

BEST PRACTICES IN THE RECEPTION OF UNACCOMPANIED MINORS IN ITALY

Nicoletta Pavesi and Giovanni Giulio Valtolina*

In European countries, the phenomenon of unaccompanied minors (UAMS) has assumed an increasing quantitative consistency in recent years. In Italy, the policy of reception of these children has been defined as a “young” policy, which is being defined at the very moment in which the phenomenon is revealed. Moreover, it is an occurrence that changes incessantly, shifting extents and features, within a framework of EU policies that in turn affect the national arrangements.

In such a fluctuating and unstable picture, there are many aspects that require specific considerations. So much so that the Parliamentary Inquiry Commission on the reception, identification and expulsion system, deemed it appropriate to fix the state of the art in a document with respect to the condition of UAMS in Italy, with the aim of understanding what has been done, what it would be useful to do and how it could be done, in order to better respond to this emergency.

In this chapter, we will first provide a picture of the presences and characteristics of the UAMS present in the EU countries, and in particular in Italy, to then illustrate the main innovations introduced by law 47, approved on 7 April 2017. Subsequently, some initiatives – aimed at the reception and integration of UAMS – will be presented; specifically, those considered ground-breaking in the current national scene.

1. PRESENCE AND NATIONALITIES

On August 31, 2017, the UAMS in Italy were 18,479: 17,210 males (93.1%) and 1,269 females (6.9%) (Graph 1).

Regarding their age, 93.0% of them are 15-17 years old, 6.4% are 7-14 years old; 0.6% are 1-6 years old.

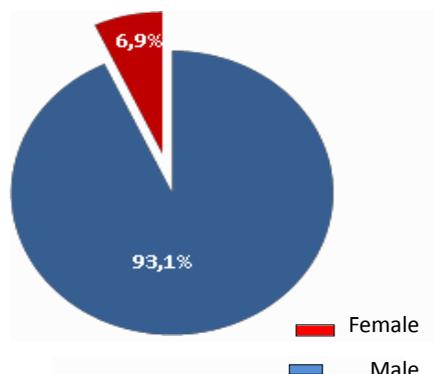
Regarding their nationalities, they are more than 40. UAMS in Italy are mainly from Northern and Central Africa (over 70%).

Most of them came to Italy through the Mediterranean Sea: since January 1 to August 31, 2017, more than 13,000 UAMS alighted on the Italian coasts. They are many, but, comparing the data for the same period of 2016, there is a decrease of 21.6%. Considering the data on a monthly basis, it should be noted that the reduction concerns in particular

* Paragraphs 1 and 2 by Giovanni Giulio Valtolina; paragraph 3 by Nicoletta Pavesi.

the three summer months, with a decrease in landings respectively of 12.0% in June, of 60.7% in July and of 81.9% in August.

GRAPH 1. UAMS IN ITALY (BY SEX)



Source: Ministry of Labour and Social Policies, 2017

The percentage of UAMS from the total of foreign minors who alighted on Italian coasts, however, remained almost stable: between 80-90%, confirming a predominantly individual migration, mainly composed of young adult males, mostly coming from Africa.

As is well known, however, often Italy is not the final destination of their journeys, but only the transit country to reach other European countries. In fact, there are relatively few minors who apply for international protection in Italy, while those who leave the Italian reception facilities continue to be many. As of October 31, 2017, there were 5,509 missing UAMS.

On the other hand, with regard to applications for international protection, as on September 15, 2017, compared to over 18,000 UAMS in Italy, only one out of three (6,455) applied: 9% of applications were accepted (international or subsidiary protection) and 70% were suggested for humanitarian protection.

2. A NEW LAW (L. 47/2017)

On April 21, 2017, law n. 47¹ introduced a series of amendments to the current legislation, with the aim of defining a unitary organic discipline on UAMS, which at the same time strengthens the protection instruments and seeks to ensure greater uniformity in the application of the law throughout the national territory. Until that time there was not even a regulatory system for the national protection and reception of UAMS, and most of the rules used to guarantee the protection of this group of minors were neither thought nor written taking into account the fact that they are minors with specific needs.

