



Trees only move in the wind

A study of unaccompanied  
Afghan children in Europe

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Policy Development and Evaluation Service  
United Nations High Commissioner for Refugees  
Case Postale 2500  
1211 Geneva 2  
Switzerland

Tel: (41 22) 739 8433

Fax: (41 22) 739 7344

e-mail: [hqpd00@unhcr.org](mailto:hqpd00@unhcr.org)

internet: [www.unhcr.org](http://www.unhcr.org)

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## Preface

‘A tree does not move unless there is wind’ is an Afghan proverb which, roughly translated, means ‘there is no smoke without fire’, or ‘nothing happens without a reason’. The proverb provides an appropriate title for a report that tries to explain why significant numbers of Afghan children are making the difficult and dangerous journey to Europe, unaccompanied by their parents.

The author would like to thank all those in UNHCR offices, NGOs and government departments who assisted with the study. A special thanks goes to the many young Afghans who were willing to share their stories, often under difficult conditions, and too often painful in the telling. Without their cooperation there would be no story to tell.

Finally, the author would like to thank PDES team members Emmi Antinoja, Angela Li Rosi, Maria Riiskjaer and Yvonne Ruijters for their valuable contribution to the study, and to Jeff Crisp for his careful and enlightened editing of the report. The author takes full responsibility for any errors or omissions made in the information and analysis provided.

# 1. Introduction to the study

1. The arrival of unaccompanied and separated children from other parts of the world, some of whom submit applications for refugee status, has been an issue of mounting concern to many European countries and to UNHCR.

2. That concern derives from a number of different factors, including:

- the growing number of children involved in this movement;
- the grave risks encountered by these children as they make their way to Europe;
- the involvement of human smuggling networks in their movement;
- the perceived misuse of asylum systems by some of those who submit claims for refugee status;
- the lack of protection and assistance for children who do not submit asylum claims, though they might qualify for protection, as well as those whose protection needs are not correctly assessed;
- the cost of providing the new arrivals with appropriate forms of care and support; and,
- the difficulties involved in determining the age and best interest of these young people and finding a solution to their situation.

3. Afghans constitute one of the largest groups of unaccompanied children who are currently making their way to Europe and who are in some but not all instances submitting applications for refugee status there.<sup>1</sup> A major problem for UNHCR in its efforts to formulate a coherent and consistent approach to this movement has been a lack of information with regard to their profile. While some relevant studies have recently been conducted on this issue, the number of cases and countries covered has been limited.<sup>2</sup>

4. The current study was requested by UNHCR's Regional Bureau for Europe and commissioned by the organization's Policy Development and Evaluation Service in an attempt to address this gap. Further information with regard to the

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<sup>1</sup> While the current study focuses on movement to Europe, young Afghans are also travelling eastwards, notably to India, Malaysia, Indonesia and Australia. It is not possible to determine with any precision what proportion of the Afghan children entering Europe seek (or do not seek) asylum there.

<sup>2</sup> *In the migration trap: unaccompanied migrant children in Europe*, Simone Troller, Human Rights Watch, January 2010; *Children on the move: a report on children of Afghan origin moving to western countries*, Kerry Boland, UNICEF Kabul, February 2010; *Underveis. En studie av enslige mindreårige asylsøkere* (On the way: a study on unaccompanied minor asylum seekers) Cecilie Oien, FAFO, June 2010; *Separated, asylum-seeking children in European Union member states: summary report*, European Union Agency for Fundamental Rights, April 2010.

background, scope, purpose and methodology of the study can be found in Annexes 1 and 2.

5. Interviews with approximately 150 young Afghans, all of them boys, were conducted in France, Greece, Italy, the Netherlands, Norway and the UK by members of the PDES team and an internal consultant, between November 2009 and March 2010. Additional information on 38 young Afghans in Turkey and 10 in the UK was also included in the analysis. Focal points were identified in the UNHCR offices in Ankara, Kabul, Islamabad and Teheran, who also provided inputs to the study.

6. While a considerable number of young Afghans were interviewed in the course of this study, the findings cannot be considered as statistically significant. Interviews took place where and when the researchers were able to find children who were willing to talk. Furthermore, only those children who were willing to be interviewed were included in the study.

7. In each case, young Afghans were given an explanation with respect to the purpose of the study, the confidentiality of interviews and their voluntary nature. Ultimately, therefore, the study is based on a self-selected group.

8. It is also important to note that children may not necessarily provide accurate information when interviewed in this way. Their responses may well be influenced by the coaching of parents, relatives, other migrants or smugglers, as well as legal and other advisors in the country of asylum in responding to similar questions posed by the authorities and other stakeholders. Stress, anxiety and language difficulties might also influence the quality of the children's responses.

9. An important limitation of the study has been the research team's inability to travel to the region of origin and to examine first-hand the motivations and expectations of families who have encouraged or allowed their children to set out on such a dangerous journey. It should be noted, however, that there is considerable consistency between the findings of this study and that carried out recently by UNICEF Kabul, which included interviews with families in Afghanistan.

10. Conscious of these methodological shortcomings, and so as to validate the preliminary findings of the study, a workshop was held in Geneva in February 2010, bringing together other researchers and experts in this field. A limited review of relevant literature on Afghanistan and Afghan migration was also undertaken in order to verify some of the social and cultural practices reflected in the interviews.

11. The rest of this study is divided into four main parts. Chapter 2 provides a brief introduction to the current situation in Afghanistan and neighbouring refugee-hosting countries, and explains some of the factors that have shaped the movement of young Afghans to Western Europe and other distant locations.

12. The following chapters, 3 and 4, analyze the profile of the recent arrivals and examine the way they are treated, both during their journey and once they are in Europe.

13. Chapter 5 identifies some of the key policy issues arising from the arrival of unaccompanied Afghan children in Europe, while Chapter 6 presents a conclusion and a set of recommendations in relation to this issue.

14. While this report focuses exclusively on Europe, its findings and recommendations are of equal relevance to other situations where unaccompanied Afghan children are to be found.





## 2. The Afghan and regional background

15. At the beginning of the 1990s, Afghans formed the largest refugee group in the world, reaching a peak of 6.6 million. Well over a million refugees returned to Afghanistan following the fall of the Najibullah regime in April 1992, but many left again during four years of internal armed conflict, followed by the Taliban takeover in 1996. It was only after the US-led intervention in late 2001 and the apparent demise of the Taliban that massive returns were resumed, with some 3.5 million Afghans repatriating between 2001 and 2005.

16. The number of Afghans currently living outside their country is a matter of some debate. There are 1.7 million registered Afghans in Pakistan, one million registered Afghans in Iran, as well as very large numbers of unregistered Afghans in both countries. There are also known to be hundreds of thousands of Afghans with various legal statuses throughout the Gulf States, Europe, North America, South East Asia and Australia.

17. This situation seems unlikely to change in the near future. As noted in a recent report by the UN Secretary-General:

The deterioration of Afghanistan's security situation has continued, with 2009 being the most volatile year since the fall of the Taliban in 2001, averaging 960 security incidents per month, as compared with 741 in 2008. The situation worsened in January 2010, with the number of security incidents 40 per cent higher than in January 2009. That increase was the result of a combination of factors, including an increased number of international military troops and mild weather conditions in several parts of the country.<sup>3</sup>

18. In neighbouring host states, the situation for undocumented Afghans is also fraught with difficulties and dangers. In Iran, the disputed elections and resulting insecurity, coupled with a rapidly worsening economic situation, have impacted negatively on the Afghans. Since 2007, over a million undocumented Afghans have been deported from Iran to their country of origin, a development that has evident implications for the way that refugees in Iran, both registered and unregistered, perceive their future.

19. Pakistan, meanwhile, has been affected by a major insurgency and counter-insurgency campaign, both of which have had negative repercussions for the humanitarian and protection space available to Afghans and local people alike.

20. In this context of instability, 'normal' cross border movements, for the purpose of trade, family visits and other reasons, nevertheless continue unabated. As noted by anthropologist Alessandro Monsutti, "migration is part of the Afghan social and cultural landscape."

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<sup>3</sup> *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, March 2010.

Migration to Afghanistan's neighbouring countries, and the very significant sum of remittances sent home, can be seen not only as a response to war and insecurity, but also as an efficient economic strategy for households and a crucial contribution to the economy of the country as a whole. There is a clear pattern of multidirectional cross-border movements that indicates the ongoing, cyclical nature of migration - blurring the boundaries between refugees and voluntary migrants.<sup>4</sup>

21. While the focus of Monsutti's research is primarily on the Hazara, he argues persuasively that the same principles apply to other ethnic groups in Afghanistan. Furthermore, he observes that a growing number of Afghan refugees and migrants, responding to the mounting difficulties of life in Iran and Pakistan, have extended the scope of their movement by using people-smuggling networks that can take them to distant locations such as Europe and the Asia-Pacific region.<sup>5</sup>

22. Some commentators argue that there is a direct link between the introduction of restrictive immigration and asylum policies by states and the growth of an organized 'migration industry', dedicated to the irregular movement of people from one country or continent to another. Another important factor contributing to the increase in movement of Afghans from the region is the significant growth in the Afghan diaspora in Europe and Asia, which presents increased opportunities and support for young Afghans who seek to join family members overseas.

23. Another relevant issue is that of *hawala*, meaning 'payment' or 'letter of credit'. It is a system that allows Afghans to move millions of dollars in remittances around the world, through extensive interlinking networks of personal contacts, without recourse to a formal banking system. It also plays an important role in enabling Afghans to fund, organize and pay for the irregular movement of family members from one country and continent to another.

24. In the words of a recent UN report on people smuggling in South Asia:

... migrants' choices regarding which route to take and which criminal organizations to engage. Perceptions of economic opportunities, security fears, educational ambitions and family reunions encourage would-be migrants to seek different service providers. In choosing a destination, the major influence is diaspora connections, followed by geographical accessibility and cost - although these factors are also somewhat interdependent.<sup>6</sup>

25. The report also makes specific mention of the ease with which Afghans are able to leave their country, undetected and undeterred by border regulations. Indeed, the Afghan government has assumed a passive role in relation to movement of people across its borders, and does not have policies or institutions to address the issue of migration management. The role of the Afghan government in this context is further

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<sup>4</sup> 'Migration as a rite of passage: young Afghans building masculinity and adulthood in Iran', by Alessandro Monsutti, *Iranian Studies*, Vol. 40, No. 2, April 2007, pp. 167-185.

<sup>5</sup> *Itinérances transnationales: un éclairage sur les réseaux migratoires afghans*, Alessandro Monsutti, *Critique Internationale*, No. 44, July-September 2009.

<sup>6</sup> *Crime facilitating migration from Pakistan and Afghanistan*, UNODC, January 2010.

underpinned by an official insistence that all Afghans leaving the country are refugees.

26. The movement of Afghan youngsters from their region of origin to Europe might in some senses be regarded as extraordinary, not least because of the long distances, the evident dangers and the family fragmentation that the journey involves.<sup>7</sup> At the same time, the story told in the following pages of this report must be viewed in a broader context.

27. First, even if it appears to have increased in scale in recent years, the number of young people involved in this movement remains very small in relation to the size of the Afghan population as a whole and in relation to the number of Afghan refugees and displaced people in the sub-region.<sup>8</sup>

28. Second, young Afghans are not unique in making this type of journey, as demonstrated by the growing number of unaccompanied and asylum-seeking children arriving in Europe from other war-torn and instable countries, such as Somalia, Iraq and Eritrea.<sup>9</sup> More research is required on the factors that are driving and facilitating these movements.

