

Durable Solutions for Separated Children in Europe

National Report: Germany



Bundesfachverband
Unbegleitete Minderjährige
Flüchtlinge e.V.



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Foreword of the Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V.

The present study by Barbara Noske has been written within the framework of a cooperation project with eight other European non-governmental organisations. The project deals with the term “durable solutions” which is used frequently on an international level in the context of receiving and caring for separated children but only rarely in German-speaking areas. Reflection on the term “durable solutions” serves as an important impetus to thinking about which requirements are necessary to create future prospects for and with unaccompanied minor refugees. The adolescents and experts questioned in the study emphasize the importance of stability regarding the right of residence, access to education, training and work and a long-term and structured development of prospects within the framework of youth welfare services and beyond.

In discussions on the reception of unaccompanied minors it is often factored out how laws and support structures affect the lives of those unaccompanied minors on a long-term basis. In light of the increasing number of entries of unaccompanied minor refugees and adult asylum seekers in Germany, the primary focus is (once again) on the reception of minor refugees: The controversial bill of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth on the nationwide redistribution of unaccompanied minor refugees to relieve cities and municipalities currently receiving especially large numbers of unaccompanied minors, is concentrating all public attention on the arrival process at the moment. The phase of becoming an adult, the end of youth welfare or the situation of those who do not benefit from youth welfare at all due to their estimated age, are only marginally discussed.

The child and youth welfare service plays a central role in Germany in receiving unaccompanied minors. The long-term effectiveness of youth welfare measures for young refugees have not been systematically explored up to now. It is known amongst practitioners of youth welfare that an abrupt end of youth welfare and limited support available to young adults can have severe consequences. Providers of youth aid demand guidelines and standards of good practice regarding the support of care leavers. In the last couple of years, this topic has found its way into research and debates thanks to some networked projects. The Federal Association for Unaccompanied Minor Refugees is currently carrying out a three-year qualitative research project on the transition from youth welfare to independence. The Bundesverband katholischer Einrichtungen und Dienste der Erziehungshilfen e.V. (BVkE) is at the same time evaluating the effectiveness of support structures for unaccompanied minor refugees in the form of a longitudinal study. The particular situation of care leavers – i.e., young people who have been supported for a certain period of time by youth welfare and who start their independent lives as young adults from there - has already come to prominence thanks to a few projects by the University of Hildesheim and the International Company for Educational Aids (IGfH).

However, in order to develop future prospects with unaccompanied minors, the question is certainly not just how effective measures of youth welfare are. It is particularly important whether young people can obtain a secure residence status and whether they have the opportunity to gain a foothold on the job market. Because even when (former) unaccompanied minors can stay in Germany for the time being, in certain circumstances they might not be able to make long-term plans for the future. It is almost impossible to develop “durable solutions” and long-term prospects from the waiting-room atmosphere that results from a non-approved application for asylum or a (succession - or chain as it is called of) exceptional leaves to remain. At the same time, the determination and “willingness to integrate”, which are made difficult by that same “waiting room”, are required to escape the uncertainty of an unsafe residence status. The interviews with young refugees within the scope of this project have shown once again that the self-esteem of the young refugees suffers due to the uncertainty of their future and from the feeling that they are still not welcome – even though they might well try to do everything that is expected of them.

A way to end this absurdity would for instance be to meet the current demands for an education-related residence title. More intensive training and awareness-raising of case managers in youth welfare offices with respect to the system of migration law bodies would be desirable. For despite its great relevance for the minors, the uncertainty with regard to residence status and its demoralising impact in the support planning conversations often does not get the necessary attention. Stability – and also relationship continuity - are prerequisites for the successful educational pathways of unaccompanied minors. This should be recognised and promoted as “potential” on the part of the economy when discussing the lack of professionals and demographic change. A safe place of residence, opportunities on the job market but also the possibility of social support beyond youth welfare are necessary for unaccompanied minors to experience stability and to be able to develop future prospects.

1. Introduction

Minors who are on the run without their parents are considered particularly vulnerable. They are confronted with drastic situations that force them to leave their homeland. The reasons for migration range from escape from war to the desire for education and better prospects in life.

There is a multitude of efforts on a national, European and international level to guarantee protection for unaccompanied minors. Actors such as the EU, UNHCR or UNICEF constantly emphasize that “durable solutions” must be found for unaccompanied minors.

How this demand is dealt with in different European countries has not been sufficiently documented so far. In order to fill the gap, the Irish Refugee Council initiated the project Best Practice in Determining and Implementing Durable Solutions for Separated Children in Europe. The project should give information on what is understood by durable solutions in Belgium, Germany, Greece, Great-Britain, Ireland, Malta, the Netherlands, Slovakia and Cyprus and which Best Practices exist.

The present report is generated as part of this project and discusses the situation in Germany. The report is based on literature research and conversations with (former) unaccompanied minors and experts who work with unaccompanied minors. During the course of this project, it became clear that both the legislator and practitioners need to keep the future of the minors in mind. In order to be able to develop future prospects, young people must be given the opportunity to do so. Four aspects have to be particularly emphasized in Germany:

1. Secure residence status
2. Access to education, training and work
3. Support during transitions
4. Long-term and coordinated planning

This report wants to encourage relevant actors to consider the sustainability of the measures chosen. It wants to illustrate problems and give suggestions for change.

2. „Durable Solutions“: United Nations and the European Union

The term durable solutions was essentially coined by the United Nations, and particularly by UNHCR. UNHCR regards it as its highest goal to find durable solutions for refugees so that they can live with dignity and in peace.¹ The following are defined as possible durable solutions: voluntary return to the homeland, integration in the receiving country or resettlement in a third country. Since 2002 UNHCR has been working particularly intensively on the development of methods and tools to be able to achieve extensive durable solutions for refugees.² UNHCR has been publishing Global Appeals annually on the topic of durable solutions as well as corresponding annual reports.

The UN-Committee on the Rights of the Child dedicated itself to the special situation of unaccompanied minors a few years after UNHCR had started to deal more intensively with durable solutions for refugees. The UN-Committee on the Rights of the Child consists of 18 independent experts and is tasked with monitoring the implementation of the UN Children’s Rights Convention. Furthermore, it can substantiate the rights mentioned in human rights treaties in General Comments. General Comments are not legally binding. However, they have highly authoritative power.

1. UNHCR: Durable Solutions - The Ultimate Goal. <http://www.unhcr.org/pages/49c3646cf8.html> [31.03.2015].

2. UNHCR (2005): UNHCR Global Appeal 2006 – Finding durable solutions. <http://www.unhcr.org/4371d1a60.html> [31.03.2015].

In 2005 the UN-Committee on the Rights of the Child published General Comment No. 6 on the UN Children's Rights Convention - a Comment that deals exclusively with unaccompanied minors. General Comment No. 6 provides guidelines for dealing with unaccompanied minors. The search for durable solutions is thereby defined as a central objective: „The ultimate aim in addressing the fate of unaccompanied or separated children is to identify a durable solution that addresses all their protection needs, takes into account the child's view and, wherever possible, leads to overcoming the situation of a child being unaccompanied or separated.“³

At the end of 2014, UNHCR and UNICEF published the report *Safe & Sound: What states can do to ensure respect for the best interests of unaccompanied and separated children*.⁴ The report intends to give suggestions as to how European countries can act in the best interests of the child when dealing with unaccompanied minors. The fact that UNHCR refers explicitly to the situation of unaccompanied minors in Europe in this report is new. In the past UNHCR and UNICEF put the main focus of attention on unaccompanied minors in large refugee camps. The child protection systems that exist there generally differ a lot from those in place in European countries. Hence, earlier publications are often difficult to transfer to the European context.⁵

UNHCR and UNICEF emphasize in *Safe & Sound* that it is necessary to explore with each child which goal is in the “best interest” of that child. A durable solution can only be found when experts concentrate on the individual situation of a child. UNHCR and UNICEF demand from a durable solution that it allows the child transition to adult life in a safe environment. The environment must cater to the needs of the child, must be able to guarantee the rights of the child adhered to in the UN Rights of the Child Convention and must not put the child at risk of prosecution or other severe threats.⁶

Meanwhile the EU also frequently talks about the need to develop durable solutions for unaccompanied minors^{7,8,9} as in the action plan for unaccompanied minors (2010-2014)¹⁰, which was prepared by the European Commission. The identification of durable solutions is one of the three key aspects of the action plan.

Like UNHCR, the European Union also sees three variants of a durable solution for unaccompanied minors: return and reintegration in the homeland, protection status and integration in the receiving country, or resettlement in a third country. According to the Commission, the decision on a durable solution should be made within six months by the competent authority, taking into account the well-being of the child¹¹. The European

3. Committee on the Rights of the Child (2005): General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin. <http://www.refworld.org/docid/42dd174b4.html> [09.03.2015].

4. UNHCR/UNICEF (2014): *Safe & Sound: What states can do to ensure respect for the best interests of unaccompanied and separated children in Europe*. Brussels: UNHCR/UNICEF.

5. Cf., UNHCR (2011): *Field Handbook for the implementation of UNHCR BID Guidelines*. <http://www.refworld.org/docid/4e4a57d02.html> [20.04.2015].

6. Cf., UNHCR/UNICEF (2014): pg. 22.

7. Cf., European Parliament and Council of the European Union (2011): 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. <http://www.refworld.org/docid/50ec1e172.html> [30.09.2014].

8. European Union (2013): Guideline 2013/33/EU of the European Parliament and Council of 26 June 2013 on the determination of standards to receive people who request international protection. (Amended version). <http://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32013L0033&from=EN> [30.09.2014].

9. European Parliament (2009): Multi-annual programme 2010-2014 regarding the area of freedom, security and justice (Stockholm programme), Point 79 (b) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P7-TA-2009-0090+0+DOC+PDF+V0//EN> [20.04.2015].

10. European Commission (2010): *Action Plan on Unaccompanied Minors (2010 – 2014)*. http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/action_plan_on_unaccompanied_minors_en_1.pdf [25.03.2015].

