

# WHO'S RESPONSIBLE?



### Save the Children Italy

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# INTRODUCTION

Every year thousands of unaccompanied children travel to Europe in search of a new life. Reception conditions as well as access to the asylum and other protection procedures differ between countries and further progress is needed to ensure that unaccompanied children's rights are respected in EU Member States. A wide range of actors and issues are involved in responding to the situation of unaccompanied children arriving in Europe. The CONNECT project aims to contribute to ensuring proper implementation and application of EU obligations, in line with the EU Charter of Fundamental Rights and the UN Convention on the Rights of the Child, by considering the roles and responsibilities of actors responding to the situation of these children and how they best work together.

## THE CONNECT PROJECT

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Save the Children Sweden together with UNHCR's Bureau for Europe, NI-DOS in the Netherlands, Coram Children's Legal Centre in the UK, Save the Children Italy, Don Calabria Institute, the Italian Ministry of Labour and Social Policies in Italy and the County Administration in Västra Götaland in Sweden, have received funding from the EU for a 12 month project, ending in September 2014. The project aims were to identify and promote good practices on reception and protection based on national mappings carried out in Italy, the Netherlands, Sweden and the UK. The CONNECT project have also produced a *“Reference Document on Unaccompanied Children - a Compilation of Relevant EU Laws & Policies”* that will support EU Members States and other actors in ensuring proper application of EU law and policy relating to unaccompanied children, in line with the EU Charter of Fundamental Rights and the UN Convention of the Rights of the Child.

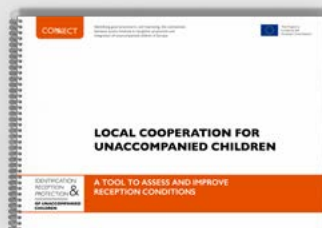
The project also produced a *comparative report* based on the country reports, which identifies common challenges across the four countries and national practices from one country that might inspire good practice across the region.

Each country have through pilot projects developed *practical tools* which can be used by actors across the EU Member States. These tools address specific aspects of how actors address the situation of these children and can be used separately or together as a toolkit.



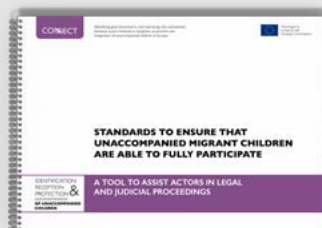
### WHO'S RESPONSIBLE

A Tool to Strengthen Cooperation between Actors Involved in the Protection System for Unaccompanied Migrant Children (Italy)



### LOCAL COOPERATION FOR UNACCOMPANIED CHILDREN

A Tool to Assess and Improve Reception Conditions (Sweden)



### STANDARDS TO ENSURE THAT UNACCOMPANIED MIGRANT CHILDREN ARE ABLE TO FULLY PARTICIPATE

A Tool to Assist Actors in Legal and Judicial Proceedings (the UK)



### THE RIGHT TO BE HEARD AND PARTICIPATION OF UNACCOMPANIED CHILDREN

A Tool to Support the Collection of Children's Views on Protection and Reception Services (The NL)



### WORKING WITH THE UNACCOMPANIED CHILD

A Tool for Guardians and Other Actors Working for the Best Interest of the Child (the NL)

**In developing the tools we have tried to ensure that the tools are:**

- based on a child rights perspective and relevant EU obligations,
- directed towards strengthening the capacity of actors to engage in the situation of children and, to the extent possible, support better inter-agency work,
- relevant, practical and effective and
- inspirational and transferable to other contexts.

In the framework of the CONNECT Project, Save the Children has been responsible to map the activities related to the implementation of the Italian system of protection of unaccompanied children. Moreover, in order to deepening the knowledge on roles and procedures developed by each actor, Save the Children has settled a working tool: a practical guidance, that could provide help in identifying roles and responsibilities of both public and private actors involved in the child protection system for unaccompanied children.

In developing such a tool, Save the Children moved from the principles stated within European law, using “*Reference Document on Unaccompanied Children – a Compilation of relevant EU Laws and Policies*” edited within the Project and involving all national actors – it has allowed combining general principles with practical experiences. This approach has been adopted on the idea that unclearness and difficulties in cooperation among involved actors is one of the main criticalities that arise in each country when approaching issues related to unaccompanied children.

The tool developed by Save the Children is a practical guidance that can give practical indication on how to identify roles and responsibilities of both public and private actors involved in the child protection system for unaccompanied children, ensuring the application of national and supranational legislation.

European and transnational actors can use the tool, it can be conceived as an instrument for advocacy and, mainly, it is structured in order to become a practical reference for national stakeholders, reinforcing their cooperation.

Indeed, mainstreaming cooperation among stakeholders could lead to a better individuation of solution. In addition, using the tool as a reference, public and private actors could identify legislative reforms or legislative interpretations, more adaptable to unaccompanied children’s needs, in order to define an integrated and homogenous national system of protection, consistent with supranational legislation and dedicated to higher standards of protection for children.

The tool was developed through the contributions made by the Italian stakeholders involved in the national meeting held in Rome on 14th of February 2014 and thereafter tested during a workshop at the Regional Conference held in Brussels on 18th of June 2014 with the active participation of representatives from 12 EU Countries (France, Norway, Croatia, Denmark, Bulgaria, Latvia, Malta, Greece, Spain, Finland, Hungary and Cyprus).

