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La rivista con profonda saggezza e lungimiranza, intendeva avviare e promuovere processi di costruzione scientifica e culturale di alto livello accademico assicurando al contempo la divulgazione e l'utilizzo concreto dei più avanzati prodotti di ricerca, rendendoli disponibili a tutti gli operatori del sociale oltre che ai ricercatori accademici.

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Giovani e contemporaneità



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Unaccompanied migrant minors (UAMs) in Italy and in Spain

GIUSEPPINA TUMMINELLI, LAURA MARÍA ZANÓN BAYÓN-TORRES¹

Abstract

In ogni Stato membro dell'Unione europea, i minori stranieri non accompagnati (MNA) rappresentano un tema complesso che richiede un approccio multiforme, e che fa riferimento a fattori quali le caratteristiche dei flussi migratori, le politiche di accoglienza, il quadro normativo e l'accesso ai servizi. Lo status degli MSNA si divide tra quello di "minore", e di conseguenza destinatario diretto delle convenzioni di protezione internazionali e nazionali, e quello di straniero", e quindi soggetto a restrizioni nei diritti e nelle politiche nazionali. Lo scenario emergente nei Paesi europei è un aumento degli arrivi di minori soli, anziché adulti, ma con la grave responsabilità di doverli sostenere economicamente. Questo documento nasce dal progetto Global Answer, che mira a identificare, analizzare e diffondere buone pratiche nel campo del lavoro sociale, dei servizi sociali e della mobilità umana (migranti, rifugiati o richiedenti asilo) in Spagna, Italia e Svezia.

Parole chiave: minori stranieri non accompagnati, buone prassi, lavoro sociale, Italia, Spagna

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Abstract

In any European Union Member State, unaccompanied migrant minors (UAMs) represent a complex subject that requires a multifaceted approach, encompassing factors such as the characteristics of migratory flows, reception policies, legal frameworks, and access to services. The status of UAMs is split between being a “minor” and therefore a direct recipient of international and national protection conventions, and being a “foreigner” and therefore subject to restrictions in rights and national policies. The emerging scenario in European countries is an increase in the number of arrivals of minors alone, instead of adults, but with the serious responsibility of having to support them economically. This paper originates from the Global Answer project, which aims to identify, analyze, and disseminate good practices in the field of social work, social services, and human mobility (migrants, refugees, or asylum seekers) in Spain, Italy, and Sweden.

Keywords: Unaccompanied migrant minors, best practices, social work, Italy, Spain

1. Unaccompanied migrant minors in Italy

According to data from the Italian Ministry of Labor and Social Policies, as of June 30, 2023, there are 20,926 unaccompanied migrant minors (UAMs) present in Italy. In Sicily, there are 4,476 UAMs. The characteristics of this mobile population show a prevalence of males (94%, 4,206) compared to females (6%, 270).

These are not children, but adolescents: 46.6% are 17 years old, 28.3% are 16 years old, followed by 14% who are 15 years old, 10.3% who are between 7 and 14 years old, and 0.8% who are in the 0-6 age group.

The main countries of origin of UAMs are Egypt (21.5% of the total), Guinea (12.4%), Tunisia (11.3%), Ivory Coast (11.2%), Gambia (8.9%), Eritrea (7.3%), Ukraine (4.2%), and Mali (3.5%).

Youths from Sub-Saharan Africa are the ones who mostly stay to work in the Southern Italian regions of agriculture, construction, catering, and services. They are often subjected to exploitation and discrimination.

In terms of territorial distribution, 23% are in the province of Agrigento, 17.9% in Ragusa, 14.8% in Catania, 12% in Messina, 10% in Trapani, 10% in Enna, 7% in Palermo, 4% in Siracusa, and 3% in Caltanissetta.

As of June 30, 2023, 1,960 UAMS have entered Italy. The highest percentage of entries was recorded in Sicily (1,081) and occurred in 98.5% of cases via disembarkation.

199 come from Tunisia (196 males), 190 from Guinea (176 males), 115 from Eritrea (102 males), 88 from Ivory Coast (82 males), 86 from Egypt (86 males), and 86 from Gambia (85 males).

Agrigento is the province that hosts the largest number of minors (885), followed by the provinces of Trapani (80), Catania (57), Messina (45), Siracusa (10), Enna (3), and Ragusa (1).

The data on the number of UAMS exited indicates the need for further investigation and the need for timely and adequate actions to take charge of minors present on the national territory and of minors leaving the reception system on reaching the age of majority.

