



Bridging Refugee Youth & Children's Services

THE BEST INTERESTS OF THE CHILD IN A GLOBAL PERSPECTIVE

HIGHLIGHTED RESOURCES

U.S. Resources on the “Best Interests of the Child”

Best Interest Determination for Refugee Children: An Annotated Bibliography of Law and Practice. Duncan, Julianne, and Bennett, Sasha, and Feldman, Sara. 41 pages. Washington, DC: United States Conference of Catholic Bishops/Migration and Refugee Services, September 17, 2007. This resource is available in the BRYCS Clearinghouse at: http://www.brycs.org/documents/BIDBibliographyforRefugeeChildren_CombinedFinal.pdf. A sense of responsibility toward the most vulnerable refugees has caused the United Nations and its predecessor, the League of Nations, to express grave concern for the plight of unaccompanied refugee children from their earliest days. Continuing in this tradition, UNHCR is currently working with its member states to negotiate a statement of principles and agreed practice for identifying and serving children at risk. This annotated bibliography is intended to give all parties to this effort a common set of documents to work from with links to the underlying child welfare principles or laws from the United Nations, states or collections of states. Since our working group is comprised of U.S. NGO and government partners, we have given emphasis to the laws of the United States as they have evolved over time. The U.S. laws reflect and are reflected by those of other countries and international bodies and we see many themes emerging across regions and organizations.

Determining the Best Interests of the Child. Child Welfare Information Gateway. State Statutes Series. various pagings. July 2005. This resource is available free on the web at: http://www.childwelfare.gov/systemwide/laws_policies/statutes/best_interest.cfm Whenever a court must make a determination as to the custody and/or placement of a child, or must decide on a petition for termination of parental rights, the court must weigh whether that decision will be in the best interests of the child. "Best interests of the child" generally refers to the deliberation that courts undertake when deciding who is best suited to take care of a child. This database includes each state's statutes for addressing this issue.

International Issues in Dependency Court Cases. National CASA Association. 22 pages. Seattle, Washington: National CASA Association, February 2008. This resource is available free on the Web at: http://www.nationalcasa.org/download/judges_page/0802_international_issues_in_dependency_court_cases_0119.pdf Identifies challenges dependency courts must confront in decisions on international placement of foster children. Child welfare cases increasingly involve options for placing a child across state lines or national borders. Judges and child-welfare advocates must weigh many complicating factors when deciding the most appropriate courses of action: the child's and family members' immigration statuses; the potential benefits of placing the child in a home overseas versus the potential risks; the effects of language, cultural identity and religion; the scarcity of information post-ruling about the child's home life overseas and services available to him or her; impacts of international agreements, laws, and conventions; and the need to understand the culture of the child and his family. Courts and child-welfare workers are especially challenged by cases involving children from other countries. Courts need to reform to ensure (1) adjudication by child welfare systems, not criminal trials; (2) prompt repatriation decisions; (3) service irrespective of immigration status; (4) culturally-sensitive support; and (5) assurances that unaccompanied or separated children can remain in-country for their care and protection. Child-welfare workers need to educate themselves on immigration law, federal policies, and cultural and political hostility to immigration, and the impacts of migration on immigrant family dynamics; new knowledge and skills will be vital to navigate systems and work with populations with whom they have little prior experience. Additional materials include an announcement of open registration for National CASA's 2008 National Conference, and a list of online adoption and placement information and publications.

International Permanency Determinations: The Role of the Home Study in the Placement of Children Outside of the US. Rosicky, Julie G., and Northcott, Felicity S. The Judges' Page Newsletter. p. 15. October 2007. This resource is available free on the web at:

http://www.nationalcasa.org/download/Judges_Page/0710_reasonable_efforts_in_the_dependency_court_issue_0119.pdf Provides an overview of International Social Service-United States of America branch (ISS-USA) and the services it provides, including international home studies and other services for children separated from their families across borders.

New Populations in Rural Counties: Implications for Child Welfare. Wattenberg, E., and Beusch, A. 38 pages. June 17, 2008.