29. Third, and as this report seeks to explain, the transcontinental movement of young Afghan males is underpinned by a number of important historical and cultural factors, is reinforced by the difficult conditions that exist in their region of origin, and is further stimulated by the safety, security, education, livelihoods, social welfare arrangements and community support that are available in Europe.

30. In this complex context, the traditional notions of 'refugee movement' and 'economic migration' would appear to have very limited value, especially when employed in a binary manner. As stated in the background paper presented to the 2007 High Commissioner's Dialogue on Protection Challenges:

UNHCR recognizes that some of the people involved in mixed movements may also have mixed motivations. When a person decides to leave her or his own country and seek admission to another state, she or he may be prompted by a combination of fears, uncertainties, hopes and aspirations which can be difficult to unravel. This is particularly so when people are leaving countries that are simultaneously affected by human rights violations, armed conflict, ethnic discrimination, unemployment and deteriorating public services.

31. In such circumstances, the identification of individuals in need of international protection, particularly children who might have difficulty in fully articulating their

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<sup>7</sup> A small number of young Afghan minors enter Europe by air, but they represent only a small minority of the total of new arrivals.

<sup>8</sup> Eurostat figures for 2008 and 2009 indicate an increase in Afghan unaccompanied asylum seeking children from 3,380 to 5,900.

<sup>9</sup> Eurostat figures for 2009 indicate that of a total of 13,885 unaccompanied asylum-seeking children, 5,900 were Afghans (42 per cent), 2,115 Somali (15.2 per cent), 885 Iraqi (6.4 per cent) and 565 Eritrean (four per cent). These four nationalities represent 69% of the total. The largest numbers (all nationalities) were registered in the UK (2990), Norway (2500), Sweden (2250), Germany (1305), Netherlands (1040) and Austria (1040).

claim, requires high quality and age-appropriate refugee status determination procedures.

### 3. Afghan children on the move

32. Of the 150 young Afghans interviewed in the course of this study in France, Greece, Italy, Netherlands, Norway and the UK, detailed demographic information was available for 62. Such information was also collected in relation to 10 additional young Afghans in the UK and 38 in Turkey.

33. The following analysis is therefore based on a review of 110 cases. While this is a relatively small number in relation to the total number of young Afghans who have made their way to Europe in recent years, and while much of the information they provided could ultimately not be verified, the analysis has nevertheless yielded some interesting results, as summarized below.

#### **Key characteristics**

##### *Gender*

34. All of the Afghans interviewed were male. Efforts were made from the outset of the study to identify separated Afghan girls in Europe. While very rare cases have been reported, mainly of young girls travelling with an older brother, none were available to interview at the time this study was undertaken.

##### *Age*

35. The reported ages of the 110 boys for whom detailed information was tabulated, ranged from nine to 18+, with the majority (66) claiming to be between 16 and 17. Overall, 70 per cent of those interviewed gave their age as 16 and over.

36. The distribution of ages was more or less the same across the countries covered, with the exception of Greece, where they tended to be older (nine of the 24 interviewed reported being 18 or more) and Norway, where they tended to be younger (eight of the 11 interviewed reported being 15 or under).

37. These variations seem to reflect a number of variables. For example, many of the young Afghans interviewed in Greece were self-financing and had run out of money, had spent weeks or months in detention, and/or had made a number of unsuccessful attempts to reach Italy and were unable or unwilling to go any further. Those who had reached Norway, on the other hand, had normally had their journey fully financed by family members from the outset, and had thus reached their destination more quickly.

### *Birth order and family size*

38. A number of questions were asked in an effort to form a picture of the family background of the young people interviewed, including their birth order, number of siblings, father's occupation and the child's level of education. Unfortunately the information available on many of these questions is incomplete, making it difficult to cross tabulate or to draw any precise conclusions from the findings.

39. With regard to birth order, information was available for just 59 of the 110 boys included in the analysis. The findings appear to support the notion that it is generally the oldest son who makes the journey (i.e. 43 of the 59 recorded). The others for whom information was available were either the second son (eight cases), often following the death or disappearance of the older brother. Family size was generally quite small (two or three children), with larger family sizes (six to eight children) in the minority.

### *Place of birth*

40. The large majority (100) of the 110 boys were born in Afghanistan, with just seven born in Iran and three in Pakistan. The ten boys born outside Afghanistan were in Turkey and Greece at the time of interview.

41. Information on the province of birth was available for 80 of the 100 boys born in Afghanistan. They originated from 19 of the country's 34 provinces. Almost a third of the boys for whom information was available (24) were born in Ghazni, with seven each from Nangarhar and Kabul, five from Laghman, and four each from Baghlan, Logar and Day Kundi.<sup>10</sup>

42. Smaller numbers were born in Bamyan, Balkh, Uruzgan and Hirat (three each), Parwan, Kapisa, Ghor, Hilmand and Kandahar (two each) and Kunduz, Wardak and Sari Pul (one each). Well over half of the country's provinces were thus accounted for by at least one of the 80, with the largest numbers coming from the central, southeast and eastern regions.

43. When the information was available for sufficient numbers of people, the study examined the correspondence between place of birth and ethnicity. All but one of the 24 boys born in Ghazni were Hazara, while all those from Nangarhar and Laghman were Pushtun.

### *Ethnicity*

44. Reported information on ethnicity was available for 92 of the 110 children included in the analysis. A little over half of the boys were Hazara (53), a third Pushtun (28) and small numbers of Tajik (seven) and Uzbek (two).

45. These proportions are in sharp contrast to the overall distribution of ethnic groups in Afghanistan. According to the Central Statistical Office of Afghanistan,

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<sup>10</sup> When compared to the total population by province, no significant pattern could be determined since they include relatively heavily populated provinces such as Kabul, Ghazni and Nangarhar, as well as sparsely populated provinces like Laghman, Logar and Day Kundi.

Pushtun form the majority (42 per cent), followed by the Tajik (27 per cent), while Hazara and Uzbek represent just nine per cent each.

46. The information on ethnicity was further analyzed by the country in which the boys had been interviewed. Again, while numbers are small, clear patterns emerge, with a majority of Hazara in Turkey and Norway (30/38, 6/11), and Pushtun in the UK (15/19), and a mix of ethnicities in the other countries covered. In Italy, Hazaras constituted the majority of arrivals in 2005, but in the past few years the proportion of Pashtuns and Tajiks has increased to some 50 per cent.

47. All of the Hazara amongst young Afghans seeking asylum in Turkey had been living for some time in Iran, often with their families, before leaving for Europe, while a small number were born in Iran, suggesting a different strategy compared to the much larger numbers of Hazara who transit Turkey en route to Europe. The well-established Pushtun community in the UK is clearly a key factor for those who choose this as a destination country.

#### *Education*

48. Information on educational background was available for 93 of the 110 boys included in this analysis. A little more than half of the boys (52) had at least one year's formal education, a third of them (33) having attended school between five and 11 years. Of the 41 boys who had not attended school, six had received informal education, primarily home schooling.

49. Further analysis in terms of ethnicity confirms that in general, the children interviewed from Hazara and Tajik families have better access to education than the Pushtun. Of those for whom information was available, 19 of 47 Hazara boys (as compared to 16 of 25 Pushtun) had not been to school or had received only an informal education.

50. Furthermore, 18 of the 47 Hazara boys and just five of the 25 Pushtun had five or more years of formal schooling before travelling to Europe. Interestingly, four of the five Tajiks for whom information on education was recorded had five or more years of formal schooling.

#### *Father's occupation*

51. The Afghan children included in this analysis came from a wide range of economic backgrounds. Of the 86 who provided information on their father's occupation, 20 were farmers, 17 were labourers (including many involved in construction), 12 were skilled workers (including bakers, carpenters and drivers), ten were professionals (teachers, doctors, a TV director and a former UN employee), and seven were merchants or salesmen.

52. Ten said that their fathers were with the Taliban or other factions, while six were either in military or government service. One boy described his father as a drug trader while two said their fathers were too ill to work.

53. Again, the numbers are too small and the spread too wide to draw any firm conclusions regarding the findings on fathers' occupations. It is interesting to note,

however, that among the 38 boys interviewed in Turkey, the overwhelming majority reported that their fathers were (or had been) farmers or unskilled labourers.

#### *Migratory history*

54. Almost half (42) of the boys born in Afghanistan had left the country at some stage to live or work, primarily in Iran but with a small number in Pakistan, often some years before their move to Europe. Many of those who had moved to Iran and all those who had moved to Pakistan had originally left with their families, although some were living alone by the time they decided to travel to Europe.

55. In some cases the parent or parents had subsequently returned to Afghanistan leaving the boy with an older sibling, friend or employer. While the numbers are too small and the spread too wide to detect any clear pattern of movement, it is worthy of note that 18 of the 24 boys born in Ghazni had migrated to Iran, as had all of those from Day Kundi (4/4), Uruzgan (3/3), Bamyan (3/3) and Ghor (2/2).

56. Furthermore, with the exception of one Pushtun boy from Uruzgan, all those concerned were Hazara, which is not surprising since the provinces concerned are all in the central part of Afghanistan where Hazara are generally the dominant ethnic group.

#### *Parents*

57. All but ten of the 110 boys included in the analysis responded to questions about whether their parents were alive. Overall, one third of the boys' fathers and two-thirds of their mothers were reported to be living. Two boys reported that their fathers were missing at the time they had left for Europe.

58. Thus approximately one third of the boys could be assumed to be full orphans, although some said that they had lost their parents at a young age and had been brought up by grandparents, older siblings or other close family members. It is interesting to note that those interviewed in Greece and Italy were much more likely to report one or both parents as living, while the majority of those interviewed in Norway said that both parents were dead.

#### **Leaving home**

59. This section is based on statements, descriptions and memories of events that are impossible to present in a quantifiable form. It is also important to acknowledge that the following findings have been processed through a series of filters and represent an amalgam of stories told by different boys through different interpreters to different interviewers in a variety of locations and circumstances.

#### *Circumstances leading to departure*

60. The precise circumstance of each child's departure for Europe is, of course, unique and a result of a complex mixture of factors. Vast differences exist. For example, the father of a 13 year-old Pushtun boy from Laghman Province decided



that he should leave following the disappearance of his elder brother, a Taliban fighter.

61. At the other extreme is a 17 year-old Hazara boy, born in Ghazni, whose family moved to Iran after the death of his mother when he was seven. His father later returned to Afghanistan but felt it safer for his son to remain in Iran with his married sister. Four years later, the boy concluded that he had had enough of hardship and harassment in Iran and decided to leave for Europe with a friend.

62. The decision to leave for Europe, as indicated above, is sometimes made by the father or mother, or, in the absence of the father, often by a maternal uncle, with the child accepting the decision reluctantly in some cases and enthusiastically in others.

63. Quite commonly, particularly among older boys, it is the child who seeks his parents' support for his departure, which again, is sometimes given wholeheartedly and sometimes with serious reservations. Finally there are cases of young Afghans who make the decision to move to Europe independently as they are already living apart from their families.

64. Assessing the reasons why a child left for Europe is particularly challenging. At an interview one can learn, at best, why the child decided to leave, or why he thought his parents decided he should leave. The extent to which these factors, so often linked to painful memories, might have been modified with time, is impossible to assess.

