

**Since 2013 AccoglieRete Association deals with the protection of unaccompanied foreign minors and operates in Sicily, specifically in the province of Siracusa. It supports minors from the first reception phase and promotes for years the figure of the *volunteer legal guardian*, a fundamental component in the minor's integration path into the social fabric of the host community.**

## **Introduction**

According to the Convention Relating to the Status of Refugees of 28 July 1951, a refugee is “a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (Article 1, A2).

Unaccompanied Foreign Minors (UFM) are minors without Italian or other EU citizenship who are, for any reason, on state territory or otherwise placed under Italian jurisdiction, deprived of assistance and representation on the part of parents or other adults for their legal responsibilities under the existing laws of Italian legislation. For UFM's the following has been laid down: the prohibition of deportation, the right to assisted repatriation, the right to be placed in a secure place, the same rights as Italian minors to welfare, instruction, professional training and work. Resident permits for minors are valid until the age of 18. During this period, all measures should be put in place in order to foster integration on the national territory.

First of all, for immediate protection and first aid the unaccompanied foreign minors are placed in governmental first reception centres (*prima accoglienza*), instituted with the decree of the Ministry of Interior (Legislative Decree no. 281/19097, art. 8) for the time strictly necessary (not exceeding sixty days) for identification and age determination, as well as to receive, appropriately, all the relevant information about their rights and how to exercise those rights, including that of applying for international protection. First reception facilities are implemented by the Ministry of Interior, in agreement with local bodies in the region in which the establishment is situated. They must guarantee a meeting with a Psychologist for Adolescents, where necessary in the presence of a cultural mediator, in order to ascertain the personal situation of the minors, the motives or circumstances of their departure from the country of origin, the journey made, and the future expectations.

The subsequent accommodation of the minor is ensured in second reception phase (*seconda accoglienza*) within both the Protection System for Asylum-Seekers and Refugees (SPRAR) and in reception facilities for minors that since 2015 are open to all UFM (Government Forum for the Regions, December 2014). Both asylum-seeking UFM and as UFM not asking for asylum have access to all the measures implemented by local authorities. In the case of temporary unavailability of assistance and hosting for minors in these facilities, the public authority of the Municipality, where they are, temporarily safeguards minors.

The 'neomaggiorenni' (newly turned 18 years old) are those who attend the interview with the Commission when they are adults but they left their country still minors. They do not necessarily lose the characteristics of minors when they end legal childhood, which can indeed continue after the adulthood has been reached.

## **1. The Starting Point**

Since the Summer 2013 the province of Siracusa has been one of the main areas involved in the emergency of landings because of its proximity to the port of Augusta, operational base of Mare Nostrum. All UFM, once they land, are entrusted to the Department of Social Services of the Municipalities where they arrive. Due to a chronic lack of places and delays in public payments, they cannot be hosted in appropriate facilities, so they are placed as an emergency measure in centres of first reception ad hoc created that do not correspond to the safe places laid down by law for the protection of children (see art. 403 of the Italian Civil Code). Their precarious condition in inadequate centres together with their distance from home, the solitude, the burden of debts contracted by the family in supporting their journey, are all elements that elevate the vulnerability of a group that is already in itself fragile. In the absence of an efficient system of guardianship, the minors are exposed to a very high risk of being drawn into networks of exploitation and trafficking.

In 2013, the stay in these frequently-poor centres of first reception (in some cases profoundly inadequate) lasted between 48 hours and 3 months, but following Mare Nostrum Operation the waiting times in such places have risen substantially, even exceeding 6 months. Even if we consider being legal these kind of establishments, the law specifies that the minors should not be there for more than 72 hours. In fact these centres do not correspond with the safe places laid down by law for the care of children (see article 403 of the Italian Civil Code), because in this primary phase of the reception system only board and lodging is covered. The minors do not start a course of education, nor do they have access to activities facilitating their integration; and they have no legal or psychological support, or cultural mediation. At times not even basic clothing and personal hygiene kit are provided for. Health care is often forthcoming only thanks to the presence of associations nearby, applying pressure and offering services.

