



PROUD: Promoting Supported Independent Living as an alternative care practice for unaccompanied minors

D2.1 Report on the analysis of integration context for unaccompanied minors in Spain

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Abstract	<p>The purpose of these reports is to analyse and assess the integration context and integration services provided to unaccompanied minors via semi-structured interviews with stakeholders in countries of project partners. This will be completed through the analysis of the integration context and services for unaccompanied minors in Spain. This report explores the general integration context for unaccompanied minors in terms of available integration instruments, integration praxis and results, policies, approaches and practices applied (A1), and analysis the existing obstacles that unaccompanied minors face while integrating into the participating countries societies in terms of education, employment and vocational training as well as the challenges faced by relevant stakeholders who provide integration services (A2).</p>
Author(s)	Silvia Carrasco, Gabriela Poblet
Reviewer(s)	Mara Pagona, Evodkia Gryllaki

Abbreviations and acronyms

APDH	Asociación Pro Derechos Humanos de Andalucía (Andalusian Pro Human Rights Association)
CCAA	Comunidades Autónomas (autonomous communities, the 17 administrative regions with their own Parliaments in which the State is divided in Spain)
CETI	Centro de Estancia Temporal de Inmigrantes (Centre for the Temporary Stay of Immigrants at the land borders of Melilla and Ceuta in northern Africa)
CIE	Centro de Internamiento de Extranjeros (Centre for the Internment of Immigrants, in the Peninsula, the legal placement for migrants who are either waiting for legal stay or refugee permits or, theoretically, are awaiting deportation or appeal resolutions)
DGAIA	Direcció General de Atenció a l'Infancia i Adolescència (General Directorate in charge of care of Children and Adolescents)
ECHR	European Court of Human Rights
ESM	Europa Sense Murs (Europe Without Borders, NGO devoted to migration issues operating in official agreement with Universitat Autònoma de Barcelona, among other institutions)
HDI	Human Development Index
NGO	Non-Governmental Organizations
UAM	Unaccompanied Minors (in Spanish, turned into the problematic and not recommended label-word "MENA", for Menores Extranjeros No Acompañados)

Foreword

PROUD, with the full title “Promoting Supported Independent Living as an alternative care practice for unaccompanied minors” is a two-year project, funded by the Asylum, Migration and Integration Fund of the European Commission (AMIF-2018-AG-INTE-4) for the period 2019-2021. Overall, the project promotes supported independent living (SIL) as an alternative care practice for unaccompanied minors focused on minors aged 15-18 in four European countries. Specifically, knowledge and good practices regarding SIL are being collected, exchanged and disseminated. In addition, the project develops methodologies in order to improve the living standards of unaccompanied minors aged 15- 18 years old. In this regard, PROUD supports the capacity building of care professionals and the adoption of a mentoring scheme in order to address the integration needs of minors. The project is expected to have a high impact both in short and long term. In the short term, 200 minors of 15-18 years old are expected to benefit along with more than 500 child protection professionals. In the long term, the project is expected to positively influence EU Member States towards adopting alternative care practices.

The consortium entrusted its implementation involves expert organisations from Greece, Spain, Germany and the Netherlands. Specifically, the PROUD partnership consists of the project coordinator METAdrasi – Action for Migration and Development (Greece), Fundació Privada Idea per a la millora social d'infants i famílies (Spain), Apostoli (Greece), Centre for European Constitutional Law (Greece), Plan International Deutschland EV (Germany), Athens Lifelong Learning Institute (Greece) and Stichting Nidos (Netherlands).

A key PROUD activity is to analyse and assess the integration context and integration services provided to unaccompanied minors via semi-structured interviews with stakeholders in countries of project partners. This has been conducted through the (1) Analysis of the integration context for unaccompanied minors in Greece, Germany, Spain and the Netherlands and (2) Assessment of integration services provided to unaccompanied minors in Greece, Germany, Spain and the Netherlands.

The accompanying report compiled under PROUD, “Analysis of the integration context of unaccompanied minors in Greece,” provided an analysis of the realities, policies, and wider context that influence the integration of UAMs into society in Spain.

This analysis focuses on conducting a targeted assessment study in Spain, in terms of the integration services available to unaccompanied minors. The aim is to identify and analyse the existing obstacles that unaccompanied minors face while integrating into the participating countries' societies in terms of education, employment and vocational training as well as the challenges faced by relevant stakeholders who provide integration services. In order to collect data, various sources and tools will be used.

Executive Summary

In the mid-1990s, Spain became one of the first ten countries in the world to receive new migration flows as a result of globalization transcending its previous role mainly as a transit country in migration routes to other countries in Central and Northern Europe. At the same time, its role as the country responsible for managing the southern border of the European Union was reinforced in the land border of the Spanish cities in North Africa, Ceuta and Melilla, and by sea, with the arrival of "pateras" (rudimentary boats trying to navigate the strong sea currents in the area) to the coasts of the Peninsula via the Strait of Gibraltar and to the Canary Islands.

Currently, Spain has a 13% immigrant population (individuals without Spanish nationality residing in Spain regardless of birthplace), about 6 million people out of a total population of about 47 million, although a significant part of the population born in third countries has obtained Spanish nationality in the last twenty years. Due to the economic crisis in 2008, the number of arrivals decreased and the application of the Spanish Alien Act ("Law on Foreigners") was more strictly interpreted, and legal residence became more difficult to obtain through the required proofs: reports of being "socially rooted" (meaning in the law, "proof of attachment to the local community") issued by the social services of the city councils, which demonstrated continued residence regardless of legal status; having been employed or, in the case of the children of immigrants, having been born in the country (Spanish law applies the *ius sanguinis* and not the *ius solis*) and/or having participated in the Spanish education system for years, also regardless of birthplace.

Two additional factors should be taken into account in order to understand the reception context of UAM in comparison to the situation experienced by the children of immigrant families in Spain (with or without birth in a third country, with or without Spanish nationality): very high levels of youth unemployment and early school leaving persist and these two factors have a much higher incidence among young people with an immigrant background than among young nationals without it.

With this flow of "unexpected immigration" as labelled by Izquierdo (1996) composed of a great diversity of sending countries and diversification of migration patterns and practices (men or women alone with subsequent family reunification, family migration, migratory chains and work niches, new models of international dependence via remittances, etc.) the arrivals of foreign minors alone also began. The specific case of UAM has not stopped growing since then and has become more complex, reaching a new peak of arrivals between 2015 and 2018.

The situations triggering departures, the areas and countries of origin, the socio-economic profiles of minors and the types of migration projects have also diversified and become more complex due to the emergence of new armed conflicts such as the war in Syria, the tightening of European borders for refugees crossing the Mediterranean, and the consequent

intensification of routes through North Africa to the West, as well as the impoverishment and intermittent violence experienced in many sub-Saharan African countries. But it is also crucial to consider as an increasingly important push factor the persistent perception of the lack of life prospects for young people in countries like Morocco and sub-Saharan West Africa even among those with higher levels of education or, plainly and increasingly, the migration projects of those rejecting resignation to poor prospects while aspiring to live in societies with more resources and rights.

The state of Spain is divided into 17 autonomous communities in the Peninsula and 2 autonomous cities in North Africa, directly bordering Morocco. The competencies in social policies, policies for children and education policies are totally transferred to the autonomous communities, as a result of which there is a serious problem of coordination between them that affects in multiple ways how Spain responds to the needs of the UAM, even though their rights as minors are officially recognised based on the International Convention of the Rights of the Child, and universal access to health and education that in theory is guaranteed for all the population residing in the country and registered in a city council: there is a variety of policies from regional governments with different political positions, models and resources allocated to care of UAMs, while a strategic framework for the country as a whole is missing. As a consequence, there are different registrations without a unified UAM register, which results in unreliable data, losses and "disappearances" of UAMs that makes it impossible to approximate the number of UAMs in Spain, although according to the Prosecutor's Office, there may be around 14.000. There are discontinuances in the processing of permits, which result in limited access to rights, and the high mobility of UAMs taking place between regions. In many autonomous communities, private management of residential centres, devices and programs for UAMs prevails, in some cases with a security-oriented, far from a child-friendly approach (situation in Melilla centres, unreliable wrist bone test for age determination, etc.), which includes both third sector companies and non-profit humanitarian organizations.

In the Spanish response, the previously mentioned restrictive law for foreigners (Spanish Alien Act) does not help the UAMs' emancipation processes since this is the legal framework that abruptly applies when the person turns 18 and becomes of legal age. At this point, the application of the child protection laws of the autonomous communities stops and, therefore, the system of full protection for UAMs abruptly ends. This is especially serious in the case of girls, many of whom are permanently harassed by trafficking and sexual exploitation networks without any specific regional or national framework to address this risk, aggravated by the fact that Spain is the second largest tourist destination in the world and the third country in terms of the largest demand for prostitution in the European Union.

Despite these conditions and constraints, there are also good practices that respond to their possible harmful effects, although they are mostly interventions at the micro level by local

authorities or specific organisations and programs. It is worth highlighting the emancipation programs aiming at the prevention of the situations of abrupt change described above with support and mentoring in shared apartments, language learning and labour market insertion programs, and psychological support by the organizations in charge of their guardianship and also by civil society solidarity initiatives before the UAMs turn 18. At the regional and local level, many decision-makers warn that their programs may be jeopardized by the new mismatch between the amount of the demand and the cutback in public resources due to the Covid-19 crisis.

The press began to talk about a "flood" of arrivals of UAM in 2016 when the lack of foresight on the part of the authorities led to the creation of emergency centres in unsuitable locations and the hiring of staff without adequate training and experience. This lack of foresight has reinforced negative attitudes against UAMs and episodes of violence by the local population in front of emergency centres without prior planning or notice. In turn, the creation of short-term residential centres hinders the opportunity of UAMs to participate in the local society establishing relevant bonds, since they are exposed to successive changes of placement, as is still happening now.

In sum, and as a result of all this, in Spain three situations and approaches and practices designed to meet the needs of UAMs are identified according to the autonomous communities regarding the phenomenon dynamics and the UAMs' itineraries in the territory: a security approach in the southern land border city areas, a first reception approach in Andalusia and the Canary Islands, and a protection and mentoring-oriented approach in the transit-destination regions of northern Spain, which despite being richer do not have sufficient resources to adequately attend to the legal, material, social and emotional needs of UAMs. Finally, it is important to warn from a realistic point of view that even with better and greater resources the transitions to an independent adult life for the UAMs are conditioned by the prevalence of enormous inequalities in the Spanish society especially affecting the children of immigrants and the profound change in the productive model that tends to need less low-skilled labour. Both factors are far more likely to exclude these young people if they do not receive adequate education and training.

The policy and practice of integration of unaccompanied migrant minors in Spain

1 Introduction

Even though the Spanish legislation on child protection focusing on UAM is clear and protective in nature, policies for the integration of unaccompanied minors do not produce positive outcomes. This is primarily due to the fact that there is no unique national, state-wide strategy for the integration of unaccompanied minors. Spain's political organization, its territorial and institutional structure as well as the distribution of competences do not allow for nationwide procedures. This is further compounded by the lack of resources and coordination within the public administration itself.

An important factor to consider when analysing the policies and practices for the social integration of unaccompanied migrant minors (from now onwards, UAM) is the geopolitical situation of Spain as a country on the southern border of Europe. Spain is one of the gates of Europe and is the only European country that shares a land border with Africa such as the Autonomous Cities of Ceuta and Melilla, enclaves in the north of the African continent. This situation makes Spain both a country of transit and a destination for UAM.

In Spain three different realities can be identified in relation to the integration of UAM: the situation at the southern border (Ceuta and Melilla) as a gateway, the situation in Andalusia that could be described as arrival-and-transit within the country, and the situation in the major cities of central and northern Spain, such as Barcelona, Bilbao, Valencia, Madrid and Zaragoza, as destinations for UAM, but also transit to other cities in Europe. Although it is not important in numbers, the phenomenon of arrivals at the Spanish northern border with France should also be acknowledged, including both UAM coming back to Spain and others who enter the EU at other country borders.

The profile of UAM arriving in Spain is also diverse based on their regions of origin and family situations, beyond age and gender. More than 60% of the children and youth who arrive are from different regions of Morocco, the rest come from Sub-Saharan African countries (Guinea Conakry, Mali, and Ivory Coast, among others) and a minority from Eastern European and Asian countries. It is important to recall that, apparently, there are fewer numbers of girls migrating alone from Morocco, Sub-Saharan Africa and the East, but there is also a growing concern that many may not be detected as they become victims of trafficking, which is analysed further below.

The sources and data available do not usually capture this diversity enough due to the fact that many reports have paid more attention to the southern border, where high numbers of UAM arrive into the cities of the land border with Morocco. In the fieldwork conducted to compile this report, a greater focus was given to Catalonia and the Basque Country since they are the most important destinations and currently host more than 3000 UAM.