65. It is quite likely that a boy's perceived reason for leaving might not necessarily correspond to whatever actually made his parents reach that decision. Another important element to be considered here is the extent to which a boy has been 'guided' to tell a particular story by his parents, smugglers, lawyers or other advisors, especially in the context of making a claim for refugee status.<sup>11</sup>

#### *Context and triggers*

66. As in all migratory movements, the decision for an Afghan child to leave for Europe has two elements: a context and a trigger. The general context in Afghanistan is well known: widespread poverty, economic hardship, political instability, physical insecurity, poor educational prospects and rapidly declining hope for a brighter future. Children in Afghanistan are also at risk of forced labour and kidnapping.<sup>12</sup>

67. A recent report on the Human Rights Dimension of Poverty in Afghanistan by the Office of the UN High Commissioner for Human Rights notes that dire poverty affects more than two-thirds of all Afghans. According to the same report, only 23 per cent of the population has access to safe drinking water while three out of four Afghans over the age of 15 are illiterate. It also refers to the way in which:

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<sup>11</sup> While this does not mean that all unaccompanied asylum-seeking children are necessarily reporting all the facts at interview, many having been advised explicitly *not* to tell the truth, it highlights the critical importance of providing a child-friendly environment for gathering information about each child's individual claim and to take into account elements that go beyond the refugee claim in order to reach decisions in their best interests.

<sup>12</sup> *Beyond poverty: factors influencing decisions to use child labour in rural and urban Afghanistan*, Pamela Hunte, Afghan Research and Evaluation Unit, June 2009.

Widespread insecurity, whether associated with local disputes that result in violence or military operations associated with the insurgency, has a profound and deleterious impact on the lives of Afghans... Insecurity creates a permissive environment for the abuse of power and greatly diminishes the ability of Afghans to access essential services.<sup>13</sup>

68. The report concludes that “a growing number of Afghans are increasingly disillusioned and dispirited as the compact between the people, the government and its international partners is widely seen to have not delivered adequately on the most basic fundamentals including security, justice, food, shelter, health, jobs and the prospect of a better future.”<sup>14</sup>

69. In such an environment, it is not surprising that adolescent boys, with a mounting sense of responsibility towards their families, particularly if their father is dead, would feel this general hopelessness particularly strongly. Specific triggers for departure reported by the boys interviewed in this study include family conflict, violent incidents including kidnapping, the death of a parent, or threats made against the family or individual family members.

70. The general context for movement from Iran is somewhat different. While Iran is the longstanding destination of preference for male Afghan migrant workers, recent years have seen major changes in the position of Afghans in the country, particularly the estimated one million who remain unregistered. This has included declining work opportunities as well as mounting harassment, fear of arrest and deportation.

71. For many of the young Afghans interviewed and who had lived in Iran prior to departure for Europe, the triggers for departure were related to these general difficulties. Some boys decided to leave after being deported to Afghanistan as illegal workers, concluding that since opportunities for finding work were even poorer there, their only choice was to head for Europe.

72. A key factor attracting Afghan children to Europe is an aspiration to live in a country that offers freedom, respect for human rights as well as guaranteed work and education. Many boys talked of how they had dreamed of being able to study and become doctors, lawyers and teachers, to support their families through remittances or even bring their families to join them in Europe.

73. These expectations were propagated by smugglers, but also by some parents, eager to encourage a reluctant child to leave, or distant relatives who had managed to move to Europe and who sent back exaggerated and often false stories of their supposedly successful integration.

74. A few of the Afghan children had read more realistic reports about life in Europe. In general, however, most of the boys had little or no idea of what awaited them, other than the prospect of a much better life than the one they were enduring before departure.

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<sup>13</sup> *The human rights dimension of poverty in Afghanistan*, OHCHR Kabul, March 2010.

<sup>14</sup> *Idem*.

### *Choosing a destination*

75. Some Afghan children set out with a specific European destination country in mind, usually one where family or community members were to be found. However, the majority of those interviewed in the course of this study said that they did not have such clear objectives. Those whose parents had paid for the journey were often told to ask for asylum in whatever country the agent or smuggler told them to stay.

76. Whether the parents were themselves aware of which country that might be is unknown, although it is clear that they generally continue to play a role in decision-making as the journey progresses. A number of boys reported having spoken with their parents to seek permission to stay in a particular country since they could not face travelling any further. In some cases the parents had agreed, but others had instructed their sons to continue to whichever country the smugglers had designated for them.

77. Afghan children who were paying for their own journeys, or whose families' means were limited, tended to move step by step, paying for each segment as they went along, and hoping to earn enough money along the way, or have it paid by their family, to keep going to the next country.

78. A clearer understanding of the pros and cons of transiting or seeking asylum in different countries in Europe inevitably developed en route. By the time they reached France, for example, most boys were very clear whether they were heading for the UK or for Scandinavia.

### *Understanding of what lies ahead*

79. With the exception of a few older Afghan children who had attempted the journey before, the majority of those interviewed claimed to have had no idea at all what the journey would entail. There are indications that smugglers, and maybe even some parents, deliberately underplayed or denied the very real dangers that confront a n unaccompanied child travelling in an irregular manner to Europe.

80. Some said that they were led to believe that the journey would take a matter of days and would involve air travel and taxis for most of the journey. While some boys accepted the reality with all its dangers stoically, others said with passion that they would never have left if they had known what hazards they would face, and urged that others back home should be told clearly about the risks before setting out on the journey themselves.

### *Contacting the smugglers*

81. Given the countrywide access to the *hawala* system that facilitates the transfer of money, goods and people across countries and even continents, it is not surprising that making contact with an 'agent' or people smuggler was generally quite easy for the Afghan children interviewed, whether leaving from Afghanistan, Iran or Pakistan.

82. Most boys were aware of how their journey was organized, often with the help of an uncle, a cousin, or a neighbour, who in some cases might well have been agents themselves. One boy in Norway remarked that smugglers were everywhere in his hometown, sitting in the parks and asking passing boys if they had thought of leaving Afghanistan and going somewhere else.

83. Making contact with an agent is obviously more difficult in the absence of family support. One boy, who decided to leave following threats by his paternal cousins after the death of both of his parents, described how he had made initial contact with his agent through an internet chat room.

#### *Paying for the journey*

84. Arranging travel to Europe from Afghanistan is a very costly matter. Amounts up to \$15,000 were mentioned for an 'all-inclusive' trip to a selected destination (such as Germany, Norway or the UK) while figures of \$6-7,000 were quoted for the journey through Iran, Turkey to Greece, or \$3-5,000 USD to Turkey.

85. Families could thus choose according to their means or their capacity to secure loans. Those with limited means would choose a less expensive initial destination such as Turkey or Greece, in the hope that their sons would be able to earn enough there to cover their costs for the next stage of the journey.

86. In view of the large sums of money involved, it seems likely that many families will have entered into serious debt to pay for the journey. Boys also explained how they or their family had sold a piece of land, a house or a car in order to raise cash.

87. Where such options were not available, or when they did not raise enough to cover the full journey, an agreement would be reached with the selected agent to make the payment in installments. While it seems likely that travel costs are also met by means of remittances sent by members of the Afghan diaspora through the *hawala* system, evidence was not forthcoming on this matter.

88. Many Afghan children, who claimed that their father was dead, indicated that their journey was organized and paid for by a maternal uncle. While seemingly surprising in a strongly patrilineal society, the anthropological literature on Afghanistan underscores the different type of relationship a boy might have with his mother's kin as opposed to those of his father. The former are much more likely to be informal and affectionate, whereas the latter are often tense, competitive and sometimes even hostile. It is not surprising that in the context of migration, which carries so many risks, relations of trust are most readily called upon.

89. As will be seen shortly, these payment arrangements have serious implications for the safety of the boys once they have started their journey. It is important to recall that the contract for the journey, whether full or partial, is established between the individual paying for the travel (parent, employer, uncle) and the local agent.

90. Consequently, it is the parent, uncle or employer who remains responsible for paying the subsequent installments. If a payment is delayed at the place of origin, the boy will remain where he is, often in unsavoury and dangerous conditions, at the mercy of whoever is organizing the movement at that location.

91. Boys who are paying their own way are at even greater risk, as they have no one but themselves to count on once their initial savings have run out, and often find themselves in places where wage labour is illegal, scarce and very poorly paid.

92. It is in such circumstances that the risk of trafficking increases, as boys may find themselves obliged to accept work from smugglers under exploitative conditions in order to retain the possibility of continuing their journey. Thus while the system appears to provide safeguards for both the traveller and the smuggler, the risks taken by the traveller are without doubt very much greater.

### **The journey to Europe**

93. The most common route taken by Afghan children interviewed for this study was through (or from) Iran, to Turkey, Greece, Italy and then either to France in order to reach the UK or the Netherlands, or less commonly through Austria and Germany to reach Scandinavia.

94. There is, however, evidence to suggest that such routes are evolving, with reports of Afghans entering the Former Yugoslav Republic of Macedonia from Greece and of recently arrived boys in Italy who indicated that they had travelled through the Western Balkans in order to avoid Greece altogether. Indeed, while many dangers are faced along the way, the boys were unanimous in condemning their treatment in that country.

95. A small number of the boys had been living in Pakistan before their departure for Europe, or had left Afghanistan via Pakistan. In most cases, the boys had headed southwest into Iran and then through Turkey. A few of those interviewed, however, had travelled north through the Central Asian Republics to Russia and then into Eastern Europe.

96. UNHCR regional offices in Ukraine and Hungary also report the presence of significant numbers of unaccompanied children, including young Afghans, in a number of countries in the region. Recent efforts by Greece to cut off crossing points to Italy appear to have resulted in a modest but perceptible increase in the number of unaccompanied children arriving in the Balkans.

### *Dangers on the journey*

97. As well as running the risk of deportation if apprehended by the police in Iran, some boys reported that they had been held by smugglers in Teheran for some days while the journey to Turkey was organized.

98. Crossing into Turkey was described by some as an adventure, rather than as being traumatic. It is, however, a very challenging journey, requiring the boys to trek through the mountains in the moonlight, sleeping rough and being confronted and sometimes robbed by rifle-wielding police and local residents.

99. One of the boys said he had been taken by thieves while travelling through Turkey and held for five or six months and required to do forced labour before he managed to escape. Whether such stories reflect actual incidents, or are tales told by

smugglers to keep the boys in line, is impossible to confirm but the boys were clearly afraid when they spoke of such events.

100. Arrival in Istanbul, after travelling by truck, bus or taxi in the long journey from the Iranian border, was unanimously described as a very difficult experience. Most boys reported being detained there, often in cramped and difficult conditions, for days and even weeks on end, while the local smugglers waited for confirmation that the next installment had been fully paid at the place of origin.

101. Some of those covering their own costs had to stay and work to pay for the crossing to Greece, with all the attendant risks. A few boys reported being severely mistreated and beaten by the smugglers when their families failed to pay the required amount by the agreed deadline.

102. The boat journey from Turkey to Greece is one of the most traumatic experiences for Afghan children who are on their way to Europe. Most of the boys interviewed were herded into small inflatable rubber craft that were built to carry a much smaller number of people, and pushed off into the night to make the short but dangerous crossing to the Greek islands of Samos or Lesbos.

103. Before leaving Turkey, the smugglers would tell them how to steer, and advised them to slash the sides of the craft and to sink it if they encountered the Greek coastguards. If they were rescued at sea, the smugglers explained, then they were less likely to face detention once brought ashore.

104. Several boys told of terrifying experiences as they struggled desperately to keep afloat, while seeing fellow travellers drown before their eyes. Two boys (interviewed in different countries) broke down when recalling how they were forcibly separated from an accompanying brother prior to the crossing to Greece as the smugglers placed them in separate craft, never to see each other again.