¹ <http://www.gazzettaufficiale.it/eli/id/2017/04/21/17G00062/sg>.

As regards the content of the law, the main changes concern: measures for the reception of UAMS and, more generally, the strengthening of rights and protections towards them. The regulations contained therein apply to minors who do not have Italian or European Union citizenship, who are for any reason in Italy or who are otherwise subject to Italian jurisdiction without assistance and representation from their parents or of other adults legally responsible under the law in the Italian legal system (Article 2). The principle is stated according to which, regardless of the intention to apply for international protection, unaccompanied foreign minors are holders of protection rights with equal treatment to minors of Italian citizenship or of the European Union. All the regulations of the law are therefore applied to unaccompanied foreign minors, due to their condition of greater vulnerability.

Among the principles, the new text, on the one hand, explicitly introduces an absolute ban on rejecting UAMS at the border, rejection that cannot occur in any case. On the other hand, it modifies the regulation concerning the prohibition of expulsion of foreign minors who, according to the current legislation, can be derogated exclusively for reasons of public order and state security, further establishing that, in any case, the deportation order can be adopted on the condition that it does not involve a risk of serious harm to the minor. It is also specified that the decision of the Juvenile Court, which has the competence in the matter, must be taken promptly and in any case within the 30-day time limit.

Furthermore, to complete the current legislation, the new text introduces a new article in the legislative decree n. 142/2015, aimed at regulating in a uniform manner on the national territory the procedure for identifying the minor, which constitutes the fundamental step for ascertaining the minor age.

This procedure includes: an interview of the UAM with qualified personnel, under the direction of the services of the local authority; the request for a personal data document in case of doubt about age and, possibly, of socio-health tests, with the consent of the minor and in the least invasive way possible; the presumption of minor age in the event that doubts about age remain even after the assessment (Article 5).

The new legislation also establishes the national information system for unaccompanied minors (SIM) in the Ministry of Labour and Social Policies, implementing Article 19, paragraph 5 of Legislative Decree no. Decree 142/2015. The establishment of the SIM at the Ministry is grafted and reinforces the database provided for in articles 2, 4 and 5 of the Dpcm 535/1999. With a view to qualifying the reception procedures, the social record of unaccompanied minors is also drawn up by qualified staff, who interview the UAM in the first reception. The social folder is sent to the social services of the Municipality of destination and to the public prosecutor's office at the Juvenile Court.

To enhance the effectiveness of the UAMS' protection, the new law intervenes on further aspects of the discipline.

Another area of intervention concerns the changes to the discipline of the so-called *assisted voluntary repatriation*, which consists of the repatriation of the UAM aimed at guaranteeing the right to family unity of the same. Dispositions can only be taken if, following a specific investigation into the family of origin of the UAM applying for

international protection, repatriation is considered appropriate in the interests of the minor. Family surveys for unaccompanied foreign minors requesting international protection are carried out by the Ministry of the Interior.

In this regard, the recently approved law makes the activation of family surveys more rapid and introduces a criterion of preference for foster care with regard to placement in the host community. Furthermore, the competence to adopt the repatriation measures has been transferred from the Ministry of Labour to the Juvenile Court, which already decides on extradition orders.

To promote projects that envisage family foster care instead of admission into a community, the new law assigns to local authorities the task of sensitizing and training trustees able to welcome UAMS in their home and provides for the compilation of lists of voluntary guardians, available to assume the legal protection of UAMS.

Some regulations of the new legislation are then aimed at strengthening individual rights already recognized for UAMS. In particular: the full guarantee of health care to UAM is extended by providing for their registration with the National Health Service, which the current legislation considered mandatory only for minors holding a residence permit; the adoption of specific measures by educational institutions and training institutions is encouraged to favour the fulfilment of compulsory education and training, also by means of agreements aimed at promoting specific apprenticeship programs, as well as the preparation of specific projects involving cultural mediators; procedural safeguards for the protection of the UAMS are implemented, by means of psychological assistance to the parents in any stage of the procedure and by recognition of the right of UAM to be informed of the advisability of appointing a legal counsel, also through the appointed guardian, and to avail themselves of legal aid at the expense of the State in any step of the procedure.

