

Tracing UMAs' families

A comparative study of some European countries' practices and experiences in tracing the parents or caregivers of unaccompanied minor asylum seekers

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Preface

In Norway, tracing the parents or caregivers of unaccompanied minor asylum seekers is politically anchored in chapter 8 *Stortingsmelding no. 17* (2000-2001) from the Government to the Storting (KRD 2001). It was further brought to the agenda in the present Government's declaration of its intentions, where it was pointed out that minor asylum seekers, whether unaccompanied or not, are particularly vulnerable and should be given special attention (2005). The Directorate of Immigration (UDI) is responsible for implementing this work in practice. In the beginning of 2005, the Directorate started a project aimed at developing a systematic and efficient method for the tracing of parents or caregivers of separated minor asylum seekers. The project, which was based on single cases, was intended to lead to return and family reunification in the minors' original homelands or in third countries, with subsequent follow-up of the minor's situation. As an alternative, the return of minors to care giving institutions was to be considered. However, in July 2006, the Directorate decided to discontinue this project. Instead a comparative study of different European countries' practices and experiences in tracing the parents or other caregivers of separated minor asylum seeker was initiated. Norwegian Social Research (NOVA) was commissioned to conduct the project in September, and the project period has run from October through December 2006. A reference group was appointed. Its members were: Erik Aksnes (UDI), Beate Holter (UDI), Elin G. Nordtug (UDI) and Silje Eikemo Sande (Directorate of Integration and Diversity, (IMDI)). Our thanks are due to them and to our colleague at NOVA, Øivind Fuglerud, who has read the manuscript and provided us with useful comments.

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Contents

Summary	7
Abbreviations	13
Introduction and background	15
Statistical background	16
«The best interests of the child» vs. «migration management»	17
Family tracing and reunification	19
Co-operation	21
Data sources for this study	25
Findings, by country	26
Denmark	26
Finland	27
Hungary	28
Netherlands	29
Norway	32
Slovakia	33
Sweden	35
Switzerland	37
United Kingdom	37
Conclusion	39
Appendix 1: Questionnaire	41
Appendix 2: UK Statistics	57
Sammendrag	59
References	65

Summary

In Norway, tracing the parents or caregivers of unaccompanied minor asylum seekers is politically anchored in chapter 8 of *Stortingsmelding no. 17 (2000-2001)* from (KRD 2001). The then sharp increase in the numbers of UMAs arriving in Norway, along with an understanding of UMAs as particularly vulnerable formed the point of departure when the Directorate of Immigration started a project aimed at developing efficient methods for the tracing of parents or caregivers of unaccompanied minor asylum seekers. In July 2006, the Directorate decided to discontinue this project. Instead, a comparative study of different European countries' practices and experiences in tracing the parents or other caregivers of separated minor asylum seeker was initiated. Norwegian Social Research (NOVA) was commissioned to conduct the project in September.

The term «unaccompanied minor asylum seekers» (UMAs) in this report refers to children under the age of 18 who are separated from either parents or other legal or customary caregivers, and who apply for asylum in a foreign country. Our decision to make use of this relatively broad definition is based on the need to include all the different national definitions comprised by the present study.

From 2000–2003, approximately 13,000 UMAs applied for asylum in Europe (France and Italy not included, due to lack of comparable data). At the time, the number of new asylum seekers and the proportion of UMAs among them were already in decline. UMAs lodged approximately 4% of the total number of asylum applications in Europe in 2003. There were significant differences between the European countries. The Netherlands and the United Kingdom each registered approximately 25% of all asylum claims from UMAs in this period. There was a wide variety of countries of origin of the registered UMAs. While Finland registered Somalia as the country of origin for 29% and Afghanistan as the country of origin for 2% of all UMAs, in Hungary the picture was very different: 66% of all UMAs in Hungary were registered as originating in Afghanistan, and only 4% from Somalia. When it comes to gender, 2/3 of the UMAs were boys. This was the case for

most countries. 2/3 of the minors were between 15 and 18 years of age (UNHCR 2004).

In the United Nations Convention on the Rights of the Child (CRC) it is stated as a main principle that it is in the best interest of the child to be together with his or her parents, although it is pointed out that there are exceptions to this. Some of these exceptions are especially relevant for UMAs.

UMAs bring together two different fields: children's rights on the one hand, and the politics of asylum on the other. Family tracing and reunification form an important issue, politically as well as a legally. Despite this, tracing and family reunification are not carried through for a majority of UMAs. The difficulties involved in family tracing should be viewed in the light of both socio-political and legal fields, ie. considering the best interests of the child as well as the best interests of the state. A widespread culture of disbelief surrounding the intents and truthfulness of UMAs can be explained as part of a process that conflates the interests of the receiving state with the interests of the child.

Family tracing and reunification work is a complex task that demands extensive co-operation, with non-governmental organizations and other agencies and with the minor her/himself. Tracing work is both difficult and resource-demanding, and the success rate is generally low. Furthermore, not all successful family tracing leads to family reunification.

The low success rates may be due to a variety of reasons, often in combination:

- Fear of putting the child in danger
- Experience from similar cases indicates tracing is not likely to succeed
- The minor does not consent or co-operate
- The minor has already been separated from parents or caregivers for a long time
- The disappearance/departure of the minor before family has been found
- Lack of local contacts or of knowledge of local conditions in countries of origin
- Tracing may be successful but the parents are considered unable/-unsuited to take care of the child

Our main source of data about the different countries' experiences and current practices has been an electronic, web-based survey containing just over 40 questions (cf. appendix). The questionnaire was sent to Denmark, Finland, France, Hungary, the Netherlands, Norway, Slovakia, Sweden, Switzerland and the United Kingdom. France has not responded. The quality and fullness of the responses vary a great deal.

Our findings show that none of the countries have a separate tracing unit within the organization that is ultimately responsible for the tracing work. All countries co-operate with NGOs – mostly with the national offices of the Red Cross. Both Finland and Norway have co-operated with International Social Service, but in both countries this co-operation came to an end in 2006. Most countries co-operate with the NGOs on an ad hoc basis. Norway, Sweden, Slovakia and the UK also report that they co-operate with their embassies or other diplomatic missions in the UMAs countries of origin.

The UMAs originate in many different countries, but almost all of our responding countries report that they receive UMAs from Somalia, Afghanistan and Iraq. The numbers of UMAs which the different countries receive vary a great deal. Approximately 2000 UMAs arrived in the UK from January through September 2006. Sweden received approximately 600, and Norway has received more than 200 UMAs so far (November 2006). Finland had received about 90 and Denmark about 70 UMAs up to the time of reporting. Slovakia received 60 UMAs, but differs from the other countries in reporting that it is a transit country for UMAs. In many cases the minors disappear from Slovakia to other countries.

UMAs are considered to be a political important issue in most of the countries, while the tracing of family members is considered to be somewhat less important. When deciding whether family tracing should be initiated the minor's age is very important. The younger the children, the more important family tracing and family reunification are. Although tracing is a relatively important political issue and has high priority in most countries, the results of their endeavors to trace and reunite the minors with their caregivers are largely negative.

In accordance with international recommendations, it is widely reported that family tracing is not initiated without the child's consent. In particular the United Kingdom emphasizes this point.

Not all successful tracings lead to family reunification. The parents' or other caregivers' ability to provide appropriate care is in most cases taken into consideration. In the UK no unaccompanied child will be removed from the UK unless adequate reception and care arrangements are in place in the country to which the child is to be removed. One may note that neither Denmark nor Sweden emphasize the caring ability of the parents when reunification is considered. Sweden has succeeded in tracing the parents or caregivers of 10–15 UMAs in 2006, while six to ten tracings have actually resulted in family reunification.

Even in those relatively few cases where successful family tracing leads to family reunification, this does not take place in the country where the child has applied for asylum. The country of origin or other country of residence of the parents or caregivers is where reunification takes place. Norway has traced care giving persons of 6 minors from Iraq, Russia, Afghanistan, Somalia, Rwanda and Sri Lanka. One is uncertain how many of these tracings have led to family reunification, but the estimate number is between one and five, all of which took place outside Norway. Even though Slovakia is considered to be a transit country, the authorities have succeeded in tracing the families of ten minors since they started the tracing process In 2003. This has led to between six to ten reunifications outside Slovakia. In 2005 Slovakia commenced to trace the families of 40 UMAs. Under a voluntary return programme, the UK between 2001 and 2006 reunited 16 minors with their caregivers in Ethiopia, Tanzania and Iraq.

Because the immigration authorities do not have separate tracing units within their organizations, little specific information is available through our survey on the methods used in the tracing process. The general answer is that it is necessary to establish a good relationship with the UMAs in order to achieve his or her consent and co-operation. Without this kind of co-operation it is extremely difficult to get the necessary and correct information from the minors. Some countries stress the importance of co-operating with the embassies in the UMAs countries of origin. Especially Sweden stresses this point. Denmark has satisfactory results in using DNA-tests to identify care persons when they are located in Denmark.

In most cases, if the countries do not succeed in their tracing attempts or adequate care is not available in the country of origin or a third country, the minor is given temporary or permanent residence in the receiving

country. Slovakia and the Netherlands are exceptions to this. In Slovakia, the authorities report that they remove the minor to an orphanage in a third country. In 2001, the Netherlands introduced a new UMA policy which implied it would be less difficult to return UMAs to their countries of origin. The precondition that has to be met for their return is that adequate care should be available. The term «adequate care» has been re-defined and is now measured against standards in the return country and not according to standards in the Netherlands.

If the best interest of the child is to be with a primary caregiver, there is considerable discrepancy between the intentions of the United Nations Convention on the Rights of Children and the results achieved in this field. The issue of UMAs is important in the countries we have been in contact with. The authorities are generally concerned about the well-being of the UMAs that arrive in their countries. Yet, due to the great complexity of these issues, where policies and politics are intertwined with myths and feelings, no one has succeeded in developing satisfactory tracing methods. Our respondents generally report that they are unsure of both methods and costs involved in the issue of family tracing and family unification.