105. Another deeply distressed boy noted that he was one of only four survivors from a boat carrying more than 20 people, including women and girls. Some boys had to attempt the crossing more than once, after being forced back by the Turkish coastguards or by rough seas.

106. Most of the Afghan children who had travelled through Greece spoke of being held at the Pagani detention centre in Lesbos on arrival, for periods ranging from a few days to several weeks or even months. Some spoke of severe beatings, while all complained of overcrowded and unsanitary conditions.

107. While this problem has been addressed to some extent since the centre was closed in late 2009 following major press exposure, newly arrived children, with the exception of those under the age of 14, continue to be detained on neighbouring Hyos until the Public Prosecutor makes a decision on guardianship, a process which can take weeks.

108. Once released from detention, the goal of most young Afghans in Greece is to move on to Italy and beyond. Those who are able to afford a false passport can take a flight from Athens, but the majority of them find their way to the port of Patras, where they try to hide in trucks that are bound for ferries to Bari, Ancona or Venice.

109. Living conditions in Patras are primitive and dangerous, as unaccompanied children sleep under the stars in olive groves alongside adult men and the occasional family. A makeshift camp built in the same area was cleared by the Greek authorities early in the morning on July 12, 2009 and subsequently burned to the ground.

110. Boys interviewed at the children's centre on Lesbos, as well as those sleeping rough in an olive grove in Patras, attested to the difficulty of achieving the goal of hiding in a truck bound for Italy, many having attempted multiple times, sometimes incurring serious injury as they fell, or were pushed from, moving vehicles. Despite these difficulties and dangers, many do eventually make it to Italy, but the trauma of the journey remains long afterwards.

111. Only one of the boys interviewed in Greece had actually made it to Italy, but was detected on arrival and immediately deported back to Greece. He said that he had almost given up hope after this experience, which followed months of unsuccessful attempts to get onto a truck and onto the ferry.

112. As noted earlier, some boys attempt to travel north from Greece through the Former Yugoslav Republic of Macedonia but at least one of those interviewed in Lesbos spoke of being sent back twice when attempting to cross the border.

113. For those who do eventually reach Italy, apart from the difficult living conditions experienced by some children, the journey itself appears to be generally fast and trouble free. When the children are formally intercepted by the Italian police, they are interviewed to identify their nationality and age and are provided with information on the possibility to apply for asylum. Age determination is carried out at border points in Italy for all unaccompanied children, regardless of whether they wish to apply for asylum or not.

114. The way in which this is carried out is of particular concern, as it does not allow enough time to carry out the procedure with appropriate safeguards and due process. Unaccompanied children determined to be under 18 on arrival are then assisted and referred to the appropriate support services. Afghan children interviewed in Italy also indicated that they had been informed by smugglers in Greece of a meeting point in Rome for those with the means to continue their journey.

115. Onward travel from Italy to France, the Netherlands and Scandinavia generally appears uneventful, except for the risk of being deported to Greece under the Dublin II Regulation and the specific difficulties encountered by those who arrive in the French port of Calais, hoping to reach the UK. The dreadful conditions in the illegal encampment known as 'la jungle' in Calais were widely covered in the press prior to its demolition by the French authorities in September 2009<sup>15</sup>.

116. This action, alongside other actions taken by both France and the UK to stem irregular movements from the port, have done little to improve the situation of migrants and asylum seekers in the town. Indeed, they may now face even greater

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<sup>15</sup> As in the demolition of the makeshift camp in Patras, Greece, two months earlier, no satisfactory alternative form of temporary accommodation has so far been provided in either location, although unaccompanied children identified during police raids are transferred to specialist centres.

dangers as the camp - and the problem as a whole - has simply migrated to Loon Plage, an exposed stretch of sand dunes close to the port of Dunkirk.

117. This camp, like 'la jungle', is run by gangs who strictly control access to trucks bound for the UK. Such irregular movements to the UK were reported to be in the hands of Iraqi Kurds, for whom Afghan children are very low on the list of priorities, resulting in long delays with all that this entails through the cold winter months.

118. Despite efforts by the French authorities to destroy this camp in late 2009, at the time of writing, it continues to function and, according to recent reports, remains outside the effective control of the French police.

#### *Length of journey*

119. The boys reported a broad range of experiences in terms of the length of their journeys. Some of those who had the whole journey paid for them from the outset reached their destination in a matter of weeks or a few months, while those who had to pay in installments, and particularly those who had to earn their way step by step, took many months or even years to complete the journey.

Fifteen of the 19 Afghan children interviewed in the UK reported journeys of six months or less. While some of those in Norway had taken a little longer, all had reached their destination in less than a year. In Italy, many boys indicated that it had taken between five and nine years to complete the journey from Afghanistan, with long periods spent in both Pakistan and/or Iran.

120. The experience and responses of those interviewed earlier in their journey differed significantly. Sixteen of the 24 boys interviewed in Greece for whom data is available said that they had arrived in the country within the six months preceding the interview, but none of the others were willing to answer this question. It was clear from their stories that they had been in Greece much longer.

#### *Smuggling strategies*

121. The organized smuggling networks involved in the movement of young Afghans to Europe clearly extend from the UK in the west to Turkey, Iran, Pakistan and beyond in the east. Their nature, structure and goals no doubt vary from one location to another, yet they are linked across continents and united by a common interest in maximizing profit, whether from the movement of credit, goods, drugs, weapons or human beings.

122. The risks encountered by children who use the services of such networks are incalculable, especially as the boys' parents, relatives and friends who have arranged a contract with a local agent in the country of origin have no direct contact with the smugglers themselves.

123. Throughout the journey, the smugglers maintain tight control over the children through fear and intimidation, especially if the boys or their families are having difficulty in paying. They confuse the children through deliberate misinformation with regard to their options, so as to convince them to continue their journey and thereby exact the highest possible fee.



124. One boy in Norway explained that the smugglers had forbidden him to tell anyone how his journey was organized, and went on to say that they were constantly changing, as he was passed on from one smuggler to another along the route. Sometimes the smugglers' assistants would accompany the boys some of the way, but would always leave the scene before it became too risky, such as the crossing from Turkey to Greece.

125. Piecing together the stories related by young Afghans in this study suggests that there is a deliberate strategy among the smugglers to constantly split up the groups of children who are travelling together, keeping the level of anxiety high, and preventing people from building up friendships and trust that might threaten the authority of the smugglers and their assistants.

126. Many boys, especially the younger children, referred to their treatment at the hands of the smugglers as being "worse than an animal." As one 13 year-old in Norway said, "they are violent. You just have to sit still. If not they will beat you. I was afraid." A 15 year-old remarked, "the smugglers were not nice. We were cold and thirsty and walked a long way. They hit us. But you have to expect that sort of thing when you travel in this way."

#### *Contact with parents*

127. One of the questions included in the analysis concerned contact with family members following arrival in Europe. This question is often a difficult one for the boys to answer, since it is reportedly feared that by confirming such contact (and thus proving that one or both parents is still alive and that the child knows where they are) puts them at risk of deportation.

128. While some boys reported regular (often weekly) telephone calls with their parent(s) or other close family members, others indicated that such contact depends upon the smugglers, either because they do not have, or have lost their mobile phone, or because it has been taken away from them.

129. The latter appears to happen quite often in some destination countries, where some of those interviewed stated that the smugglers had taken away their mobile phones, apparently to ensure that children who are in the asylum procedure do not run the risk of having their calls traced by the national authorities.



## 4. Arrival and assistance in Europe

130. As noted earlier, some Afghan boys leave for Europe without a clear idea of their final destination. Many, particularly the poor and uneducated, had never heard of individual countries in Europe before they began their journey. They leave with a vague hope of finding a better life, without warfare and poverty, where they will be able to live in safety, study, work, and earn money to support themselves and their families.

131. They gradually pick up information about what awaits them along the way, from other migrants or from smugglers. Some of this information is accurate, some misleading and some totally wrong.

132. In some cases it appears that a final destination might well have been discussed and agreed upon between the parent(s) and smuggler before the journey began, but without the boys concerned being informed. For those who are paying for their own journey step by step, it is more a matter of balancing the pros and cons of the current location against the possibility and risk of moving on to another location that might offer better opportunities.

133. Some of the children get stranded en route, while others express an interest in remaining in countries such as Greece, Italy or France, in order to avoid continuing the dangerous journey. However, they are generally influenced by smugglers, their parents and relatives to keep moving.

### **Transit countries**

134. For the vast majority of young Afghans, Turkey is a transit country, as the small number seeking asylum there attests. Despite a modest increase in recent years (18 in 2006, 89 in 2007, 71 in 2008 and 112 in 2009) the total number of Afghan children applying for international protection in Turkey during the past six years is just 309. The geographic reservation prevailing in Turkey relieves the government of its international obligations towards non-European asylum seekers, and as a result there is no functioning national asylum system nor any possibility for local integration.

135. Refugee status determination is therefore carried out by UNHCR with decisions endorsed by the Turkish authorities on the understanding that all those recognized as refugees will be resettled in third countries and leave the territory.

136. However, while recognition rates are high (approximately 80 per cent for Afghans in recent years) resettlement does not always follow, and has in fact proved increasingly difficult. This inevitably presents a serious dilemma for UNHCR and the individuals involved since the Turkish authorities discourage any attempt to prolong their stay.

137. Greece is also primarily a transit country, although a small number of the young Afghans interviewed there, frustrated and exhausted by repeated failed

attempts to move on to Italy, had decided to stay and apply for refugee status. With the exception of one or two specialized centres established in the last year, little or no reception assistance is available for the majority of unaccompanied children passing through the country.

138. Those who do apply formally for international protection are issued asylum application cards protecting them from deportation and giving them access to accommodation and support. Nevertheless, their longer-term prospects in Greece remain extremely precarious given the massive backlog of asylum claims, the lowest recognition rates in Europe, and minimal prospects for integration.

139. Statistics maintained by the Police Department in Mytelini, Lesbos, indicate the very large numbers of irregular migrants who are detained and registered there. Numbers reached a peak in 2008, with a total of 13,552 arrivals during the course of the year, of whom 9,610 were Afghans. These numbers declined in 2009 to a total of 8,896 arrivals, of whom 5,332 were Afghans.

140. According to the Chief of Police at Mytelini, this decline might be the result of enhanced activities by Frontex, the EU agency responsible for coordinating border controls. While separate figures on unaccompanied or separated children were not available, the statistics provided by the Police Department did indicate the number of children estimated to be under 18 at the time of registration by nationality.

141. It is worthy of note that on this basis, 'children' represented 40 per cent of the total Afghan arrivals registered in Mytelini in 2009 as compared to 31 per cent in 2008, a change that seems to indicate an evolving migration strategy.

142. Young Afghans generally regard Greece, Italy and France as transit countries and they are encouraged to move further by the smugglers who can maximize their profits in doing so. Interviews with the boys suggested that this situation might change if they were provided with accurate information and had access to adequate care.

143. In France, for example, almost all of the 90 or so young Afghans who were rounded up and transferred to state institutions following the closure of 'la jungle' in September 2009, absconded within days and found their way back to the smugglers to continue their journey. When some of the same children were later interviewed in Paris and in Calais, they explained that one of the reasons they left was because there were no interpreters, no social workers and no facilities that met their needs.

144. The attitude of the authorities in these countries is also a decisive factor. In Patras and Calais, police harassment and physical violence including the deliberate destruction of personal property, provides a clear signal to the young Afghans that they are unwelcome and should move on. In contrast, based on interviews with young Afghans who had passed through Italy, the Italian authorities appear to adopt a more relaxed attitude towards the movement of irregular minor migrants once they have succeeded in entering the country.

