p 92-98.

In summary, the existing guidance, research and projects tell us that a durable solution is a lasting solution, determined as early as possible with the possibility of review and revision which takes into account the child’s individual best interest by considering the child’s: family circumstances; background, including nationality, religion and culture; safety, including risks of trafficking; particular vulnerabilities and protection needs and their views in accordance with their capacity. The determination of a durable solution is therefore a process.

This project aims to analyse the durable solution process for separated children in Ireland through a review of existing research and interviews with service providers and young people.

### 1.3 Methodology

Desk research was undertaken to create a framework for the term ‘durable solution’ in caring for separated children in Europe. This was done by reviewing existing conceptualisations of the term in the CRC, Comment No. 6 and the relevant Council Directives. Additionally, a review of the literature and case law was also carried out. The framework and brief literature review is included in the introduction of the national reports for each of the 10 partners (Section 6 of this introduction) and is expanded in the international report.

The Irish Refugee Council was the lead on this project. The Department of Applied Social Science at University College Dublin and the Social Work Team for Separated Children of the Child and Family Agency in Ireland both acted as consultants to the project and fed into its development and interim evaluation. Both also sat on the steering committee. The Separated Children in Europe Programme were also consulted and their members provided feedback into the outline for the research. All three parties attended a meeting in London where all partners reviewed national findings, discussed the best way to present findings and highlight best practice and also contributed to the development of the ‘Guide’.

<b>Lead Partner &amp; National Stakeholders</b>	
Irish Refugee Council	Ireland
Department of Applied Social Science, University College Dublin	Ireland
Social Work Team for Separated Children of the Child and Family Agency	Ireland
<b>European Partners</b>	
Bundesfachverband Unbegleitete Minderjährige Flüchtlinge	Germany
Defence for Children – ECPAT	The Netherlands
Greek Council for Refugees	Greece
“Hope For Children” UNCRC Policy Centre	Cyprus
Human Rights League	Slovakia
Service Droit de Jeunes	Belgium
The Children’s Society	United Kingdom
The People for Change Foundation	Malta
<b>In Cooperation With</b>	
Separated Children in Europe Programme	

Following the completion of the national reports, the international report consolidated findings from each country, while highlighting best practice. The international report provides a framework for conceptualising the ‘durable solution’ in caring for separated children in Europe. Additionally, and appended to the international report, a Best Practice Guide for the Identification, Implementation and Review of Durable Solutions for Separated Children in Europe was produced. This Guide provides a template including a checklist for those responsible for determining, implementing and reviewing the durable solution.

## **1.4 National Methodology**

The country assessment report has been a result of both desk research and primary research following personal/focus group consultations.

After an initial research on existing information and bibliography, the initial meeting with the advisory panel members included a general discussion on the report’s methodology, outline, questionnaire templates etc. The members of the advisory panel (Table 1.3) were approached and selected based on the organisations they represent and their participation, activities and involvement with people under international protection in general, and with regards to unaccompanied minors more specifically. Their areas of expertise include: general human rights, migration and asylum issues, children’s rights, social and legal support for people under international protection, guardianship of UMs and children out of home care, and reception conditions and care settings for UMs.

After feedback was received from the advisory panel, consultations were held in the format of focus groups with young people and unaccompanied minors who are at present accommodated at a children’s shelter. The focus groups with UMs facilitated the gathering of practical data in relation to their understanding of durable solutions and long term plans for their future. Furthermore, one to one personal interviews took place with service providers of a non-governmental welfare institution, a focus group with officers of the guardianship institution transpired and questionnaires were forwarded to a range of stakeholders.

The one-to-one interviews and focus groups used the questionnaire templates common across the partnership adapted for the Cypriot context, and the sessions followed a non-formal, interactive and participatory approach in introducing and discussing the topic. The one-to-one and focus group templates both for service providers and for separated children can be found in the annexes of the report (Annexes A, C and D).

### **1.4.1 National Participants**

As mentioned above, the participants in the national focus groups and interviews comprised: 1) service providers at the children’s shelter “Home for Hope” run by a welfare institution (Focus Group 1 and one to one interview) as well as service providers - officers of the Social Welfare Services, whether placed at the Central or District offices or the State Institutions for teenagers (Focus Group 2) (Table 1.1); 2) separated children (Focus Groups 1 and 2) accommodated in a children’s shelter (Table 1.2). Additionally, given the role of other actors in decision-making that impact on durable solutions, questionnaires (Annex B) were distributed since it was not feasible to undertake a focus group with all stakeholders involved given the disparity in their roles (Table 1.1). Throughout the drafting of the report the national advisory panel members were consulted (Table 1.3).

Service Providers	Profession
FG1 <sup>32</sup>	Social Work and Policy Officer, Welfare Institution - NGO
FG1	Child Care Counsellor, Welfare Institution - NGO
1 to 1 interview	Child Protection Officer, Welfare Institution - NGO
FG2	Officer, Guardianship Institution - Social Welfare Services, Central Offices
FG2	Officer, Guardianship Institution - Social Welfare Services, Central Offices
FG2	Officer, Guardianship Institution - Social Welfare Services, District Office Nicosia
FG2	Officer, Guardianship Institution - Social Welfare Services, State
	Institution in Nicosia
FG2	Officer, Guardianship Institution - Social Welfare Services, District Office Larnaca
Questionnaire	Officer, Commissioner for Administration and Human Rights

**Table 1.1: Information of service providers participating in focus groups, 1-to-1 interviews or answering questionnaires**

Separated Children	Gender	Age	Country of origin	Type of Accommodation
FG1 <sup>33</sup>	Male	17	Somalia	Children's shelter
FG1	Male	16	Democratic Republic of Congo	Children's shelter
FG1	Male	17	Democratic Republic of Congo	Children's shelter
FG1	Male	17,5	Mali	Children's shelter
FG1	Male	16	Ivory Coast	Children's shelter
FG1	Male	17	Syria	Children's shelter
FG1	Male	17,5	Somalia	Children's shelter
FG2	Male	17,5	Somalia	Children's shelter
FG2	Male	17	Somalia	Children's shelter
FG2	Male	17	Somalia	Children's shelter
FG2	Male	17	Somalia	Children's shelter

**Table 1.2: Information of separated children participating in focus groups**

### 32. Focus Group 1

33. The first focus group with separated children followed a less structured discussion than the second focus group which had a clear session plan mainly due to the language barrier. However, it was valuable to hold the first focus group for the teenagers to talk about their identity and their expectations and hopes for the future.

Organisation	Representative
Office of the Commissioner for Administration (Ombudsman)	Ms Nasia Dionysiou
UN High Commissioner for Refugees	Ms Olga Komiti
Future Worlds Center	Ms Danae Psilla
Social Welfare Services, Ministry of Labour and Social Insurances	Ms Marina Efthymiadou
Asylum Service, Ministry of Interior	Mr. Andreas Agrotis
“Home For Hope”, “Hope For Children” UNCRC Policy Center	Ms Andria Neocleous

**Table 1.3: Members of the Advisory Panel for Cyprus**

## 1.5 Conclusion

This project seeks to establish a framework definition for the concept of the ‘durable solutions for separated children in Europe taking into account: law and guidance already in existence; other projects that deal with durable solution planning, such as the Life Projects<sup>34</sup> and Child Notices;<sup>35</sup> the views of young people participating in the project and also practice in the 9 European Countries involved in the project.

This report, the Cyprus National Report, outlines current practice and interpretation of the concept of Durable Solutions in Cyprus. This research then feeds into the wider project to produce a comparative study as described above. This research aims to define ‘durable solutions for separated children’ in Cyprus.

## 2. Country information

### 2.1 Demographics

	Total applicants in 2013	Refugee Status	Subsidiary protection	Humanitarian Protection	Rejections (in-merit and admissibility)	Otherwise closed/discontinued
<b>Total numbers</b>	1144	33	120	8	633	307
<b>Breakdown by countries of origin</b>						
Syria	562	1	176	0	77	154
Egypt	143	8	0	8	131	42

34. Council of Europe, Louise Drammeh, Life projects for unaccompanied migrant minors: A handbook for frontline professionals, October 2010, available at [www.coe.int/t/dg3/migration/archives/Source/ID10053-Life%20projects\\_GB.pdf](http://www.coe.int/t/dg3/migration/archives/Source/ID10053-Life%20projects_GB.pdf)

35. UNICEF, Child Notices, [www.unicef.nl/wat-doet-unicef/kinderrechten/child-notices/english/](http://www.unicef.nl/wat-doet-unicef/kinderrechten/child-notices/english/). Discussed in detail in International Report.