	Tracing work started:	Arrivals so far in 2006	Countries of origin	Total number of tracing cases	Caretaking abilities of parents important	Co-operation	If tracing is unsuccessful	Successful tracing leads to:
Denmark	2003	70	Iraq, Afghanistan	None	No	Red Cross	Question unanswered	Reunion in orig. or 3 rd country
Finland	2006	96	Angola, Somalia, Afghanistan, Iraq	Question unanswered	Yes	ISS Geneva and IOM discussed	Residence permit	Case by case
Hungary	2004	47	India, Moldavia, Nigeria, Russia, Somalia	ref. to Red Cross	Yes	Red Cross IOM	Return to country of origin or third country	Reunion in orig. or 3 rd country
Netherlands	Question unanswered	263	Somalia, Iraq, Afghanistan, other	Question unanswered	No	Red Cross	Orphanages in countries of origin	Question unanswered
Norway	2000/2001	201	Somalia, Sri Lanka, Afghanistan, Russia, Iraq	10-12	Yes	Embassies	Residence permit	Reunion in orig. or 3 rd country
Slovakia	2003	60	Moldavia, China, India, Iraq, Pakistan, Afghanistan, Bangladesh, Tchechnia, Somalia, Vietnam, Ukraine	10	Yes	Red Cross, ISS, Embassies	Orphanages in countries of origin or third countries.	Question unanswered
Sweden	Ca. 1980	568	Afghanistan, Somalia, Iraq	10-15 in 2006	No	Embassies	Residence permit	Reunion in orig. or 3 rd country
Switzerland	Question unanswered	200	China, Afghanistan, Iraq and Ghana	Question unanswered	Question unanswered	Question unanswered	Question unanswered	Question unanswered
United Kingdom	1999	2120 (Jan.-Sept.)	Afghanistan, Somalia, China, Iran, Eritrea	Question unanswered	Yes	Red Cross, Embassies	Residence permit, Return program in progress	Case by case

Abbreviations

ARC – Action for the Rights of Children

CRC – Convention on the Rights of the Child

EU – European Union

ICRC – International Committee of the Red Cross

ISS – International Social Service

IOM – International Organization for Migration

SCEP – Separated Children in Europe Programme

UMA(s) – Unaccompanied Minor Asylum-seeker(s)

UN – United Nations

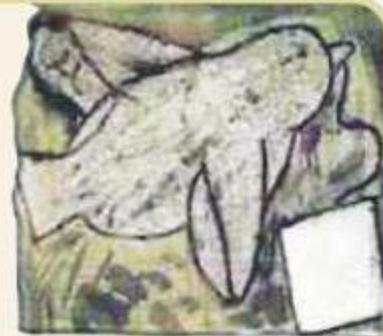
UNHCR – United Nations High Commissioner for Refugees

UNICEF – United Nations Children’s Fund

Introduction and background

The term unaccompanied minor asylum seekers (UMAs) in this report refers to children under the age of 18 who are separated from either parents or other legal or customary caregivers, and who apply for asylum in a foreign country. This definition builds on the definition of separated children as given by the Separated Children in Europe Programme (SCEP 2003b). It is a relatively wide definition that also includes children who are accompanied for instance by elder siblings. Our decision to make use of such a wide definition is based on the need to include all the different national definitions comprised by the present study, since «national definitions of unaccompanied and separated children vary significantly across countries and are often not in line with international recommendations» (UNHCR 2004). At the same time, we are aware that the absence of harmonized national definitions makes a direct comparison between the different countries problematic.

The Separated Children in Europe Program (SCEP)



SCEP was established in 1998 as a partnership between UNHCR and Save the Children. The Program is based on the complementary mandates and areas of expertise of the two organizations. UNHCR's responsibility is to ensure the protection of refugee children and those seeking asylum; Save the Children is concerned to see the full realization of the rights of all children. The main objective of the Program is to realize the rights and best interests of separated children who have come to or across Europe seeking asylum by establishing a shared policy and commitment to best practice at national and European level.

One of the most important implementation tools is the Statement of Good Practice, which provides a brief list of the policies and practices required for the protection of separated children in Europe. It is mainly based on the UN Convention of the Rights of the Child (CRC) and UNHCR's 1997 Guidelines on Policies and Procedures in

Dealing with Unaccompanied Children Seeking Asylum.

The Program has set up a network of NGO and UNHCR focal points working with children, asylum-seekers and refugees in 28 countries in Western and Central Europe. Comprehensive country reports have been made for each of the countries as well as other studies. Training is an integral part of the Program and a number of training seminars and conferences have been held since the beginning. The emphasis of the activities is on information-sharing, awareness-raising and competence-building.

SCEP covers 25 countries in Western and Central Europe as well as the three Baltic States. It has been funded by the European Union, the Norwegian Government, Save the Children Norway, Save the Children Sweden, Save the Children UK and UNHCR.

(2003)

Statistical background¹

During the years 2000–2003, approximately 13,000 UMAs applied for asylum in Europe.² UMAs lodged approximately 4% of the total number of asylum applications in Europe in 2003. At the time, the relative as well as the total number of UMAs was in decline as part of the overall decrease in the numbers of asylum seekers arriving in Europe. There were significant differences between European countries. In Bulgaria, UMAs formed nearly 10% of the total number of asylum seekers, while in Cyprus and Spain no claims from UMAs were registered at all. The Netherlands and the United Kingdom each registered about 25% each of all asylum claims from UMAs in Europe in the period 2000–2003, Austria following them with 15% of all such claims. Afghanistan was the country of origin for 13% of the UMAs registered in 19 European countries in the period 2001–2003, Angola for 10% of all UMAs, Iraq for 8% and Somalia, Sierra Leone, Serbia and Montenegro as well as Guinea for 5% each of all UMAs. This was the European average.

On a country level, there was a wide variety of countries of origin for the UMAs registered. For instance, while Finland registered Somalia as the country of origin for 29% and Afghanistan as the country of origin for 2% of all UMAs, in Hungary the picture was very different: 66% of all UMAs in Hungary were registered as originating in Afghanistan, 11% from Bangladesh, and only 4% from Somalia. In the Netherlands, neither Afghanistan nor Somalia figured high on the list; here, Angola accounted for 29% of all UMAs and Sierra Leone for 11%. Of all UMAs seeking asylum in 2003, 72% were male. Yet when it comes to gender, too, there are differences between the asylum countries. For instance, in Ireland more than half the UMAs registered in 2003 were female, while in Hungary, just over 3% were female. The data on UMAs' ages are less comparable, but the tendency is that about one-third of the UMAs in 2003 were younger than 15 years of age.

¹ All numbers in this paragraph: UNHCR 2004.

² The following European countries are included in the UNHCR 2004 statistics: Austria, Belgium, Croatia, Cyprus, Czech Rep, Denmark, Finland, FYR Macedonia, Germany, Hungary, Ireland, Latvia, Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, United Kingdom.

Many European governments have been inadequately prepared for the complexity of the issues involved in this kind of immigration. In the context of this study, one may note that there is a widespread lack of accurate identification and registration systems and, partly for this reason and partly because data are not systematically generated in a standardised manner, also a lack of reliable and comparable statistics. It is accordingly easier said than done to verify the numbers, countries of origin, age groups, gender etc. of UMAs in different countries (cf. also Floor 2005). In addition, one might point out that the number of registered asylum claims from UMAs each year does not reflect the total, accumulated number of separated children as such, nor even of UMAs living in each country.

«The best interests of the child» vs. «migration management»

Like other children who are asylum seekers, UMAs bring together two different political, social and legal fields: the field of children and children's rights, and the field of asylum policies and migration management. In general, there is tension between these two fields, with children's rights and best interests often conflicting with those of migration management (Seeberg et al. 2006). This dilemma was acknowledged and brought to the fore in the Norwegian Directorate of Immigration's Spring Conference, 2006: «The child's best interests and immigration management: a conflict?» Yet when it comes to the arguments for tracing UMAs' parents or other caregivers, these may derive from both fields at the same time, the principle of the child's best interests supporting the interests of migration management. As we shall see, the child and the state may in fact have converging interests in family tracing, but their interests do not *necessarily* converge.

The principle of «the best interests of the child» defines an international field where the UN, especially UNICEF, and Save the Children are central agents. The United Nations Convention on the Rights of the Child (CRC) states that «In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration» (UN 1991, article 3). Furthermore, as Ruxton (2000) sums it up,

«Article 9(3) of the CRC states that children who are separated from their parents have *the right to maintain contact with their parents*; Article 10(2) states that children whose parents reside in different countries

have *the right to maintain regular relations with their parents*; and Article 22(2) sets out that *states must co-operate with the UN and NGOs* in family-tracing measures in relation to asylum-seeking or refugee children. This emphasis is reinforced by the European Convention on Human Rights (Article 8), the EU Council of Ministers Resolution on Unaccompanied Minors (Article 3.3), and the UNHCR's 1997 Guidelines (paragraphs 5.17 and 10.5).» The tracing of a child's parents or other caregivers is indeed an action concerning children. Of such work the SCEP states:

«Tracing for a child's parents and family needs to be undertaken *as soon as possible*, but this should *only be done where it will not endanger the child or members of the child's family* in the country of origin. Tracing should be undertaken *only on a confidential basis*. States and other organisations undertaking tracing *should co-operate with UN agencies, the International Committee of the Red Cross Central Tracing agency and International Social Services*. Separated children need to be *properly informed and consulted* about the process and their views taken into account» (SCEP 2003b, our emphases).

This statement sums up some crucial considerations implicit in the principle of «the best interests of the child» within this field. Derived from the above quote, these considerations are:

- Swiftly in initiating the tracing process
- Assessing the risk of putting the child or members of the child's family in danger
- Confidentiality
- Co-operation with UN agencies, the Red Cross and International Social Services (ISS)
- Proper information to and consulting with the child, taking his/her views into account

Unless these considerations or criteria are met, family tracing will not necessarily be in the best interests of the child, according to the Separated Children in Europe Programme.