## Support in current country

### *Turkey*

145. While not included in this study, information provided by the UNHCR office in Ankara is presented here for comparative purposes. According to Turkish law, foreign children are supposed to be treated in the same way as nationals. Since 2008, the Social Services and Child Protection Agency has been designated to conduct a best interest determination (BID) for those seeking asylum.

146. While the situation has improved to some extent, the BID process is not yet consistently applied, and in view of the geographic reservation, the conclusion is inevitably a recommendation for resettlement for those recognized as refugees.

147. Approximately one third of the Afghan children have been admitted to institutions following an age assessment and medical check. Education, language classes, social activities and psychosocial support are provided, but such support is terminated when a child turns 18.

148. Although those considered in need of international protection by UNHCR are not deported, the reality of the geographic reservation means that non-European refugees are unable to find solutions in Turkey, and with no prospect of finding work, they are likely to move on if their hopes of resettlement have faded.

### *Greece*

149. Greece has come under heavy criticism in recent years for the way that it treats refugees, asylum seekers and irregular migrants, especially unaccompanied children. An October 2007 report by the organization PRO ASYL, for example, accused the country of practicing the refoulement of refugees at sea and on land, issuing illegal deportation orders and using inhumane and degrading conditions of detention. It also suggested that:

The Greek state has to take special measures for children and unaccompanied minors. Minors should not be detained, but are entitled to special protection. This involves the creation of an adequate reception system based on the best interests of the child, a system that is not currently in existence in Greece.<sup>16</sup>

150. In similar vein, UNHCR observed as recently as December 2009 that Greece “has not established an adequate framework for the identification of unaccompanied and separated children and their referral to appropriate child protection mechanisms, whether at border entry points or inland.”<sup>17</sup>

151. There appears to have been some recent improvement in the treatment of unaccompanied and separated children in Greece. A residential centre has been established near the remote village of Agiassos on Lesbos. The research team spent a

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<sup>16</sup> *The truth may be bitter but it must be told*, PRO ASYL, October 2007.

<sup>17</sup> *Observations on Greece as a country of asylum*, UNHCR, December 2009.

weekend at the centre where some 90 young Afghans, and a few boys of other nationalities, were living at the time.

152. With a staff of 15 working two shifts, the centre provides accommodation and food as well as limited medical and psychosocial support. However, because of its remote location, none of the local village schools has the capacity to absorb any of the boys.

153. Despite their legal right to education, in practice they do not receive it. Some of the older boys manage to find occasional seasonal work, but find themselves in close competition with migrants from Albania.

154. With little to do to pass their time, and few activities organized at the centre, many of the boys were experiencing acute depression. The staff (including a psychiatrist) confirmed that many of the boys were experiencing sleep disorders and Post-Traumatic Stress Disorder, but that they lacked the means to address these conditions.

155. Most of the boys at the Centre had spent some time in Patras, attempting to board a truck bound for the ferry to Italy. Some had given up and resigned themselves to remaining in Lesbos, while others had come back to regain their strength before another attempt to move on.

156. Living conditions in Patras are sub-standard. The research team visited the olive grove where young and older migrants sleep in the open, the day after a police raid has taken place. Makeshift shelters had been torn to shreds and personal belongings were strewn throughout the undergrowth. The Greek Red Cross was present, distributing assistance, replacing clothing and sleeping bags that had been destroyed in the raid.

157. The Greek Red Cross also provides emergency support and food to young Afghans and other migrant children living in the streets of Athens. Despite a well-organized outreach programme, the boys remain extremely vulnerable, as they have no access to shelter and no escape from smugglers and other criminals.

158. The mission interviewed some children in a small centre in Athens, run by the Greek Refugee Council. These boys were in a relatively good situation, were attending school and had all applied for international protection in Greece, although one still held out hope of getting to the UK. They were also in need of special care since they either had serious health problems or were recovering from particularly traumatic experiences.

### *Italy*

159. Figures provided by the Committee for Foreign Minors indicate that the number of Afghan unaccompanied children residing in Italy in 2009 was 758, an increase of about 100 over the 2008 figure. In view of the fact that most young Afghans still regard Italy as a transit country and consequently bypass official identification and registration channels, it is hard to assess the real trend of arrivals.

160. Until recently, children tended to concentrate in larger cities, particularly in Rome. But in the last year there has been a notable increase in the number residing in

smaller towns. Not all Afghan children who are assisted by the state or by private institutions apply for asylum. For example, out of 61 Afghan children assisted in the Venice area in 2009, only 13 had applied for asylum, the majority having absconded after a short time.

161. According to practice witnessed in Rome and Ancona, the reception of foreign children comprises two phases, the first involving immediate shelter and a needs assessment. The second phase is focused on provision of longer-term assistance, including education, as well as a review of appropriate durable solutions. Unfortunately, the funding available for such support does not cover the running costs of local institutions, which undermines the sustainability of the system.

162. Under Italian law, foreign children, both holders and non-holders of residence permits and irrespective of their status, can enroll in schools at any level. However, this exemplary approach is marred by the fact that foreign minors who turn 18 in the middle of the school year, and who as a consequence have to leave the free accommodation provided to them as minors, may find themselves searching for private lodging and a means to pay for it, thereby preventing them from completing secondary school or vocational training.

163. Not surprisingly, most of the children interviewed in Italy expressed great concern about their uncertain future and particularly their lack of employment opportunities. As with France, the Afghan community in Italy is relatively new, and so is not yet able to provide the same level of support as the Afghan social networks that exist in countries such as the UK where the diaspora is more prominent and better established.

164. Afghan children interviewed in the Piazzale Ostiense in Rome included some older boys who had decided to move on, having found it impossible to survive after leaving reception centres. There were also newcomers, some as young as 12 and 13, who had not been intercepted and were hoping to continue their journey. All concerned were living on the streets, finding shelter wherever they could, under bridges, in parks and even in the sewer system.

165. Piazzale Ostiense is the main meeting point for all those Afghans wishing to continue their journey, and is the place where contact is made with smugglers to organize onward travel. According to a voluntary association of doctors, MEDU, who regularly assist the Afghans in Ostiense, approximately 100 people, a quarter of them children, are there at any point in time. The population is extremely fluid, as people come and go.

166. Three specific issues characterize the current situation in Italy. First, guardianship remains problematic, as there are often delays in the appointment of guardians. Second, age determination carried out at ports by the border police has sometimes been rudimentary and lacking in appropriate procedural safeguards. Third, common standards of assistance have not been established across the country. For example, some centres have been able to assist children after they reach and age of 18 and until they become self-sufficient, while others have been obliged to release children without ensuring appropriate follow-up.

## *France*

167. While unaccompanied children of other nationalities regard France as a destination country, France is considered to be a transit country for most young Afghans, mainly Pushtuns who are bound for the UK. From interviews conducted with young Afghan Pushtuns travelling through France it would seem that in some cases parents had decided to send them to Europe, with the UK as their ultimate destination, since conditions for young Afghans are less conducive in Pakistan than in the past.

168. Recently, some Afghan children, of Tajik and Hazara ethnicity, have applied for asylum in France, generally when they have run out of money or have become exhausted by failed attempts to move elsewhere. The number of asylum requests submitted by Afghans in France, however, remains very small, not only in relation to the size of the Afghan population moving through the country, but also in relation to the total number of asylum requests from other nationalities.

169. In 2008, just 263 asylum requests out of a total of 35,000 came from Afghans. It is interesting to note that in the same year, 3,730 Afghans sought asylum in the UK. Just 16 of the 263 asylum applications in France in 2008 were submitted by children. While provisional figures for 2009 indicate a significant increase in the number of asylum requests from Afghans in France, including those from children, the numbers remain small. Recognition rates stand at approximately 33 per cent. It should be noted, however, that under domestic law, foreign unaccompanied minors in France do not need to apply for asylum to be cared for and legally protected, thus some young Afghans in France might not apply for asylum until they have reached the age of 18.

170. Provision for child protection in France is decentralized, and standards vary considerably. In some regions there is good cooperation between the judicial, social work and educational departments, ensuring that all aspects of a child's needs are examined and responses coordinated. In other regions, notably in Calais, where very high numbers of Afghan children pass through, reception and care arrangements are weak and not well organized.

171. A foreign child apprehended by the police is brought before the Public Prosecutor to determine his or her provisional placement. In 2008, 1,609 Afghan children appeared before the Prosecutor in Calais. It is particularly striking that virtually all of the hundred or so Afghan children placed in reception centres by the Prosecutor absconded, many of them within 24 hours of their placement. This is in contrast to children of other nationalities, who are more likely to stay on. It seems very difficult to provide protection to Afghan youth in France as they immediately leave the facilities offered to them.

172. One problem, as reflected in complaints made by some of the young Afghans interviewed in France, is the lack of interpreters. Communication with the children is difficult, and no one informs them about asylum or other possibilities of receiving protection. A primary reason for their speedy abscondment seems to be the pressure exerted on them by their family or by smugglers to move on to their final destination: the UK.



173. In view of the increasing number of unaccompanied Afghan children on French territory, not only in the Calais region but also in Paris, and because of the fact that they disappear rapidly from open reception centres managed by child welfare departments, some additional structures have been set up in the Paris region to receive and assist them.

174. In mid-December 2009, the research team accompanied members of the French NGO France Terre d'Asile on one of their regular evening visits to the vicinity of the Colonel Fabien metro station, where Afghan children, mostly recent arrivals, gather in the hope of finding a bed for the night.

175. The most vulnerable among the children are offered a place to sleep, but the number of places is limited. Those who are not selected might face a very cold night in the open. Some of the Afghan children evidently knew of this arrangement before their arrival in Paris.

176. In another part of Paris, a small but seemingly successful programme, supported by the same NGO, offers integration support for Afghan children aged 16 and over who have decided to stay in France. Accommodation is provided for 70 young asylum seekers, 52 of whom were Afghan at the time of the research, in hostels across Paris. Support is also provided to register with local schools.

177. This approach is intended to progressively build up trust through regular contact and practical support, so as to help the young people recognize the benefits of staying in Paris, rather than putting themselves in danger again by heading for Calais.

178. Those young Afghans who have reached Calais are focused on crossing to the UK. A joint UNHCR-France Terre d'Asile office, established in Calais in May 2009, provides outreach to all migrants in the area, on the assumption that some amongst them are in need of international protection. By early 2010, some 300, of various nationalities, had approached the authorities to seek asylum. While some young Afghans have shown initial interest in learning more about asylum in France, the ever-present smugglers ensure that few of them follow up.

### *Netherlands*

179. Young Afghans commonly see the Netherlands as a destination country and, to some extent, as a transit country en route to Scandinavia. Children represent a high proportion of all Afghans seeking asylum in the Netherlands, the majority of them being of Tajik or Hazara ethnicity. A large proportion of the young Tajik claim to have family links in the Netherlands, and this is commonly the reason given for choosing the country as destination.

180. Overall, 55 per cent of claims made by unaccompanied children are refused. The authorities note that approximately one in four of all young Afghans registering for asylum in the Netherlands disappear within three months of making their application. It is assumed that they have continued their journey to Scandinavia, but have ensured that they have a safety net in case of being deported under the Dublin II agreement. In other words, if the worst comes to the worst, they would prefer to be deported to the Netherlands than to Italy or Greece.

181. Some of the young Afghans interviewed in the Netherlands expressed concern over the fact that they had been detained on arrival, in one case for over a month, for travelling through the country without the necessary papers.