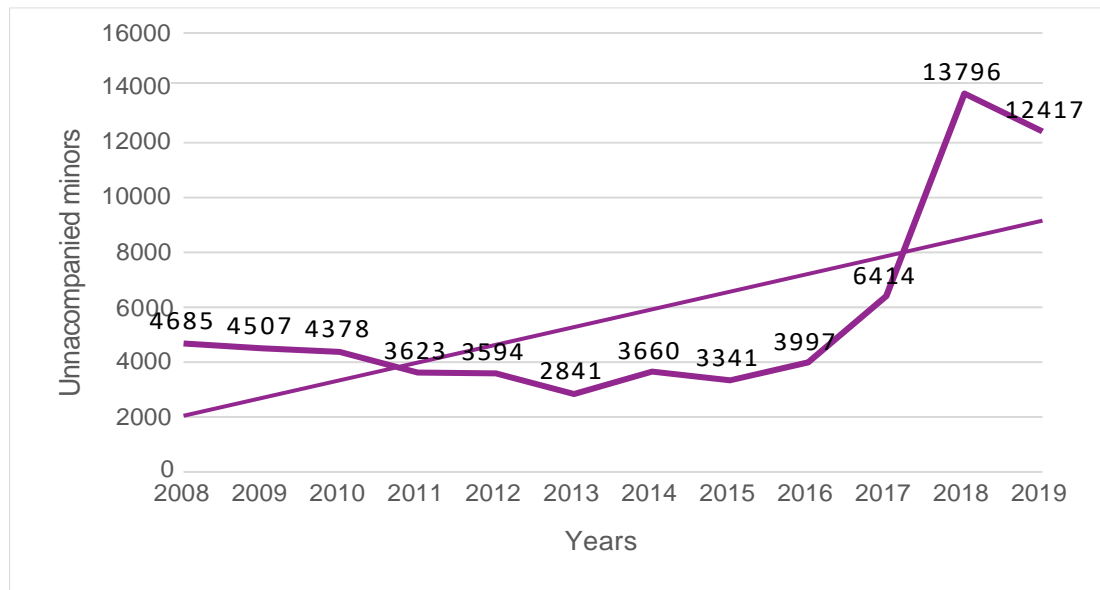
Since 2015, the increase in arrivals has led to a proliferation of reception centres and residential facilities in several autonomous communities, a diversification of the services provided by the autonomous administrations, a variety of stakeholders involved and of transition initiatives providing support for UAMs to transition into and independent adult life. In the following sections, this report will describe the Spanish particular position, the legal framework for interventions leading to the social integration of UAM and the actual conditions of implementation that may contribute to shortcomings but may also allow for good practices to develop.

1.1 Demographic background – migration population and unaccompanied minors in Spain

Since 2016, Spain has become the main receiving country of UAM in the Mediterranean. Although there is a problem with the accuracy and reliability of the data, the sources consulted and the reports of various NGOs agree that in recent years the arrival of UAM in Spain has grown exponentially, especially the arrival of minors via the southern border by sea, with 2018 being the year when there were the most minors in care in all the autonomous communities of the country.

According to data from the *Ministerio del Interior* (Home Office) and data collected in reports from the Ombudsman's Office, Save The Children and UNICEF, it is estimated that in 2018 there were more than 13,000 (60.47% more than the previous year) UAM being guarded by the state in Spain. And although there was a slight decrease in 2019, the numbers remained high. In 2017, compared to the previous year (2016), there was an increase of 66% of UAM. The latest known official data are those collected by the Ombudsman's Office in his 2020 report, in response to a Parliament question to the Government, and illustrate the evolution of the figures recorded in recent years. The following graph shows the evolution of UAM arrivals from 2008 through 2019 and the trend that shows a clear increase, especially in 2018.

Graph I: Evolution of UAM in Spain



*Authors' elaboration with data from Spanish Ombudsman Report 2020.

The increase in UAM arrivals in Spain in recent years was mainly due to the increase in the number of children arriving by boat from the southern border. According to the UNICEF analysis, the 2017 data on arrivals to the Spanish shores reveal an increase of almost 400% compared to the previous year. This increase is also noted in relation to the total number of migrants arriving in Spain through the southern border (through the land crossings of Ceuta and Melilla, and by sea to the Peninsula in boats), of which 14% were children in 2018.

Map I: Routes and ports of Andalucía, Spain.



Year	UAM arrived by sea cost
2016	588
2017	2.345
2018	4.835

*Source: UNICEF, 2019

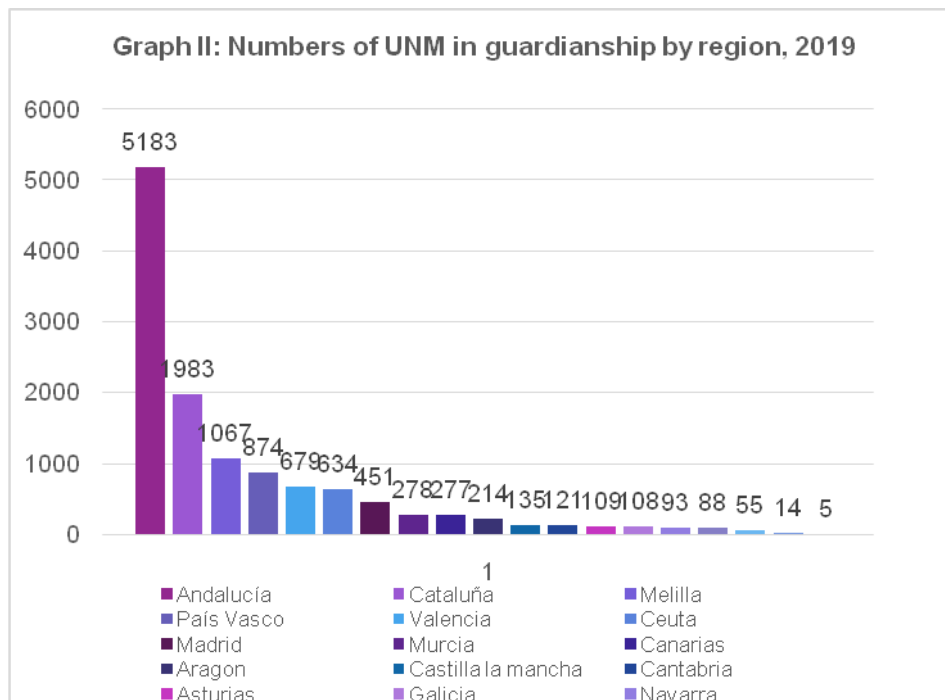
*Source: Save The Children, 2018

The territorial distribution of UAM in Spain is quite unbalanced. Andalusia is the autonomous community with the highest number of children registered (more than 5000 in 2019) because it is the largest region with a long coastline and the highest number of ports of arrival (Cadiz, Tarifa, Algeciras, Málaga, Roquetas de Mar and Almeria). In 2019, according to the data provided by the *Ministerio del Interior*, after Andalusia, the region where the most foreign minors under guardianship were registered was Catalonia (with almost 2000 minors). Melilla was in third place, as a border town, where 1067 UAM were registered, followed by the Basque Country, with 874, and Valencia, with 679 registered UAM. Like Catalonia, the Basque Country and Valencia are destination regions that have tripled the number of UAM in guardianship between 2017 and 2018. The following map shows the territorial distribution according to 2019 data and the graph shows comparative numbers.

Map II: Regional distribution of UAM in guardianship, 2019.



*Authors' elaboration based on data from *Ministerio del Interior*, 2019.



*Authors elaboration based on data from *Ministerio del Interior*, 2019.

The reasons for the territorial distribution of UAM are both geographical and socio-economic. The Autonomous Regions where most foreign minors under guardianship are registered are the regions of arrival on the southern border, such as Andalusia, Melilla and Ceuta; and the regions with the largest industrial development, labour market and population density, such as Catalonia, the Basque Country and Valencia, which have clearly become regions of destination for UAM. Although there are no accurate studies on this, many minors may prefer to go to Barcelona due to their networks and ties, but also because of its direct border with France to continue their journey to other European countries. In 2018, when the numbers of UAM grew exponentially, the press in Catalonia spoke of "the Catalanian El Dorado" for UAM¹. The case of Madrid is striking, as it is a city as attractive for migration as the region of Catalonia, but which nevertheless does not have as many UAM. Between 2017 and 2018, the number of migrant minors under guardianship in the Community of Madrid increased by 50%, while in Catalonia it increased by more than 100%². The idea that there will be more escapes from

¹Press note: "Menores en busca de 'El Dorado' catalán", El Periódico, November 12th, 2018. <https://www.elperiodico.com/es/sociedad/20181112/menores-menas-andalucia-dorado-catalan-7143515>

²Report "Los más solos", Save The Children, 2018.

protection centres due to overcrowding, saturation and lack of attention, as is the case in the Hortaleza Center³, known for abuse and overcrowding scandals, cannot be ruled out.

Simultaneously, there is a significant controversy regarding the data and territorial distribution of migrant minors. The data provided by official bodies is not entirely accurate or reliable, which makes it difficult to have a true picture of the magnitude of the number of UAMs in Spain and, above all, of their territorial distribution, which can also vary every month due to the minors' mobility. The problem of the reliability of the data has been noted by several NGOs such as Save The Children, UNICEF, Fundación Raíces (2019), the Spanish Ombudsman (who has been warning about this since 2010) and prominent legal experts from the academia (Flores, 2018). For example, the figures regarding the arrival of UAM do not coincide with those of UAM under guardianship in the Autonomous Communities and the single registry for the whole country does not work. This is due to the political structure of Spain and the Child Protection System, which is a totally decentralized competence transferred to the Autonomous Communities. The figures in the Registry of UAM compiled by the Spanish *Ministerio del Interior* come from the data provided by the autonomous communities on UAM in first reception and guardianship. The General State Prosecutor's Office is responsible for publishing this data in its annual report. There are several years in which the data published by the Public Prosecutor's Office do not coincide with the data on the arrivals of UAM at the border, nor with the data provided by the autonomous communities on UAM in the protection centres. For example, when this data was published in July 2019, the Directorate General for Children in Catalonia informed the public that more than 3000 places in protection centres had had to be provided for arriving UAMs while the data in the report included a much lower total number of minors in foster care⁴.

According to the conclusions of the Ombudsman, the lack of agreement in the data is due to the fact that every year thousands of UAM leave the residential centres without clarifying their whereabouts and go to other autonomous communities where they are counted again⁵. The Registry is not updated and therefore it may well be that the added figures of UAM for the whole country overrepresent their real amount. The Ombudsman's report for 2020 mentions a proven case of what sometimes happens, that of a minor who was under the guardianship of child protection services in Cadiz, Andalusia. After abandoning the centre where he was residing, he

³Press note: "*Gritos, miedo y estrés en el interior del centro de menores de Hortaleza*", El País, November 16th, 2020. https://elpais.com/ccaa/2019/11/15/madrid/1573822545_959847.html

⁴ Press note: "*¿Cuántos menas hay en España?*", Agencia EFE, August 6th, 2019. <https://www.efe.com/efe/espana/portada/cuantos-menas-hay-en-espana/10010-4038068>

⁵Interview with a senior official of the Ministry of Inclusion, Social Security and Migration, Government of Spain

was found in Madrid and was again placed in a centre for a first-time reception, but this time under the Madrid Protection System. The Public Prosecutor's Office for Minors ordered a new procedure for determining age, despite the fact that this minor was already in the registry. New medical tests were carried out and the minor was declared to be of legal age, which meant that he could not be included in the Protection System. The NGO APDH in its reports also details this serious problem, especially in Andalusia where it is very common for minors to leave (run away from the centres) because their destination or networks of friends and family are in Madrid, Barcelona or the Basque Country. In 2017 there were 2,780 discharges (minors in care who left the residential facilities), 64.7% of which were of UAMs. The highest numbers of cases occurred in Cadiz (1,275), Granada (755) and Almeria (438), the three provinces that are the main recipients of boats where migrant children arrive. The local authorities of the Basque Country and Aragon remind that they do not have "real arrivals", most of the children who arrive to their territory are children who have already been in other centres in other regions, such as Andalusia and Catalonia, but they treat them as if they were "first arrivals". They do not have access to the Registry or to any kind of file of the child who comes from another autonomous community.

Minors running away from the residential centres and their "disappearance" is a problem recognized by the current Spanish Government, specifically by the *Ministerio del Interior*. In 2019, when presenting the annual balance of all the proceedings in cases of disappearance, the Minister specifically referred to the "disappearance" of more than 1,000 minors in care since 2010⁶, both foreign-born and nationals. The same Minister made it clear that in most cases they escape voluntarily.