«Migration management» has in the past decade replaced, and simultaneously widened, the field of migration control. As an international field, migration management is first and foremost linked to co-operation on regional levels, such as Europe. Harmonization of practices and policies form

an integral part of such processes, and the present report may be seen as one small step in this direction. All our respondents are positioned in the field of migration management and asylum policies, on a governmental level.

Seen from the field of migration management, where border control is still a prominent feature, tracing the parents or other caregivers of UMAs will primarily be motivated by the need to find a legal and legitimate means either to return them to their countries of origin, or to a third country. This does not imply that the child's best interests merely serve as an alibi for decisions somehow really based on principles of migration management. To varying extents, the principles of the CRC are integrated in each country's legislation and thus form a factor which cannot be ignored. The national immigration bureaucracies that our respondents represent may seem to integrate the CRC principles selectively, defining the child's best interests in a manner that enables them to view the CRC principles and those of migration management as congruent and mutually reinforcing.

Family tracing and reunification

As we have argued above, family tracing and reunification are usually, if not necessarily, in accordance with the child's best interests. Tracing programs have as their primary objective to minimize the period of separation of the child from his or her parents or other caregivers. Yet, as has been pointed out, «in a number of (...) cases finding suitable caregivers has not been attempted, fully exhausted or the suitability is too narrowly defined» (Halvorsen 2004). Halvorsen is critical of what she views as a «large scale» practice in Norway and Sweden:

to grant so many children residence on humanitarian grounds only due to no caregivers in country of return is problematic. No doubt, it is the best option in some cases, while in other cases it may not be. It may be chosen as an easy way out of a very difficult dilemma; it may lead to handling the case less thoroughly and vigilantly; it may be a way to avoid the hassle of family tracing and reunification; and in the end it may reinforce an ethnocentric prejudice that the child is better off in Norway and Sweden rather than home with their parents or relatives (Halvorsen 2004).

Successful tracing is defined in our study as a case where the parents or other caregivers of the UMAs have been located. Thus, it includes cases where

parents or caretakers are unsuitable or unable to take care of the UMAs, or confirmed dead. According to such a definition, successful tracing does not automatically lead to family reunification. Rather, it is a necessary, but not in itself sufficient, condition for family reunification. If the parents or caregivers found are deemed suitable and able to take care of the minor, there still remains the question of consent: are they willing, or obliged by law or custom, to take on the responsibility? Is the minor willing to return to them? Only when such questions are answered in the affirmative will family reunification be likely to be successful.

What may appear to be inefficiency or «the easy way out» in this field, i.e. choosing not to attempt tracing, or discontinuing tracing attempts, could also derive from *a complex of several, interplaying factors*, some of which are listed below:

- Tracing may not be initiated because of a more or less well-grounded fear of putting the child or the family in danger.
- Tracing may not be initiated because previous experiences with such attempts in the country of origin indicate that tracing is not likely to succeed. This seems to be especially relevant in the cases of Afghanistan, Iraq, and Somalia.
- Tracing may not be initiated because it is impossible to get the consent of the minor. The «anchor child» problematic is often automatically assumed to explain minor's refusal to co-operate. Although this no doubt is part of the picture, different minors may have different reasons. Some minors may fear that their asylum claim will be denied, regardless of their grounds for claiming asylum, if their parents or caregivers are found.
- Tracing may not be initiated, or attempts may not be fully exhausted because the minor has already been separated from parents or caregivers for so long that it is deemed more in concordance with the child's best interests to establish or strengthen new care giving relations.
- Tracing may not be initiated, or attempts may not be fully exhausted because the minor disappears, or is considered likely to disappear, in all likelihood to a third country (this is especially valid in the case of transit countries).

- Tracing attempts may not be fully exhausted because of lack of local knowledge or contacts, or because local conditions turn out to make tracing difficult or dangerous.
- Tracing may be successful, but the parents or other possible caregivers are not deemed to be suitable. Halvorsen suggests that European definitions of suitability may be overly narrow and ethnocentric, so that it may be particularly difficult to assess the best interests of the child when it comes to customary care giving relations in non-European countries.

An understanding of the complexity and interplay of such factors is crucial in this field of work, and forms a considerable part of the backdrop to the reports from our respondents in the different countries. The perspectives on these dynamics differ from country to country, along with the national policies and local realities. There are, however, some aspects of these issues that stand out as generally relevant in the field of tracing UMAs' parents or other caregivers. Such aspects relate especially to issues of co-operation.

Co-operation

In 2004, the inter-agency project *Action for the rights of children* (ARC) published a document about separated children (2004) where family tracing and family reunification are treated as one topic. In the ARC document, various tracing procedure types are listed and defined as follows:

«**Spontaneous tracing** consists of activities carried out by families and communities outside of organised tracing programmes. Children search for their families, and families search for their children. (...)

Case-by-case tracing involves workers following-up information on relatives in the area in which they are believed to reside. *This approach tends to be time-consuming, as well as labour and transport intensive*, though it is sometimes possible for several families to be traced in a particular locality during one visit.

Centre-based tracing is undertaken usually by centre staff on behalf of children living there, especially when they originate from the surrounding area. Sometimes this work can be done on an inter-centre basis, with centre staff co-operating with each other.

Large-scale tracing: rather different approaches need to be used when there is a need for tracing over a large geographical area e.g. when large populations take refuge in several different countries. (...)

Mass tracing is a term used to describe a variety of approaches used in situations where there are large numbers of separated children making case-by-case tracing expensive and time-consuming (...)

(2004, our emphases).

We find it likely that the different types of tracing may overlap and be connected in various ways. The present survey report concentrates largely on case-by-case tracing. Since this project focuses on government practices, spontaneous tracing as such is not relevant. The other types of tracing are more likely to be implemented close to the original homelands of the separated children, e.g. in neighbouring states. Some European countries are closer to their UMAs' countries of origin than are others, so that there may be an element of these other types of tracing in our material. On the whole, however, they remain marginal as compared to case-by-case tracing.

As mentioned earlier, the Separated Children in Europe Programme recommend that the tracing of parents or caregivers should involve co-operation with non-governmental and inter-national agencies. There are a number of such agencies, e.g. the ICRC (International Committee of the Red Cross) and its national offices, International Social Services (ISS), the International Organization for Migration (IOM), and the United Nations High Commissioner for Refugees (UNHCR). Other kinds of co-operation partners may also be important, for instance the host country's embassies in the countries of origin, adults in the UMAs' immediate environment, their guardians, family members in different locations, and – last, but certainly not least – the minor him- or herself.

Despite a widespread «culture of disbelief» (Finch 2005) amongst case workers and social service workers, the minor may in fact be telling the truth when he or she states that the parents or caregivers have died or that their location is unknown. In an unknown proportion of cases, however, «the children for various reasons do not wish to disclose information about their parents/family and their whereabouts» (Halvorsen 2005). The uncertainty that this quote sums up leaves room for speculation and myth-making, both when it comes to the proportion of and reasons for such concealment. This may lead to general, unverified assumptions that UMAs «are really 'anchor

children', victims of their parent's deliberate effort to misuse them for their own later migration» (Engebrigtsen 2003). Such assumptions die hard, even when «Only a small percentage of child migrants do however apply for family reunion» (Engebrigtsen 2003). The tenacity of the culture of disbelief can be explained as part of a process that turns individual children with individual interests into a «judicial and generalized prototype that appears to have the same interests as the immigration authorities» (Engebrigtsen 2003). In the process, the child's best interests and the state's best interests apparently merge into one.

If most UMAs are not «anchor children» why, then, do they not cooperate? The UMA may have been advised or told not to disclose any information that could be used by the immigration authorities to refuse asylum or humanitarian protection. Information about the location of parents or caregivers could have been given as an example of information that should not be disclosed. The advice or instruction may come from the parents themselves, but it is equally likely to come from, and/or be repeated by, all those people whose advice the UMA seeks and trusts. This may be other (adult or minor) asylum seekers like themselves, or they may be helpers or traffickers.

Is this good or bad advice? What would happen if the UMAs kept no secrets? They have come to Europe and one must assume that it is their primary goal to stay in Europe. It is therefore pertinent to ask if, and how, their likelihood of attaining this goal would be affected if they co-operated in tracing their parents or caregivers. It is difficult to give a generally valid answer to this, since European policies and practices are subject to change and vary from country to country.

When it comes to co-operation with people and organizations in the UMAs' countries of origin, the conditions in countries ravaged by ongoing war and conflict may make such work extremely difficult. In addition, the return of UMAs to such countries is often problematic. If the overall aim of tracing is re-establishing contact between the UMA and their parents or caregivers, this may still be achieved. If, however, the primary aim is to remove the UMA, the costs and efforts involved may be viewed as excessive in such cases.

The International Organization for Migration (IOM), International Social Service (ISS) as well as NGOs such as the Red Cross, are all important

partners for national authorities in the field of tracing UMAs' parents or caregivers. Yet a problem of confidence and legitimacy arises in case-to-case co-operation; a problem that urgently requires attention:

Concerned agencies do not undertake family tracing unless it is specifically requested by the child him/herself lest any information they obtain about the family, relatives or country of origin be abused by authorities implementing refugee determination procedures or used to immediately return the child. Tracing needs, nevertheless, to be stepped up, done systematically for all separated children, and coordinated at national and international levels. *Mechanisms must be put in place to protect the data from being misused.*

(Halvorsen 2002, our emphasis)

Such mechanisms imply clear rules for confidentiality and for access to case documents. The specific implementation of mechanisms intended to protect the misuse of information will depend on the existing structure and organization of asylum and family tracing case work in each country. Measures to be considered include keeping asylum cases separate from tracing cases, on all levels. This implies e.g. considering separating the responsibility for the two types of case all the way from the political to the practical levels, conducting separate interviews for the asylum case and the tracing case, and so on. NGOs may in this view be better placed for carrying out the tracing work.

