

Building Capacity to Protect Unaccompanied and Separated Refugee Children

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*Building U.S. and UNHCR Capacity to Protect and Pursue Durable Solutions for Unaccompanied and Separated Refugee Children
By the United States Conference of Catholic Bishops*

Introduction. At the periodic Policy and Resources Meeting with nongovernmental organizations on March 4, 2014, Ms. Kelly Clemens, Deputy Secretary of State for Population, Refugees, and Migration (DOS/PRM), noted that DOS/PRM provides funds for child welfare expertise to facilitate resettlement of unaccompanied refugee children. She said that DOS/PRM would welcome recommendations from the U.S. Conference of Catholic Bishops (USCCB) for strengthening protection of unaccompanied and separated refugee minors (URMs). We are responding to that welcome offer with the following analysis and recommendations.

Background. Almost half of the world's refugees are children, and 2-4 percent of refugees are unaccompanied children.¹ Currently, four of the world's large refugee populations have sizeable numbers of unaccompanied and separated children: Afghans, Congolese, Eritreans, and ethnic nationalities from Burma.² People of these nationalities are also (in varying numbers) included in the U.S. Resettlement program. Of additional concern are unaccompanied and separated children from Mexico, Guatemala, Honduras, and El Salvador who are arriving to the United States in record numbers seeking protection. UNHCR, in a study of 404 of these children, showed that "58 percent ... were forcibly displaced because they suffered or faced harms that indicated a potential or actual need for international protection."³

Syrians, a population for whom resettlement is just beginning, have perhaps the largest number of unaccompanied and separated children. Since more than 1.3 million of the 2.7 million Syrians seeking refuge in neighboring host countries are children,⁴ and some 800,000 of them are under the age of 12, it is not surprising that UNHCR has already identified 3,760 of the Syrian children in Lebanon and Jordan as unaccompanied and separated children.⁵ Also, 83 percent of Syrian refugees are urban refugees, that is, they live scattered throughout host countries among the local communities instead of being concentrated in a few traditional refugee camps. Given the outreach challenges inherent in this urban refugee situation, it is probable that a significant number of additional unaccompanied minors have yet to be identified.

In its Framework for the Protection of Children, UNHCR includes as one of the outcome measures for its goal five that "children at heightened risk or victims of violence, abuse, neglect and exploitation are identified and assisted, and their



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situation is monitored.”⁶ Its goal six is that “girls and boys achieve durable solutions in their best interests.”⁷ These goals are consistent with U.S. domestic child welfare goals of safety, permanency, and well-being for all youth. The activities necessary to achieve these goals include early identification of unaccompanied or separated children; assessment of their refugee status, called a refugee status determination (RSD); a best interest assessment (BIA) to develop an interim protection and care plan; and a best interest determination (BID) to decide which durable solutions—local integration, voluntary repatriation, or third country resettlement—would be in the child’s best interest. UNHCR, in cooperation with the host country and the international community, pursues the durable solution.

However, currently, the most common circumstances under which URM’s receive the UNHCR prescribed screening and protection interventions is when UNHCR is referring the children for resettlement. Those URM’s admitted as resettled refugees to the United States enter the URM foster care program. In FY2013, PRM admitted 153 URM’s.

Obstacles to Child Protection. Child protection depends first and foremost on the ability to identify children in need of protection. As noted above, predominantly the only unaccompanied children who have access to formal BIA and BID processes are those being considered for resettlement to the United States or other countries. This is often times woefully too late for many children because resettlement too often occurs only at the end of a protracted refugee situation during which time two to three generations of children’s futures have been lost waiting for their home countries’ conflicts to end. URM’s receive such delayed attention because the outreach and registration processes for UNHCR and PRM do not currently incorporate a mission commitment and systematic operational capacity to identify unaccompanied refugee children early in the process, across the whole refugee population, and across the full continuum of humanitarian and protection services. Nor do these processes normally facilitate access for unaccompanied children to timely and necessary interim protection and durable solutions.

Even within the resettlement context there are obstacles impeding UNHCR’s and PRM’s efforts to protect unaccompanied and separated children. The threshold obstacle, especially in urban refugee situations, is that many unaccompanied and separated children are never identified as refugees and as children in need of protection. Even if UNHCR identifies them as possible refugees and grants them RSDs, UNHCR may not identify and refer them for resettlement as URM’s. Also, children who receive BIAs or BIDs rarely receive more than one, even though, over time, multiple assessments and determinations may be needed to monitor and adjust to changing circumstances, new opportunities, or new risks. Often the current practice is simply to arrange for interim care such as a “foster care” arrangement by placing the child with a family in the refugee situation. The child’s durable solution is not investigated unless and until UNHCR is pursuing a durable solution for the “foster family” itself. Also, even when the child is recognized as a URM, the process should not (but often does) end prematurely with the completion of the BID. Knowing which durable solution is in the best interest of the child is not enough. There is a need to actually actively and expeditiously pursue the durable solution. Otherwise the child is like a patient to whom the doctor prescribes a cure but never gives the medicine or does the operation.

PRM’s Priority 2 and 3 (P-2, P-3) processing presents some operational protection obstacles to URM’s. PRM does sometimes directly interview unaccompanied and separated children as part of the P-2 and P-3 refugee processing, but this happens only if the children happen to fit into one of the P-2 or P-3 categories. In other words, though they are in the resettlement process, they are never provided BIDs as unaccompanied refugee children, nor are they screened for potential trafficking risks. One reason there are no BIDs is because P-2 and P-3 processing is carried out strictly by PRM, and the BID process is carried out strictly by UNHCR. PRM currently has no capacity to conduct BIAs and BIDs.