This resource is available free on the Web at:

<http://cehd.umn.edu/SSW/casew/attributes/PDF/events/NewPopulationsReport.pdf> Studies the needs of seven rural Minnesota counties with large immigrant populations and recommends multiple approaches to improve child welfare services to these clients. Data collection occurred through focus group discussions in each county; consultation with state, university, community groups and Bridging Refugee Youth and Children's Services (BRYCS); and discussion of an advisory committee. Reliable demographic data on the proportion of immigrant families served by the child welfare system was not available since differentiation between refugee Africans and African Americans, and between newly arrived Hispanics and older Latino settlers is not recorded. Findings include: tense feelings toward immigrant population in the rural counties that reflect the national immigration problem; barriers to social services due to undocumented status; variable support for collaborative models to integrate immigrants; poor access to translation services; educational issues such as truancy; and high rates of learning disabilities. Recommendations to improve child welfare service to immigrant populations include: (1) funneling early intervention for vulnerable families to the schools and public health systems; (2) providing handbooks and cultural profiles to improve case workers' cultural competency and developing professional workshops to address multi-cultural issues; (3) initiating a certificate program for a cultural liaison; (4) creating pamphlets explaining the child welfare system and holding community meetings for immigrant parents; (5) developing a network of community resources; (6) improving interpreter and language services; and (7) increasing advisory committees to report on emerging best practices and policies in child welfare staff and community education.

Standards for Social Work Practice in Child Welfare. National Association of Social Workers. 21 pages. 2005.

This resource is available free on the web at:

<http://www.socialworkers.org/practice/standards/NASWChildWelfareStandards0905.pdf> Lists and interprets 16 standards for social workers in the field of child welfare. Many of the 16 address determining what's in a child's best interest. Also of importance to social workers serving refugee and immigrant families is Standard 8 on cultural competence.

What "Best Interests of the Child" Means. American Bar Association, Division for Public Education. This resource is available free on the web at: http://www.abanet.org/publiced/lawday/talking/child_bestinterest.html Provides a brief overview of the concept of "best interests of the child," the issues surrounding it, the future of what it embodies, and discussion questions.

BRYCS Practice-Related Resources

Brighter Futures for Migrating Children: An Overview of Current Trends and Promising Practices in Child Welfare. Bridging Refugee Youth and Children's Services (BRYCS) 38 pages. Baltimore, MD and Washington, DC: Lutheran Immigration and Refugee Service and United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) 2006. This resource is available in the BRYCS Clearinghouse at:

http://www.brycs.org/documents/BrighterFuturesForMigratingChildren_070808.pdf.

Refugee, undocumented, and trafficked children from a broad range of countries represent a growing population in many of our state and county child welfare systems, and many service providers are facing challenges in meeting their unique needs. The USCCB, which has specialized in serving migrating children for over 25 years, convened "Brighter Futures for Migrating Children: An Overview of Current Trends and Promising Practices in Child Welfare" to share key "promising practices," or innovative strategies that have resulted in more effective services to these populations. The discussion took place on February 27, 2006 in Washington, D.C., during the Child Welfare League of America National Conference, "Children 2006: Securing Brighter Futures." Speakers from USCCB and

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Bridging Refugee Youth & Children's Services (BRYCS) provided background information on migrating children and their service eligibility. Dr. Ilze Earner, editor of the recent September/October 2005 special issue of Child Welfare, "Immigrants and Refugees in Child Welfare," presented immigration trends and successful strategies for improving the responsiveness of service systems to the special needs of migrating children. Audience members shared current challenges, as well as opportunities, and contributed methods and resources from their organizations and experiences in serving these children. This session was part of an on-going series of facilitated discussions (including the National Child Welfare Advisory Board in 2004 and "Enhancing State Child Welfare Services to Migrating Children" in 2005) sponsored by USCCB and their partner organization LIRS, with support from the federal Office of Refugee Resettlement. These events have brought together a broad range of experts in the field to discuss challenges and identify strategies for improving child welfare services and outcomes for these especially vulnerable children. This report draws from the presenters' notes together with the major comments made by presenters and audience members during the discussion that followed.

Caring for Muslim Minors: Guidelines for Non-Muslim Families - Question and Answer Fact Sheet. Lutheran Immigration and Refugee Service (LIRS) 10 pages. Baltimore, MD: Lutheran Immigration and Refugee Service (LIRS) This resource is available in the BRYCS Clearinghouse at: <http://www.brycs.org/documents/CARING~1.PDF>. Provides information in a question-and-answer format to help non-Muslim families foster Muslim minors, including the basic tenets of Islam, religious holidays, dietary restrictions, and attitudes toward women. The guidelines, which may also be helpful to social service staff working with Muslim youth, emphasize the importance of working on an individual basis with each minor in the clarification of beliefs and commitment to practicing Islam.