However, a total separation of the two case types may hamper tracing work and may thus be contrary to the child's best interests. For instance, valuable information relevant to family tracing may be given in the asylum interview and omitted from the tracing interview. It may be difficult to decide where to draw the line between the two types of cases, since they will unavoidably contain information relevant to each other. In many cases, the case worker, NGO or other agency responsible for carrying out the tracing work may have a legitimate need to access the asylum documents.

This does not, however, make it irrelevant to separate the two.

Case workers should not automatically have access to documents of the «other» case regarding the same UMA. Instead, a system with clear rules for considering applications for limited access, operating always from the point of view of each child's best interests, should be put in place (conversation with Kate Halvorsen, 2006).

Data sources for this study

The main source of data in this study has been an electronic, web-based survey with a questionnaire containing just over 40 questions (cf. appendix). Secondary sources have been e-mail and telephone contact with the respondents, meetings with the Norwegian reference group, and published documents and documentation on the topic (cf. list of references).

The Norwegian Directorate of Immigration initially provided us with various lists of potential respondents, representing a total of 17 European countries. These lists were based on personal contacts as well as the minutes of meetings held on related topics on the European level. All of them were government employees in the immigration sector of their respective countries. In September, we contacted all of these potential respondents by e-mail and telephone in order to find the «right» respondent in each country, ideally a person with extensive knowledge of and interest in our topic as well as a central position in the relevant government body, enabling her/him to gather the information we needed. It proved difficult to reach an adequate number of such persons through the initial lists. However, by the use of supplementary information from the Norwegian Directorate of Immigration we managed to find suitable respondents in 10 countries. By the end of October, the survey had been sent to 13 respondents, representing these 10 European countries: Denmark, Finland, France Hungary, the Netherlands, Norway, Slovakia, Sweden, Switzerland and the United Kingdom. France did not respond. The other respondents completed the survey either in the original web-based format or by e-mail. Before publishing, each responding country has received their respective sections under «Findings, by country» below, in order to ensure that the presentation is correct. Also, because the Netherlands were only able to give us a brief answer by e-mail, we have made use of additional sources in the case of this country. These sources are clearly referred to in the text.

The survey was organised around the following main topics:

- Organisation
- Methods
- Political and legal framework
- Outcomes
- Success rates and cost efficiency

Findings, by country

In the following section, we present and review the responses from each country as fully as possible. Some of the countries have given full and detailed answers to some or most of the questions, whereas others have given more limited information.

Denmark

In Denmark, the tracing of family members of unaccompanied minors is considered to be an important political issue. There are currently about 70 unaccompanied minor asylum seekers in the country. Most of them come from, or claim to originate in, Iraq and Afghanistan. The tracing process starts during the asylum procedures. The goal of this procedure is to reunite the UMAs with a care person in the minor's country of origin. Denmark reports that since such work was initiated in 2003, there have been no registered successful tracings of family members.

The Danish Immigration Service is the organization in charge, but the institution does not carry out the tracing work, and it has no separate tracing unit. The Immigration Service co-operates with Red Cross on an ad hoc basis, and is planning to continue this co-operation.

If the child states that the parents are alive, the child and his or her representative are requested by the authorities to contact Danish Red Cross /International Committee of the Red Cross in order to initiate tracing. If the parents are in Denmark, or the child claims that this is the case, a DNA test is considered. Such tests have proved very useful. If the minor is considered to be a potential trafficking victim, telephone tapping has been of great use.

The reason why tracing has not been successful seems to be that the minors do not give correct information about their families to the authorities. If the parents or care persons are located, reunification will take place in the country of origin or in a third country. Their care taking abilities are not taken into consideration. These answers, our respondent emphasizes, are hypothetical since no successful family tracings have, as yet, taken place.

The Ministry for Refugees, Immigrants and Integration is ultimately responsible for the tracing of the UMAs' parents or caregivers. The Danish

Immigration Service and Refugee Board is responsible for processing their asylum claims.

The legal provisions regarding family tracing for separated minor asylum seekers is found in the Aliens Act § 56 a, subsection. 8.

Finland

The Directorate of Immigration, which is subordinated to the Ministry of the Interior, is ultimately responsible for tracing the UMAs' parents or actual guardians as well as for processing the asylum claims.

By the end of November 2006 there were 96 unaccompanied minor asylum seekers in the country. The minors originated mainly in Angola, Somalia, Afghanistan and Iraq. The Directorate started a pilot tracing project in 2006. Since the pilot project was not yet finished at the time of reporting, the Directorate was unable to tell the results of the tracing. Tracing is generally initiated during the asylum seeking process and initiated by the immigration authorities. The unaccompanied child or the minor's guardian can initiate tracing through the Red Cross.

The Directorate of Immigration does not have a separate tracing unit, but a separate unit for UMAs. During the pilot project they have co-operated with Across Borders Evaluations/Epikur in Sweden. The co-operation between Across Borders Evaluations/Epikur and International Social Service (ISS) has ended in October 2006. The continuation of the co-operation is undecided. The possibility of co-operating with ISS Geneva and IOM in family tracing cases is being discussed. The Directorate has conducted preliminary negotiations with the Finnish Ministry for Foreign Affairs in order to investigate the possibilities for embassy assistance in some cases.

The Directorate of Immigration considers the well-being of the child to be an important factor when deciding whether family tracing should be initiated. The purpose of family tracing is to create a contact between child and his/her guardian, and for the Directorate of Immigration to receive facts of the living conditions of the guardians and their caretaking abilities. To achieve this goal several methods will be evaluated. The asylum interviews are conducted by the Directorate of Immigration. The claimed need of protection is objectively compared with the available information on circumstances, situation, activities etc.

Reunification of the minor and the caregiver can take place in Finland, in the country of origin or in a third country. This is considered individually and decided from case to case. In the cases where the parents or caregivers have died or the search is unsuccessful, the minor is granted permanent residence permit in Finland.

The currently stipulated cost for tracing UMA's family members is from 2500 to 5500 Euros for each case.

The legal provisions regarding family tracing for unaccompanied minor asylum seekers are as follows:

- Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted
- Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.
- Government proposal 31/2006 for amendment of the Finnish Aliens Act <http://217.71.145.20/TRIPviewer/show.asp?tunniste=RP+31/2006&base=errp&palvelin=www.eduskunta.fi&f=WORD&kieli=ru> (in Swedish)

Hungary

The Hungarian government considers unaccompanied children to be a very important political issue and the tracing of their family members to be politically rather important. The primary goal of family tracing is family reunification in a third country.

The Office of Immigration and Nationality under the Ministry of Justice and Law Enforcement /Directorate of Refugee Affairs is responsible for the tracing of the UMAs' families. There is no separate tracing unit within the Office of Immigration. The Hungarian Office of Asylum co-operates very closely with the Hungarian Red Cross, and also with the International Organization for Migration on an ad hoc basis. They are planning to continue to co-operate with both these organizations.

Currently there are 47 unaccompanied minors in Hungary. They originate mainly in India, Moldavia, Nigeria, Russia and Somalia. There is no information of the number of successful tracings, nor of the costs. We were advised that the Hungarian Red Cross may be able to provide this kind of information.

Both the Office of Immigration and Nationality and the Hungarian Red Cross take the initiative to trace families. As far as the search for family members in Hungary is concerned, the Office of Immigration carries out the tracing on the request of the Hungarian Red Cross. The Hungarian Office of Immigration does not have much information about the work the Hungarian Red Cross carries out, or of the results they achieve.

The Office of Immigration has to rely on the verbal information they get from the minors. The age, the well-being of the child, the country of origin and the outcome of the asylum claim are all of great importance for the decision to attempt family tracing, while the minors' sex is not considered important. The outcome of the family tracing process does not influence the asylum process, which depends on the minor's documents and on the nature and period of the asylum-seeking process. If residence permit is denied and the family has not been found, the UMAs are returned to the country of origin or a third country. If the parents or caregivers are located, family reunification will take place in the country of origin or in a third country, but only if the families caring abilities are considered sufficient.

There is no separate national legislation concerning family tracing for UMAs in the Hungarian asylum laws. Our respondent refers to relevant international legislation, without specifying this further.

Netherlands

The Netherlands has been trying to initiate European co-operation in this field. The attempt has stranded because the countries involved turned out to have little in common when it comes to numbers, countries of origin and other characteristics of the UMAs, as well as when it comes to national policies and priorities.

In 2001, the Netherlands introduced a new UMA policy which has made it less difficult to return the UMAs to their country of origin. The precondition that has to be met for their return is that adequate care should be available. The term «adequate care» has been re-defined and is now measured against standards in the return country and not according to standards in the Netherlands. With the broadened definition, many more countries were made available for return. The Ministry of Foreign Affairs gathers information in order to decide which countries are safe, and whether these countries can provide adequate care. Care or shelter can be provided by different categories

of persons such as parents, other family members or by neighbours in the villages of origin. According to the Dutch government, there is adequate care in orphanages in Sri Lanka, Turkey, China and Algeria. An orphanage has been built in Mulemba, Angola, with 20 places available in 2003. Children from these countries are not eligible for residence permit in the Netherlands. At the request of the minor, the Red Cross may trace parents or other family members of the UMAs, but very few minors use this opportunity.

The Ministry of Justice, Immigration and Naturalisation Service (IND) is responsible for processing the asylum claim as well as for considering whether the UMA has access to adequate care in the country of origin. The Red Cross does trace family members of some UMAs in the Netherlands, but is not willing to co-operate with the Government on a case to case basis or otherwise. The Red Cross initiates the tracing only at request of the UMA him/herself. In the cases of UMAs who claim to have no parents or caregivers, where there are no contra indications, they are likely to get a (temporary) permit to stay in the Netherlands (SCEP 2003a).