11. *Ibid.*, pg. 12

Commission demands that contact with the family is established. It assumes that for many unaccompanied minors it would be best to be reunited with their family and to grow up in their familiar social and cultural environment. However, the European Commission emphasizes that the return is only one of the options and the best interests of the child should be the decisive factor.

The European Commission published a mid-term report of the implementation of the action plan on unaccompanied minors in the year 2012. The Commission states that it has promoted projects within the framework of the return fund, the refugee fund and the integration fund that should contribute to finding durable solutions for unaccompanied minors.¹² However, the Commission observes that the methods, which are used to identify durable solutions, must be further improved.¹³

Although the term Durable Solutions is commonly used on an international and EU-level, it does not appear in the German discourse on unaccompanied minors. The term raised questions among people who were involved in this project - above all, what is the problem that is to be solved. A solution is only necessary where there is a problem. Is the fact that minors had to leave their country the problem? Is their presence in another country the problem? Or is the fact that they do not know whether they can live in the country in which they would like to stay the problem?

In addition, it was discussed whether a certain scenario should occur at some future point. What would be the indicators of this target scenario? Language, graduation, safe workplace or a family of their own? Or are there completely different indicators?

The advisory board of this project has proposed to talk about the development of long-term prospects and not of “durable solutions”. On the one hand, undesired historical associations could be evoked in Germany as a result of the term “durable solutions”. On the other hand, “prospects” are more open than “solutions”. As far as prospects are concerned, not just one result is targeted. Instead, the focus is on the creation of freedom of action. Working on prospects implies keeping an eye on several paths and creating a stable basis from which to be able to respond to unexpected changes.

12. European Commission (2012): Mid-term report on the implementation of the Action Plan on Unaccompanied minors, pg. 10. http://ec.europa.eu/dgs/home-affairs/e-library/docs/uam/uam_report_20120928_en.pdf [20.04.2015].

13. *ibid.*, pg. 11

3. Methodology

Project: “Best Practice in Determining and Implementing Durable Solutions for Separated Children in Europe”

Project management:

- Irish Refugee Council (Ireland)

Partnering organisations:

- Belgium: Service Droit de Jeunes
- Germany: Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V.
- Greece: Greek Council for Refugees
- Malta: The People for Change Foundation
- The Netherlands: Defence for Children - ECPAT
- Slovakia: Human Rights League
- UK: The Children’s Society
- Cyprus: Hope for Children UNCRC Policy Centre

Advising authorities:

- School of Applied Science, University College Dublin, Ireland
- Social Work Team for Separated Children of the Child and Family Agency, Ireland
- Separated Children in Europe Programme

This report was developed within the framework of the project *Best Practice in Determining and Implementing Durable Solutions for Separated Children in Europe*. The project is a cooperation project of nine non-governmental organisations from nine European countries. It was financed by the European Commission. Project management was taken on by the Irish Refugee Council. The School of Applied Social Science of University College Dublin and the Social Work Team for Separated Children of the Irish Child and Family Agency were advisers. Furthermore, they were part of the steering group of the project. A few members of the Separated Children in Europe Programme (SCEP) also acted as advisers.

The project manager of each one of the nine partnering organisations had conversations with (former) unaccompanied minors and experts. In addition, they evaluated literature which is relevant to the national context. The project management, advisers and partnering organisations came together in London to discuss initial results and to coordinate the further course of action. Each partnering organisation prepared a country report. An international final report summarises the insights of the country reports and should be of help to those who are responsible for the identification, implementation and review of durable solutions for unaccompanied minors.

The objective of the German report is to gather several viewpoints on the development of long-term prospects with unaccompanied minors in Germany. The investigation makes no claim to show representative results. The report is based on evaluation of the literature and reflects the assessments and experiences of the interviewees of this project. In total, 27 people participated in group and individual interviews.

The background of the project was explained to the interviewees at the start of the conversations. They were informed that all information is treated confidentially and that there will be no information in the report that would make inferences as to their identity possible. Fifteen interviewees were unaccompanied minor refugees and young adults, respectively, who had come to Germany as unaccompanied minors. They came from Somalia, Eritrea, Afghanistan, Syria, Guinea, Kenya and Bangladesh and were between the ages of 14 and 22. Five of them were minors and had a legal guardian at the time of the interview. Nine of the young refugees lived in a youth welfare institute and six of them already had their own flat and/or a room in a shared flat.

Semi-structured interviews were held with seven young refugees in Berlin and lasted between 1 and 2.5 hours. The wishes of the young refugees were taken into account when selecting the location. A guideline was developed that was used to structure the conversations but that could also be adjusted to the course of the conversation depending on the situation. Open-ended questions were asked to give the young people the opportunity to go into detail about whatever aspects were most important to them. This was also intended to give them the choice to discuss only those topics they wanted to discuss. The spectrum of addressed content related to the identification of persons of trust; the evaluation of support structures; wishes for the future; and special difficulties they are confronted with in their current situation. The conversations were not taped at the request of the young refugees. Instead, they were recorded very extensively and verbatim in some places.

Eight of the young refugees participated in a group interview of approx. 2 hours in Kassel. The fictitious story of an unaccompanied minor by the name of Ibrahim was selected as a neutral starting point for conversation in the first part of the group conversation. The aim was to prevent the participants feeling pressed to talk about personal experiences in front of the group. They were asked questions about different situations in Ibrahim's life in Germany which they could relate to their own experience if they wanted. In the second part of the conversation participants wrote messages to several actors with a great influence on their life as unaccompanied minors in Germany and communicated to them what they urgently wanted to tell them.

Conversations were also held with twelve people who work in different positions with unaccompanied minor refugees. These are active at the youth welfare office, in a youth welfare institute, in a guardianship project, in an information centre, as a psychotherapist or as a teacher. The interviewees work in Berlin, Bremen, Wuppertal, Bochum and Dortmund. Two group conversations as well as four individual interviews were held with the full-time workers.

The project was supported by an advisory board. The term "durable solutions", the support planning procedure as well as questions regarding research ethics were discussed intensively with the advisory board.

Advisory board:

Prof. Dr. Iman Attia	Alice Salomon Hochschule Berlin
Kirsten Eichler	GGUA - Gemeinnützige Gesellschaft zur Unterstützung Asylsuchender e.V.
Ulrike Herpich-Behrens	Senate Department for Education, Youth and Science
Prof. Dr. phil. Mechthild Wolff	Hochschule Landshut

Interviewees:

(Former) unaccompanied minor refugees:

	F/M	Age	Country of origin	Youth welfare	Guardian	Focus group or interview
JF1	F	19	Somalia	Yes	No	Focus group
JF2	M	14	Eritrea	Yes	Yes	Focus group
JF3	M	18	Afghanistan	Yes	No	Focus group
JF4	F	17	Eritrea	Yes	Yes	Focus group
JF5	F	17	Somalia	Yes	Yes	Focus group
JF6	F	18	Somalia	Yes	No	Focus group
JF7	F	16	Eritrea	Yes	Yes	Focus group
JF8	F	19	Somalia	Yes	No	Focus group
JF9	M	20	Afghanistan	No	No	Interview
JF10	M	19	Syria	Yes	No	Interview
JF11	M	18	Guinea	No	No	Interview
JF12	M	18	Guinea	No	No	Interview
JF13	F	17	Kenya	No	Yes	Interview
JF14	M	22	Bangladesh	No	No	Interview
JF15	M	18	Guinea	Yes	No	Interview

Professionals:

	Position	Gender	Focus group or interview
P1	Youth office	F	Focus group
P2	Youth welfare office	M	Focus group
P3	Youth welfare institute	F	Focus group
P4	Youth welfare institute	M	Focus group
P5	Youth welfare institute	F	Interview
P6	Guardianship project	F	Focus group
P7	Guardianship project	F	Focus group
P8	Guardianship project	F	Focus group
P9	Guardianship project	F	Focus group
P10	Information centre	F	Interview
P11	Psychotherapist	F	Interview
P12	Teacher	M	Interview

4. The situation of unaccompanied minor refugees in Germany: between right of residence and youth welfare

The number of all asylum applications in Germany has greatly increased since 2008. There were a total of 22,085 asylum applications in 2008. This number increased to 173,072 in 2014.¹⁴ The number of asylum applications of unaccompanied minors increased from approx. 760 in 2008 to 2,486 in 2013 and 4,399 in 2014¹⁵. Another increase is anticipated for 2015: more than 2,000 unaccompanied minors had already filed an asylum application by 30.04.2015¹⁶.

However, unaccompanied minors often do not file an asylum application so that the asylum application numbers do not reflect how many unaccompanied minors come to Germany annually. Instead for more accurate results one should rather focus on how many unaccompanied minors are consigned to the care of youth welfare offices. The official child and youth welfare statistics of the Federal Statistics Office offer an indication, however in some places they are not self-explanatory. That is why the Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V. collects data from youth welfare offices on a municipal and national level¹⁷. The numbers that were determined by the Bundesfachverband UMF show a continuous increase in the number of children taken into care from 2,988 (2009) to 5,605 in 2013.¹⁸ Around 11,000 unaccompanied minors were taken into care in 2014 according to Federal Association estimates.

The five federal states with the most immigrants are Nordrhein-Westfalen, Hessen, Bavaria, Berlin and Hamburg. Basically, considerably more male than female minors travel into Germany unaccompanied. The number of male adolescents is at 90% in many cities. The majority of the minors are 16 and 17 years old. The main countries of origin of the minors taken into care in 23 of the cities and counties examined by the Bundesfachverband UMF are Afghanistan, Somalia, Syria and Eritrea. These countries are also found among the most frequent countries of origin in asylum statistics and feature high protection rates. But Morocco, Guinea, Pakistan, India or Bangladesh are also countries of origin of unaccompanied minors in Germany. Asylum applications of minors from these countries however have far less chance of success which means that they often do not file an asylum application and thus select another path to secure their residence status.¹⁹

4.1 Situation with regard to right of residence

Key actors

The **Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge - BAMF)** and the **Aliens Department (Ausländerbehörde)** are the key actors in making decisions on the future of unaccompanied minors.