## STRUCTURE OF THE TOOLKIT

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This toolkit contains 7 sections/modules with guidelines for identifying roles and responsibilities of actors during:

- ❶ First encounter
- ❷ First assistance
- ❸ First reception
- ❹ Temporary care
- ❺ Asylum procedure
- ❻ Procedures for protection of victims of trafficking
- ❼ Disappearance

## HOW TO USE THE TOOLKIT

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This practical guide has been designed as a self-study tool and reference resource. The sections/modules are organised broadly in line with the different stages of the protection process for unaccompanied migrant children and provide a comprehensive guide to designing a flow chart of the protection system that guarantees their best interests. The modules can also be used individually as a reference resource for each topic.

These guidelines are designed in accordance with principles established by EU legislation and, to ensure the application of these principles, it is essential that the guidelines are applied in accordance with relevant national legislation.

For this reason, in order to complete the toolkit tasks, it is necessary to consult the reference table of EU legislation developed by the CONNECT Project (EU Reference Document - Annex A) and map the national regulatory system regarding the protection of unaccompanied migrant children in the project partner countries (Sweden, the Netherlands and the UK) National reports will be also useful.

# I. GUIDELINES FOR IDENTIFYING ROLES AND RESPONSIBILITIES OF ACTORS IN THE FIRST ENCOUNTER

*“First encounter” refers to when a person first comes in contact with an unaccompanied child and this can happen in different places and in different ways. Some useful tools are presented below to facilitate the identification of places where first contact with an unaccompanied migrant child might occur (Box 1.1) and the actors involved (Box 1.2). Through careful gathering of this information, it will be possible to complete a Table (No. 1) where, corresponding to each location, the role of each actor involved is described. In reading the Table, it is possible to have a clear picture of the responsibility of each actor in all situations of first encounter with an unaccompanied migrant child.*

*In order to complete Table 1, it is necessary to:*

## STEP I: COMPLETE A LIST OF PLACES OF FIRST ENCOUNTER (BOX 1.1)

The unaccompanied child may come in contact with different actors depending on where they are located. There are European countries where, due to their geographical position and terrain, the main places of first encounter are the maritime borders (such as Italy, Greece, and Spain), while for others, the contact mainly occurs within the country or at an airport.

**Box 1.1** lists some of the places where there may be first contact with unaccompanied migrant children. The options that have been identified and included on the list are:

### a) **The border, which includes:**

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- **Ports:** In European countries, such as Italy, Greece, Spain, and Malta, ports are one of the main places for locating unaccompanied children. In Greece, for example, in the port of Patras, law enforcement often discovers unaccompanied children attempting to reach Italy by hiding in cars or trucks boarding ferries. And, in Italy, law enforcement sometimes discovers unaccompanied children during spot checks made on vehicles on board ferries from Greece.
- **Airports:** There are unaccompanied children who are intercepted during document controls at airports by law enforcement agencies when trying to reach, or arriving, in a European country with false passports.
- **Other border points:** Among these are, for example, territorial waters and the coast where migrants can be intercepted, including unaccompanied children arriving by sea in boats. Again, the countries most involved are Italy, Greece, Spain, and Malta.



### b) Territory, including specific places in the country, such as:

- **On the streets:** There are unaccompanied children who, for various periods of time, live on the streets. This can happen when they have arrived in a place where they have no family connections and do not know who to turn to for protection, but also in cases where they are “in transit” to another country, and do not want to engage with institutions for fear of not being able to complete their planned journey. In these cases, the main points of first encounter are train or subway stations.
- **The hospital:** This is an example of a public place where a child, despite not wanting to, might be encountered and recognised as a vulnerable person needing protection.
- **Other places:** The locations listed as options are examples that can be expanded upon taking into account the characteristics of each territory or country. In Italy, for example, there are unaccompanied children who have been mistakenly identified as adults and are intercepted in adult refugee reception centres.

#### Box 1.1

List the places where an unaccompanied migrant child could be encountered. Please tick the options below:

Border:	Territory:
Port	On the street
Airport	Hospital
Other borders (please specify)	Other places (please specify)

### STEP 2: COMPLETE A LIST OF ACTORS INVOLVED IN THE FIRST ENCOUNTER (BOX 1.2)

The following is a suggested list of possible actors who may come in contact with unaccompanied children in each of the places identified:

- **Law Enforcement:** This term refers to all law enforcement officers (e.g. Federal Police, Municipal Police, Finance Police) who may engage with unaccompanied children through the course of their work (customs checks, at airports, on trains and in railway stations, places where homeless people gather such as metro, bus, and train stations). For Mediterranean countries in the EU, this may also include the Coast Guard and the Navy, sometimes finding unaccompanied children during rescue operations at sea.
- **International Organisations, Non-Governmental Organisations, and Associations:** These groups may come in contact with unaccompanied children through specific activities, such as outreach with street units, or while conducting reception services at border crossings or monitoring reception conditions in centres for adult migrants.
- **Social Workers:** They may engage with unaccompanied children in their work at centres for adult migrants or within hospitals.
- **Private Citizens:** They may come in contact with an unaccompanied child who is homeless.
- **Medical Staff (Doctors, Nurses):** They may encounter unaccompanied children at reception services or in hospitals.
- **Other actors:** Those listed as options are examples that can be expanded upon taking into account the specific context of each territory or country.

**Box 1.2**

List the actors who could encounter unaccompanied children in their work. Please tick the options below:

Law Enforcement (please specify)

NGOs (please specify)

Social Services

Doctors and Medical Staff

Private Citizens

Others (please specify)

**STEP 4: FILL IN THE TABLE**

At this point, it is possible to complete the Table, indicating the roles and responsibilities of each actor when encountering an unaccompanied child in the places indicated, in accordance with national, and EU legislation.