All the agents involved agree on the problem of leaving the centres and the challenge this means regarding the reliability of data. However, there may be other angles to consider. The NGO APDH states in its 2019 report that it is common for young people from Morocco or Algeria to say that they are minors when they are not in order to avoid deportation but also to avoid being discharged from the system while they are waiting for the results of the age test, but they will have been counted in and the figure will not be corrected.

But Save The Children is concerned about the opposite, claiming that the figures of the Public Prosecutor's Office do not include all the minors that arrive alone and therefore the number of UAM in Spain could be higher than the reported figures. This NGO explains that many children hide their status as minors to avoid being placed in care of by the authorities in the regions where they do not want to stay and prefer to continue their journey to other cities or other

⁶ Press note: "Interior busca a 5.000 desaparecidos, más de un millar de ellos menores tutelados", El Mundo, March 2th, 2020. <https://www.elmundo.es/espana/2020/03/02/5e5d4d24fdddfba1b8b45eb.html>

European countries. This "age concealment" may also be due to the expectation of accessing the (informal) labour market through their own networks upon arrival if they present themselves as adults. According to academic research, this happens to both young people over 18 who want to pass as minors to enter the Protection System at least for a while and minors who hide their age to pass as adults. This depends on the different strategies, information, migration project and expectations of each youngster, and on their networks and ties (Suarez, 2004 and 2014; Gimeno, 2018).

Beyond the children's strategies, the underlying problem with the disparity in the figures provided by the autonomous communities is in the budgets. The figures for minors in guardianship have an impact on the distribution of the subsidies provided to cover the costs of the organisations and charities that protect minors⁷, especially after the approval of Royal Decree 1340/2018, whose objective is to distribute funds among the autonomous communities that voluntarily accept and commit themselves to serve UAM arriving in Spain. This conflict of interest that damages the reliability of the data is mentioned by the Ombudsman, reported by several NGOs (APDH even refers to "manipulation") and there is also clear evidence of it in reports made in the autonomous cities of Ceuta and Melilla (Assiego, 2017). This concern came up repeatedly in the interviews conducted for this study with local and national authorities.

Another serious problem associated with the reliability of the data and the numbers of UAM arriving in Spain is the controversy around methods of determining minority. According to the law, until the age is verified the minor must remain in the reception system and as reflected in the report of the NGO APDH and the report of the Ombudsman, there are cases in which the tests do not coincide with the actual age that the child declares or is proven by documents, or provide different results in different provinces (more details below).

Profiles of UAM

UAM are not a homogeneous group since they come from a variety of countries, socioeconomic conditions and family situations; they come from both rural and urban areas, following diverse migration routes; they may or may not have networks in the places they intend to travel to and they also have diverse migration projects. Some are coming from street situations in their countries, and there are many other factors that make them a heterogeneous group. It is

⁷ Report Defensor del Pueblo, 2020.

important to note, first of all, that the definition of a UAM is very broad: according to the EU legal terminology, a UAM is any person of foreign nationality under the age of 18 who attempts to enter or is in a country "without the company of a legally or customarily responsible adult from his or her country of origin". It is important to consider the receiving country definition of UAM because that is the one to be applied regarding legal protection and entitlement to resources. This definition does not take into account the reasons for migrating and includes children who migrate alone within a family project, minor asylum seekers and refugees, children fleeing abuse, possible victims of trafficking, and also what many organisations define as "separated children" (left behind), that is, children who have crossed the border alone but whose family is somewhere in Spain and their intention is to join them. Although they have very different profiles and different needs, the concept and the integration processes and policies for all UAM are the same, as we will see later. This may be radically different from the situation in other countries where the vast majority of UAM are not nationals of the country right on the other side of the border.

Most unaccompanied minors arriving in Spain come from Morocco. According to 2019 data, 68% of unaccompanied minors are of Moroccan nationality, 8.4% from Guinea Conakry, 5.2% from Algeria, 4.5% from Mali and 3.5% from the Ivory Coast. A few years earlier, in 2014, there was a more massive arrival of children of Syrian and Nigerian nationality, in very different circumstances, fleeing from a war, from conflicts, and victims of trafficking, especially clear in the increase of arrivals of Nigerian girls in 2014.

The migration of UAM towards Spain has been taking place since the nineties, but reports, academic studies and organisations explain that the phenomenon has changed in recent years giving way to what is regarded as a "second wave" (Gimeno, 2018). In general, organisations mention four broad profiles or situations of unaccompanied children: 1) Those who arrive with the aim of moving to another region of Spain or another EU country due to family ties. 2) Those who arrive with the intention of obtaining legal documents to study and/or work. 3) Those who migrate alone, but within a family plan, "encouraged by their parents" (UNICEF, 2019). 4) Those who escape from a family and/or social context of exclusion, abuse, extreme poverty, street situation or other circumstances of vulnerability including domestic violence.

But research indicates that the situation, objectives, priorities and circumstances of migration are much more complex, and many children respond to more than one profile, not to mention those who are potential victims of trafficking or smuggling. In 2014 and 2015, the arrival and high mobility of Syrians, including unaccompanied or separated children, responded to the goal of joining relatives or members of their national communities of origin in other EU countries. And behind the escapes and disappearances of Nigerian girls and young women from protection centres there are human trafficking networks (Save The Children, 2018), although

this may also include victims of trafficking among Syrian refugee girls or among Moroccan girls who fled domestic violence or extreme poverty.

Qualitative research refers to the change in the profile of unaccompanied minors due to the situation in countries and areas of origin and other factors. In recent years there has been an increase in the arrivals, mainly from Morocco, of adolescents who migrate alone with a clear migration project, whether it is to work, study or live with other relatives somewhere in Europe. These are young people from families whose economic living conditions have worsened in recent years and are looking for opportunities in European countries. The places of origin from Morocco have also varied and in recent years there has been an increase in arrivals from rural areas. Likewise, the arrival of girls from Morocco has increased, but they respond to other needs and profiles. Many Moroccan girls flee situations of abuse, forced marriages and gender discrimination in general experienced in their country, which also speaks of a greater complexity in the circumstances and conditions in origin (Rachdi, 2018; APDH Report, 2019). While it is difficult to detail the diversity of social and family situations, and the variety of profiles, it is undoubtedly influenced by two major factors: the situation in Morocco and the different routes and journeys that children travel. The routes are not linear, many children travel for months or years and may experience street experiences, even if they come from a structured family home. Regarding street situations, studies refer to low-intensity criminal activities, spending the night as squatters, in parks or plots of land, getting caught up in the consumption of solvents, and also getting affected by the difficulties and conflicts that the street experience entails, something that happens to them in the big cities when they are left out of the Protection System but also and mostly on the journey along the southern border, in the cities of Ceuta and Melilla, and in Andalusian cities when they escape from the centres (Rachdi, 2018; Assiego, 2017; Mohamed-Abderrahman, Ruiz-Garzón, Vila-Baños, 2018; Unicef, 2019).

To understand the increase in migration of minors to Spain in recent years and the variety of profiles of UAM, it is necessary to pay attention to the situation in Morocco. According to the World Most Uneven Borders (WBF) report, the Spanish-Moroccan border is considered the seventh most unequal border in the world. The Spanish per capita income indicator is 15 times higher than that of Morocco. Although Morocco has signed the Universal Declaration of Human Rights and the Convention on the Rights of the Child, the Human Development Index - HDI produced by the United Nations places it at 126th position, with a medium/low HDI. The country has an extremely precarious social protection model, which does not guarantee education and health coverage, nor gender equality, among other limitations. It is estimated that 400,000 children drop out of school every year. For young people, job opportunities are scarce and King Mohammed VI himself stated that youth unemployment affects one out of every four young people.

But to describe the poverty in Morocco, figures and indexes are not enough. It is not a type of poverty like that of the rural world of the past, where there was a shortage of resources, but the extended family and communities protected their members to some extent. It is a chronic and unsustainable poverty that has broken the social bonds in the rural world due to the economic conditions of globalization (Suárez-Navas & Álvarez, 2011). Parents and older male children must go to the city as a cheap labour force and young girls seek their way out by marrying or turning to prostitution. It is poverty in a global world, where children and youth are aware of the inequality in their environment and beyond: "in Morocco the rich are very, very rich" and it is, at the same time, it is poverty experienced while "next door" there is a rich and developed world like Europe, and that can only be counteracted with the money of remittances. In the words of one of the young people interviewed, a former ward who currently lives in Barcelona: "When I go on vacation you see that people there are still the same, and everyone asks you 'how I can go?' Everyone wants to come, more and more are coming, because the situation is very bad".

In some areas of Morocco, other factors are added to the situation of poverty and exclusion, such as the political repression in Al Hoceima, in the Rif area, where there are even children and young people in prison. The youth are immersed in complete despair. Small children and young people are constantly thinking about strategies to cross the Mediterranean and migrate to Europe, regardless of the risk involved because "here we are already dead".

Other children living in towns and cities in the north and south of Morocco are heading for the Spanish cities of Ceuta and Melilla (especially those who cannot afford a trip on a patera, a rudimentary boat) where they know they will be stepping on European soil and there is a system of protection. From the big city of Nador (which is also a pole of attraction and direct land border to Melilla) they manage to cross the border trying all kinds of strategies: hiding in trucks or under cars, running or taking advantage of some distraction of guards or crowds of people, on foot with Moroccan ladies from the neighbouring city of Farhana, through the bushes and pipes in the port area, and also swimming. Most of the minors opt for the strategy of staying for a while in Melilla or Ceuta (some in the protection centres and others in a street situation), to then cross the Mediterranean and go to European cities where, if they are recognized as minors, they will enter protection centres.

1.2 Services and stakeholders

The available services and the administrative routes to access them in the case of UAM involve a wide variety of agents, due to the organization of the Spanish Protection System, which is completely decentralized and outsourced, so that many third sector organisations and NGOs

providing services play a fundamental role. The following is a description of the institutional and non-governmental agents involved in the reception, social integration and autonomy of UAM.

Central authority of Spain: The main authorities of the Spanish Government that have jurisdiction over border control and migration, and therefore have an impact on the reception and social integration of UAM, are the *Ministerio del Interior* and the Ministry of Inclusion, Social Security and Migration. Since the competences in childhood and welfare are transferred to the autonomous communities, these ministries do not have a great impact on the Protection System and their social integration.

The *Ministerio del Interior* (Home Office) is responsible for data, security forces and border control. The Ministry of Inclusion, Social Security and Migration (a ministry created under the current government, a coalition between the Socialist Party and *Podemos*, to which powers previously held by the Ministry of Labour have been transferred) is responsible for developing the migration policy defined by the central government on immigration and the social integration of immigrants, refugees and asylum seekers. To this end, the Secretariat of State for Migration has been created as the specific body in charge. These competencies include tasks such as developing a strategy against trafficking and smuggling (including UAM), and the management of the Centres for Temporary Stay of Immigrants (*Centros de Estancia Temporal de Inmigrantes, CITE*), located in the cities of Ceuta and Melilla, where minors do not go directly alone but some asylum seekers do when they turn 18. The role of the CETI is also important because of the legal and administrative conflict that exists with the cases of separate minors, who are not to be confused with UNM. Everything related to work permits, legal residence and legal status (whether affecting minors, asylum seekers or young adult migrants) is the responsibility of the *Ministerio del Interior*.

The asylum system does fall within the unique competence of the central government. Competence is shared between both ministries through the Asylum and Refugee Office (*Oficina de Asilo y Refugio*), which is responsible for applications for international protection, processing and assignment of places, among other tasks.

Autonomous Communities: The Autonomous Communities are the most important authorities in Spain for UAM, as they are responsible for the guardianship systems. They have competences in childhood, welfare and reception issues. In Spain there are 17 autonomous regions or communities and it may well be said that there are 17 protection systems. The 2 autonomous cities in north Africa are direct borders of the EU and are directly in charge of the central government. The specific body responsible for childhood issues in the case of Catalonia is the DGAIA (*Direcció General d'Atenció a la Infància i l'Adolescència*); in the autonomous community of Madrid it depends on the *Consejería de Políticas Sociales, Familias, Igualdad y Natalidad*; in the case of Aragón it depends on a directorate of Childhood; and in the case of

the Basque Country it depends on the *Diputaciones Forales* and the Dirección General de Familia y Diversidad.

The autonomous communities usually have a migration area, management or secretariat which, although it does not have specific competence for UAM it has an impact on reception. In some communities, these specific areas with diverse names and competences can play a more relevant role, for example, in reception programmes, autonomy programmes for young adults or the mentoring programme, as in the case of Catalonia.

The autonomous communities are divided into provinces that have their own councils representing the municipalities. Although this are only administrative divisions, in some communities they have a relevant coordination role, as it happens in the Basque Country, where the *Diputaciones Forales* are the ones that coordinate the Protection System.