The **BAMF** is responsible for implementing the asylum procedure and decides if a person is entitled to political asylum or refugee status, whether subsidiary protection or national deportation bans are granted or whether the asylum application is rejected. Consequently, for the time being it is the **BAMF** that decides if the young person can stay in Germany. Since any residence permit is associated with special rights, the **BAMF**

14. Cf., BAMF (2015)1: Current numbers on asylum, issue: March 2015. http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Asyl/statistik-anlage-teil-4-aktuelle-zahlen-zu-asyl.pdf?__blob=publicationFile [25.04.2015].

15. Cf., German Parliament (2015): Official Record 18/3850.

16. BAMF

17. Cf., Kemper, Thomas/Espenhorst, Niels (2014): Did they come to stay? Evaluation of the number of children and adolescents taken into care in the year 2013 following an unaccompanied trip from abroad. B-UMF: Berlin.

18. Ibid., pg.2. Numbers for 2014 were not yet available at the time of publication of this report. It is to be assumed that there was a further obvious increase for 2014.

19. Ibid.

also has an influence over which possibilities a young person has with respect to his/her integration and his/her future. Additionally, the duration of the asylum procedure plays an important role in this. A temporary residence permit (Aufenthaltsgestattung), which entails different rights than a residence permit, is issued for the duration of the asylum procedure.

The **Aliens Department** likewise has a large influence on the life of the minors. On the one hand, it issues residence titles for the BAMF subject to directives. On the other hand, it has its own right of inspection and can issue its own titles or exceptional leaves to remain. Together with the Federal Labour Agency, it grants or refuses the permit to take up employment or it pronounces a prohibition of work. Furthermore, people with an uncertain residence status cannot choose their place of residence freely. Instead, they require the permit of the **Aliens Department** if they wish to move.

Residence opportunities

The German right of asylum and residence is complex and has a multitude of different residence opportunities. Only a residence permit (Aufenthaltsurlaubnis) or settlement permit (Niederlassungserlaubnis) involve the possibility of a permanent stay.

Exceptional leave to remain and residence title for specific purposes

The exceptional leave to remain is not a residence title but is simply the “temporary suspension of deportation”²⁰. An exceptional leave to remain is issued when deportation is impossible on factual or legal grounds. It is the worst residence option. Actual or legal grounds for the fact that the deportation cannot be implemented include for instance the inability to travel, non-existing transport connections, a lack of willingness on the part of the country of origin to take back the refugees or the fact that the refugees do not have a passport. As for unaccompanied minor refugees, they can only be deported when the minors could definitely be handed over to their family, a legal guardian or an appropriate reception centre in the homeland.²¹ Most of the time this is not the case, which is why many unaccompanied minors are issued an exceptional leave to remain after entry into the country. Unaccompanied minors remain in possession of an exceptional leave to remain until they apply for asylum or obtain a residence permit.

A **residence title for specific purposes** (Aufenthaltsgestattung) is granted for the duration of the asylum procedure when an asylum application is filed. Essentially, the rights that go with the residence title for specific purposes correspond to those of an exceptional leave to remain, which is why the rights of both are listed here together. However, an important difference between an exceptional leave to remain and the residence title for specific purposes is the fact that an absolute prohibition to work can be pronounced for people with an exceptional leave to remain regardless of the duration of residence.²² This is to be regarded as a sanction and appears particularly frequently when it is assumed that an obstacle to deportation exists for which the person him/herself is responsible.

People with a residence title for specific purposes and exceptional leave to remain were unable to obtain an employment permit in the first 9 and/or 12 months of their stay in Germany until November 2014.²³ The prohibition on working was reduced to three months as per an amendment that came into effect in 2015. The refugee has access to the job market for an additional 12 months after the first three months with an exceptional leave to remain or residence title for specific purposes. This is an improvement. Nevertheless, the access to work is often still full of obstacles.

20. § 60a Residence Act

21. § 58, par. 1a of the Residence Act art. 10, par. 2 of the Repatriation Guideline

22. § 33 Employment Ordinance

23. Weiser, Barbara (2012): General conditions of the access of refugees to the job market - Who is allowed to work under which circumstances and which possibilities of promotion exist? Appendix to ASYLUM MAGAZINE 10/2012. Pg. 17.

Depending on the residence situation, the Aliens Department must give its consent for employment. It gives this consent depending on the result of the precedence and employment review which is performed by the Federal Labour Agency. As far as the precedence review is concerned, the Federal Labour Agency checks whether there are German employees or citizens of an EU member state, of Norway, Iceland, Liechtenstein or Switzerland, or other employees who are put on an equal footing with respect to the employment permit who are also suitable for the job. In addition, the agency investigates whether the employment of the foreigner has adverse effects on the job market and whether the labour conditions are appropriate.²⁴ The employment condition review applies during the first 48 months of the residence. As a rule, the review of whether a job position can be occupied by a foreign worker must be completed in two weeks. The employer may have already awarded the job to another interested party in the meantime. With regard to vocational training, internships as part of the vocational training or a voluntary social year, the precedence and employment condition review by the Federal Labour Agency is in fact no longer necessary but the permit of the Aliens Department still is. This is why for young refugees with an exceptional leave to remain or residence title for specific purposes and who therefore have subordinated access to the job market, it is often difficult to take up employment. People with an exceptional leave to remain and residence title for specific purposes are completely at the bottom of the „hierarchically graded discrimination scale“²⁵ of the German right of asylum and residence.

On the whole, the amendment of 2014 basically produced a few improvements for people with an exceptional leave to remain and residence title for specific purposes. They have a better chance of being able to work sooner thanks to the fact that the precedence review does not apply anymore after 15 months. They should also be able to make use of the consulting and support facilities of the labour agencies. At the same time, people with either an exceptional leave to remain or residence title for specific purposes continue to be barred from participating in so-called integration courses that teach the German language systematically and intensively. Furthermore they can only take up employment after 4 years of residency without needing the consent of the Labour Agency (until then it must continue to review whether labour conditions are appropriate). Even when after 4 years people with an exceptional leave to remain no longer need the consent of the Labour Agency, a work permit issued by the Aliens Department is still necessary.²⁶

In addition to having earlier access to the job market, changes were also made with regard to the so-called “residency obligation”. For a long time, the “residency obligation” prohibited people with an uncertain residence status from leaving the district, county or federal state in which they were living without the permission of the authorities. The last amendment of the residence law provides for the easing of the residency obligation. This obligation is not completely abolished but instead reduced to three months. The residency obligation made it difficult for young people to participate in school trips or to visit friends and relatives in other federal states and conveyed a sense of not belonging or of being punished.

Residence permit

It is imperative to obtain a residence permit in order to secure residency. There are a multitude of different residence permits. It is important according to which paragraphs, section and clause a residence permit is issued. Behind each paragraph - and partly behind a section and clause - another residence purpose is concealed. Each residence purpose entails other rights in relation to social services and job market integration.

24. Cf., Federal Labour Agency (2015): Bulletin - Employment of foreign employees in Germany - questions, answers and tips for employees and employers. www.zav.de/arbeitsmarktzulassung [18.04.2015].

25. Gag, Maren/Voges, Franziska (2014): “Inclusion as a chance? An introduction”, in Gag, Maren/Voges, Franziska (editor), *Inklusion auf Raten. Zur Teilhabe von Flüchtlingen an Ausbildung und Arbeit* (Waxmann: Münster), pg. 9.

26. Cf., Voigt, Claudius (2014): Access to the job market for refugees with an exceptional leave to remain and residence title for specific purposes: Facilitations have been in effect since November 2014. http://ggua.de/fileadmin/downloads/tabellen_und_uebersichten/arbeitsmarktzugang20142.pdf [15.04.2015].

A residence permit is the result of a successfully completed asylum procedure or an approved application at the Aliens Department (see below).

A residence permit is issued for a limited time and for a specific purpose, for example on humanitarian grounds. Granting of refugee status or that of a person entitled to political asylum results in a three-year residence permit.²⁷ On the other hand, beneficiaries of subsidiary protection receive a residence permit for one year, which can be extended to three years. When a national deportation ban is issued, a residence permit for one year is granted, and can be extended.

Family members of those approved as refugees and people entitled to political asylum can subsequently move to Germany under alleviated conditions. In cases where there are adult beneficiaries of subsidiary protection, the subsequent immigration of family members can only take place under certain conditions. On the other hand, the parents of unaccompanied minors who are recognised as refugees, people entitled to political asylum or beneficiaries of subsidiary protection can come to Germany thanks to family reunification regulations.²⁸ A problem here however is that these do not include the family reunification of siblings.²⁹

Settlement permit

When the reasons which led to the awarding of refugee status or that of a person entitled to political asylum, still exist after three years, people are entitled to an indefinite settlement permit for a non-specific purpose and without territorial restrictions. As far as entitlement to protection and deportation bans are concerned, a settlement permit can be granted after 7 years³⁰ when the requirements such as a secure livelihood and sufficient knowledge of German are fulfilled. The settlement permit entitles one to take up employment without any restrictions.

Residence status and benefits

Unaccompanied minors are entitled to youth welfare at least until they reach legal age (see 4.2) - regardless of whether they have an **exceptional leave to remain**, a **residence title for specific purposes** or already have a **residence permit**.

However, as soon as youth welfare ends whether young refugees have a residence permit, an exceptional leave to remain or a residence title for specific purposes becomes significant. The exceptional leave to remain and residence title for specific purposes let you receive benefits according to the Social Welfare for Asylum Seekers Act. This means for example that medical care is greatly restricted. As for people with a residence permit, a general statement cannot be made about the benefits they are entitled to. The residence purpose for which the residence permit is issued is also crucial here. Thus, refugees with a **residence permit** can be entitled to either the same social benefits as German citizens or to benefits according to the Social Welfare for Asylum Seekers Act. Whether they are allowed to work independently or not without having to apply for an employment permit and whether they only have subordinate admittance to integration courses is also associated with the respective residence permit. The interaction of aliens and social law is complex and results

27. Cf., BAMF (2014): The German asylum procedure - explained in detail. Responsibilities, procedure, statistics, legal consequences, pg. 21. http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/das-deutsche-asylverfahren.pdf;jsessionid=2D155688E64CDA876A050FAB5705FA21.1_cid359?__blob=publicationFile [15.04.2015].

