



VNIVERSITAT E VALÈNCIA

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**IMPLEMENTACIÓN DE LAS POLÍTICAS DE PROTECCIÓN
PARA MEJORAR LA INTEGRACIÓN DE LOS MENORES NO
ACOMPAÑADOS EN ESPAÑA, SUECIA Y REINO UNIDO:
UN ANÁLISIS COMPARATIVO.**

TESIS DOCTORAL

Autor:

ONUOHA, Ekeoma Abrahams.

Director: Dr. José González Such.

Directora: Dra. Maria J. Perales Montolío.

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DEDICATORIA

Esta dedicatoria va a mi Familia y a todos aquellos, que han cooperado en el desarrollo de esta tesis. Que siempre le vaya bien, y que Dios bendiga cada uno de su día. Me siento muy orgulloso de haber tenido sus apoyos.

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Hace algunos años, nos propusimos escalar esta colina llamada PhD Parecía tan organizado en pasos que todo el mundo se sentía bien al pie de la colina del camino académico. Entonces decidimos medir nuestras visiones filosóficas. Dividimos la investigación en cuatro etapas. Mi versátil profesor puso en marcha las fábricas cuando vio mi entusiasmo. Hicimos nuestras preguntas basadas en cuestionarios estructurados establecemos lo que denominamos ahora como factores de integración.

En la tercera etapa, la colina se metamorfoseó en una montaña, pero no había vuelta atrás. Comenzamos como una pequeño llama de vela que al final hizo arder todo el bosque. Convocamos coraje, nos volvimos firmes y finalmente aquí estamos para celebrar con los ángeles el fruto de nuestro trabajo. **GRACIAS A TODOS.**

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1. CAPÍTULO UNO: INTRODUCCIÓN: PRESENTACIÓN GENERAL DE LA MIGRACIÓN.

1.1. UNA VISIÓN GENERAL DE LOS ÚLTIMOS ACONTECIMIENTOS RELACIONADOS CON LA MIGRACIÓN DE LOS MENORES NO ACOMPAÑADOS EN ESPAÑA, SUECIA, REINO UNIDO Y LA UNIÓN EUROPEA.

Decidimos estudiar la evaluación de las políticas migratorias hacia una mayor integración de los menores migrantes no acompañados en España, Suecia y Reino Unido. Cada año, miles de menores migrantes no acompañados (MENAS – menores extranjeros no acompañados) abandonan sus hogares tradicionales para escapar de la muerte, el hambre, el desastre, la persecución y la explotación de redes y empresas que trafican con ellos. A pesar de todas las consecuencias peligrosas, los menores migrantes no acompañados llegan a buscar protección en los 28 (ahora 27 estados miembros por la salida de Reino Unido conocido como Brexit) estados miembros de la Unión Europea, sin sus legítimos padres, tutores o representantes legales. Vienen cruzando fronteras horrendas, acurrucados en la parte trasera de los camiones, trenes, tranvías y coches, intentando escapar de la sombra de la miseria, la privación y la destrucción de su tierna vida. Suecia, España y Reino Unido han recibido una gran parte de estos menores no acompañados.

Un gran número de estos menores no acompañados pasan por experiencias horrendas incluyendo las celdas de la prisión hasta llegar a un puesto fronterizo donde pueden solicitar asilo y sus edades oscilan entre 14 y 18 años o menos. Los menores no acompañados emigran según las estaciones y el tiempo. Este tipo de emigración de menores no acompañados ha desafiado la manera en que los responsables políticos piensan. La migración de los menores agravó la forma de manejar la implementación de las políticas migratorias y las instituciones

gubernamentales deben satisfacer sus necesidades que en realidad corresponden a sus derechos de protección. A partir de aquí comenzó un conflicto.