If it is not possible to identify the role and responsibility of one or more stakeholders because of the lack of specific legal provisions, will be highlighted that there is a gap in the legal system. The actors are working on the compilation of the matrix will develop proposals to fill these gaps, including by taking example or inspiration from current practices.

**STEP 3: CONSTRUCT THE TABLE**

After identifying the locations and actors in Box 1.1 and 1.2, it is possible to fill out the Table.

To do this, it is necessary to enter the list of locations and actors by placing an actor on each line in the **Actors column**, and including the various locations listed above in the **Locations columns**.

**Table 1: Role/Responsibility Analysis in First Encounter**

ACTORS	ROLES AND RESPONSIBILITIES OF ACTORS IN EACH LOCATION				
	Location 1	Location 2	...	...	...
Actor 1					
Actor 2					
...					

## 2. GUIDELINES FOR IDENTIFYING ROLES AND RESPONSIBILITIES OF ACTORS IN FIRST ASSISTANCE

*“First assistance” refers to when, after first coming in contact with an unaccompanied child, it is necessary to identify and meet the child’s basic needs, initiating the procedures regarding their arrival and protection. Some useful tools are presented below to identify the activities that should be carried out during first assistance (Box 2.1) and the actors involved in this stage (Box 2.2).*

*Through the listing of activities and actors, it will be possible to complete Table (No. 2), where the actor carrying out the indicated tasks is identified for each activity. By representing the actors’ relationship to the various activities, it provides a clear and practical example of this stage of the reception process.*

*In order to complete Table 2, it is necessary to:*

### **STEP 1: COMPLETE THE LIST OF ACTIVITIES RELATED TO FIRST ASSISTANCE (BOX 2.1)**

An unaccompanied child can meet different actors and the activities may vary depending on the type of actors involved. The first assistance must ensure that the child’s rights are always respected and protected as a vulnerable subject.

A list of activities is entered in Box 2.1 that should be carried out to ensure adequate first assistance, with respect for the rights of the child. The possible options that have been included are:

#### **a) Provision of necessary goods and services:**

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This means providing goods such as water, food, blankets, clothing, and hygiene kits, and services such as medical triage, interpretation or cultural mediation, and transportation to refugee shelters.

#### **b) Provision of general information:**

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Providing country-specific information to the child about where they are and explaining the procedures that will occur in the immediate future, such as identification and photo-documentation.

#### **c) The first interview with the child:**

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During the initial interview, the child is informed about the importance of presenting a document (if in their possession), reporting any accompanying adults present with them, and about any procedures they may be submitted to (age assessment). The importance of giving correct personal data will also be explained and the child should provide the information necessary for their identification and their family situation in the country of origin, in the European country in which they are currently located, as well as in other EU countries.

**d) Assessment of the child's protection needs:**

At this stage, immediate and urgent actions are identified and carried out to ensure the health and protection of the child.

**e) Appointment of a guardian:**

The procedure for appointment of a guardian should be initiated as EU legislation prescribes the appointment of a guardian “as soon as possible”.

**f) Reporting to the relevant authorities:**

Relevant authorities refers to those who, at this stage, have the responsibility to take urgent action in the best interests of the child, such as judicial authorities for children who open cases for the urgent and longer-term protection of unaccompanied children.

**g) Other:**

Other useful activities to ensure appropriate reception that are not already listed.

**Box 2.1**

List the activities of first assistance for a child.

Please tick the options below:

Provision of necessary good and services

Provision of general information

First interview

Assessment of the child's protection needs

Appointment of the guardian

Reporting to the relevant authorities

Others (please specify)

**STEP 2: LIST THE ACTORS INVOLVED IN FIRST ASSISTANCE ACTIVITIES (BOX 2.2)**

The following is a suggested list of possible actors involved in first assistance activities:

- **Law Enforcement:** This refers to all agents of public safety (e.g. Police, Municipal Police, Finance Police) who perform some activity in first assistance (provide food and water, interview the child to find information about their identification, inform the Judicial Authorities for Children of their presence in Italy). In Mediterranean EU countries, this may also include the Coast Guard.
- **Juvenile Jurisdictional Authority:** Both the Juvenile Court and/or the Judge supervising guardianship involved in carrying out first assistance activities (opening civil proceedings to determine any neglect of the child, appointing a guardian) can be included.
- **Guardian:** They can be included because they engage in activities during this stage, such as informing the child about their status as unaccompanied children and their path towards legal/administrative admission in Italy.
- **International Organisations, Non-Governmental Organisations, and Associations:** They may be involved in their main activities of providing legal counsel to unaccompanied children.
- **Social Workers:** They may carry out activities assigned by the Court, which may order urgent measures to protect the child.
- **Other actors**
  - **Doctors:** They perform first aid for children.
  - **Mediators:** They provide support to the actors involved in first assistance.

The actors listed are examples that can be expanded upon taking into account the specific context of each territory or country.

**Box 2.2**

List the actors involved in first assistance for a child.  
Please tick the options below:

- Law Enforcement (please specify)
- Juvenile Jurisdictional Authority
- Guardian
- NGOs (please specify)
- Social Services
- Others (please specify)

**STEP 3: BUILDING TABLE 2**

Having identified the activities and actors of first assistance provided to an unaccompanied child, it is possible to create the Table by using completed Box 2.1 and 2.2.

To do this, it is necessary to enter the list of activities and actors by placing an actor on each line in the **Actors column**, and including the various activities listed above in the **Activity columns**.

**STEP 4: FILL IN THE TABLE**

At this point, it is possible to complete the Table, indicating with an X, or describing it in detail, the roles and responsibilities of each actor during first assistance provided to an unaccompanied child, according to the provisions of EU and national legislation.

