



PROGUARD

RECOMMENDATION REPORT ON THE CURRENT STATE OF
THE ART IN GUARDIANSHIP FOR UNACCOMPANIED CHILDREN

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Authors: Gerrit Tigelaar and Liedewij de Ruijter de Wildt (Nidos), Chamila Sten (Danish Red Cross), Simone Schmidt (Jugendhilfe Süd-Niedersachsen), Nadina Millere (Orphan's Court Latvia), Valentina Tenedini (Amici dei Bambini), George Koukoutianos (METAdrasi), Dubravka Marušić (Center for Missing and Exploited Children), Rekar Abdulhamed (National Institute for Health and Welfare), Turid Heiberg (Council of the Baltic Sea States Secretariat), Laure Vierset (Missing Children Europe) and Rebecca O'Donnell (Child Circle)

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guardianship for refugees



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IL DIRITTO DI ESSERE FIGLIO



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**CHILD
CIRCLE**

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SUMMARY



The European project ProGuard was implemented from 2017 to 2019 in eight European countries: the Netherlands (coordinator), Croatia, Denmark, Finland, Germany, Greece, Italy and Latvia. The project delivered a recommendation report, a toolkit for guardians which includes a train-the-trainer programme (www.guardianstoolkit.eu) and the Pilot Assessment system (PAS). The PAS is a tool which national guardianship systems can use to assess whether their own system fulfils common and transparently defined European standards on guardianship for unaccompanied children in migration (available through the website of the European Guardianship Network, www.egnetwork.eu).

The project was funded through the Rights, Equality and Citizenship Programme of the Commission's Directorate-General for Justice and Consumers (DG JUSTICE), which aims to promote and strengthen the rights of children in EU Member States.

The outcomes and deliverables of the ProGuard project were transferred to the European Guardianship Network (EGN) in September 2019, as a contribution to the network's mission to develop safe, effective and consistent ways of delivering high quality, child rights based, and accessible guardianship services.

The ProGuard recommendation report is based upon desk/field research¹ conducted in Greece and Italy (first entry countries), Croatia and Latvia (transit countries) and Finland, Denmark, Germany and the Netherlands (destination countries). It also draws from country reports with their recommendations, a field consultation held in Utrecht (NL) with 49 participants from 20 Member States (guardians, unaccompanied children and also former unaccompanied children) and a workshop held in Brussels with 52 participants from 18 Member States (stakeholders from policy and governmental levels).

The results in a nutshell

Guardianship for unaccompanied and separated children still has many different faces in the European context. This is also visible in project partner countries (see country-by-country recommendations on further development of the guardianship systems in these countries in section 5.1).

Most of the children who were involved in this project appeared to understand what guardianship means and were quite satisfied with their guardians and the support they gave them. Children mostly appreciate the fact that they get a guardian and that they have someone who takes care of them. Several children mentioned that they would like to see their guardian more often. Some of the children also mentioned that they would like to stay in contact with their guardian after they turn 18.

¹ Based on the FRA handbook *Guardianship for children deprived of parental care*, two research tools were developed: to map the guardianship system and to map the tasks of the guardian. A questionnaire was also designed, to gain children's opinions of the guardianship provided. The partners then conducted desk/field research, using these tools and consulting, among others, unaccompanied children and also former unaccompanied children, stakeholders, NGOs, municipalities and other authorities.

The general recommendations at a glance

The desk/field research in the project partner countries, plus the field consultation and the stakeholder workshop that were also part of the project, resulted in the recommendations for guardianship systems in the table below. The table also links the recommendations to the related principles used in the PAS tool mentioned above.

| Recommendation | Related principles from PAS |
|---|--|
| All unaccompanied children should have a guardian from arrival | Non-discrimination |
| One authority should be responsible for guardianship | Accountability and responsibility |
| Law and policy should spell out the details of guardianship | Accountability and responsibility |
| Guardians should be enabled to give feedback on a regular basis on how the system is working | Accountability and responsibility |
| Guardians should be enabled to take responsibility for ensuring the child's overall well-being (e.g. safety, education, healthcare and housing) | Independence and impartiality |
| Durable solutions should be systematic and part of the organisational structure | Child rights centred |
| Guardians should be systematically involved in needs assessments and durable solutions | Child rights centred |
| Guardians should ensure that every decision concerning the child is based on a multi-disciplinary needs assessment | Child rights centred |
| Guardians should have direct contact with the family members of the child more often | Child rights centred |
| Children should be enabled to benefit from extended support after the age of 18 | Child rights centred |
| Children should be included in regular monitoring of the guardianship system | Child participation |
| Children should be enabled to provide feedback and to make a complaint | Child participation |
| Vetting procedures for guardians should be in place | Quality |
| Guardians should receive appropriate training | Quality |
| Resources for guardianship should match the needs and rights of children | Quality |
| Guardians should have sufficient support and time to deal with each child | Quality |
| There should be a national register or pool of guardians | Sustainability and collaboration |
| Each child should experience fewer changes of guardian | Sustainability and collaboration |
| National and local actors working with the guardian should understand and recognise the guardian's role | Sustainability and collaboration |
| Multi-disciplinary needs and risk assessments for children should be part of the guardianship system | Sustainability and collaboration Child rights centred |
| Guardians should be involved in the multi-disciplinary needs and risk assessments for children | Sustainability and collaboration Child rights centred |

1. INTRODUCTION



This recommendation report is part of the European project ProGuard that was implemented from 2017 to 2019 in eight European countries: the Netherlands (coordinator), Croatia, Denmark, Finland, Germany, Greece, Italy and Latvia. Two tools were produced as part of the project. The first is a toolkit for guardians, including a train-the-trainer programme (www.guardianstoolkit.eu). The second is the Pilot Accreditation System (PAS), which national guardianship systems can use to assess whether their own system fulfils common and transparently defined European standards on guardianship for unaccompanied and separated children in migration (available through the website of the European Guardianship Network, www.egnetwork.eu).

The project was funded through the Rights, Equality and Citizenship Programme of the Commission's Directorate-General for Justice and Consumers (DG JUSTICE), which aims to promote and strengthen the rights of children in EU Member States.

Guardianship for unaccompanied and separated children in migration has developed significantly in the past decade. In 2009, Refugium (Germany) and Nidos (the Netherlands) initiated a European Network of Guardianship Institutions (ENGI) with the European Refugee Fund community actions project ENGI. The project aimed at providing insight and recommendations for improving the guardianship systems in the EU Member States, and taking the first steps towards improvement by exchanging good practices and working together in Europe². This was followed by the ENGI – Guardianship in Practice project, which focused on minimum standards, risk factors and recommendations for practitioners³.

It turned out that guardianship for unaccompanied and separated children was still in its infancy on a European level and most national levels. There were substantial differences between existing national systems of reception and care for unaccompanied and separated children at that time. There was, for example, a significant variety in local, national and regional responsibilities for the management of guardianship. Also, there were differences in the way in which guardianship was provided, ranging from volunteer to professional guardians, and also in the position of the organisation(s) in national structures (e.g. child protection, youth, migration, etc.). There was obviously much room for qualitative improvement. At the same time, cooperation within ENGI demonstrated the added value of European exchange, development and cooperation. In particular, the work at case level proved to be very similar, and often cases called for cross-border contact regarding Dublin procedures, family reunification or otherwise.

At the time, the platform for exchange that ENGI should have provided never fully transformed into a formal European network, with members from most European Member States, which could stimulate the development of guardianship and represent its interests at a European level.

² Report 'Towards a European Network of Guardianship Institutions', 2010, available through <https://www.egnetwork.eu/about/documentation/>

³ Report 'Care for Unaccompanied Minors', 2011, available through <https://www.egnetwork.eu/about/documentation/>

Guardianship has made a leap forward since then, and there have been many positive changes. Definitions of guardianship and representation in European legislation have become more detailed, and references to guardianship have appeared more often in both law and policy. Several regional research initiatives have contributed to knowledge on the status quo. The 2009 EU action plan on unaccompanied minors provided input for the improvement of guardianship systems at a European level.

A key milestone was the handbook *Guardianship for children deprived of parental care*, published by the Fundamental Rights Agency (FRA)⁴ in 2015. For the first time, an EU agency provided authoritative guidance on the mandate of guardians, the skills that they need to have, and what a professional guardianship system should consist of. Nidos and some of the partners within ENGI worked together on this, providing FRA with information which contributed to the guidance development process.

The European Asylum Support Office (EASO) also helped develop the guidance for guardianship, and cooperated with Nidos on the development of relevant support measures to improve guardianship systems in Bulgaria, Cyprus, Greece and Italy.

With the involvement of DG Justice, and its attention to a rights-based approach, a stronger focus emerged in the European Commission on the protection of children on the move. Nidos worked with DG Justice on a side event on guardianship held as part of the 10th European Forum on the rights of the child in November 2016.

Questions around the timing of the appointment of the guardian, the issue of appointing a temporary guardian ahead of a permanent guardian, and the number of children designated to each guardian are currently under review and being negotiated by the European Parliament with the EU Member States as part of the reform of the Common European Asylum Support System.

Since 2009, many countries have developed guardianship systems, creating a firmer basis for cooperation, exchange and development. The increased number of unaccompanied and separated children applying for protection in Europe created an even bigger sense of urgency for working towards specialised and professionalised guardianship systems. Preferably with centralised support and with the appropriate mandate. There are still many challenges for the unaccompanied and separated children themselves, such as the transition to adulthood, different practices regarding age assessment procedures, and difficulties with family tracing. There is a need for high quality guardianship for each of these issues and the role of the guardian is key in ensuring that decisions are taken in the child's best interests. The outcomes and deliverables of the ProGuard-project were transferred to the European Guardianship Network (EGN) in September 2019. These will contribute to the network mission to develop safe, effective and consistent ways of delivering high quality, child rights based, and accessible guardianship services.

The broad range of partners in ProGuard (both organisations providing guardianship and other organisations and networks working for unaccompanied and separated children and their needs) enabled the project to look at the different guardianship systems. The result is this recommendation report. It aims to provide guardians working with unaccompanied and separated children, as well as policymakers and governments, with information on the current state of the art and with recommendations on both how to further develop policies regarding guardianship for unaccompanied and separated children in Europe and how these can be used in practice.