In Sicily, 444 minors left the system in June (1,794 in total on the national territory). 171 of these left due to reaching age of majority, 264 due to voluntary departure, and 9 for other reasons. 96.8% are males. 30.6% of the total come from Tunisia (136; 133 males); 16% from Tunisia (71 males); 13% from Guinea (56 males), 8% from Ivory Coast (33 males and 3 females). The province most involved is Agrigento (41% of minors involved in absconding events).

The reception of unaccompanied foreign minors is guaranteed through the Centri Fami - Asylum, Migration and Integration Fund (AMIF); Extraordinary Reception Centres managed by the Prefectures; Extraordinary Reception Centres managed by the Municipalities; Centres of the SAI (Sistema di Accoglienza e Integrazione) network; Family homes and Community housing facilities.

The majority of UAMs in Sicily are part of the SAI network, which is the second reception system for asylum seekers and refugees. The SAI provides social, legal, and integration assistance and support. It is managed by local authorities, which are responsible for the projects and coordinate a wide range of actors, including implementing bodies.

Since 2022, the SAI network has been strengthened by increasing the number of places in existing projects and by promoting widespread reception through the adhesion of new municipalities to existing projects or through the funding of new projects.

Each SAI reception project involves a multidisciplinary team that includes different professional figures. In the case of SAI for UAMs, the following are involved: team coordinators; professional educators; reception workers; language and cultural mediators; administrative staff; social workers; psychologists; legal operators; integration workers.

According to the latest SAI Report 2021, Sicily had 116 projects in 2021 (13.6% of the national total). Of these, 51.7% are for ordinary reception, 41.4% for UAMs, and 6.9% for hardship/disability.

3,559 of the total places in the regional territory are for ordinary reception (64.5%), 1,727 for UAMs (31.3%), and 228 for mental health or disabili-

lity (4.1%); 27.7% of the SAI reception places are located in the province of Catania; 14.1% are in the province of Trapani; 12.7% are in the province of Agrigento. The highest number of places for ordinary reception are in the provinces of Catania (958), Agrigento (542), Trapani (531).

The highest number of places for UAMs reception are in the provinces of Catania (558), Palermo (268), Trapani (245).

There are 85 places for mental health or disability in Messina and 84 in Ragusa.

There are a total of 84 project owners on the island.

An important aspect emerging from the Sai 2021 Report is the need to be able to balance the specific needs of the territories involved in reception and to standardise the practices put in place.

A further serious limitation highlighted is the small number of reception places available for UAMS. As of 31 December 2021, according to the Ministry of the Interior's data on first reception, 591 places would be available in the Cas in Sicily and Calabria. The second reception, i.e. the Sai network, is more evenly distributed across the country. Despite this, the available places are not able to meet the UAMs presence. Critical the situation of those who voluntarily leave the reception facilities remains critical. The motivations that lead to this choice are determined by the desire to join family members, compatriots, friends in other European countries. The rules on reunification or on relocation would slow down such movements, which are faster if they follow irregular channels. By on the other hand, these choices increase the risks related to the dangers of taking dangerous routes to authorities and to being caught by the criminal networks that run, for example, the prostitution or labour exploitation market.

If the situations of war, persecution, risks of human rights violations are the main motivations that push minors to leave their country to try to reach Europe, a critical issue is the fact that many do not apply for international protection in order to try to reach other EU states. In 2022, when 42,000 applications for international protection by UAMs, Italy was in eighth place with 1,655 applications (Idos, 2023). This would imply further investigation into the reasons related to this exiguity in the number of applications in Italy.

1. 2. Some reflections

All reports and studies on UAMs confirm the conditions of vulnerability determined by personal experience and the experience of travelling. An increasingly dramatic picture emerges of violence, torture, manipulation and labour exploitation, elements that make up a scenario of fragility, psychological discomfort and, often, unwanted pregnancies. The wounds that mi-

nors and underage girls carry need total care, total attention, care services and daily accompaniment even towards the age of majority.

The transition to adulthood remains quite complex due to the increasing fragility that places the centre the evolution from one condition to another in terms of the psychological, physical, economic growth of the young person who experiences a “triple transition” (Bichi, Bonini, 2021) i.e. the transition from adolescence to adulthood, the transition that determines detachment from one’s country of origin and the transition that involves overcoming the traumas experienced in all phases of the journey.