If it is not possible to identify which actor has a role and a specific responsibility in the conduct of one or more activities, because of the lack of specific legal provisions, it will be highlighted that there is a gap in the legal system. The actors working on the compilation of the matrix will develop proposals to fill these gaps, including by taking example or inspiration from current practices.

**Table 2: Capacity Assessment in First Assistance**

ACTORS	ROLES AND RESPONSIBILITIES OF ACTORS IN FIRST ASSISTANCE				
	Activity 1	Activity 2	....	....	....
Actor 1					
Actor 2					
....					

### 3. GUIDELINES FOR IDENTIFYING ROLES AND RESPONSIBILITIES OF ACTORS IN FIRST RECEPTION

*“First reception” refers to the stage where the child’s status as an unaccompanied child is recognised with all rights guaranteed by law. It is only with the identification and in-depth interview of the child that actors can gather sufficient information to ensure appropriate guardianship of the child.*

*Some useful tools are presented below to identify activities to be carried out in first reception (Box 3.1) and the actors involved in this phase (Box 3.2). Through the listing of activities and actors, it will be possible to complete Table (No. 3), where the actor carrying out the indicated tasks is identified for each activity. By cross-referencing the various activities related to first reception, it provides a clear and practical example of this stage of the process.*

*In order to complete Table 3, it is necessary to take the following steps:*

#### **STEP 1: COMPLETE THE LIST OF ACTIVITIES RELATED TO FIRST RECEPTION (BOX 3.1)**

An unaccompanied child can meet different actors and the activities may vary depending on the type of actors involved. The activities that relate to the phase of first reception for unaccompanied children are listed in Box 3.1. The possible options included are:

##### **a) Provision of necessary goods and services:**

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This means certain types of essential goods and services, such as food, phone card, medicine, school enrollment, interpretation or cultural mediation, and medical assistance.

##### **b) Providing legal information:**

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This includes the explanation of legal status and consequences of identification and assessment of age.

##### **c) In-depth interview with the child:**

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This may be carried out at this stage where the protection given to an unaccompanied child and the bureaucratic/legal path is explained. The child’s opinions are listened to and their vulnerabilities are identified to determine the best decisions for the child.

##### **d) Identification:**

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Identification means recording the personal information of the child, the inclusion of the data in databases (national, Eurodac), as well as ensuring their photo-identification.

### e) Age assessment procedures:

If there is any doubt about the age declared by a migrant and they are without any identifying documents, age assessment procedures will be carried out to determine their age.

### f) Assessment of the child's protection needs:

This refers, at this stage, to the assessment and implementation of the necessary measures to ensure the child's protection, such as their placement in a temporary care facility for children, taking into account their needs and possible vulnerabilities (victim of trafficking, asylum applicant, mental or physical illness).

### g) Reporting to the relevant authorities:

Reports are made to the relevant authorities regarding the exact identity of the child, and to clarify the need to proceed in determining their age.

#### Box 3.1

List the activities of first reception for a child.  
Please tick the options below:

- Provision of necessary goods and services
- Provision of legal information
- In-depth interview
- Identification
- Age assessment procedures
- Assessment of the child's protection needs
- Reporting to the relevant authorities
- Others (please specify)

## STEP 2: LIST THE ACTORS INVOLVED IN ACTIVITIES OF FIRST RECEPTION (BOX 3.2)

The following is a suggested list of possible actors involved in the activities of first reception:

- **Law Enforcement:** This refers to all public security agents (e.g. Immigration Office) who perform some activity in first reception (identification of the child or age assessment).
- **Guardian:** They support and assist the children in all actions concerning them and provide necessary advice (identification, age assessment).
- **Embassy:** The Embassy can be of assistance in identifying non-asylum-seeking unaccompanied children.
- **International Organisations, Non-Governmental Organisations, and Associations:** They may be involved in their main activities of providing legal counsel to unaccompanied children.
- **Social Workers:** They may be instructed to make inquiries about the child's placement in a care facility for children.
- **Other actors**
  - **Refugee Reception Centres:** They ensure the provision of goods and services to children.
  - **Doctors:** They can carry out the medical examination or age verification of the child.
  - **Mediators:** They are engaged in supporting roles for the actors involved in first reception.

The actors included are examples and the list is not exhaustive.

**Box 3.2**

List the actors involved in first reception of a child.  
Please tick the options below:

- Law Enforcement (please specify – for example, Immigration Office)
- Guardian
- Embassy
- NGOs (please specify)
- Social Services
- Others (please specify)

**STEP 4: FILL IN THE TABLE**

At this point, it is possible to complete the Table, indicating with an X, or describing it in detail, the roles and responsibilities of each actor during first reception provided to an unaccompanied child according to EU and national legislation.

If it is not possible to identify which actor has a role and a specific responsibility in the conduct of one or more activities, because of the lack of specific legal provisions, it will be highlighted that there is a gap in the legal system. The actors working on the compilation of the matrix will develop proposals to fill these gaps, including by taking example or inspiration from current practices.

**STEP 3: BUILDING TABLE 3**

Having identified the activities and actors of first reception, it should be possible to create the Table by using completed Box 3.1 and 3.2.

To do this, it is necessary to enter the list of activities and actors by placing an actor on each line in the **Actors column**, and including the various activities listed above in the **Activity columns**.

**Table 3: Capacity Assessment in First Reception**

ACTORS	ROLES AND RESPONSIBILITIES OF ACTORS IN FIRST RECEPTION				
	Activity 1	Activity 2	...	...	...
Actor 1					
Actor 2					
...					