⁴ *Guardianship for children deprived of parental care, a handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking*, European Union Agency for Fundamental Rights, 2015.

2. METHODOLOGY



This recommendation report is based upon desk/field research plus country reports from Greece and Italy (first entry countries), Croatia and Latvia (transit countries), and Denmark, Finland, Germany and the Netherlands (destination countries).

2.1 Desk/field research

The content of the desk/field research was first discussed during the kick-off meeting of the project in October 2017. It was agreed that:

- The desk research should be pragmatic and focus on receiving the necessary information to describe the state of the art on guardianship in the specific country.
- Partners should adjust the methodology to their needs, so only the format will be prescribed, not the methodology nor the minimum number of interviews.
- All partners would be using the format for the desk/field research provided by Nidos so that the results could be compared.
- Child participation was to be organised in different ways, including the use of a questionnaire that would be provided by Nidos.

Two research tools were developed; one to map the guardianship system and another to map the tasks of the guardian. Both were based on the FRA handbook *Guardianship for children deprived of parental care*. A questionnaire to gain the children's opinions of the guardianship provided was also developed.

The partners went on to conduct the desk/field research, using these tools and consulting, among others, unaccompanied children and also former unaccompanied children, stakeholders, NGOs, municipalities and other authorities.

2.2 Country reports

Based on the desk/field research, the partners described their guardianship systems and gave recommendations in each country report. These recommendations were compared and discussed during the 4th steering group meeting of the project that took place in May 2019. The general conclusions and the conclusions per country were categorised to provide a regional overview. This also incorporated the voices of the children themselves.

3. STATE OF PLAY



The 2009 EU action plan on unaccompanied minors provided input for the improvement of guardianship systems at a European level, and there have been many positive changes since then. More countries are currently providing guardianship for unaccompanied and separated children, and Member States and other actors are cooperating better in that respect. Nevertheless, there are still challenges, including issues concerning the transition to adulthood, different practices regarding age assessment procedures and difficulties with family tracing. There is a need for high quality guardianship for each of these issues, and the role of the guardian is key in ensuring that decisions are taken in the child's best interests. Guardianship for unaccompanied and separated children has many different faces in the European context. This is also visible in the project partner countries. This section provides an overview on the current state of play in those countries compared to the provisions in EU law and the FRA handbook *Guardianship for children deprived of parental care*.

3.1 Legislation and policy

Provisions concerning the timing of the guardian's appointment, the issue of appointing a temporary guardian ahead of a permanent guardian, and the number of children for which an individual can be a guardian are currently under review and being negotiated by the European Parliament with the EU Member States as part of the reform of the Common European Asylum Support System.

The European Commission and FRA guidance on guardianship, based on mapping in all EU Member States, describes the key elements of guardianship. This includes management of the guardianship system and the guardian's role.

Essential aspects of guardianship should be clearly defined in national laws. These should include recruitment and appointment procedures, duties, rights and responsibilities of guardians, professional requirements, qualifications and vetting procedures for guardians, training requirements, monitoring and oversight procedures. They should also include an accessible individual complaint mechanism for children, a child's right to express their views at different stages of the procedure, and the duty to ensure that the competent authorities take such views into consideration and give them due weight⁵.

To function effectively, the guardianship system should be an integral part of the national child protection system and must operate within the child protection law and procedures⁶.

Most guardianship systems in the ProGuard partner countries are regulated by family law and include unaccompanied children (e.g. Croatia, Germany, Greece, Italy and the Netherlands).

⁵ FRA handbook *Guardianship for children deprived of parental care*, p. 29.

⁶ FRA handbook *Guardianship for children deprived of parental care*, p. 30.

EXAMPLES:

ITALY

“Law No. 47 on provisions concerning protective measures for unaccompanied children in Italy amends existing legislation. The law entered into force on 6 May 2017. Article 11 provides for the establishment of lists of volunteer guardians for unaccompanied children which are kept by the Juvenile Courts.”

CROATIA

“A special chapter in the Family Law prescribes guardianship for children, with general definitions on who can be appointed as a child’s guardian, the guardian’s duties and the obligation to submit a report on the guardian’s work to the centre for social welfare. A child’s right to express their opinion is emphasised in a special article. Article 240 of the Family Law stipulates the right of unaccompanied children who are third-country nationals to protection by a special guardian. This rule implies temporary protection. However, unaccompanied children are provided with long-term protection through the appointment of a guardian under certain conditions, depending on the child’s legal status.”

GREECE

“As of December 2018, the applicable legal framework for the guardianship of unaccompanied children in Greece still stems from Article 45 of Law 4375/2016 and Article 19 para 1 of Presidential Decree 220/2007 in conjunction with Article 1589 of the Greek Civil Code. According to these legal sources, Public Prosecutors have temporary guardianship of an unaccompanied child and, as such, their permission or authorisation is required for any action or measure involving the child, including his/her placement in a shelter. The public prosecutor can also appoint a long-term guardian, while keeping the overall legal guardianship, to exercise particular guardianship tasks.”

In Denmark, the guardianship system is also an integral part of the child protection system. In the asylum phase a ‘representative’ who has the same powers as a guardian is appointed to the child through the Danish Aliens Act. In the integration phase, a guardian is appointed to the child through the Danish Parental Act. All children arriving in Denmark unaccompanied are also protected directly by the principles of the Danish Social Act.

EXAMPLE:

DENMARK

“According to current legislation, the Ministry of Immigration and Integration is authorised to approve the appointment of an organisation to recommend representatives. Since the start of the representative system in 2003, this task has been the responsibility of the Asylum Department at the Danish Red Cross. A contract between the Danish Immigration Service and the Danish Red Cross stipulates the terms by which the representative system should be organised by the Red Cross. This includes the obligation to train and educate representatives in collaboration with key stakeholders such as the Danish Immigration Service, the Danish Refugee Council and the accommodation facilities in which the children live. Once the child is granted a residence permit, guardianship during the integration phase is based on the Danish Act on Parental Responsibility.”

In Finland, guardianship for unaccompanied children is regulated by two acts addressing asylum seekers that both refer to the Child Welfare Act.

EXAMPLE:**FINLAND**

“The reception phase is regulated by the Act on reception of persons seeking international protection and recognising and helping trafficking victims (746/2011) that stipulates the legal status of a foreigner before receiving asylum. The Ministry of the Interior and the Finnish Immigration Services are the responsible authorities during this phase. The integration phase is regulated by the Act on the promotion of immigrant integration (1386/2010) and the Ministry for Economic Affairs and Employment (TEM) is the responsible ministry. Locally, the Centres for Economic Development, Transport and the Environment (ELY Centres) and municipalities are responsible for integration. Both acts state the requirements and recruitment procedures of guardians for unaccompanied children and include several sections specifically about children. They include similar regulations: special attention must be paid to the child’s best interest and the child’s right to participate. In addition, the Act on reception states that matters concerning the child must be dealt with urgently. Both acts refer to the Child Welfare Act, to a section that has a seven-point list of matters that must be taken into consideration when assessing the child’s best interest”.

3.2 Who are the guardians?

The FRA handbook states that guardians “should be employed in order to ensure that each child has a qualified and skilled guardian. There must be clear accountability with the designated guardianship authority. Volunteers may hold important supportive roles to the appointed guardian, acting under his or her or other professional supervision. A guardianship system should not, however, rely entirely on volunteer services, i.e. guardians who are not trained professionals, either employed or self-employed. A system based solely on volunteers may lack continuity and sustainability. Guardians may not have the necessary knowledge and expertise”.⁷

In practice, there are many different types of guardians in the partner countries. Some are volunteers (for example Finland, Denmark, Italy), others professionals (the Netherlands, Greece) and a system can even provide both (Belgium, Germany, Croatia).

| Guardian | Background/Requirements | Arrangements |
|---|--|---|
| CROATIA | | |
| The locally competent centre for social welfare appoints ‘special guardians’, who may be experts from the centre, from reception institutions for children, or external associates. | Most of the special guardians are experts who graduated in social work, social pedagogy, psychology or other social sciences. ‘Special guardians’ perform their duties as an additional job or as external associates. | Continuous participation in professional training is mandatory by Social Welfare Law for all experts in the social welfare system, including special guardians. There is no specific training for special guardians who are not experienced in working with unaccompanied children. |

⁷ FRA handbook *Guardianship for children deprived of parental care*, p. 32-33.

| Guardian | Background/Requirements | Arrangements |
|---|---|---|
| DENMARK | | |
| <p>The Asylum Department at the Danish Red Cross, this might recommend representatives who are usually volunteers but, in exceptional circumstances be a Danish Red Cross 'staff guardian' with specific expertise.</p> | <p>No specific requirements, although experience and education in child protection and in the social sector are preferable. A criminal record check with regard to children must be provided before someone can be appointed as a guardian.</p> | <p>Training by the Danish Red Cross. For guardians in the asylum phase, an online introductory course is compulsory. Other training related to the role of the guardian, and themes relevant to working with unaccompanied children, is offered in cooperation with the Danish Immigration Service, the Danish Refugee Council and other relevant stakeholders. This training is arranged three to five times per year. Additionally, all guardians are offered general training from the Danish Red Cross, including training on psychosocial support.</p> |
| FINLAND | | |
| <p>Legally competent person who is willing to act as a guardian, and is able to do the task properly (adequate time available and a stable financial situation).</p> | <p>No specific requirements, although experience and education in child protection and in the social sector are preferable. A criminal record check must be provided before someone can be appointed as a guardian.</p> | <p>Training for guardians is voluntary. Currently training is organised on one to four days per year by the Finnish Immigration Service, TEM and ELY Centres. The content is the same for both new and more experienced guardians.</p> |
| GERMANY | | |
| <p>Ex officio (public) guardianship is the most common form all over Germany. There is also volunteer guardianship. 'Association guardianship' and professional guardianship are used less often.</p> | <p>Most guardians are social workers, some are lawyers or administrative staff. Graduate administrators and administrative staff should have additional social pedagogical, psychological and sociological knowledge. Graduate social workers and social workers should have legal and administrative skills and experience. In addition, relevant training opportunities should be regularly provided.</p> | <p>Various organisations and associations offer training all over Germany.</p> |

