



**International Social Service – General Secretariat
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The [International Social Service](#) (ISS) is a global network committed to helping children and families deal with the complex social and legal problems of migration. Founded in 1924, ISS has a presence in more than 120 countries and is a global player in the promotion of child protection and welfare – most notably in its transnational aspects. ISS members include national social services, NGOs or associations specialised in child protection or migration issues. They play an important part in national child or social protection systems by connecting with foreign countries to deal with individual situations. As such, ISS has the capacity to provide support and follow-up services on a transnational level. Today, ISS promotes cooperation between child protection services and diverse governmental, non-governmental and inter-agency stakeholders – from multi-disciplinary fields – to create and implement sustainable solutions that enhance the protection of children in vulnerable situations.

Based on its experience in the protection of children and families on the move, the following document is a brief submission prepared by ISS’s General Secretariat, reflecting some of the relevant experiences implemented by members of its network or close partners as well as examples of legislation and policies compiled as part of its information-sharing mandate. It also mentions some promising practices disseminated through the [MOOC on the protection and care of children on the move](#), on which ISS has played a leading role on.

1. Please provide information on any legislation or policy that prohibits or restricts the use of immigration detention of children and their families in your country.

ISS will focus here on two legal and policy documents having been agreed and adopted at regional level, which specifically include the prohibition and restriction of immigration detention for children:

Americas: In 2014, the Advisory Opinion OC-21/14 of the Inter-American Court of Human Rights¹ has held that ‘*States may not resort to the deprivation of liberty of children who are*

¹ Inter-American Court of Human Rights. Advisory Opinion OC-21/14 of August 19, 2014. Rights and guarantees of children in the context of migration and/or in need of international protection. Requested by

with their parents, or those who are unaccompanied or separated from their parents, as a precautionary measure in immigration proceedings; nor may States base this measure on failure to comply with the requirements to enter and to remain in a country, on the fact that the child is alone or separated from her or his family, or on the objective of ensuring family unity, because States can and should have other less harmful alternatives and, at the same time, protect the rights of the child integrally and as a priority’.

Western Africa: In 2016, the Economic Community of West African States (ECOWAS) adopted the *Support Procedures and Standards for the Protection and Reintegration of Vulnerable Children on the Move and Young Migrants*². This tool is to be used by ECOWAS’s 15 Member States and Mauritania. The procedure includes eight steps for supporting the child, from the identification and protection of the child, and the follow-up of his/her reintegration, to the reinforcement of the socio-economic capacity of the family. Each step includes a standard to ensure the quality of support provided to the child. In particular, Step 5 of the procedure focuses on alternatives for the placement of children outside their families and provides guidelines to identify and determine a suitable form of care. ISS has been the technical partner in the development of this procedures and standards, based on its [lengthy experience of cross-border child protection in the region](#), and now for the implementation of this procedure in all participating countries.

- 2. Please provide information on existing non-custodial alternatives to immigration detention of children in your country (e.g. community-based reception solutions) and elaborate how these alternatives effectively enhance the protection of the rights of migrant children and their families.**

In **Ethiopia**, a foster care and kinship programme was operating in 2018 in the context of refugee camps in the district of Shire in Northern Ethiopia. These camps are home to refugees from Eritrea and there are significant numbers of unaccompanied and separated children crossing the border from Eritrea into Ethiopia on a regular basis. The programmes in the camps are a result of partnerships between the Government of Ethiopia’s department of Administration for Refugee and Returnee Affairs (ARRA), the UN and NGOs. One interesting element here has been ensuring cultural and contextual applicability of foster care in the camps. Furthermore, the child welfare committee (CFW) of the camp has played a key role as it is made up of members of the refugee community and plays an important role raising awareness and mobilising support for the foster programme.³

In **Ireland**, the governmental Child and Family Agency Tusla – which is also the ISS member in the country – is implementing a clear assessment process for the protection and care of

the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay. Available at: http://www.corteidh.or.cr/docs/opiniones/seriea_21_eng.pdf.

² ECOWAS (2016). *ECOWAS Support Procedures and Standards for the Protection and Reintegration of Vulnerable Children on the Move and Young Migrants*. Available at: https://www.ssi-suisse.org/sites/default/files/2018-11/04001_ssi_content_EN_RZ_web_72dpi.pdf.