Since this policy was implemented there has been a reduction in the number of UMAs arriving in accommodation for asylum seekers each year in the Netherlands from over 3800 in 2000 to less than 300 in 2006, a reduction of over 90 %. There has been an overall reduction of 80% of all other asylum seekers arriving in COA (*Centraal Organ opvang Asielzoekers*) accommodation in the Netherlands in the same period (COA 2006). All asylum seekers are not registered by the COA, however, so that their numbers should rather be taken as an indication of a trend. According to Statistics Netherlands (CBS), the total number of asylum claims lodged in 2000 was 43,560 while in 2005 the total number was 12,350. However, the CBS does not give the number of UMAs.

Statistical information about UMAs in the Netherlands:

Arrivals of UMAs in COA accommodation from 2000 to 1 November, 2006

2000	3.806
2001	3.654
2002	2.361
2003	998
2004	464
2005	424
2006 (to 1 Nov)	263

Top 5 UMA nationalities in COA accommodation as of 1 November, 2006

Somalia	33	16%
Iraq	30	14%
Afghanistan	16	8%
Burundi	11	5%
China	11	5%
Other	109	52%
Total	210	100%

(COA 2006)

Statistics Netherlands' figures for asylum seekers in total (CBS 2006):

Requests for asylum by sex and age.								
Subjects	Requests by sex				Requests by age			
	Total by sex	Men	Women	Sex unknown	Total by age	< 15 years	15 – 17 years	>= 18 years
Periods	<i>absolute</i>							
1998	45,220	29,560	15,570	80	45,220	11,490	4,960	28,770
1999	39,300	24,950	14,130	220	39,300	10,360	5,410	23,530
2000	43,560	27,710	15,330	520	43,560	11,100	6,610	25,840
2001	32,580	21,560	10,280	740	32,580	7,030	5,560	19,990
2002	18,670	12,350	5,830	490	18,670	3,560	3,070	12,040
2003	13,400	8,920	3,980	500	13,400	2,760	1,380	9,270
2004	9,780	5,800	3,700	280	9,780	2,840	850	6,080
2005 1st quarter	2,700	1,660	1,030	10	2,700	770	240	1,680
2005 2nd quarter	2,590	1,560	1,020	10	2,590	710	210	1,670
2005 3rd quarter	2,990	1,800	1,180	10	2,990	870	190	1,930
2005 4th quarter	4,080	2,480	1,600	0	4,080	1,080	250	2,750
2005	12,350	7,490	4,830	20	12,350	3,430	890	8,030
2006 1st quarter	5,170	3,310	1,860	10	5,170	1,260	290	3,630
2006 2nd quarter	3,840	2,280	1,560	0	3,840	1,050	270	2,520
2006 3rd quarter	2,960	1,790	1,180	0	2,960	720	200	2,040

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Norway

In Norway, unaccompanied minor asylum seekers and the tracing of their family members are considered to be very important political issues. The Directorate of Immigration under the instructions of the Ministry of Labour is ultimately responsible for the tracing of the UMAs' families, as well as for the processing of the UMAs' asylum claims. The Directorate has focused especially on this issue since 2000/2001. There is no separate family tracing unit within the Directorate. The Directorate has co-operated with International Social Service and also with International Organization of Migration on this issue. The co-operation with ISS has come to an end.

Currently (01.12 2006) there are 226 UMAs in Norway (this number includes all asylum seekers who claim to be minors). In 2005 there were 322 cases. The UMAs originate mainly in Somalia, Iraq, Afghanistan, Russia and Sri Lanka. One has succeeded in tracing family members or care persons for about 10–12 minors since the work started. 1–5 cases have led to family reunification. In 2005 the Directorate, in co-operation with ISS, started working on 26 cases. In these cases, the minors originated in Iraq, Russia, Afghanistan, Somalia, Rwanda and Sri Lanka.

The tracing process is initiated during the asylum procedure. The immigration authorities take the initiative to attempt family tracing. The minor's age, well-being and outcome of the asylum claim are considered to be very important for the decision of whether family tracing should be initiated. The UMA's sex and his or her country of origin are considered to be of less importance. The younger the child is, the more important age is considered to be. The Directorate points out that it is vital to most children to know about their parents' whereabouts, even if family reunification is not the primary goal when tracing is initiated.

Whenever possible, any information about caregivers given by the minors in the asylum interview is verified through the Norwegian embassies in the countries of origin, as well as by people in the UMAs surroundings. The Directorate has lately paid more attention to the need to motivate the minor to reunite with the family when there is no need for protection according to the evaluation of the Directorate. If the UMA wants to start the tracing work, the Directorate involves the Norwegian Red Cross, or the Norwegian Refugee Council (the INCOR project). The Directorate indicates that it is a great problem to get correct information from the

children about the whereabouts of their parents. It is difficult to succeed in tracing family members if the child does not co-operate.

The Directorate of Immigration continues the tracing process for 1–2 years in cases with a considerable likelihood of finding the parents or caregivers. If and when the parents or caregivers are found, reunification is likely to take place in the country of origin or in a third country. When tracing is unsuccessful, temporary residence is permitted for one year at a time. After 3 years of temporary residence permits, permanent residence is granted.

The costs vary from case to case according to which country one plans to return the child to. In 2005 when the Directorate co-operated with the ISS, the costs were stipulated to 1,625 euro for each case. In 2005 the Department of Immigration spent 87,500 euro on family tracing.

Today Norway does not have specific regulations in the field. The Convention on the Right of the Child is incorporated in the Norwegian law system and is in this respect binding on the work of tracing family members. They also look to recommendations from UNHCR even if they are not directly legally binding.

Slovakia

In Slovakia there are currently (November 2006) approximate 60 unaccompanied minor asylum seekers. They claim to originate in Moldavia, China, India, Iraq, Pakistan, Afghanistan, Bangladesh, Chechnya, Somalia, Vietnam and Ukraine. Both unaccompanied minors and the tracing of their parents or caregivers are seen as political important issues in Slovakia.

The Ministry of Labour, Social Affairs and Family who have responded to our questionnaire does not have a separate tracing unit and does not carry out the tracing work itself. The Ministry co-operates with non governmental organizations such as the Red Cross and International Social Service, but also with embassies in the minors' (claimed) countries of origin. Co-operation with the International Organization of Migration is mainly on an ad hoc basis and based on short term contracts, but the Ministry is planning to continue the co-operation. The Ministry of Labour, Social Affairs and Family is ultimately responsible for the tracing of the UMAs caretakers or parents, while the Ministry of the Interior is responsible for processing the UMAs' asylum claims.

Slovakia started tracing the parents or caregivers of unaccompanied minor asylum seekers in 2003. Since then, the country has succeeded in tracing parents or caregivers of 10 minors. In 2005, 40 cases of family tracings were initiated. In 2006, up to the time of reporting, two cases had been successful. The total number of tracings that have led to family unification is estimated to be between 6 and 10. The minor's guardian, lawyer or other legal representative usually takes the initiative to attempt to trace the family member of the minor, and the initiative is taken during the asylum procedure.

Different methods have been applied in trying to trace parents or caregivers: interviews with the minors and social counselling. The Ministry tries to verify the information one gets from the minors through ISS.

The Ministry considers the child's age and the sex to be of some importance in deciding whether family tracing should be initiated. The well-being of the child and the country of origin are considered to be decisive, while the outcome of the asylum applications is considered to be very important. These are the factors that are taken into consideration when deciding to initiate family tracing.

In the case of successful tracing, family reunification is likely to take place in the country of origin or in a third country if the parents or caregivers reside there. Their care taking ability is always taken into account. When tracing is unsuccessful, the minor is likely to be sent to an orphanage in a third country. Slovakia is considered to be a transit country.

The legal provisions regarding family tracing for separated minor asylum seekers are as follows:

Act no. 305/2005 on social and legal protection of children and social guardianship and on amending of certain acts, § 29 Unaccompanied minors: The social and legal child protection and social guardianship authority in whose administrative district an unaccompanied minor has been found,

a)...

b) shall communicate to the diplomatic authority of the country, in which the unaccompanied minor has habitual residence, the action taken in the interest of the return or relocation of the unaccompanied minor and shall request the return or relocation of the minor's to the country, in which the unaccompanied minor has habitual residence, if

it is apparent, that the habitual residence is a safe country, and the international convention is not applicable to the minor

c) shall propose to the diplomatic authority of the country in which the unaccompanied minor has not habitual residence, and in which the minor's parent, or the person who personally cares for the child are staying, their reunification and shall communicate the action taken in the interest of this reunification

Slovakia has not estimated the cost of family tracing.

Sweden

Unaccompanied minor asylum seekers are regarded as a very important political issue in Sweden, while tracing their parents or caregivers is considered to be less important. The Migration Board is responsible for the tracing of UMAs' parents or caregivers. The Upper Migration Court is ultimately responsible for the processing of the UMAs' asylum claims. At the end of October, 2006, the approximate number of UMAs in Sweden was 568, originating mainly in Iraq, Somalia and Afghanistan. Sweden started family tracing around 1980. The primary goal is to reunite the minor with his or her parents or other caregivers in the country of origin. The tracing process is initiated during the asylum procedure. The initiative is taken by the immigration authorities, the unaccompanied minor or the UMAs' guardian, lawyer or other legal representative.

The Migration Board has no separate tracing unit. The Board attempts to verify the information they get through the asylum interview with the UMAs, and to motivate the minors to give information about their families. They consider co-operating with the minors to be very important, since without such co-operation it is difficult to get the kind of information that can result in finding the parents or caregivers. Many different methods have been tried during the years the Migration Board has tried to solve this unusually difficult task. Swedish embassies and their contacts have proved a relatively successful link in this work.

In 2005, there was an evaluation of the accommodation of minors. The minors were also interviewed and one question they were asked was what they valued the most and the least. Contact with the parents was valued the lowest, and the safety at the accommodation the highest. These findings may indicate that the minors do not (want to) admit to missing their parents or to

feeling abandoned. This finding, our respondent argues, is also very revealing of the difficulties in obtaining information about the parents. After a minor has been denied asylum, one may possibly obtain reliable information about the parents from the child. Before this point, it is very difficult.