| Guardian | Background/Requirements | Arrangements |
|---|---|--|
| GREECE | | |
| METAdrasi has been the only organisation providing guardianship services on Greek territory since 2015 through their Guardianship Network for Unaccompanied Minors. Since January 2019, METAdrasi has been running a guardianship programme in cooperation with UNHCR (funded by EC DG Home) and EKKA (state body), with the purpose of guardianship being transferred to the Greek state (and run by EKKA) according to the new Law 4554/2018. | Being a METAdrasi professional guardian constitutes a full-time job, with most guardians being graduates in social work, social pedagogy, psychology or in other social sciences. A necessary requirement for this position is previous experience with children or refugees, ideally in child protection. The pre-selection procedure includes an interview, followed by a week-long training seminar (with case studies and general guidelines), and the final selection is made based on a second interview. | Code of conduct, continued training (seminars organised by METAdrasi and funded by UNHCR), monitoring, evaluation and supervision. |
| ITALY | | |
| Lists of volunteer guardians for unaccompanied children kept by the Juvenile Courts. | Candidates must be 'resident and regularly living' in their respective regions of Italy. The requirements for volunteer guardians are to: <ul style="list-style-type: none"> • Hold Italian citizenship, be a citizen of another EU Member State or a third country, or a stateless person holding a regular residence permit and with adequate and proven knowledge of the Italian language • Have reached the age of 25 • Be entitled to full enjoyment of their civil and political rights • Have a clean criminal record, and not be subject to criminal proceedings or any security or preventive measures • Be free from impediments as provided for by Article 350 of the Italian Civil Code | The guardian has to be trained by the Authority. |
| LATVIA | | |
| The Orphan's Court appoints a guardian. | No specific requirements. | No specific arrangements. |
| THE NETHERLANDS | | |
| Nidos, national guardianship organisation for all unaccompanied children. | Employed by Nidos, professionals who have had an education in social work. There is a check to see if there are no criminal records. | Code of conduct, own methodology, continued training by Nidos, monitoring, evaluation and supervision. |

3.3 Tasks and duties of the guardian

According to the FRA handbook, safeguarding the best interests of the child must guide the guardian's work and actions. The best interests of the child is a dynamic concept, aiming to ensure the child's holistic development by promoting the full and effective enjoyment of all CRC-recognised rights. The guardian is called on to assess the child's best interests on a daily basis, whenever decisions affecting the child are taken. These might include, for example, decisions about the child's accommodation, safety, education, healthcare, leisure activities and legal representation⁸.

Although the exact tasks that guardians perform differ, all guardianship systems of the countries involved in ProGuard focus on the guardian to safeguard the best interests of the child and include several of the areas mentioned above.

EXAMPLES:

ITALY

"In practice, a guardian's main tasks are to:

- Submit the request for a residence permit for minor age or the request for international protection.
- Support the child when evaluating appropriate reception facilities.
- Be present during identification of the child and to support the child during age assessment procedures.
- Submit a request for a specific programme for child victims of trafficking.
- Legally represent the child.
- Submit the request for National Health Service registration.
- Guarantee the child's right to education (supporting him/her in searching for a school and registering).
- Support the child during transition to the age of majority.
- Request an investigation into possible family reunification."

GERMANY

"Guardians take care of children and legally represent them. This includes representation in asylum and residence proceedings, and applying for access to benefits, healthcare and education."

DENMARK

"The guardian must ensure that the rights and needs of the child are met and they should base all their actions on the best interests and well-being of the unaccompanied child. They have access to the documents in the child's case, they can make decisions together with the child, and they can appeal against decisions made by the authorities or demonstrate any irregularities. Guardians will accompany children to meetings and interviews, and they will support and guide the child before and after meetings. The guardian is responsible for fully informing and listening to the child, and involving the child as far as possible when important decisions regarding the child are to be made. In dialogue with the child, the guardian should always consider the child's age and maturity. The guardian and the child should cooperate with the authorities involved and other actors, for example a children's centre, home, institution or municipality."

⁸ FRA handbook *Guardianship for children deprived of parental care*, p. 71.

3.4 Timely appointment of the guardian

When the need to appoint a guardian has been established, a guardian should be assigned to the child as soon as possible, and within a maximum time limit, which should be set by law. The appointment decision should be subject to judicial review according to the FRA handbook⁹.

The above is the case in ProGuard partner countries. In Denmark and the Netherlands, the guardian is even present from the moment the child arrives.

EXAMPLE:

FINLAND

“A guardianship application should be made as soon as the child has registered at a reception centre. There is no definite time limit for this action, but the Act states that the guardian should be appointed without delay. The application for establishing a guardian is done by the reception centre. In practice, the reception centre’s social worker fills in the application. Guardians are appointed by the local court. Until the guardian has been appointed, the director of the reception centre will use the child’s right of action.”

3.5 Training

The FRA handbook states that guardianship authorities should ensure that a variety of training initiatives are offered to build competencies and align skills with new practices and methodological tools. Training programmes for guardians should, as a minimum, cover general child protection issues. In addition to general training, guardians should have expertise and/or receive training specifically tailored to the needs and the rights of particular groups of children, such as unaccompanied children, child victims of sexual abuse or child victims of trafficking¹⁰.

In Croatia, Denmark and the Netherlands, training is mandatory for guardians. But in Finland, for example, it is not.

⁹ FRA handbook *Guardianship for children deprived of parental care*, p. 58.

¹⁰ FRA handbook *Guardianship for children deprived of parental care*, p.33-34.

EXAMPLE:

THE NETHERLANDS

“Nidos guardians are all professional social workers who hold a bachelor’s degree in social work. In order to ensure that the guardians’ competence is adequate and up to date, Nidos provides introduction courses to all newly employed guardians and complementary training for all guardians. Since 2014, regular participation of guardians in training has become mandatory by law, which requires guardians to participate in certified training courses at least once a year. The training offered by Nidos covers a broad spectrum of themes that are specifically relevant for unaccompanied children. This includes: how to work and communicate with a child while taking into account their particular cultural background, their family situation and the possibility that the child has been exposed to acts of violence, and also how to deal with trauma. Guardians are sensitised to the needs of unaccompanied children that might be different from those of other children living in the country, including religion, accommodation and food. An important component of the training relates to the asylum procedure. While each child who applies for asylum has the right to be assisted by a lawyer, the guardian is responsible for ensuring that the lawyer does support the child in the process.”

CROATIA

“There is a lack of preparatory/basic training for special guardians who are not experienced in working with unaccompanied children. Some professionals who were involved in the ProGuard desk research pointed out that the institute of special guardianship is not well designed, and that special guardians are actually social welfare workers who are often difficult to access and overburdened with other regular work. Previously, training was organised periodically for special guardians, and before 2015 there was a list of special guardians. But as the list was not regularly updated, it no longer served any purpose. It is, therefore, necessary to re-establish a list/register of authorised guardians for unaccompanied children, who will be given preparatory training at the right moment and continued training after that.”

4. WHAT CHILDREN TOLD US



During the kick-off meeting in October 2017, the project partners discussed how to organise the participation of children in the ProGuard project. It was decided that partners could organise child participation in different ways, including the use of a questionnaire provided by Nidos that the children could complete themselves.

Most project partners did not use the questionnaire in the end, the main reason being that not all partners work with children directly. This made it complicated for them to talk to the children, as they would need permission to do so. The questionnaire was completed by 19 children and adolescents from Finland, plus seven children and one adolescent from the Netherlands. The partners in Croatia, Denmark, Germany and Italy used other ways to include children's opinions on guardianship. There were no children from Greece and Latvia involved in ProGuard.

The results of the consultation in various countries are given below.

Finland

Nineteen children and adolescents completed the questionnaire, aged 13 (1), 16 (3), 17 (8), 18 (5) and unclear (2). Most of them had been under guardianship for 2-3 years by this time. All of them expressed their understanding of what guardianship means. Fifteen of them were quite satisfied with their guardian in general, and thirteen of them said they were totally satisfied with the cooperation with their guardian. They mostly appreciated the help they received from their guardian and the fact that they had someone who took care of them.

As one of the children put it:

“ It’s good that everyone has a guardian. A guardian helps us with the matters we need help with and gives advice on how to act/function in this country. It is hard to live in Finland without a guardian.”

One child said he was proud of the guardian and another child expressed gratitude to the guardian for being there when they needed them. All children and adolescents also agreed that their guardian listened to them and gave them advice, although it wasn't always enough. Only two of them did not get any help from their guardian.

Several children and adolescents added that they would like to see their guardian more often. Only six of them totally agreed with the statement 'My guardian has time for me' and seven of them totally agreed with the statement 'My guardian is available when I need them'. Some of the children also mentioned that they would like to stay in contact with their guardian after they turn 18.

One of the adolescents wrote in the questionnaire:

“ It would be good if you could meet your guardian more often. The reason why I didn't see my guardian very much was probably because they had so many children to whom they were a guardian. If they would have represented less children, we could have met more often, and they would have had more time for me. They should show you more things and give you advice on other matters too. They should help more, telling you how to live and act/function in Finland. A guardian could advise me better because they could get to know me better than, for example, schoolteachers, who don't know me well. It would be good if it was clearer what kind of things a guardian can help with and is supposed to help with. It would be nice if we would spend more time together, so that they could help me with living in Finland.”

All children and adolescents felt they were getting support from their guardian, but when it came to specific subjects such as support with how they were living, education, advice on what to do in your spare time, and help with the procedure for a residence permit, some of them were less positive. Two of them did not feel they were getting help from their guardian with their living situation or establishing a circle of friends around them. Three of them did not feel supported by their guardian with their education. And six of them did not get advice from their guardian on what to do in their spare time. Only five of them said they fully understood their procedure for a residence permit, and only seven of them said that they totally agreed with the statement 'My guardian is available for questions about my procedure'. It was not clear to three of the children and adolescents where they should go with questions about their procedure for a residence permit.

To the question about what they had missed while under guardianship, one adolescent answered that they had had a guardian who had no social skills, which complicated their cooperation. The adolescent's advice was to make sure that a guardian is chosen who can communicate with children. Another adolescent explained that it would have been good if the guardian had lived nearer. It had been difficult to explain everything in phone calls, with the distance between them being four hours by train. One child also thought that guardians should explain more about the future in Finland and provide children with information.

The Netherlands

Seven children aged 17 and one adolescent aged 18 were consulted. Most of them had been under Nidos guardianship for 1-2½ years when they completed the questionnaire. It should be taken into consideration that the children may have felt obliged to provide socially desirable answers, given the fact that they were in a dependency relationship with Nidos.