³ Experience described in the MOOC.

unaccompanied and separated children seeking asylum⁴. After assessment, children are placed in the most appropriate placement option depending on their assessed needs. The most prevalent form of placement is with a foster family but supported lodgings are also used. Foster placements and supported lodgings have been identified throughout the country and there is strong linkage between the dedicated social work team in Dublin and the local social work teams in order to ensure a seamless transition from intake units to local placements.

In **Mexico**, the Government together with UNICEF published the *Alternative Care Model for Migrant Children [Modelo de cuidados alternativos para niñas, niños y adolescentes migrantes, solicitantes de asilo y refugiados en México: Guía para su implementación]*⁵. The model reflects the protection offered to children in accordance with the General Law on the Rights of Children and Adolescents. This document identifies the various alternative care options for unaccompanied migrant, asylum-seeking and refugee children, in order to implement the construction of a model that opens new opportunities for integration for this group of children across the Mexican territory. It is based on the principles of non-detention and non-refoulement and has four stages: 1) identification and assessment; 2) first reception (*i.e.* specialised residential care); 3) second reception (open-door residential and family-based care options based in the community), and 4) leaving care (reintegration or assistance with independent living). It is based on the highest standards for children's human rights and comprehensively ensures the best interests of the children, as a right, as a principle and as a procedural rule, and all the options suggested are alternatives to detention. UNICEF is providing technical assistance with its progressive implementation.

Also in **Mexico**, the NGO Casa Alianza manages two programmes for migrant children: a small-group home and support with independent living.⁶ In the small-group home, the young people have access to a number of activities as well as accommodation. It is a 'normal' house, in a safe area. The young people contribute to the general operation of the home and have access there to different services, such as therapy, a nurse, their social worker, etc. It is considered a community with an open-door policy.

In **Spain**, the Spanish Red Cross – which is also the ISS member in the country – has been a provider of specialised residential and foster care for migrant children for a number of years as well as through its supervised apartments for young people⁷. It has developed an operational methodology for the care of young migrants, with a focus on their rights and individual process, their socio-educational needs, communication, integration and

⁴ See: <https://www.tusla.ie/services/alternative-care/separated-children/>.

⁵ UNICEF Mexico (2019). *Modelo de cuidados alternativos para niñas, niños y adolescentes migrantes, solicitantes de asilo y refugiados en México: Guía para su implementación*. Available at: <https://www.unicef.org/mexico/informes/modelo-de-cuidados-alternativos>.

⁶ Experience described in the MOOC. See also: <https://www.youtube.com/watch?v=Sh1HcYw2Kts>.

⁷ See: Cruz Roja Española, http://www.cruzroja.es/portal/page?_pageid=659,12331049&_dad=portal30&_schema=PORTAL30. See also: <https://www2.cruzroja.es/acogimiento-familiar>.

resilience. The care to be provided to these children will take into account the development of a protection plan, identify potential cases of trafficking, address the needs resulting from early life difficulties and the migration process, and prepare the child for the next step as determined in his or her protection plan. It also focuses on leaving care, in particular on preparing the child for this next life stage and the existence of a social support network (whether he or she returns to his or her family in the country of origin or a third country, is placed into foster care or initiates some form of autonomous living arrangement). This methodology entails working with the individual, the group and the community, including the figure of community reference persons to support the child.

3. Please provide information on any existing good practices or measures taken in your country to protect the human rights of migrant children and their families while their migration status is being resolved, including inter alia their rights to liberty, family life, health and education (e.g. by ensuring effective access to inter alia adequate reception, healthcare, education, legal advice, family reunion).