Los investigadores creen que los movimientos migratorios anteriores eran diferentes y muy alejados de los últimos cinco años desde 2011 hasta 2016. Sobre movimiento de menores no acompañados, obtuvo unos datos durante mi investigación para trabajo de Master y programa de capacitación industrial en la Universidad de Malmö, Suecia en 2011. En ese estudio el número total de menores no acompañados que solicitaron asilo en Suecia y Reino Unido en 2005 fueron 3.360. En 2006 4.270; en 2007 4909; en 2008 5790; y en 2009 5425, y en total 23.759. Esto fue confirmado por el informe de la Junta de Migración, el informe de 2011¹ de la Agencia de Fronteras del Reino Unido y los informes estadísticos de EUROSTAT.

La migración de menores no acompañados difiere en algunos aspectos de la migración de hombres y mujeres adultos, por lo que su migración desafía las normas básicas del trabajo social y nuestra conciencia moral. Según el Centro Noruego de Desplazamiento Interno y Refugiados, más de 7,6 millones de personas en todo el mundo fueron desplazadas debido a conflictos o persecuciones, incluyendo 1,1 millones de personas vulnerables mientras que otros 6,5 millones de personas fueron desplazadas dentro de sus fronteras. Hubo un aumento gradual del número de solicitudes de asilo en la UE-27 y después en la UE-28 hasta 2012, tras lo cual el número de solicitantes de asilo aumentó a 431.000 en 2013, 627.000 en 2014 y cerca de 1,3 millones en 2015.

Por su parte, el Comité Ejecutivo de la Alta Comisionada para la Refugiados proclamó en el primer semestre de 2012 que se habían presentado más de 154.000 solicitudes de asilo en los 28 países europeos y 122.500 son menores no acompañados y separados.² El aumento de las tendencias de los movimientos migratorios en 2012 constituye un cambio radical en el modelo anterior de migración, lo que a su vez desafió la forma de aplicación de las políticas de protección por la que algunos países de la Unión Europea fingen ignorancia sobre la presencia y los problemas de los migrantes no acompañados Y algunas

¹ United Kingdom Home Office Statistics, (2011). www.homeoffice.gov.uk/.../control-immigration-q1-2011-t/control-immigration-q1-2011-sopp?view=Binary

² Executive Committee of the High Commissioner's Program Sixty-third session Geneva, 1-5 October 2012

instituciones fingen que los menores no existen o que no importan mucho. Entonces el problema se complica.

La revisión de las tendencias mundiales publicada por el ACNUR declaró en 2013 que 21.300 niños no acompañados o separados solicitaron asilo en 72 países en 2012, en su mayoría afganos y somalíes y con menos de 18 años, lo que representaba el 46% de la población refugiada en 2012. Europa obtuvo 14.300 o dos tercios de las 21.300 reclamaciones. Suecia tomó 3.600, Alemania 2.100 y Reino Unido tomó 1.200 reclamaciones. Sus países de origen son Afganistán (7.000), Somalia (1.300), Eritrea (420 reclamaciones), etc.

Ya en la geografía de la migración, en 2011 la República Árabe de Siria había comenzado a empujar a su población de forma que más de 115.000 refugiados llegaron a las fronteras turcas de Hatay, Gaziantep, Kilis y Sanliurfa, prepararon su camino para entrar en Europa, mientras que los ministros de Asuntos Exteriores y los expertos en política migratoria ignoraban los movimientos migratorios masivos de refugiados hacia Europa. El movimiento de Turquía ha llevado a la perforación de las fronteras europeas y a la entrada masiva de migrantes como se puede ver recientemente. El 18 de septiembre de 2015, Matthew y Phoebe (2015) de The Telegraph informaron que más de 473.887 de estos inmigrantes llegaron a Europa por mar en 2015. Solo Suecia tomó 23.300 menores no acompañados de 14 a 17 años.