In the autonomous cities of Ceuta and Melilla, the autonomous regional and local authority is the same, since as cities they have only one local government institution: an assembly of deputies and a governing council. The governments of Ceuta and Melilla have higher competences than the rest of the city council authorities, but less than autonomous communities since they cannot make their own laws. They have the competence in childhood (in charge of a counsellor) and are responsible for the protection centres and the guardianship of the minors arriving in the city, but they do not have the competence in education, that is, their schooling.

The centres for minors and the Emergency Centres depend directly on the directorates of children's affairs of each autonomous community but in all of them the management is externalized to private companies or organisations. The directors of the protection centres are the ones who have the guard of the minors and therefore they are directly responsible for the management of residence and work permits, access to health care, schooling and everything related to the UAM's welfare.

Local authorities: Local councils have a very low incidence in the itineraries of reception and integration of the UAM since, as minors, their protection is the competence of the autonomous communities. However, in large cities the local authorities are important because they are responsible for the welfare and social integration of the population. Barcelona, for example, has support programs for UAM, especially in the transition to adulthood, to improve or complement insufficient integration resources allocated by the autonomous system of protection and due to the increase in the arrival of UAM in recent years. These programs are outsourced to entities by means of tenders. Barcelona City Council also has a Detection and Intervention Service for UAM who are on the streets and at serious social risk. The service offers alternatives to minors and provides resources. It mostly consists of a network of street educators who are in contact with other agencies, law enforcement agencies, protection agents and the DGAIA. This service

was created as a result of the massive arrival of UAM to Barcelona in 2018 and due to the people's complaints about having children on the streets or sleeping in parks.

Many city councils complain about the lack of coordination when an emergency centre or a protection centre is set up in their municipality. In Catalonia there were several episodes of conflict due to these reasons during 2018 and 2019. For example, one of these conflicts took place in the municipality of Rubí, a working-class town in the metropolitan region of Barcelona, which will be specifically commented on later. After some of these conflicts, the DGAIA began to coordinate with the municipalities in the creation and location of new centres and the provision of complementary resources, collaborating with the first receptions if needed.

Security Forces: The police and other security bodies are generally the ones to have the first contact with UAM minors who arrive via the sea border (coasts and ports of Andalusia), via the land borders of Ceuta and Melilla, via airports, or those who are located in the streets of the cities. At the border there is a presence of the Guardia Civil, a body of public security of a military nature and national scope that depends on the *Ministerio del Interior* in terms of services and destinations, and the Ministry of Defence for missions of a military nature. The National Police also acts on the border and throughout the country. It is a security corps of a civilian nature which depends on the Secretariat of State for Security of the Ministerio del Interior. On city streets, minors who have migrated alone may be intercepted by the national or local police, who are obliged to follow the Framework Protocol on certain actions concerning Unaccompanied Foreign Minors (BOE-A-2014-10515), notify the Public Prosecutor's Office and register them in the Unaccompanied Foreign Minors Registry, with exclusive identification and location effects. Some autonomous communities have their own police force, as is the case of the Basque Country, the *Ertzaintza* or the *Mossos d'Esquadra* in Catalonia, who must comply with the same protocol.

There are cases in which many minors have to stay one or two days at the police station when they are intercepted, until they are taken to a protection center or emergency center. This situation varies greatly depending on where it happens, and also on the time. During 2018, due to the increase in arrivals of young people and the deficit of the care system, it was quite common that young people had to sleep in police stations for several days, a situation that was reported at the time by several NGOs, media and also by the Barcelona City Council, and caused a public scandal.

Reports of maltreatment and repression by members of the security forces against UAM, especially in ports and border areas, are also well known. One of the sites of greatest conflict with the security forces is the city of Melilla (Assiego, 2017) but also the ports of Andalusia (APDH Report, 2019).

Public Prosecutor's Office for Minors: This body plays a fundamental role in the lives of young UAM, as it is responsible for determining their age, which can be crucial for undertaking the formal care procedures and placement in a protection centre or staying on the street.

Firms, charities and NGOs: Non-profit organisations, companies and non-governmental organizations also play an essential role in the integration of young and minor migrants who arrived without family members, since the Protection System is externalized and private sector organisations are in charge of integration services and programs.

These may be private companies providing social services, non-profit associations or cooperatives, and private foundations. Some have a connection with the Catholic Church but operate independently. According to their different functions, forms of funding or contracting (tender or grant) they can be classified in different groups to have an idea of their enormous diversity, different scopes and, above all, of their influence on the life of migrant minors and young people.

- **Companies that provide services for the Protection System:** These are companies, cooperatives or non-profit organisations that are hired by the autonomous communities' management bodies to run the Protection Centres or emergency centres by means of competitive tenders. They operate autonomously, but in coordination with local governments. All the centres for UAM are run by companies. Some companies run several centres in the same autonomous community and other smaller ones manage only one or two. In the last few years, there has been a proliferation of cooperatives that have grown up by setting up and coordinating the centres for UAM that were opened due to the massive arrival of young migrants. Examples include EDUVIC, PV's, IDEA Foundation,

- **Organisations that coordinate complementary programs:** This is a network of many organisations that do not manage centres but have complementary programs such as job placement or supervised apartments with few places. They innovate and coordinate their own programs through subsidies from various governments or private agencies. Some have their own funding or funding from EU agencies. Many of them work on networks to strengthen the service provision, such as the Don Bosco program in which 8 organisations from Andalusia participate and which is included in the good practice section.

- **Large organisations and NGOs with a presence throughout the country:** These are international high-profile organisations that have an impact throughout the country. Some have international funding and partners, such as Save The Children or the Red Cross, and others are linked to the Catholic Church as Caritas. This type of NGOs of higher scope develop different types of work and programs in relation to UAM, ranging from direct social assistance (Red Cross, Caritas), legal services (ServicioJesuitaMigrante), network of street educators, border assistance, language teaching, advocacy and raising awareness as well as research (for example, Save The Children).

- **International agencies:** in the last years, UNICEF has carried out research, raised awareness and developed proposals about the situation of UAM on the southern border and in the Peninsula. It is above all a work of advocacy in relation to public policies and the elaboration of proposals to improve the protection system. UNHCR also carries out political advocacy throughout Spain, but on asylum and international protection.

- **Activist and reporting NGOs:** It is necessary to identify another group of organisations and NGOs that do not provide direct assistance to minors, although they do have some programs of support, but are mostly dedicated to reporting their situation. Some of them carry out reports (like ones mentioned earlier) but their action is focused on reporting to the media the UAM insufficient protection and its consequences, as does APDH (in Andalusia and on the southern border) and various organized activist groups that operate throughout the country. In the southern border, PRODEIN, which has been dedicated to constantly reporting the situation of UAM for 20 years, is very well known. These organisations are usually self-funded by private people who donate small sums.

This is a very general classification to explain the different characters and functions of organisations, but it is necessary to emphasize the great importance that all these associations' networks have in the life of UAM and young people. Without all their actions the Protection System could not function as such. In the rest of the report and in the description of the available services and good practices, it will be easier to understand how important they are in ameliorating the difficult conditions experienced by UAM.

Other stakeholders

We must not forget other types of agents that affect the lives of UAM along the procedures related to protection, with a crucial role in their reception and integration.

Maritime Rescue: We must take into account the role of this government organization in the southern border of Spain that focused on rescuing boats in the Mediterranean and the Strait of Gibraltar (one of the most deadly and dangerous maritime borders in the world), many with children on board. It is attached to the Ministry of Transport, Mobility and Urban Agenda, coordinated by the Directorate General of Merchant Marine. It was created in 1992 by the Law of State Ports and the Merchant Marine, and its objective is to protect people who are in the Spanish maritime area. They carry out daily operations of search, detection, rescue and identification. Although their work is highly valued and efficient, some organisations such as UNICEF highlight the need for action focused on children in the assisted vessels for a better reception.

Juvenile Justice: It is an entity that depends on each autonomous community and is responsible for the fulfilment of legal and social actions directed at 14-through-18-year-olds. Its function is to conduct mediation and extrajudicial repair processes, to advise the judicial instances on the social and personal circumstances of the minors and to execute the measures dictated by judges. They must coordinate with the directorates of children (and with companies that manage centres) when problems of theft or assault by a minor under guardianship arise and solve the related problems. Staff of the directorates of protection centres have commented on the importance of the work of this actor and the lack of efficiency and resolutions with the cases of "recidivist" minors or those who are reluctant to remain under care or in education. Apparently, there is no specific coordination plan between the authorities responsible for children and adolescents in care and the Juvenile Justice for UAM.

Education and training provisions: Education in Spain is state-funded in public or privately-run schools and compulsory until the age of 16, which corresponds to the end of lower secondary education. After that, students who complete the lower secondary education with the official certificate can continue their education or training by enrolling in a two-year academic education stage (Bachillerato) leading directly to university or in initial professional training modules (Ciclos Formativos de Grado Medio) that can later lead them to upper professional training and, eventually, also to university. Students who complete lower secondary education but do not obtain the official certificate can only enrol in vocation non-formal training courses expected to provide skills for the labour market in specific trades. When they become 18, they can also enrol in adult education centres to complete lower secondary education or to prepare for an entry exam to initial professional training modules. They can also study in adult education centres to prepare for specific entry exams to enrol in certain fields of higher education after becoming 25. All UAM are entitled to access formal education regardless of their status and those who arrive well below the age of 15-16 are placed in public schools (usually not in those privately-run, where indirect selection strategies often prevail) and attend welcoming classes there like any other non-Spanish speaking student recently arrived in the country, in order to learn the school language and undergo initial assessment processes, at the time they are expected to receive more personalized emotional support. They are also placed in a class-group of reference and combine attendance to the language support classes with the rest of their classmates in curriculum activities that do not depend on formal academic language.

This situation described may vary depending on the autonomous adaptation of the State Education System. For example, in Catalonia, a bilingual community, tuition takes place only in Catalan and all non-Catalan students need to learn it to be able to access the curriculum contents. In the Basque Country, schools are divided in three types according to the main or only language of tuition and UAM are placed in the Spanish-only type to make things easier for them with only one language (Spanish) that everyone knows and can speak. However, UAM

arriving in older ages, close to the end of compulsory education (between 15 and 17), and with little or no education identified in initial assessment, are often placed in non-formal education and work-oriented training courses organised by local councils and organisations to learn a trade while they are offered language learning courses in public language services for adult migrants or outsourced services that employ part time teachers or provide courses taught by volunteers. Little is yet known about the outcomes achieved by placing UAM in these programs and provisions but researchers with ongoing projects (personal communication and experience), politicians and staff working with UAM have expressed their concerns about the integration capacity of these training provisions when it comes to facilitating access to the labour market or further education and how exceptional success stories are.

Health centres and the health system: The health system in Spain is also the responsibility of the autonomous communities within the national health legislation that guarantees access and health care to foreigners registered in any municipality in Spain, regardless of their legal status. However, this situation differs partially in some autonomous communities and especially in the cities of Ceuta and Melilla, where the foreign population encounters serious barriers to be registered and therefore has limited access to health care. This affects UAM who are not under guardianship, who are cared for by charitable organizations.

Despite the "universal" assistance, there are shortcomings in the system in all the autonomous communities that affect the whole population and also affect the group of UAM, especially due to bureaucracy, delays in appointments, etc. and the scarcity of specialised mental health centres providing permanent care.

2 National framework for unaccompanied migrant minors in Spain

2.1 Review of the policy framework

As already pointed out earlier, in Spain there is no one single model for child protection and the integration of UAM, nor a strategic policy for the whole country, nor any instrument to establish quality criteria to guarantee the reception of UAM on equal basis regardless of the autonomous community.

Competences concerning children are transferred to autonomous communities, so the Policy of the Child Protection System depends on them. Moreover, the Protection Systems procedures and facilities are usually outsourced. The directives and strategies are set by the bodies of each autonomous community, but the management of the centres for minors, emergency centres and various services and programmes for protection and support to adult life (where they exist) are managed by organisations, private companies and NGOs contracted by the public administration.

All the studies and reports on the situation of UAM coincide to highlight their inefficiency, either from a legal perspective as the Fundación Raíces (2019) has, or from a social and childhood perspective as Save The Children and UNICEF. This global "non-policy" and the lack of the Protection System is summarized in the reports with very drastic and forceful expressions such as "a system that denies [children of their] childhood, with unacceptable inconsistencies" (Save the Children, 2016 & 2018), "a failed system" (APDH), "a deficient system of disparate practices" (UNICEF, 2019). When referring to the reception and social integration by the northern autonomous communities, in the best of cases they qualify the system and its practices as "improvisation", as is the case of Catalonia, or speak of "centres created to avoid the call effect", as is the case of the Basque Country.