The first transition is generally a difficult time to face not only from a biological, but also from a psychological and social point of view. Nevertheless, the significance of the transition from one age to another (Tumminelli, 2021) is related to cultural differences, which condition the different stages.

Migration becomes a rite of passage that transitions from adolescent to adult status.

Adults who in the new country are “foreigners”, experience the “double absence” (Sayad, 2002) that leads them not to feel part of either the one, the country of origin, or the other context, the new country, and to have to redefine themselves. The last phase of the transition is intertwined with the previous ones and has a devastating impact because it involves the transition from a traumatic experience to the activation of resilience factors that allow one to overcome the trauma and regain a condition of psychological well-being (Bichi, Bonini, 2021).

Due to the complexity of the situations, the taking in charge of UAMs or new adults must take into account take into account, as Bichi and Bonini point out, some specific areas, namely the legal status that is recognised; the possibility of access to educational and training opportunities; the possibility of access to the labour market; the possibility of achieving housing autonomy; the possibility of establish or maintain formal and informal relationships (Bichi, Bonini, 2021: 6).

Law 47 of 2017 had the great merit of establishing the figure of the “voluntary guardian”, i.e. an adult who, after attending a training course, becomes the reference figure for the minor and a guide towards getting to know and accompanying the services and towards building together with the team of the host structure, of their life project. The guardian may assume the guardianship of one minor up to a maximum of three.

In 2021, according to data from the Childhood and Adolescence Authority, 3,457 guardians will be registered in the lists of the Juvenile Courts. Among the main cities are Rome (439), Venice (309) and Milan (305). Of these, 67.1% are women, against 32.9% of men.

41.7% are in the 46-60 age group, while 17.25 are over 60. 65.2% of guardians have a university degree. The report of the Supervisory Authority also

underlines the heterogeneity in the practices of selection, appointment, and assignment of guardianships implemented in the territories. Moreover, several juvenile courts do not proceed with the appointment of guardians in the case of minors about to come of age. Also on this point it is possible to find critical points and imagine further avenues of research.

Another aspect to highlight is that Law 47, despite having intervened both on the institution of voluntary guardianship and fostering, it has not achieved the same results on fostering, which has remained a rigid institution without significant changes and whose forms will have to be rethought.

If situations of war, persecution, risks of human rights violations are the main motivations that push minors to leave their country to try to reach Europe, a critical issue is the fact that many do not apply for international protection in order to try to reach other EU states. In 2022, when 42,000 applications for international protection by UAMs, Italy was in eighth place with 1,655 applications (Idos, 2023). This would imply further investigation into the reasons related to this exiguity in the number of applications in Italy.

3. Unaccompanied migrant minors in Spain

The Spanish legal system defines an unaccompanied foreign minor as a “foreigner under the age of eighteen who arrives in Spanish territory unaccompanied by an adult responsible for him or her, either legally or in accordance with custom, where there is a risk of the minor being unprotected” (Art. 22 ter, of Organic Law 1/1996, of 15 January, on the Legal Protection of Minors, partially amending the Civil Code and the Civil Procedure Act).

These minors come mainly from the Maghreb, specifically from Morocco and Algeria. However, there are also minors from Eastern Europe, the Middle East and Sub-Saharan Africa.

Most of them travel when they are 16 or 17 years old, but it is possible that the migration project and the start of the route began when they were younger. In some cases, during the journey, they have turned 18 and arrive in our country as adults, but having made the journey as minors (Save the Children, 2018).

In Spain, data on unaccompanied foreign minors are published once a year in the Memoria de la Fiscalía General del Estado. Currently, the 2023 Report is published, whose data corresponds to the year 2022. In that year, 2,375 unaccompanied foreign minors arrived in Spain by sea, on board fragile vessels or pateras. Of all of them, there was a prevalence of males (95.4%, 2265) compared to females (4.6%, 110) (Memoria Fiscalía General del Estado, 2023). Most of them came from Morocco (1,235), followed by nationals from Algeria (402), Republic of Guinea (216) and Senegal (126). A total of 741 minors arri-

ved accompanied by adults who reported having a parent-child relationship, of whom 397 were male and 344 females. In terms of place of origin, the majority come from Algeria (250) and Ivory Coast (154). The National Police Force reported that 708 DNA tests were carried out to establish the link of filiation in cases where there was no reliable evidence to prove it. Of the 708 tests, filiation was confirmed in 676 cases, 24 tests were negative and in 8 cases new tests were requested.