<b>Bangladesh</b>	106	0	0	0	185	30
<b>Vietnam</b>	83	0	0	0	146	10
<b>Pakistan</b>	54	1	0	0	37	15
<b>Sri Lanka</b>	50	0	0	0	101	6
<b>Somalia</b>	43	0	0	2	10	0
<b>India</b>	36	0	0	0	39	17
<b>Philippines</b>	34	0	0	0	40	7
<b>Iran (Islamic Republic of)</b>	22	5	1	7	70	50
<b>Afghanistan</b>	6	0	0	0	48	5
<b>Russia</b>	8	1	0	0	7	2
<b>Serbia</b>	0	0	0	3	0	0

**Table 3.1: Applications and granting of international protection status in 2013<sup>36</sup>**

As demonstrated by the statistics derived from the AIDA Report on Cyprus, 4,81% of all asylum applicants in 2013, fifty-five in total, were unaccompanied minors. In principle, the majority of unaccompanied children identified apply for asylum, thus this gives a valid indication of the numbers of newly documented separated children in Cyprus in 2013. This was relatively high compared to 2012, where there were twenty-seven UMAs; 2011 – thirteen UMAs; 2010 – thirty-three UMAs; and 2009 – twenty UMAs<sup>37</sup> here is no distinct record keeping for the arrival of unaccompanied minors since statistics are available only for unaccompanied asylum seeking minors.

Year	2013	2014
Total number of applicants	68	43
Boys	42	31
Girls	26	12
Breakdown by countries of origin		
Somalia	27	13
Syria	13	13
Democratic Republic of Congo	3	-
Ivory Coast	3	-
Cameroon	3	-
Other	19	7

**Table 3.2: Gender and country of origin breakdown of the total numbers of UMAs over the period of 2013-2014<sup>38</sup>**

36. Asylum Information Database, Future Worlds Center, National Country Report Cyprus, August 2014, p.6, available at [www.asylumineurope.org/reports/country/cyprus](http://www.asylumineurope.org/reports/country/cyprus)

37. "Hope For Children" UNCRC Policy Center, Rafaela Camassa, Implementing the Core Standards for guardians of separated children in Europe, Country Assessment: Cyprus, 2014, p. 13, available at [www.corestandardsforguardians.com/images/23/361.pdf](http://www.corestandardsforguardians.com/images/23/361.pdf); and information derived from the Asylum Service after a phone consultation on the 6th of November 2014.

38. The numbers for 2014 are up to date as of November 2014. Information derived from the Asylum Service after a phone consultation on the 6th of November 2014.

## 2.2 Background to refugee procedures

The governing legislation in relation to asylum and refugee procedures in the Republic of Cyprus is the Refugee Law of 2000, N.6(I)/2000, and the accompanying The Refugee (Conditions of Reception of Asylum-seekers) Regulations, K.Δ.Π. 598/2005. The Refugee Law stipulates in Section 11 that an asylum application can be lodged at entry points into the Republic of Cyprus or at any police station and from detention centres or prison if the person is detained. In fact however, the applications are received at one of the five district Aliens and Immigration Units. Section 10 makes specific reference to unaccompanied minor asylum seekers (UMASs), obliging the authorities before whom the asylum application is made to immediately refer the case to the person in charge and to the Director of the Department of Social Welfare Services, who is in effect the guardian of the minor. When an application is received it is registered in the Asylum Service's system, which is the department responsible for the regular and accelerated procedures (although in practice the regular procedure is the norm).

Once an asylum application is registered with the Asylum Service, the UMAS is entitled to adequate reception conditions and certain social rights, while they are provided with accommodation and protection in a care settings, as will be described in the next chapter. The Asylum Service will examine the application at 1st instance and determine either: 1) the grant of refugee status; 2) the rejection of refugee status and grant of subsidiary protection; 3) the rejection of the application at 1st instance. If the application has been rejected (options 2 and 3) then the applicant can lodge an administrative appeal at the Refugee Reviewing Authority and if the appeal is rejected or the applicant is granted with subsidiary protection they can resort to the judicial appeal at the Supreme Court. Rejected asylum seekers can also lodge a subsequent claim or include new elements to their case which, if determined admissible by the authorities, will be examined under the regular procedure. Humanitarian status, which was granted to asylum seekers who did not fulfil the requirements of the refugee or subsidiary protection status, was removed from the Refugee Law in 2014. The new amendments also limit family reunification rights for persons granted subsidiary protection.

Special legislative provisions apply when the Asylum Service examines the application of an unaccompanied minor, that is: the best interests of the child are a primary consideration (Section 10(1A)); the representative informs the unaccompanied minor about the meaning and possible consequences of the personal interview (Section 10(1Γ)); interview of an unaccompanied minor to be carried out by a competent officer who has the necessary knowledge of the special needs of minors (Section 10(1ΣΤ)); use of medical examinations for age assessment (Section 10(1Ζ-1Θ))<sup>39</sup>

Procedures in relation to the Dublin Regulations determining which Member State is responsible for examining the asylum application are cited in Section 11(B) of the Refugee Law of 2000.

## 2.3 Background to care arrangements

In general, there are four options for the care settings offered to unaccompanied children: 1) State Institutions, 2) "Home for Hope", 3) Foster families and 4) Private accommodation.

Up until 2014, separated children located in the territory of the Republic of Cyprus were accommodated at State Institutions, which are divided according to gender and managed by the Social Welfare Services, together with national children out of home care. Since the beginning of 2014, the organisation "Hope for Children" UNCRRC Policy Center has been mandated by the SWS to operate a children's shelter for unaccompanied boys. The first private children's shelter for unaccompanied children "Home for Hope" was launched in July 2014 and has the capacity to accommodate 24 boys in its premises. The shelter is located in an area of 5000 square meters, featuring a kitchen, a dining room, a living room with television, a library, PCs, a basketball court, an

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39. The Refugee Law of 2000, Law 6(I)/2000

intercom system, Wi-Fi, etc. The operating costs of the shelter are covered by the European Refugee Fund of the European Union (95%) and the Republic of Cyprus (5%).

Unaccompanied girls are still accommodated together with out-of-home care national girls while if the number of unaccompanied boys in the territory of Cyprus exceeds the capacity of the shelter “Home for Hope”, they are placed in the State Institution for boys in Larnaca. Some separated children prefer to stay with fellow nationals or relatives that are resident in Cyprus, therefore they live in private accommodation settings. There is in addition the option of placement in foster families, however, it is common practice that children will be hosted in a State care setting.

## 2.4 Concluding remarks

Some of the issues and deficiencies which were elucidated in the country report for the project Closing a Protection Gap 2.0<sup>40</sup> are also pertinent for this report, even though rapid progress regarding the reception conditions of UMs has been noted. Particular improvement was noted in the field of care settings, with the creation of the first specialised shelter for unaccompanied children, and subsequent access to the child’s preferred educational system, technical school/public/private education, involvement in extra-curriculum activities, such as language classes, art and theatre classes, etc. Nevertheless, because of the location and type of the shelter these services are not available for girls nor are they available outside Nicosia.

The removal of the humanitarian status is problematic. It is common practice to grant individuals of Syrian nationality subsidiary protection, while perhaps a substantive review of their case might qualify them for receiving refugee status and therefore be entitled to more rights in the territory. Humanitarian status, as the AIDA report on Cyprus states<sup>41</sup> “was granted to vulnerable individuals and their family members, such as to people suffering from serious health conditions who if returned to their home country would not have access to healthcare”. Due to these amendments people with humanitarian status will have to re-apply for a different status, which may not grant them access to work, health care or social welfare assistance.

## 3. Durable solutions in your country



Images that were chosen by service providers during the focus group to represent ‘durable solutions’. From left to right:

*“It’s the opposite of a durable solution, it shows the hardships, the journey of the child... you have to understand the child’s past”; “it signifies reunification of the child with their family”; “transfer with safety to the durable solution”*

40. Closing a Protection Gap 2:0, Implementing the Core Standards for Guardians of Separated Children in legislation, policy and practice, [www.corestandardsforguardians.com](http://www.corestandardsforguardians.com)

41. Asylum Information Database, Future Worlds Center, National Country Report Cyprus, August 2014, available at [www.asylumineurope.org/reports/country/cyprus](http://www.asylumineurope.org/reports/country/cyprus)

The term ‘durable solution’ was broadly understood as a long-term plan, although during discussions with service providers it was understood more in terms of economics and finance, the environment and the field of migration. In relation to unaccompanied minors, service providers defined ‘durable solutions’ as *‘whatever will have effect on a minor’s life also after they leave the shelter’, ‘what you find after research as opposed to urgent decisions you have to make’, ‘sustainable in terms of what the State is able to respond to’, ‘positive change’, ‘new challenge/beginning’ and ‘final destination’.*

There is no explicit reference to the concept of durable solutions in national legislation or in national policies with regards to unaccompanied minors. A UNHCR report states that there are no specific provisions for the “identification of durable solution/return/repatriation/integration”<sup>42</sup> however, there are general provisos referring to durable solution options; return to a third country for the purposes of family reunification and return to country of origin<sup>43</sup> and the entitlement to social rights<sup>44</sup> as minimum standards for integration in the host country. Section 39(1) of the Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law of 2007 specifies that “the return of the unaccompanied minor shall be made only where it is secured that upon his arrival in the said country proper reception and care is available depending on the needs of the unaccompanied minor, taking into account the age and degree of independence provided by the parents or other adults being the legal guardians of the minor”. This refers both to the return to the country of origin and to a third country.