When deciding whether family tracing should be initiated, the well-being of the minor is considered to be of great importance. The tracing process continues as long as the asylum claim is being processed. The likely outcome of the asylum claim, age and country of origin is considered to be of some importance when deciding whether tracing should be initiated, but the sex of the minor is not considered relevant to this decision. If the parents or caregivers are located, family reunification is likely to take place in the country of origin or in a third country. Considering their caretaking abilities is not part of the decision process of family reunification. If family tracing is unsuccessful, the minor is given permanent residence, but even if such residence is denied, the UMAs is likely to stay in Sweden.

In 2005, 10–15 cases of family tracing were initiated. The number of successful tracings in 2006 is difficult to establish, but a qualified guess is also between 10 and 15. In 2006, an estimate of between 6 and 10 tracings led to family reunification. One minor was reunited with his/her family in India. Where the other reunifications took place the Board of Migration does not know. There are no figures to indicate the cost of family tracing.

In Sweden, there has been a long experience of family tracing but mostly on an ad hoc basis. Our respondent reports that they have come to a point where it is time to evaluate their methods and develop routines for the tracing procedures and budget the costs for the work and expenses.

The legal provisions regarding family tracing for separated minor asylum seekers are as follows:

- Förordning(1994:361) om mottagande av asylsökande m. fl, § 2 d
- EU Council resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries (97/221/03)

Switzerland

Unaccompanied minors are not an important political issue, despite the fact that about 200 unaccompanied minors applied for asylum in Switzerland between January and September 2006. They are reported to have originated mainly in China, Afghanistan, Iraq and Guinea. 80% were boys between 16 and 18 years of age. Office Fédéral Des Migrations has no experience in tracing the parents or caregivers of the UMAs.

United Kingdom

The UK received 2,120 UMAs from January through September 2006. They originated mainly in Afghanistan, Somalia, Eritrea, Iran and China, and were mostly boys between 14 and 17 years of age. Despite the large number of UMAs, the UK reports that they do not have much experience in tracing the parents or caregivers of the UMAs. The Home Office and Foreign and Commonwealth Office are ultimately responsible for the tracing of UMAs' parents or caregivers, while the Home Office, Immigration and Nationality Directorate, is ultimately responsible for processing the asylum claims.

In practice, family tracing would only occur if there was a realistic prospect of returning the child following an adverse decision on their asylum claim or they had been refused further leave to remain. The UK would need to be satisfied that there were adequate reception and care arrangements in place in the home country before returning the minor. In many cases, the family details are unknown.

The Immigration and Nationality Directorate (IND), have a voluntary return programme which includes Voluntary Return of Unaccompanied Minors. This programme started in 1999 and is operated by the International Organization for Migration who also co-operates with the Red Cross for family tracing of any unaccompanied minor returnees. There have been 16 voluntarily returned UMAs between 2001 and 2006. Destinations include: Iraq, Ethiopia, and Tanzania. The British Red Cross may be able to help trace a child's family, but they will only accept a request directly made by the child. Local Authorities' Social Services may also try to trace family in the UK on behalf of the minor if there is a good prospect that the minor could be cared for by a relative.

The Immigration and Nationality Directorate who have responded to our questionnaire does not have a special tracing unit within the organization. They have introduced end-to-end case management of asylum claims. This means that a single Case Owner is responsible for the claimant from the point of claim to the completion of the case, which may be «integration» or «return». In the near future, there will be Case Owners who specialize in considering asylum applications from minors.

If it is impossible to trace the family or make other satisfactory reception and care arrangements for an applicant who is still under the age of 18, and if an asylum application or an application for Humanitarian Protection (HP) is refused, the UMAs will be granted Discretionary Leave for 3 years or 12 months from particular designated countries or until their 18 birthday, whichever is shorter.

Asylum Policy Instructions on Children include a section on Reception and Returnability for Unaccompanied Minors and this includes instructions for family tracing:

Ministers have given a commitment that no unaccompanied child will be removed from the UK unless the IND is satisfied that adequate reception and care arrangements are in place in the country to which he or she is to be removed or their families have been traced. If preliminary enquiries show that adequate reception arrangements can be made, the caseworker should record on file that a potential care giver has been identified and that there is a realistic prospect of setting up suitable arrangements for the child's return which include support and monitoring.

The process involving acceptable reception arrangements will involve attempts to locate the child's parents or other close relatives who will be assessed as able and willing to care for the child. Alternatively, social services or the equivalent agency in the child's home country may be able to provide for the child. This will depend on the quality of the care provision available.

If there are any details regarding the parents' whereabouts, such as a last known address, the caseworker should begin enquiries by contacting the relevant British diplomatic post. The post should be given as much information as possible to help them with enquiries and it is especially useful if they can be provided with details of any visas that the child may have been issued in the past, or other relevant information such as the schools the child attended etc. When the Entry Clearance Officer (ECO) is making enquiries to ascertain whether parents/social services

can provide adequate care arrangements for the child in question, they should be reminded not to disclose more information about the child than is necessary for these purposes. For example, it will not be necessary for the ECO to go into details about the child's immigration history or reasons for claiming asylum in the UK. Disclosure of such details without the explicit consent of the applicant is likely to breach the confidence of the child and could be unlawful.

A return program for UMAs who have been refused both asylum and Humanitarian Protection is currently being developed. Separate instructions will be issued in due course to caseworkers once the program commences».

We have also received comprehensive statistical material from the UK (see appendix).

Conclusion

Tracing the parents or caregivers of unaccompanied minor asylum seekers is a very complex task, and none of the countries consulted claim to have developed successful methods in this field. Rather, they all emphasize the simultaneous importance of the work and the amount of difficulties and dilemmas involved.

Co-operation with NGOs is important to most of the countries in our study. However, both the form and climate of such co-operation varies a good deal. We do not have sufficient information to say why this should be so, and there are probably various explanations, relating to e.g. national UMA policies and histories of co-operation, as well as with the difficult matter of distinguishing between asylum claims and family tracing cases. In many countries, it is likely that NGOs and governments will not understand the UMA's situations and best interests in the same way. Conflicting views, aims, and values do not form the best basis for mutual trust and co-operation.

Another, and related, major obstacle is the lack of consent and co-operation of the minors themselves. In principle, tracing might be carried out in order to re-establish contact and not with family reunification as the primary goal. Further, also in principle, family reunification might take place in the country of origin, in the country of asylum/where the asylum claim is being processed, or in a third country. Yet, in our material, none of the

countries reported that UMAs were likely to stay in their country if their parents or caregivers were located.

The difficulties encountered in attempts at co-operation with the minors may therefore relate to a «grey zone» between the family tracing case and the asylum case. As confirmed by our findings, UMAs have reason to believe that a positive result of the family tracing work is likely to cause a negative result for the asylum claim. This may also lead to suspicion, or confirm existing suspicion, that offers from the immigration authorities to help trace the parents or caregivers form part of the asylum case. Separating the two cases more clearly may have a reassuring effect.

Other difficulties relate to the situation in the countries of origin. A majority of UMAs originate in countries that are at war, or have been ravaged by war, so that the infrastructure needed for tracing and the conditions for return are not in place.

This study may be a useful step in analysing and identifying further the complex obstacles to successful family tracing, so that measures may be taken in order to amend especially those obstacles that are inherent in the national structures of the receiving states.

Appendix 1: Questionnaire³

Tracing UMA families

When minors who are not accompanied by their parents apply for asylum in a European country, they may be categorized in various ways, eg. as «separated minor asylum seekers» or «unaccompanied minor asylum seekers (UMA)». In this study, we use the term «UMA» in a wide sense, defining them as minors (under 18) who have filed an application for asylum, claiming that they do not have parents or caretakers, or that the whereabouts of their parents or caretakers is unknown to them.

The tracing of unaccompanied or separated minor asylum seekers' families is a complex field.

The aim of this study, initiated and funded by the Norwegian Directorate of Immigration, is to gain systematic knowledge of the practices and experiences related to such work in several European countries.

There are 44 questions in all. Before you start, we recommend that you read them all through and make sure that you have all the answers at hand. When you have answered all the questions on a page and click «next», your answers will automatically be saved. You can exit the survey at any point and later return to it at the same point. Please do not click «send» at the end of the questionnaire until you have answered all the questions.

The results will be made available to the participating countries in a report, so that your country may also benefit from the study.

Please complete the survey by Friday, November 10 2006.

Any questions? Please contact Kirsten Danielsen at kda@nova.no, tel +47 22541287 or Marie Louise Seeberg at mse@nova.no, tel +47 22541204

³ The format of the web-based survey was more sophisticated than this printed version.

Part I: Organization

What is your country of employment?

What is the name of your organization and department/subdivision/office?

Please enter your name and postal address below, so that we can send you the report (in English) as soon as it is published.

What is currently the approximate number of unaccompanied minor asylum seekers in your country?

Which countries do they mainly (claim to) originate in?

Note: If you answer "no" to the following question, you will automatically be directed past most of the remaining questions.

Does your country have any experience in tracing family members of UMAs?

Yes

No

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? -No

Please specify some of the main reasons why your country has not tried to trace the families of UMAs.

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - No

Is your organization planning to start family tracing work for UMAs? Please specify as far as possible.

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

Which year did your organization start tracing family members of UMA?

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

What is the primary goal when family tracing is initiated?

Family reunification in the country of origin

Family reunification in this country

Family reunification in a third country

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? -
Yes

At whose initiative is family tracing attempted?

The unaccompanied minor him/herself

The unaccompanied minor`s guardian, lawyer or other legal representative
NGOs (Red Cross, Caritas etc.)

The immigration authorities

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members
of UMAs? - Yes

At what stage in the asylum process is tracing initiated?