Determining Child Abuse and Neglect Across Cultures. Bridging Refugee Youth and Children's Services (BRYCS) Washington, DC: United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) 2005 April.

This resource is available in the BRYCS Clearinghouse at: http://www.brycs.org/brycs_spotapr2005.htm. Although child abuse and neglect exist to some degree in all cultures and societies, the ways in which abuse and neglect are defined are culturally influenced and can differ in important ways. This Spotlight article provides information on child abuse and neglect according to U.S. law - what it is, who are considered mandated reporters, and how reporting should occur - and also addresses the complexity of assessing child abuse and neglect in refugee families.

Developing Refugee Foster Families: A Worthwhile Investment. Appendix 1 of Serving Foreign-Born Foster Children: A Resource for Meeting the Special Needs of Refugee Youth and Children. Bridging Refugee Youth and Children's Services (BRYCS) 5 pages. Baltimore, MD and Washington, DC: Lutheran Immigration and Refugee Service (LIRS) and United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) 2003.

This resource is available in the BRYCS Clearinghouse at: http://www.brycs.org/documents/fostercare_app1.pdf. Developing refugee foster families can be an important strategy for serving refugee children. Including refugee families in the pool of foster care placement options increases the likelihood of being able to make an appropriate placement if a refugee child is found to have special needs relating to his or her language, culture or ethnicity. It can help such refugee children draw on their cultures, languages, ethnic affiliations, and religious faith as supportive and protective factors while they adjust to life in the United States.

Foster Care: A Fact Sheet for Prospective Muslim Families. Lutheran Immigration and Refugee Service (LIRS) 6 panels. Baltimore, MD: Lutheran Immigration and Refugee Service (LIRS) September 17, 2002.

This resource is available in the BRYCS Clearinghouse at: <http://www.brycs.org/documents/FOSTERCA.PDF>. Describes the requirements and rewards of fostering a Muslim child in a home that adheres to the tenets of Islam. Stability of placement is the goal, and licensed foster parents who provide safe, supportive homes can help refugee children both heal and work toward independent, self-sufficiency.

Foster Care at a Cultural Crossroads: Refugee Children in the Public Foster Care System, Roundtable Report. Bridging Refugee Youth and Children's Services (BRYCS) 34 pages. Baltimore, MD and Washington, DC: Lutheran Immigration and Refugee Service (LIRS) and United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) 2003.

This resource is available in the BRYCS Clearinghouse at: <http://www.brycs.org/documents/roundtable.pdf>. Focuses on the establishment of cultural competence within organizations so that professionals can work effectively in cross-

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cultural situations. Cultural competence is defined as the integration of knowledge about different individuals and groups of people into standards, policies, practices, and attitudes used in appropriate cultural settings to increase the quality of services. Sponsored by the Center for Effective Collaboration and Practice, this web site explains the 5 essential elements that contribute to a system's ability to become more culturally competent: to value diversity, to have the capacity for cultural self-assessment, to be conscious of the dynamics inherent when cultures interact, to institutionalize cultural knowledge, and to develop adaptations to service delivery reflecting an understanding of diversity between and within cultures. The Web site provides answers to a number of key questions, including why cultural competence is important and how it differs from cultural awareness or sensitivity; what research has been conducted; what organizations are addressing cultural competence through policy, education, or interagency collaboration; how cultural competence is integrating into education; and how cultural competence benefits children. Visitors to the site also are directed to numerous resources, including training workshops, conferences, reading lists, and a calendar of events.

Serving Foreign-Born Foster Children: A Resource for Meeting the Special Needs of Refugee Youth and Children. Bridging Refugee Youth and Children's Services (BRYCS) 59 pages. Baltimore, MD and Washington, DC: Lutheran Immigration and Refugee Service (LIRS) and United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) 2003.

This resource is available in the BRYCS Clearinghouse at: <http://www.brycs.org/documents/fostercare.pdf>. This document addresses the special challenges in serving foreign-born children in U.S foster care systems. It is intended for administrative and casework staff of child welfare agencies and other public and private organizations that work with refugee children and families. The document draws on the experiences of existing foster care programs to suggest practical means of meeting the assessment and placement needs of foreign-born children in foster care. In addition, the paper highlights potential areas for collaboration between public and private entities and identifies the laws, policies and professional standards relevant to serving refugee and immigrant children. The appendix includes resources on topics such as developing refugee foster families, identifying the particular service needs of refugee children in foster care, and assisting trafficked children.