28. Cf. Eichler, Kirsten (2014): Guide on refugee law - the substantive prerequisites for the granting of refugee or alternative protection, pg. 92.

29. Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V. (2013): Children of the second class - report on the living situation of young refugees in Germany, pg. 19. <http://www.b-umf.de/images/parallelbericht-bumf-2013-web.pdf> [18.03.2015].

30. The bill to redefine the right of residence and residence termination of 25.05.2015 provides for shortening the term to 5 years. It is expected to come into effect between July and October of 2015.

in uncertainties not only amongst immigrants but also for employees in public authorities and information centres. It is to be assumed that this is why the possibilities for integrating into the job market that already exist often remain unused.³¹

Asylum procedure

Unaccompanied minors can consolidate their residence through various ways and obtain a residence permit. One possibility of obtaining a residence permit is a successfully completed asylum procedure. However, there are minors for whom the asylum application is not the correct path.³² Prior to filing an asylum application, it is therefore necessary to implement a residence clearing with the child, the legal guardian, support personnel from the youth welfare institute and an experienced solicitor. Different ways of securing residence are discussed together and depending on the individual situation of the minors it is decided whether an asylum application is filed or not.

The hearing

The kernel of the asylum procedure is the personal hearing of the minor on his/her reasons for migrating. Based on the particulars that the minor gives as part of the hearing, as well as all additional findings, the BAMF checks if the prerequisites for refugee status³³, subsidiary protection³⁴, entitlement to asylum³⁵ or deportation bans³⁶ exist or if the asylum application will be refused on the grounds of being simply or obviously unfounded. Subsequently, the competent Aliens Department issues a residence title or checks other residence possibilities depending on the decision of the BAMF. After reaching the legal age, it initiates the residence termination, if applicable.

Hearings of unaccompanied minors should be conducted by specifically trained “special commissioners for unaccompanied minors” and only take place when a legal guardian has been appointed. The minors must be accompanied by a legal guardian or a caregiver at the hearing who is given the opportunity „to also express him/herself on the individual case in the course of the hearing and/or to ask questions of the unaccompanied minor“.³⁷

The decision

Following the hearing, the BAMF decides if a person is entitled to political asylum, or to refugee status, whether subsidiary protection or national deportation bans are granted or whether the asylum application is rejected. Months may pass before a decision is made.

Entitlement to asylum

Only approx. 1% of the people who apply for asylum in Germany are recognised as people entitled to asylum according to §16a of the Constitution since it requires that entry did not happen via a safe third country. Hence, the entitlement to asylum in Germany has lost its relevance in practice.³⁸ In fact, the rights that go with the entitlement to asylum correspond to the rights of the award of refugee status. That is why the protection of the refugee is primarily dealt with at this point.

31. Cf. Weiser (2012): Pg. 56.

32. Cf. Müller, Kerstin (2011): Unaccompanied minor refugees – alternatives to the asylum application, in: ASYLUM MAGAZINE 11/2011.

33. § 3, par. 1 of the Asylum Procedure Act

34. § 4, par. 1 of the Asylum Procedure Act

35. Art. 16a, par. 1 of the Constitution

36. § 60, par. 5 and 7 of the Residence Act

37. BAMF (2014): Pg. 28.

38. Cf. Eichler (2014): Pg. 76.

International protection: Refugee status and subsidiary protection

The refugee status and subsidiary protection are checked within the framework of the asylum procedure. A person must fulfil several requirements to be awarded refugee status. An act of persecution must be existent or the fear of persecution must be justified. Agents of persecution can include the country, parties or organisations that control a large portion of the national territory or non-governmental agents against which state agents or international organisations cannot offer protection. A persecution in terms of the Geneva Refugee Convention only exists when it is targeted and there is no effective protection in the country of origin. In addition, the person must be persecuted because of “race”, nationality, religion, political conviction or affiliation with a certain social group. An impending persecution can also entail a protection status. The award of the refugee status requires that a person is specifically exposed to persecution as an individual.

In contrast, subsidiary protection implies only that the person is generally threatened by serious damage, for example because of an international or domestic conflict.

International protection includes child-specific persecution, for instance forced recruitment, child trafficking, genital mutilation, family and domestic violence, forced prostitution or forced marriage.

National deportation bans

National deportation bans can be awarded according to two different paragraphs (§ 60, par. 5 of the Residence Act and according to § 60, par. 7 of the Residence Act). In practice, national deportation bans are very rare according to § 60, par. 5 of the Residence Act. The reason for this is the fact that fulfilment of the requirements for deportation bans according to § 60, part. 5 of the Residence Act, generally already results in the protection of the refugee or subsidiary protection.

On the other hand, deportation bans according to § 60, par. 7 of the Residence Act are more frequent. § 60, par. 7 of the Residence Act says that recourse to deportation should be avoided when there is a considerable and concrete risk for the body, life and freedom of the person concerned. These must be individual risks that can result from a general risk. It is primarily people who belong to a particularly vulnerable group who have the greatest chance of a national deportation ban. For instance children and adolescents as well as the physically and psychologically ill are considered particularly vulnerable.

Rejection of the asylum application

An appeal can be lodged against a rejected asylum application. Court proceedings will usually last several months or years. Furthermore, there is a possibility that an exceptional leave to remain is issued or that, eventually, a residence permit is issued independently from an asylum procedure (see next section). If the refugee is ordered to leave, the deadline for departure is one week or 30 days depending on the type of rejection.

When no asylum application is filed – or the asylum application is rejected

When no asylum application is filed or when the asylum application is rejected, it is possible to apply for a residence permit at the Aliens Department³⁹. The young refugees have an exceptional leave to remain until a decision is made by the Aliens Department. Contrary to the asylum procedure, the reasons are pleaded in writing and there is no personal hearing when an application is filed with the Aliens Department. The review of the application can take months or years.

Well-integrated youths and adolescents

Well-integrated youths who only possess an exceptional leave to remain have the possibility of obtaining a residence permit when they meet certain requirements. Up to now, adolescents who immigrated before the

39. Exception in case of rejections according to § 30, par. 3 of the Asylum Procedure Act.

age of 14, attended school for six years without interruption and obtained a recognised school or training qualification were able to file an appropriate application. Furthermore, it had to be conceivable that the adolescent “can integrate him/herself in the living conditions of the Federal Republic of Germany”⁴⁰. Thanks to an amendment that is planned for 2015, adolescents should be able to utilise this possibility up to the age of 21 if they entered Germany no later than 16 years of age. With the amendment the application can now be filed after 4 years of prior residence and not after 6 years, as was the case until now. Unaccompanied minors also no longer need to enter the country before their 14th birthday in order to make use of the arrangement. They now need to enter before their 17th birthday.

National deportation ban

National deportation bans that are reviewed within the framework of the asylum procedure can also be requested separately at the Aliens Department (see above).

Residence permit for the purpose of employment

Additionally, an application can be offered at the Aliens Department for (former) unaccompanied minors when they have completed qualified and state-certified training and now wish to take up employment in Germany.⁴¹ The adolescents and/or young adults must also exhibit sufficient competency in the language and adequate accommodation in addition to the required school and professional qualifications. Their livelihood must be assured. Furthermore, the Labour Agency must consent to their taking up of employment.

Hardship Commission

When all options have been exhausted and a person is subject to immediate extradition, the last option is generally filing an application with the Hardship Commission.⁴² The Hardship Commission was introduced in 2005 with the objective of helping on an individual basis those foreign citizens who cannot obtain the right of residence according to the other stipulations of the Residence Act on urgent humanitarian or personal grounds. Hardship Commissions are established at the Ministry of the Interior of the federal states (with the exception of Baden-Württemberg). The number of members varies, depending on the federal state, but they mostly have between 7 and 10. They are representatives of both the state and of non-governmental organisations. Depending on the federal state, either the supreme state authority or the Aliens Department decides whether a residence permit is issued upon request of the Hardship Commission following an accurate review of the individual case. The integration efforts of the applicant, the length of time lived in Germany, a secured livelihood as well as the fact that the granting of residence is in the public interest are crucial.

Other situations

The residence situation of unaccompanied minors does not only change significantly due to the applications listed above. For example, it is particularly significant if a family reunion can take place. To that end, it must be checked whether family members are located in Germany or another EU-country and if the family reunion is in the best interests of the child.

In addition, a few (former) unaccompanied minors become parents or get married. Depending on the citizenship and residence status of the partner, this may influence the residence status.

Furthermore, a few unaccompanied minors decide that their future is not in Germany but in their homeland or a third country and they make an effort to make a voluntary return or to journey on.

Many unaccompanied minors celebrate their eighteenth birthday (and often leave the youth welfare service promptly) without a decision having been made about their procedure regarding the right of asylum or

40. Ibid.

41. § 18a Residence Act

42. § 23 a Residence Act

residence. Young refugees are often still in possession of an exceptional leave to remain or a residence permit for specific purposes and are thus subject to the most severe exclusion mechanisms.

4.2 Child and Youth Welfare

Key actors

The **Youth Welfare Office** is the key actor in the youth welfare system and, consequently, an additional authority that significantly influences the life of unaccompanied minors. It has the overall responsibility as well as the planning responsibility to fulfil the tasks recorded in SGB VIII. It decides how closely the minors are supported by a social worker within the youth welfare framework and which other benefits they receive (clothes, furniture, leisure activities, sports courses, group excursions, language improvement, etc.). It conducts support plan conversations regularly and plans the next step with the minors. Benefits are granted by the Youth Welfare Office according to the German Child and Youth Welfare Act (SGB VIII). As a result of the assistance granted, the development of the child should be promoted, orientation should be given where there are questions about education and employment and the child „should be consulted and supported in the general conduct of life“.⁴³

In addition, the Youth Welfare Office shapes the life path of the unaccompanied minors as to how fast the youth welfare is terminated. The possibility of continuing the youth welfare grant after the eighteenth birthday is not always taken by the youth welfare offices.