When determining durable solutions for separated children, it is acknowledged that an individualised approach, on an ad hoc basis is preferred over a general set of rules that apply to all. A range of factors, which affect the process of decision-making, need to be taken into account and a complex balancing of those factors in relation to the best interests and rights of each child is required. Those include, inter alia:<sup>45</sup>

- a. Situation of the family and close relationships
- b. Situation in the country of origin
- c. Safe care arrangements in environment (housing, health, education and vocational training, employment prospects)
- d. Potential risks, e.g. heightened risk of abuse/exploitation/violence for girls (risks should not exceed the safety precautions in place, or be disproportionate in relation to safeguards)
- e. Social integration in the host country
- f. Mental and physical health of the child
- g. Development possibilities and identity needs (personal and cultural development)
- h. Special circumstances of a child
- i. Age and maturity of the child (“in accordance with the age and maturity of the child” (Article 12, CRC))

A list of indicators which offers guidance to guardians for ensuring a timely identification and implementation of a durable solution is the one formulated within the framework of the Closing a Protection Gap project, Core Standards for Separated Children in Europe, under Standard 6<sup>46</sup> Guardians in Cyprus received specialised training for the purposes of this project.

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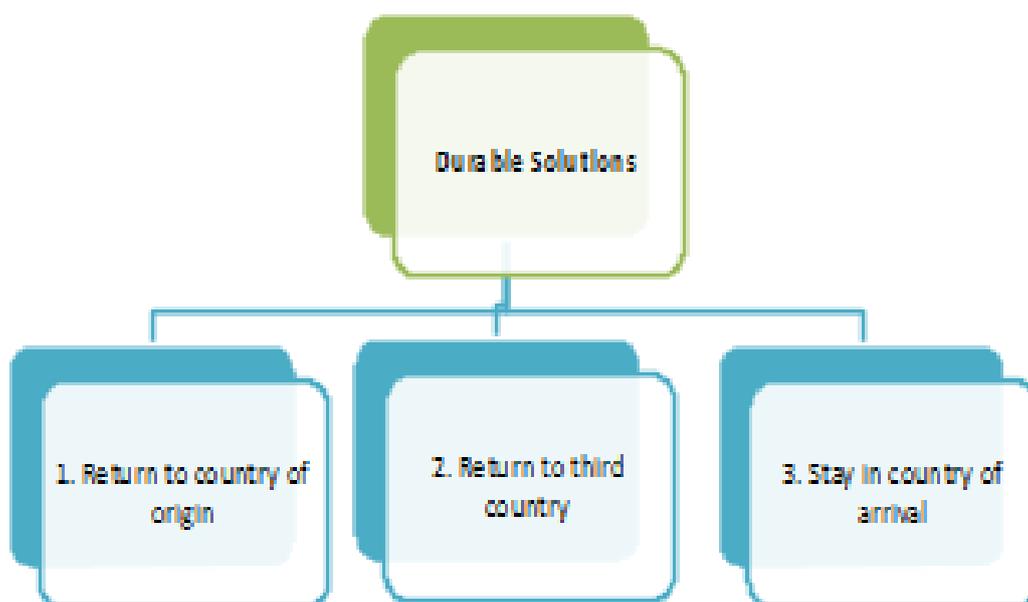
42. Sajid Alikhan and Malika Floor, UNHCR-The UN Refugee Agency, Guardianship Provision Systems for Unaccompanied and Separated Children Seeking Asylum in Europe: Initial Mapping, 2010, p.40, available at [www.defenceforchildren.nl/images/42/658.pdf](http://www.defenceforchildren.nl/images/42/658.pdf)

43. The Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law of 2007, Law 87(I)/2007, Section 39

44. Ibid, Section 38

45. For a detailed analysis you can see: UNHCR, Field Handbook for the Implementation of UNHCR BID Guidelines, May 2008, pp.78-79, [www.refworld.org/pdfid/48480c342.pdf](http://www.refworld.org/pdfid/48480c342.pdf)

46. Supra n.24



**Table 4.1: Categories of Durable Solutions in the framework of this project**

There are three main categories of durable solutions which are used by the existing project and were described during the focus groups addressed to stakeholders (see Table 4.1); 1) return to country of origin, 2) return or resettlement to third country, 3) stay in country of arrival. Some service providers preferred to refer to the 2nd option (return or resettlement to third country) as reunification with family members, provided there are safety arrangements, while when describing the 3rd option they considered education and employment/vocational training being significant components during the determination.

### 3.1 DS option 1 – Return to country of origin

There is still no formal methodology or protocols to govern or guarantee a minor’s safe return to their home country, which might be the most viable solution if their asylum claim is rejected. Prior to the amendment of the law that enabled the legal representation and accompaniment of UMs during their asylum examination, minors would be de facto asylum seekers until they reached 18 years of age and then the examination would take place as with adult asylum seekers, which if rejected would result in their deportation.

Voluntary return is described as a return ‘in safety and in dignity’: in conditions of physical, legal and material safety, with full restoration of national protection being the end product.<sup>47</sup> Repatriation can be linked with family reunification in the country of origin and it has to encompass and ensure access to civil, social, economic, cultural and political rights in the country of origin, pre- and post-return monitoring, and even a preparation of a re-integration plan for the minor. The Return Directive states in Article 10 that before making a decision for return “assistance by appropriate bodies other than the authorities enforcing return shall be granted with due consideration being given to the best interests of the child” and that the authorities “shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return”.<sup>48</sup>

The first voluntary return from Cyprus was reported in 2012, involving the return of a 17 year old minor to his home country, Nigeria.

47. Voluntary Repatriation, Global Consultation on International Protection, 4th mtg., UN Doc.EC/GC/02/5, in Refugee Survey Quarterly, Vol. 22, No. 2/3 2003, pp. 225-239, para.15.

48. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>

### Case of Voluntary Return

John (name changed) arrived in Cyprus when he was 14 years old. John left his home country Nigeria and fled to Cyprus due to the political instability in the region and community in which he lived. The conflicts and the dangerous situation endangered his physical and psychological integrity. When John was 17, he claimed that the situation in his community in Nigeria had improved and was considered as a safe place. He had repeatedly expressed his wish to the Social Welfare Services (SWS) to return to his country. He also provided information about the area to which he intended to return and the address where his relatives were at that time residing.

The SWS in Cyprus contacted the NGO “Hope for Children” UNCR Policy Center (HFC), an organisation active in the area of separated children, seeking their cooperation and facilitation in the potential return procedures. HFC initially established communication with the family of the child (cousin), who was willing to take John under their care. Then, the organisation communicated with UNICEF in Nigeria who referred them to the national agency and person responsible for such cases, the National Agency for Prohibition of Trafficking in Persons (NAPTIP). NAPTIP was asked to cross-examine information about the area’s situation, the family’s situation, the validity of family ties and their capacity to take John under their care. NAPTIP was reached by its national hotline number and the contact person’s details, given by UNICEF. Official correspondence was exchanged ensuring that the family situation allowed John’s return and it was agreed that an officer of the Agency would be present at the airport when John would arrive. At the same time, HFC contacted the Protocol Officer of the Consulate of Cyprus in Nigeria and informed them about the situation, securing the presence of the Officer at the airport. NAPTIP also explicitly mentioned the possibility of offering accommodation to the child if necessary until the child was returned to their family residence. HFC urged the cooperation of NAPTIP and the Consulate. The presence of the two parties at the point of arrival rendered the return of the child safe and secure, while he was also under the care of NAPTIP until fully being returned to his area. Assurances were received post-return by HFC in collaboration with the Social Welfare Services.

Even though there are no formal guidelines, the above case observed some action points being taken by the actors involved and a list of factors being taken into consideration, such as:

- a. Views of the child expressed in exercise of their right to do so, in line with Article 12 of the UNCR, and those of the caretakers.
- b. Situation in the country of origin, safety, security and conditions, including socio-economic conditions awaiting the child upon return, including through home study at the country of origin conducted by local community organization.
- c. Availability of care arrangements for that particular child and family assessment outcomes.
- d. The child’s right to preserve their identity, cultural and other background; *“to preserve his or her identity, including nationality, name and family relations”* (Art.8, CRC) and the *“desirability of continuity in a child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background”* (Art. 20, CRC).<sup>49</sup>

Cooperation with institutions/organisations active in this field, as occurred in the aforementioned case, is encouraged, as well as effective monitoring before (by the guardian or another appointed party) and after the return. Monitoring can be effectuated through receiving information/updates by local organisations/structures and by maintaining communication with the minor after their return to the country of origin.