## 4. GUIDELINES FOR IDENTIFYING ROLES AND RESPONSIBILITIES OF ACTORS IN TEMPORARY CARE

*“Temporary care” refers to the stage where the unaccompanied child is placed in a children’s care facility and the foundation is laid to make long-term decisions based on their best interests.*

*Various useful tools are presented below to identify the activities carried out during temporary care (Box 4.1) and the actors involved (Box 4.2). Through the listing of these activities and actors, it will be possible to complete Table (No. 4), where the actor carrying out the indicated tasks is identified for each activity. By cross-referencing the activities for temporary care with the actors involved, it presents a clear and practical example of this stage of the process.*

*In order to complete Table 4, different steps must be followed:*

### STEP I: COMPLETE THE LIST OF ACTIVITIES FOR TEMPORARY CARE (BOX 4.1)

The unaccompanied child is placed in the protection system for unaccompanied children provided by law and, at this stage, decisions are made regarding their future. To identify the necessary activities to carry out, it may be useful to draw up a list in Box 4.1. Possible options for activities are below:

#### a) **Foster care in a family or a care facility for children:**

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This refers to the measures taken by the competent authority that has custody and the placement of the unaccompanied child in a family judged suitable to care for them, or in a children’s care facility.

#### b) **Issuance of a residence permit:**

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Residence permits may be issued to someone who is a child (recognised as a child only because they have been accepted in the member State), or issued for the recognition of asylum (see Section 5), or because they are victims of trafficking (see Section 6).

#### c) **In-depth interview with the child:**

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This may be indicated as an activity to be carried out at this stage. The interview conducted by relevant stakeholders has the aim of outlining the essential elements that concern them, to listen to the child’s opinions and to be able to identify the best decisions for them (victim of trafficking or exploitation, vulnerable and/or have applied for asylum).

#### d) **Reporting to relevant authorities:**

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If the interview with the child reveals that they have relatives in the country or in another EU country, actors involved should notify the relevant authorities of the family situation. Where the non-asylum-seeking child has expressed a willingness to return to their country of origin, notifica-

tions must be made to the relevant authorities to collect information and initiate inquiries into the situation of unaccompanied children and their families in the country of origin.

#### e) **Assessment of the child's protection needs:**

At this stage, this refers to the evaluation and implementation of decisions concerning assessment of the child's protection needs, such as the identification of a foster family or care facility for children.

#### **Box 4.1**

List the activities related to the temporary care of the child.  
Please tick the options below:

- Foster care in a family or a children's care facility
- Issuance of a residence permit
- In-depth interview with the child
- Reporting to the relevant authorities
- Assessment of the child's protection needs
- Others (please specify)

### **STEP 2: LIST THE ACTORS INVOLVED IN THE TEMPORARY CARE OF AN UNACCOMPANIED CHILD (BOX 4.2)**

The following is a suggested list of possible actors involved in activities related to temporary care:

- **Law Enforcement:** This refers to all State bodies (Immigration Office) that perform some activity in temporary care (residence permit, receipt of request for asylum).

- **Juvenile Jurisdictional Authority:** Both the Juvenile Court and the Guardianship Judge that carry out temporary care activities (custody and placement of the child) can be indicated.
- **Guardian:** The guardian represents the child at every stage and decision concerning them (custody/placement of the child, issuance of a residence permit, request for asylum).
- **International Organisations, Non-Governmental Organisations, and Associations:** Such actors engaged in activities of providing legal counsel to unaccompanied children (legal counsel for the child, monitoring reception conditions) may be included.
- **Care facilities for children:** The child is entrusted to a care facility that supports and takes care of them, providing assistance with administrative, legal, and psychological matters.
- **Other actors:**
  - Mediators:** They carry out support activities for the actors involved in temporary care.
  - Children's care staff:** All workers who perform activities for children within a care facility (Director of the children's care facility, Lawyers, Psychologists).
  - Social Services:** They monitor the conditions of the child in a children's home or family, reporting to the relevant judicial authorities and providing information on the child and their family of origin to the competent authorities.

The actors listed are examples that can be expanded upon taking into account the specificities of each territory or country.

**Box 4.2**

List the actors related to the temporary care of the child.  
Please tick the options below:

Juvenile Jurisdictional Authority

Guardian

International Organisations, NGOs, and Associations

Care facilities for children

Others (please specify)

**STEP 4: FILL IN THE TABLE**

At this point, it is possible to complete the Table, indicating with an X, or describing it in detail, the roles and responsibilities of each actor during the temporary care provided to an unaccompanied child, according to EU and national legislation.

If it is not possible to identify which actor has a role and a specific responsibility in the conduct of one or more activities, because of the lack of specific legal provisions, it will be highlighted that there is a gap in the legal system. The actors working on the compilation of the matrix will develop proposals to fill these gaps, including by taking example or inspiration from current practices.

**STEP 3: BUILDING TABLE 4**

Having identified the activities and actors of the temporary care for unaccompanied children, it is possible to create the Table by using completed Box 4.1 and 4.2.

To do this, it is necessary to enter the list of activities and actors by placing an actor on each line in the **Actors column**, and including the various activities listed above in the **Activity columns**.

**Table 4: Capacity Assessment in Temporary Care**

ACTORS	ROLES AND RESPONSIBILITIES OF ACTORS IN TEMPORARY CARE				
	Activity 1	Activity 2	...	...	...
Actor 1					
Actor 2					
...					