En 2014, más de 23.000 menores no acompañados solicitaron asilo en la Unión Europea. Pero la Red Europea de Migración declaró que la UE recibía pocos menores no acompañados. La Unión Europea acoge un total de 24.075 menores, entre ellos Suecia (29%), Alemania (18%), Italia (10%), Austria (8%) y Reino Unido (8%), mientras que España no se reflejó en varios informes.³ Por su parte, Eurostat y la Organización Internacional para las Migraciones (OIM) declararon que en 2015, uno de cada cinco de los 870.000 migrantes era menor de edad y querían ser registrados como menores no acompañados.

La Organización Internacional para las Migraciones se quejó de que estos menores no acompañados están en alto riesgo de tráfico y explotación a lo largo de la ruta y esto puede estar causando el boom. Entre enero y septiembre de 2015, los

³ Informe de síntesis de la red europea de migración centrado estudio 2014, sobre políticas, prácticas y datos sobre menores no acompañados en los Estados miembros de la UE y Noruega Informe de síntesis: mayo de 2015.

niños solicitantes fueron 214.355, superando a 2014. Los solicitudes de asilo de los menores no acompañados representaron el 27%, y el mayor porcentaje provenía de Siria (25%), Afganistán (18%), Kosovo (Resoluciones del Consejo de Seguridad de las Naciones Unidas 1.244) (10%), Albania (8%), Irak (6%) y Serbia (5%). Patéticamente, estos menores no acompañados representan más del 30 por ciento de todas las muertes registradas en el Mar Egeo en 2015 debido a la exposición a enfermedades, hambre, lesiones, violencia, explotación y tráfico. Sólo en octubre de 2015 murieron al menos 90 niños en el Mediterráneo oriental.

En el caso de España el número de menores no acompañados, según la ministra de Trabajo y Seguridad Social, Fátima Báñez,⁴ declaró que a 31 de diciembre de 2013 España admitió a 2,841⁵ menores extranjeros no acompañados (MENAS). La ministra Báñez, acompañada por los Ministros de Justicia, Sanidad, Asuntos Sociales e Igualdad, el Fiscal General, el Secretario de Seguridad del Estado y Subsecretario del Ministerio de Asuntos Exteriores y de Cooperación firmó el último Marco de Protocolo para Menores Extranjeros No Acompañados.

Según la ministra Báñez, España coordina acciones dirigidas a proteger a los menores extranjeros no acompañados (MENAS) en instituciones, en áreas de ubicación, identificación, determinación de edad, puesta a disposición del servicio de protección pública del menor y documentación para lograr el correcto funcionamiento del Registro MENAS.⁶

Comparativamente, en Suecia, de acuerdo con Schéele y Strandberg (2013, p. 9), el número de menores no acompañados fue de 3.578 que solicitaron asilo en 2012. El *Swedish Migration Board Statistics*⁷ de mayo de 2015 confirmó que 5.010 menores no acompañados estaban registrados en su sistema y estima que incluso

⁴ Ministerio de Empleo y Seguridad Social: Gabinete de Comunicación. <http://prensa.empleo.gob.es/>

⁵ La Ministra Española, Fátima Báñez, afirma que el Protocolo para MENAS permitirá que las instituciones involucradas trabajen más coordinadas y más efectivas, y beneficiando a unos 2.800 niños no acompañados de 2.841. Esta fue la primera declaración oficial durante mucho tiempo porque los datos relativos a los menores no acompañados habían sido inadecuados o completamente ausentes. Era la declaración más esperada..

⁶ La adopción del Protocolo cumple con lo dispuesto en el artículo 190.2 del Reglamento de Inmigración, vigente desde 2011, y es el resultado de numerosas reuniones de las instituciones firmantes, al igual que con las comunidades autónomas. Para nosotros es un esfuerzo de armonización con las demandas de la UE.

⁷ Migrationsverket, Aktuellt om ensamkommande barn och ungdomar, <http://www.migrationsverket.se/download/18.39a9cd9514a34607721343b/1425399445527/Aktuellt+om+ensamkommande+barn+och+ungdomar+mars+2015.pdf>.

más de 7.800 menores no acompañados llegarían en 2015 y que en 2016 más se migrarían.

