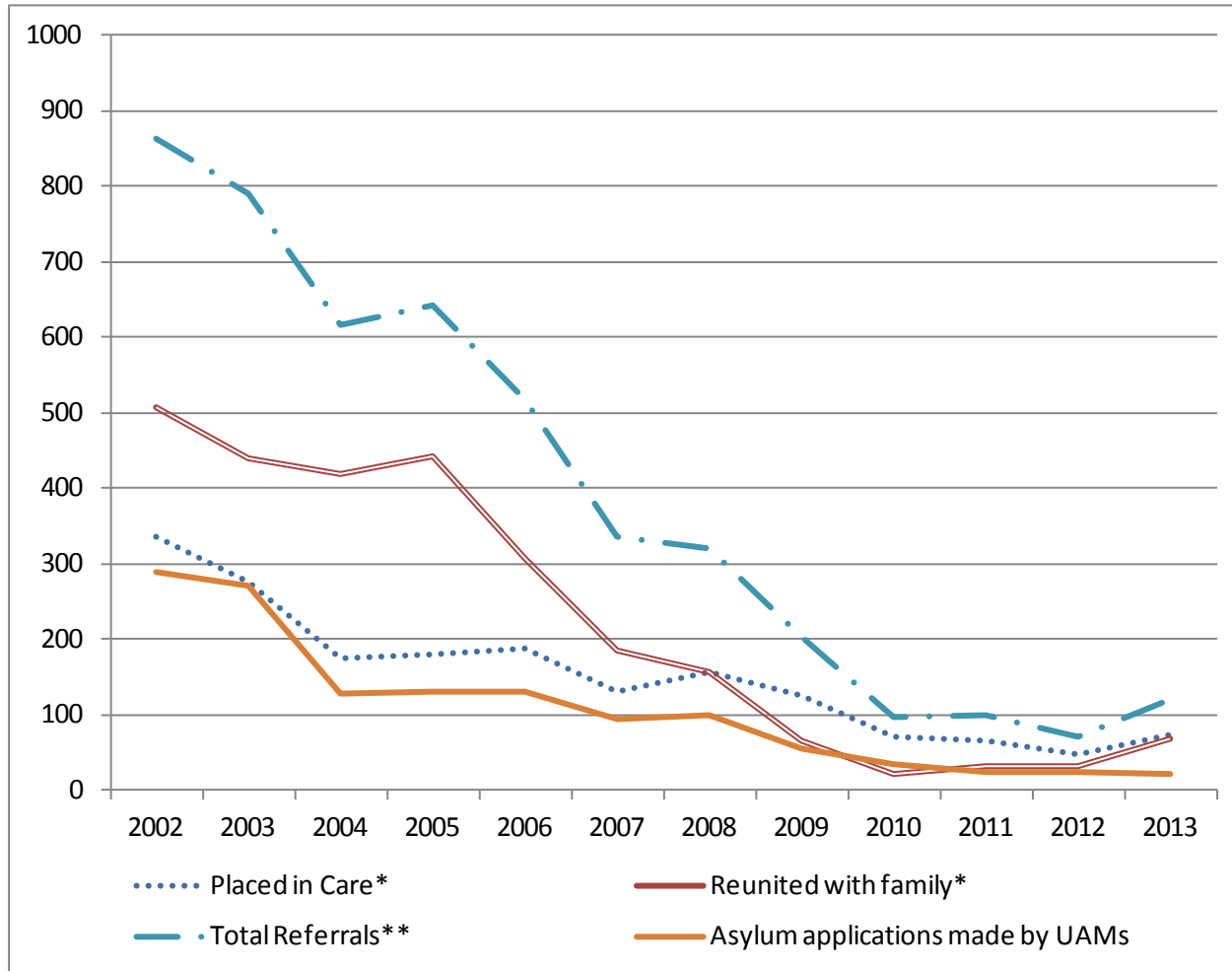




# Unaccompanied minors in Ireland: Data, Policies and Practices

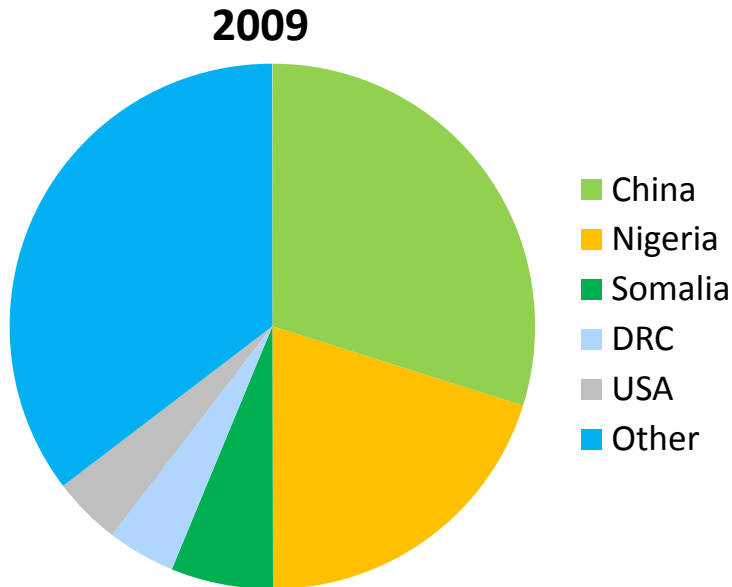
27 November 2014 | EMN Ireland-UNHCR Ireland Conference  
Emma Quinn

# Referrals to SWTSCSA (Dublin) and Number of Asylum Applications