There are **youth welfare institutes** in addition to the Youth Welfare Office. The employees in the youth welfare institutes are generally those with whom the minors most frequently have personal contact. They are involved in a multitude of decisions and significantly influence the path of the unaccompanied minors. They look after admission to a school, help with finding training, arrange and come along to physician and therapy appointments, support the adolescents in questions regarding the right of residence, help with finding a residence, and make contact with a sports club. They come along to appointments with authorities, intervene in crisis situations, organise leisure activities and cook with the minors. They ensure that the children and adolescents go to school and do their homework. They are often the first spokesperson for any issues that may arise.

The **legal guardian** is the legal representative of the minors and must act in the interests of his/her ward. The legal guardian has the care for the person as well as the finances of the child. He/she is involved in all important decisions that involve his/her ward. S/he authorises both important medical procedures with his/her signature but also membership of the football club. Those below the age of 16 cannot file an asylum application themselves⁴⁴ and require a legal guardian for that purpose. The legal guardian is an important factor in the support planning. Most unaccompanied minors in Germany have an official guardian. The official guardian is an employee of a Youth Welfare Office and manages about 50 children under guardianship. It is also possible for guardianships to be managed by employees of an association (association guardian) or by freelancing individuals (occupational guardianship). In addition, voluntarily managed guardianships have been established in some cities in Germany. A voluntary legal guardian customarily only takes over one guardianship. Contact between the pupil and voluntary legal guardian often continues after the official end of the guardianship.

Outside of authorities and youth welfare institutes, there are also **other people** who can significantly influence how the adolescents' lives develop. On the one hand, there are **therapists** who help the minors overcome

43. § 34 SGB VIII

44. The age will be increased as part of a planned amendment so that an independent asylum application won't be possible until the age of 18.

emotionally demanding times, process their experiences and become emotionally stable; **solicitors** who advise on questions and decisions regarding the right of residence and who prepare the minors for their proceedings; **teachers** who see their students daily (and thus generally more often than other actors) and who can influence their further educational path; and on the other hand, there are **voluntary supporters (legal guardians/mentors), information centres**, but also **friends, relatives** and **the community**. As a rule, the latter are not integrated in the official circle of helpers but possibly have another viewpoint on things and often influence the minors' point of view significantly.

Clearing Procedure

Unaccompanied minor refugees are, regardless of their residence status, by now a regular target group of the German Child and Youth Welfare Act (SGB VIII). The legislative text expressly mentions that foreign children and adolescents must be taken into the care of the Youth Welfare Office when they come to Germany unaccompanied and if there are neither legal guardians nor caregivers for the person of the child in Germany.⁴⁵ The fact that unaccompanied minors are the focal point of youth welfare is indeed a relatively new development. The passage was adopted in SGB VIII in 2005 and only implemented nationally in 2015 with Brandenburg as the last federal state to do so. The inclusion of the target group in SGB VIII constitutes a large improvement of the situation of unaccompanied minors.

As a rule, the minors' data are recorded in an initial conversation as part of the process of taking children into care, the children and adolescents are medically and materially taken care of and the possibility of a family reunion is checked. Guardianship is encouraged and the children and adolescents are registered according to immigration law. In the event that there is any doubt about the age of the young people, the age is estimated or a medical age determination procedure is implemented. The minors must participate in a German language course promptly and support planning should start. In the national action plan Für ein kindgerechtes Deutschland 2005-2010 the federal government had aimed for this procedure to take place in specialised clearing houses, which is certainly not yet the case throughout the country.

Follow-up Measures

The decision regarding supports completes the clearing phase. For this purpose, the entire spectrum of benefits of the German Child and Youth Welfare Act should be reviewed. When a need for youth welfare has been determined, the unaccompanied minors are placed in youth welfare institutes which have different levels of support depending on availability and individual needs.

Support Plan Procedure

The support plan procedure is a key part of the process of German youth welfare.⁴⁶The state youth welfare offices recommend that the following aspects are chosen as central themes in the support planning:⁴⁷

- Securing residence
- Acquisition of German language proficiency
- Acquisition of a school-leaving qualification despite potentially limited preparatory training
- Successful transition from school to training
- Occupational qualification
- Integration into German society
- If applicable, support for a voluntary return or resettlement

45. § 42 SGB VIII

46. § 36 SGB VIII

47. Federal Labour Association State Youth Welfare Offices (2014): Recommended actions when dealing with unaccompanied minor refugees - taking into care, clearing procedure and initiation of follow-up measures. http://www.bagljae.de/downloads/118_handlungsempfehlungen-umf_2014.pdf [15.03.2015].

- Dealing with traumatic experiences
- Overview of counselling services
- Promotion of contact with the family of origin
- Nurturing of religious and cultural identity
- Assistance in personality development towards an independent lifestyle

As a rule, every six months the Youth Welfare Office invites minors, legal guardians, the supporting institute and, if applicable, other parties involved to support plan conversations in order to discuss the current situation. It is checked whether the objectives, which were determined in the previous conversation, could be implemented. A support plan is set up which records what the current needs of the child are and what type of support should be granted. The participation of the minors is thereby legally prescribed and essential.⁴⁸

The support plan procedure makes high demands on the experts involved. They must register and interpret the living situation of the minors “correctly”, provide prognoses about their development and monitor potentially emerging problems. The needs of the minors cannot be determined and objectives developed until then. In order to be able to achieve the established objectives, all parties present must be involved, the objectives of the parties involved must be accepted and steps towards practical action must be developed.⁴⁹

The End of Youth Welfare

Guardianship generally ends on the ward’s 18th birthday. When the legal age starts later in the ward’s country of origin, guardianship may be extended by the court. Contact between the ward and legal guardian ends mostly with the end of the official guardianship.

Youth welfare is not linked to the end of the guardianship and can be granted beyond the age of 18. According to the Child and Youth Welfare Act, young adults should be granted „assistance for the development of their personality and for an independent lifestyle when and for as long as that assistance is necessary based on the individual situation of the young person”.⁵⁰ This also applies to former unaccompanied minors. It is possible to extend youth welfare until the age of 21. Assistance may even be extended beyond that in exceptional cases. The law also keeps in mind that the young adults may still have a need for counselling and support after the assistance has been terminated. In this case, counselling should be provided to an appropriate extent while the person becomes independent.

5. Requirements for the sustainable development of realistic future prospects with unaccompanied minors: main findings

Findings from the interviews conducted as part of this project are dealt with in the following. Starting from the demand for durable solutions described at the beginning, the conversations brought up what is important for the development of sustainable future prospects. It thereby became apparent that a secured residence status, access to education and employment, supervision during transitions and good planning are particularly important.

5.1 Secure residence status

As described above, three possible durable solutions are used as a basis in the international context: return to the country of origin, resettlement in a third country or integration in the receiving country. The clear focus of both the young refugees and experts with whom conversations were held as part of this project was on having a life in Germany.

48. cf., *ibid.*

49. Cf. Schrappner, Christian (editor) (2005): Innovation through cooperation - requirements and perspectives of qualified support planning in the collaboration of free and public sponsors of youth welfare, German Youth Institute of Munich, pg. 7 and 163.

50. § 41 SGB VIII

One of the young refugees responded as follows to the question what a *durable solution* could be: *“The fact that there is education. And a safe place where there is no war.”* The fact alone of being in Germany now is, however, not what he understands by safety. He is still in the possession of an exceptional leave to remain and that is why he adds: *„But it’s not safe where I am because I don’t have a residence.”* (JF9)

Safe residence is the crucial point for the minors. In addition to “education” and “employment”, it is the key word that is used most frequently in conversations with them. Without a safe residence the young refugees do not know where and under what circumstances they will live. This results in constant uncertainty and fear for the future.

“For starters, [we] must have certainty that [we] can stay here. That [we] do not have to ponder whether they will bid me farewell from Germany the day after tomorrow, next month, nobody knows. They’ll come one night, take me away and bring me back.” (JF3)

The asylum procedure but also other procedures regarding the right of residence are mostly very long and demoralising procedures for adolescents. By their eighteenth birthday many of the adolescents have still not received a decision with respect to their residence. During the time period of the procedure the adolescents relate their fear of being deported to their homeland or a transit country and about their grief at not being able to travel to meet their family that is staying in a third country. Months may pass before they receive the invitation to be heard as part of the asylum procedure. When the hearing has finally taken place, the next

disconcerting and nerve-racking waiting phase begins: waiting for the decision. That is why some of the adolescents wish that they were told when they can count on hearing the decision. This would be easier to endure than constantly wondering when a response is due. The uncertainty is very wearing on the youths and affects their psychological stability as well as their motivation to learn German, attend school and make themselves fit for the job market.

“People don’t feel like doing anything anymore. As for the language, you can say, what should I learn the language for when I’m being deported from here for instance. For starters, people need safety so that everything is quiet here [points to her head, comment of the author], then people can also consider school or other things.” (JF4)

“I have lost courage and motivation due to the hearing. You never know when a decision will be made (...). The waiting is awful. People should know if they are staying so that they know it’s worth struggling, integrating.” (JF12)

Young people who have filed an application with the Aliens Department may also have to wait a long time under certain circumstances until a decision is made on the application. The long period of uncertainty demands a lot of energy and leaves its traces behind: *“I’m not really pleased because of the residence, what an ordeal. This feeling, that I would eventually get residence, had already died.”* (JF14)

Long-term prospects can only be developed when the residence has been cleared. To obtain this quickly, one of the young interviewees states, would have a big influence on the way the adolescents use their time in Germany: *“When they think they have a future here, then they do good things. If not, they steal and drink, deal or do other illegal things.”* (JF9) Young refugees are put in a waiting loop however until they obtain secured residence. The young people can try to prepare themselves for a future in which they hope to obtain secured residence. Nevertheless, up to this point in time it is not possible for them to develop a long-term outlook but a temporary one at best.