El número de niños que solicitaban asilo en el Reino Unido de acuerdo con el Consejo de Refugiados del Reino Unido en 2011 fue de 1.398, lo que supone 19% menos que el año anterior y en 2012, fueron 1,168, que es -16% de 2011.⁸ En 2013, eran 1.265. En 2014, 13.636 solicitantes de asilo en general fueron encerrados en centros de detención.⁹ En 2015, 99 niños que fueron a buscar asilo fueron encarcelados en el Reino Unido y 40 de ellos eran menores de cinco años.¹⁰ En vista de la forma en que se trata a los niños en el Reino Unido, algunos autores abogaron por una protección adecuada de los solicitantes de asilo en general y de los menores no acompañados en particular. Kennedy y Cohen (2000, p.202) advirtieron que los menores no acompañados y otros migrantes internacionales constituyen una parte importante del fenómeno de la globalización, aprovechando la libre circulación de mercancías y personas a través de las fronteras para entrar en países como Suecia a través de Dinamarca; Reino Unido a través de Francia y España a través de Marruecos y la región del Magreb.

Estos puntos de paso a través de las fronteras son el talón de Aquiles de estos Estados Soberanos a través del cual los menores no acompañados y otros migrantes entran en estos países. Esto es posible gracias a la comprensión en la red de migración de que, una vez que los menores se encuentran dentro del territorio de cualquiera de los Estados miembros de la Unión Europea, deben buscar asilo, lo que se espera sea respetado por las disposiciones de la Convención de 1951,¹¹ Protocolo relativa al estatuto de los refugiados y La Convención sobre

⁸ <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigrationasylum-research/?d-7095067-p=1>

⁹ La detención de menores no acompañados dentro de los centros de detención se ha convertido en la orden de excepción. Entre nuestras numerosas referencias se encuentra una rápida: http://www.refugeecouncil.org.uk/latest/news/4259_2014_asylum_trends_and_facts

¹⁰ Más de la mitad de los solicitantes de asilo se encuentran detenidos en algún momento durante el proceso. Reino Unido prometió dejar de encarcelar a niños como Grecia y el centro australiano caliente en promesa de 2010, pero el interés del gobierno británico para reducir el número superan la consideración del derecho humano.

¹¹ Protocolo Sobre el Estatuto de los Refugiados. Del Protocolo tomaron nota con aprobación el Consejo Económico y Social en su resolución 1186 (XLI), de 18 de noviembre de 1966, y la Asamblea General en su resolución 2198 (XXI), de 16 de diciembre de 1966. En la misma resolución, la Asamblea General pidió al Secretario General que transmitiera el texto del Protocolo a los Estados mencionados en su artículo V a fin de que pudieran adherirse al Protocolo Firmado en Nueva York el 31 de enero de 1967Entrada en vigor: 4 de octubre de 1967, de conformidad con el artículo VIII Serie Tratados de Naciones Unidas N° 8791, Vol. 606, p. 267. Por lo tanto, declara que: Los Estados Partes en el presente Protocolo, Considerando que la Convención sobre el Estatuto de

los Derechos del Niño. Aunque el movimiento migratorio y el sistema de refugiados se apoyaron tanto en estas disposiciones, la Convención de Ginebra de 1951 ofrece una definición estrecha de refugiado como "alguien que no puede o no quiere regresar a su país de origen debido a un temor fundado de ser perseguido por razones de raza, religión, nacionalidad, pertenencia a un determinado grupo social u opinión política."¹² Además, esta Convención prevé la movilidad del refugiado mediante la obligación del Estado de proporcionar al refugiado documentos de viaje¹³. Dado que estamos evaluando la aplicación de las políticas migratorias para una mayor integración de los menores no acompañados, consideramos muy importante el suministro de factores de integración como la educación, la vivienda y el empleo remunerado.