## 5. GUIDELINES FOR IDENTIFYING ROLES AND RESPONSIBILITIES OF ACTORS IN THE ASYLUM PROCEDURE

*“Asylum procedure” refers to where an unaccompanied child has expressed their wish to apply for asylum. Various useful tools are presented below to identify the activities carried out in the process of applying for political asylum (Box 5.1) and the actors involved (Box 5.2).*

*Through the listing of activities and actors, it will be possible to complete Table (No. 5), where the actor carrying out the indicated tasks is identified for each activity. By cross-referencing the activities related to the asylum procedure with the actors involved, it presents a clear and practical example of this stage of the process.*

*In order to complete Table 5, it is first necessary to:*

### **STEP 1: COMPLETE THE LIST OF ACTIVITIES RELATING TO ASYLUM FOR AN UNACCOMPANIED CHILD (BOX 5.1)**

In the asylum application process, there are some particular activities that may be useful to list in Box 5.1. Examples of some activities are:

#### **a) Placement in care facilities for asylum seekers:**

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This activity can be included assuming that the asylum seeker, particularly an unaccompanied child, must be placed in a care facility for asylum seekers.

#### **b) Legal information on asylum procedure:**

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This refers to the information/advice presented to children at the time of arrival in Italy (upon landing or being located), but also more in-depth explanations given when the child is in care.

#### **c) Submitting asylum application:**

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Assisting a child in submitting the asylum application to relevant authorities.

#### **d) Preparation for the hearing with relevant authorities:**

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This includes helping the child to prepare their statement and express it to the authority delegated to decide on the asylum request. For example, the preparation can take place as an activity within the children’s care facility, or such assistance can be given by external groups.

#### **e) Hearing with relevant authorities:**

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“Hearing” refers to the interview with members of the competent authorities to grant asylum. The child’s history shall be listened to, along with the reasons for leaving the country of origin and their journey. Following the hearing, the authority may recognise their status as a refugee and grant protection. If it cannot identify the fulfilment of the requirements for rec-

ognition, the competent authorities may determine subsidiary protection status, or alternatively, may approve other types of protection in accordance with national legislation.

**f) Assessment of the child's best interests:**

At this stage, this refers to the assessment and implementation of final decisions concerning the future of the child such as the granting of asylum.

**g) Legal counsel:**

Legal counsel, especially where there is no granting of any protection, can be specified.

**h) Appealing the asylum rejection:**

An appeal of the decision to the competent judicial authorities can be included as an activity.

**Box 5.1**

List the activities regarding the asylum procedure for an unaccompanied child. Please tick the options below:

- Placement in care facilities for asylum seekers
- Legal information on asylum procedure
- Submitting asylum application
- Preparation for the hearing with relevant authorities
- Hearing with the relevant authorities
- Assessment of the child's best interests
- Legal counsel
- Appealing the asylum rejection
- Others (please specify)

**STEP 2: LIST THE ACTORS INVOLVED IN THE ASYLUM PROCEDURE (BOX 5.2)**

The following is a suggested list of possible actors involved in the procedure for asylum.

- **Law Enforcement:** This refers to all State bodies (Immigration Office) working in the asylum process (identifying asylum seeker, submitting asylum application, issuing residence permit).
- **Social Services:** They are responsible for referring a child, who has expressed a wish to apply for asylum, to care facilities for asylum seekers and find accommodation for them in the framework of the projects for unaccompanied children.
- **Special facilities for asylum seekers:** These are specific care facilities where unaccompanied children applying for asylum are placed.
- **Guardian:** The guardian represents the child at each stage and decision that concerns them.
- **International Organisations, Non-Governmental Organisations, and Associations:** These may be included if giving legal advice or assistance to unaccompanied children seeking asylum, and if involved in the decision-making phase of the application for asylum.
- **Relevant Authorities for Granting Asylum:** These are the bodies deciding on an asylum application made by an unaccompanied child.
- **Other actors:**
  - Mediators:** They are engaged in support activities for actors involved in the asylum process.
  - Lawyers:** They prepare the child for the asylum hearing and provide them with free legal advice and assistance in the event of appeal.
  - Forensic Doctors:** They provide assistance to a child who has experienced torture or violence, verifying their reported injuries and confirming the causal link between the injury and the child's statements.
  - Psychologists:** They provide psychological support and care to particularly vulnerable child asylum seekers.

**Box 5.2**

List the actors involved in the asylum procedure for an unaccompanied child. Please tick the options below:

Law Enforcement (please specify)

Social Services

Special Facilities for Asylum Seekers

Guardian

International Organisations, Non-Governmental Organisations, Associations

Relevant Authorities for Granting Asylum

Others (please specify)

The actors listed are some examples that can be added to taking into account the specific context of each territory or country.

**STEP 3: BUILDING TABLE 5**

Having identified the activities and actors involved in the asylum procedure for an unaccompanied child, it is possible to create the Table by using completed Box 5.1 and 5.2.

To do this, it is necessary to enter the list of activities and actors by placing an actor on each line in the **Actors column**, and including the various activities listed above in the **Activity columns**.

**STEP 4: FILL IN THE TABLE**

At this point, it is possible to complete the Table, indicating with an X, or describing it in detail, the roles and responsibilities of each actor involved in the asylum procedure for an unaccompanied child in accordance to national and EU legislation.

If it is not possible to identify which actor has a role and a specific responsibility in the conduct of one or more activities, because of the lack of specific legal provisions, it will be highlighted that there is a gap in the legal system. The actors working on the compilation of the matrix will develop proposals to fill these gaps, including by taking example or inspiration from current practices.

**Table 5: Capacity Assessment in Asylum Procedure**

ACTORS	ROLES AND RESPONSIBILITIES OF ACTORS IN ASYLUM PROCEDURE				
	Activity 1	Activity 2	...	...	...
Actor 1					
Actor 2					
...					