Made by Unaccompanied Minors, 2002-2013

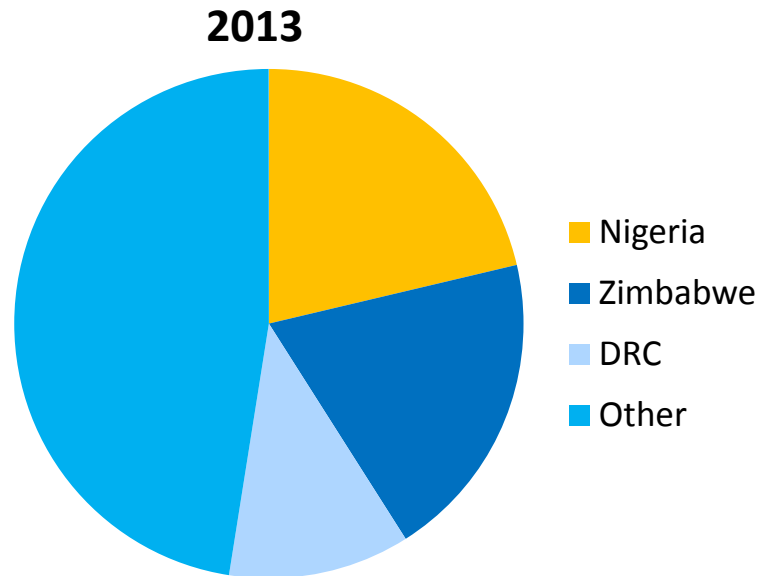


**Sources:** Data on referrals and care placement/family reunifications from SWTSCSA (Dublin), collation of monthly data reports; asylum data from the Office of the Refugee Applications Commissioner.