The lack of accommodation in host communities for minors and the consequent extended stay in centres of first reception would have resulted in minors being abandoned for months and in serious discomfort, except for the intervention of associations, volunteers and families. In the absence of all the basic services, the potential for an educational project and a genuine path of integration is not implemented. It has serious consequences for these minors, deprived of the possibility to start with a safe process of development and integration. This is to the benefit of criminal groups that find easy prey in these highly vulnerable subjects.

Before the intervention of AccoglieRete, there was no accommodation facilities in Siracusa. The unaccompanied minors landed were accommodated in inadequate structures set up to confront the emergency and where the minors were mixed with adults and without any form of legal assistance or linguistic mediation. Moreover, the condition of being a minor was also a disadvantage, since the lack of representation often evolved into a dangerous invisibility.

## **2. The intervention of AccoglieRete**

AccoglieRete is an association for the protection of unaccompanied foreign minors, born from a network of volunteers already active in the region as members of different associations, and became the primary association of voluntary legal guardians for UFM's operating in Italy. It started to work in July 2013, in response to the crisis of the reception system and to cope with the necessity to create a support and a guardianship system for the UFM's arriving on the coast of the province of Siracusa. The first steps were to make both the Tutelary Judge in Siracusa and the Juvenile Court of Catania aware of the need to entrust the UFM's to ad hoc appointed guardian who could work with the minor on an individual basis. Beyond that, through an intensive advocacy activities aimed at applying the law according to which 'minors must be hosted in a safe place', AccoglieRete gained authorisation to send legal operators, cultural mediators and guardians into reception centres in order to offer legal advice and other competencies, helping UFM's and planning their integration process.

The destiny of hundreds of UFM's – until then like “ghosts” – has changed. Cases of run-aways have been exponentially reduced. The rate of UFM's that disappeared after the landings was reduced by 50%.

Having verified the efficacy and the positive impact of actions implemented, in November 2013 AccoglieRete was established as an association of volunteers, and in 2014 became a registered non-profit organization (ONLUS).

Today AccoglieRete consists of 150 legal guardians and more than 35 foster families who support UFM's voluntarily.

The guardians are lawyers, psychologists, doctors, teachers, social workers, educators, former international officers and independent professionals, but also

are simply people of the civil society who have decided to train themselves to fulfil the role of a guardian. They are from 28 to 70 years old, and many of them are citizens active on various fronts, from activism for safeguarding the environment to the battle against the mafia.

The minors protected by guardians are aged mostly between 16 and 18 years, and come from Gambia, Egypt, Bangladesh, Senegal, Mali, Ghana, Ivory Coast, Guinea Bissau, Nigeria, Syria, Eritrea, Somali and other areas where there is risk of persecution and war. Only 5% are girls, of those the majority are of Nigerian origin.

The main aim pursued by the association is the “widespread” reception of unaccompanied foreign minors, through two mechanisms: *the individual guardian*, understood not merely as legal representation but also as a person of care; and *family-based reception* or reception in a small community far from the large centres where minors get lost (also to themselves). The figure of the individual guardian is the fundamental tool through which the minors can get their voice heard and secure their rights, creating the conditions through which to identify a personal strategy for integration and social inclusion. The family-based reception, experienced in these years, is not only the most effective means of integration, but is also a way for the creation of a genuine and peaceful multicultural society.

Since 2013, the promotion of the role of the legal guardian as an ‘anchorage’ figure for the minor has been the principle strategy pursued by AccoglieRete to cope with the disorientation of the UFM’s who arrive. Within the network built by the Association, the *guardian* represents a fundamental element for the UFM’s integration in the social fabric: it provides the most appropriate contribution to the particular and complex sector of irregular immigration. Over time, the reception model created by the Association has revealed itself to be effective in unblocking a system compromised by emergency management of arrivals. The promotion of the “widespread” reception, effected by operators with the support of volunteers, families and local associations, allows the Association to continue making a fundamental contribution to the region.