Serving Refugee Children in Foster Care: Fundamental Considerations. Appendix 2 of Serving Foreign-Born Foster Children: A Resource for Meeting the Special Needs of Refugee Youth and Children. Bridging Refugee Youth and Children's Services (BRYCS) 3 pages. Baltimore, MD and Washington, DC: Lutheran Immigration and Refugee Service (LIRS) and United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) 2003.

This resource is available in the BRYCS Clearinghouse at: http://www.brycs.org/documents/fostercare_app2.pdf. This information sheet contains suggestions for meeting the special needs of refugee children in out-of-home care; that is, ways to help them draw on their culture, language, ethnic tradition, and religious faith as supportive and protective factors while they adjust to a new life in the United States. Although most of the information contained in this information sheet applies to minors of all ages, most children in the specialized refugee foster care system funded by the Office of Refugee Resettlement (ORR) are adolescents. The term "youth" is used for instances that apply more to adolescents than to children. The phrase "bicultural staff" is used loosely to refer to staff of the same ethnic group or country of origin as the children in care as well as those who share some facet of the culture, language, or religion of a refugee group. Most bicultural staff have personal experience adjusting to a new culture and draw on that experience in helping refugee children do the same. Similarly, for brevity the term "refugee foster families" refers to foster families in which the parents are refugees or other foreign-born persons, such as asylees or immigrants."

SIJS Caseworker's Toolkit for Children in Federal Custody. United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) 2008.

This resource is available in the BRYCS Clearinghouse at: <http://www.brycs.org/sijs/default.htm>. This toolkit was primarily developed for foster care caseworkers assisting children in the federal custody of the Office of Refugee Resettlement's Division of Unaccompanied Children's Services (ORR/DUCS), to ensure that SIJS-eligible children receive the assistance and case monitoring they need during the SIJS application process. In addition, this toolkit may also help social service and legal practitioners working with other children who may be eligible for SIJS. This toolkit consists of 9 products, which includes flow charts, Q & A's, and lists of resources.

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Action for the Rights of Children (ARC): Critical Issues-Separated Children. Action for the Rights of Children (ARC) 171 pages. December 2004.

This resource is available in English at: http://www.savethechildren.ch/arc/files/c_sepchil.pdf, French at: <http://www.savethechildren.ch/arc/files/french/SC-0902.pdf>, and Spanish at: <http://www.savethechildren.ch/arc/files/spanish/sepchildsp.doc>. This comprehensive document serves as a training initiative on the rights of refugee children. It includes a detailed module on separated children, which addresses the prevention of separation, family tracing and reunification, care arrangements, and sample programs for separated children. Each topic area includes sample overheads, exercises, and handouts to be used in training. This document is useful as a general resource tool on the needs and rights of refugee children, and it also provides the most updated UNHCR resource on the specific service needs of separated children.

Conclusion on Children at Risk. UNHCR. Executive Committee Conclusions. No. 107 (LVIII) 2007.

This resource is available free on the web at: <http://www.unhcr.org/excom/EXCOM/4717625c2.html> This document provides operational guidance for States, UNHCR and other relevant agencies and partners and identifies components that may form part of a comprehensive child protection system, with the aim of strengthening the protection of children at risk. It includes sections on 1) Fundamentals of child protection, 2) Identification of children at risk, and 3) Prevention, response and solutions.

Convention on the Rights of the Child. United Nations (UN) New York, NY: United Nations (UN) November 20, 1989. This resource is available free on the web at: <http://www.unhcr.ch/html/menu3/b/k2crc.htm> Presents the United Nations Convention of the Rights of the Child as distributed by the Office of the High Commissioner for Human Rights (UNHCHR). The Convention was adopted by General Assembly Resolution 44/25 of November 20, 1989 and entered into force September 2, 1990. The 54 articles of the Convention set out the basic human rights and protections to be accorded to children. The Convention defines a child as a person under eighteen years of age unless an earlier age of majority is required by a country's law. The best interest of the child standard is to be applied. Every child has certain basic rights, including: the right to life, the right to a name and identity, the right to a family and relationship with parents, the right to freedom of expression and thought, the right to protection from abuse and exploitation, the right to an education, and the right to privacy. The Convention requires nations to protect a child in legal proceedings, humanitarian situations, and armed conflicts as well as to foster health and an adequate standard of living. Children are not to be subjected to torture, capital punishment, or deprived of liberty. Refugees and disabled children have the right to special care.