# Nationality Percentage Breakdown of Unaccompanied Minors placed in care by the SWTSCA 2009 and 2013



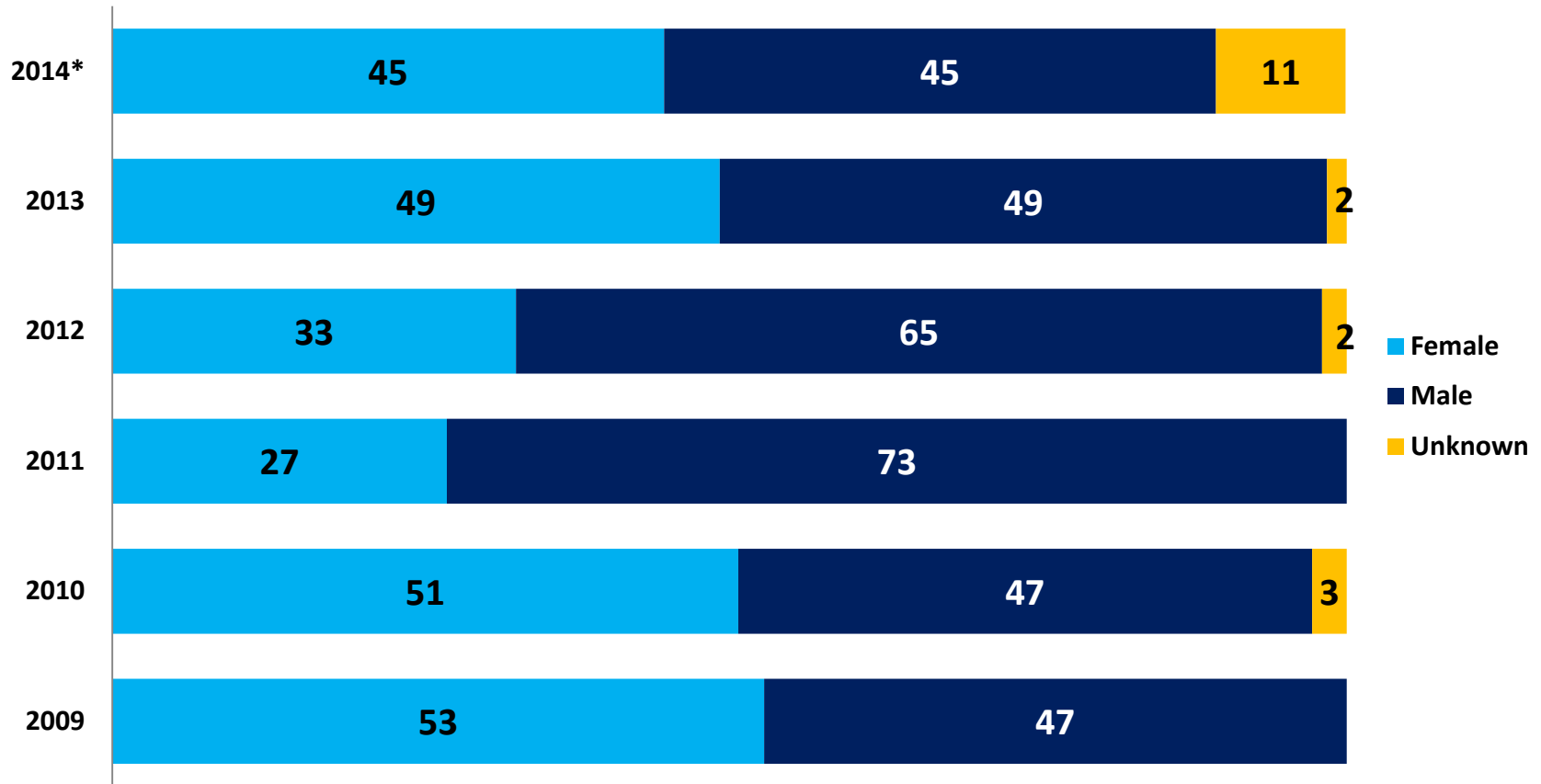
Total referrals = 203



Total referrals = 120

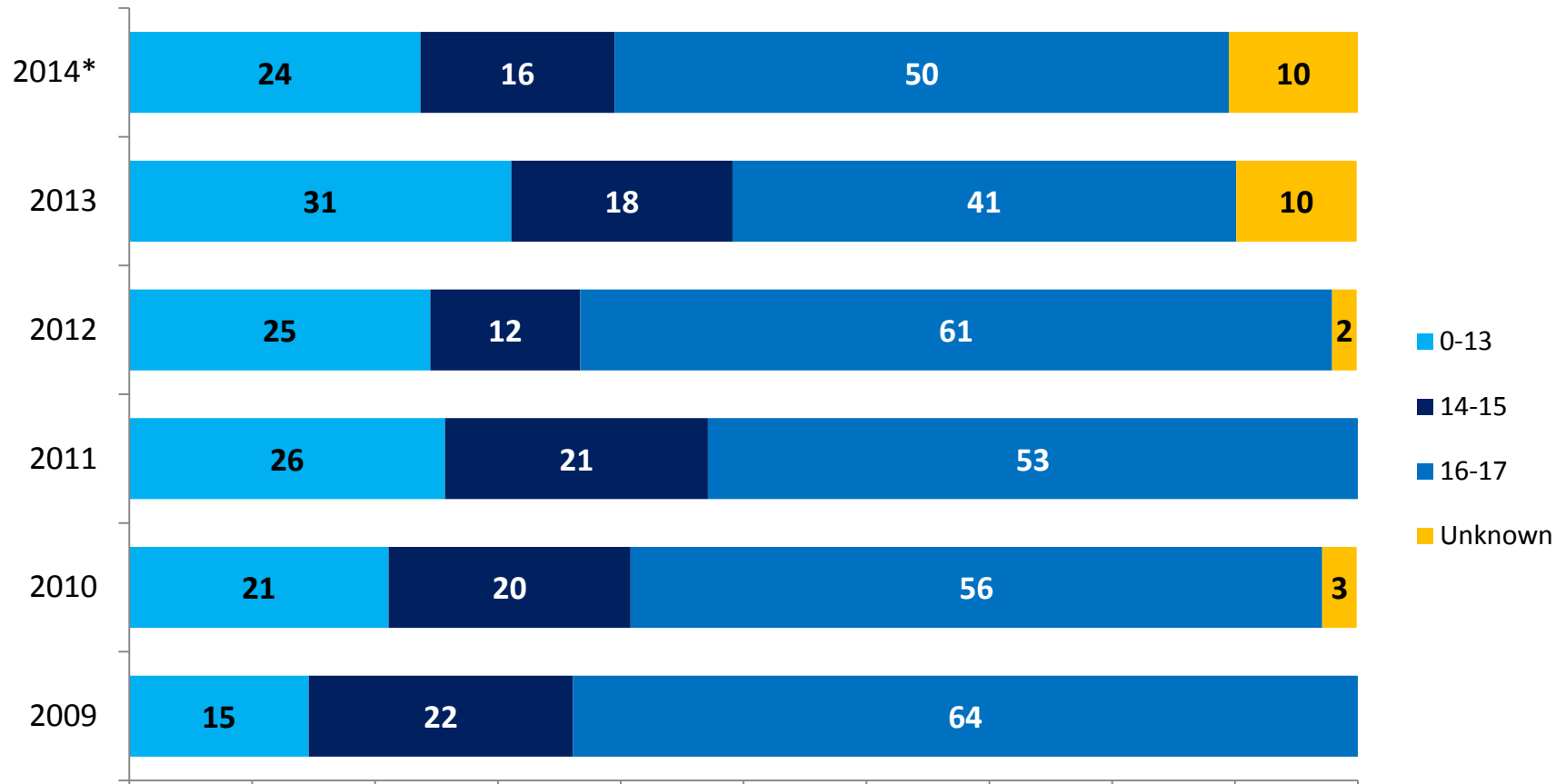
**Source:** SWTSCSA (Dublin), TUSLA. \*\* Other refers to all countries with less than 5

# Gender Percentage Breakdown of Unaccompanied Minors placed in care by the SWTSCSA 2009 - 2014



Source: SWTSCSA (Dublin), TUSLA Note: \* End of August

# Age Percentage Breakdown of Unaccompanied Minors placed in care by the SWTSCSA 2009 - 2014



Source: SWTSCSA (Dublin), TUSLA Note: \* End of August

# Referrals from the Border/Within the State

- Referral to TUSLA by GNIB/Gardaí /ORAC: Under 8 (5) of *Refugee Act 1996* or Emergency Care Order under Section 12 of the *Child Care Act 1991*