### 3.2 DS option 2 – Return to third country

The Dublin III Regulation, entered into force in January 2014, places great emphasis on family unity and has widened the definition of ‘family’ to include grandparents, uncles or aunts of unaccompanied minors who

49. Committee on the Rights of the Child, General Comment No.6, p.22, [www2.ohchr.org/english/bodies/crc/docs/GC6.pdf](http://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf),

are living in one of the Member States. This is in line with the UNHCR Guidelines proviso recommendation to “enhance the use of resettlement as a protection and durable solutions tool for children at risk; where appropriate, take a flexible approach to family unity.”<sup>50</sup> Even if the Dublin Regulation’s bedrock principle is to avoid ‘asylum shopping’ within the EU, this might prove to be cumbersome in the case of minors who might have more opportunities for socio-economic, political and cultural inclusion in another Member State. The Regulation sets forward standard procedures to be followed in EU Member States to facilitate transfers of unaccompanied minors, mainly: to identify family members/ siblings/ relatives, establish family links, and assess the relative’s capacity to take care of a UM,<sup>51</sup> as well as the corresponding probative (List A) and indicative evidence (List B) in Annex II of the Implementing Regulation.<sup>52</sup>

There is a presumption that family reunification tied up with a return or resettlement to a third country is in the best interests of the child, while resettlement (if it does not lead to family reunification) is considered in the best interests of a child if there is a significant risk of rights violations in the country of origin or the asylum-seeking country. Resettlement should not, however, undermine future family reunification and might be considered based on the existence of a number of criteria, such as legal and physical protection needs or medical needs, and further considerations apply specifically for children.<sup>53</sup> As with the DS of ‘return to country of origin’, there should be monitoring mechanisms prior and post the relocation of the child, risk assessment should be undertaken with regards to the family members about to take care of the child and access to civil, social, economic, cultural and political rights in the country of resettlement should be guaranteed.

The social welfare officers and recently the officers of “Home for Hope” in consultation with the appointed social worker of the SWS, hold informal private sessions with the minors under the SWS special care, within office hours and depending on their needs. In the case of return or resettlement of an unaccompanied minor to a third country, within the framework of the family reunification principle, they make the necessary steps for family tracing and assessment. This means that they undertake all tasks to prepare the child and make the arrangements of the return.

### **Case of Return to Third Country**

Ibrahim (name changed), originally from Somalia, was born on the 25th of July 1997.

He arrived in Cyprus in July 2013 and was arrested when attempting to travel from Larnaca airport with forged documents. He had been living in the State Institution for Boys of the SWS in Larnaca since August 2013 and after the launch of the shelter ‘Home for Hope’ he was transferred there in Nicosia, on the 4th of July 2014. Ibrahim speaks Somali, Arabic and English. He helped the officers of the shelter to communicate with other minors and during his stay at the shelter he showed great interest in learning German.

He had expressed his wish to resettle to Germany, where his uncle lives, and the procedures for resettlement to third country started during his placement in the State Institution and continued even after his placement at ‘Home for Hope’. Through the procedure of the Dublin III Regulation, he was successfully reunited with his uncle in Germany where he still resides and has been granted refugee status.

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50. UNHCR, Field Handbook for the Implementation of UNHCR BID Guidelines, 2011, p. 59, <http://www.unhcr.org/50f6d27f9.pdf>.

51. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), Article 8, para.5, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>

52. Commission Implementing Regulation (EU) No 118/2014 of 30 January 2014 amending Regulation (EC) No 1560/2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2014:039:0001:0043:EN:PDF>

53. See UNHCR, UNHCR resettlement submission categories, Chapter 6, [www.unhcr.org/3d464e842.pdf](http://www.unhcr.org/3d464e842.pdf)

### 3.3 DS option 3 – Stay in country of arrival

The DS option for stay in the country of arrival or the host country implies local integration, towards full inclusion; increasing legal, social (contacts, relationships etc.), economic (education/employment/training etc.) and cultural (language etc.) opportunities with the aim of accepting, mainstreaming and ensuring diversity in the community in general. Civil, social, economic, cultural and political rights should be available and accessible on an equal footing to Cypriot nationals, *“without discrimination of any kind, irrespective of the child’s... race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”*<sup>54</sup>.

Inclusion is preconditioned on the granting of residence in the country based on either protection or immigration grounds. Separated children are able to stay in the host country for a long-term period if their asylum application is successful and they receive refugee status or if they are granted subsidiary protection, which endows them with the same rights as a refugee after a year of recognition. There are some limitations within the first twelve months, for example with regards to the employment sectors that people under subsidiary protection can engage in: Farming/Agriculture/Fishery; Manufacturing; Constructions; Trade and Repairs; Other activities (including cleaning of buildings, workers at the sectors of sewage system and waste processing of collection and processing of waste (garbage)<sup>55</sup>. Subsidiary protection can be renewed and prolonged after a year unless *“the grounds which led to the recognition of subsidiary protection have ceased or transformed to such a degree that such a protection is not necessary”*<sup>56</sup>.

However, a major problem with the local integration system is the lack of available measures or the transition to adulthood.. There is limited educational and psychological support provided during the aging out process, and limited child-friendly information given to the children about the change of circumstances, e.g. potentially the need to apply for welfare support. Perhaps an interim solution to ease the transition can be sought until long-term stability is reached, with regards to housing, health, education/training/employment. Where possible, young adults shall remain in previously available arrangements until temporary alternative arrangements can be found. Additionally, education should not be discontinued on the sole criterion of age but acknowledging the level of maturity, the vulnerability and the stage of life of the individual in question.

### 3.4 Concluding remarks

The lack of legal recognition of the term ‘durable solutions’ often leads to unawareness and limited applicability of future action plans. There was, however, general consensus among stakeholders about the categorisation, agreeing on the fact that the 2nd and 3rd options are more used in comparison to return to the country of origin, dependent upon the outcome of the asylum application of the minors. ‘Transfer’ rather than ‘return’ to a third country was considered more appropriate by one of the interviewees.

The main reason underlying the limited use of the 1st category might be the trends in the migration flows of unaccompanied minors within the last few years; these indicate a large proportion of minors arriving from conflict-torn areas or areas of political unrest, where minors cannot be returned, sometimes subject to internationally issued guidelines, e.g. UNHCR guidelines regarding the return of Syrian nationals<sup>57</sup>.

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54. CRC, Art.2

55. Ministry of Interior, Asylum Service, “Guide for asylum seekers and beneficiaries of international protection in Cyprus”, Asylum Service”, 2011, p.31, [www.moi.gov.cy/moi/asylum/Asylum.nsf/All/E3C438ECC1B2210BC22578400052F169/\\$file/Guide%20for%20asylum%20seekers%20and%20beneficiaries%20of%20international%20protection%20in%20Cyprus.pdf](http://www.moi.gov.cy/moi/asylum/Asylum.nsf/All/E3C438ECC1B2210BC22578400052F169/$file/Guide%20for%20asylum%20seekers%20and%20beneficiaries%20of%20international%20protection%20in%20Cyprus.pdf)

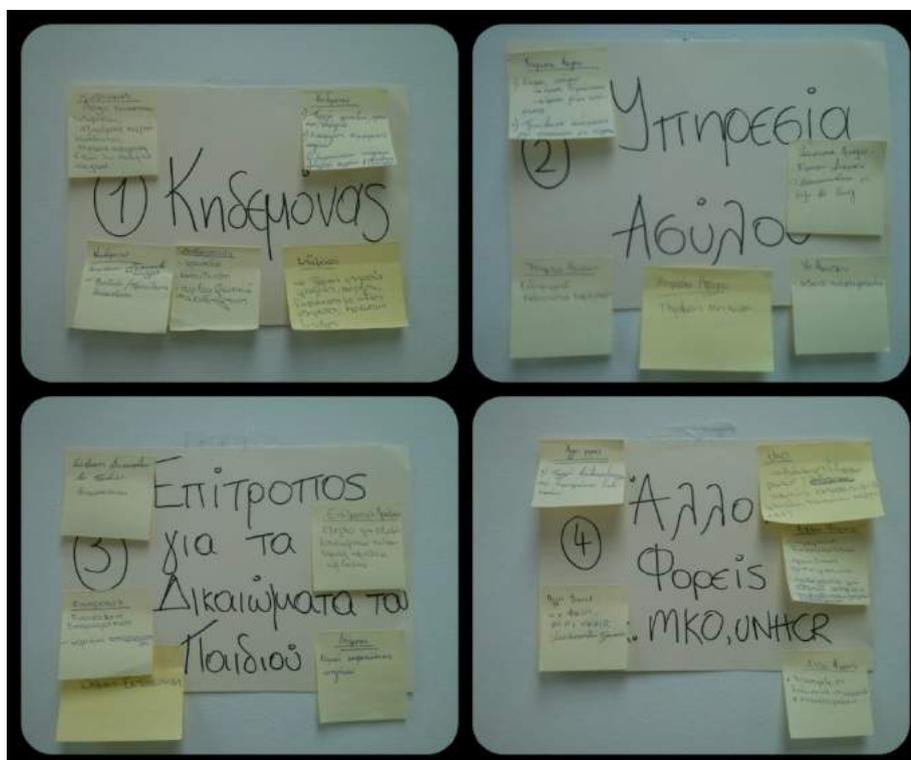
56. Ibid, p.28

57. UNHCR, “International Protection Considerations with regard to people fleeing the Syrian Arab Republic”, Update II, 22 October 2013, available at [www.refworld.org/docid/5265184f4.html](http://www.refworld.org/docid/5265184f4.html)

#### 4. Who is responsible for determining the durable solution in your country?

The national actors play a vital role in determining a durable care plan/solution for separated children. This plan creates either the conditions favourable for voluntary return or sustainable reintegration to the country of origin but also analyses a possible local integration, when it is necessary to implement a protection plan. The main relevant public authorities are the Social Welfare Services (SWS) of the Ministry of Labour and Social Insurance, and the Asylum Service of the Ministry of Interior. Other actors that come into play are the Civil Registry and Migration Department of the Ministry of Interior, the Aliens and Immigration Unit of the Cyprus Police, the UNHCR and NGOs active in this field, such as “Hope for Children” UNCRC Policy Center, Future Worlds Center, and others.