Fact Sheet: A Summary of the Rights Under the Convention on the Rights of the Child. Unicef. 4 pages. This resource is available free on the web at: http://www.unicef.org/crc/files/Rights_overview.pdf Provides a brief summary of each of the 54 articles in the Convention on the Rights of the Child.

UNHCR Guidelines on Determining the Best Interests of the Child. Haddal, Chad C. United Nations High Commissioner for Refugees (UNHCR) 97 pages. May 2008.

This resource is available free on the web at: <http://www.unhcr.org/refworld/docid/48480c342.html> This final version of guidelines has been produced following two years of field testing of the provisionally released version in May 2006. This document details the Best Interests Principle, the qualifications for the Best Interests Determination (BID) among refugee youth UNHCR oversees, and the ways in which UNHCR makes decisions in the BID procedure. Service providers in the U.S. working with unaccompanied or attached refugee minors may find this informative.

Country/Regional Reports on Unaccompanied and Separated Child Asylum Seekers

Better Outcomes: The Way Forward; Improving the Care of Unaccompanied Asylum Seeking Children. UK Home Office Border and Immigration Agency. 32 pages. January 2008.

This resource is available free on the web at:

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/uasc/betteroutcomes.pdf?view=Binary> Outlines five key reforms and an implementation timeline proposed by the United Kingdom's Border and Immigration Agency to balance the needs of unaccompanied minors seeking asylum while preventing abuse of the immigration system. The first reform places the safety of the unaccompanied immigrant children as the highest priority during the asylum process which includes a single case manager for every child, provides the creation of an alternative to the detention of children and families, and improving communication with the child. The second reform addresses the need to quickly identify victims of child trafficking and provide immediate support. The third reform directs efficient identification of local authorities to provide the asylum-seeking children with near-by specialists. Fourth, procedures must be outlined to consistently assess the age of asylum seekers to ensure that children and adults are processed separately. The final reform seeks to decrease the time to determine immigration status in order to plan for integration or early return to the country of origin. The timeline to enact the reforms aims for a spring 2008 deadline to update the Nationality, Immigration and Asylum Act of 2002 and preparation of the new specialist authority agencies, and by summer 2008 foresees the publication of the new age assessment guidelines, care planning guidance, and the operation of the specialist authority agencies. The last section reviews the comments of local authorities, leading nongovernmental humanitarian organizations, and charities that assist with asylum and child welfare issues on the proposed reforms.

Determining the Best Interests of Unaccompanied and Separated Children: Lessons from Guinea.

International Rescue Committee. 50 pages. September 2007.

This resource is available free on the web at: [http://www.reliefweb.int/rw/lib.nsf/db900sid/OCHA-77CSAW/\\$file/Determining%20the%20Best%20Interests%20of%20Separated%20and%20Unaccompanied%20Children.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/OCHA-77CSAW/$file/Determining%20the%20Best%20Interests%20of%20Separated%20and%20Unaccompanied%20Children.pdf?openelement) In most refugee situations the majority of separated and unaccompanied children are reunified with their families. However, a number of children always remain for whom tracing is unsuccessful despite extensive and comprehensive efforts. It is for these children that formal Best Interest Determination (BID) procedures are implemented to safeguard their rights and identify the most appropriate durable solution to ensure their overall well-being. This report provides some practical recommendations for the establishment and implementation of BID mechanisms for separated children, based on the BID process in Guinea for Sierra Leonean separated children.

Italy: Invisible children - The Human Rights of Migrant and Asylum-seeking Minors Detained Upon Arrival at the Maritime Border in Italy. Amnesty International. 22 pages. February 2006.