The main problem is that the Child Protection Law, which prioritizes the interest of the child, is not respected. It is presumed beforehand that the child is older, and no resources are provided for the transition to adult life, a step abruptly blocked by the Spanish Alien Act (Law on Foreigners). The following is a summary of the itinerary that UAM follows in practice based on the literature and reports reviewed.

Stage	Actual situation and possibilities
1- Arrival in Spain: intercepted by Security Forces.	According to the law, the alleged minor should be interviewed with interpreters and informed on their rights, and the authorities should detect whether a situation of vulnerability, need for international protection, etc. exists. However, it is generally assumed that the person is of legal age and remains in the police station until verification. Sometimes, if it is assumed that the person is older, he or she is admitted to a CIE and deported from the country, or in most cases, he or she remains in an irregular situation in the country and is transferred to other autonomous communities.
2- Presumption of minority	The UAM is transferred to the Public Prosecutor's Office to determine his age by means of bone-age tests. They do not have lawyers or people who can defend them before the Prosecutor's Office. If it is determined that he is older, he remains in an irregular situation with a deportation order. The evidence of a minority presents great controversy in Spain as will be explained in the following section.

<p>3- Underage status is determined</p>	<p>If a minority is verified, the appointment of a guardian is foreseen automatically, but this does not happen and there are unnecessary and bureaucratic delays for this. The legislation provides that within nine months the guardianship has to be established and that long-term foster care, access to education, schooling according to their age, access to health care and other services are provided, but this does not happen quickly. An ID card as a foreign person legally in the country is issued, called NIE (Número de Identificación de Extranjero), equivalent to DNI (Documento Nacional de Identidad, for Spanish citizens of any age). This ID is only valid while being minor with no further procedures, since legal residence is only recognized due to minority. When turning 18, a new ID is obtained only if legal residence is awarded.</p>
<p>4- First reception, temporary assistance</p>	<p>In Spain there is a problem with first reception services (most of them in Andalusia where there is a proliferation of emergency and first reception centres, but which do not meet the conditions for an adequate reception of young people, language teaching, schooling, etc. Improvisation in the system in recent years has led to a problem about the times in which young people must remain in first reception, which should be a month, but it extends over time and young people go through several centres without being able to take root in an environment. The frequent change of responsible authorities is detrimental to the young people as they lack stable references that can accompany them in their integration.</p> <p>Language teaching is often very deficient due to the lack of resources and the "overflow" claimed by the temporary centres.</p>
<p>5- Referral to protection centres</p>	<p>Once referred to long-term protection centres, guardianship must be activated, but this does not happen automatically. The delay in the deadlines then hinders access to the residence permit and by extension to opportunities in employment, training, etc. There are many cases in which minors turn 18 without obtaining a residence permit and are left in "limbo".</p> <p>The protection centres are open, but if a minor has committed a crime, he is referred to a "closed regime" centre for juveniles.</p>
<p>6- Legal Age</p>	<p>When they turn 18, youths are automatically out of the Protection System. In most cases, and especially in Ceuta, Melilla and</p>

	Andalusia, they are literally "on the street". In some CCAA there are programs of transition to adult life managed by entities or promoted by local governments (autonomic), as will be seen later in the "good practices", but this is also an abrupt change.
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Age assessment procedures

One of the most controversial problems in Spain in relation to the arrival and reception of UAM is age determination. The age determination procedures applied have been a concern of the Committee on the Rights of the Child and the Spanish Ombudsman and NGOs providing legal aid, such as Fundación Raíces (2019) in Madrid, who have written in detail about the subject. The main criticisms lie in the wide margin of error presented by the bone tests that are based on the measurement of the wrist (which can provide differing results up to 4 years from the actual age), the invasive nature of the practices, the fact that tests are carried out without respecting the presumption of minority due to doubting the authenticity of minors' documents issued in other countries, and the lack of interviews with adequate methods and interpreters by the Public Prosecutor's Office that could replace those practices. The result of these tests has a direct effect on the life and rights of UAM, children and adolescents, since it is what determines in principle whether they enter the Protection System or not. But even if they do enter the Protection System, a variation in age in months or a year can determine substantial issues such as entry into a certain educational level, access to compulsory secondary education (depending on whether the age is estimated to be over or under 16), in addition to affecting other decisions relating to their process of social integration and transition to adult life. A difference of half a year can be crucial depending on how far the minors are from their 18th birthday, since this is the time when they must apply for residence permit, assign legal guardianship for follow-up, etc.

In the case of separated children there is both controversy regarding age assessment procedures and the delay in conducting DNA testing to verify family ties, a fact also reported by UNICEF and others.

Centres for the protection and living conditions of children:

The absence of a state-wide policy to guarantee the reception and social integration of unaccompanied minors, the transfer of competencies in children's affairs to the autonomous communities and the externalization of the management of the centres, create important variations in the living conditions of UAM in guardianship. The fact of having "17 Protection Systems" generates a diversity of criteria and situations of inequality in the access to resources, training, opportunities, leisure activities, social benefits, involvement of the centres in the

management of residence permits, etc. It all depends not only on the territory, but also on the companies and organisations that manage the centres and, on the commitment, professionalism and effort of the teams in charge of them.

The lack of a national strategy has meant that, faced with the massive arrival of UAM, most of the autonomous communities have had to improvise. This has led to the establishment of a new emergency⁸ or "first reception" centres, especially in Andalusia and Catalonia, and to the "overflow" in existing centres and facilities. The new emergency centres were urgently created in existing spaces such as old houses, hotels, country hostels, disused facilities, etc. Many of the companies or associations that took over had no experience in managing centres for UAM. As reported by NGOs, many centres (especially those classified as "emergency") do not meet the minimum requirements and resources to guarantee the rights and welfare of the minors under their care. They do not have adequate facilities, the children are crammed into rooms, their documents are not properly taken care of (they have the ones they are entitled to) and language instruction is not provided. Many minors refer to "theft", drugs, fights and serious conflicts in overcrowded centres. Emergency centres do not usually have a specific ratio dictated by the authority. This depends on the management of each company or organisation. In Andalusia and Catalonia there are emergency centres that house up to 60 or more than 100 children, and up to 15 or 20 children can sleep in one room. Some centres have good facilities, places to play sports, etc. and others have small facilities, so children must move to perform activities and even in some cases even to take a shower⁹. It is also common for some centres to set up initially in one place and then move to a larger location in another municipality. In Catalonia, there are centres that have moved from one municipality to another up to three times, which makes it impossible for the minors to fully adapt to a place.

The disparity, inequality, and one could say that the "major scandal" of the Protection System is in the southern border, especially in the city of Melilla, where more than a thousand UAM are housed. In Melilla there have been 3 protection centres managed for more than two decades by a company and organisations of the Catholic Church. The *Centro Gota de Leche*, with boys and girls in protection from 0 to 18, the *Centro La Purísima* which is for boys and houses mostly adolescents, and the *Centro La Divina Infantita* which houses a small group of girls between 12 and 17 years of age, most of them UAM. The Centro La Purisima (managed by the company

⁸ Interview with local authority.

⁹ NUR Emergency Centre, in Barcelona. The centre was later moved to another municipality.

*Arquisocial*¹⁰) was a former military fort and is known for its reports of abuse, violence and serious conflicts. It has between 162 and 180 places¹¹, but usually exceeds 300 or 400 children, and the exact number of children sleeping there remains unknown. It has 5 modules, the first one being in the worst conditions. Various reports from NGOs, associations and the Ombudsman have been reporting this situation for several years. The stays in the centres of the southern border can vary from 6 months to 6 years depending on the age of the minor's arrival. But some children "endure" in La Purisima for only a few weeks and escape to the streets where they live in an increasingly harmful situation, may come in conflict with the authorities and many give themselves up to the consumption of solvent¹². In 2017 and 2018 there were between 50 and 100 children and adolescents living on the streets of Melilla (Harraga, 2016; Assiego, 2017; UNICEF, 2019). In Ceuta and Melilla there are no long-term resources, although there is no immediate transfer to the Peninsula of the minors due to the delay of the residence permit, which is the responsibility of the local authorities and the centres. The Spanish Ombudsman has even reported the lack of communication to minors of resolutions on their residence permits by the La Purisima Centre¹³.

In Andalusia there is a proliferation of emergency centres for first-time reception and there are very few long-term resources, but there is more mobility of minors (runaways) to other regions. Due to the lack of foresight, both in Andalusia and in Catalonia emergency and first reception centres end up having long-term functions, even though their facilities and resources are not adequate. In Barcelona, it is very common to find minors who have migrated alone or youngsters formerly in care who explain that they have been to five or seven different centres between Andalusia and Catalonia.

In the Basque Country, protection centres are set up as long-term centres until the minor reaches the age of majority and include transition programs. Each centre is organized by modules and they comply with the established ratios, although in 2018 and 2019 there was an "overflow"¹⁴ and although all UAM were hosted not all of them had access to all the resources beyond meeting their basic needs. However, the situation is practically the opposite of what is

10 Press note: "*La Purísima de Melilla: un centro con casi 700 niños y un amplio historial de denuncias*", Público, February 21th, 2019. <https://www.publico.es/sociedad/menores-extranjeros-no-acompanados-purisima-centro-700-ninos-amplio-historial-denuncias.html>

11 According to different reports and press releases, the number of places varies, which means that it is not known exactly and there is no precise information officially available.

12 For more information on the situation in Melilla, we recommend the reports from Assiego, 2018 and the Harraga Association, 2016.

13 Report Defensor del Pueblo, 2018.

14 Overflowing, but not overcrowded as is the case with the Southern Border centres. Interview with local authorities in the Basque Country.

known about the southern border. Although there have been some minor conflicts, UAM's rights are being fulfilled, protection is guaranteed and there is no child absconding. In Aragon, a region bordering Catalonia, the Protection System operates similarly to that of the Basque Country, with programmes for transition to adult life, although with fewer children and a smaller budget. They explain that many children are "on the way" to Barcelona or France, but that some have decided to stay and in recent years more resources have been allocated.

The regime and the programs developed by each centre depend on the management team of the centres, whether they are emergency or long-term. Although the management teams work by the directions from the regional responsible bodies, decision making is ultimately up to them in many respects and they coordinate and are, in short, the ones who may affect the life of the minors, especially when they reach the legal age. Reports made explain that the perception of the adolescents under guardianship is that they must "get along with the educators" because it is up to them to issue positive reports so that they can access better resources in the transition to adult life.

The problems of saturation, "overflow" and lack of resources of the centres in recent years have been mentioned by all the agents involved in working with UAM, and are also perceived by the minors themselves. This saturation due to the lack of planning has a negative impact, too, on the relationship between educators and UAM (Save The Children, 2018).

Provisions for adulthood

The date of departure from a centre (whether emergency or long term) coincides with the day of the youngsters' 18th birthday according to the age stated in their Spanish documents (determined by the bone tests). This is not only a problem of management or lack of will, but also a lack of competence, because as adults they no longer depend on the body responsible for children according to the law. In addition, the Spanish Alien Act (Regulations of the Law on Foreigners) does not facilitate the processing of the work permit fast enough to provide a smooth transition of UAM to legal adult status, however difficult it may be. Minors go from being in a protection system (although not perfect one) to being in a situation of total exclusion and with little opportunity to find housing, develop a full life, access education or find a job.

In most of the autonomous regions there are no specific programmes to facilitate the transition to adult life when they turn 18. The only emancipation programs promoted by institutions and specifically aimed at unaccompanied minors operating in the Basque Country and in Aragon (called Program 17 Plus). In the rest of the Autonomous Regions, as there are no specific programmes, the different protection centres implement very diverse strategies for the transition to adult life. Many centres try to coordinate with organisations that promote some programs to access the labour market or help minors find a place to live. Some organisations

(with subsidies from the public administration or the Catholic Church), manage care programs in "supervised apartments" or "post-protected apartments", where the young people live for a while and have access to a certain independence. In other cases, there are centres that try to accompany young people on their way to emancipation from the age of 17 and a half, so that they can carry out their support while the young people remain in the centre, in an informal way. In Catalonia, a variety of possible strategies are carried out by educators and directors of centres to facilitate transitions, often including personal involvement, but in many cases this support is based on individual aid, not specific programs or lines of action. Some youngsters get in contact with the network of local NGOs and indirectly find aid for living independently, for example finding a room to rent, something extremely difficult in places like Barcelona. Some educators provide information about "occupied warehouses" and self-management centres to facilitate access networks of help for young people who must leave the centre. There are also cases of centres that extend the stay of young people to avoid having to leave them "in the street", but in an informal way, doing what is known as "turning a blind eye". This happens more often in the girls' centres, as it is known that many are at risk of falling into trafficking networks. In Melilla, many young girls who leave *La Divina Infantita* when they turn 18, move to CETI and ask for international protection, as the only opportunity for them to stay for some more time in a relatively protected place¹⁵. These are also individual strategies or strategies promoted by activists, but they are not the result of coordination between the management of the centre and the CETI's authorities.