Finally, some regulations introduce special protection for specific categories of UAMS, in consideration of the particular state of vulnerability in which they are, such as UAMS who are victims of trafficking.

3. BEST PRACTICES

The analysis of the innovative practices tested before the promulgation of the new law on UAMS allowed revealing the presence of positive experiences, that anticipated the legislation, allowing - in a way - a prior empirical verification of the effectiveness of these measures. We will present some of these practices, as they were collected in the construction of the repertoire of the Permanent Observatory on the reception of UAMS in Italy, established at ISMU Foundation in 2017.

Before Law n. 47/2017, in Italy, family fostering of Uams has already been activated, both with Italian families and with families of the same nationality of the UAMS (homocultural foster care). Already in 2006, in fact, the National Table for Foster Care

published a document,² which specified some of the characteristics of UAMS foster care with respect to traditional foster care. First of all, it pointed out that this fostering had purposes that were in part different than the fostering of Italian minors: the goal, in fact, is not the reintegration of the minor into the family of origin, which – thanks to the placement of the child in the foster family – can be accompanied in a process of solving the problems that led to his fostering. In essence, there is no parallel path to support the natural family: the whole project is focused on the UAM and has as its purpose “the offer of a warm, affective context, aimed at supporting a future autonomy project that, in some cases, also extends beyond the eighteenth year of age” (National Table of Foster Care, 2016: 2). Another peculiar aspect concerns the age of the UAMS: they are adolescents, often very close to 18 years old. This requires that specific paths of foster care should be implemented with the fundamental aim of accompanying UAMS to autonomy, in the transition to the adult condition. Furthermore, it is necessary that the execution of bureaucratic procedures related to the permanence in Italy of the UAMS are not to be borne by the foster family alone, but with the support of other public or private social subjects.

For UAMS, three types of foster care are possible: with a family member (this solution is the preferable one), with an autochthonous family (hetero-cultural foster care) or with a family having the same culture of the UAM (homocultural entrustment). The repertoire of practices collected by the ISMU Observatory shows a lively activity, carried out in partnership between local authorities (specifically, social services of the Municipalities) and organizations of the Third sector (social cooperatives, family and volunteer associations), that have allowed experimentation of innovative family foster care practices, paying attention to the child’s best interest. In particular, the presence in many Italian cities of homocultural foster care has now become a consolidated practice, with respect to which a scientific understanding has now also been consolidated.

The two projects we are going to present are located in Cremona and Verona: both have the feature of taking a step further than the traditional forms of foster care (homo or heterocultural), implementing innovative reception and integration strategies. However, it has to be said that there are many good practices spread across Italy on this particular form of caring of UAMS.

The Cremona experience starts from the activity carried out by the Cooperative Nazareth,³ originally active with a reception centre for UAMS through a housing community. Since 2008, the cooperative has experimented with forms of “strengthened foster care”, because it provides support to the foster families first of all through the “Giona day center”, which is part of the cooperative, which accompanies UAMS during the day with literacy courses. At the Giona day centre there are workshops, maintenance and cleaning activities. Other important leisure activities for integration in the social context are carried out in collaboration with the parishes, which involve UAMS in post-school

² <http://www.tavolonazionaleaffido.it/wp-content/uploads/2017/06/Accoglienza-Familiare-di-Minori-Stranieri-Non-Accompagnati-UAMS.pdf>.

³ <http://www.coopnazareth.net/attivita/area-migranti/minori-stranieri-non-accompagnati/>.

activities, mini-basketball training and in the summer, activities for children. This model of foster care, created in partnership with the municipality of Cremona, also includes volunteer organizations: among these, we report the association “*Girasole*”,⁴ an association of foster families that have experimented innovative forms of foster care, have developed know-how on the processes of sensitization and support for foster families, and that therefore bring to the project a very rich know-how. Individuals and foster families are often foreigners who are successfully completing their migration project in Italy. The identification, evaluation, matching and supporting of foster families is carried out by the Nazareth cooperative, together with the Municipality of Cremona.