The interviewees could not understand why return and resettlement play such a central role in guidelines, comments and reports on durable solutions. One young man points out that many of the young refugees no longer have family or relatives in the homeland and thus nobody who would support them. *“Are you going to live on the street? Will you come in contact with weapons? That is not the best solution.”*(JF12)

Some of the young refugees play with the thought of returning or migrating further in particularly difficult times. For example, when they feel lonely in Germany and miss their family; when they sense their dependency on authorities and individual employees; or are isolated and housed far away from their community. Some adolescents mentioned that in difficult situations they have already considered going to another (European) country. They justify this by the fact that learning German is a great struggle whereas they already speak English or French and knowing these languages, would make things considerably easier for them in other countries. Information also circulates among the adolescents themselves or in their communities about the fact that life in another (European) country would be better for them.

Thoughts of returning to the homeland are associated with the fact that the young refugees often feel seriously unable to cope with finding their way without their parents and family in Germany with all of its bureaucracy. One young man states that he wanted to go back to Syria during his first six months in Germany *„even though there is a war in that country.”*(JF10). He had appointments here every day, there were *„many questions, a lot of stress with the authorities.”*(JF10). He missed his family especially and believed: *„One day with my parents is better than one year here.”* (JF10) As reported by the employee of a youth welfare institute, thoughts of returning evaporate as soon as they reflect on the current situation in their homeland.

“The topic [return] is always picked out as a central theme when people feel homesick, and they are all homesick. They are homesick, they want to go to their parents and that is more or less strong, that they also articulate it like that, that we can talk about it, [...] and then we talk about it, what if, and then that’s the end of the story, I would actually stay here” (P5)

Some of the young interviewees see going to their homeland for a visit as soon as they have a residence title as a possibility. Many of them are desirous to influence politics in their country or perhaps return there later on in the event that the situation in their homeland should have improved.

“I believe that when everything is good in [their] country, [the adolescents] would want to go back to [their] homeland. Your homeland is your homeland. Your family and all friends are there. [They could] use the opportunities here. Finish school, simply training or going to the university or and then [they would] be able to get a job easier with this work in [their] country.” (JF7)

As long as the circumstances that have brought them to leave their country continue however, a permanent return is not an option.

“A return is also okay if my homeland were the Netherlands or England. I would like to go back if that was the case (laughs). But when you come from Afghanistan or Syria...you want to live! It is currently not as important for me to have a better residence or work as it is important for me not to get killed or see daily explosions!” (JF9)

5.2 Access to education, training and work

The German Youth Institute determined as part of a longitudinal study that students who have only been in Germany for a short while have a more positive attitude towards school than those who come to Germany before the age of 11. Hopes for a successful introduction to training and work is higher the later the adolescents

travelled to Germany.⁵¹ This assumption is confirmed with regard to unaccompanied minors who often exhibit a high degree of motivation for an education. However, many people who work with young refugees continue to observe lapses in performance and motivation despite the high degree of motivation.⁵²

This is owing to the particular living circumstances of the minors. Some of them not only have to learn a completely new language but also a new writing system. What they learned in the homeland is partially irrelevant in the German context. Furthermore, not everyone in the homeland could go to school or they had to interrupt school attendance for a long period due to the migration. They are often severely stressed due to experiences in the country of origin and during the migration. They also suffer from the uncertain residence status and are anxious about the future. This is accompanied by difficulties concentrating and the children and adolescents cannot learn as quickly as they would like. Under these circumstances it is not easy to graduate from a regular school in Germany.

The ambitions of many adolescents to continue their educational career, to study, to become a nurse or a solicitor are only catered to a limited extent. If anything, they are on the lookout for apprenticed trades, which are easier to complete and are deemed as understaffed occupations, in order to find a job after training and so be able to secure residence as a result.

Appropriate development tools are necessary to positively influence the academic performance of migrated children and adolescents and their later positioning on the job market. Those who did not get much education in their homeland in particular should be supported. Linguistic competence is of particular significance. School graduation and training can only be accomplished when the students have sufficient knowledge of German. Unaccompanied minors who come to Germany aged 16 or 17 must work on their knowledge of German quickly and intensively to be able to compete with other applicants later on - particularly given the fact that the average German grade on the graduation certificate is worse the older the children and adolescents are upon their arrival in Germany.⁵³ Companies look at school leaving certificates and report cards when selecting applicants so that the chances of an apprenticeship training position decrease when the grades in German are poor. It is important especially in the early stages that language courses are offered that correspond to the linguistic level of the students and are held by qualified teachers. Currently, this is not guaranteed all over the country. On the one hand, there is a need for suitable pedagogic concepts. On the other hand, teachers often know only little about the particular living situation of unaccompanied minors, the existing refugee accommodation system and possible contacts. A lot of teachers also feel uncertain when dealing with students who have suffered from traumatic experiences and they wish to get further training in this subject.

Several studies on the transition from school to occupation show that migrated children and adolescents in Germany have worse educational opportunities than German children and adolescents. According to a report on integration by the Federal Office for Migration and Refugees, 11.4% of the students with a foreign passport left school without a certificate of secondary education in 2012.⁵⁴ The percentage was thus twice as high as the comparison group of students of German nationality. It was also found that non-German

51. Reißig, Birgit/ Gaupp, Nora/ Lex Tilly (2004): Hopes and fears - adolescents from migrating families on the cusp of the working world, in: DJI Bulletin 69, pg. 7.

52. cf. Voges, Franziska, (2014): Further education for multipliers in Hamburg, in: Inclusion in instalments: On the participation of refugees in training and labour. Münster: Waxmann.

53. Kuhnke, Ralf/ Müller, Matthias (2009): Circumstances and paths of migrating adolescents in the transition from school to occupation: Results from the DJI - transition panel. Munich: Deutsches Jugendinstitut e.V., pg. 7.

54. Federal Office for Migration and Refugees (20142): Integration report, http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Forschung/Integrationsreport/Schulbildung/schulbildung-tabelle-5-3-pdf.pdf?__blob=publicationFile [18.02.2015].

students tend to acquire a rather lower level of education than the advanced technical college certificate or matriculation standard. The chances for adolescents with a history of migration⁵⁵ to obtain an apprenticeship training position in the dual system are also clearly worse than for German adolescents.⁵⁶ When they achieve a certificate of secondary education or intermediate education, they are competing with secondary school graduates for the scarce apprenticeship training positions. Applicants with non-German names must in some cases write 1.5 times as many applications as German applicants before they are invited to a job interview.⁵⁷

In addition to the discrimination by employers and other institutional discrimination on the part of the educational and training system, unaccompanied minors are also subject to exclusion mechanisms such as the subordinated access to the job market or the need to have a work permit. Some of the adolescents involved in this project urgently want to be able to work in addition to attending school to be able to support their family in the homeland.

“We know the first things when we come to Germany, we have to learn the language and go to school. But some of us have people back at home they have to support. (...) sometimes we come out of school at 1:00 PM [which would make it possible to work in the afternoon, comment of the author], I want to have a work permit. Something. So I can work to help the others. Because we don’t come here just to learn. But to make our lives better. You can’t stay at home all the time.” (JF6)

Restricted access to education and labour makes it difficult to plan for the future, is stressful and inhibits motivation. A young person of legal age with an exceptional leave to remain and subordinated access to the job market describes his chances of getting a job as not very promising: *“They first look at the residence, 3-4 people are there who want the job. I have an exceptional leave to remain...it is obvious. What is simpler?”(JF9)* Nevertheless, many of the young refugees continue to motivate themselves to go to school or to complete training. Because the young interviewees have this project of *„financing themselves,”(JF10)* and *„no longer having to go to the Social Welfare Office,”(JF10)* as an objective for the future.

The traditional German transitional model from school to occupation is described as a two-wave model: the first wave relates to the transition from school to training, and the second wave relates to the transition from training to work. In 2006 it could be observed that these „individual transitions and paths between school and the job market [...] are considerably more complex today for numerous adolescents with additional levels and partial transitions.”⁵⁸ Meanwhile, detours have become part of the educational path for many young people. (Former) unaccompanied minors also end up in this profoundly differentiated transitional system. Due to excessive demand or because the selected course of study does not meet the expectations of the young people, their education is constantly interrupted and a new path must be found. Reorientation uses a lot of energy and generally needs the support from outside.

There are countless projects and programmes for occupational orientation, to catch up on educational qualifications or for off-the-job training by the country, states, municipalities, foundations or the Federal Labour Agency. Orientating oneself in this jungle is a challenge even for professionals and requires constant continuing education.

55. This refers to both adolescents whose parents or grandparents have migrated to Germany, and also adolescents who were born abroad and came to Germany as children or adolescents.

56. Advisory Council of German Foundations for Integration and Migration (2014): Discrimination on the training market - extent, causes and action perspectives, http://www.bosch-stiftung.de/content/language1/downloads/Studie_Diskriminierung_am_Ausbildungsmarkt.pdf [18.02.2015].

57. Ibid: Pg. 4.

58. Jacob, Marita (2006): Normality presentations and deviations - a discussion of the preceding contributions, in: Transitions between school and occupation in Germany and related support systems, by: Friedrich-Ebert-Stiftung (editor), p. 67.

5.3 Support during transitions

The transition from school to occupation often coincides with the end of youth welfare for unaccompanied minors. The end of youth welfare for young refugees means that they have to move out of their youth welfare institute and that the Youth Welfare Office is no longer responsible for them but that another funding agency - mostly the Social Welfare Office - is. The young adults normally no longer have a legal guardian at that point since guardianship generally ends on the 18th birthday.