This resource is available free on the web at: <http://www.amnesty.org/en/library/asset/EUR30/001/2006/en/dom-EUR300012006en.pdf> "This document is a summary of a longer report which examines the conditions faced by migrant and asylum-seeking minors held in immigration detention upon arrival at Italy's maritime borders. It begins with an outline of the relevant international and domestic legal safeguards which apply to migrant and asylum-seeking minors in immigration detention, followed by an analysis of the reality on the ground based on case studies carried out by Amnesty International." -Publisher's Description

Making Separated Children Visible: The Need for a Child-Centered Approach. Mooten, Nalinie. 92 pages. Irish Refugee Council, December 2006.

This resource is available free on the web at: <http://www.irishrefugeecouncil.ie/pub06/children.pdf> Reports on the current climate in Ireland toward separated, asylum-seeking children and outlines suggestions for the future policy responses of the Irish government. Immigration results globally from children who faced persecution such as forced conscription as child soldiers, female genital mutilation, child marriage, sale and trafficking for prostitution, bonded child labor, and infanticide. Children separated from their families during immigration lack the ability to access legal and human rights and require special treatment. Over 4,000 separated children arrived in Ireland between 1999 and March 2005 with half reunited with a family member and half put under the care of the Health Service Executive (HSE). Ireland lacks clear legislation regarding the rights and procedures for asylum-seeking, separated children. Policy recommendations include: (1) incorporating of the United Nations Convention on the Rights of the

Child and the Statement of Good Practice from the Separated Children in Europe Program into domestic law; (2) placing the burden of proof credibility on the state not on the child; (3) mandating quick case resolution to ensure that children do not remain in legal limbo; (4) ensuring separated children are not detained as part of immigration control; (5) allowing children to participate meaningfully in the asylum process with interpreters and child-friendly rooms and interview styles; (6) creating additional home foster placement for these children; (7) developing access to education as well as mental and physical health; (8) assigning an independent guardian ad litem for each child; and (9) providing rigorous family reunification efforts in line with best practices.

No Place for a Child - Children in UK Immigration Detention: Impacts, Alternatives and Safeguards.

Crawley, Heaven, and Lester, Trine. 96 pages. Save the Children UK, 2005.

This resource is available free on the web at:

http://www.savethechildren.org.uk/en/docs/no_place_for_child_full.pdf Examines the impact of the detention of immigrant children in the United Kingdom and explores alternatives to safeguard children's rights. Research is based on 32 case studies; observational visits at two detention centers; interviews with over 40 government officials, policy makers, and practitioners; and an extensive literature review. Findings indicate that approximately 2,000 children are detained with their families each year with detention times ranging from 7 to 268 days with over half of the cases detained for over 28 days. Children in detention centers are at triple risk for mental health issues, physical health deterioration, and are denied access to education. Future recommendations include: placing of the needs of children above policy; discontinuing the practice of detaining children for immigration control purposes; improving age assessment procedures; updating the reporting mechanism for immigration staff; and developing alternatives to detention such as the Appearance Assistance Program (AAP) in the United States and Sweden to assist with voluntary returns if requested. Current conditions can be improved by enforcing a statutory limit of seven days of detention for children; increasing monitoring and reduction of children transferring from one detention facility to another; providing legal advice to all detainees; recording and publishing detailed statistics on immigration detention cases; conducting enhanced criminal checks for all detention center staff; and improving the assessment and review process with welfare and pastoral care visits and family input on case management decisions.

NSPCC's Response to Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children.

National Society for the Prevention of Cruelty to Children (NSPCC) 23 pages. London, UK: National Society for the Prevention of Cruelty to Children (NSPCC) May 23, 2007.

This resource is available in PDF format on the Web at:

http://www.nspcc.org.uk/inform/policyandpublicaffairs/consultations/2007/2007_uasc_wdf48635.pdf. In this response to the original report, the NSPCC addresses the state of the UK's system of care for separated children, based on their experiences working with this population. In addition, the NSPCC describes its work with the UK's Borders and Immigration Agency in developing child protection policies and procedures in immigration removal centers. The original report and the NSPCC's response are particularly applicable to those working with unaccompanied children through the United States' Department of Unaccompanied Children's Services (DUCS).

Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children. UK Home Office Border and Immigration Agency. 15 pages. February 2007.

This resource is available in PDF format on the Web at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/uasc/consultationdocument.pdf?view=Binary>. This consultation paper from the government of the United Kingdom deals with processes surrounding unaccompanied asylum seeking children. The paper covers arrangements for this group of young asylum seekers in the UK and discusses the balance between needing to manage immigration effectively and the promotion of child welfare for children in the immigration process.