The predominant law regarding the welfare of children in Cyprus is the Children’s Law of 1956 which was legislated under British rule. In Section 3 of the Law there are provisions for the intervention of the Social Welfare Services in the interests of the child’s welfare, if the child does not have either a parent or a guardian<sup>58</sup>. The aforementioned law also defines a ‘guardian’ as “a person appointed by a will or by order of a Court of competent jurisdiction to be guardian of a child” and has the responsibility “to find durable solutions for unaccompanied or separated children” that “should be initiated and implemented without undue delay and, wherever possible, immediately upon the assessment of a child being unaccompanied or separated”<sup>59</sup>. However, the Children’s Law of 1956 is outdated and is currently undergoing revision and modernization and the new Children’s Bill contains clauses to facilitate compliance with internationally ratified instruments and to adjust to current approaches to children’s rights. There is a move away from protectionist interventions towards a more liberal view of children’s rights, retaining their autonomy to choose according to their level of capacity.



**The role and tasks of different actors were pointed out by service providers on post it notes during the 2nd focus group. The responsibilities identified and associated with each actor separately can be seen in the sections below in the form of word clouds, using bigger font according to the frequency of repetition.**

58. Children’s Law of 1956 (Cap 352), Section 3

59. Committee on the Rights of the Child, General Comment No.6

## 4.1 Actor 1 – The Guardian



The Social Welfare Services (SWS) in Cyprus are a governmental institution and are operating on a national level under the Ministry of Labour and Social Insurance. The Social Welfare Services personnel, as listed on the official website<sup>60</sup>, consists of Social Welfare Services Officers, Residential Officers, Secretarial Officers and Assistant Secretarial Officers. The SWS act on the behalf of the minors and transfer the official protection, care and welfare mechanism into practice. In all cases where parents are not in a position to provide protection and care for their children, the Director of SWS takes parental rights according to the Parents and Children Relations Law of 1990<sup>61</sup> and acts as the guardian of unaccompanied minors who seek asylum in Cyprus and victims of trafficking who are in need of protection and care.

As a guardian, only the Director of the SWS is entitled to assign each case to “practical guardians”, the social welfare officers under SWS. Therefore, the Social Welfare Services have the sole legal responsibility to care for an unaccompanied minor by providing him/her with shelter, to hold regular meetings between the minor and the social welfare officer in charge of his/her case and to assure that the social rights of the child are upheld. The State’s institutions, where the majority of the unaccompanied minors are accommodated, are staffed with permanent officers and officers on-call while the desk support staff/guardians usually take up the immigration procedures for an unaccompanied minor rather than have a personal interaction with them. Only the directors/staff of accommodation centres and care institutions can act as carers of the minors when the minor is accommodated in foster care or in a Children’s Home, where - besides shelter - they receive social, psychological, and legal support, as well as integration services.

Nonetheless, the guardianship system in Cyprus is a unified one, which means is the same for all children under 18 years old regardless their nationality or status. According to Section 28 of the Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law of 2007, the measures provided in the Law for the protection of victims apply to all natural persons who are or have been victims. Guardians often have large caseload as they do not exclusively deal with unaccompanied minors/victims of trafficking and their care. Thus, each officer is handling a variety of cases including cases of domestic abuse, child abuse and assumes the care of children in shelters for which it has been deemed necessary to separate from their family.

### 4.1.1 Role of the Director of Social Welfare Services

The parental rights undertaken by the Director are described in Children’s Law of 1956. Section 12 states that the Director must:

60. Social Welfare Services’ website, [www.mlsi.gov.cy/mlsi/sws/sws.nsf/dmlchart\\_en/dmlchart\\_en?OpenDocument](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/dmlchart_en/dmlchart_en?OpenDocument)

61. The Parents and Children Relations Law of 1990, 216/1990

- (1) *Exercise the authority in the best interest and development of the child:* Where a child is in the care of the Director it shall be the duty of the Director to exercise any powers with respect to him/her so as to further his/her best interests and to afford him/her opportunity for the proper development of his/her character and abilities.
- (2) *Represent the minors and make usage of the facilities and services that correspond to parental care:* In providing for a child in his care the Director shall make such use of facilities and services available for children in the care of their own parents as appears to the Director to be reasonable in his case. The Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law of 2007 further describes the duties of the Director:
- (3) *The SWS must act on the behalf of the minors and must transpose the legal apparatus of protection, care and welfare into a practical reality:* the Director of the Social Welfare Services “shall represent the unaccompanied minor and shall act for his benefit<sup>62</sup>.”
- (4) *Becomes the guardian of the unaccompanied children`s social rights:* the access to the general educational facilities under the same conditions as the citizens of the Republic, or alternatively, shall have access to appropriate special educational facilities, and the “free medical care, as well as to special medical or other assistance”<sup>63</sup>
- (5) The Director of the SWS shall express his/her opinions to the Immigration Officer regarding a potential return of an unaccompanied minor to his/her country of origin or to a third country for the aim of family reunification<sup>64</sup>.

#### 4.1.2 Role of the “practical guardians”

Once the minor comes to the attention of the SWS, the same day the on-call social welfare officer undertakes the responsibility of making the necessary arrangements for the protection of the child. Every separated child is appointed with a ‘practical’ guardian at the Social Welfare Services, as mandated by the Director of SWS, as soon as he/she is recognised as an unaccompanied minor or a victim of trafficking, usually upon the submission of their asylum application at the Aliens and Migration Departments. This includes the arrangement of accommodation for the child the same day, which is usually at the children’s shelter run by SWS until a more durable solution is identified.

It is the duty of the guardian to guarantee: that every decision takes the child’s best interests as a principal consideration, that the child’s concerns are taken into consideration, that the child has access to necessities such as care, accommodation, education and language support, and that the child is legally represented and supported in procedures related to his/her protection. Furthermore, the guardian is obligated to work with the child in an effort to trace his/her family which could eventually mean the reunification of the family; assist the child to keep in touch with his/her family; offer a connection and guarantee transparency and cooperation between the child and the different organizations who make services available to them. The practical guardian of the minors accompanies them during their interview claim for legal assistance from the Law Office of the Republic of Cyprus. Regarding the amount of contact between the guardian and the child, it was clarified by the SWS officer that the frequency depends on the needs of the child and the issues that might come up, thus there is no specific amount of time spent for each child per week or per month.

A major drawback of the national protection system for unaccompanied minors (UM) however, is that although there is a strict procedure of selection involving exams and interviews to become a guardian, guardians do not receive any specialized training on issues related to the guardianship of unaccompanied minors. Also, guardians have limited access to the interpreters who are cooperating with the Social Welfare Services, since such access is time-bound and the guardians’ workload and language barrier precludes them from

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62. The Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law of 2007, Section 37(3)

63. Ibid, Section 38 (2)

64. Ibid, Section 39(1)

spending quality time with the children.



#### **4.1.3 Role of the “unofficial guardians”**

As guardians are appointed and paid by the government they are not independent and so government policies may shape their role in relation to the services offered to unaccompanied children. Even though the qualifications are considered adequate for the guardians to work in this field and they exercise a professionalized guardianship service as they are university graduates often equipped with social work or psychology diplomas, there is a lack of training regarding the standards that should be followed in relation to the guardianship of unaccompanied minors, as mentioned above.

Because of this reality, it is often the case that NGO staff will assume the role of an assistant to the legally ordained guardians and can facilitate the efforts in securing the rights of an unaccompanied child and advance policy changes and/or change in practice. In this sense, even if NGO staff cannot be appointed as guardians, support workers from NGOs can be labelled as ‘unofficial’ guardians. This trend is growing, evidenced by the SWS mandated reception centre “Home for Hope” which is equipped exclusively with officers from the NGO sector, of the organisation “Hope for Children” UNCRC Policy Center. The officers at “Home for Hope” have an academic background in psychology, law, education or social work.