Until 2019, young foreigners under guardianship between 16 and 18 could not obtain a work permit (they were only granted a residence permit) and therefore could not formally work. In 2019, the team of the Secretariat of Migration of the Ministry of Inclusion issued instructions to make this possible, with the aim of facilitating the transition to adulthood, but also to guarantee equal rights with young Spaniards. In the wake of the pandemic in 2020 it is still very difficult to see if there are any positive results from this policy change.

2.1 Review of the legal framework

The legal framework affecting UAM is governed on the one hand by Spanish and international legislation on child protection and, on the other hand, by the Spanish Aliens Act, which contains specific regulations for this group.

¹⁵ Report "Towards Effective Awareness Raising", unpublished.

With regard to minors, the Spanish Constitution establishes as a principle that "children shall enjoy the protection provided for in International Treaties", in its Article 39, and "the obligation of the public authorities to ensure the social, economic and legal protection of the family, especially minors, in accordance with international agreements that safeguard their rights". These are clear principles in line with international conventions and that at the same time are the sustenance of the national laws of childhood.

Among the regulations in force, the most important are Organic Law 8/2015, of 22 July, modifying the system of protection for children and adolescents, and Organic Law 1/1996, of 15 January, on the Legal Protection of Minors, which has been modified several times to introduce legal changes that affect the situation of minors through international or EU policies ratified by Spain. The Organic Law on the Legal Protection of Minors clearly defines the best interests of the child, and the right to be heard and listened to according to their level of maturity. Article 10 is dedicated to foreign minors, recognizing their right to education, healthcare or social services, as well as their right to obtain residence permits while under the guardianship of an organisation with such authority. While this is the most important regulation, it should be noted that within the Spanish legal framework, the situation of UAM has also been regulated by other legal channels such as Spanish legal doctrine, case law or by Royal Decree.

At the international level, the most important treaty is the Convention on the Rights of the Child (UN), an international treaty consisting of 54 articles. It is the first binding international instrument on the rights of the child. It has been in force since 1990 and has been ratified to date by 195 States, which must comply with the directions and recommendations of the Convention and prepare periodic reports on the progress made in this area. Spain ratified it in 1990. In article 1, it establishes that a child is "every human being below the age of eighteen years", guaranteeing his or her protection and the recognition of all his or her rights regardless of any other condition or circumstance. In other words, the condition of a child and "the best interests of the child" prevail as a principle for articulating public policies. The convention also specifically stipulates that the States must guarantee protection for migrant children who enter the territory without the company of an adult relative, as expressed in article 20:

"Children temporarily or permanently deprived of their family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State."

There is also legislation at the European level, although somewhat more fragmented and not specifically devoted to the situation of UAM: the European Convention on Human Rights, the

European Convention on the Exercise of Children's Rights, the Charter of Fundamental Rights of the European Union and the case law of the European Court of Human Rights (ECHR).

However, given that we are dealing with migrant and refugee minors and young people, the main applicable law to this group is the Spanish Aliens Act in force, that is, the Organic Law 4/2000 on the rights and freedoms of foreigners in Spain and their social integration, more popularly known as the Law on Foreigners. This law contains specific regulations on children who migrate without the company of adult family members. This law is problematic and restrictive of rights as it is part of a negative definition of an alien: "those who lack Spanish nationality" (art. 1), which mentions repatriation even if they are minors. However, Article 35, which specifically refers to UAM, establishes a framework of relatively guaranteed protection. This article contains 12 specific paragraphs, including those referring to cooperation agreements with the countries of origin, the protection of minors against undocumented status, the presumption of minority and the capacity of UAM to be heard before a repatriation procedure, and guardianship by the public administration. According to the analysis of jurists and national authorities, article 35 contains a framework of maximums for the situation of UAM and although it can be improved, it is in principle guaranteed. The problem lies within the regulation of this law, which minimizes the protective effects of Article 35 itself and establishes an abrupt break between the minority and the majority of youngsters, a framework that does not easily facilitate the process of transition to adult independent life.

The Regulations of the Organic Law on Foreigners are regulated by Royal Decree 557/2011 of 20 April. Chapter III is specifically dedicated to UAM. Article 189 establishes the explicit definition that applies in Spain:

"The provisions of this chapter shall apply to foreign minors under the age of eighteen who arrive on Spanish soil without being accompanied by an adult responsible for them, whether legally or by custom, and who are at risk of being left unprotected until such time as the adult in question has actually taken charge of the minor, as well as to any foreign minor who, once in Spain, finds himself in such a situation."

In the following articles, the Regulations explain and detail other aspects in relation to age determination procedures (Art. 190), procedures for the repatriation of unaccompanied foreign minors and proceedings (Art. 191), the repatriation procedure (Art. 192), allegations and determination of the trial period (Art. 193), hearing procedures and resolution of the procedure (Art. 194), execution of the repatriation (art. 195), residence of UAM which is granted (according to the regulation) after nine months once the repatriation of the minor has been

made impossible (art. 196), and finally, the regulation also specifies the access to the majority of the UAM whether they hold a residence permit (art. 197) or not (art. 198). In the latter case, the regulations stipulate that the young person may be granted a permit in exceptional circumstances. However, the conditions set out in the Regulation are extremely demanding for the actual situation of these youngsters who have reached the majority and created an abrupt transition in the lives of young people. In most cases, as seen in the fieldwork, it is almost impossible for them to access economic resources and a job contract at the age of 18, even if they have been in the Protection System.

It is worth noting the provisions of the Regulation in Article 198 in relation to minors who have not acquired legal residence (a large majority), as this is where the greatest obstacle for the transition to an independent adult life lies:

Art 198. *Access to the age of majority for unaccompanied foreign minors who do not have a residence permit.*

1. In the case of minors for whom a child protection service has legal guardianship, custody, provisional protection or guardianship, who have reached the age of majority without having obtained the residence authorization provided for in Article 196 of these Regulations and have adequately participated in the training actions and activities planned by that entity to promote their social integration, the entity may recommend the granting of a temporary residence authorization for exceptional circumstances.

2. Without prejudice to the above, and to the fact that the recommendation of the entity must accompany the application for authorization, the latter shall be presented personally by the foreigner during the sixty calendar days prior to or during the ninety calendar days following the date on which he turns eighteen.

Likewise, the foreigner must provide proof, alternatively:

a) That he/she has sufficient economic means to support himself/herself, in an amount representing 100% of the IPREM on a monthly basis.

b) That he has a work contract or contracts of successive duration for which the requirements established in paragraphs b), c), d), e) and f) of Article 64.3 of these Regulations are met.

c) That meets the requirements established in paragraphs a), b) c) and d) of Article 105.3 of these Regulations for the exercise of an activity on their own account. However, the expected return on the project must be, at least, an amount to guarantee the expenses related to their board and lodging that represents 100% of the IPREM on a monthly basis.

If the authorization is granted on the basis of the provisions of paragraphs b) and c) above, it will entail an employment authorization and its validity will be conditional upon the subsequent affiliation and registration of the worker with the Social Security authorities within one month from the notification of the resolution.

3. Within the framework of the procedure, special consideration will be given to the degree of integration of the applicant into the Spanish company, under the terms of paragraph 3 of the preceding Article.

*Source: Ministry of the Presidency, «BOE» núm. 103, de 30 de abril de 2011 Referencia: BOE-A-2011-7703

In relation to the transition to adult life, the Spanish legislation mentions it in the Law of Legal Protection of Minors LOE 26/15. It is established that:

"The Public Entities will offer programs of preparation for independent life aimed at young people who are under a protection measure, particularly in residential care or in a situation of special vulnerability, from two years before their coming of age, once this is completed, whenever they need it, with the commitment of active participation and use by them. The programs should provide social and educational monitoring, housing, social and labour integration, psychological support and economic assistance.

But although this regulation is clear, it does not affect the UAM who, as explained, are treated under the framework of the Aliens Act and its regulations. In practice they are treated "as migrants" and not as children, especially when they reach adulthood.

Asylum procedures

As already mentioned, many children migrate alone, fleeing from the context of war or violent conflict, persecution, repression and direct discrimination because of their ethnicity, social group, gender, sexual orientation or religion. These are children who, in addition to migrating alone, need international protection. This type of situation is regulated by Law 12/2009, of October 30th, which regulates the right to asylum and subsidiary protection, known as the Asylum Law, which establishes a Protection System nationwide, but which does not yet have regulations.

The Spanish Asylum System is coordinated by the Asylum and Refugee Office (OAR), a body created for this purpose whose management is shared between the Ministerio del Interior and

the Ministry of Inclusion (previously by the Ministry of Labour). The OAR is responsible for examining and deciding on international protection applications.

However, despite clear national and international legislation, the number of international protection applications from UAM or separated minors arriving in Spain is relatively very low considering the high number of children who run away from countries in conflict, civil war, or where severe repression or violation of rights take place (Save The Children, 2018). In 2015, 25 applications for asylum from UAM were processed and in 2016 the figure rose to 28, 0.2% of the total number of asylum applications in Spain. According to entities such as Save The Children and UNICEF, the figures for applications and even more for favourable decisions (only 31%) show the lack of access to the asylum procedure for migrant minors. This occurs because of the already explained procedures and itineraries that minors go through where the security forces and the Public Prosecutor's Office do not provide them with information on their rights or on the possibility of international protection.

3 Migrant integration programmes in practice in Spain

3.1 Challenges, achievement and opportunities: the findings of field research

All the actors interviewed mentioned the shortcomings of the Spanish protection system for the social integration of UAM. Both national and local authorities speak of the need to have a "global" or joint strategy for the integration of this group. Some authorities focus on the decentralised political organization of Spain and the regional system of autonomous communities, while others focus on the lack of will to improve coordination. From the NGO sector, the shortcomings of the Protection System are criticized, but there is no political analysis of the organization of the State or of public policy (for example, of outsourcing practice). Complaints and reporting focus on the lack of coordination and resources, and above all, on the lack of planning and consequent improvisation. It is worth noting the difference in analysis that exists between the various NGOs according to their character or functions. The opinion and perspective provided by APDH, for example, which focuses on reporting and making the UAM situation visible (like the Fundación Raíces, Save The Children and UNICEF) does not coincide with the organisations directly managing centres or programs, such as the Idea Foundation or the *Casal dels Infants*, which have a more "micro level" analysis and direct contact with children and youth. In any case, the need for a more comprehensive framework that combines regulations as well as integration and coordination is a point of agreement between all the actors interviewed.

In relation to the legislation, the national and local authorities, and the NGOs, also agree on the urgent need for the reform of the Regulations for Foreigners that hinders the transition to adult life of young people due to the restrictions to access the work and residence permit upon reaching majority. This reform of the Regulations must establish a swift legal bridge in the transit between minority and majority and eliminate the abrupt interruption that now occurs. The period of 3 months to assign guardianship and 9 months to process the documents lacks legal support and only hinders the protection and transition of UAM to adult life. The processing of the residence and work permits (if applicable by age) should be undertaken from the first day that the minor enters the care system. The key should be that the minors who leave the protection system (for example, those who want to change regions for whatever reason) do so already with permits to reside and work.

There is a certain disregard for the Framework Protocol on Unaccompanied Minors as it is not a mandatory regulation and it addressed the complexity of the arrival of UAM from a security perspective and not from a child rights perspective as indicated by the Convention on the Rights of the Child. For example, considering the possibility of return or family reunification can be used to defer the authorization of the minor to stay and harm the interest of the child, because in most cases the reasons of the child to migrate are clear. There is also agreement among the actors involved that methods of age determination are unnecessary and invasive, and that the process should be streamlined by prioritizing the interests of the child and the presumption of minority, in line with the Ombudsman's recommendations. Mandatory age determination tests create undesirable situations for minors and for the administration as well and even may be in conflict with the what is stipulated by the Supreme Court, that is, if a minor arrives with a passport from his or her country of origin, there is no reason to test him or her. What is currently happening is that both the Public Prosecutor's Office and the National Police, and also the autonomous communities, tend to act according to the belief that "since they are foreigners, they are suspects" and carry out the age tests (highly questioned because of their unreliability) in a systematic way. It is necessary to pay attention and follow the recommendations of the Ombudsman who urges a holistic determination of the subject. This is also raised by many NGOs that demand more presence of interpreters, child defence lawyers and mediators when conducting the first interviews of an alleged minor. Local authorities also agree with this necessary change.