All of them said they knew what guardianship means. All of them were satisfied with the cooperation with their guardian, although one of them expressed in addition that their guardian did not fulfil the promises they gave.

The adolescent wrote in their questionnaire:

“ I would like to thank Nidos and everyone else who helped me and I want to thank Ms. S. (the guardian) and say that she helped me a lot and that she was very kind and that I love her very, very much.”

The children and the adolescent appreciated the help they received from their guardian. They reported that they got the help when they needed it. Five of them totally agreed with the statements 'My guardian has time for me' and 'My guardian is available' and only one of them was negative about the availability of the guardian.

All of them were quite satisfied with the support offered by their guardian on issues such as living situation (five of them felt they had support, two of them were neutral and one of them did not answer the question), education (six of them felt they had support and two of them were neutral), advice on what to do in your spare time (seven of them felt they had support and one of them was neutral) and help with the procedure for a residence permit (seven of them felt they had support and one of them did not answer this question). All of them said they had friends around them, and only one of them did not agree with the statement 'My guardian stimulates me in establishing a circle of friends'.

They all said they understood their procedure for a residence permit and seven of them totally agreed with the statement 'My guardian is available for questions about my procedure' (one of them did not answer the question). All of them knew where to ask questions about their procedure for a residence permit. Seven of them said that they did not miss anything in the guardianship and from their guardian.

The adolescent explained:

“ To be honest, I missed companionship and being able to spend time with my guardian and chat a little, and I also missed help I needed with all kinds of things like money, school and so on.”

Denmark

A meeting with three unaccompanied children from Afghanistan was organised in October 2018, in order to interview them on issues relating to their guardians and the Danish guardianship system. The children were informed about the background to the interview and how the information would be used.

The children understood the meaning of all the questions. While the children were trying to complete the questionnaire, they asked questions about the asylum procedure in Denmark. All three of them had had their asylum applications rejected by the Danish authorities and were very frustrated about the way in which their cases had been processed by the authorities. They also felt that their guardians had not done anything to help them obtain a residence permit. Two of the boys revealed that their guardians did pay social visits to them and invite them to their homes. But the feeling the boys expressed was that when the guardians could not assist them in receiving asylum in Denmark, they did not consider a guardian to be somebody who could help them. The only thing on their minds, and understandably so, was how to obtain a residence permit to stay in Denmark. The children were told that guardians were not in a position to influence the outcome of the residence permit procedure. Two of the boys considered leaving Denmark for France (which they actually ended up doing some months later) as they had heard from other friends that they would have a better chance of obtaining asylum in France.

The meeting turned out to be an hour-long talk about the children's stay and rejection in Denmark. And about the future ahead. The children did complete the questions in the questionnaire which could be answered by ticking a box. However, they did not provide any detailed information about positive things or improvements which could be made regarding their guardians or the guardianship system.

The overall conclusion was that the boys' situation had had a profound impact on their ability to engage in the interview on the subject matter. Plainly put, all that the children were thinking about was what to do next, since their application for asylum had proved to be unsuccessful. Therefore, the interviewer¹¹ did not feel that the answers, or the information which the children provided in a conversation, on what to do next could be of any use to the project.

¹¹ Project coordinator Danish Red Cross.

The meeting reflected the fact that, in the past couple of years, many asylum applications from unaccompanied children in Denmark, especially from Afghanistan, have been rejected. Subsequently these children have chosen to leave Denmark and seek asylum in (mainly) France. Some of their legal guardians were informed about the children's decision to leave Denmark, and for the majority of the guardians this came as a huge loss and a difficult situation for them to be in, as many of them had known the children for more than 1½ years. The Red Cross has provided support to the guardians and held meetings in which the children's sudden disappearances were discussed and the guardians were given suggestions for how to cope with difficult situations like these.

Croatia

For the purposes of conducting desk research for the ProGuard project, CNZD involved 15 experts connected to guardianship issues (reception centres for unaccompanied children, centres for social welfare and special guardians), and seven unaccompanied children (between 15 and 17 years old) in individual interviews and group discussion on the topic of the guardianship system and tasks of guardians.

From the children's point of view, the fundamental concept of guardianship is neither clear nor familiar to them, and the people who are their guardians are not people they would usually trust. In most cases, children choose professionals working in homes where they are placed as people they can trust. The children pointed out that these professionals are in daily contact with them and take care of their needs. They therefore feel safe in this environment and find it much easier to establish a relationship with these professionals than with their guardians.

Croatia is mostly considered a transit country for children on the move. There are considerable fluctuations in the numbers of unaccompanied and separated children and many of them are going missing. These numbers vary due to frequent cases of runaways from institutions and the short period of time spent in Croatia. This is one of the main barriers to the development of a sustainable guardianship system.

Germany

JSN interviewed twelve young people (five girls and seven boys) for the ProGuard project. They had been living in Germany for one to five years when they were interviewed and were all in youth care. The adolescents lived/had lived in host families and youth care facilities and some of them lived in their own apartments with or without follow-up care.

To the question about what they expected from a guardian they gave the following answers:

- A guardian should clearly explain their work and tasks to the children they are responsible for, and should also explain the possibilities the children have – and they should do this several times.
- A guardian should have regular contact with the children they are responsible for.
- A guardian should have individual appointments with the children they are responsible for.

When asked what they would have wanted differently from their guardian, they answered as follows:

- For their guardian to be in touch more frequently with them.
- For their guardian to strengthen their motivation for going to school, gaining a circle of friends and filling in leisure time.
- For their guardian to show them what they still had to learn.

- For their guardian to be transparent in explaining what guardianship means and what the tasks of a guardian are.
- For their guardian to support their goals for the future.
- For their guardian to explain to them where young people can ask questions about their residence status.

Greece

The guardianship system in Greece is going through a transition process, with the aim of transferring it to EKKA (a state body), and is currently regulated by the Tripartite Agreement among METAdrasi, EKKA and the UNHCR. Due to the lack of an official guardianship system in Greece and the transitional nature of this programme, collecting children's opinions and recommendations was thought to be premature. After all, the programme has not yet been finalised and has not been functioning long enough for it to be judged. Moreover, in Greece, unaccompanied and separated children are usually in an emergency situation, lacking basic needs such as food and accommodation, due to the fact that Greece constitutes an entry point for them. This situation means that asking children to complete questionnaires seems somewhat inappropriate, as more urgent action needs to be taken by the guardians deployed in the field.

Italy

The Zampa Law, approved in 2017, has not yet been fully implemented and child protection interventions are not yet completely systemised. This is the main reason why it is currently not possible to obtain an exhaustive picture of the unaccompanied and separated children's perceptions and opinions of the system of protection and guardianship in Italy. However, the importance of child participation and listening to children is recognised and emphasised by all the actors in the system, many of whom are working on guaranteeing this and strengthening it.

In order to improve the protection of unaccompanied and separated children in Italy, the National Authority for Children and Adolescents and the UNHCR signed an *addendum* to their agreement in 2018, providing for specific actions to support the child's right to be heard and to be involved in all the decisions that concern them. Focus groups with unaccompanied and separated children were organised in the same year, allowing the Authority to find the gaps in their protection, and in the guardianship system, and to gather children's needs and proposals.

Furthermore, the Authority organised participatory activities in the reception facilities in Tuscany and Abruzzo, focusing on promoting child participation in the training of volunteer guardians carried out by the Authority and the regional ombudsmen. Children were involved as experts, cooperated in designing the training programme and contributed their experiences and points of view. It proved to be a successful pilot, that should be repeated to further improve the training, providing guardians with more concrete information on children's needs.

During the activities, children emphasised the need to:

- Deepen the aspects related to their legal status, the administrative procedures they are involved in, and their rights and duties in Italy
- Have more opportunities for socialising with peers and, in general, to be better integrated into the community

Children said that they see their guardians as an adult who sets an example for them and who should support them in the aspects mentioned above. The children would like their guardians to be there more for them, and have more time to discuss health, education and social inclusion issues with them.

Conclusions

General conclusions that can be drawn from the different consultations are the following:

- Most children involved appeared to understand what guardianship means, however this was not always the case.
- Most children involved were quite satisfied with their guardian, feeling they were getting support from them.
- The children involved mostly appreciated the help they received from their guardian and the fact that they had someone who took care of them.
- Most children involved would like to see their guardian more often.
- Some children involved also mentioned that they would like to stay in contact with their guardian after they turn 18.

5. FURTHER DEVELOPMENT OF GUARDIANSHIP SYSTEMS

5.1 Country-by-country recommendations

Desk/field research in Croatia, Denmark, Finland, Germany, Greece, Italy, Latvia and the Netherlands resulted in the following recommendations on further development of the guardianship systems in these countries.

Denmark

Overall, it is the Danish Red Cross's experience that the guardianship system in Denmark works appropriately for children who arrive in the country unaccompanied. However, there is room for improvement both internally and externally, in particular with regard to how the best interests and well-being of the child can be better protected by introducing the initiatives described below.

Child rights centred

The Danish Red Cross works together with the guardian to ensure a smooth transition for the child when they are moved, whether this be a change of guardian in the asylum phase or in transition to the integration phase. However, the organisation has seen how relocation often means that children have to change guardians, and that this has an impact on both the guardian's opportunity to protect the best interests of the child, and the child having difficulty in building their trust in yet another adult. The Red Cross has also experienced that repeated relocations can have an impact on a child's psychosocial well-being.

The Danish Red Cross therefore recommends that planning for children's asylum centres and 17+ centres includes locating the centres in geographical areas where the child can keep their guardian. This is in their best interests, even after they receive a residence permit and move to a municipality.

Child participation

The Danish Red Cross favours a stronger focus on ongoing involvement of the child and the volunteer guardian as part of an evaluation of the guardianship system. The organisation will work to improve user involvement in further development of the system. This will entail both the child and the volunteer being consulted about how they believe the Red Cross can from the outset develop the system to benefit both parties in the best interests of the child.

Quality

The 'End Phase for Volunteers' should be improved. The Danish Red Cross works holistically within the guardianship system and, in this context, wants to improve the final phase of the programme. Some guardians explained that it was not always clear to them when their work was finished, and that a formal and personal conclusion of the process were lacking. The Danish Red Cross therefore wants to have more focus on how they can ensure that they notify volunteer guardians when their assignment has come to an end.