182. Some also indicated that they felt obliged to apply for asylum in the Netherlands, indicating that this was presented as one of two options to ensure their release from detention, the other being return to Afghanistan. Staff at a Dutch NGO providing legal assistance confirmed that it could sometimes be hard to explain to young Afghans that it was in their best interest to apply for asylum in the Netherlands.

183. A professional legal guardian is appointed for every unaccompanied or separated child identified in the Netherlands, whether or not an asylum claim has been filed. The guardian, usually from the independent guardianship agency NIDOS, remains engaged until the child turns 18 or until the child leaves or returns to the country of origin.

184. Younger children in the Netherlands are generally placed in asylum centres or some with foster families, and the number of Afghan families willing to offer a home to unaccompanied children of the same ethnic group was reported to have increased recently. However, the majority of young Afghans might be too old for such placements, and tend to prefer the anonymity of the larger centres.

185. A significant concern amongst recent arrivals was the fact that more than half of the children interviewed were not able to enter school until a long-term accommodation arrangement had been found for them. After long and difficult journeys, the boys were desperate to feel they were making progress with their lives.

186. One boy said that he had been waiting five months without being able to enter school. On the other hand, those who had been in the country longer and who were already attending school appeared to be settling in well and learning the language quickly.

187. Nevertheless, as in other countries visited by the research team, a number of the young Afghans interviewed in the Netherlands appeared to be emotionally disturbed. One young boy, apparently quite unstable, said he would commit suicide if he had to return to Afghanistan, while a group of young Afghans interviewed together spoke of their chronic anxiety and sleepless nights.

### *Norway*

188. The number of unaccompanied children of all nationalities arriving in Norway rose dramatically between 2007 and 2009, from 403 to over 2,726. Twenty one per cent of them are from Afghanistan. In 2009, 588 Afghan children applied for international protection in Norway, and while 239 of them were Dublin cases, 26 were given refugee status, 59 subsidiary protection and 4 humanitarian status.

189. Unaccompanied children are drawn to Norway by the country's reputation for respect for human rights, generous asylum policy, low unemployment and excellent childcare provision. The support structure established in Norway for unaccompanied children is indeed of high quality in comparison to most other countries in Europe.

190. Individual guardians are provided to children to help them with the asylum process and to meet their social needs. Free legal advice and the service of lawyers are also provided. Newly arrived children are placed in specialized reception centres, where age appropriate care is provided.

191. All children are provided with clothing, toiletries, allowances, education and health care. They also have access to intensive language classes and recreational activities. The highly supportive environment that exists in the reception centres is designed to provide holistic therapy, to help the new arrivals to recover from their journeys and to feel secure and cared for.

192. This approach is very effective, and in general young Afghans in Norway adjust quickly to their new lives, studying hard, making friends and participating actively in sports. They are seen as being highly motivated to study and many of those interviewed expressed the dream of becoming doctors. Similar to the fear expressed by young Afghans in Italy, transfer from the cocooning environment of the reception centres to the reality of life in the municipalities, however, brings the young Afghans rapidly back to earth.

193. This is also a time that fears for the future begin to arise. Many of the children feel strongly that they have a family mission to fulfill in Europe, and consider the mere thought of going back as taboo. They refuse to even talk about the possibility, although they are clearly taking close and increasingly anxious note of current discussions in Norway concerning the return of 16 and 17 year-old Afghans to Kabul.

#### *United Kingdom*

194. The number of Afghan unaccompanied children seeking asylum in the UK has continued to grow steadily in recent years, despite a fall in the number of adult arrivals. In 2009 a total of 1,525 asylum requests were received from Afghan children. Another striking statistic, illustrating the disproportionate number of Afghans children arriving in the UK, is that they represented more than 50 per cent of all unaccompanied asylum-seeking children in the same year, while adult Afghans represented 13 per cent of all asylum seekers in 2009.

195. Such figures have contributed to the growing political attention given to the arrival of Afghan child asylum seekers. At the time of writing, the UK authorities were moving ahead with plans to return 16 and 17 year-old Afghans to Kabul, while returns of some 18 year-olds had already begun.

196. While barely five per cent of Afghan child asylum seekers in the UK were recognized as refugees in 2009, the remainder were given some form of subsidiary protection allowing them to remain until the age of 18.

197. The UK continues to be a primary destination of choice for young Afghans, especially the Pushtun, given the existence of a large and well-established community there, the fact that it is an English-speaking country, a perception (whether deserved or not) that the UK provides good educational and social welfare services, but perhaps above all the relative ease with which an irregular migrant in the UK can find a niche in a very diverse society and in the informal labour market.

198. The UK Home Office has been under mounting pressure from international organizations and NGOs to establish a system of guardianship for unaccompanied asylum-seeking children. Apart from the high costs involved, the Home Office has so far resisted such pressure on the basis that the existing system provides each child with a social worker, a legal representative and access to the Refugee Council's non-statutory 'Panel of Advisors'.

199. In reality, the services provided in the UK vary greatly, depending on the local authority that takes the child into care. In areas where needs outstrip resources, asylum-seeking children might not have a designated social worker, or might have social workers who are over-stretched and lack the targeted training needed to provide appropriate support.

200. A similar problem exists in relation to legal representatives, whose quality and specialized knowledge varies greatly. There are no clear guidelines on who can represent an unaccompanied asylum-seeking child in the UK so a legal representative may or may not have the requisite skills or experience.

201. The Refugee Council's resources are seriously limited. The organization simply cannot support all of the children needing their help and is specifically not permitted to work with those whose age is disputed. Thus while some children might have good support from all three sources, others have very little.

202. Services tend to be better where there are concentrations of young asylum seekers, but quality declines if the concentration is too heavy in a particular location. The major cuts in public spending announced by the newly elected government in the UK are likely to further undermine existing provision for migrants and asylum seekers, including those who are children.

203. Care provision for unaccompanied asylum-seeking children in the UK also varies greatly. Reception centres are provided for new arrivals after which those aged 15 or under are placed in foster care, while 16 and 17 year-olds move into hostels or apartments. Interviews with young Afghans in the UK indicated that some foster placements had been very positive, although one boy was with his fifth foster family at the time of interview.

204. The research team visited an experimental project providing special support and skills training for older boys who have exhausted their appeals and who face possible deportation once they turn 18. While such placements are intended to last six months, there has been a high turnover as the young Afghans are too depressed and angry about their predicament to benefit from the project.

205. Social workers in the northern city of Liverpool also spoke of serious mental health problems among young Afghans who are living independently, who have exhausted their appeal rights and who are threatened with deportation. While 'pathway plans' are established and regularly reviewed with the young people concerned, the process is fraught with stress and frustration. Returning to Afghanistan represents both a personal failure for young Afghans and a betrayal of the trust and money that their families have invested in them.

## 5. Key policy issues

206. As indicated in the introduction to this report, the arrival of unaccompanied children has become a growing policy concern for the European Union and its member states, as well as other European countries (such as Norway) in recent years.

207. The EU's five-year Stockholm Programme in the area of Justice and Home Affairs, adopted by the European Council in December 2009, for the first time includes unaccompanied children from third countries as a specific priority. The programme notes that such children represent "a particularly vulnerable group which requires special attention and dedicated responses..." and calls on the Commission to:

Develop an action plan ... on unaccompanied minors, which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return. The action plan should underline the need for cooperation with countries of origin, including cooperation to facilitate the return of minors, as well as to prevent further departures.<sup>18</sup>

208. The EU Action Plan on Unaccompanied Minors (2010-2014) was published on 7 May 2010 and is currently being discussed under the Spanish EU Presidency. The Action Plan focuses on three main areas of action: (a) prevention of unsafe migration and trafficking and increasing protection in third countries; (b) reception and procedural guarantees in the EU and (c) finding durable solutions.

209. Amongst the measures envisaged in the first area, it is envisaged that the EU and Member States will "...continue their efforts to integrate migration, and in particular the migration of unaccompanied children, in development cooperation, in key areas such as poverty reduction, education, health, labour policy, human rights, democratization and post-conflict reconstruction'... as a means to "...help to address the root causes of migration and create an environment allowing children to grow up in their countries with good prospects of personal development and decent standards of living."

210. Key points covered under reception and procedural guarantees in the EU include measures to identify and ensure protection to unaccompanied children as soon as possible following their arrival in the EU, the development of best practice guidelines and provision of training on age assessment, and cooperation between states in family tracing.

211. With regard to finding durable solutions the Action Plan notes that "analysis shows that the solution cannot be limited to return - that this is only one of the options - because the issue is much more complex and multidimensional..." and that "durable solutions should be based on the individual assessment of the best interests

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<sup>18</sup> *The Stockholm Programme – An open and secure Europe serving and protecting the citizens*, Council of the European Union, Brussels, 2 December 2009

of the child and shall consist of either: return and reintegration in the country of origin; granting of international protection status or other legal status allowing minors to successfully integrate in the Member State of residence; (or) resettlement.”

212. The publication of the Action Plan represents a significant step forward towards addressing a number of critical policy concerns and shows an encouraging recognition of the complexity of the problem and the need for case-by-case assessment.

213. According to a June 2010 press release issued by Human Rights Watch, the plan “highlights existing gaps in laws and policies, takes a comprehensive approach in addressing challenges to meet these children's needs, proposes common standards on guardianship and lawyers for children, and describes the complex reasons behind these children's migration and the difficulties in identifying a long-term solution that serves their interests.”<sup>19</sup>

214. Three policy issues requiring particular attention in this context are those of best interest determination, age assessment, and removal and return.

### **Best interests**

215. A fundamental issue in relation to the situation of unaccompanied children in Europe, including those from Afghanistan, is a lack of clarity over the concept of ‘best interests’, as enshrined in Article 3 of the Convention on the Rights of the Child. According to Article 3, the best interest of children must be a primary concern in all decisions that may affect them. All adults, especially lawmakers, are required to consider how their decisions will affect children.

216. While guidelines on the application of best interests exist, these are designed for use in developing countries and camp situations and need to be adjusted to respond to the specific needs in the context of European and other industrialized states. Consequently, the guidelines remain difficult to apply in many situations.

217. At the same time, the concept of best interests, especially in the context of durable solutions, is problematic given the complexity of the analysis required in making a determination and the need to adopt a culturally neutral approach. There is a particular risk of the principle being over-simplified, as can be seen in the current approach in a number of EU Member States, in which return and reunion with the family often appears to be automatically equated with best interests.

218. While this is a reasonable assumption and may well be the case for the majority of children who are deemed not to be in need of international protection, it is only following a best interest determination that the suitability of family reunion for individual children may be established, including in respect of those deemed not to be in need of international protection. At the other extreme, some governments, and many NGOs, assume the opposite: that return to a poor country, particularly one that is insecure or unstable, can never be in a child’s best interest.

219. Any determination of best interests aimed at identifying a durable solution for an unaccompanied or separated child must take into account a wide variety of

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<sup>19</sup> EU: *Defer hasty returns of migrant children*, Human Rights Watch, June 2010.

factors including the individual circumstances of the child, his or her family situation, the situation in the country or area of origin or habitual residence, the child's mental and physical health and level of integration in the host country.

220. These factors should be reviewed in the context of the child's ethnic, cultural and linguistic background, by a multi-disciplinary team of specialists who are able to make a determination in an impartial and culturally neutral manner. This can only be done effectively once structures have been established in the country of origin to obtain the necessary information.

221. An interesting approach to the problem, entitled 'Life Projects for Unaccompanied Migrant Minors', was adopted by the Council of Europe in July 2007, but so far does not appear to have been applied systematically in any EU state. The proposal, which warrants further consideration and elaboration, promotes an approach that would facilitate a smooth transition to a durable solution, whether in the country of asylum or origin.