Young people of legal age get new contacts for whom it is suddenly no longer important that they came to Germany as unaccompanied minors and were still considered “particularly in need of protection” until quite recently. The new contacts often do not have sufficient knowledge of their situation and the young adults find it hard to explain. They now have to reckon with long waiting times at the authorities. Psychotherapy and medical treatments are considerably more difficult to obtain. There is no one by their side from the care facility anymore during appointments and they have to find their own way of avoiding experiences of discrimination for instance. If the young refugees are not already living in their own home before youth welfare ends, a relocation will be due. They must cook independently, complete purchases, keep the residence clean and communicate with janitors and landlords. If this could not be practised beforehand together with the qualified social worker, but was only discussed theoretically, this may be a great challenge. There is a great lack of residences in some German cities with the result that in the worst case scenario young people of legal age have to move into camp accommodation with adult refugees until they have found their own place. At the camp they have to share a room with multiple people most of the time. Living together in a narrow space with people you do not know, who speak different languages, who are often psychologically troubled and have different daily rhythms is energy-sapping and conflict-ridden. Most of the unaccompanied minors had their own room during their time on youth welfare and experience such a relocation as a shock.

The youth welfare institute was previously the contact for all every day and organisational questions. When a contact based on trust has developed, it may be agreed that the young people of legal age can continue to turn to the institute when they have issues. Most of the time the youth welfare institute is no longer paid for this work and can only provide support sporadically despite the statutory possibility of doing so. The connection with information centres is often unsuccessful since no trustful relationship exists there and hence the obstacles to finding help there are too large.

Research interest in the group of so-called care leavers - i.e. young people of legal age who should lead their lives independently from Youth Welfare after receiving residential educational support - has been increasing in Germany in recent years. To date, care leaver research has related especially to young German adults. Many of the problem situations with which this group is confronted, also relate to unaccompanied minors.

The age at which children move out of the parental household in Germany is on average 23.9 (for women) and 25.1 (for men), respectively. The adolescence phase has been pushed back compared to before.⁵⁹ On the other hand, about half of the young people of legal age who are supported by residential youth welfare services start living independently from the age of 18 or 19.⁶⁰ Young adults who have lived in the parental home can also generally count on the support of their parents after reaching the legal age. In contrast, care leavers must stand on their own two feet considerably earlier. As for unaccompanied minors, this is made difficult by the fact that many only come to Germany at the age of 16 or 17 and are only briefly in Germany when youth welfare ends for them. One to two years is not much time to subsequently find their own way independently in Germany, to graduate from school, to commence training or studies and to manage communication with authorities.

59. cf. Thomas, Severine (2013)1: Help at the end? Becoming an adult in stationary educational support, in: PFAD 4/2013, pg. 12/13.

60. cf. Thomas, Severine (2013)2: No time for adventure - becoming an adult in stationary educational support, in: SozialExtra 9/10 2013, pg. 43-46.

The end of youth welfare triggers a true crisis for some of the adolescents, as reported by a psychotherapist:

“Then the Youth Welfare Office says, you are turning 18, you have to go now. (...) that activates something on the inside that they experienced during the migration. The fact that they have to go. That is often not meant like that at all (...) but to begin with they do not understand it at all, they have to leave again. That is what is activated first. On the inside. (...) then it’s obviously also about the personal relations, you may also feel safe and secure with one person [here: qualified social worker from the youth welfare institute, comment of the editor]. That person also gets lost (...) for starters it’s [end of the youth welfare] a threat and it also triggers a crisis. (...) Their internal structure is not secure enough yet for many of them to cushion themselves from it.” (P11)

A young person of legal age says the following about the termination of youth welfare: *“I did not want it, I was here briefly, I could not speak German. It [the Youth Welfare Office, comment of the editor] has thrown me in the asylum.” (JF11)* Being housed with adults means living with people who *„know and do everything that I don’t know” (JF12)*. A young man describes that it was very difficult for him *„to leave youth welfare even though I really did not want to, although they did not know if I can integrate myself when I leave the youth welfare. That does not interest them. Especially not the Youth Welfare Office. Where should I go? They do not care.”(JF12)*.

It is thereby striking that there are very large differences between various Youth Welfare Offices. An employee of a youth welfare institute opined the following in relation to the extension of youth welfare: *“it is unjust that it depends a lot on the Youth Welfare Office. There are youth welfare offices that are very generous but with others you have to start crying and pulling your hair out in the support plan conference and then they will extend it by two months.” (P5)*

The Youth Welfare Office has the option of reducing support gradually. An adolescent states as follows: *“There are such caregiver residences. For someone who moves out. You always get a little bit of help. For example, a caregiver comes once or twice a week. It’s not like here, but someone comes at times. And you slowly learn how to work alone. Not all of a sudden. Moving out and completely alone, but nevertheless once or twice a week, thus not too much and not too little, you are able to slowly learn to live independently.” (JF4)*

The speed at which youth welfare is terminated also depends a lot on the respective Youth Welfare Office. Some of the young refugees are hard hit after the end of youth welfare and have to struggle with the new situation. Finding access to work and being able to pay for one’s own livelihood is often a long path on which the young refugees will continue to experience interruptions and changes of course. The interviewees emphasize, just like the care leaver research, that the youth welfare should be extended until the young person can be released into independence without experiencing any crises. The Youth Welfare Office does not only have a considerable influence on the type of support the minors receive but also how long it is guaranteed. Some young refugees manage well on their own after the termination of youth welfare. It may also happen that many of the efforts that were made during the youth welfare period are nullified again if the young people were released into independence too quickly.

Youth welfare together with its clients wants to work towards ensuring the ability to live an independent life. The main focus in preparing for the end of youth welfare is often placed on everyday practical skills. Being independent means being able to manage a household, not getting into conflict with the law and being able to handle money. As for living independently, it is equally important to know whom you can go to when you have questions. The care leaver research notes that young people are confronted with *„complex situations of poverty“* after youth welfare ends,⁶¹ where this not only relates to *„economic poverty but also in essence*

61. Sievers, Britta/Thomas, Severine/Zeller, Maren (2014): After the stationary educational support - care leaver in Germany (final report for the Stiftung Deutsche Jugendmarke). http://www.uni-hildesheim.de/media/fb1/sozialpaedagogik/Forschung/care_leaver/Abschlussbericht_final_03-2014.pdf [15.03.2015].

to a lack of relationships and education”⁶². The build-up of stable social networks is at most only entertained marginally in the “transition to independence phase”. For quite some time socio-scientific research has been discussing what the influence of a person’s social capital is on the development of his life’s path. The present concept of independence can be accused of looking at young people in a type of vacuum in that all the responsibility for the success of an independent life depend on the everyday practical skills of the care leaver instead of seeing him in a social arrangement which can be utilised by the care leaver for his interests.⁶³ Indeed unaccompanied minors often have a particularly small social network since they came to Germany without a family unit. Others are well-integrated in their community but may not find any answers to very specific questions that emerge for them after youth welfare ends.

The support system does not provide for reliable supervision that is on standby during these transitions. Unaccompanied minors have already experienced drastic relationship disruptions due to or during their migration and can be destabilised by new ones as a result of the termination of youth welfare. An end that comes too fast can nullify the efforts of youth welfare and whatever developments were put in motion again. Unexpected obstacles appear and disruptions are not rare in this phase. In the worst case scenario, the young people lose their accommodation or their training. Some of them withdraw into themselves and feel isolated and lonely. Control of the situation slips through their fingers. However, it is precisely the constant contact to adult attachment figures and positive relationship experiences that count as a “special key resource in the transition to an independent life”⁶⁴. In many cases, the success in the transitional phase depends on “accidental, informal assistance”⁶⁵. Studies on care leavers demand that stable relationships with peers as well as with other supporting people be promoted, for example through godparent or mentor projects. Post-care by an attachment figure from youth welfare should be guaranteed and it must be possible to intensify the support again, as needed. Additionally, one should take care that not too many transitions (e.g., end of youth welfare, new training, new residence) are initiated simultaneously.⁶⁶

5.4 Long-term and coordinated planning

Planning on a long-term basis with unaccompanied minors can significantly influence their stabilisation. A young person of legal age has this to say about it:

“That is very important. I would like to see into the future. I would like to be alone more often to image how I will be in 5 years. When I wanted to leave Germany, I had only been thinking about the now and not the future. I’m doing that more often now. It gives you courage to accept difficult things. [...] When you only look at today, you give up too fast.” (JF12)

But he adds:

“You also need the feeling that it comes from outside. It is not possible to concentrate alone.” Support from others as needed is also necessary in this future planning. Another young adult has a similar point of view: “Planning is very important. When you plan, you always have your eye on an objective. When you don’t have a plan, when you don’t have a goal, you are lost.” (JF14)

Some of the young interviewees find a difference between short-term and long-term stabilisation. A young person of legal age felt he was in very good hands with his caregiver but had the feeling that this person seemed to prefer „what can we do together so that it’s fine for me right away.“ (JF12) His caregiver had gone for walks with him for instance when he was not doing well, which he appreciated a lot. Nevertheless, this

62. Ibid

63. cf. Thomas (2013)2:

64. cf. Thomas (2013)1: 13.

65. Ibid.

66. Thomas (2013)2

only helped for a short while and was not planned with enough foresight to save the young man, after youth welfare ended, from relocating to a room with six beds in an adult home which, in addition, was a two hour drive from his school.

The support plan procedure should contribute to the design of a long-term plan with the minors and to prepare a successful transition to living independently. However, the successful implementation of the support plan procedure from theory to practice is not always guaranteed. As stated by an employee of the Youth Welfare Office within the framework of this project, the first support plan reports contain the same thing most of the time. It only subsequently becomes more concrete, individual and specific. Some interviewees assume that this is related to the setting of the conversations. At least three adults are present: the legal guardian, an employee of the Youth Welfare Office and a qualified social worker of the youth welfare institute - there may also be more people. Interpreters may be added when the language skills of the minors do not suffice

to hold the conversation in German. However, it is often decided that the conversation take place without an interpreter. Generally, for the adolescents this means that they must be able to communicate in German - a language that they are only learning. They are also possibly lacking the vocabulary to be able to say everything they would like to say. Apart from that, the experts may use technical terms and abbreviations which can have an unsettling effect on the adolescents.