Ideally, the guardian, whether the Director of the SWS, ‘practical’ or ‘unofficial’ guardian, ensures the timely identification and implementation of a durable solution by following a certain procedure, which is reflected in the Core Standards for Separated Children in Europe, a set of guidelines formulated within the framework of the project Closing a Protection Gap and further implemented in the follow-up project Closing a Protection Gap 2.0 (See Table 5.1).

## 4.2 Actor 2 – Asylum Service

# asylum reunification family status examination residence

*“My role is purely as an intermediary, it is the Asylum Service that cross-checks information”,* a Home for Hope officer stated during the interview.

The Asylum Service is a sub-department of the Ministry of Interior of the Republic of Cyprus. It has been established according to the Refugee Law of 2000, and it is responsible for examining the asylum applications in the Republic of Cyprus. When asylum applications are rejected on a first instance by the Asylum Service, cases can be examined on a second instance by the Reviewing Authority. A second appeal can be lodged to the Supreme Court following a negative decision of the Reviewing Authority.

The main responsibilities of the Asylum Service as stated on their website<sup>65</sup> are: “receiving of application forms, interviews, case examination and process of statistical data”. The Asylum Service is also the body responsible for the administration of the European Refugee Fund, for the defined Reception Centres for asylum seekers as well as the operation of the Dublin Office, for determining whether an asylum application is to be examined by the Republic of Cyprus or another EU Member State and, relevant for the scope of this research, for conducting assessment for the transfer of a separated child in an EU State for the purposes of family reunification. A service provider during the focus group mentioned that a key task of the Asylum Service is to “examine and determine an asylum application swiftly” while most service providers perceived its role as the ‘giver’ of legal residence/ status in the country.

## 4.3 Actor 3 - Commissioner for Children’s Rights

# rights representation

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65. Asylum Service website, [www.moi.gov.cy/moi/asylum/Asylum.nsf/DMLindex\\_en/DMLindex\\_en?OpenDocument](http://www.moi.gov.cy/moi/asylum/Asylum.nsf/DMLindex_en/DMLindex_en?OpenDocument)

The Commissioner for Children’s Rights has a limited role in contributing actively to an efficient and durable solution because although the Commissioner is prescribed by law to act as legal representative of separated children, since the establishment of her office in 2007 she has not been able to act upon it. The Commissioner, currently Mrs Leda Koursoumba, was not able to have lawyers representing separated children on behalf of her office since such an arrangement could not be read into the interpretation and meaning of the legal representation of separated children under Cypriot law, according to the Attorney General’s office and the Asylum Service, which stipulated that the Commissioner per se is the representative. This conflict between law and practice led to non-existent procedures; no asylum application outcome had been recorded for a separated child until recent years.

Therefore, the Law Office of the Republic of Cyprus decided to amend the legal representation provision during the examination phase of the asylum application by the Asylum Service. Therefore, as a result of the abovementioned amendment, minors lack formal legal representation but their responsible officer from the Social Welfare Services (SWS) can accompany them during their interview, on behalf of the Director. Nevertheless, the Commissioner cannot still legally represent the case of a separated child which hinders their access to justice and consequently, appeals to the Reviewing Authority following a negative asylum application decision remain stagnant.

#### 4.4 Actor 4 – NGOs and other agencies



There are a few active civil society organisations in Cyprus in relation to migration issues and children’s rights. A questionnaire respondent from the Commissioner for Administration and Human Rights interpret their role as “safeguarding and promoting the rights unaccompanied minors under our capacity”. Their role, as seen by service providers during the 2nd focus group with the SWS was mostly to support the role of government services and therefore strengthen the response to durable solutions determination for separated children. Some NGOs, like Future Worlds Center for example which has a strategic partnership with UNHCR Cyprus, offer legal support and representation while others provide care, protection and multidisciplinary services, as does “Hope for Children” UNCRC Policy Center especially with the operation of the children’s shelter for unaccompanied minors. While most efforts by NGOs are welcome, some governmental service providers

stated that “sometimes NGOs might work outside of their powers and have a dogmatic viewpoint, supporting a child’s case with no picture of the real situation or being prejudiced against governmental services”. Therefore, it is important for all actors involved to view each other’s work as complementary rather than resorting to continuous disapproval, which is detrimental for achieving the best possible outcome for a child’s case.

#### 4.5 Concluding remarks

Even though the identification of durable solutions is primarily the task of the guardians of the SWS, the involvement of other actors and procedural factors that influence the determination of the DS require:

- A holistic and rights-based approach to further promote the best interests of each separated child in terms of durable solutions
- A clear delineation of each actor’s mandate and formulation of guidelines/ checklists for their work
- Increased and close cooperation between actors, perhaps through working groups/ multidisciplinary teams, to determine DS in a spirit of synergy and consensus

### 5. Durable solutions: in practice

#### 5.1 When is a durable solution implemented & how is it reviewed?

*“Durable solutions are considered at the point that a minor expresses his wish for the future.”*

- NGO interviewee

There is a difference of opinion as to whether the general practice in implementing a ‘durable solution’ for a minor occurs after the minor has expressed their preference of one of the DS options, or whether durable solutions are considered as early as when the social history of the child is noted. In General Comment No.6, CRC, para.79 reads that “...efforts to find durable solutions for unaccompanied or separated children...should be initiated and implemented without undue delay and, wherever possible, immediately upon the assessment of a child being unaccompanied or separated”<sup>66</sup>. UNHCR Guidelines concur with the General Comment in stating that the formal BID procedure should be completed early in the displacement cycle (within 2 years since identification of a UM), not just prior to the identification of durable solution<sup>67</sup>.

Despite ‘soft law’ guidelines, there is no apt determination of DS without prior notification by a minor, and it is unclear whether alternatives are examined even if a minor has expressed his view for a particular DS option. A practitioner mentioned during the interview, that *“the best interests of the child are taken into account when taking decisions, for example when undertaking procedures for a Dublin transfer”*. Certainly, some DS options, like the return to a third country via the Dublin transfer procedures follow a stricter set of routine rules rather than a substantial examination of the welfare of the child, and the range of factors as abovementioned.

However, in the template for the Individual Care Plan (ICP) formulated to meet each minor’s needs, a part corresponds to future steps for the minor in question. The ICP is used both in the State Institutions and in the “Home for Hope” reception centre. Again, whether this practice is actualised depends upon the discretion of the social worker/ carer at the time, as does any possibility for reviewing the implementation of durable solutions.

#### 5.2 What factors are considered and to what extent are children’s voices heard in this process

The wishes and views of the child are of the utmost importance, as demonstrated above. Very few authorities can affect the outcome of a decision on the future of the child, as the only competent authority to take

66. Committee on the Rights of the Child, General Comment No.6, para.79

67. UNHCR, UNHCR Guidelines on Determining the Best Interests of the Child, p.50, [www.refworld.org/pdfid/48480c342.pdf](http://www.refworld.org/pdfid/48480c342.pdf)

a final decision is the SWS, being the legal guardian. However, *“in cases of a serious health issue or when the minor has developed a strong bond with an independent adult who is assuming a mentorship-like role on their own initiative, the respective doctor or mentor could intervene and discuss possible solutions with the authorities”*, said an interviewee. Furthermore, in the case of the minors residing at the reception centre for unaccompanied minors “Home for Hope”, due to the professional training of the officers working there, it is frequently the case that the officers give professional and informed opinions to the welfare officer who acts as the minor(s)’ practical guardian, whenever they deem it to be necessary. Such opinions are based on the daily interactions, although the final decision still lies with the competent authority.

In the case studies described in sections 4.1 and 4.2 above, involving the return to the country of origin and return to a third country for the purpose of family reunification, actions were taken after children expressed their views and the three main factors considered were: general situation in the country of origin, situation of the family/relative who would take care of the child, safety of care arrangements in the country. The factors that would influence the decision-making for a durable solution were examined jointly by local actors and by relevant actors in the destination country.

### **5.3 Overlap of roles and conflict of views**

*“Usually there seems to be no overlap between different roles in the public centres, since their job description is very specific and they rarely take decisions other than concerning the day-to-day lives of the minors”*, a service provider has mentioned. The officers at “Home for Hope” give informed opinions frequently on specific issues that may possibly affect a minor’s future. In cases when their opinion differs from that of the responsible officer in a specific incident, a solution is found based on discussions between the different actors involved. As mentioned above however, any final decision shall only be taken by the responsible SWS officer. An officer of “Home for Hope” mentioned that *“maybe the authorities could consult with us in order to have a bigger role in this area [durable solution decision-making] apart from merely gathering information”*. As to how these conflicts could be resolved, there could be legal adjustments, perhaps granting decision-making power to carers and professionals that participate in the day-to-day life of the minors, and a formal coordination mechanism could be in place to inform the case manager and carer roles in a two-way fashion.