The organisation also wants to be sure that the guardian has received answers to any questions regarding the final phase. What they want to achieve is that the guardian does not feel alone in difficult situations. This could be because the child has decided to leave Denmark, or the child may have moved to another part of Denmark where the guardian will no longer know how they are doing. If anything arises during this phase, and the guardian needs supervision in an individual programme, the Red Cross can refer them via internal support systems.

Sustainability and collaboration

Recognition of the guardian's role from actors working with the guardian needs to be enhanced. The Danish Red Cross often receives questions from guardians who are frustrated about not being involved in cases concerning children they are guardians for. There have been situations where, at a meeting with the child and the authorities, the guardian finds out that the authorities have received a document through the legal access to documents that the guardian is entitled to.

Inadequate involvement of the guardian can also occur in transition meetings with the municipality. The Danish Red Cross has documented cases where caseworkers do not always involve guardians adequately in relation to the child's action plan, when a decision has been made and is to be submitted according to the associated appeal guidelines. The organisation is already working on more systematic involvement of the child and the guardian in every phase of the child's arrival and stay in Denmark, so that all actors working with the child support the guardian's function and mandate.

Finland

The sudden increase in numbers of unaccompanied and separated children seeking asylum in 2015 brought several issues to light. First of all, finding a sufficient number of guardians was difficult, which meant that asylum processes were slowed down, as a child has to have a guardian before the process can begin. Secondly, hasty recruitment meant that the people who ended up working as guardians were either unable to fulfil their task properly, or were altogether unsuitable. This jeopardised the children's best interests, as asylum processes were slowed down even more.

The Brahea Centre at the University of Turku reviewed the system of guardianship for unaccompanied and separated children in Finland in 2018, at the request of the Ministry of Economic Affairs and Employment (TEM) and the Ministry of Social Affairs and Health (STM). The Finnish recommendations for improvement mentioned below are based mainly on this review. The report is available online¹², with an English summary.

¹² <https://bit.ly/2l3CczV>

Accountability and responsibility

A supervisory authority for guardianship should be appointed. The Brahea Centre report suggests that this authority should check the financial situations and possible criminal records of guardians, monitor the quality of guardianship and child participation, and handle complaints about the guardians. The authority should be independent of the asylum-seeking process. Guardians should also provide the supervising authority with quarterly reports that include their actions and describe especially demanding situations. Such reporting would ensure that special attention is paid to guardians needing particular support or supervision.

Independence and impartiality

Coordination of guardianship is fragmented and there is a need for an independent national coordinator. In the reception phase, guardians are guided and instructed by the Finnish Immigration Service, and in the integration phase by the Centres for Economic Development, Transport and the Environment and the Ministry of Economic Affairs and Employment. The lack of coordination has led to regional practices which can cause confusion. On the other hand, regional development has also created best practices that should be shared more effectively.

The Brahea Centre report states that there should be a national coordinating authority which would be responsible for recruiting and training guardians, supporting and instructing them, and also for paying their fees and reviewing their work. The coordinating authority should be independent of the authority making asylum decisions (the Finnish Immigration Service) and independent of the reception system.

In the upcoming regional reform, the current Local Register Offices and Population Register Centre are to be combined as the National Digital and Population Authority. The Brahea Centre report points out that this reform would be a critical juncture for improving coordination. The report names this new authority as a possible national coordinator and supervisor for guardianship.

Child rights centred

Every child, including unaccompanied and separated children, should be seen and treated as a child first and foremost. This includes their right to family. It should therefore be emphasised that an individual's right to family life also applies to them. Currently, an unaccompanied and separated child does not have a realistic possibility of family reunification. In Finland, as well as in other Nordic countries, the problem is that asylum-seeking children are treated primarily as asylum seekers (Byrne, et. al. 2018)¹³. This has meant that, in some cases, unaccompanied and separated children lose the rights they are entitled to as a child. According to the Convention on the Rights of the Child, a child should always be seen as a child first and foremost, regardless of their or their parents' status. The whole guardianship system should be based on a child's rights. In such a system, guardians would be trained on the subject of children's rights and the guardianship system should be closely aligned with the child protection system. Also, there should be specific procedures to assess the best interests of the child.

¹³ Byrne, Kevin & Hansen, Claus Bech, 2018. Protected on Paper? An analysis of Nordic country responses to asylum-seeking children. UNICEF.

Quality

The Finnish guardianship system should become more professional:

- There should be a national register of guardians. The Brahea Centre report suggests that this should hold information on current and previous guardians as well as those interested in acting as guardians, plus their education and work experience, training they have completed, the number of children whose guardian they are, and also who is allowed to access this information. Currently, the Finnish Immigration Service has a register of guardians, but it only applies to the reception phase. Having a comprehensive register would facilitate the recruitment of new guardians and provide a necessary pool of guardians for peak times. Special attention should be paid to maintaining the know-how of those who acted as guardians during and after 2015 but are not currently acting as guardians. These guardians have good qualifications to act as competent guardians in the future
- All guardians should undergo complementary training in a child's rights, ensuring child participation and the official processes the child is involved in: decisions about housing, daily care, school and well-being. All training undergone should be noted in the register of guardians
- Some limitations on the numbers of children that a guardian may have could be put in place. Currently, this is not the case

For example, there could be a maximum of 10 children per guardian in the beginning (after basic training) and a maximum of 20 after having completed further training. However, it must be ensured that the guardian can serve the best interests of a child, and the maximum of 20 should be considered as an exception in cases where other guardians are not available;

- According to the Brahea report, there should be regular reviews concerning guardians' possible criminal records
- The Brahea report further suggests that guardians should be able to continue their work as part of aftercare

Germany

The German guardianship system has been dealing successfully with unaccompanied and separated children for many years. But improvements are still needed in the following areas:

Non-discrimination

The increasing burden of racism needs to be further acknowledged through appropriate programmes that counteract racism and discrimination.

Independence and impartiality

The legal representation of unaccompanied children who are temporarily taken into care by the Youth Welfare Office should be independent from the start. Unaccompanied children and adolescents are now represented by their own Youth Welfare Office (general social service or specialised service for unaccompanied children) until the appointment of a guardian. This can cause conflicts of interest, as these two services act in a dual role. Apart from legally representing the child, they also make decisions on age assessment, health measures, follow-up reception and the start of the asylum procedure. In order to avoid conflicts of interest, the representation should be delegated to the specialised service of official guardianships ('Amtvormünder', also part of the Youth Welfare Office), because this service does not act in a dual role.

Child rights centred

As the numbers of unaccompanied and separated children arriving in the country are declining, organisations providing guardians are both firing staff and transferring staff to other specialised services. This often leads to a change of guardians, which is not in the interests of the children involved. Now that the large influx of unaccompanied and separated children has decreased, the challenge is to design integration processes. These should also include needs-based ways to take care of them (and young adults).

The Youth Welfare Office is obliged to make a general asylum application for unaccompanied and separated children. This should not be the case: the general asylum application is not appropriate for all unaccompanied and separated children.

Quality

Within the guardianship system, attention needs to be paid to educational skills and the ability to build a trusting relationship. Guardians should also receive training that increases their trauma-specific knowledge and the level of their expertise in asylum law and residence law.

The legal maximum number of cases that a guardian can be responsible for should be reduced.

Greece

The guardianship system in Greece is going through a transition process, with the purpose of it being transferred to EKKA (a state body), and is currently regulated by the Tripartite Agreement between METAdrasi, EKKA and the UNHCR. METAdrasi is sharing know-how and developing tools to facilitate the guardianship's transition to EKKA. The parties involved are in the process of identifying the key areas that need improvement in order to create an effective guardianship system.

Independence and impartiality

The regulatory system (Guardianship law 4554/2018 and recent ministerial decisions) does not guarantee a professional guardian's independence and impartiality. Specifically, after the transition of guardianship to a state body, professional guardians will be considered public servants, which would by definition compromise their ability to condemn the practices of public authorities in order to safeguard a child's best interests. METAdrasi has commented on the ministerial decisions, and has requested an amendment, so that the professional guardian's independence and impartiality is ensured after the guardianship's transition to EKKA – the Greek state.

Child participation

Although the guardianship law defines child participation as necessary for all decisions, making it a compulsory step in any relevant processes is not established practice. Until today, METAdrasi's cooperation with the public prosecutor and EKKA has demonstrated that the child's opinion is not taken into account before decisions are made, not even before decisions that are crucial for the child's future, such as placements in shelters or in foster families. In order to ensure that the child's opinion is taken into account, METAdrasi guardians find other ways of bringing this to the attention of relevant institutions.

Italy

In Italy, the guardianship system must be improved if it is to effectively safeguard unaccompanied and separated children's rights and promote their social inclusion. Law 47/2017 could be considered to be a best practice: for the first time in Italy (and in Europe) a legislative measure of a general nature has been adopted for the protection of unaccompanied and separated children. The approach is systematic and innovative, and clearly attempts to make the guardianship system more uniform. However, as the National Authority for Children and Adolescents recognises, Law 47/2017 has still not been completely implemented, mainly because of the emergency Italy has been managing since 2015. The consistent decrease in the presence of unaccompanied and separated children now presents the opportunity to systematise the interventions provided and to verify the functioning of the procedures in place.

Accountability and responsibility

The guardian's mandate is broad, and often vague. Their role is provided for by the legal framework, but laws (Civil Code, Law 47/2017, etc.) do not detail a guardian's tasks: the law establishes that guardians must ensure that the child's best interest is respected, but it does not specify how. The Ethical Charter defines the general principles that should guide a guardian's work, but it could not be considered a day-by-day guide. Moreover, guardians are not professionals: they should acquire specific knowledge and competences to carry out their task in the best way possible. This issue underlies the need for improvements to the training course.

Quality

Quality standards are lacking. Although there is now consensus in national standards on the right of all unaccompanied and separated children to be supported by a guardian, they remain vague on quality standards for guardianship. This sometimes undermines the effectiveness of the reforms provided for. Moreover, guardianship remains a highly fragmented institution: guardianship services vary in quality at regional level.