Algunos autores creen que esta definición es particularmente restrictiva en la práctica porque la Convención atribuye plena responsabilidad al país de admisión a juzgar si una persona está calificada o no para ser un refugiado en manos del estado de admisión y además los derechos garantizados a una persona a moverse. Estar fuera de su país no garantiza la entrada en otro país.

Por lo tanto, los Estados poseen amplia autonomía y poder soberano para hacer duras políticas de migración que afectan a la libertad de aquellos que intentan cruzar las fronteras hacia Europa como refugiados menores no acompañados o adultos que buscan asilo en un país de la Unión Europea. Según Kennedy y Cohen (2000, p.204), un refugiado puede distinguirse técnicamente del

los Refugiados, hecha en Ginebra el 28 de julio de 1951 (denominada en lo sucesivo la Convención), sólo se aplica a los refugiados que han pasado a tener tal condición como resultado de acontecimientos ocurridos antes del 1.º de enero de 1951, Considerando que han surgido nuevas situaciones de refugiados desde que la Convención fue adoptada y que hay la posibilidad, por consiguiente, de que los refugiados interesados no queden comprendidos en el ámbito de la Convención, Considerando conveniente que gocen de igual estatuto todos los refugiados comprendidos en la definición de la Convención, independientemente de la fecha límite de 1.º de enero de 1951.

¹² Convención y protocolo relativos al estatuto de los refugiados. p. 3, 14, 15 and 16

¹³ Artículo 28, documentos de viaje: 1. Los Estados Contratantes expedirán a los refugiados que permanezcan legalmente en su territorio documentos de viaje para viajar fuera de su territorio, a menos que razones imperiosas de seguridad nacional o de orden público exijan lo contrario y las disposiciones del Anexo a El presente Convenio se aplicará con respecto a dichos documentos. Los Estados Contratantes podrán expedir dicho documento de viaje a cualquier otro refugiado en su territorio; En particular, prestarán consideración favorable a la expedición de tal documento de viaje a los refugiados en su territorio que no puedan obtener un documento de viaje del país de su residencia legal. (2). Los documentos de viaje expedidos a los refugiados en virtud de acuerdos internacionales anteriores por las partes en los mismos serán reconocidos y tratados por los Estados contratantes de la misma manera que si hubieran sido expedidos de conformidad con este artículo.

solicitante de asilo porque un solicitante de asilo es aquel que ha solicitado su reconocimiento del estatuto de refugiado, pero que aún no ha sido reconocida mientras que un refugiado es el desplazado interno, por su parte se refiere a alguien que ha sido expulsado de su hogar tradicional por guerras, conflictos, terrorismo civiles o desastres ecológicos como tsunamis, incendios forestales y huracanes.

Cualquiera que sea la motivación para la migración, hay factores comunes: por un lado que haya un elemento motivador para abandonar un lugar de origen y por otro lado que la persona que abandona su lugar de origen se convierte en un inmigrante tan pronto como la persona entra e intenta asentarse o instalarse en el nuevo país o lugar.

Derluyn y Broekaert (2008, p. 320) ampliaron la definición para incorporar a los menores no acompañados y agregaron que los refugiados están en este punto de vista considerados como migrantes involuntarios forzados a huir debido a la amenaza inminente de violencia, lesiones o muerte por desastres humanos o naturales, mientras que los migrantes se piensa que emigran de forma más voluntaria, por motivos económicos o personales, como la pobreza, la falta de oportunidades de trabajo, el bienestar de su propia familia, el matrimonio forzado, los problemas familiares. Estos también son parte de los factores que provocan la migración de los menores no acompañados.