At the start of the support plan procedure a relationship based on trust with the people involved has not yet been established. On top of this comes the fact that the adolescents may not be sufficiently aware either of the position of the people present during the support plan conversation or the concept of a support plan. A young refugee assumed for instance that the information he gives to the Youth Welfare Office could influence his asylum procedure. *“When I came to him [the Youth Welfare Office employee], he asked me what is difficult and what is good. To me, the Youth Welfare Office was not good. “Where are your papers?” He thought I had hidden those. I was afraid that the Youth Welfare Office sends [information] to BAMF.” (JF11)*

For most of the minors it is a new situation to be asked about their opinion and to be sitting at a table with so many adults - who are partially still working for an authority - and talk about their needs, plans and wishes. This setting has something ominous about it in many homelands. In the opinion of an interviewed employee of the Youth Welfare Office, many adolescents act during the support plan conversations in the way that they think they should behave. However, not only is the trust between minors and experts not necessarily guaranteed. Sometimes the youth welfare institutes also weigh up very precisely which information they will pass on to the Youth Welfare Office. This can result in a situation where the Youth Welfare Office plans in a direction which the youth welfare institute knows is not promising.

A great deal of empathy, patience, intuition and communication skills on the part of the experts is required to get into a conversation with the adolescents who can be diffident and reluctant. This is particularly true for the Youth Welfare Office that leads the conversation. As previously reported by the experts as well as the

young refugees, the adolescents are still not actually involved enough. The objectives are often completely determined by the Youth Welfare Office without giving the adolescents enough opportunity to participate. The question is, *„how much is really talked WITH the adolescents, and how much about them.“ (P6)* For starters, good support planning requires time. Only when there is enough time, can a trusting relationship be established with the adolescents to work out their skills and interests and to determine the existing possibilities together.

Authorised social workers of the youth welfare institute write development reports prior to the support plan

conversations that should help with the preparation of the conversation. The reports must often be written quickly during the stressful everyday workday leaving no time to discuss these with the adolescents to some extent. In these cases, the minors do not know what is in their development reports.

Many youth welfare offices are also struggling with an enormous workload. This results in the fact that a decision about the extent of support is made only on the basis of the reports of the youth welfare institute and without having spoken with the minors personally. Due to the overload, the support plan is simply sent to the adolescents to be signed and no conversation takes place. In some cases, the support plan conversation is made up for at a later point in time. This procedure is the lesser of two evils since, otherwise, support for the young refugees could not be extended. The supporting institute may accommodate this since then youth welfare can continue to be guaranteed without too much expense.

The interviewed young refugees have had very different experiences in support plan conversations. One adolescent reports that in the course of the conversation she was told to be quiet when the adults are talking. Her legal guardian at the time had added: *“Anything we’re going to say, you’re gonna follow.” Oh, I’m in prison now? I felt like he was pushing me. I think he wanted my life to be bad. Then I never followed any rules.”* (JF 13) Another adolescent did not have the feeling that the support plan conversation had been really comprehensive and that all relevant topics had been covered. The experts left him with the impression that they were not interested in his residence status - while that was his main concern. They believed that questions in this regard should be cleared with his solicitor. He was also informed that he could not tell the youth welfare institute and Youth Welfare Office how he felt. They are not competent for *„private matters“* (JF10). He should go to his therapist for that.

On the other hand, other interviewees mentioned that they found the support plan conversations very helpful, even when they were unusual at first and *„it was difficult to talk“* (JF12). The conversations have led therapy being initiated for instance, that they were able to do a swimming course or were finally able to discuss topics for which there was no time otherwise: *“When you don’t reach the caregiver here [in the youth welfare institute, comment of the editor] you can say everything there [during the support plan conversation, comment of the editor] freely. That is the opportunity.”* (JF7) The support plan conversation can also be very motivating as one young man reports. He was encouraged by the experts in the support plan conversation that he is on a good path and will manage to achieve his objectives.

The conversations that are held for this project confirm perceptions of support planning which are put on record within the framework of a federal model project to further develop the support plan procedure.⁶⁷ It is without question that support plan conversations are necessary to control and design the support for education even though the methods used are in need of further development. The participation of the minors in the procedure continues to be a great challenge. To date, the support planning has been very dependent on the respective person and a qualified support planning for the well-being of the child is not always guaranteed. According to the federal model project, *„[o]perationalised objectives [...] are often formulated insufficiently“* and *„a qualified sociopedagogic understanding of the case as core competence of the professionals involved in the process [is] in many cases underdeveloped.“*⁶⁸

The Internationale Gesellschaft für Erziehungshilfen (IGfH) and der Evangelische Erziehungsverband (EREV) are concretely engaged with the target group of the unaccompanied minors and demand to further develop the “support plan procedure according to §36 SGB VIII as the central element in order to deal with unaccompanied

67. Cf. Schrappner (2005). (The project was implemented as part of a joint initiative of the Federal Ministry for Family, Seniors, Women and Youth within the framework of the focal point of support “Further development of the support plan procedure”)

68. Ibid.

minor refugees⁶⁹. They observed that the support plan procedure is often shrugged off as an “irritating performance of one’s duty” in the case of unaccompanied minors and that opportunities pertaining to this element remain unutilised. They mentioned explicitly that the support planning must also keep an eye on the period of time after attaining legal age and that unaccompanied minors must also have access to the assistance given to young people of legal age.

It has been discussed with the advisory council of this project whether the support planning, as it is implemented with German children and adolescents, can be transferred one-on-one to the work with unaccompanied minors. A completely different, interdisciplinary approach may be necessary to support the children and adolescents as best as possible. As the abovementioned quotes show, support plan conversations are sometimes not as comprehensive as they should be. Questions with regard to the right of residence as well as the psychological health were excluded in the case of one interviewee. That is why it is suggested by the advisory council that people with expertise in education, residence and health should perhaps also be involved in the planning. A solid trust base between the parties involved also appears to be necessary to enter into an open dialogue and to determine the actual needs of the minor.

Interestingly, a large portion of the young interviewees does not appear to consider the support plan conference as the location where long-term planning takes place. They mention different people who have taken the time to talk to them about long-term prospects. For many that was the caregiver, and for others it was the therapist, teacher, German language teacher, voluntary legal guardian or mentor. As varied as these roles may be, they have in common that they take time out for the adolescents until a trustful relationship has been established and the minors sense that these supporters are seriously interested in them.

The Council of Europe published a manual in 2010 to support experts in developing so-called Life Projects with unaccompanied minors. Life Projects are understood to be an integral, personalised and flexible tool that aims at developing a long-term life plan with unaccompanied minors. Milestones should be developed and responsibilities should be defined for this. Intermediate objectives are regularly reviewed and, if applicable, adjusted to changing life circumstances.⁷⁰ One person should be the child’s main contact but s/he should work together with other professionals to get a comprehensive understanding of the child’s life and to define the best possible *durable solution* for that child in collaboration with the child and other parties involved. It is emphasized that the contact must have the skills to create interview situations that are appropriate for children. It is also stressed that the participation of the child is of critical importance.

Life Projects are similar to the German support plan procedures. Nevertheless, the support plan conversations appear to not always satisfy the requirements of the Life Projects in practice. It is particularly to be noted that there is still a lack of will and methods to actually have these young people participate in the support plan procedure. It also seems that the planning of prospects may be rather in the short-term rather than medium or long-term and does not always sufficiently keep in mind the need to prepare for the time after youth welfare.

6. Summary: Monitoring the legal age during minority

A sustained planning for the future with unaccompanied minors can only take place when the life situation of the minors is considered completely. It is particularly important to think beyond the 18th birthday and the end of youth welfare. An accommodation system that wants to be sustainably appropriate for the child’s

69. IGfH/EREV (2012): Lobbyist demands for the current situation of the unaccompanied minor refugees in Germany. <http://www.igfh.de/cms/aktueller-beitrag/fachpolitische-forderungen-zur-aktuellen-situation-der-unbegleiteten> [23.04.2015].

70. Drammeh, Louise (2010): Life projects for unaccompanied migrant minors - A handbook for frontline professionals, page 11. <http://www.refworld.org/pdfid/545ca9e74.pdf> [20.04.2015].

well-being must give young people the chance to be able to develop realistic plans for the future. The possibilities that unaccompanied minors have in Germany are heavily dependent on factors such as restrictions regarding the right of residence, structural discrimination and the qualification and commitment of the respective full-time workers and volunteers by whom the minors are supported.

In order to be able to develop long-term prospects with unaccompanied minors, it is necessary to have a legal framework that offers security and opportunities both during the youth welfare period and afterwards. The possibility of a right of residence, access to education and labour, to healthcare and to living space is required. An eye must also be kept on those who have difficulties learning based on their prior education and their (psychological) health condition and who need more time to integrate in the job market and educational system.

The methods for developing sustainable prospects need to be revised. A long-term well-coordinated planning is required to encourage the minor and show which possibilities exist and which intermediate steps are necessary to achieve objectives such as consolidating the right of residence or job market integration. Time and trust are needed for that.

The potential of the central means of the support plan procedure is still not often completely exploited. It should be discussed which actors have to be involved and how and which methodology is appropriate to secure comprehensive, future-oriented planning suitable for the child's well-being. This needs to happen with the central involvement of the minors. Particular attention should be given to the fact that the minors are not only prepared theoretically for the time after youth welfare but are also supported in the transition towards living as an adult, if need be. A premature end of youth welfare can result in the loss of residence or loss of a place in school, training or the workplace. That is why it is urgent to work on concepts that enable young adults to avail of continuous sociopedagogic support if necessary.

Sources

Laws and Guidelines:

Residence Act

Asylum Procedure Act

Employment Ordinance

Constitution

Social Law Code VIII - Children's Aid and Youth Welfare

Guideline 2013/33/EU of 26 July 2013

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Guideline 2008/115/EG of 16 December 2008