It is known for the set of bad practices in the Protection System where the ACs are involved. There are CCAA that delay the applications for residence of the minors, although they keep the minors in foster care. This is linked to what is mentioned in the first section of data. The authorities and NGOs interviewed also agreed that the data is not reliable and that the registry of UAM contains errors. There is administrative use of the minors arriving in Spain, and even a

manipulation of the data (the specific complaint is mainly made concerning Andalusia, Melilla and the Canary Islands) with the aim of asking for extraordinary resources. Moreover, registry is inaccessible even to the national authorities of the Ministry of Inclusion, Social Security and Migration, and all the agents interviewed ask themselves similar questions. Who accesses the Registry and when is it done? Who records the data and how they are recorded? How are the casualties and the so-called "voluntary disappearances" recorded? Without a doubt, one of the main and priority challenges in building a true System of Protection is for the Registry to function transparently and, in turn, to design a system of traceability for UAM in Spain, and why not, at the European level.

In analysing the changes in recent years and the increase in the arrival of UAM, especially from Morocco, the authorities and NGOs interviewed agree on the lack of foresight and action by the institutions, although they hold different actors accountable. Some hold the central government more responsible for the regulations on foreigners and others focus on the autonomous communities due to the shortcomings of the protection system. In the case of the Basque Country, the Protection System and the programmes worked with sufficient resources and efficiency, but with "the peak" of arrivals in 2017 and 2018 of children coming from other regions, it has been overwhelmed and currently the reception mechanisms are not completely effective, especially with regard to the transition to adult life. A similar situation has arisen in Aragon, although the number of minors arriving in that Autonomous Region has been smaller. In the case of Catalonia there is a clear lack of planning, action and deployment of resources by the autonomous government. This had repercussions and affected local governments that were suddenly faced with children in the streets, children in police stations or with emergency centres set up in two days¹⁶ without the council being notified. This in turn caused an alarm among neighbours and local associations. On the other hand, it is true that, on the part of the central government, there has been no change in regulations in the last 10 years that could facilitate the integration and transition of UAM to adult life that could facilitate the management of the peak arrival. In spite of clear shortcomings and the emergence of new needs, there has not been any change in the Alien Act to facilitate the regularization of unaccompanied minors or the regulations to improve the traceability of data. Moreover, it should be noted that the "peak" of arrival of unaccompanied minors in large cities was very predictable, due to the trend and due to the situation on the southern border, the "thermometer"¹⁷ of migration. It is difficult

16 Directors of centres and, in turn, members of management cooperatives, literally speak of centres "set up in two days" in cities in Catalonia.

17 Interview with local authority.

to understand why there was no planning if in 2015 and 2016 the centres for minors in Ceuta and Melilla were collapsed and the imminent influx of UAM from the southern border could be easily foreseen. Neither society nor the media paid attention to this until the streets were filled with children.

Local authorities also comment on the change in profile among unaccompanied minors. Many actors are struck by the influx of educated adolescents from Morocco with a clear family migration project, compared to years ago when the migration of children from Morocco was more a profile of children from broken homes or children fleeing abuse. It is clear to all local and national authorities that the push factors for migration affecting young people in the Maghreb is now a reality. However, the increase in the arrival of young people from sub-Saharan Africa, also with different profiles, from asylum seekers due to sexual orientation, to forced migration due to violence or looking for new opportunities, is also noticeable, and the countries vary.

In relation to the profiles of unaccompanied minors arriving in Spain, national and local authorities also acknowledge the urgent need to create specific attention services according to the needs of each profile, a change that the Protection System needs, both at the regulatory and strategic level as well as in terms of social care. There is no doubt that the needs of a child fleeing from war or violence (asylum seeker profile) are very different from the needs of children from Morocco or Algeria who are educated, the needs of children who migrate to escape from a situation of domestic violence or the needs of girl victims of trafficking. Currently there are no separate arrangements for UAM seeking international protection or for potential victims of trafficking. These are completely different scenarios for which the system does not have an answer. In the case of UAM girls, the vast majority of potential victims of trafficking, all agree that the situation is "even more terrible" because a number of other situations concur, such as trafficking networks, prostitution and unwanted pregnancies, in addition to structural gender inequality and racism. One of the national authorities interviewed comments on a case he himself handled when working for a legal services association that illustrates the situation of a trafficking victim and the lack of response from the system. It is a case of a Cameroonian girl who arrived through the port of Motril in Andalusia. She received humanitarian attention from the Red Cross who detected the first signs that she might be a victim of trafficking. She claimed to be a minor, but according to the Protocol of Action, as she was undocumented the security forces transferred her to the CIE in Madrid. Once the age determination test was performed (in the meantime she had to live in a CIE with adults), it was confirmed that she was a minor and she was transferred to the protection centre of Hortaleza, also to the city of Madrid. Although she was detected as a possible victim of trafficking, she did not receive special attention, and after two weeks she "disappeared". Four months later the girl contacted via Facebook one of

the educators from an NGO whom she had trusted. The girl wrote the message: "I am in Paris, get me out of here". The NGO's legal services contacted the Prosecutor's Office and the National Police. They located the girl in Paris and found out that she was a prostitute in an area on the banks of the Seine. The NGO contacted French associations, but the girl "disappeared" again. The legal service wrote again to the Public Prosecutor's Office, but this body replied that it was not taking up the case because she was already an adult. This case summarizes, on the one hand, the effects of bureaucracy and delays on immediate attention, and on the other hand, the lack of integral and selective or specific dimensions of the Protection System, depending on the case.

However, for the autonomous communities in general and for some local authorities, trafficking simply does not exist, or is omitted as a real problem. Directors of care centres and some NGOs express a specific concern but explain that they do not have available and adequate tools to manage the situation. The main problem is that the victims of trafficking must identify as such, and if they do not "nothing can be done". Without a doubt, a major challenge for Spain as a country on the southern border of Europe and as the main recipient of UAM is to promote a comprehensive law for the care of victims of trafficking and smuggling (whether minors or not), not only in the area of prostitution, but also in the area of labour exploitation, forced marriages, organ trafficking and everything related to the Palermo Protocol. Similarly, in the case of UAM, we must also not forget the sexual and labour exploitation of children.

It is noteworthy that among the agents and authorities interviewed a few vehemently criticize the privatization and outsourcing of the Protection System. They seem to accept it rather than challenge it. However, there are those who believe that the outsourcing of protection centres to private entities leads to an economic vision of management and a lack of criteria that go beyond "doing business".

3.2 Good practices

The "17 Protection Systems" in Spain and the very varied situations among the autonomous communities of arrival, reception, transit and destination, mean that good practices depend on the will of organisations, companies and management teams of centres. The good practices that are known are reflected in a very dispersed way in the different territories with a "very

micro" effect¹⁸. Their success also depends on the scope of the resources and the coordination between local authorities, promoters and management of the centres.

Based on fieldwork, a series of good practices from different regions have been selected that have a proven to have had a positive impact on the lives of UAM.

Program 17+, Basque Country:

It is a program promoted by the same authorities of the Protection system, in this case of the Basque Country. The objective of the program is to reduce the risk produced by this "abrupt" transition to adulthood and to be able to offer support before they leave the centres. To this end, the authorities, in agreement with those responsible for the centres (managed by cooperatives), have drawn up an accompaniment plan so that the minors can begin the emancipation process from the age of 17 and a half. The educators in the centres help and accompany them in their search for a place to live and work, and for whatever happens they offer them support. For example, the minor puts a lot of effort into finding a room, looking for advertisements, making phone calls, visiting rooms, etc. For example, the director of the a Basque centre explained that in case the youngster encounters hostile or racist reactions, it is better that he be accompanied by educators.

Program 17 Plus, Aragon:

In the Autonomous Region of Aragon, with the massive arrival of minors in 2017 and 2018, a working group was set up between the government, entities and expert researchers from academia, to gather the experience of previous waves of minors. The 17 Plus program was devised to link protection with transit programs to independent life. This program was also designed on the basis of the trajectories of the children they were receiving, which were very long. The young people had already been through various situations and were not suited to the mode of mass protection centres with 24-hour supervision. Therefore, they established a program of "bridge places" to facilitate the transition to independent life and for the boys to lead a more autonomous life in shared apartments. They have a series of apartments where 3 or 4 children live (a maximum of 5) mainly in the city of Zaragoza, although there are also some in Huesca, Teruel and in more rural areas. The different apartments are managed by a network of organisations, but the program is promoted and supervised by the direction of children's affairs of the region.

¹⁸ Analysis resulting from the interview with a senior official of the Ministry of Inclusion.

IZEBA Program, Province of Guipúzcoa, Basque Country

This project has been implemented since 2009 as a result of a civil society initiative. It is managed through an agreement between the Department of Social Policy of the Provincial Council of Gipuzkoa and the Baketik Center of Arantzazu. This program has become a benchmark for exporting to other territories. It consists of a network of volunteer individuals or families who act as "aunts" (IZEBA means aunt in Basque) for an UAM to facilitate their social integration. The program starts when they are minors but most of them remain in contact with the families after they turn 18. The "auntie" families usually share leisure time and activities with UAM such as walks to the mountains, outings, etc., but also many "izebas" are involved in an explicit support when it comes to looking for an apartment or a job in the process of transition of UAM to independent adult life.

PIL, Apartments for work insertion, Catalonia

The PILs are different apartments where youngsters formerly in care live while participating in a program of support leading to labour insertion. The program works in Catalonia "under the umbrella" of the DGAIA but is managed by companies. Youngsters who have left protection centres live in a shared apartment and at the same time enter labour insertion programmes. While living in the apartment, they must study languages or a trade, do some sport and look for work. They are also encouraged to do volunteer work or activity in the community. For example, some people sign up for *Castellers*¹⁹, a traditional folklore activity in Catalonia. If they have a job, after having earned three monthly salaries they must find a room of their own and leave the place for another boy.

Buzzetti Andalucía Project:

It is a project aimed at youngsters in former care promoted by the Don Bosco Foundation. It consists of autonomous apartments and educational support. It is designed so that young adults can live their emancipation process in equal conditions. Girls and boys of different nationalities take part in it, and it has a holistic approach from several areas such as health, education, work, social, leisure and emotional support. The Don Bosco Foundation coordinates this program in collaboration with the Andalusian Ministry of Equality and a conglomerate of organisations and

¹⁹*Castellers* area a traditional culture phenomenon of Catalonia which consist of erecting human towers.

NGOs: Cabildo, Jesuit Service, Slaves of the Sacred Heart, Caritas. One of the objectives of this project is that it is not just another "social resource", but that it becomes a home and "a family atmosphere can be breathed, and the youngsters feel valued".

The mentoring program in Catalonia

The Mentoring program was promoted by the Migration Secretary of the Government of Catalonia with the intention of creating a social network and support for refugees, but it also works for UAM. It consists of a large network of families and individual volunteers from Catalonia who sign up for the project, receive training and become mentors for refugees or migrant minors. They hold meetings, explain things related to life in Catalonia, institutions, civil rights, etc. and provide support for their emancipation, especially in terms of social networking, meeting more people, leisure activities, finding a room, etc. In the case of UAM, it has not received as much media and social attention as when it was promoted for refugees, but it has served to expand the networks of some minors who migrated alone.

Incorpora Jove Program, Casals dels Infants, Catalonia

It is a program of support aimed at young people between 18 and 23, with high risk of exclusion in the transition to autonomy without a family or social network. It consists of a personalized program according to their needs that are divided into three phases: the reception phase, in which the work plan is designed; the housing phase, when the young person moves to an apartment under the supervision of the *Casal dels Infants* while looking for a job or working; and the autonomy phase, when he or she consolidates his or her itinerary and can begin the process of disengagement from the service. The association has a network of five apartments in the city of Barcelona and a total of 21 places available. For two years they have covered the basic needs of housing and food, with the support of a team of social educators.

Within the framework of this service, *Casal dels Infants* promotes a program called "l'Aterra". It is a space where young immigrants between 18 and 24 who have recently arrived in Catalonia acquire tools to get to know the local context better and receive training in the building maintenance trade. They learn notions of electricity, painting, plumbing and carpentry. It is a program aimed at young people formerly in care in general, but where many young people who migrated alone are enrolled. In the last few years, a series of programs have been promoted in Catalonia aimed at "young people who have been in care" or simply "young people". It is not made explicit that they are aimed at "former UAM" ("ex MENA"), an expression that all actors involved in caring for UAM avoid because of the negative connotation of the acronym "UAM" in Spanish, "MENA" due to its use as racist label, but most of them are programs aimed at UAM formerly in care.