In addition to fostering in Italian families or other nationalities, the project provides for the possibility of former UAMS who are now adults, who have successfully completed their journey, to become guardian of UAMS. This opportunity can have at least a twofold value: on the one hand, it means exploiting the potential of the former UAMS, who are offering their services for the wellbeing of the community, and therefore recognize their full integration into the local community, where they live. On the other hand, it is obviously an important resource for the UAMS who can compare themselves with people who shared a similar migration journey, sometimes even the same provenance, language, culture and religion and that represent for them an example of success and a significant landmark, close to their age.

Lastly, Cremona’s “reinforced foster care” represents a solution that is also economically advantageous for local authorities: it costs an average of 40% less than the “classic” placement of UAMS in the community.

Another interesting experience concerns the Association of Linguistic and Cultural Mediators, Terra dei Popoli,⁵ operating in Verona. This project highlights the path that led to the promotion of homocultural foster care. In this case, in fact, there is an intense collaborative work, first of all between the Municipality social services and the Association, an expression of active citizenship of people coming from different cultures. It is important to underline how the cultural mediators of the Association consider their mediation activity not only as a tool to promote dialogue between different cultures and the integration of foreign citizens in Italy, but also as a means for promoting the participation of migrants in the public life of the host country: this means promoting the empowerment of immigrants, considered as active subjects in the production of well-being in the communities to which they belong.

Thanks to European funding from the European Integration Fund, the two promoters have activated and stabilized a path of study on the care and protection of minors of different cultures, creating a permanent laboratory, involving social workers of the Municipality, cultural mediators and numerous foreign communities. This is very important, as it is not possible to assume that on these issues there is a homogeneity between the different ethnic groups living in Italy: working on culturally homogeneous family requires abandoning the claim of an ethnocentric perspective in favour of an

⁴ <http://www.ilgirasolecremona.it/site/accogliere-minori-stranieri-non-accompagnati-mediante-laffido/>.

⁵ <http://www.terradeipopoli.info/>.

understanding of the migrant families, which are not seen only as a risk, but also as a resource. The aim of the project was to identify foreign families willing to become foster care families, thus becoming part of the circuit of family resources available to the Social Services for the temporary reception of minors in difficulty.

The process involved 200 foreign citizens, including several community leaders, who supported the process of sensitization of their own groups. Seven working groups have been set up, that trained 30 foreign families, in order to welcome a UAM. The innovative peculiarity of this project is double: the focus on the cultural dimension given not only for the UAM, but also for the fostering family, which is supported in understanding the peculiar meaning of *taking care* outside a family relationship with the child; the importance given to the leaders of the communities, who represent important mediators to reach the communities themselves and therefore should be involved more systematically.

Precisely the experiences that preceded – and partly stimulated – the introduction of this measure in Italy have shown how rich family foster care can be, when it is not exclusively a merely bureaucratic fulfilment. The idea that headed the different experiences is well explained in the experience of Reggio Emilia, where it is stated that “the guardian is not only a representative figure or a bureaucratic administrator, but the one who primarily plays a role of care so much that this must characterize the quality of the relationship with the minor he must deal with”.⁶ For this reason, the projects have provided not only a training path, but the State has taken on the burden of accompanying and monitoring the activity of voluntary guardians. In some cases, private social organizations have also been involved in the processes, as in the experience of Bologna and Ferrara which, in addition to the Municipalities and the Regional Guarantor for Children and Adolescents, saw the collaboration of the Camelot social cooperative. In this case, the training path focused on the knowledge of territorial services, on the learning of skills for listening to UAMS, for the reception and management of the traumas these children have experienced. The experience of Bologna and Ferrara has also highlighted the importance of building accurate matching between guardian and UAM: in particular, precisely to guarantee the advocacy, every match has been made executive only after having been certain of the complete acceptance of the guardian by the UAM. Unlike the experiences when the guardian was the Mayor, having no real and incisive relationship with the UAM, in the new model guardians play a key role in the path of UAMS towards full autonomy: it is important to create a relationship of trust, in which all the necessary decisions can be taken jointly, in the best interests of the UAM. From the experience of the Veneto region, active since 2000, it is possible to draw inspiration on the need to build and maintain a close link between the regional level and the local realities. This link was guaranteed by the territorial referents, identified among the professionals of social and health services. They, after having followed specific courses at the Public Prosecutor’s Office of the minors of the Veneto region, sensitised the local community on legal protection of UAMS, the finding of volunteer guardians, the organization of training paths