In Gerona (Catalonia), problems have been documented with minors from Gambia due to that country's system for issuing documentation. Also, due to the special situation of Ukrainian minors, they have been declared unaccompanied minors and the Administration has assumed guardianship functions while the personal and family situation of these minors is being studied.

As of 31 December 2022, the Register of Unaccompanied Foreign Minors contained 11,417 minors, of whom 1,903 are girls.

During this year, 4,805 age determination procedures have been initiated, 1,264 persons have been found to be adults, while 2,163 were minors or there was a possibility of them being minors. On the other hand, in 1,378 cases it was not possible to conclude the process due to abandonment of the centres. The documentation processes of minors suffer delays due to a lack of material and human resources, a situation that is particularly alarming in the Canary Islands.

In 2022, two repatriations of young minors were processed in Almería (Andalusia) with a favourable outcome for repatriation.

Despite the difficulty in finding data for the year 2023, the press reports a parliamentary question from the Popular Party (leading opposition party) to the Government on the number of unaccompanied foreign minors in Spain and their distribution among Autonomous Communities. Thus, according to government data in response to the parliamentary question as of 31 October 2023, a total of 10,738 unaccompanied minors have been registered (europapress, 18 December 2023).

By Autonomous Communities, the Canary Islands is the one that takes in the most minors (3,030), followed by Andalusia (1,707), Catalonia (1,337), Valencia (1,016), Madrid (849), Basque Country (677), Balearic Islands (319), Castilla y León (295), Melilla (276), Murcia (240), Ceuta (221), Galicia (209), Castilla-La Mancha (143), Navarra (133), Aragón (125), Asturias (64), Extremadura (53), Cantabria (34) and La Rioja (10) (europapress, 18 December 2023). However, UNICEF points out that there is no data on minors arriving in Spain by land because they are not detected.

In a global context in which human mobility is increasing, the arrival of minors migrating alone is also on the rise. In Spain, since 2015, the number of registered unaccompanied foreign minors has increased by 221.4% nationwide, and, in the Canary Islands alone, this increase has been more than 3,000%

(europapress, 18 December 2023). Following Quiroga Raimúndez, Chagas Lemos, Palacín Bartrolí, Arranz Montull (2023), from 1996 to 2021, four stages can be established in the arrivals of these minors: first stage from 1996 to 2002; second stage from 2003 to 2009, third stage from 2010 to 2015 and fourth stage from 2016 to 2021.

In the first stage, from 1998, an increase in the number of minors arriving in the country was detected, most of them aged 16 and 17 from Morocco, although later they also arrived from Sub-Saharan Africa and Eastern Europe (Quiroga Raimúndez, Chagas Lemos, Palacín Bartrolí, Arranz Montull, 2023). In this period, the decision to migrate is made by the minors themselves, in a minority of cases, fleeing family conflicts, while in most cases, migration is due to economic difficulties, the search for social improvement or the experience of adventure, arriving in the undercarriages of lorries or buses or by ferry (Quiroga Raimúndez, Chagas Lemos, Palacín Bartrolí, Arranz Montull, 2023).

Eight years later, in 2006, the arrival of young girls was detected, with some differences compared to boys, since, in general, they are more vulnerable and their routes are more hidden (Jiménez, 2004). Minors coming from Morocco are between 13 and 15 years old and those coming from Sub-Saharan Africa are almost of age.

They use the same means of transport as in the previous stage, although they also begin to arrive in small boats, seeking better opportunities, with more elaborate migratory projects in which, on occasions, the family has participated in the decision (Quiroga Raimúndez, Chagas Lemos, Palacín Bartrolí, Arranz Montull, 2023).

In the third stage (2010-2015), there is an increase in the number of sub-Saharan minors, with more and more young people coming in search of opportunities and an improvement in their quality of life, arriving by the same means as in the previous stage, but increasing their mobility through different European countries (Quiroga Raimúndez, Chagas Lemos, Palacín Bartrolí, Arranz Montull, 2023).

The last stage for which there is an in-depth analysis is from 2016 to 2021, when the reception system is overwhelmed. The minors arriving are between 16 and 17 years old, there is an increase in the arrival of girls fleeing forced marriages or seeking greater freedom and, during Covid-19, the arrival of Moroccan minors decreases.

Likewise, the motivation to improve living conditions continues, migration is sometimes a family project, but there is an increase in arrivals in small boats that are controlled by mafias.