The principles inspiring the actions of AccoglieRete are:

- (a) the right to/duty of solidarity as constitutive elements of citizenship
- (b) the widespread reception as the best solution in the reception system
- (c) the idea of participatory reception: a process that regards everyone as citizens (assuming they are adequately supported)
- (d) the social parenthood (with respect to minors)
- (e) the key steps for the involvement of the local community in the reception of UFM’s
- (f) awareness-raising of citizens for the individual involvement of volunteers (through the figure of the legal guardian, the foster family or the support family)
- (g) the creation of a system of support for individual commitment.

### **3. What AccoglieRete does**

AccoglieRete, besides exposing the shortcoming of the systems of guardianship and reception of UFM's, works continuously to put pressure on local institutions, in order to improve the function of public administration and to regulate the situation, filling the institutional gaps of the system of UFM's reception.

AccoglieRete supports the unaccompanied foreign minors since the phase of 'first reception' through a service of legal support, cultural mediation and psychological assistance. Additionally, it connects associations, citizens and families that offer widespread reception and support the minors during their personal integration processes in culture and education.

In particular, AccoglieRete works on activities for raising awareness and training that allow for the identification and involvement of guardians, to ensure that they are prepared to enter into the guardianship process.

After the guardianship has been established, AccoglieRete supports and accompanies them through the following functions:

- curating the various practices of nomination by the Tutelary Judge and the Juvenile Court of Catania;
- guiding the guardian through necessary applications for legalisation at the Foreign Office of the State Police, and through the practices of political asylum claims;
- providing cultural mediators to interview minors and for getting to know the plan behind their migration;
- supporting the guardian in arranging potential practice of reunification with a family member (up to and including the fourth degree) within Italy or in other European countries;
- providing all relevant information needed to register for the National Health System;
- ensuring that the relations with the family of origin are maintained;
- providing a constant support service in relations with the Tutelary Judge and the Juvenile Court;
- guaranteeing psychological support service both to the minors, in order to identify and safeguard particularly vulnerable subjects, and to the guardians and the foster families;
- interacting with various services to guarantee a placement for the minor as rapidly as possible and in an appropriate place as defined by law;
- supporting a course of basic literacy in the phase of emergency placement;
- promoting and supporting the potential hosting of the minor by a foster family;
- providing advice to legal guardians and foster families during the whole process;

- providing legal, social and psychological support services to a network of communities and foster families that offer hospitality to the UFM, in order to create a path of integration and cultural education.

AccoglieRete also *supports* the UFM from the phase of first reception through a legal information point, services of cultural mediation and psychological assistance; it *accompanies* minors through to adulthood with projects of social inclusion and integration (formative apprenticeships, training internships); it *connects* associations, citizens and families that offer distributed hosting and support minors during their individual path of educational and cultural integration; it *pursues* advocacy through institutions dedicated to improve the reception system and to development of good practices.

The staff of AccoglieRete consists of:

- **legal operators**, who look after the support services and the legal training of the guardians and the UFM throughout the protection process. They handle relations with the Court relating to the guardianship, the procedures for family reunification, the communications with the Public Prosecutor of the Republic, the placements under articles 371 and 25, R. D.1404/1934; beyond that, they conduct the initial interview with minors to provide them with information about Italian and European legislation.

- **social workers**, who deal with the selection, support and training of the guardians in aspect of psychology, culture and intercultural communication, and with regard to the regularisation procedure (the appointment with the Immigration Office at the Police Headquarters). In addition, they interface with the institutions (Police Headquarters, Prefecture, social services, reception centres of UFM) and facilitate requests for UFM to enter the centres of the Protection System for Asylum-Seekers and Refugees (SPRAR). They work also with organizations of working groups of mutual support for the exchange of experiences and peer-to-peer support between families and tutors.