### **5.4 Limitations for guardians and others responsible for making DS decisions**

The main limitations are the lack of specialised training, consequently affecting the capacity to undertake well-informed decisions. Sometimes unwillingness to take long-term decisions is noted, which might be both the result of the lack of capacities and knowledge but also of excessive workload of the SWS officers; an issue exacerbated by the fact that due to financial restraints, no new recruitments in the civil services is currently allowed. Regarding other service providers, legal constraints apply, as explained above. Therefore, in-depth examination of cases is problematic, including an analysis of all factors that could affect a decision concerning a particular minor and the consequent implementation of a durable solution. During the focus group with service providers they explicitly stated some of their limitations in determining DSs, listed below:

#### **In terms of their cooperation with other services:**

- No response by international stakeholders when attempting to establish communication
- SWS might come into conflict with the Asylum Service when there is a rejection of an asylum application
- Time consuming procedures with other stakeholders
- It was noted that sometimes NGOs might work outside of the realm of their powers and might adopt a dogmatic viewpoint, supporting a child’s case with no picture of the real situation or by being prejudiced against governmental services.

### **In terms of their own role and duties:**

- Bureaucracy and workload
- The child's culture and level of education might play a role in the approach they undertake
- A child might be adamant and will not accept alternative solutions, even if their choice cannot be taken, e.g. a child's wish to return to Syria
- The fact that the determination of the asylum procedure plays a catalytic role in determining a durable solution is an obstacle in this process

### **5.5 Statistics on durable solutions for a period of one year**

There is no distinct record keeping for unaccompanied minors as to the outcome of their asylum applications and the granting of either refugee status or subsidiary protection. However, according to data received 5 minors (3 boys and 2 girls) have successfully been transferred to another EU country within January 2013 - November 2014 and 1 voluntary return to the country of origin within 2013-2014<sup>68</sup> Records kept at the children's shelter "Home for Hope" evidence an increase in the Dublin transfers with 6 completed transfers occurring from July 2014 to January 2015 (4 in Germany, 1 in the UK and 1 in France) and another 4 approved (2 in the UK, 1 in Germany, 1 in Sweden). According to statistics received from "Home for Hope", 22 out of 32 minors who have resided at HFH have applied for a Dublin transfer to at least 1 EU Member State. The largest number for simultaneous applications for one minor is 3 EU Member States.

### **5.6 Concluding remarks**

The Durable Solutions process in practice is incorporated in the existing work of the service providers of both the guardianship institution (SWS) and the welfare institution operating the specialised centre for separated children "Home for Hope" when assessing a case and developing an action plan for a separated child. Still there are limitations and challenges in implementing the theory of DSs, sometimes coming into conflict with immigration control, policy priorities, political will and lack of guiding principles. Some conclusions and recommendations drawn from the desk and primary research are:

### **Conclusions:**

- here is a problem with identifying and locating a child within the territory of Cyprus; usually they are located when attempting to leave the country with fake documents or when they commit an offence, e.g. a 14 year old lived unaccompanied since he was 4, but was only identified after being caught by the police driving a vehicle, an illegal activity for his age. Consequently, there is no early assessment of a child's case and the DS process is severely delayed.
- Despite the fact that the UNHCR Guidelines on Dealing with Unaccompanied Children Seeking Asylum<sup>69</sup> stating that durable solutions should be determined both for children who have been granted asylum and those who have been rejected in asylum procedures were released in 1997, it is common that practitioners are unaware of how to handle decisions for minors whose asylum has been rejected. There are no guidelines or procedures in place to deal with minors who do not wish to apply for asylum and to identify possibilities of DSs for them, outside the asylum system.
- No coherent and consistent methodology has been identified to deal with cases in a systemic manner, implying that the method is highly individualized and depends on the specific officer/guardian each time.
- Even though there has been some progress in this area, bureaucracy and administrative procedures may prevent a prompt DS determination. This might lead to distrust of the system for

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68. Data received following a phone consultation with the Social Welfare Services in November 2014.

69. UNHCR, Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum, February 1997, p.3, [www.unhcr.org/3d4f91cf4.pdf](http://www.unhcr.org/3d4f91cf4.pdf)

separated children who sometimes resort in finding solutions outside the legitimate system solutions. Within 2013-2014, 17 unaccompanied boys and 5 unaccompanied girls have gone missing according to the Social Welfare Services' database.

- Absence of transition plans for when the minors reach the age of 18 which in turn results in an inadequate support structure during their early adulthood (in terms of shelter, employability etc.).

## Recommendations:

- There should be continuous capacity building and training of service providers to keep them informed and keep them updated on changes/ amendments in legislation, Conventions, regulations, policies etc.
- Service providers expressed the view that there needs to be more sensitization of the public with regards to migration issues to avoid misconceptions that lead to discrimination against migrant children which might deprive them of having access to certain services.
- There should be effective legal representation of separated children so that appeals can be effectuated. This issue, according to service providers, can either be resolved through *“accepting the Commissioner for Children’s Rights as a representative (Asylum Service does not recognize this according to an opinion issued by the General Attorney of the Republic) or by establishing cooperation between SWS and lawyers of NGOs”* (NGO staff to prepare the application appeal and subsequently to be signed by the SWS, representative of the child). Even if some children turn 18 before registering an appeal, there is a provision in the law that allows for an individual to appeal a negative asylum decision if they are not responsible for missing the deadline of the appeal.
- Determination of a methodology on durable solutions: an internal manual for decision makers and guidelines/ checklist for determining DSs, to inform practitioners and facilitate the process and assessment conducted for reaching a DS. Such toolkits should include factors to take into account during the process and indicators<sup>70</sup> to look at for fulfilment of the minimum criteria for establishing a DS. The existence of a methodology will increase the coherency of the DS process and the determination will happen in good time.
- Transition plans for when a minor turns 18 should be included in the DS decision to make the changes in the surrounding environment and everyday life of the child as smooth as possible. These plans should take effect before the child reaches the age of 18 (e.g. preparations for acquiring a job, seeking half-housing options, etc.) and continue after 18 until independent and autonomous living is ensured.

## 6. Durable solutions: in consultation with youth

### 6.1 What does ‘durable solution’ mean to you?

During the second focus group session with separated children, after being introduced to the project and its general aims, they were asked to identify what ‘durable solution’ meant to them, according to a pre-set list of options according to the DS categories of the project. Those options were simplified:

**1)** Be with my family, **2)** Return to my country, **3)** Stay in Cyprus, even after 18, **4)** Go to another country. The majority of children perceived the first option as the most ‘durable’, whilst one stated *“I believe if you have family somewhere you should be able to go and live with them”*. One boy had recently received refugee status and he was happy about this decision since he wanted to be able to stay in Cyprus, placing his priority in the third option. The last choice for the teenagers was return to the country of origin and one explained this as *“if I have no other option then I would go back to my country”*.

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70. A list of indicators can be found under Standard 6 of the Core Standards for Guardians of Separated Children



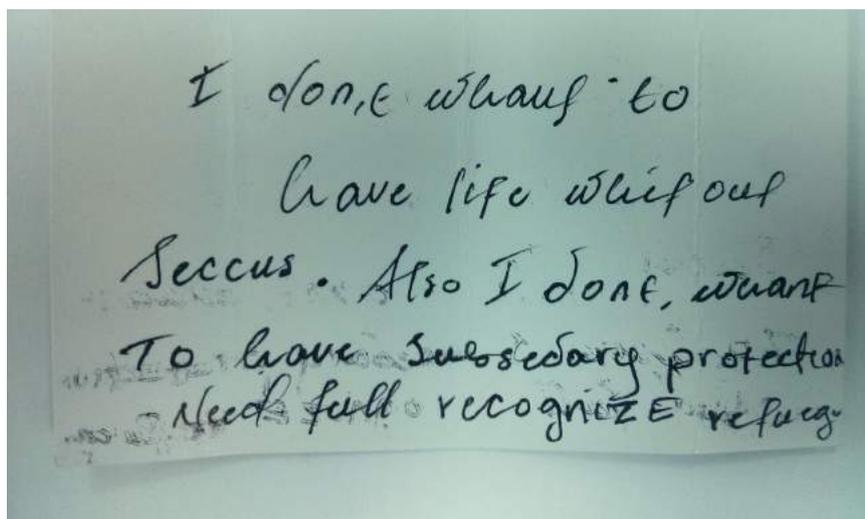
## 6.2 Why do you think determining a durable solution is important?

*“Future is somewhere with a safe home, with a loving family and peace”.* – Separated Child, first focus group  
The teenagers thought that durable solutions were extremely important since they are interlinked and interdependent with their future. During the second focus group, children were asked to note if they agreed or disagreed with a number of statements related to the components of a DS. When inquiring into the importance of education and employment in relation to the level of social integration minors valued education higher. One particularly stated *“Both are important. By having good education you will be able to find a good job”*. They also perceived it crucial to learn other languages, English being the first choice because it helps in their communication whether in Cyprus or if they go abroad afterwards, while Greek being useful only during their time in Cyprus.