An important fact is that minors arrive documented with a passport or birth certificate, which shows that families are aware that this is an essential requirement for initiating regularisation procedures (Quiroga Raimúndez, Chagas Lemos, Palacín Bartrolí, Arranz Montull, 2023).

One of the most worrying elements of the Spanish reception system for unaccompanied foreign minors is that migrant status takes precedence over being a minor (Save the Children, 2018). In Spain, the Law on Citizen Security allows for “hot returns” or “summary expulsions” (declared illegal by the European Court of Human Rights) that do not allow for the identification of situations of special vulnerability.

The Spanish Law on Foreigners prohibits the detention of minors except in the event that their parents are in a Detention Centre for Foreigners (CIE), in which case the family unit must be taken to a special module.

However, testimonies have been collected from young people who have been held for up to three days in police stations or in adult centres similar to CIEs (Save the Children, 2018). There is a scientific vacuum regarding reception models and their evolution, but it has been noted that the lack of planning and forecasting of possible arrivals leads to the saturation of the protection system, which functions like a funnel (Fundación PorCausa, 2021).

In most cases, return is not possible, so the minor is placed under the guardianship of the Autonomous Community and referred to a First Reception Centre while awaiting a more lasting solution, which may be foster care or another residence or long-stay accommodation where he/she will be cared for by professionals until he/she reaches the age of majority.

Reports and research agree that the foster care system presents important deficits that, in many cases, violate children’s rights.

In addition to the difficulties and obstacles to social, educational and employment integration that the system presents, there is the heterogeneity of the system depending on the Autonomous Community in which they are, which means different opportunities depending on the territory in which they are. In addition to the lack of detection of many of the minors who arrive, the very functioning of the system means that those who are detected are lost, either because they disappear from the centres or because they find the regimes of the centres unbearable to the point of preferring to live on the street.

Despite legislative reform, the transition to adulthood is still very complicated for these people due to the lack of job opportunities, the lack of training, the absence of a solid support network and the scarcity of opportunities that, in general, Spain offers for young people.

On an emotional and psychological level, (Segú Odriozola, Gómez-Quintero, Casado Patricio, Aurrekoetxea-Casaus, 2023) points to emotional tensions between feelings of success and pride at having made it, but also sadness, shame, uncertainty, longing for their family, nostalgia, etc. Traumatic experiences of violence or mistreatment produce feelings of mistrust, and the scarcity of institutional resources generates a sense of insecurity at the idea of living in situations of risk or social exclusion.

4. Some reflections

Unaccompanied foreign minors face great difficulties throughout their migratory journey but also once they arrive in Spain. As mentioned in the text, the reception system is not sufficiently guaranteed to protect these minors. These children are exposed to situations of social vulnerability, social exclusion, exploitation, suffer inequality in access to training and the labour market, as well as in the exercise and enjoyment of children's rights as set out in the Convention on the Rights of the Child.

Entry into Spanish territory, in the case of being detected, is conditioned by the age determination procedure, which still has many deficiencies. Furthermore, both the operation of the reception system and the conditions of the centres mean that, on many occasions, minors prefer to escape from them or get lost and disappear during the administrative procedures.

In the case of older children, deprivation of liberty in police stations has been documented in excess of the time limit established in our Constitution (72 hours), seriously violating the rights of these minors.

The case of girls is particularly worrying due to the lack of information available, the dangerousness of the routes (more so than in the case of boys) and the lack of gender perspective and infancy perspective that permeates the entire system.

Studies show that migration has a strong emotional impact on minors, who experience fear, sadness, nostalgia, mistrust... However, they show great strength, an eagerness to improve and a desire to work, a demand that they express repeatedly from a very young age.

5. Final considerations

A comparison between Italy and Spain reveals the profound and worrying vulnerability of unaccompanied foreign minors (UAMs) who have arrived and continue to arrive in the two States.

This situation is amplified by the condition of being minors, which is an element of fragility due to difficulties, for example, in taking care of themselves. In both cases, Italy and Spain, the minors faced the journey without adults, experienced situations of violence and trauma during the migration phases (before, during and after the journey) and re-traumas (during the journey and after arrival). The routes are different, but the problems they encounter are identical.

All this implies the launching of actions, interventions to take charge of and accompany the minors that come to terms with the policies adopted by the States. Thanks to the Global Answer project, the possibility of learning

about the best practices implemented with regard to UAMs in the States involved makes it possible to imagine new initiatives and future prospects for action.

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