Given the number of people who voluntarily, or through involvement in the network of guardians, manifest interest in the figure of guardian, a fundamental role of the team is managing the first meetings with new tutors. At this point they provide all the information required to fill in the guardian on the responsibilities that the role entails, and of the importance of the guardian in the development of the child. Following these meetings, if the requisites of the volunteer are compatible with those required to fulfil the role of the guardian, and if the willingness to perform this task is still there, there is a specific course of training in which AccoglieRete is involved. All guardians, but above all those having their first experiences, are followed closely at all stages by the AccoglieRete team.

Once the Juvenile Court has issued notification that a guardian has been nominated, legal providers accompany the guardian to the Tutelary Judge in order to make an oath.

The normal practice of AccoglieRete stipulates that, after an initial meeting in which the guardian visits the reception centre just to meet the child, there is a further meeting at the headquarters of AccoglieRete (outside the reception facility for the minor to experience the neutrality of the Association), also involving a legal provider and cultural mediator. In this case, following a particular model of interview, the minors are invited to tell their story, the reason for leaving their home country, and the plan behind their migration. The objective of the meeting is to offer legal information to the minor and to the guardian so that they have all the information needed to choose, on the basis of information gained in the interview, the most practicable process of legalization. Opting to request a residence permit for minor age implies a bureaucratic process distinct from the one required for the request for an asylum seeker's residence permit. Additionally, during the interview the child is also asked whether he has relatives in Italy or in Europe. In that case, the relative is contacted, the possibility of the hosting of the minor is verified, and then, where appropriate, legal practices are initiated for the reunification.

If the minor submits an application for a residence permit for minor age, the document must be collected at the Immigration Office at the Police Headquarters, in the presence of the guardian. Usually the reception facilities make appointments for the permit to be issued but where this fails to happen, AccoglieRete helps the guardians to arrange it.

If the minor presents a request for a residence permit as an asylum-seeker, they must go with the guardian to the Police Headquarters to make the request. The request must be recounted to police officers who use it to complete a form called a C3. This contains substantial personal data, as well as questions about the UFM's reasons for having left their country of origin and for the request for asylum. In order to prepare for this, and in order to avoid the form being completed incongruently with any statements that could be subsequently made by the UFM, the legal operators of AccoglieRete organise a meeting with the UFM in the presence of a cultural mediator and the guardian.

For obtaining the recognition of the status of refugee, the unaccompanied foreign minor must be heard by the Territorial Commission for the Recognition of International Protection of Siracusa, that is the body empowered to respond to requests for international protection. Also in this case, the legal operator and the cultural mediator meet the minor and the guardian in order to prepare the minor and help focusing on the most relevant episodes of his/her story. Additionally, given that the guardian is there to assist at the hearing at the Territorial Commission, can be crucial to know the details of the minor's development to supporting their argument.

In the case of a negative outcome issued by the Territorial Commission, the legal operators provide guidance regarding practicable actions (such as the appeal to the Court and the request for a residence permit for minor age). They put the minor and the guardian in contact with lawyers associated with the Association

that on behalf of the Association will follow the case of the minor. Often it is a matter of challenging acts of the Territorial Commission as ‘manifestly unfounded’, or by providing evidence of personal data such as that regarding the age.

AccoglieRete provides a service of linguistic-cultural mediation in order to facilitate the communication between the minors, their guardian and the operators of the Association. The mediator is indeed a very important figure because, identified the context from which the minor originates, contributes (along with the legal operators) to their orientation, providing information about the Italian legislation inherent in the legalization process identifying the most suitable strategy of integration taking in account the migration project. The languages spoken by the mediators of AccoglieRete are Arabic, English, French, Pidgin English, Hausa, Ashanti, Twi, Kotokoli, Fanti, Abrong, Ewe, Tchamba, Bono, Kabye, Dioula, Bambara, Foula, Mandinga, Wolof, Swahili, Somali, Poular, Tigrinya, Amharic, and further local dialects. In addition to the cultural mediators doing their work for a long time, there are UFM's former beneficiaries who are inclined to start their careers as cultural mediators.