## Issues arising:

- UAMs also subject to immigration legislation and can be refused permission to land. Policy is not to return or remove an unaccompanied minor from the State
- UAMs who are refused leave to land and referred to TUSLA may or may not be registered later with authorities (GNIB/ORAC) – information gap
- No passport requirement for under 16 yr olds, so can't be refused permission to land on that basis
- No out-of-hours social work service outside Dublin – Emergency Place of Safety
- Data on referrals by GNIB only - Dublin

# Reception

- Significant improvements since 2009, principle of 'equity of care'
- All UAMs in TUSLA care now in foster care/supported lodgings/residential. Allocated social worker. Decline in minors going missing from care
- Dedicated social work team in Dublin where estimated 90%+ present

## Issues arising:

- Local application of care provision:
  - Variation in application of the *Child Care Act 1991* (Dublin/Cork/Limerick)
  - Expertise in Dublin available to local SW teams, but not actively rolled out
  - Variability in experience of ageing out and aftercare
  - Currently no national data on total number in care (improvements seen)
  - Specialised services (e.g. Refugee Access Programme) not available outside Dublin
  - Follow-up e.g. of family reunifications depends on resources

# Protection and Immigration Status

- General child-specific procedures now in place in ORAC
- Positive first decisions increased: 4.8% in 2009 to 27.3% in 2013

## Issues arising:

- Differing views on practice of not issuing final decisions until after a minor turns 18 years
- UAM who is not a protection applicant, holder of refugee or SP status, or victim of trafficking, has no specific immigration permission to be in the State and remains at the discretion of the Minister
  - Practical implications: e.g. problems securing PPSNs/ travel outside State
  - INIS: UAMs aged 16+ may be given a stamp 4 – not common practice
  - Under 16 year olds may not register within the State
  - Asylum application as means of regularising status
- No data on proportion of minors that seek asylum



# Age Assessment

- TUSLA, the Office of the Refugee Applications Commissioner (ORAC) and the Garda National Immigration Bureau (GNIB)/Gardaí - all form some opinion on age
- SWTSCSA: General child protection risk assessment, which explores age as one element
- Separated Children in Europe Programme : *Age assessment procedures should be undertaken only where there are grounds for serious doubt... That independent professionals with appropriate expertise conduct the assessment, and that their role is not in potential or actual conflict with the interests of the child.*

## Issues presenting

- Ambiguity exists as to who has the statutory responsibility for determining age
- TUSLA , ORAC, GNIB stated that a large degree of consensus exists. TUSLA'S clinical assessment of the child's age generally deferred to

# Return and Durable Solutions

- No legislative prohibition exists on deportation of UAMs, in practice no such deportations have taken place in recent years (INIS)
- Between 2009 and 2013, 16 UAMs transferred under Dublin Regulation
- Between 2009 and 2013, 8 UAMs returned through IOM Ireland

## Issues presenting:

- SWTSCSA has seen family members arriving from other EU Member States to remove children from care when no child protection concerns

# Conclusions and Policy Challenges

- Significant improvements to model of care but lack of national oversights and local variations e.g. in ageing out
- Systematic access to legal advice prior to asylum application being lodged
- Missing children (and final decision on residence)
- Guardianship
- No specific legislation on unaccompanied minors
  - Lack of clear immigration status
  - Tension between UAM as a “child” and a “migrant”?
- Statutory responsibility for determining age unclear
- More complete data necessary to inform policies. E.g.:
  - Proportion of UAMs who seek asylum
  - Data on referrals from GNIB/Gardaí /ORAC
  - Information gaps in GNIB registrations esp. under 16 yr olds
  - More complete information needed on UAMs located outside Dublin