In **Italy**, a new law – known as the *Zampa* Law – was approved in 2017. It is the first comprehensive act for unaccompanied children in Italy and calls for a series of to protect refugee and migrant children, including reducing the time these children spend in first-line reception centres; promoting guardianship for children by using trained volunteers from the regional child and youth agency and promote foster care and host families for children; and establishing a structured and streamlined national reception system, with minimum standards in all reception facilities.⁸ For example, in the north of the country, Defence for Children – Italy (ISS member in the country) has established a programme of volunteer guardianship for unaccompanied and separated children, and provides training and support to these guardians⁹. Another example, in the south of the country, the City of Palermo (Sicily) is also already implementing a guardianship system in line with this new law. In Sicily, guardians are members of the local community, who apply for the role. They go through a selection process before being appointed by the juvenile court. A guardian can only be responsible for three children at a time, thus allowing for a more personal relationship. Unless there are exceptional circumstances, guardians should live in the same community as the children. A child is provided a guardian very soon after they arrive in Sicily. Guardians must ensure that each child is kept well informed about their rights and any processes that affect them, each child has all their legal, social, health, material, psychological, educational, and other needs met, and that decisions are being made with the child’s active participation.¹⁰ Foster care for migrant children has also been implemented in Sicily in order to avoid placement in a reception centre, supervised by the local social services and monitored by the courts.

⁸ See: ‘UNICEF hails new Italian law to protect unaccompanied refugee and migrant children as model for Europe’, 29 March 2017. Available at: https://www.unicef.org/media/media_95485.html.

⁹ See: <http://www.defenceforchildren.it/risorse/news/170-diventare-tutore-di-un-minorenne-non-accompagnato.html>.

¹⁰ Experience described in the MOOC.

In **Lebanon**, ISS member and Lebanese NGO *himaya*¹¹ has been actively establishing ‘safe parks’, with two main objectives: providing psycho-social support to Syrian refugee children, who are in an extreme life situation and offer them activities and mobile playgrounds in a safe area. The organisation’s Safe Parks initiative is a collaboration with ISS, FICE International and AXA Insurance, and provides children from refugee and host communities with a safe environment to engage in recreational activities and build their awareness and capacity to overcome vulnerability. In the Safe Parks, *himaya* provides vulnerable young people with psychosocial support through prevention activities conducted by *himaya*’s trained facilitators, who are responsible for identifying and referring any cases of abuse to *himaya*’s resilience team for case management.

In **Hong Kong**, ISS has been administering and delivering assistance to non-refoulement claimants. Unaccompanied children of non-refoulement claimants will be admitted into ISS Hong Kong’s Anthony Lawrence International Refuge for Newcomers with 24-hour supervision. Temporary and emergency housing, subject to regular needs assessment, is provided on a case-by-case basis to the neediest recipients, including single mothers with children and disabled persons¹².

In **Switzerland**, ISS has been advising children on asylum claims and administrative processes and assessing their personal situation to offer them the assistance best suited to their needs. ISS Switzerland also looks for foster parents, who could host the isolated child. To help with the integration process, ISS find out about and note their skills and set up professional integration plans in collaboration with the relevant services. For those wishing to return to their home country, it uses the ISS international network to find individual long-term solutions¹³. Most recently, ISS Switzerland developed a mentorship programme, known as ‘An extra place at your table’ aimed at providing guidance and personalised support to young migrants¹⁴.

In **The Netherlands**, NIDOS is the national guardianship institution for unaccompanied and separated children. All children in the Netherlands should be under either parental authority or guardianship. NIDOS is appointed as guardian by the court if the child’s parents are unable to exercise parental authority over the child. As part of its mandate, NIDOS has developed a foster care programme, which includes foster care for migrant children¹⁵.

In the **United Kingdom**, ISS member *Children and Families Across Borders* (CFAB) has been implementing a post-placement support project¹⁶. Indeed, the latter aims to support those families who have been reunited across international borders. The project provides advice,

¹¹ See: *himaya*, www.himaya.org.

¹² See: http://www.isshk.org/en/our_services/detail/21/.

¹³ See: <https://www.ssi-schweiz.org/en/ums-switzerland/39>.

¹⁴ See: <http://solidarity-young-migrants.ch>.

¹⁵ See: <https://www.nidos.nl/wp-content/uploads/2014/03/Tekst-brochure-OWG-groot-EN.pdf>.

¹⁶ See: <http://cfab-cms.bitmachine.co.uk/sites/default/files/2020-05/Post%20Placement%20Support%20Project%20May%202020.pdf>.

and practical and emotional guidance and assistance for whole families in this situation, helping them to stick together where this is beneficial, understand their rights, and achieve their full potential. Many families also face obstacles in terms of developing their relationships with the young people who have arrived, particularly in instances when the family members have not seen each other for many years, or to respond to the young people's mental needs. The project has supported young people to access education and NHS mental health services where needed and has signposted families to legal advice and representation, as well as local social support and activities. It has also successfully advocated and supported families to apply for benefits and appropriate housing.