The physical space in which AccoglieRete has its headquarters has become over time a place that “makes community”. It is a neutral space where minors can go to see their rights guaranteed, and where relationships based on trust are developed. It is a space where guardians can meet one another, organise awareness-raising, recreational and sporting events, language courses, moments of exchange and participatory processes, a place that belongs to everyone – to minors, guardians and new-adults – and where it is possible to develop reciprocal understanding, feel united and to generate community values.

#### **4. The volunteer guardian**

Being a guardian is a process of personal transformation that, in conjunction with other processes of personal transformation, becomes a social and cultural transformation of the whole local community. It contributes to the creation of a transcultural community of which the volunteers and all their relations, minors and former minors are part.

The guardian is a person that voluntarily dedicates themselves to becoming a legal representative of a minor, becoming the necessary spokesperson to institutions, for safeguarding the interests of a child who has arrived without parents, is an orphan, or who has had access to parental care suspended. The guardian has care of the minor, represents the minor in all civil actions, and administers their property. The guardians support the minors in their process of legalization, in the provision of legal, health and psychological services, in the education system, and taking all possible actions to encourage and develop their plan for migration.

The voluntary guardian is thus a central component in the reception system for UFM's, and is a kind of mediator with the authorities, particularly with the



Commission responsible for asylum procedure, along with representatives of the reception facilities, with the local institutions, schools etc. The guardian follows the evolution of the minor's integration path; can evaluate whether his/her rights are respected in the first and second phases of reception; participates in the meeting with the Commission and can help to submit an appeal in case of rejection; can interact with the Juvenile Court in controversial situations.

Following the recent changes introduced by the Zampa Law for "*provisions concerning protection measures for the unaccompanied foreign minors*", every aspiring guardian has to attend a training course effected by the Regional Authorities for Children and Adolescents, at the end of which a nomination is sent to the Juvenile Court territorially competent. One of the main tasks of AccoglieRete is the organisation of training and orientation courses, providing resources for those working in the reception system, including volunteer legal guardians.

The possibility for every minor to be accompanied by a guardian represented a way to get out from the forced condition of anonymity to which the minors were constrained after their arrival, not only in dealings with authority but also in society at large. The guardian creates a personal relationship that gives security to the child, building a bond of trust that keeps risk at bay, and simultaneously make them member of network that strives to safeguard against illegality.

The role of the legal tutor represents moreover an opportunity for growth and training. Among the fundamental requisites, art. 348 of the Civil Code states that '*the guardian must be a suitable person in office, with unquestionable conduct, who gives assurance of educating and instructing the minor*', holding to account the capacity, the natural inclinations and the aspirations (see art. 147 of the Civil Code). The guardians possess the necessary competences to exercise their functions and carry out their tasks in accordance with the principle of the best interest of the child. Individuals and organizations whose interests are in conflict or potential conflict with those of the minor cannot be nominated as guardians. The guardian may be substituted where necessary (art. 19, c. 6, Legislative Decree no. n. 142/2015).

## **5. The network of AccoglieRete**

AccoglieRete maintains numerous contacts and collaborations that contribute daily to the dissemination of the best practices. There are strong bonds between AccoglieRete and both the National Association of Psychologists and the Siracusa branch of the organization ARCI, with whom it pursues activities that help and support the unaccompanied foreign minors.