En el caso de España; Rojas de León, (2012, p. 25) sostuvo que el movimiento de inmigrantes hacia las Islas Canarias es causado por la presencia de un paquete de bienestar, vivienda, oportunidades de empleo, nómina y seguridad social, seguridad, salud y educación. Otros autores dicen que otra dimensiones que provoca desplazamientos de la población humana en el mundo está causadas por la pobreza, la presión demográfica, los conflictos étnicos, la guerra y la destrucción del medio ambiente. Esta contribución responde al viejo orden que creía que la migración es específicamente una comparación de las diferencias en los salarios y la disponibilidad de obtener salarios más altos en el país de recepción, por ejemplo España, Suecia y Reino Unido. El argumento anterior también responde al viejo orden de pensar que la migración siempre responde a la nueva teoría económica de la emigración.

Este mismo argumento también incorporó nuevos factores que causan la migración, no sólo para un individuo, sino como una estrategia para diversificar el riesgo dentro del hogar o considerando la emigración como una respuesta a la ausencia de mercado financiero que permite a las familias mejorar su capacidad productiva Muñoz de Bustillo (2008, p. 60). Sin embargo, movimiento de personas que escapan de los bombardeos, la penuria, la persecución y el desastre pueden no encajar en este argumento. Por lo tanto, en este trabajo no tenemos la intención de adaptarnos a estos argumentos porque los menores no acompañados tienen un patrón diferente de migración y tienen motivos que son ligeramente diferentes de experiencia migratoria de los adultos.

1.2. Razones para la comparación de España, Suecia y Reino Unido.

Las razones para comparar España, Suecia y Reino Unido son:

- (A) Reino Unido es uno de los mayores receptores de menores no acompañados y tiene un sistema de inmigración bien desarrollado debido a su experiencia con los países de la Commonwealth que se extiende desde Sudáfrica hasta el Océano Índico y con muchos territorios.
- (B) El caso Sueco es diferente porque no tiene ninguna mancomunidad sino que ha sido un país de inmigración a Oriente Medio, países asiáticos, África oriental y América Latina. Su sistema de bienestar social ha atraído a muchos menores no acompañados y consideramos que es un factor muy importante para comparar con otros países. El mar y puente de Öresund ha sido un canal de migración de los menores no acompañados igual que el Euro Túnel que conecta Francia con reino Unido.
- (C) España ha sido un país de migración y un puerto marítimo para los migrantes de Norte de África y los Latinoamericanos, especialmente durante el auge económico que hace su caso especial y diferente. Consideramos la naturaleza única de la frontera del Mar Mediterráneo entre el Magreb en el Norte de África y España en Europa como un patrón comparable al mismo patrón entre México y

los Estados Unidos de América. Lo anterior hace que la comparación de estos tres países sea muy interesante.

(D) Otro motivo para comparar España, Suecia y el Reino Unido en el ámbito de la aplicación de las políticas de inmigración para una mayor integración de los menores no acompañados es que forman parte del Parlamento Europeo de 1999, que encabezó el lanzamiento del Acuerdo de Tampere. Acordaron que están comprometidos a diseñar una política de inmigración común. También desarrollaron conjuntamente el programa marco sobre solidaridad y gestión de los movimientos migratorios para el período 2007-2013, centrado en la integración de no residentes europeos que residen legalmente. Sin embargo, debido a las diferencias históricas e ideológicas, estos acuerdos no se aplican armónicamente y es por eso que hemos considerado necesario observar estas diferencias.

1.3. Instituciones en España, Suecia y Reino Unido responsables de la aplicación de políticas migratorias basadas en diferentes conceptos de "Menor no Acompañado."

Para implementar políticas migratorias para la protección e integración de menores no acompañados en España, Suecia y Reino Unido, sus gobiernos asignan responsablemente instituciones específicas para la implementación de las políticas migratorias existentes, aunque en algunas de sus actividades se entrecruzan diferentes competencias de ministerios. En el caso de España, la Sub Delegación de Gobierno de cada Comunidad autónoma asume absoluta responsabilidad (pero no excluyente), por lo tanto, la Sub Delegación de Gobierno delega otros deberes a los ayuntamientos y otras entidades en el proceso de implementación de políticas migratorias para la recepción de inmigrantes.