It is important for life projects to be based on a comprehensive, integrated and interdisciplinary approach. It is only in this way that they can offer a lasting solution for both governments and the children themselves. They aim to develop or improve the child's personal capacity and faculties enabling him or her to acquire and strengthen the necessary skills to become independent, responsible and active in society. The child's life project will cover different aspects of his or her life from housing, health and education to personal development, cultural development, social integration and future employment.<sup>20</sup>

### **Age determination**

222. Another key issue in the context of the EU Action Plan is that of age. It is widely recognized that there may be reasons for a young asylum seeker to provide an incorrect and usually younger age, other than a desire to benefit from special treatment that applies to children. In some cases it might be to avoid fingerprinting, in others to avoid detention, or simply because the child does not actually know his or her real age.

223. Nevertheless, there are indications that a significant proportion of those claiming to be children are, in fact, over 18. As a result, the issue of age assessment has become extremely important.

224. Because approaches to age-assessment vary so much in the EU, young people have an incentive to move from country to country in the hope of being successfully assessed as a child. A small number of young Afghans interviewed for this study indicated that they had moved for this reason and at least one had achieved his goal.

225. The fact that children face additional risks when they move for this reason is a matter of serious concern. While there are valid arguments against an over-medicalised approach to age determination, and while medical methods alone

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<sup>20</sup> *Life projects for unaccompanied migrant minors*, Recommendation adopted by the Committee of Ministers of the Council of Europe, 12 July 2007.

without attention to social background would be wholly inappropriate, the high risk of error in countries where medical methods are not currently used at all, is also disturbing. The recent case of an asylum-seeking African girl in the UK, whose age was assessed at being close to 20 when she was ultimately found to be been 15, is a striking illustration of how inaccurate social assessment of age can be.

226. There is clearly an urgent need to develop a consistent holistic approach to age assessment within Europe that minimizes intrusiveness and ensures the application of standardized safeguards on the use of age assessment in the asylum procedure. Furthermore, it is critically important to distinguish between a young asylum seeker's apparent inflation of age or refusal to submit to an age assessment, and the overall issue of credibility in the context of refugee status determination.

227. At present there is a tendency to link the two, despite widespread recognition of the many reasons that might lead a young person to misrepresent his or her age. The assumption that giving an incorrect age is sufficient evidence to discount a young asylum seeker's claim for international protection on the basis of credibility is to seriously undermine the principles of protection for which the EU stands.

### **Removal and return**

228. There has been considerable debate over interpretation of the EU Returns Directive of June 2008.<sup>21</sup> While article 10 (1) requires Member States to make certain assistance available to unaccompanied asylum seeker children before a return decision is made, article 10 (2) stipulates that:

Before removing an unaccompanied minor from its territory, the Authorities of a Member State shall be satisfied that he/she shall be returned to a member of his/her family, a nominated guardian or adequate reception facilities in the state of return.

229. As such, the Returns Directive raises a number of questions that remain to be satisfactorily clarified. Who should judge the capacity of a family to take care of a child? Who should nominate a guardian, and what would be the role and requirements of a guardian in this context? And, most contentiously perhaps, who should assess the 'adequacy' of reception facilities and by what criteria?

230. While the recently published SCEP Statement of Good Practice and the Guidelines for Alternative Care of Children provide some useful guidance in answering some of these questions, political pressure within the EU to initiate returns has not proved conducive to the careful reflection required in relation to this matter.<sup>22</sup>

231. The Dutch experience of several years of returning young Angolans to a facility in Luanda and of returning children from the DRC to a similar facility in Kinshasa is to some extent being viewed as a precedent, even though the lack of post-return

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<sup>21</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

<sup>22</sup> Guidelines for the Alternative Care of Children: A United Nations Framework, SOS Children's Villages International and International Social Services, 2009, Separated Children in Europe Programme: Statement of Good Practice, 2009



monitoring in that situation does not permit any conclusion to be reached on either the safety or sustainability of the operation. The fact that there has been a significant reduction in arrivals of children from Angola and from the DRC to the Netherlands since returns have been made to those facilities has been presented as a key indicator of success.

232. At the time of writing, some European governments are looking into the feasibility of establishing centres in Kabul for the return of 16-17 year-old Afghans who are determined not to be in need of international refugee protection.



## 6. Conclusion and recommendations

233. The interviews conducted in the preparation of this study indicate that unaccompanied Afghan children who make the long trip to Europe are deeply and negatively affected by their experience. As well as the hardships and abuses of the journey, after arrival they are confronted with the prospect of forced return to Afghanistan, coupled with continuing pressure from family members to send remittances home, so that the debts incurred to pay for the journey can be paid off.

234. As stated by a recent study of asylum seeking children in the Netherlands<sup>23</sup>, “their vulnerability ... is increased by the problems they are likely to develop as a result of the lengthy, uncertain and deprived circumstances of their stay in the host country.”

235. Responsibility for this situation rests with a number of different actors. Afghanistan appears to have turned a blind eye to the role of smugglers in irregular migration, including children. Afghan parents, families and communities have allowed and encouraged the departure of their children on hazardous journeys, often to face greater dangers than those they might have faced at home, and all too often with the primary goal of sending back remittances.

236. European countries have complicated the situation by in most cases failing to establish best interest determination procedures and by waiting until Afghan children who are not in need of protection have "aged-out" (i.e. turned 18 years of age) before return is considered as an option.

237. While there is an evident and urgent need to address this issue in a comprehensive and coherent manner, formulating a strategy that is effective, equitable and acceptable to the different stakeholders concerned will not be an easy matter. Even so, there would appear to be a number of constructive steps that could be taken, as summarized in the following set of recommendations, many of which are addressed to UNHCR.

### General

238. UNHCR should give urgent consideration, in close consultation with governments in Europe and other relevant international organizations, to the development of a Comprehensive Plan of Action on Unaccompanied and Separated Afghan Children in Europe, involving the country of origin, as well as countries of transit and destination.

239. The plan would (a) allow those who have already reached Europe to stay if they are in need of international protection; (b) speedily return those who are not in need of international protection and for whom return has been decided upon after taking into account all options in a BID procedure; (c) focus additional efforts and

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<sup>23</sup> “The developmental consequences for asylum-seeking children living with the prospect for five years or more of enforced return to their home country”, M. Kalverboer, A. Zijlstra and E. Knorth, *European Journal of Migration and Law*, 11, 2009.

resources on the longer-term task of prevention by providing young Afghans with reasons to stay in their country, and (d) tackle the criminal aspects of human smuggling without compromising the right to seek asylum in another state and without weakening the protection of unaccompanied and separated children who are the move. At the same time, special consideration should be given to the situation of Afghan children who are not in need of international protection, but who, on the basis of a BID procedure, cannot be returned.

240. As a starting point, UNHCR should encourage data sharing by affected states in Europe and elsewhere, on the places of origin, ethnicity, demographic and other relevant biodata on the children as a basis for accurate targeting of information and sensitization campaigns.

241. A comprehensive information/sensitization campaign should be developed, in countries of origin or habitual residence, transit and destination, to inform parents, young people, community leaders and other relevant stakeholders of the dangers of involved in irregular movement. For children who are already on the move, it is important to ensure that the right information is available to them at an appropriate time, in an impartial manner and one that corresponds to the current stage of their journey.

242. In order to offer greater protection, advice and support to young Afghans who have already embarked upon a journey to Europe or Asia, coordinated outreach activities should be developed in transit countries in Europe and elsewhere.

## **Afghanistan**

243. With reference to the recent UNODC report (see footnote 6), UNHCR should support further research in Afghanistan, Iran and Pakistan, to clarify how smugglers and their networks are operating.

244. UNHCR should also undertake research in sending communities to better understand the motivations for the departure of Afghan children to Europe and further afield.

245. UNHCR should work with all interested stakeholders, including neighbouring states, to encourage the Government of Afghanistan to adopt more responsible and informed policies and practices towards the irregular movement of its citizens, particularly children; this should include the development of effective legislation and law enforcement capacities to provide more effective deterrence against smuggling.

246. UNHCR should seek to enhance cooperation with the Government of Afghanistan, UNICEF and other rights-based agencies in Afghanistan to support and further develop existing youth networks and structures, such as the Child Protection Action Network (CPAN) and the Youth Information Contact Centre (YICC), as a means to efficiently transmit information to young people and their families prior to departure.

247. While not necessarily being involved operationally in the process of return, UNHCR should contribute to standard setting and monitoring and assist in the tasks of family tracing, assessment of the capacity of families to receive children, the assessment of alternative care provision, as well as short and medium-term

reintegration support. It is essential that such functions be established before returns begin.

248. UNHCR should work closely with other UN agencies and the international community to examine sustainable return options for young Afghans, including access to education, vocational training and livelihoods opportunities.

### **Europe and other affected states**

249. UNHCR should actively support continued efforts to achieve a consistent approach to assessing the international protection needs of unaccompanied children. A proactive approach should be developed throughout the region to identify, locate, protect and provide for those children who do not seek asylum and/or do not make themselves known to the authorities, and who thus fall outside any existing protection and assistance framework.

250. UNHCR should take a lead in the development and consistent implementation of standardized procedures to determine durable solutions that are in the best interest of separated children who have not applied for international protection or have not been granted any form of protection should be established throughout Europe and implemented in a consistent manner so as to avert the risk of additional movement. UNHCR's existing Guidelines on Determining the Best Interests of the Child should be revised to respond to the situation in the industrialized world, which includes the European context.

251. UNHCR should work closely with states in the development of targeted training programmes, including information on countries of origin and on cultural awareness, should be developed in receiving countries for guardians, social workers and immigration officials working with unaccompanied children from Afghanistan and other countries.

252. UNHCR should promote the development of a rapid response mechanism should be developed within Europe to ensure prompt access to interpreters for newly identified separated children.

253. The detention of unaccompanied children for illegal entry is inherently undesirable. Those countries still practicing such detention should desist immediately and provide alternative care for those children.

254. In order to ensure the optimum protection of unaccompanied children in Europe and to focus limited resources on those in greatest need of support, UNHCR and UNICEF should propose procedural safeguards for age assessment and promote agreement within the EU of a standard methodology that uses the least invasive methods, applying an agreed wide margin of error coupled with the application of the benefit of the doubt.

255. While achieving consistency in standards of childcare across Europe is a distant goal, urgent efforts should be made, with the support of UNHCR, UNICEF and other international child-care agencies, to improve and harmonize standards in the region as a means to discourage separated children from transiting through a number of countries.

256. Not only would this enhance protection by shortening journeys, but it would also enhance responsibility sharing and reduce the pressure on countries that are currently preferred destinations. Such improvements would include enhanced reception arrangements, better access to schooling, interpreter services and common standards of assistance across the region.

257. Education is a human right and as such, all unaccompanied children should be given access to education at the earliest possible time following arrival in a country, regardless of how long the child might remain in that location.

## ANNEX 1:

### **A study of unaccompanied Afghan children in Europe**

#### **Terms of reference**

##### **Background and purpose**

UNHCR attaches great importance to the protection of unaccompanied and separated children. Europe is currently experiencing a large increase in numbers of unaccompanied children arriving from Afghanistan.

Boys and girls from Afghanistan arriving in Europe alone are at risk for many reasons. They are at risk because they are separated from their parents, guardians and caregivers. They are at risk because they have made (or are making) difficult and often dangerous journeys, and find themselves alone in a foreign country.