Other important partnerships include the one with CESVI, an NGO that collaborates with AccoglieRete since 2014 on capacity building and reinforcement of the organizational structure, as well as in finding work opportunities for both UFM's approaching adulthood and for new-adults, through opportunities for professional training courses and apprenticeships. Since 2016, AccoglieRete

collaborates both with Oxfam to support the guardianship system and with the University of Catania in awareness-raising and training of the students on the topic of migration.

The Association collaborates continually with the Juvenile Court of Catania, the Tutelary Judge of Siracusa, the competent social services, the Central Service of SPRAR, and all the institutions and stakeholders. AccoglieRete has also become a point of reference for numerous reception institutions in the territory of Siracusa. They avail themselves of legal expertise and mediation by volunteers of AccoglieRete in order to support the children in an appropriate manner, and are trained along with the guardians, in the necessary procedure for the legalization of the UFM and their settling in the region.

The network, intended as a support system, continues to work on a number of fundamental points:

- expertise: experts are sought among volunteers (lawyers, psychologists, social workers) that can offer their experience to others
- organization: the creation of an advocacy group that takes the concerns of the guardians to institutions and networks them with local stakeholders (social workers, foster families, host institutions)
- mutual help: the creation of a community through events and support groups for guardians, facilitated by experts
- virtual and physical space: to allow for sharing, providing a 'third' neutral space for the minor.

## **6. Results and Impact**

More than 2000 unaccompanied foreign minors - aged between 11 and 17 - have been assisted by AccoglieRete in 5 years of activity, of whom around 60 have been registered in processes of 'distributed' reception (accommodated in Italian families open to multi-cultural reception or in housing communities of solidarity, or in alternative hosting circles such as sporting societies or football teams). It has been possible to reunite some of them with family members up to the fourth degree of kinship and legally present in Europe. The others have been placed in reception communities hosting UFM and in the SPRAR, respecting their needs and connections, and in order to minimise the number of run-aways. Once they have become adults, AccoglieRete and the guardians have handled their legalization and have supported them through processes identified for guiding them towards independence.

Institutions, civil society and the press have publicly recognised the approach of AccoglieRete as innovative and effective in unlocking a system incapable of functioning on a local level and in developing the contribution of the guardian to render it suitable for the complex sector of irregular immigration. This has allowed AccoglieRete to uphold respect of the international human rights law,

improve norms and procedures, and to collaborate with various parties interested in the dissemination of best practice.

## **7. Perspectives and problems**

Although during these years over 2000 UFM's benefited from the constant work of the Association, its sustainability is often put at risk by a lack of the management and economic support that allows services to be offered in an organized, continuous and efficient way. Moreover, given the sensitivity and the reach of AccoglieRete it is becoming increasingly important that the efforts made up to now by guardians and volunteers should be strengthened by the professionalization of certain key figures, guaranteeing a constant service of quality. Indeed the ambitious objective set by AccoglieRete is to consolidate the best practice of the Association so that it can provide an exportable model on a larger scale. The sustainability and professionalization of the work of AccoglieRete represent a first step in this direction.

Cases concerning UFM's aged between 12 and 14 require particular attention. Foster care is desirable for this age-group. Thus, when there are minors belonging to this category, the legal operators of AccoglieRete, with the support of the social workers, have to verify the possibility of placement in a foster care path.

There is a problem connected to the mobility of minors when they are hosted in centres in isolated locations. Certainly the guardian can arrange transport concerning the minor's regularization process, but cannot on a daily basis accompany them in the other activities, particularly once they have started an integration path in the region (Italian lessons, school, sport or cultural events).

The situation is particularly complex for children approaching the age of 18 who are not beneficiaries of protection. When they reach adulthood, they have to convert their residence permits as minors into permits for residents either seeking work or studying. In both these cases, children need passports in order to be eligible to submit a request for conversion. Many of them find passports impossible to acquire, because they lack both of a birth certificates confirming their personal data and of the economic resources needed for travelling to the consulate or embassy and paying the fee for the passport to be issued. Unfortunately, nobody has formal responsibility for covering these costs.