The guardian should be appointed as soon as possible. However, it can take a long time before this actually happens, and sometimes the procedures of age assessment, the first allocation of the child to a reception facility and the first 'needs assessment' are carried out without the guardian. This means that the guardian is forced to start working in a given context after their appointment, and some decisions about the child's future will already have been taken by that time (including the contents of the individual plan by the psychosocial unit).

Training for guardians could be improved. The current course gives an overview of the main issues guardians will deal with. However, an in-depth analysis of matters which are more complex (e.g. abuse, trafficking or family reunification) could be useful. At the same time, a follow-up to update and verify the knowledge acquired could be helpful.

Volunteer guardians should have more support. Italian law does not provide for any kind of support for them. The lack of support tools limits wider participation in projects and, above all, affects the proper functioning of volunteer guardianship. The Italian Authority for Children and Adolescents has asked competent institutions to provide guardians with more support: in a report addressed to all the actors involved (Ministry of Justice, Ministry of Labour and Social Policies, Ministry of Internal Affairs, Prime Minister and Presidents of Regions) the Authority underlined the need to provide a civil liability insurance, special leave from work, and reimbursement for expenses incurred.

Sustainability and collaboration

There is a lack of a single and systematic approach. Law 47/2017 tried to answer the need for standardised and integrated procedures in order to overcome differences not only between regions but even within them. However, one year after the approval of the Law, these differences persist and in many territories Article 11 has still not been completely implemented. For example, in Rome the majority of unaccompanied and separated children do not have a guardian. In order to ensure the effectiveness of guardianship, according to the principle of the best interests of the child, a synergistic cooperation between all the actors of the system is essential and should be encouraged with specific actions and policies.

Croatia

Until 2015, the phenomenon of unaccompanied and separated children was only 'visible' to the professional community who had direct responsibility and liability for the way they are treated. But the migrant crisis in 2015 has thrown light on the complexity of the needs of all children involved in migration, particularly unaccompanied and separated children. This has attracted the attention of many experts and organisations, and highlighted the necessity for changes in the approach to unaccompanied and separated children that had been applied in the previous 20 years. The system of care for them has improved in the last three years, and several positive developments have been initiated by different governmental bodies with help, collaboration and support from civil society organisations. However, there is still room for further improvement, as explained in the following recommendations:

Independence and impartiality

According to Family Law, special guardians are appointed to unaccompanied and separated children in migration. That means that special guardians have limited responsibilities and power granted by the law. They are usually professionals working in centres for social welfare or homes for children who are sometimes – or temporarily – appointed as guardians.

In most cases, experts from centres for social welfare or from reception institutions for children, or external associates, are appointed as special guardians of unaccompanied and separated children by the locally competent centre for social welfare. It is considered inappropriate to arrange guardianship using volunteers because this would not ensure continuity and quality in the guardianship system (availability, level of education, professional training and control mechanisms). Professionals working in centres for social welfare or in reception institutions for children might be in situations where there is a conflict of interests (e.g. the requirements of the director of the institution are contrary to the best interests of a child; in that case a special guardian is prevented from exercising their duties as the child's guardian while fulfilling tasks related to their regular work at the same time).

It is necessary to establish independent and professional guardianship, as well as to create a list/register of certified guardians for unaccompanied and separated children in migration. This would prevent any conflict of interests and ensure impartiality.

Quality

In current legislation there is a lack of clear and detailed rules and provisions on guardianship for children, both nationals and unaccompanied and separated children in migration. The most important changes that need to be made within the framework of Family Law are included in the following recommendations:

- Redefine the chapter 'Guardianship for children' in Family Law and develop a special part of this chapter which will regulate 'Guardianship for unaccompanied and separated children – third-country nationals', taking into account their different legal status.
- Regulate 'Guardianship for children' with a special rulebook that will define the manner and conditions related to appointing guardians for unaccompanied and separated children and to their rights and obligations.
- Establish 'full' guardianship for unaccompanied and separated children that completely replaces parental care, and which meets the standards for their independence and impartiality.
- Define conditions and qualifications for a person to be appointed as a guardian.
- Provide initial and regular professional training for guardians.
- Provide funds for regular financial allowances for people working as guardians.
- Regulate the number of children that can be taken care of by one guardian.
- Ensure regular supervision of guardians for unaccompanied and separated children.

Sustainability and collaboration

In order to ensure that all processes relating to unaccompanied and separated children are fast, timely, harmonised, and adequately communicated with children, further plans and strategy have to be based on the synergy of the public sector and civil society organisations.

As a result of the Protocol on the treatment of unaccompanied and separated children (adopted in August 2018 by the Croatian government), an 'Inter-Agency Commission for Unaccompanied Children' was established. It is envisaged that governmental bodies responsible for social welfare, internal affairs, health and education, plus the Office for Human Rights and Rights of National Minorities, international organisations and, where appropriate, civil society organisations will be involved in the protection of children's rights. However, the civil society sector is more progressive and mobile than the public sector, with more work experience, knowledge, and very specific resources and models. In practice, the civil society sector is a significant contributor to the public sector. Therefore, their full inclusion and cooperation is of the utmost interest to the further development and quality of interdisciplinary approaches, both at a national and, ultimately, transnational level.

Latvia

Given that only one unaccompanied asylum-seeking child was granted refugee status in Latvia between 2014 and 2016 (including the first half of 2017), the authorities involved with unaccompanied and separated children have not identified any challenges or examples of good practice. At the same time, the institutions will continue to develop a single set of procedures so that, in the event of an increasing number of unaccompanied and separated children from third countries, the responsible authorities are able to react accordingly, and each institution's competences and actions are defined.

Accountability and responsibility

Specific guidelines are needed regarding aspects related to children who are third-country nationals and are resident in Latvia without the presence of adults. The State Child Rights Protection Inspectorate, within the scope of its competence (in cooperation with the State Border Guard), will work on the establishment of methodological material for the Orphan's Courts in order to provide these guidelines.

Child rights centred

There should be more competent interpreters available. The guardian has general responsibility for exercising legal representation for the child to complement his or her legal capacity. In practice, however, the guardian's involvement in facilitating communication between the child, the Orphan's Court and the municipality is problematic, given the lack of interpreters of rare languages (e.g. Farsi, Arabic, Kurdish, etc.) and the bad quality of translation that results from this.

The legal framework regarding unaccompanied and separated children should be improved. The State Child Rights Protection Inspectorate has noted that the Law on the Protection of the Rights of the Child developed in 1998 is not enforceable. This is because it is no longer in line with the actual situation and because there are no practical guidelines for authorities involved in the field of migration. The Inspectorate takes the view that, with regard to migration, it is essential that the procedures for cooperation are improved. If necessary, a completely new legal framework should be developed for cooperation between institutions such as the Ministry of the Interior (including its subordinate institutions the State Border Guard and the Citizenship and Migration Affairs Administration) and the Ministry of Justice, Ministry of Foreign Affairs and the Orphan's Courts in matters such as finding the family members of an unaccompanied and separated child. This would involve making changes to Section 74 of the Law on the Protection of the Rights of the Child.

Quality

Guardians should receive proper training. In 2016, the Latvian Human Rights Centre, in cooperation with Latvian Civic aliancsi, conducted a small study on unaccompanied and separated children staying in Latvia. Experts from Ropažu Orphan's Court pointed out the practical problems faced by foster families and guardians in taking care of unaccompanied asylum-seeking children. The experts involved in the study indicated that no special training is provided for foster families, guardians or care institutions already working with or prepared to accommodate young unaccompanied third-country nationals.

Sustainability and collaboration

Cooperation between different stakeholders should be improved. The State Children's Rights Protection Inspectorate has assessed the determined violations of the rights of children in activities conducted by local governments and state institutions – Orphan's Courts, social services, childcare and educational institutions, etc. It has concluded that various violations have occurred in the absence of effective cooperation, or even any cooperation, between different institutions. This is the case, in particular, between the Orphan's Court and local government social services or specialist units. For example, the following were found: delayed provision of information to the competent authorities, insufficient management of institutional powers, lack of sufficient attention to the information received (no evaluation), and misinterpretation of laws and their application in specific cases.

Employees of local government authorities have recognised that, in their work with unaccompanied and separated children, they lack the methodical guidance which would perhaps lead to better cooperation between the authorities involved.

The Netherlands

Although the guardianship system for unaccompanied and separated children in the Netherlands is quite well-developed, the following improvements could still be made.

Child rights centred

In a recent UNHCR project about unaccompanied and separated children in the Netherlands, both unaccompanied and former unaccompanied children provided recommendations for organisations involved in taking care of them, based on their own experience with the asylum procedure in the Netherlands¹⁴. The 35 children and young people (aged 16-21) recommended:

- Giving unaccompanied and separated children time to unwind after their arrival.
- Informing unaccompanied and separated children about their rights and obligations, as well as the procedures and organisations involved in taking care of them.
- Listening to what unaccompanied and separated children have to say about the processes concerning them.

Nidos highlights the importance of unaccompanied and separated children being provided with the right information in a way that they understand, and of the children feeling that they are being heard. The recommendation regarding informing them is already being addressed by an app that Nidos is developing. This will provide the children with information on, for example, the asylum procedure, guardianship and the different organisations that they will meet. In addition, Nidos will ask 'Trusted Juniors'¹⁵ to check these recommendations during audits on the guidance provided to unaccompanied and separated children by Nidos' regional offices, and to report their findings to Nidos.

¹⁴ Report 'In de eerste plaats een kind', April 2019, available through <https://bit.ly/2m3KlZ8> (in Dutch). This report is part of the 'Strengthening Policies and Practices for Unaccompanied and Separated Children in Western Europe' project that was implemented in the Netherlands, Austria, Belgium, France, Germany, Luxemburg and the UK.

¹⁵ The Trusted Juniors are a group of unaccompanied and separated children who are under the guardianship of Nidos and advise and empower their peers who are also under the guardianship of Nidos.

Nidos is also working on further embedding extended support after the age of 18, by enabling continuous family-based reception and reception in small living units until the age of 21. This will be integrated into Nidos' methodology on the guidance of unaccompanied and separated children who Nidos is responsible for.

Child participation

There is a lot of emphasis on including children's opinions on the care and guidance provided to them. However, gaining their opinion is rather difficult in practice. The children are generally not used to providing feedback and making complaints, and Nidos is searching for ways to improve child participation. One way to do so is with the help of intercultural mediators.