Position Paper on the Use of Biometric Data. Separated Children in Europe Programme. 15 pages. 2006.

This resource is available free on the web at: [http://www.separated-children-europe-](http://www.separated-children-europe-programme.org/separated_children/publications/reports/SCEP_Biometric_Data_Position_Paper_Final_2006.pdf)

[programme.org/separated_children/publications/reports/SCEP_Biometric_Data_Position_Paper_Final_2006.pdf](http://www.separated-children-europe-programme.org/separated_children/publications/reports/SCEP_Biometric_Data_Position_Paper_Final_2006.pdf) Provides guidance from the Separated Children in Europe Programme (SCEP) on the application of biometric tests for separated children seeking asylum to improve efficiency in the immigration process while protecting individual rights. Current biometric tests include fingerprinting, x-rays, iris scans, DNA examinations, and face recognition using digital photography. These data can assist immigration officials to streamline the identification and registration of unaccompanied or separated children seeking asylum, improve the accuracy of age assessments, and

facilitate family tracing and reunification or repatriation. SCEP focuses on the best interests of the child in accordance with the United Nations Convention on the Rights of the Child (CRC) and recommends the following procedures: maintain clear testing objectives, provide clear and consistent communication with the child, allow an adult guardian to be present during the testing, utilize the least invasive testing method, share outcomes with the child and guardian promptly, and set up an appeals process.

PP1 Processing Claims for Refugee Protection in Canada. Citizenship and Immigration Canada. 120 pages. April 4, 2008.

This resource is available free on the web at: <http://www.cic.gc.ca/english/resources/manuals/pp/pp01e.pdf> This handbook for refugee/asylum officers in Canada includes a section on policies and procedures for processing unaccompanied minors (pages 58-69). This section includes information on: 1) identifying separated children, unaccompanied children or children who may be at risk, 2) interviewing children who make a claim for refugee protection, and 3) referring separated children, unaccompanied children and any other children who may be at risk to the appropriate provincial child protection authorities.

Recommendation CM/Rec(2007)9 of the Committee of Ministers to Member States on Life Projects for Unaccompanied Migrant Minors. Council of Europe, Committee of Ministers. various pagings. 2004.

This resource is available free on the web at:

<https://wcd.coe.int/ViewDoc.jsp?id=1164769&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75> The Council of Europe's Committee of Ministers provides recommendations to the governments of all member states for working with unaccompanied migrant minors. Their primary recommendation is to utilize "life projects," which aim to develop the capacities of minors allowing them to acquire and strengthen the skills necessary to become independent, responsible and active in society. Life projects should be individualized and take into account several elements specific to each child. In addition, they draw on a holistic approach and should contain objectives relating to social integration, personal development, cultural development, housing, health, education and vocational training, and employment.

Save the Children and The Separated Children in Europe Programme Position Paper on: Returns and Separated Children. Save the Children The Separated Children in Europe Programme. 15 pages. 2004.

This resource is available free on the web at: http://www.separated-children-europe-programme.org/separated_children/publications/reports/return_paper_final.pdf

Outlines the procedures of the Save the Children Alliance and the Separated Children in Europe Programme (SCEP) on returning separated children seeking asylum to their families. The SCEP and Save the Children focus on the child's best interest in accordance with the United Nations Convention on the Rights of the Child (CRC). Upon arrival in the host country, a child must be assigned an independent guardian and family tracing pursued. A child may not be returned in violation of the European Convention on Human Rights or unless adequate reception care is available. The decision to return a child seeking asylum involves seven evaluation areas: (1) safety; (2) family reunification; (3) the child's view, and the potential for voluntary return if the child is of the age and maturity to request this option; (4) the legal guardian/caregiver's opinion; (5) the socio-economic condition in the country of origin; (6) the child's level of integration in the host country; and (7) the age/maturity of the child. Two special programs need to be designed: to address the needs of vulnerable young adults, who turn 18 after asylum, since they may not possess the skills needed to integrate into a new culture, and to create reintegration programs to help children return to their homeland.

Seeking Asylum Alone: Unaccompanied and Separated Children and Refugee Protection. Bhabha, Jacqueline, and Crock, Mary, and Finch, Nadine, and Schmidt, Susan. 111 pages. Cambridge, MA: Harvard University, Committee on Human Rights Studies, June 2006.