⁶ <http://www.asp.re.it/Struttura.jsp?id=34>.

and the coaching and monitoring of the guardians in their activities. This perspective is very interesting mainly because on the one hand it promotes the empowerment of the communities, which recognize themselves as competent carriers of resources, and on the other allows the guardian to face a Social Service system that he/she already knows. Furthermore, it allows the guardian to carry out his/her activities in a context which also includes the resources of the third sector and of voluntary work with which he/she can more easily interact.

Another interesting project is that of the Veneto Region,⁷ where, in agreement with the municipal capitals and the Guarantor of individual rights, has been tested since 2016 and renewed in 2017 the reception for UAMS with the possibility of apartment-groups, in partial autonomy. As explained by the regional Councillor for Social Policies, this is a different answer than the traditional community for minors, determined by the need to face a constantly evolving reality, linked to new migratory flows, and to respect and protect the different needs of foreign minors: they are youngsters aged between 16 and 17 years old, with a strong sense of autonomy, often more mature than their age, with a personal and family experience completely different from that of Italian minors welcomed into the community. It is evident that this choice is part of a clear individualized project of taking charge of the UAM, aimed at choosing the most suitable opportunities for his/her characteristics. It provides, for a first reception of the UAMS, a community accommodation for up to sixty days: here a multidisciplinary team has the task of making an assessment of personal history, socio-demographic characteristics, problems and resources. After this period, the UAMS who have been assessed as able to have good autonomy skills are located in apartments, that can accommodate up to six unaccompanied minors, according to a personalized educational project. The structure has the presence of educators and cultural mediators for two hours a day and the constant night presence of an educator. The students hosted in these facilities are obviously involved during the day in education, training and work activities in specialized structures and centres.

Similar experiences are also present in other regions, but often do not represent an alternative to the community: it is instead a step after the community, in which the UAMS close to the age of majority are accompanied in a path of progressive autonomy.

Innovative practices are also reported on the activities that complete the taking charge of the UAM: the learning of the Italian language, the recovery of one's own history, the expression of their abilities and interests. Experiences of expressive workshops are also implemented, in which narration or theatre become a vehicle to reread the migratory experience with all its hardships.

Finally, the dissemination of peer education practices as a strategy for supporting UAMS has to be highlighted: one example among many is the "*Parole alla pari*" project, an experimental volunteering project born of a network agreement. Between the Councilorship for Social Cohesion, Health, Welfare, Integration and Citizenship of the

⁷ https://www.regione.veneto.it/web/guest/comunicati-stampa/dettaglio-comunicati? spp_det_ailId=2970403.

Municipality of Modena, the San Filippo Neri Foundation and the regional company for the right to higher studies Ergo, which has undertaken to promote the activity of volunteering for scholarship students, in particular those resident in Modena and enrolled in Education and Anthropology. The commitment of young university students consists in supporting UAMS for 8 months, favouring the learning of the Italian language and knowledge of the city and its services, through the construction of interpersonal relationships. The company for the right to study deals with the selection of students who receive ad hoc training from the San Filippo Neri Foundation, while the social services of the Municipality deal with the planning of the individual management, monitoring and identification of the UAMS to be included in the project.

The practices described above, which represent only a partial, but emblematic, breakdown of the innovations present on the Italian territory in terms of efficient and effective management of the UAMS, deserve to be more widespread to allow those territories that have not yet implemented projects for UAMS, to grasp its suggestions in order to produce a system of taking charge that is increasingly sustainable and at the same time attentive to the complexity of the phenomenon.

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