It is important to underscore the extensive trafficking risks alluded to above that unaccompanied and separated children face. Unaccompanied Eritrean children and Central American children are among those fleeing

violence in their countries who are victimized a second time by human traffickers in countries of transit. An obstacle to them not receiving protection is that trafficking screening for unaccompanied children is not always integrated into the international protection systems outside the United States that are supported by UNHCR and the U.S. government.

The NGO referral process also has some obstacles to protection for URM. Implementing NGO partners for UNHCR and PRM refugee and humanitarian programs refer refugees for resettlement, but NGOs are not funded for playing this role. Often times they do not have child welfare expertise and receive no guidance or training on how to refer URM for resettlement.

Recommendations. The Department of State is well-positioned to help remove the obstacles and achieve improve protection outcomes for URM as described above both within its own operations and those of UNHCR. We urge DOS to take the following actions:

1. Prioritize the protection of unaccompanied and separated refugee children within the mission and operations of PRM's admissions and assistance programs by

- Naming a PRM Deputy Assistant Secretary for Children to lead policy and programs on children for both PRM's admissions and assistance work;
- Adjusting priorities, programs, and operating instructions and other field guidance for outreach, referrals, registration, interim protection, pursuit of durable solutions, (including resettlement). and other activities relevant to URM to assure that obstacles to URM protection are removed and early identification, ongoing protection and timely durable solutions are achieved;
- Adding field personnel to carry out prescribed refugee and child welfare best practices from early identification to timely durable solutions across programming, including funding and filling PRM-funded child welfare positions at Refugee Service Centers (RSC) worldwide (we are aware of the good work that is occurring through such a staff person at the Africa RSC and encourage such positions at all RSCs);
- Establishing P-2 and P-3 designations for URM as URM, and otherwise integrate their processing into the PRM priority identification, screening, and resettlement, including developing PRM capacity to conduct BIAs and BIDs for P-2 and P-3 eligible unaccompanied and separated children and for such children referred directly to PRM by NGOs or others;
- Establishing anti-trafficking, screening mechanisms in appropriate locales for unaccompanied and separated children through Sec. 104 of the Trafficking Victims Protection Reauthorization Act of 2008 which amended Sec. 107 (a) of the Trafficking and Violence Protection Act (TVPA 2000) to require the "Secretary of State and the Administrator of the United States Agency for international development" to "establish and carry out initiatives in foreign countries" that are "in cooperation and coordination with relevant organizations, such as the United Nations High Commissioner for Refugees, the International Organization for Migration, and private nongovernmental organizations... for-- '(i) increased protections for refugees and internally displaced persons, including outreach and education efforts to prevent such refugees and internally displaced persons from being exploited by traffickers; and '(ii) performance of best interest determinations for unaccompanied and separated children who come to the attention of the United Nations High Commissioner for Refugees, its partner organizations, or any organization that contracts with the Department of State in order to identify child trafficking victims and to assist their safe integration, reintegration, and resettlement."

2. Encouraging and funding UNHCR to likewise prioritize within their mission and operations the protection of unaccompanied and separated children by

- Designating a high level UNHCR policy and program person for vulnerable children to lead policy and programs for children in both UNHCR's protection/durable solutions and assistance programs;
- Adjusting priorities, programs, and operating instructions and other field guidance for outreach, referrals, registration, interim protection, and pursuit of durable solutions, including resettlement, and other activities relevant to URM, to assure that obstacles to protection are removed and early identification, ongoing protection and timely durable solutions are achieved, including by establishing comprehensive systems for unaccompanied and separated refugee minors that link registration with needs assessment of vulnerable children at risk, enabling UNHCR to identify these vulnerable children early, provide BIAs and pursue ongoing interim protection and care, provide BIDs and pursue timely durable solutions, and do periodic BIAs and BIDs to adjust the care and long-term solutions of the child as circumstances change, or new opportunities or new risks emerge (durable solutions include resettlement, local integration, and voluntary repatriation);
- Adding UNHCR field personnel to carry out prescribed refugee and child welfare best practices from early identification to timely durable solutions across programming.

3. Funding and training NGOs to identify and refer unaccompanied and separated children to UNHCR and to PRM.

4. Establishing an immediate initiative to identify and protect Syrian URM and to identify and protect Central American unaccompanied minors with international protection concerns, and also tailor initiatives scheduled over the next 12 months to identify and protect URM who are Congolese, Eritrean, Afghan and ethnic nationals from Burma.

Thank you for considering this analysis and these recommendations.

Endnotes

1 The United Nations High Commissioner for Refugees (UNHCR), "A Framework for the Protection of Children," (2012): 7. <http://www.unhcr.org/50f6cf0b9.html> (Accessed April 8, 2014).

2 Ethiopia's Mai Aini Camp has some 1000 unaccompanied children, Kenya 1200, and Malaysia 755. See *Removing the Stumbling Blocks: Ways to Use Resettlement More Effectively to Protect Vulnerable Refugee Minors*, University of Sydney and Amnesty International Australia, pp. 15, 18..

3 UNHCR, "Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection," (Washington, DC: UNHCR, 2014), 6.

4 UNHCR, "The Future of Syria: Refugee Children in Crisis," (November 2013): 5. <https://s3-eu-west-1.amazonaws.com/unhcr-campaigns/childrensreport/Future-of-Syria-UNHCR-v13.pdf> (Accessed April 8, 2014).

5 "The Future of Syria: Refugee Children in Crisis": 9.

6 "A Framework for the Protection of Children": 26.

7 "A Framework for the Protection of Children, 28.