Quality

Dutch guardians are all professionals with a degree in social work. Apart from this, further improvement of knowledge, skills and experience on cultural sensitivity and intercultural communication of both the guardians and supporting staff will be one of the main topics for improvement in the near future.

Children need stability and people they can rely on. Nidos is therefore aiming for less movement of children (for example from one facility to another) and, as a result, fewer changes of guardian during the period of guardianship.

Nidos started using intercultural mediators in 2016. This has proved to be very helpful in daily guidance. Further education of these intercultural mediators is being developed in order to improve their knowledge and skills.

5.2 Roadmap for further progress

The box below provides an overview of the general recommendations that the project partners derived from the desk/field research plus the field consultation and stakeholder workshop that were part of the project. It also links the recommendations to related principles used in the PAS. The PAS is a tool that was developed during the ProGuard project and which national guardianship systems for unaccompanied and separated children in migration can use to assess how their system fulfils common and transparently defined European standards on guardianship. Finally, the box provides country-specific recommendations on what kind of changes are needed in order to address the issues and how to achieve them.

| Recommendation | Related principles from PAS | Country-specific recommendations on changes needed and how to achieve them |
|---|--|---|
| <p>All unaccompanied and separated children should have a guardian from the moment of arrival</p> | <p>Non-discrimination</p> | <p>Greece: Law 4554/18, which has been passed but not yet come into effect states that all unaccompanied and separated children should have a guardian as soon as possible after arrival. However, due to the large numbers of children entering Greece, appointing a guardian to each of them would require a huge pool of guardians, and this need cannot be met by civil society and the Greek state due to limited funding. The current situation should be considered when the law comes into effect. METAdrasi recommends that the law be amended by implementing a system in which there would be cooperation between state authorities responsible for guardianship and an NGO.</p> |
| | | <p>Croatia: In practice, guardians are appointed within eight days of the child’s arrival. But there is still room for improvement. Guardianship needs to be further regulated with clear definition of the method and conditions relating to the appointment of guardians, including deadlines and the guardian’s rights and obligations.</p> |
| | | <p>Germany: The conditions for an order of guardianship by the Family Court are usually already set when the child enters Germany. Nevertheless, there has been repeated criticism of the fact that it often takes one to two months before the guardianship order is given. The Youth Welfare Office takes on the task of legal representation during this period. The Family Court procedure must be shortened, since representation by the Youth Welfare Office cannot replace an actual guardian. This must be regulated by law.</p> |
| <p>One authority should be responsible for guardianship</p> | <p>Accountability and responsibility</p> | <p>Greece: Law 4554/2018 states that there will be two authorities responsible for guardianship: the public prosecutor and the EKKa department of the Ministry of Labour. METAdrasi recommends that the authorities responsible for guardianship should guarantee a guardian’s independence.</p> |

| Recommendation | Related principles from PAS | Country-specific recommendations on changes needed and how to achieve them |
|---|-----------------------------------|---|
| Law and policy should spell out the details of guardianship | Accountability and responsibility | Croatia: In order to establish independent and professional guardianship, the preconditions involve: <ul style="list-style-type: none"> • Defining the conditions and qualifications for a person to be appointed as a guardian • Providing regular professional training for guardians • Providing funds for financial allowances for guardians' work • Regulating the number of children that can be taken care of by one guardian • Ensuring regular supervision of guardians |
| Guardians should be enabled to give feedback on a regular basis on how the system is working | Accountability and responsibility | |
| Guardians should be enabled to take responsibility for ensuring the child's overall well-being (e.g. safety, education, healthcare and housing) | Independence and impartiality | |
| Durable solutions should be systematic and part of the organisational structure | Child rights centred | |
| Guardians should be systematically involved in needs assessments and durable solutions | Child rights centred | Italy: The guardian must be appointed as soon as possible in order to be present at the first needs assessment; that is an essential part of finding a durable solution. |
| Guardians should ensure that every decision concerning the child is based on a multi-disciplinary needs assessment | Child rights centred | |
| Guardians should have direct contact with family members of the child more often | Child rights centred | |
| Children should be enabled to benefit from extended support after the age of 18 | Child rights centred | The Netherlands: Nidos is working on further embedding extended support after the age of 18, by enabling continuous family-based reception and reception in small living units until the age of 21. This will be integrated into Nidos' methodology on the guidance of unaccompanied and separated children that Nidos is responsible for (management system). |
| | | Italy: Social inclusion after 18 is a critical issue in Italy. Municipalities, civil society organisations and public institutions (e.g. ombudsmen) are engaged in funding programmes and providing funds to implement projects on employment and the social integration of care leavers. |

| Recommendation | Related principles from PAS | Country-specific recommendations on changes needed and how to achieve them |
|--|-----------------------------|--|
| | | Germany: in practice, contact between the guardian and the adolescent often continues after the guardianship has ended at age 18. The Youth Welfare Service also often continues to provide care. The local authorities therefore need support from policymakers in offering needs-based assistance. |
| Children should be included in regular monitoring of the guardianship system | Child participation | |
| Children should be enabled to provide feedback and to make a complaint | Child participation | <p>The Netherlands: Nidos is searching for ways to improve child participation, including the help of intercultural mediators (practical level).</p> <p>Italy: the child participation issue needs more attention. The National Authority for Children and Adolescents is working with UNHCR to reinforce child participation, also involving children in training for guardians.</p> |
| Vetting procedures for guardians should be in place | Quality | |
| Guardians should receive appropriate training | Quality | <p>The Netherlands: further improvement of knowledge, skills and experience on cultural sensitivity and intercultural communication of both the guardians and supporting staff will be one of the main topics for improvement in the near future (practical level).</p> <p>Italy: Training for guardians must be improved, and focusing on topics which are more complex (e.g. abuse, trafficking or family reunification) could be useful. Follow-up to update and verify the knowledge acquired could be helpful.</p> <p>Germany: There is a need for improvement of the pedagogical competence of guardians as well as their competence to build a good and trusting relationship with the child. The aim also has to be to promote trauma-specific knowledge and to increase the level of expertise in asylum and residence law.</p> |
| Resources for guardianship should match the needs and rights of children | Quality | Greece: During the Transition Programme of guardianship, run by METAdrasi and funded by UNHCR, the resources are limited to covering the needs of homeless children. In emergency situations, when costs cannot be covered by the RICs/shelters, the programme makes exceptions in order to protect the children. After guardianship is transferred to the state (EKKA), resources must be found in order to ensure that children's needs are met and their rights are protected. |
| Guardians should have sufficient support and time to deal with each child | Quality | Italy: Volunteer guardians should have more support, to facilitate their day-by-day work. The National Authority for Children and Adolescents is asking Parliament to recognise the need for better support. |

| Recommendation | Related principles from PAS | Country-specific recommendations on changes needed and how to achieve them |
|---|----------------------------------|---|
| | | <p>Germany: The number of children that a guardian can be responsible for has to be reduced, so that the guardians have enough time for these children. Some municipalities already do this, but it should be common practice. Therefore, a change of policy is needed.</p> |
| There should be a national register or pool of guardians | Sustainability and collaboration | |
| Each child should experience fewer changes of guardian | | |
| | Sustainability and collaboration | <p>The Netherlands: Nidos is aiming for less movement of children (for example from one facility to another) and as a result fewer changes of guardian during the period of guardianship (management system).</p> <p>Greece: During the Transition Programme of guardianship, run by METAdrasi and funded by UNHCR, children only change guardians when they are placed in distant locations. In order to limit the impact of a guardian change on the child if their guardian resigns, a system of guardian pairs has been established. The child's care is transferred to the other guardian in the pair if their own guardian resigns, so that they still have someone they know caring for them. METAdrasi recommends that the same system be adopted by the state after the programme's transition to EKKA, and has promoted this recommendation in meetings with EKKA.</p> |
| National and local actors working with the guardian should understand and recognise the guardian's role | Sustainability and collaboration | <p>Greece: It is of great importance that actors working with guardians understand and recognise the guardian's role. Both the programme's coordinators and guardians themselves have contributed to this to the best of their ability, as it is very important that after guardianship's transition to the state, the guardian's role is clarified and distinguished from the work of other actors in the field. METAdrasi recommends more meetings with relevant actors, and also advocacy and press releases to ensure that the guardian's role is understood and respected by both state authorities and civil society.</p> <p>Croatia: It is of the utmost importance that we continue networking on coordination for unaccompanied and separated children. This enables continuous collaboration and discussion between all professionals from the field, supporting staff and special guardians on the improvement of the care system for them.</p> <p>The current capacities and expertise of several NGOs, including the Centre for Missing and Exploited Children, need to be used to establish an informal Croatian network of guardians for unaccompanied and separated children, create a list of guardians, and also create the conditions for further connection to the European Guardianship Network.</p> |

| Recommendation | Related principles from PAS | Country-specific recommendations on changes needed and how to achieve them |
|--|--|---|
| Multi-disciplinary needs and risk assessments for children should be part of the guardianship system | Sustainability and collaboration Child rights centred | |
| Guardians should be involved in the multi-disciplinary needs and risk assessments for children | Sustainability and collaboration Child rights centred | Croatia: In order to ensure that all processes relating to unaccompanied and separated children are fast, timely, harmonised, and adequately communicated with children, further plans and strategy have to be based on the synergy of the public sector and civil society organisations. |