Por otra parte, la cuestión de la integración de los menores no acompañados está siendo impugnada ante los tribunales ya que las ONG también se quejan de que los menores no acompañados no reciben suficiente atención y no deben ser

devueltos. Por su parte, las autoridades españolas adoptan el concepto de reunión familiar en un proceso que conduce a la repatriación del menor a sus padres.

Contribuyendo al modelo español de acogida Solana (2010, p. 39) declaró que

(...) en la Ley de Extranjería, la protección jurídica de los menores se postula como un principio de procedimiento general, en los artículos 35 y 92 a 94 de los estatutos. La primera pregunta inicial es determinar la minoría de edad del niño extranjero en cuestión que puede beneficiarse del régimen. Para ello, el reglamento establece la colaboración de las instituciones que dan prioridad a la situación de salud de los menores y la urgencia de la evidencia necesaria para determinar la edad.

Trataremos esta cuestión en profundidad en el capítulo dos de este estudio. Además, el Ministerio de Interior, el Ministerio de Justicia y el Ministerio de Trabajo desempeñan un papel proactivo mediante la colaboración de agencias de servicios de intervención dirigido a implementar políticas para una mayor integración de menores no acompañados en España (más detalles en el capítulo cuatro y cinco). Sin embargo, se necesita una condición conocida como *evidencia de desamparo o abandono* antes de activar un protocolo de acción para activa el protocolo de protección el menor. En el caso de abandono de un menor y si éste se demuestra más allá de toda duda razonable,¹⁴ la Comunidad Autónoma¹⁵ o Ayuntamiento o trabajador social correspondiente donde el menor resida, a través de los Servicios de Protección Infantil, puede afirmar que el menor extranjero no acompañado es indefenso, para permitir que alguien asuma la tutela y para ejercer las medidas necesarias para la protección del niño.

Las instituciones españolas encargadas de la aplicación de las políticas migratorias derivan también sus facultades del artículo 149.2 de la Constitución española.¹⁶ Esta indica, al igual que en otros estados, que el Estado tiene un poder

¹⁴ Durante mi doctorado previsto entrevistan con trabajadores sociales en Malmö, Suecia y Valencia, España (2014-2016) ellos expresaron la preocupación por "Running mothers" que deliberadamente vierten a sus propios niños con reclamaciones que ellos los escogieron en la estación de metro o en el camino. Con este truco se dejan y abandonan sus niños a las autoridades de migración, así permitiéndoles obtener el permiso de residencia y la vuelta a sus padres.

¹⁵ Valencia: Ley 12/2008, de 3 de julio, de protección integral de la infancia y la adolescencia

¹⁶ Constitución Española (1978). Véase también el Real Decreto 864/2001, de 10 de febrero, por el que se aprueba el Reglamento de aplicación de la Ley 5/1984, que regula el derecho de asilo y la condición de refugiado.

absoluto sobre la emigración, la inmigración, la nacionalidad, el rechazo y la deportación de menores migrantes no acompañados extranjeros. Por lo tanto, el Gobierno español es el único órgano competente para recibir, y otorgar permisos de residencia a través de sus Delegaciones y Subdelegaciones de Gobierno y en las Comunidades Autónomas.

De acuerdo con la última Resolución de 13 de octubre de 2014¹⁷, específicamente relativa a las instituciones que se ocupan de menores no acompañados en situación de riesgo, se prevé que informen inmediatamente a la Fiscalía para proteger a los menores en virtud de los artículos 13 y 14 de la LOPJM,¹⁸ de Protección Jurídica de Menores. Como ya se he mencionado, el proceso de integración de los menores no acompañados y la defensa de sus derechos parte de aquí y se implementa a través del Sistema Judicial. La ley faculta a la Fiscalía con poderes superiores¹⁹ a dar órdenes de acogida, integración y deportación, como se evidencia en la Ley de 19/2015, de Nacionalidad Española.²⁰