4 Conclusions and recommendations

After presenting the main findings of the research carried out for this report in the previous sections, the following **conclusions** can be drawn in relation to the challenges of the integration context for UAM in Spain:

1. The lack of a nationwide strategy and the fact that the protection system depends on the specific policies of the 17 autonomous communities is the main factor hindering adequate response to the needs of the UAM. This is aggravated by the fact that Spain has to manage three different situations that are conditioning the UAM dynamics and the country capacity to adequately respond: the position as a direct external border of the EU; the fact that it is a land of first reception and transit to other EU countries; and the status of a country of destination for the migratory flow of the UAM, which requires a system of holistic response for their integration into the receiving society.
2. The complexity explained above is at the root of most of the deficiencies identified: from the difficulties in efficiently managing the UAM issue from the administrative and bureaucratic point of view that must regularize their situation in Spain, to the access to educational, social and residential resources, etc., despite the theoretical recognition of their universal rights as minors.
3. The lack of political planning in the face of changes in the flows, migration projects and the diversification of the UAM profiles also endangers the programs adapted to the multiple needs of the UAM and the good practices aimed at integration, and the coexistence of contradictory approaches in similar circumstances and before similar needs is observed, ranging from actions that privilege security to practices based on protection. The most challenging situation occurs upon reaching the legal age and the abrupt change in the legal framework of reference that is applied, from being regarded as subjects of protection under the Children's laws, in spite of its shortcomings in practice, to being regarded as migrants in irregular status under the Aliens' Act and finding themselves as unprotected young adults.
4. In addition to all of the above, the practice of outsourcing and privatization of management and care of the UAM by NGOs and publicly funded companies, the creation of emergency centres in inadequate facilities, changes in centres, poorly trained personnel and a lot of improvisation in the face of unplanned arrivals all favour negative reactions from the receiving populations
5. Finally, the fact that there is no national strategy against trafficking networks for sexual exploitation reveals a serious lack of commitment to the protection of girls who "disappear" in much greater numbers during their journeys when they reach the

borders, once they are inside Spain and when they are left outside the protection system when they turn 18, being as they are the main targets of such networks.

Finally, in order to overcome the shortcomings uncovered above, it should be important to consider the following **recommendations**:

1. Changing in the Regulations of the Spanish Alien's Act to make access to regularisation and work permits more flexible, not only for UAM in guardianship, but for the entire migrant population. Otherwise, transition programs promoting an independent adult life for UAM end up abruptly hindering their possibilities to integrate in Spanish society when they turn 18.
2. Promoting the so-called "immediate guardianship", that is, placing UAM immediately under legal protection as minors, even before receiving their test results, while simplifying as much as possible the proof of age and shortening the waiting period; accordingly, speeding up the processing of legal documents for UAM before and after they turn 18.
3. Making access to formal education easier, especially for those under 16, and establishing an automatic way to acknowledge or certify prior education levels attained with third countries, especially with the Moroccan authorities.
4. Providing intensive language programs and language acquisition strategies in contact with native speakers to facilitate access to education and training, as well as participation in youth programs and social activities.
5. Creating public employment opportunities linked to work-based oriented training for all young people, including specific programs for UAM and youngsters formerly in care.
6. Optimising Juvenile Justice efforts to address the problem of recidivist UAM and so-called "reluctant youth", providing more resources and better support for them.
7. Promoting and building more mental health resources for migrant minors and young people in distress, providing them with emotional support.
8. Building a system of traceability to ensure joint monitoring and a better, coordinated response between autonomous communities within Spain and with the rest of the European countries.
9. Re-designing the reception and protection system from a holistic approach that considers ordinary and exceptional needs of migrant youth with diverse profiles in the long run with the aim to promoting belonging and participation in the receiving society.
10. Within a reception and protection system with a holistic approach, arrangements must also be designed for the specific needs of girls as the target victims of trafficking.

Finally, we believe that a unified public agency should be created to avoid the bureaucracy of the public administration that may at the same time take care of the management. This model could be promoted from the central administration (such as the model of attention to refugees)

or from the autonomous communities but plans in this regard are unheard of. The promotion of an innovative agency that could solve all the shortcomings of the fragmented Protection System and rebuild the "failed system" would be a real challenge in Spain. This would, in turn, make it possible to share the good practices identified by good results, as many authorities claim, beyond the successful micro-projects that also have a very "micro" effect. On the other hand, an innovative agency dealing with the care, protection, monitoring and transition of UAM to an adult independent life, covering all their specificities, could unify a narrative for the whole country. The lack of a model also means that there is no unified discourse from the authorities and from the NGOs, something that does not help contain the social conflict when it occurs (as happened in 2018). These are minors who have migrated alone, voluntarily or forced, each for a different reason and with a different history, and not a homogeneous collective with a common blurring label such as UAM, for whom "we do what we can". It is urgent to build a comprehensive protection system and a narrative that supports it. And society as a whole should commit to it.

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Annex

1 Consent Form for Participants

METAdrasi- Action for Migration and Development (Greece) the Co-ordinator, Fundació Privada Idea per a la millora social d'infantsifamílies (Spain), APOSTOLI (Greece), Centre for European Constitutional Law (Greece), Plan International Deutschland EV (Germany), Athens Lifelong Learning Institute (Greece) and StichtingNidos (Netherlands), implement the project entitled 'Promoting Supported Independent Living as an alternative care practice for unaccompanied minors' (AMIF-2018-AG-INTE-4), which is co-funded by the Asylum, Migration and Integration Fund of the European Commission. The project consists of a number of activities that ultimately aim at promoting supported independent living (SIL) as an alternative care practice for unaccompanied minors, focused on minors aged 15-18 in four European countries. Specifically, knowledge and good practices regarding SIL will be collected, exchanged, and disseminated. In addition, the project will develop methodologies in order to improve the living standards of unaccompanied minors aged 15- 18 years old.

In this interview we are going to ask your opinion based on your knowledge, expertise and experience about the analysis and assessment of the integration context.

For your participation in the discussion, you should be informed that:

- All appropriate rules of ethical research will be followed during the data collection and analysis.
- Discussion is anticipated to last approximately 50-60 minutes and for practical reasons minutes will be taken. The file will be accessed only by the researchers present today and then will be erased.
- Excerpts from the discussion may be integrated to the final report, but under no circumstances will your name or any identifying characteristics be included in the research findings.
- Opinions expressed during the discussion will not be discussed further with third persons.
- Your participation is entirely voluntary, and does not imply any individual benefit for the participants (financial or other).
- You are free to refuse to answer any question and to withdraw at any time.

Should you have any question, please do not hesitate to ask us.

Having knowledge of the above-mentioned conditions, you are free to decide whether you will take part or not.

Would you like to participate in the discussion?

1. Yes

2. No

Participant's Name

Researcher's Name

Date

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2 Questionnaire for the interviews with National and Local Authorities

A. Basic information about the Interviewee

1. name, capacity, organization
2. What is the field of work of your organisation/institution?
3. What is your role in the organisation? And if not clear, justify your relation with the group of unaccompanied minors.
4. Are you collaborating with other services related to minors and their integration? Elaborate in public authorities, educational providers, NGOs)

B. Questions for authorities/NGOs

Analysis of the integration context

1. Please provide us with information on the activities that your organization undertakes for unaccompanied migrants. Please refer to the expected results, cooperating bodies and other stakeholders, problems and issues identified and mitigation measures.
2. What do you think of the integration context for unaccompanied minors? Has it changed since 2015, and if yes in what respect?
3. What legal or policy changes since January 2015 in the area of the integration context for unaccompanied minors have had a major impact on integration and in which area of life of the target group? Does this further depend on other factors such as reasons for leaving the country of origin?

Probe:

- a. impact on possibilities concerning employment, education, language acquisition, social assistance or access to healthcare,
- b. integration efforts and results in the above areas
4. Could you please elaborate on the current legal framework regarding the integration of unaccompanied minors?
5. What are the main and important features when exploring the situation of the unaccompanied minors?

6. What have been positive recent changes facilitating integration of unaccompanied minors in need of international protection?
7. What about the national integration strategies? Are there any? What are they expected to have as a result of their implementation? (integration praxis, results, approaches)
8. What type of facilities have been used at the location for the first reception, during the asylum procedure and after status is granted?
9. Are you aware of any good practices regarding the integration of unaccompanied minors?
10. What could you recommend as the next step regarding the integration services for unaccompanied minors?

Assessing integration

Factors affecting integration

11. In what extent does inflows affect the effectiveness of the provide integration services for unaccompanied minors?
12. Does the waiting time affect the integration prospects of unaccompanied minors? In what extent concerning employment, education, language acquisition, social assistance or access to healthcare?
13. Do you use any integration indicators in your work to assess the integration of young asylum seekers or/and protection status holders? Which ones?

Specific categories

1. Education & VET

14. What happens to the target group (15-18-year-old) protection status holders and asylum seekers from countries of origin with a high probability of being granted a right to stay on arrival? How are they usually included in the education system? Elaborate for children having completed as well as not completed compulsory schooling in their home country; children who want to study as well as those who want to work.
15. What have been the main challenges of integrating the target group (15-18-year-old) in secondary, vocational and tertiary education, including e.g. long periods of not attending school, negative education experiences in transit countries? What could be promising practices?
16. What have been the main obstacles in recognising diplomas and previous school performance? Are there any good practices? Is there any evidence of the number of young refugees and asylum seekers who asked for recognition of a secondary or tertiary education diploma obtained abroad? And how many got it recognised?
17. Funding: Have additional resources been made available?

18. Do you use any indicators in your work to assess the integration of young asylum seekers or/and protection status holders in the education system, e.g. drop-out rates?

2. Employment

19. Are there any support programs provided so as to facilitate access in the labour market?
20. What are the main challenges minors face when it comes to employment?
21. Are you aware of any statistics related to minors employment?
22. Considering the links between housing and employment (e.g. employment being a requirement in practice for renting an apartment and having a permanent address being a requirement for getting employed), how have situations best been resolved in situations when migrants neither had employment nor a place to stay?
23. Are there any provisions for the unaccompanied minors turning 18? Are there any other promising practices for integration into the labour market upon graduation/completion of training? (SILs?)

3. Housing

24. What are the main housing related challenges for asylum seeking members of the target group (15-18 year old protection status holders and asylum seekers from countries of origin with a high probability of being granted a right to stay)? And for protection status holders within the target group?
25. What happens to asylum seekers when they are granted international protection, do they move to other accommodations? Which ones? Have housing gaps arisen upon different steps in the course of asylum procedures (e.g. transition from asylum applicant to refugee or pending renewal of permits)?
26. How do the rules and practices for accommodating 15-18 members of the target group differ from those concerning adults? Are decisions concerning housing made by staff dealing exclusively with/specialised in children? Which factors are considered for choosing the type of accommodation arrangement?
- Probe: different arrangements, e.g. sharing with other unaccompanied children, sharing with local population, other*
- Probe also: consideration of conflicts between countries of origin, consideration of reasons for leaving a country of origin*
27. Are public child protection services involved when decisions on housing concerning 15-18 year olds are taken? How effectively has this worked in practice since January 2015? What have been the main difficulties in ensuring dignified living for asylum seekers, e.g. hygiene, privacy, overcrowding, isolation?

28. Which measures are in place supporting transition from (first) reception centre to individual housing solution, e.g. counselling and support by reception centre staff, social housing contingents?
29. Have there been cases of homelessness upon granting protection status? Have they increased since January 2015? If so, was this a result of a change in practice, e.g. withdrawal of support as status of asylum seeker ended?
30. What have been the main challenges and possibly good practices in relation to housing conditions for unaccompanied children (15-18 year olds) at first arrival, later on and when they are granted international protection?
31. Which housing solutions have worked best in terms of facilitating integration in general?
32. In which situations do members of the target group who are allowed to work most frequently need to resort to social assistance? For how long is it on average?

4. Health

33. What kind of health care and social assistance is available to the target group in case of illness or disability? How does this compare to the support available to nationals?
34. What kind of support is available to the target group in case of birth/children? Does this support depend on the type of permit? How does this compare to the support available to nationals?

5. Risk situations

35. Given the marginalised and precarious situation of some members of the target group, together with other factors, do you think that some of them are at risk of becoming radicalised? Have you any evidence of this happening and what do you think are the main causes? Are any members of the target group particularly at risk – such as young men or certain nationalities?
36. Do some of the risk factors, increase the chance of the research's target group becoming victims of crime (such as being vulnerable to theft, or being a victim of hate crime). For example, because of their precarious living arrangements or absence of a support network/family? Have you any evidence of this happening and what do you think are the main reasons for people being victimised? Are any members of the target group particularly affected – such as young women or certain nationalities?
37. Gender: Have female asylum seekers and protection status holders (15-18 year olds) tended to be particularly affected as victims by specific types of crime, including: trafficking in human beings for sexual/other exploitation, domestic violence, female genital mutilation, rape/sexual assault, etc.? What evidence do you have for this?