## 6. GUIDELINES FOR IDENTIFYING ROLES AND RESPONSIBILITIES OF ACTORS IN THE PROTECTION OF UNACCOMPANIED CHILD VICTIMS OF TRAFFICKING AND EXPLOITATION

*Using Table 6, it is possible to identify the actors and activities engaged with unaccompanied children who are “victims of trafficking”. When evidence emerges or there is suspicion that a child may be a victim of trafficking, a specific process for their protection is initiated. Various useful tools to help identify activities (Box 6.1) and actors involved (Box 6.2) in this process are presented below. Using this information in a structured format, it is possible to complete Table (No. 6), where the role of the actor involved is described for each activity.*

*In this way, the Table will provide a clear picture of the activities and responsibilities for each actor involved in the protection of an unaccompanied child victim of trafficking.*

*In order to complete Table 6, it is necessary to take the following steps:*

### **STEP I: COMPLETE A LIST OF ACTIVITIES RELATED TO CHILD VICTIMS OF TRAFFICKING (BOX 6.1)**

There are many actions needed to understand whether a child is a victim of trafficking and how to best protect them from further harm. To identify the necessary activities, it may be useful to draw up a list of these in Box 6.1. Possible options for activities are listed below:

#### **a) In-depth interview with the child:**

---

This may be included as an activity and refers to the interview conducted by relevant actors to determine if an unaccompanied child is a victim of trafficking.

#### **b) Reporting to competent authorities:**

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If, during the interview, it appears that the child has been a victim of trafficking, this requires the reporting to competent authorities to ensure adequate protection.

#### **c) Assessment of the child’s protection needs:**

---

At this stage, this refers to the assessment and implementation of decisions concerning the child’s protection needs, such as identification of a foster family or care facility for child victims of trafficking or exploitation, or assessment of special protection activities.

#### **d) Placement in a care facility for victims of trafficking and exploitation:**

---

This measure is taken by the competent authorities to ensure the placement of an unaccompanied child victim of trafficking and exploitation in a secure facility.

### e) Special assistance and protection activities:

A number of measures taken by the competent authorities ordering special assistance and protection, such as individual recovery plans and social inclusion, provision of long-term residential facilities, healthcare and counseling, legal, educational and vocational training, apprenticeships and job placement.

### f) Issuance of residence permit:

This can be included if the law provides for the issuance of a residence permit to a victim of trafficking.

#### Box 6.1

List the activities regarding the protection of an unaccompanied child victim of trafficking. Please tick the options below:

- In-depth interview with the child
- Reporting to competent authorities
- Assessment of the child's protection needs
- Placement in a care facility for victims of trafficking and exploitation
- Special assistance and protection activities (please specify)
- Issuance of residence permit
- Others (please specify)

## STEP 2: LIST THE ACTORS INVOLVED IN ACTIVITIES FOR THE PROTECTION OF AN UNACCOMPANIED CHILD VICTIM OF TRAFFICKING (BOX 6.2)

The following is a suggested list of possible actors involved in activities for the protection of a child victim of trafficking:

- **Law Enforcement:** This term refers to all State bodies (e.g. Public Safety Agents, Police Headquarters, Immigration Office) that perform any activity to ensure protection of child victims of trafficking (investigations, order of protection, placement in a secure facility, issuing of residence permit, providing special assistance and protection activities).
- **Social Services:** They can report victims of trafficking to appropriate authorities.
- **Juvenile Jurisdictional Authority:** Both the Juvenile Court and the Guardianship Judge carry out activities related to child victims of trafficking (custody and placement of the child), as well as assessment of the child's protection needs.
- **Guardian:** The guardian represents the child at every stage and decision concerning them (the child's placement, issuance of a residence permit).
- **International Organisations, Non-Governmental Organisations, and Associations:** These may be engaged in providing legal counsel to unaccompanied child victims of trafficking.
- **Care Facilities for child victims of trafficking:** The child is entrusted to a care facility that cares for and supports them, providing legal, psychological and medical assistance.
- **Other actors:**
  - Mediators:** They are engaged in supporting actors in the protection of child victims of trafficking.
  - Care Facility Staff:** All staff who engage with children in a care facility (Care Facility Director, Lawyers, Psychologists, Doctors).



**Box 6.2**

List the actors involved in the protection of an unaccompanied child victim of trafficking. Please tick the options below:

Law Enforcement (please specify – for example, Public Safety Agents, Police Headquarters, Immigration Office)

Social Services

Juvenile Jurisdictional Authority

Guardian

NGOs (please specify)

Care Facilities for child victims of trafficking and exploitation

Others (please specify)

The actors listed are examples that can be added to taking into account the specific context of each territory or country.

**STEP 3: BUILDING TABLE 6**

Having identified the activities and actors involved in the protection of unaccompanied child victims of trafficking, by using Box 6.1 and 6.2 it is possible to create the Table.

To do this, it is necessary to enter the list of activities and actors in the Table by placing an actor on each line in the **Actors column** and the various activities listed above in the **Activity columns**.

**STEP 4: FILL IN THE TABLE**

At this point, it is possible to complete the Table, indicating with an X, or describing it in detail, the roles and responsibilities of each actor in the protection of unaccompanied child victims of trafficking, in accordance with EU and national legislation.

If it is not possible to identify which actor has a role and a specific responsibility in the conduct of one or more activities, because of the lack of specific legal provisions, it will be highlighted that there is a gap in the legal system. The actors working on the compilation of the matrix will develop proposals to fill these gaps, including by taking example or inspiration from current practices.