ANNEX 1. FINNISH ANSWERS QUESTIONNAIRE ON GUARDIANSHIP

| Description | | Scale | | | | | |
|-------------|---|-------|------------|---|-------------------|----|--------|
| | | ☹ | 1 disagree | | 2 partly disagree | | ☺ |
| | | ☹ | 3 neutral | | 4 partly agree | | ☺ |
| | | ☹ | 5 agree | | | | ☺ |
| | | 1 | 2 | 3 | 4 | 5 | Blanco |
| | | ☹ | | ☹ | | ☺ | |
| 1. | My guardian has time for me | | 3 | 4 | 6 | 6 | |
| 2. | My guardian listens to me | | | 2 | 4 | 13 | |
| 3. | My guardian is available | | 1 | 5 | 6 | 7 | |
| 4. | I am satisfied with the cooperation with my guardian | | | 4 | 2 | 13 | |
| 5. | My guardian helps me with my problems | 1 | 1 | 2 | 1 | 14 | |
| 6. | My guardian advises me | | | 5 | 4 | 10 | |
| 7. | I receive help when I need it | 1 | 1 | | 4 | 13 | |
| 8. | My guardian fulfils his/her promises | | 1 | 2 | 3 | 13 | |
| 9. | I know what guardianship means | | | 1 | 4 | 14 | |
| 10. | I know what I'm good at | | | 2 | 5 | 12 | |
| 11. | I know what I still have to learn | | 1 | 1 | 5 | 12 | |
| 12. | My guardian helps me with what I have to learn | | 2 | 6 | 6 | 5 | |
| 13. | I'm satisfied with the support offered by my guardian | | | 2 | 2 | 15 | |
| 14. | I know what I need to be able to live on my own | 1 | | 3 | 6 | 9 | |
| 15. | My guardian helps me with my circumstances of living | 1 | 1 | 2 | 6 | 9 | |
| 16. | I've got friends around me | 1 | 1 | | 3 | 14 | |
| 17. | My guardian stimulates me in establishing a circle of friends | 1 | 1 | 4 | 5 | 8 | |
| 18. | My guardian supports my education | 2 | 1 | 8 | 4 | 4 | |
| 19. | My guardian stimulates me in going to school | 2 | | 2 | 5 | 10 | |
| 20. | I know what to do with my free time | | 4 | 2 | 3 | 10 | |
| 21. | My guardian advises me to do something in my free time | 4 | 2 | 6 | 4 | 3 | |
| 22. | My procedure (for a permit to stay) is clear to me | 2 | 2 | 6 | 3 | 5 | 1 |
| 23. | My guardian is available for questions about my procedure | 1 | | 1 | 8 | 7 | 2 |
| 24. | My guardian informs me about my procedure | 1 | 1 | 1 | 5 | 10 | 1 |
| 25. | I know where to ask questions about my procedure | 3 | | 5 | 3 | 7 | 1 |
| 26. | The support offered by my guardian is useful to me | | | 3 | 6 | 9 | 1 |
| 27. | I know what my goals for the future are | 1 | 2 | 2 | 4 | 10 | |
| 28. | I know how to approach my goals for the future | 1 | 2 | 3 | 6 | 7 | |

What do you appreciate about guardianship and what do you appreciate about your guardian?

- “I appreciate that there was a person, who thinks about me. It was good to know that there was a person, who took care of me.”
- “He/she has done the things he is supposed to do”
- “Proactivity, more advice”
- “I appreciate the help I’ve got. Guardian tells straight away everything. I thank my guardian for the help”
- “He/she helps me”
- “It’s all good, I don’t need more help, it’s enough for me”
- “It’s good that everyone has a guardian. Guardian helps us with the matters we need help with and advice how to act/function in this kind of country. It is hard to live in Finland if there is no guardian”
- “In guardianship I appreciate that their goal is just helping other people, who need help. I appreciate my own guardian for being there always on time and having the right schedule always. So that everything is organised in time”
- “In my situation there has never been any problems. Everything has always gone well. I couldn’t ask for anything more”
- “I know well how a guardian is important for minors and how he/she can influence/affect things because I have had experiences”
- “He has done everything so well, and all that he is supposed to do. Advised and tried to help with all matters”
- “In my opinion a guardian is an important person in life, because they help you with residence permit matters”
- “Well, my guardian was indeed the kind that helped me with my life, for example with finding a school for me, finding housing and with family reunification for which I’m happy. My family got a residence permit. That’s why I am happy with my guardian”

What do you miss in guardianship and from your guardian?

- “My guardian is a nice person. I would like to be in contact with them in the future too”
- “I can not say”
- “It would be good, if a guardian would stay after I have turned 18”
- “Should meet more often”
- “More meetings and sometimes [I would like to] spend time together, for example in a café”
- “Not anything special”
- “Nothing”
- “In my situation there has never been any problems. Everything has always gone well. I couldn’t ask for anything more”
- “Nothing”
- “The cons of the guardian system: a guardian in my opinion should be someone, who can function well with minors and build good relations with minors. The previous guardian I had was very distant and weird. Social interaction with him was very weird, I think he wasn’t very social. He never called me, and I didn’t even have his phone number nor any contacts whatsoever. All I knew was his name – he might have visited me during several months just once or not at all. There was a time when we booked a meeting, an interpreter and everything, but he never showed up. This has happened many times. Dealing with all my matters always took

very long, like getting a debit card, Kela [The Social Insurance Institution] card, and ID-card. It took almost six months before I got any of these”

- “It would be good, if one would meet their guardian more often. The reason why I met with my guardian so seldomly, was probably because he had so many minors to whom he was a guardian to. If he would have had less minors to be represented, we could have met more often, and he would have had more time to me. He should show you for example and advise on other matters too. He should help more, how to live and act/function in Finland. A guardian could advise me better because he could know me better than for example schoolteachers, who don’t know me well. It would be good to clarify, in what kind of matters a guardian can help and is supposed to help. It would be nice, if we would spend more time together, so that he could help me living in Finland”
- “It would have been good, if the guardian would have lived closer to me. It is easier to tell about matters and get help, if he would have lived close to me. It is a little difficult to explain everything through phone calls. The distance between us with a train was four hours”

What else do you want to let us know?

- “Thank you for everything. I got a lot of help from you. I appreciate it and I’m grateful to my guardian [name of guardian removed] for that they were there when I needed them. Thank you”
- “I am satisfied with and proud of my guardian”
- “It is good to have a guardian”
- “I hope that guardians would tell more about the future in Finland and give information”
- “Nothing. What should I tell, I have nothing to ask”
- “Nothing”
- “Nothing to tell”
- “That you should choose a person [a guardian] whom has good relations [social skills] with minors”
- “When I wanted to reunify my family, the guardian was uncertain how to deal with it. When we really begun sorting out the family reunification process, the guardian said to me that “your family matters nor family reunification are not any of my business”. We had a little quarrelsome period with the guardian. I was offered a place in a group where help was offered concerning coping with stress, coping with difficulty falling asleep and life management in general. My guardian denied me going to the group. In situations, when I had to go deal with matters very far away, my guardian didn’t help me in any way. He refused to drive me [by car] and for example did not even come to the train station to meet me, when I was travelling to a new and unfamiliar place [in cases of dealing with official matters]”
- “Nothing comes to mind”
- “This has to do with something else than guardianship, but the hobby money [allowance given to the children for their hobbies] we were given from the immigration services was a very small amount. I play football, and the hobby money we get, is not enough”

ANNEX 2. DUTCH ANSWERS QUESTIONNAIRE ON GUARDIANSHIP

| Description | | Scale | | | | | |
|-------------|---|-------|---|---|---|---|--------|
| | | 1 | 2 | 3 | 4 | 5 | Blanco |
| | | ☹ | | ☹ | | ☹ | |
| | | | | | | | |
| | | ☺ | | ☺ | | ☺ | |
| | | | | | | | |
| | | ☺ | | ☺ | | ☺ | |
| | | 1 | 2 | 3 | 4 | 5 | Blanco |
| 1. | My guardian has time for me | | 1 | 1 | 1 | 5 | |
| 2. | My guardian listens to me | | | 1 | | 7 | |
| 3. | My guardian is available | | 1 | 1 | 1 | 5 | |
| 4. | I am satisfied with the cooperation with my guardian | | | | | 8 | |
| 5. | My guardian helps me with my problems | | | | 1 | 7 | |
| 6. | My guardian advises me | | | 2 | | 6 | |
| 7. | I receive help when I need it | | | 1 | 2 | 5 | |
| 8. | My guardian fulfils his/her promises | 1 | | | 1 | 5 | 1 |
| 9. | I know what guardianship means | | | | 1 | 7 | |
| 10. | I knew how to fill in a complaint | 1 | | 2 | 1 | 4 | |
| 11. | I know who my guardian was in contact with about me | | 1 | 2 | 1 | 3 | 1 |
| 12. | I know what I'm good at | | 1 | | 2 | 4 | 1 |
| 13. | I know what I still have to learn | | | | 3 | 5 | |
| 14. | My guardian helps me with what I have to learn | | | 1 | 2 | 5 | |
| 15. | I'm satisfied with the support offered by my guardian | | | 1 | 1 | 6 | |
| 16. | I know what I need to be able to live on my own | | | | 2 | 6 | |
| 17. | My guardian helps me with my circumstances of living | | | 2 | | 5 | 1 |
| 18. | I've got friends around me | | | 1 | | 7 | |
| 19. | My guardian stimulates me in establishing a circle of friends | | 1 | 2 | 1 | 4 | |
| 20. | My guardian supports my education | | | 2 | | 6 | |
| 21. | My guardian stimulates me in going to school | | | | 1 | 7 | |
| 22. | I know what to do with my free time | | | 1 | 1 | 6 | |
| 23. | My guardian advises me to do something in my free time | | | 1 | 2 | 5 | |
| 24. | My procedure (for a permit to stay) is clear to me | | | | 2 | 5 | 1 |
| 25. | My guardian is available for questions about my procedure | | | | | 7 | 1 |
| 26. | My guardian informs me about my procedure | | | | 1 | 7 | |
| 27. | I know where to ask questions about my procedure | | | | 2 | 6 | |
| 28. | The support offered by my guardian is useful to me | | | | 2 | 6 | |
| 29. | I know what my goals for the future are | | | | 2 | 6 | |
| 30. | I know how to approach my goals for the future | | | 1 | 1 | 6 | |

What do you appreciate about guardianship and what do you appreciate about your guardian?

- “I liked everything.”
- “My guardian had helped me with everything.”
- “Nidos helped me with the contact with my lawyer, so the date of the procedure became clear.”
- “Nidos helped me well with my passport application, although it was slow.”
- “I think it’s good that Nidos helps and protect unaccompanied children.”
- “Gentle.”
- “Very good.”

What do you miss in guardianship and from your guardian?

- “My house was very little, we did everything in one room (eating, drinking). We waited 3 years for a bigger house. But no problem, thank you for everything.”
- “Nothing.”
- “Actually I did not miss anything. I had good times with my guardian (talking, help if necessary, with money, and school).”

What else do you want to let us know?

- “I would like to thank everyone of Nidos who had helped me. I also would like to thank mw. S. (guardian), she was very nice and I loved her.”
- “Nidos helped me well, but not very fast.”
- “Nidos is the best organisation to help unaccompanied children from all over the world.”
- “Thank you.”