During the asylum procedure

When a permit has been granted or denied

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members
of UMAs? - Yes

Does your organization carry out the tracing work itself?

Yes

No

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

Is there a separate family tracing unit within your organization?

Yes

No

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

Is there any cooperation between your organization and NGOs in this work?

Yes

No

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Is there any cooperation between your organization and NGOs in this work? - Yes

If yes, which NGOs do you cooperate with?

Red Cross

Salvation Army

Caritas

International Social Service

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Is there any cooperation between your organization and NGOs in this work? - Yes

Is the NGO co-operation ad hoc (single case or short term contracts), or rather established and long-term?

Mainly ad hoc

Long term

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Is there any cooperation between your organization and NGOs in this work? - Yes

Are you planning to continue this co-operation?

Yes

No

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

Do you cooperate with IOM (International Organization for Migration) in this work?

Yes

No

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Do you cooperate with IOM (International Organization for Migration) in this work? - Yes

Is the IOM co-operation ad hoc (single case or short term contracts), or rather established and long-term?

Mainly ad hoc

Long term

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Do you cooperate with IOM (International Organization for Migration) in this work? - Yes

Are you planning to continue this co-operation?

Yes

No

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? – Yes

Part 2. Methods

Different methods have been tried in family tracing work, e.g. verification of information provided by the UMA in the asylum interview or in separate interviews, motivating the UMA, motivating people in the UMA's surroundings, DNA testing or other identification methods, etc.

Which methods have been tried in your country?

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

If different methods have proved successful versus different countries of origin, please specify below:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

From your organization's point of view, which of the following are important in deciding whether family tracing should be initiated? The UMA's:

Not important Decisive	Of some importance	Very important
---------------------------	--------------------	----------------

Age

Sex

Well-being

Country of origin

Likely outcome of asylum claim

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

Please specify other important factors, if any:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

Please give a brief evaluation of the methods that have been tried.

Part 3: Political and legal framework

To what extent are UMA a politically important issue in your country?

Not at all To some extent Rather important Very important

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

To what extent would you say that the tracing of UMA family members is of political significance in your country?

Not at all To some extent Rather important Very important

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

What are the legal provisions regarding family tracing for separated minor asylum seekers in your country, if any? Please refer to the name(s) only of relevant document(s), preferably in English.

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

Which ministry is ultimately responsible for the tracing of UMA's parents or caretakers?

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

Which ministry is ultimately responsible for processing UMAs' asylum claims?

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? – Yes

Part 4 Outcomes

What is likely to happen, according to your regulations and routines, if the parents or caretakers of the UMA are located in the country of origin or a third country?

Family reunification will take place in the country of origin or in the third country

Family reunification will take place in this country

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

If the parents/caretakers are located, will their caretaking abilities be taken into consideration?

Yes

No

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

What is likely to happen to the UMA, according to your regulations and routines, if the family tracing is unsuccessful?

Return to orphanage in the country of origin

Return to orphanage in a third country

Temporary residence permit, until return at the age of 18

Temporary residence permit, until parents/caretakers are found

Temporary residence permit, until permanent residence permit after a given period of time

Permanent residence permit

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

How long do you continue the tracing process? Up to:

1 year

2 years

3 years

4 years

5 years

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

If residence permit is denied and family has not been found, what are the procedures?

The UMA is returned to country of origin or third country

The UMA stays in your country

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? –
Yes

Part 5 Success rates and cost efficiency

We define a case of "successful tracing" as a case where the parents or other caretakers of the UMA have been located. Thus, "successful tracing" includes cases where parents or caretakers are unable to take care of the UMA, or confirmed dead.

What is the total number of successful tracings since this work was initiated in your country?

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

What is the number of successful family tracings so far in 2006?

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

Of the successful tracings in 2006, what were the UMAs' countries of origin?

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

How many of the total number of successful tracings led to family reunification?

None

1-5

6-10

11-15

16-20

Other, specify here:

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

What is currently the stipulated cost (in Euros) in tracing family members of UMAs?

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

How many cases of UMA family tracing were initiated in 2005?

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

How much money (in Euros) was spent on UMA family tracing in 2005?

This box is shown in preview only.

The following criteria must be fulfilled for this question to be shown :

Does your country have any experience in tracing family members of UMAs? - Yes

Are there any existing reports or evaluations of UMA family tracing in your country?

Yes

No

This completes the survey. There may still be topics that we have not given you the chance to tell us about.

Do you have any further comments or information that you feel might be helpful to us?

Appendix 2: *UK Statistics*

Asylum Statistics: UASCs, Quarter 3 2006. Nicola Owen IRSS.

This document includes data on Unaccompanied Asylum Seeking Children (UASCs) for the 3rd Quarter of 2006 (July to September). All data are rounded to the nearest 5, are provisional and subject to revision.

Enquiries about the information in this document can be made to Helen Brewis in the Immigration Research and Statistics Service (IRSS).

Email: helen.brewis@homeoffice.gsi.gov.uk. Telephone: 020 8760 8316.

Summary:

The main points to note from the Unaccompanied Asylum Seeking Children (UASC) figures for Quarter 3 are:

UASC Applications

- UASC applications increased slightly:
 - 710 in Q3, 9% higher than previous Quarter and 3% lower than Q3 2005;
 - Age of UASCs at application continues to decrease; 21% were under 14 in Q3 (12% in Q3 2005); similarly only 43% were 16 or 17 in Q3 (60% in Q3 2005).
 - no significant change in gender and location (i.e. port or in-country) breakdowns.
- Largest nationalities: Afghanistan, Eritrea, China:
 - Afghanistan top nationality for 6th consecutive Quarter with 220 applications, 31% of all UASC applications;

UASC Initial Decisions

- Initial Decisions on UASCs decreased slightly:
 - 535 in Q3; 10% lower than previous Quarter and 10% lower than Q3 2005;
 - 15 UASCs aged 17 or under were refused after full consideration (3% of all decisions).

Age Disputes

- Age disputed applications increased slightly:
 - 545 in Q3, 19% higher than previous Quarter and 8% lower than Q3 2005;
 - This is the first increase in age disputed applications since Q4 2004.

More detailed information and comprehensive statistics are provided in the Appendix of the IRSS document, available from the address above. See also <http://www.homeoffice.gov.uk/rds/pdfs06/hosb1406.pdf> for 2005 statistics on asylum seekers in the UK, including unaccompanied asylum seeking children.

Sammendrag

I Stortingsmelding nr. 17 (2000–2001), kapittel 8 blir det stadfestet at oppsporing av enslige mindreårige asylsøkeres omsorgspersoner er et viktig politisk tema. Grunnen til det var den sterke økningen av fenomenet en da hadde registrert, samtidig som en anser at enslige mindreårige asylsøkere er en spesielt utsatt gruppe. På denne bakgrunn startet Utlendingsdirektoratet (UDI) i januar 2005 et prosjekt med det formål å utvikle effektive metoder for å oppspore enslige mindreårige asylsøkeres omsorgspersoner. I juli 2006 ble det besluttet at dette prosjektet skulle nedlegges. I stedet ble det bestemt at en skulle undersøke ulike europeiske lands oppsporingspraksiser og -erfaringer. I september 2006 fikk NOVA dette oppdraget fra UDI.

Enslige mindreårige asylsøkere (EMA) er i denne sammenheng barn under 18 år som har kommet bort fra sine lovmessige omsorgspersoner og som søker asyl i et fremmed land. I denne studien har vi dermed valgt en relativt vid definisjon av enslige mindreårige asylsøkere, fordi de ulike landene som undersøkelsen omfatter definerer enslige mindreårige på ulike måter.

Fra 2000 til og med 2003 kom det ca 13.000 EMA til Europa (Frankrike og Italia unntatt, på grunn av manglende, sammenlignbare data). De utgjorde i denne perioden omtrent 4 prosent av alle asylsøkere. I denne perioden var det en begynnende nedgang både i det totale antallet asylsøkere som kom til Europa og i andelen EMA blant dem. Det var stor variasjon mellom de ulike mottakerlandene. Nederland og Storbritannia var de landene som mottok flest EMA; hvert av disse to landene mottok ca. 25 prosent av alle EMA som ankom Europa i denne perioden. Opphavslandene varierte også, og bidro til at bildet fra mottakerland til mottakerland ble svært forskjellig. For eksempel var hele 66 prosent av alle EMA i Ungarn opprinnelig fra Afghanistan, mens bare 4 prosent kom fra Somalia. Til Finland kom derimot de fleste fra Somalia med 29 prosent, mens bare 2 prosent kom fra Afghanistan. For de fleste landene gjaldt det at ca. 2/3 av dem som kom var gutter, og at det var en overvekt av barn over 15 år (UNHCR 2004).

FNs konvensjon om barnets rettigheter slår fast at det som hovedregel gjelder at det er til barnets beste å være sammen med sine foreldre, selv om

det også i konvensjonen påpekes at det finnes viktige unntak (UN 1991, artikkel 3). Enkelte av disse unntakene er spesielt relevante for EMA.

EMA befinner seg i skjæringspunktet mellom to ulike felt: Det dreier seg om barns rettigheter og det dreier seg om asylpolitikk. Familieoppsporing og gjenforening er viktig, også i juridisk og politisk forstand. Likevel gjennomføres ikke oppsporing og gjenforening for et flertall av EMA. Utdriningene forbundet med dette arbeidet er store, og bør ses i lys av begge felt: både det sosiopolitiske og juridiske feltet som omfatter barnets beste, og det som en kan oppfatte som statens beste. En utbredt mistenksomhetskultur som hefter seg ved de mindreåriges utsagn kan forklares hvis man retter oppmerksomheten mot den sammenblanding av statens interesser og barnets interesser som preger og legitimerer saksbehandlingen (Engebrigtsen 2002).