In the **United States of America**, ISS has been offering reintegration planning services in Guatemala and Honduras¹⁷. Indeed, ISS-USA has partnered with Lumos to offer safe repatriation and reintegration planning for children returning to Guatemala after a forced separation at the US-Mexico border. Through the programme, ISS-USA and the Guatemalan partner are providing reunification assessment services and intensive case management in Guatemala for children reuniting with families. ISS-USA has also partnered with a Honduran NGO to provide cross-border case management for youth between 13-17 years old who are returning to some areas in Honduras. Social work case management services include developing and implementing reintegration plans that address each family's needs individually. These interventions can also prevent dangerous re-migration or the unnecessary institutionalization of children.

4. Please indicate any challenges and/or obstacles in the development and/or implementation of non-custodial alternatives to immigration detention of children and their families.

Some of the challenges identified by ISS in the development and implementation of alternatives to detention are:

- a. **Complex cross-border cooperation**, which is essential to ensure relevant information is gathered and shared, that solutions in all affected countries are explored, and that the most appropriate solution in the child's best interests is identified.
- b. **Lack of agreed procedures to ensure continuity and continuum of protection and care** within and between countries.
- c. **Cumbersome case management mechanisms**, at national level, but in particular for cross-border child protection coordination.
- d. **Actions undertaken in relation to a child on the move are based on his or her migratory status**, rather than his or her individual situation of vulnerability/violation of rights as a child.

¹⁷ See: <http://iss-usa.org/iss-usa-offers-reintegration-planning-services/>.

- e. **Remaining focus on immediate and emergency measures and decisions**, rather than on sustainable quality solutions, based on comprehensive assessments, *i.e.* the response must go beyond immediate protection.
- f. **Erroneous assumption by some professionals that standard solutions work for all children**, whereas what is required is to conduct individual and family assessments prior to determining a quality sustainable solution for a child.
- g. **Lack of understanding of the applicability of the UN Guidelines for the Alternative Care of Children** and the safeguards that it provides in cross-border protection and care situations, and the clear priority to non-residential care.

Indeed, the focus must be on the **identification and determination of a quality sustainable solution for each child**, which is a process aimed at the individual integration or reintegration of the child in a safe environment enabling the development of stable relationships and decent prospects for his or her future.

5. What support could other stakeholders (other than your Government) provide to strengthen the development and/or implementation of non-custodial alternatives to immigration detention of children and their families that enhance the protection of their rights?

Finally, with regards to the role and actions that state and non-state stakeholders can take to strengthen the protection and care of children on the move, including the provision of alternatives to detention and suitable forms of care, ISS published a practical guide – [*Children on the move. From protection towards a quality sustainable solution. A practical guide*](#) – that captures the essence of ISS casework and advocacy influence for children on the move aimed at all professionals working with children on the move. The richness of this manual is that it is based on the daily casework of ISS members and specific projects targeting this group of children in all regions of the world – from the initial contact with the child to the working towards a quality sustainable solution. Specifically, it proposes holistic protection that: (a) provides children on the move with child-centred, quality and sustainable solutions; (b) develops and follows harmonised care standards to ensure a quality and continuity of transnational care, and (c) establishes adequate case monitoring and follow-up mechanism across borders. The eight steps promoted by this guide are presented in the following diagramme, and **Steps 4 and 5** are particularly relevant in the search, identification, implementation and operation of alternatives to detention and quality sustainable solutions for each child.



Finally, the [MOOC: Caring for children moving alone. Protecting Unaccompanied and Separated Children](#) has proven to be a crucial means to reach a variety of professionals working with and for children on the move, in particular front-line workers. To date, approximately 26,000 individuals have taken the course, and thanks to being free-of-charge, flexible and multilingual, its availability to all should be promoted as widely as possible, in order to ensure that the key principles and standards governing the protection and care of children on the move, including the promotion of suitable family- and community-based care and cross-border mechanisms, are shared with all interested.