All of the reports are available free on the Web at:

http://www.humanrights.harvard.edu/index.php?option=com_content&view=article&id=115&Itemid=71 This series of reports presents the results of a two-year study, which examined the plight of unaccompanied and separated children in the U.S., Australia, and the United Kingdom. Each of the country reports describes describe the nature and scale of the migration of unaccompanied and separated children entering that country, drawing on government data and statements, advocates' accounts, court proceedings, and interviews with migrant children themselves. The comparative report identifies eight areas of concern that are common among the three countries: (1) inadequate data collection to account for the children and study outcomes; (2) inhospitable, off-shore processing practices; (3) unreliable age assessment tools and confusing policies on the identification of children who are separated from

family; (4) problematic reception procedures, especially in the US and Australia, which restrict access to legal assistance; (5) the use of detention, which is mandatory in Australia, as a form of immigration control; (6) a punitive legal process, poorly trained asylum officers, and limited access to translators; (7) systemic "attitudes of disbelief" within the corps of asylum officials; and (8) the low number of unaccompanied children granted asylum, especially noted in the failure to identify and protect victims of child trafficking.

Statement of Good Practice. Ayotte, Wendy. Separated Children in Europe Programme. 47 pages. Geneva, Switzerland: United Nations High Commissioner for Refugees (UNHCR) and the International Save the Children Alliance in Europe, 2004.

This resource is available free on the web at: http://www.separated-children-europe-programme.org/separated_children/good_practice/index.html This document, written by Wendy Ayotte, concisely describes the Separated Children in Europe Programme and lays out basic principles for good practice in working with separated children. The document reflects the consensus among participating European countries on how separated children ought to be treated and serves as a benchmark against which the participating European countries are to evaluate their policies and practices. The document includes a compilation of relevant regional and international law, policy and guidelines related to this topic.

Tracing UMSs' Families: A Comparative Study of Some European Countries' Practices and Experiences in Tracing the Parents or Caregivers of Unaccompanied Minor Asylum Seekers. Danielsen, Kirsten, and Seeberg, Marie L. 67 pages. Norwegian Social Research, 2006.

This resource is available free on the web at: http://www.nova.no/asset/2575/1/2575_1.pdf Studies the efforts of European countries to track the families of Unaccompanied Minor Asylum-seekers (UMAs) and discusses the positive and negative impact of family tracing. The increase of UMAs in Europe initiated a project in Norway to trace the families of these children as part of the Norwegian legal code; yet, the project was proving unsuccessful so they sought to look at other European countries for guidance on better methods. An electronic, web-based survey of approximately 40 questions was sent to Denmark, Sweden, Finland, France, Hungary, the Netherlands, Norway, Slovakia, Sweden, Switzerland, and the United Kingdom (UK) with a wide variety in the quality and completeness of responses. Results indicated that all of the countries utilize non-governmental organizations, especially the national offices of the Red Cross, to fulfill family tracing functions, and two countries used the International Social Services while others used their embassies in the countries of origin. Strong efforts are made to reunify younger children with families although actual reunifications are very few. For example, Sweden traced the families of ten to fifteen UMAs, yet only six to ten resulted in family reunifications in the countries of origin and the UK reunited sixteen minors between 2001 and 2006. Overall, family tracing is considered important, but the methods and costs vary across European countries.

When is a Child not a Child? Asylum, Age Disputes and the Process of Age Assessment. Crawley, Heaven. 225 pages. London, UK: Immigration Law Practitioners Association, May 2007.

This resource is available in PDF format on the Web at: <http://www.ilpa.org.uk/publications/ILPA%20Age%20Dispute%20Report.pdf>. This report discusses the issues facing separated children who are seeking asylum in the UK and whose age is disputed by immigration authorities. Authorities in the UK frequently rely on dental assessments to determine the age of unaccompanied youth - a practice that is also utilized in the U.S. The report also discusses the implications of determining a child to be an adult.

Your Way: Information Booklet on the Danish Asylum System for Unaccompanied Minor Asylum Seekers. Danish Refugee Council. 16 pages. December 2004.

This resource is available free on the web at: http://www.flygtning.dk/fileadmin/uploads/pdf/Om_Flygtninge/_asyl_uk_72dpi.pdf This booklet is a guide to for unaccompanied asylum-seeking minors in Denmark. It provides information about the Danish asylum procedure in simple language that children and youth can understand.