**Table 6: Capacity Assessment in Care for Victims of Trafficking**

ACTORS	ROLES AND RESPONSIBILITIES OF ACTORS INVOLVED IN CARE FOR VICTIMS OF TRAFFICKING				
	Activity 1	Activity 2	...	...	...
Actor 1					
Actor 2					
...					

## 7. GUIDELINES FOR IDENTIFYING ROLES AND RESPONSIBILITIES OF ACTORS IN CASES OF DISAPPEARANCE

*If children leave the place where they were staying, their disappearance initiates a number of activities including their search and the application of necessary safeguards. Various useful tools presented below help identify the activities to be undertaken in the event of a child's disappearance from a foster family or care facility for children (Box 7.1), and the actors involved (Box 7.2).*

*Through the listing of these activities and actors, it is possible to complete Table (No. 7), where the actor involved is identified for each activity. By indicating the actors' relationship to the various activities, it provides a clear and practical example of the process concerning the disappearance of a child.*

*In order to complete Table 7, it is necessary to:*

### **STEP 1: COMPLETE THE LIST OF ACTIVITIES RELATED TO THE DISAPPEARANCE OF AN UNACCOMPANIED CHILD FROM A CHILDREN'S HOME OR FOSTER FAMILY (BOX 7.1)**

While the necessary activities and actors involved may be different, it is important to list activities that concern the disappearance of an unaccompanied child from a care facility or foster family. The possible options included in the list are:

#### **a) Reporting to the relevant authorities:**

---

In the event of a child's disappearance from a children's home or foster family, it should be immediately reported to the relevant authorities.

#### **b) Search and investigations:**

---

As soon as the child's disappearance is reported to the competent authorities, they must take responsibility to carry out the necessary investigations to find them.

#### **c) Suspension/archiving of activities relating to the unaccompanied child:**

---

After an unaccompanied child has disappeared, all administrative/legal proceedings are suspended.

**Box 7.1**

List the activities in the case of disappearance of a child from care facilities or foster family. Please tick the options below:

- Reporting to the relevant authorities
- Search and investigations
- Suspension/archiving of activities relating to the unaccompanied child
- Others (please specify)

**STEP 2: LIST THE ACTORS INVOLVED IN ACTIVITIES RELATED TO THE DISAPPEARANCE OF A CHILD FROM A FOSTER FAMILY OR CHILDREN'S HOME (BOX 7.2)**

The following is a suggested list of possible actors involved in activities related to the disappearance of a child from a care facility or foster home:

- **Law Enforcement:** This refers to all Public Safety Agents (e.g. Police, National Fire Brigade, Civil Defence) that perform some activity in the disappearance of a child (investigations, filing missing persons report, data entry in law enforcement data processing centres and web sites). It could include actors (e.g. Immigration Office) who suspend activities related to the administrative proceedings of the child (suspension of issuing residence permit), and could also include top government officials (e.g. Prefect, Ministry of Interior, Ministry of Labour and Social Affairs, Central Directorate of State Police Anti-Crime Unit) responsible for monitoring the extent of disappearances, to ensure proper management of activities and timeliness of interventions.

- **Juvenile Jurisdictional Authority:** They encourage immediate search efforts and provide communication, where necessary, and are responsible for the archiving of the guardian appointment process and for closing the guardianship.

- **Guardian:** When informed of the disappearance of a child under their responsibility, they must report it to the relevant authorities (Police, Juvenile Jurisdictional Authority) and request the closure of their mandate and activities undertaken by the child (school enrollment, literacy classes, vocational training, or commencement of work).

- **Other actors**

**Director of Children's Care Facility:** They must report the child's disappearance to the relevant authorities.

**Social Workers:** They must report the child's disappearance to the relevant authorities.

**Local Authorities:** They may be involved in the investigation and search for the missing child.

**Associations of Voluntary Social Work – private entities:** They can be involved in the investigation and search for the missing child.

**Relevant Authorities for Granting Asylum:** They suspend the asylum process.

The actors listed are examples that can be added to taking into account the specific context of each territory or country.

**Box 7.2**

List the actors involved in activities related to the disappearance of a child. Please tick the options below:

Law Enforcement (please specify – for example, Police, National Fire Brigade, Civil Defence, Immigration Office, Prefect, Ministry of Interior, Ministry of Labour and Social Affairs, Central Directorate of State Police Anti-Crime Unit)

Juvenile Jurisdictional Authority

Guardian

Others (please specify – for example, Director of Children’s Care Facility, Social Workers, Local Authorities, Associations of Voluntary Social Work - private entities, Authorities for granting Asylum)

**STEP 3: BUILDING TABLE 7**

Having identified the activities and actors involved in the disappearance of an unaccompanied child, it is possible to create the Table using completed Box 7.1 and 7.2.

To do this, it is necessary to enter the list of activities and actors in the Table by placing an actor on each line in the **Actors column** and the various activities listed above in the **Activity columns**.

**STEP 4: FILL IN THE TABLE**

At this point, it is possible to complete the Table, indicating with an X, or describing it in detail, the roles and responsibilities of each actor regarding a child’s disappearance from a care facility or foster family, in accordance with the provisions of EU and national legislation.

If it is not possible to identify which actor has a role and a specific responsibility in the conduct of one or more activities, because of the lack of specific legal provisions, it will be highlighted that there is a gap in the legal system. The actors working on the compilation of the matrix will develop proposals to fill these gaps, including by taking example or inspiration from current practices.

**Table 7: Capacity Assessment in Disappearances**

ACTORS	ROLES AND RESPONSIBILITIES OF ACTORS IN THE DISAPPEARANCE OF AN UNACCOMPANIED CHILD				
	Activity 1	Activity 2	...	...	...
Actor 1					
Actor 2					
...					