Arbeidet med oppsporing og familiegjenforening er komplisert og krever samarbeid mellom flere instanser, med frivillige organisasjoner og ikke minst med den mindreårige selv. Oppsporings- og gjenforeningsarbeidet er vanskelig og ressurskrevende. Det viser seg i praksis at en lykkes med dette i relativt få tilfeller. I enda færre tilfeller fører oppsporing av omsorgspersoner til familiegjenforening. Den lave suksessraten kan ha ulike årsaker, som ofte forekommer i samspill med hverandre:

- Barnet kan bli utsatt for fare dersom oppsporing settes i gang
- En har erfaring fra tilsvarende saker som tilsier at oppsporing ikke fører frem
- Barnet samtykker ikke i oppsporing og samarbeider ikke
- For lang separasjonstid fra foreldre eller andre omsorgspersoner
- Barnet kan forsvinne eller reise videre før saken er avsluttet
- Man har manglende kunnskaper om, og fungerende kontakter i, opphavsland
- Oppsporingsarbeid kan være nedprioritert, vanskelig og farlig i krigssoner
- Oppsporing kan være vellykket, men omsorgspersonene ikke i stand til å ta vare på EMA

De kunnskapene vi har om ulike lands praksis og erfaringer har vi fått gjennom en web-basert spørreundersøkelse med i overkant av 40 spørsmål. Skjema ble sendt til Danmark, Storbritannia, Finland, Frankrike, Nederland,

Norge, Slovakia, Sveits, Sverige og Ungarn. Frankrike har ikke svart. Vi sitter igjen med svar fra ni land. Svarene vi har fått fra de ulike landene er av ujevn kvalitet og omfang.

Ingen av landene har egen oppsporingsenhet i den organisasjonen som har ansvaret for enslige mindreårige asylsøkere. Alle opererer gjennom frivillige organisasjoner – hvorav de fleste landene bruker Røde Kors. Norge og Finland har tidligere samarbeidet med ISS, men samarbeidet opphørte i løpet av 2006. Samarbeid med de frivillige organisasjonene skjer stort sett på ad hoc basis. Norge, Sverige, Slovakia og Storbritannia arbeider også gjennom sine ambassader eller konsulater i barnas opprinnelsesland.

EMA kommer fra et bredt spekter av land. Flertallet av svarlandene oppgir at de mottar EMA fra Irak, Somalia og Afghanistan. Når det gjelder antallet EMA som kommer hvert år, er tallene igjen meget variable. Storbritannia har fra januar til ut september 2006 mottatt over 2000 EMA. Så følger Sverige med i nær 600. Norge oppgir å ha mottatt i overkant av 200. Både Finland og Danmark hadde mottatt langt færre EMA, henholdsvis 96 og 70. Slovakia skiller seg ut i forhold til de andre svarlandene. De betrakter seg som et transittland ved at EMA ofte forsvinner fra Slovakia til andre land.

EMA er ansett for å være et viktig politisk tema i de fleste land vi har spurt, mens oppsporing av omsorgspersoner er av noe mindre viktighet. Alder er den egenskap ved barnet som tillegges størst vekt med tanke på igangsette oppsporing av omsorgspersoner. Jo yngre barnet er, desto viktigere anser en at oppsporing og gjenforening med omsorgspersoner er. Til tross for at dette er politisk høyt prioritert og til tross for at flere land mottar relativt mange barn, er oppsporings- og gjenforeningsresultatet magert.

Det understrekes fra flere land at en ikke igangsetter oppsporingsarbeid dersom ikke barnet samtykker. Dette er i samsvar med internasjonale anbefalinger. Særlig Storbritannia er nøye med å understreke dette.

Ikke alle vellykkede oppsporinger fører til gjenforeninger. Omsorgspersonenes omsorgsevne vurderes av de fleste svarlandene våre, selv om innholdet i vurderingen vil variere. I Storbritannia vil tilbakeføring ikke bli iverksatt dersom en ikke er sikker på at de som den mindreårige blir tilbakeført eller gjenforente med, er skikket. Noe påfallende kan det virke at verken Danmark eller Sverige rapporterer at de legger vekt på omsorgsevne ved

gjenforening. Sverige har i 2006 oppsporet foreldre til mellom 10 og 15 barn, hvorav mellom seks til ti oppsporinger har ført til familiegjenforening.

Ingen land oppgir at vellykkede oppsporinger fører til gjenforening i mottakslandet, altså der barnet har søkt asyl. Foreldrenes oppholdsland, enten det er opprinnelseslandet eller et tredje land, er landet der den eventuelle gjenforeningen finner sted. I Norge har en i 2006 oppsporet familiene til seks barn fra henholdsvis Irak, Russland, Afghanistan, Somalia, Rwanda og Sri Lanka. Det hersker usikkerhet med hensyn til hvor mange som ble gjenforent med sin familie. Tallene som oppgis er mellom en og fem. Til dels er det usikkerhet knyttet til om det er oppsporingsarbeidet som har ført til gjenforeningen. Til tross for at Slovakia betrakter seg selv som et transittland, har de klart å oppspore familiene til ti mindreårige siden de begynte oppsporingsarbeidet i 2003. Dette har ført til mellom seks og ti gjenforeninger. I 2005 ble det igangsatt 40 oppsporingsforsøk i Slovakia. Storbritannia har et eget program for frivillig retur, som mellom 2001 og 2006 har gjenforent 16 mindreårige på frivillig basis med sine foreldre eller andre omsorgspersoner i Etiopia, Tanzania og Irak.

Siden immigrasjonsmyndighetene i de ulike land ikke selv foretar det konkrete oppsporingsarbeidet, er det få opplysninger om de metoder som er i bruk. Det gjennomgående svaret er at det er viktig å etablere et godt samarbeid med den mindreårige under asyLintervjuet. Uten dette samarbeidet er det vanskelig å få den informasjon som kan føre til at foreldrene blir funnet. Det viser seg at det kan være vanskelig å få korrekte opplysninger fra barna. Enkelte land anfører også samarbeid med egne ambassader i EMAs opprinnelsesland som vellykket. Særlig Sverige fremhever dette, mens Danmark sier det har gode erfaringer med bruk av DNA-tester for å identifisere omsorgspersoner når disse også befinner seg i Danmark.

Om en ikke lykkes med oppsporingsarbeidet, eller det viser seg at tilfredsstillende omsorg ikke kan oppvises i opprinnelseslandet, får den mindreårige i de aller fleste tilfellene oppholdstillatelse på midlertidig eller permanent basis i mottakerlandet. Unntakene her er Slovakia og Nederland. I Slovakia blir barnet «returnert» til et barnehjem i et tredje land. Nederland skiller seg vesentlig ut fra de andre landene ved den nye politikken rettet mot EMA og andre asylsøkere fra 2001. De enslige mindreårige blir returnert til opphavsland dersom disse ansees som trygge og om det i disse landene finnes

god nok institusjonell omsorg. Hva som er god nok omsorg vurderes etter opphavslandenes standarder og ikke etter nederlandsk standard.

Det er et stort sprik mellom den gode vilje og de gode intensjoner som er nedfelt i FNs barnerettighetskonvensjon, og hva man i praksis får til med hensyn til å ivareta barnets beste – i den grad dette er å være sammen med foreldrene. Det generelle inntrykket vi sitter igjen med er at landene som har besvart vårt spørreskjema, har enslige mindreårige asylsøkere som et prioritert arbeidsområde. De ser med større eller mindre bekymring på situasjonen til EMA som kommer til landet. Fordi feltet er så komplekst, leter man fortsatt etter gode arbeidsmetoder for å oppspore omsorgspersoner. Det hersker stor usikkerhet i forhold til hvilke metoder en lykkes med, og ikke minst til nivået på kostnadene som er forbundet med oppsporings- og gjenforeningsarbeidet.

	Når begynt	Antall nye 2006	Hvor kommer de fra	Hvor mange oppspøringer totalt	Gjenforening: omsorgsevne viktig	Samarbeid	Om foreldre ikke finnes	Om foreldre finnes
Danmark	2003	70	Irak, Afghanistan	Ingen	Nei	Røde Kors	Spørsmål ubesvart	Fam. gjenf. i oppr. eller 3. land
Finland	2006	96	Angola, Somalia, Afghanistan, Irak	Spørsmål ubesvart	Ja	ISS	Oppholdstillatelse	Individ. vurd.
Nederland	Spørsmål ubesvart	263	Somalia, Irak, Afghanistan og andre	Spørsmål ubesvart	Spørsmål ubesvart	Røde Kors	Barnehjem i opprinnelsesland	Spørsmål ubesvart
Norge	2000/2001	201	Somalia, Sri Lanka, Afghanistan, Russland, Irak	10-12	Ja	ISS Ambassader	Oppholdstillatelse	Fam. gjenf. i oppr. eller 3. land
Slovakia	2003	60	Moldavia, Kina, India, Irak, Pakistan, Afghanistan, Bangladesh, Tchechnia, Somalia, Vietnam, Ukraina	10	Ja	Røde Kors ISS Ambassader	Barnehjem i tredje land.	Spørsmål ubesvart
Storbritannia	1999	Fra jan. til sept. 2120	Afghanistan, Somalia, Kina, Iran, Eritrea	Spørsmål ubesvart 16 frivillige retur	Ja	Røde Kors Ambassader	Oppholdstillatelse Returprogram under arbeid	Individ. vurd.
Sveits	Spørsmål ubesvart	200	Kina, Afghanistan, Irak og Gana	Spørsmål ubesvart	Spørsmål ubesvart	Spørsmål ubesvart	Spørsmål ubesvart	Spørsmål ubesvart
Sverige	Ca. 1980	568	Afghanistan, Somalia, Irak	10-15 i 2006	Nei	Ambassader	Oppholdstillatelse	Fam. gjenf. i oppr. eller 3. land
Ungarn	2004	47	India, Moldavia, Nigeria, Russland, Somalia	Spør Røde Kors	Ja	Røde Kors IOM	Retur opprinnelsesland eller tredje land	Fam. gjenf. i oppr. eller 3. land

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