While some are at risk of persecution or violation of their basic rights at home, many of them are facing risks since leaving home as they find themselves vulnerable to abuse and exploitation by unscrupulous individuals on their journey to, and within, the European Union.

In the second half of 2008 and in 2009, a large number of European countries reported a steep increase in arrivals of unaccompanied and separated children on their territory. Whereas many of these children seek asylum, by no means all do; among those who do not are children in need of protection who do not apply for it for a variety of reasons.

This is particularly worrying because in many cases children who do not apply for asylum are not registered or assisted anywhere, and do not have access to any child protection services. These children living in the shadows are without doubt, the most at risk.

The majority of these children are of Afghan origin, although Iraq and Somalia are also important countries of origin for separated children arriving in the European States. Practices of reception and treatment vary widely amongst European countries, with some States providing immediate referral to established reception systems including the involvement of child welfare authorities; others do not provide any such access/services.

With regard to children from Afghanistan, European states face particular challenges to determine and implement durable solutions, and practices differ from country to country.

This is caused by a number of factors. The security situation in Afghanistan remains very unstable and has continued to deteriorate; making it difficult for Governments to argue that compulsory return of children to Afghanistan is in their best interest. Return to Iran - even if families could be traced there - is virtually impossible, as the Iranian government does not agree to readmit such persons. A number of states

(including Norway and the UK) are exploring the possibility of returning children to special facilities in Kabul that would receive financial support from these European States.

After discussing the situation of Afghan separated and unaccompanied children with a number of Government interlocutors, UNHCR has concluded that there is a systematic lack of information on these children. Who are they, where do they come from, what are their experiences during the journey, what is their family background, what family links do they have and why did they leave?

The purpose of this study is to obtain information about these children's background; profile, situation and aspirations in order to better identify their protection needs and determine which protection risks they face during their travel to and within Europe. The research outcomes will also be used by UNHCR as input for developing advocacy strategies aimed at achieving durable solutions in the children's best interest. UNHCR will also use the findings of the study as input in the discussions surrounding the development of the EU Action Plan on Unaccompanied Children in the first half of 2010.

The study will also provide baseline data for any future policy research or review on Unaccompanied and Separated Children. The findings of the final synthesis report will be used by the Bureau for Europe in efforts to influence initiatives undertaken by the EC and EU Members states under the Stockholm Programme.

The future Spanish EU Presidency has identified the issue of unaccompanied and separated children as one of its priorities for the first half of 2010. The final report will examine trends and analyze similarities and differences between the countries. To the extent the findings will allow, the final report will include recommendations on how UNHCR best can support European governments to improve their capacity to provide effective protection to this group of unaccompanied children.

### **Scope and methodology**

This will be an evidence-based comparative study. A series of participatory reviews will be undertaken in selected countries with high numbers of unaccompanied and separated children from Afghanistan. The countries that have been identified as case studies are Italy, France, Netherlands, Norway, and Greece. The study will also trace the migratory trail back to Iran and Afghanistan, through Turkey, and highlight any significant movements in any other directions.

#### *Sources of information*

The review will be based on a triangulation of methods including a desk review of relevant documents, interviews with key stakeholders and country missions to interview children and other key stakeholders. The UNHCR documents that will be reviewed are the previous years APR, COP, the AGDM Accountability Framework and other relevant material from UNHCR on Afghan separated children in the reviewed situation. Documents and reports from external partners such as NGOs, governments and other international organizations will also be reviewed.



Interviews will be carried out with relevant UNHCR staff in HQ and with local UNHCR staff in the reviewed locations. Additionally, staff from relevant NGOs and governmental authorities will be interviewed. Lastly, the evaluation teams will go on mission to the countries under review to engage with all relevant stakeholders and undertake interviews with a small sample of unaccompanied children of Afghan origin.

The method applied will aim at triangulating the stories of the children by talking to the children themselves and verifying their stories by talking to government authorities, the children's guardians, social workers and NGOs working with the children. The aim of this approach is to get as close as possible to the real stories of these children.

#### *Semi-structured interviews with children*

In an effort to better understand the situation of Afghan children, semi-structured qualitative life interviews will be conducted with the children. These will be based on a series of question outlines allowing flexibility in terms of the order and form in which they are asked.

This approach also permits the researcher to include follow-up questions based on the answers provided and the stories told by the interviewees. Using this approach, the interviewees' accounts of how and why they came to Europe will provide the starting point, with follow-up questions adapted to encourage elaboration of each minor's story.

Using a simple and loosely structured interview guide permits the interviewer to focus on the answers given by the interviewees, allowing these answers to shape the following questions, rather than reverting to the next planned question in a pre-written guide.

For this particular project the questions asked will concern the children's situation before leaving their country, travel from the time they left Afghanistan (or Iran/Pakistan if born outside Iran) to their current location in Europe and return possibilities and future perspectives.



## ANNEX 2:

### Semi-structured interview guide

#### *Background*

When and where were you born? If in Afghanistan, which province and which district? What are your gender, age and ethnicity? How many siblings do you have? What number (in sibling order) are you? How many years of schooling have you had? Where did you go to school? Who were you living with in Afghanistan and who took care of you? What work did/does your father/mother do? Are your parents and siblings still alive? Where are they at present? Where were you living before leaving for Europe? If your family had left Afghanistan prior to your departure for Europe, when was this and what were the reasons for leaving? Please describe the living conditions of your family before you left for Europe (housing, parents' working, minor and siblings attending school/working). Are you aware of any particular problems that led to the decision for you to leave for Europe?

#### *Departure*

Who made the decision for you to leave for Europe? If it was not you, how did you feel about the decision? Were you given any choice about leaving? What was the reason for your departure to Europe? When did you leave? Did you leave alone or with other children/adults? If you left with others, were they from your village/town/district? Did you know what your final destination would be before you left? Are you going anywhere after this? Who chose that destination and why? Did you know anything about the country of destination before leaving? How did you know about it? Was there anyone from your village/town/ district who was already living in that country? Do you know how much the journey cost and who paid for it? Do you know if the full amount was paid before you left?

#### *Journey*

Can you describe your journey to Europe in detail?. Which countries did you come through, how did you travel and with whom? Did you have a guide? Was it the same guide for the whole journey or were you passed from one to another along the route? How long were you in each country? Did you eat regularly during the journey? Where did you sleep? Did you face any particular problems en route? What was the most difficult part of your journey to Europe? Was the journey dangerous? What were the dangers? Were you assisted by any organizations during your travel? When did you reach the country you are in now? If this is not your final destination, do you know when/how you will continue your journey and where to? Were your parents were aware of the problems involved in the journey?

### *Smugglers*

How was the smuggling and travel organized? Did you meet different people along the way? Was the entire journey pre-paid? What was your relation to the people assisting you en route?

### *Experience in current country*

How long have you been in this country? With whom did you arrive? Was there anyone from your home country to meet you when you arrived? When/how did you first make contact with government officials in this country? What happened? What did they do? Did they or any other organizations here provide you with any assistance? Where did you spend your first night after arriving? For how long did you stay there? Where are you living at present? Are you attending school? Are you working? If so, where and how much are you earning? How is your health? Have you needed/received any medical care since arriving in this country? Do you have any particular problems in your daily life here? Do you know where to go for help?

### *Contacts with family*

Do you have regular contact with your family? Is this contact daily/weekly/monthly? Is this contact usually made by phone/email/mail? Is this contact mainly with your mother/father/sibling/others? Do you have any other relatives or close family friends in the country you are currently living in/elsewhere in Europe or overseas? If so, are you in regular contact with them (give details)? If you are working, do you manage to send some money to your family? Have you told your parents/family about the conditions in the country you are living and if so what was the reaction. If not, why not!

### *Asylum*

Do you know what asylum is? Have you applied for asylum in this country? If so, when, and at what stage of the process are you at the moment? If so, why are you seeking asylum? Who is helping you with your application? If not, why didn't you? Do you have a guardian in this country? A legal advisor? Did you apply for asylum in any other country on your journey here? What happened? Do you have any identity documents?

### *Deportation and detention*

Are you at risk of deportation and detention in the country where you are currently staying, in the immediate or long-term future? How do you cope with that and how does it affect you?

### *The future*

How do you imagine your future? If you are able to remain in Europe, what do you plan to do? Do you have plans for seeing your parents again? If you are not allowed to stay, how do you feel about returning to your family? How will your family/community respond?

### Asylum applications submitted by Afghan unaccompanied and separated children in 2009

	Age/Sex	Applied since 1 Jan.	Decisions since 1 January					Indicators	
			Recog-nized	Other (hum.)	Rejected	Otherw. closed	Total	Recognition rates	
								Excl. o/w. cl.	
								Ref. status	Total
<b>Azerbaijan</b>	UASC 15-17 years	2	0	0	4	0	4	<b>0.0</b>	<b>0.0</b>
<b>Belarus</b>	UASC 15-17 years	1	0	0	0	0	0	..	..
<b>Bulgaria</b>	UASC 15-17 years	3	0	0	0	0	0	..	..
<b>Czech Rep.</b>	UAC TOTAL	0	0	0	1	0	1	<b>0.0</b>	<b>0.0</b>
<b>Finland</b>	UAC TOTAL	85	0	27	0	15	42	<b>0.0</b>	<b>100.0</b>
<b>United Kingdom</b>	UAC TOTAL	1525	75	1200	465	0	0	<b>4.3</b>	<b>73.3</b>
<b>Germany</b>	UAC TOTAL	453	15	110	37	3	165	<b>9.3</b>	<b>77.2</b>
<b>Croatia</b>	UASC 0-14 years	3	0	0	0	0	0	..	..
<b>Croatia</b>	UASC 15-17 years	12	0	0	0	6	6	..	..
<b>Hungary</b>	UAC TOTAL	195	2	19				<b>9.5</b>	<b>100.0</b>
<b>Ireland</b>	UASC 15-17 years	5	0	0	1	0	1	<b>0.0</b>	<b>0.0</b>
<b>Lithuania</b>	UASC 15-17 years	2	0	2	0	0	2	<b>0.0</b>	<b>100.0</b>
<b>TfYR Macedonia</b>	UASC 15-17 years	6	0	0	0	5	5	..	..
<b>Netherlands</b>	UAC TOTAL	322	0	0	0	0	0	..	..
<b>Norway</b>	UAC TOTAL	1719	29	558	8	78	673	<b>4.9</b>	<b>98.7</b>
<b>Romania</b>	UASC 15-17 years	18	2	2	10	0	14	<b>14.3</b>	<b>28.6</b>
<b>Spain</b>	UAC TOTAL	2	0	0	0	0	0	..	..
<b>Slovakia</b>	UAC TOTAL	5	0	0	0	0	0	..	..
<b>Slovenia</b>	UAC TOTAL	11	0	3	7	2	12	<b>0.0</b>	<b>30.0</b>
<b>Sweden</b>	UASC 0-14 years	108	2	55	4	4	65	<b>3.3</b>	<b>93.4</b>
<b>Sweden</b>	UASC 15-17 years	672	13	369	43	15	440	<b>3.1</b>	<b>89.9</b>
<b>Switzerland</b>	UASC 0-14 years	8	0	2	2	2	6	<b>0.0</b>	<b>50.0</b>
<b>Switzerland</b>	UASC 15-17 years	24	0	6	5	6	17	<b>0.0</b>	<b>54.5</b>
<b>Turkey</b>	UASC 0-14 years	2				4	4	..	..
<b>Turkey</b>	UASC 15-17 years	110	18		9	76	103	<b>66.7</b>	<b>66.7</b>
<b>Total</b>		<b>5293</b>							

As provided to UNHCR by national authorities.