## 6.4 Concluding remarks

The following statement from a boy sums up the importance of a DS in a separated child’s life, and often the conflict between DS determination and asylum procedures: *“I don’t want to have a life without success. Also, I don’t want to have subsidiary protection. I need fully recognised refugee status”*.



#### **7. Final remarks: Compare and contrast in brief the youth perspective and the reality in your country**

As a general remark, the perspective of youth and that of service providers does not differ by much. The ultimate goal is for separated children to be able to enjoy to the maximum possible degree, the privileges in the host country, along with developing a future action plan for each child. In other words, the durable solution determination process is perceived as a core component by both youth and service providers in order to have long-term stability and viability of co-related decisions.

The reality in Cyprus is that the invisibility of Durable Solutions as a concept in legislation and policies does not prevent its implementation in practice. It does mean, however, that there is less acknowledgment for a formal and coherent procedure to take place that would be inter-disciplinary and methodology-oriented. It has been observed, particularly after consultation with the advisory panel and discussion during the focus groups but also by contrasting the present report with previous research, that there is a growing momentum for Cyprus in this field. There certainly have been noticeable developments in many areas, mentioned above in the report, that are not confined to theory but rather reach and benefit the target group directly on a daily basis. There is no doubt that if the opportunity is grasped by the actors mandated to identify and determine durable solutions, coupled with political and institutional will, the youth perspective and the de facto situation will prove even more harmonised in the years to come.

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Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>

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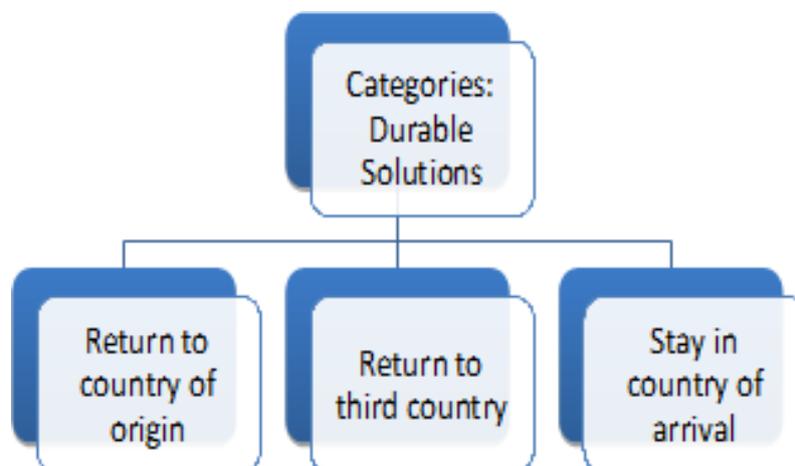
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## 9. Annex A – Service providers 1-to-1 questionnaire

- 1) Have you heard of the term ‘durable solution’ [before this project]? If yes, what does the term mean to you? If no, what do you think it means? [If not answered: what is the time-span of the durable solution? Eg 1 year, 5 years..]
- 2) How have you heard of it? (through information provided as part of your work or your own personal interests)
- 3) Do you have a role/What is your role in determining and assessing durable solutions, or determining and assessing future plans for separated children? If so: In making decisions about durable solutions or future plans for separated children, what things do you take into account? Is this a formal procedure or is this up to the individual and their way of working?
- 4) For the purposes of this project, the three main categories under which examples of durable solutions fall are:



Would you agree with these three umbrella categories?

- 5) Do you consider each of these three ‘solutions’/plans in our work with separated children? [Why/Why not?] What would you take into account when planning for each of these three ‘solutions’/plans? Who would you talk to/consult with/link with? [If the participant has not already mentioned the child’s role in this, ask: what about the child?/how is the child consulted?] Are you describing the current procedure? Is this different from what you think should be done. Is this a formal procedure or is it up to the individual?
- 6) What do you feel you need to determine a durable solution for an individual child? How do you establish a relationship based on trust with the child and do you think that relationship has an effect on your ability to determine the durable solution? What else might you need? (eg information about the child’s journey, access to reliable information regarding durable solutions options)
- 7) How is the best interest of the child determined in this process (the process of determining durable solutions/future plans for the separated child)? Is this a formal procedure or is it up to the individual?
- 8) How are other actors involved in the process of making decisions regarding durable solutions? Do you ever encounter differences in views? If so, how do you manage these conflicts/resolve them?
- 9) How does family tracing and /or family assessment feed into the determination of a durable solution? How is this done, by who and how does it impact the decision (eg, how is this information used – to support the child in determining his best interests and the durable solutions that reflect them or to ‘find a place to return them’)?
- 10) Is this a formal procedure or is it up to the individual?
- 11) Who is involved/who is consulted with in the process of determining the best interests of the child when determining durable solutions/future plans for the separated child? And how are

they involved/ consulted?

- 12)** Is this a formal procedure or is it up to the individual?
- 13)** At what point do you seek to make decisions regarding the durable solutions/future plans for the child?/When is the durable solution implemented?
- 14)** Is this a formal procedure or is it up to the individual?
- 15)** Do you [or have you ever] encounter any limitations/barriers/challenges in implementing durable solutions/future plans?
- 16)** Are durable solution/future plans decisions reviewed? If so, how often? And why might they be reviewed? By who can a review be asked?
- 17)** Is this a formal procedure or is it up to the individual?

**10. Annex B – Service providers questionnaire outline**

**1. What are the most important characteristics of ‘durable solutions’ (DSs)?**

	Very important	Important	Moderately important	Not very important	Not important
Sustainability					
Timely determination of DS					
Possibility of review					
Best interests of the child is a primary consideration					

	Very important	Important	Moderately important	Not very important	Not important
Take into account child’s specific needs					
Take into account child’s view					

*Other (please specify)*

**2. What is your role in determining and assessing DSs?**

- What is your role in determining and assessing DSs? Provision of care and protection
- Link with other services
- Counseling and guidance
- Education
- Legal assistance
- Asylum application/ residence status determination
- Informing children on procedures
- Ensuring child’s best interests
- Social integration
- Family assessment
- Family reunification and/or voluntary return procedures
- Representation
- Other (please specify)

**3. Which of the options below constitute DSs in your opinion?**

- Which of the options below constitute DSs in your opinion? Family reunification
- Return to country of origin
- Local integration

- Resettlement in third country
- Other (please specify)

**4. What do you believe you need to take into account when determining a DS for a child?**

	Very important	Important	Moderately important	Not very important	Not important
Development needs					
Physical and mental health needs					
Local integration level					
Family situation					
Situation in country of origin					
Safe care provisions in the family setting					
Risks and dangers, e.g. trafficking					
Views and wishes of the child					
Special circumstances of the child					

Other (please specify)

**5. What are the limitations and challenges for determining DSs? Any other comments?**

**11. Annex C – Service providers focus group outline**

Session Plan

- 1) Welcoming and introduction of participants
- 2) Description of the project ‘Durable Solutions for Separated Children in Europe’  
Powerpoint presentation
- 3) What is ‘Durable Solutions’ for you?  
Interactive session where participants choose from a range of pictures one to represent what they understand as durable solutions. Also, powerpoint presentation on the definition compiled by the project.
- 4) Categories of ‘Durable Solutions’ Consensus process where each one individually writes down DS

options on a paper, then in pairs they compare their ideas, and then in a group they compile and conclude to the categories they identified. Also, powerpoint presentation of the 3 umbrella categories that the project uses and some statistics for Cyprus.

**5) Stakeholders involved for decision making in relation to DSs**

Participants write on post it notes the role of each stakeholder's name on the wall:

- 1) Social Welfare Services – Guardian,
- 2) Asylum Service,
- 3) Commissioner for Children's Rights,
- 4) NGOs and other actors

**6) Challenges and limitations in determining DSs**

Discussion in two groups and then short presentation of main points of the challenges and limitations in terms of:

- 1). Their cooperation with other services and stakeholders, and
- 2) Their own role, duties and tasks

**7) Conclusions and Recommendations**

**8) Open discussion**

## **12. Annex D – Separated children focus group outline**

### Session Plan

**1) Introduction to group: 'throw the ball'**

Form circle and bring something soft to throw. Start by saying who you are, where you are from and one thing you enjoy.

**2) Introduce European project, its aims and partner countries**

**3) Introduce durable solutions:**

- 1) Family reunification;
- 2) Return to country of origin;
- 3) Local integration,
- 4) Resettlement in third country

Coloured sticky notes to mark which is most 'durable' for them.

**4) Barometer exercise, agree/disagree**

1. I would prefer to have a job than go to school
2. It is important to learn the language of the country you live in or at least English
3. If a child/teenager has family somewhere in Europe they should reunite with them and not stay in the country they arrived
4. I would like to be recognized as a refugee so that I can stay in Cyprus even after I turn 18
5. I believe I can have a future the way I want it to be

**5) How can durable solutions be better? A wish/hope for your future in/ outside a travelling bag**

**6) What is a durable solution to you, what have you learned?**

Draw an image that represents a durable solution to you, in groups or individually.

### 13. Annex E – Asylum/Refugee Procedures diagram