Este proceso de integración de los inmigrantes se ha vuelto muy complicado para los menores no acompañados, que no ven ningún futuro para su plena integración en la sociedad española, aunque España ha firmado la *Convención sobre los Derechos del Niño* por la cual las Naciones Unidas insisten en la protección de los derechos de los menores no acompañados. Un informe confirmó que mientras el número de niños en el mundo industrializado está disminuyendo, la proporción en los países en desarrollo está aumentando astronómicamente y por eso debemos tomar conciencia de que éstos son los adultos de mañana.²¹

Comparativamente, en Suecia, la institución gubernamental encargada de la aplicación de las políticas de protección para la integración de los menores no acompañados y otros migrantes es la Junta de Migración conocida como *Migrationsverket*. La Junta de Migración es responsable de hacer cumplir la no admisión / expulsión.

¹⁷ Boletín Oficial del Estado Jueves 16 de octubre de 2014

¹⁸ Ley Orgánica 1/1996, de 15 de enero, de protección jurídica del menor, de modificación del Código Civil y de la Ley de Enjuiciamiento Civil

¹⁹ The prosecutors' office has overriding power to detect, arrest and approve method for assessing age of unaccompanied minors. See: Law 50/1981 of 30 December governing the Organic Statute of the Prosecution Office.

²⁰ Ley 19/2015, de 13 de julio, de medidas de reforma administrativa en el ámbito de la Administración de Justicia y del Registro Civil.

²¹ United Nations Population Division, World population prospects: The 2000 Revision, Population Ageing., New York: UN Department of Economic and Social Affairs, (2002)

El Parlamento sueco, conocido como *Riksdag*, promulgó la Ley de extranjería, que entró en vigor el 31 de marzo de 2006, constituyendo las bases para la Políticas migratorias en oficinas gubernamentales como la Junta de Migración, en Municipios, Consejos y Ciudades. En su intención declarada de combatir la trata de personas, la prostitución, los niños soldados y el trabajo infantil, participó de forma permanente con muchas ONG como ECPAT,²² ACNUR y Save the Children. La Autoridad de la Policía desempeña un papel muy directo, como en España y Reino Unido, y es responsable del control de fronteras y el control interno de las personas que están en el territorio ilegalmente. Específicamente, la Ley de extranjería de Suecia de 2005²³ proclama que los niños tienen los mismos derechos que los adultos a tener sus fundamentos de asilo que deben ser investigados cuidadosamente.

De acuerdo con la Ley de Extranjería, los menores pueden ser reconocidos como refugiados o personas que necesitan protección, los menores no acompañados que buscan asilo tienen derecho a ser reconocidos como refugiados en Suecia. Sin embargo, si se rechaza la admisión, de acuerdo con la Ley de Extranjería, el extranjero debe salir del país dentro de las dos semanas posteriores a la orden de no admisión porque la decisión toma la forma de fuerza legal. De acuerdo con la Ley de Extranjería de Suecia, la aplicación de los procesos de asilo se basa en: la Junta de Migración, los Tribunales de Migración, el Tribunal de Apelación de Migración, la Policía, el Servicio de Prisiones y Libertad Condicional y las Juntas Administrativas del Condado.²⁴

Comparativamente con España y Reino Unido, el sistema migratorio en Suecia se deriva de Actas Parlamentarias, mientras que la Ordenanza de Extranjería se aplica en consonancia con la ideología y los objetivos de las políticas migratorias. Los menores no acompañados también pueden recurrir decisiones

²² ECPAT es el acrónimo de End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (Acabar con la Prostitución Infantil, la Pornografía Infantil y el Tráfico de Niños con fines Sexuales). ECPAT International es la mayor red mundial dedicada a combatir la explotación sexual infantil en todo el mundo y con presencia en numerosos países y con sede central en Bangkok (Tailandia). ECPAT International es una red mundial de organizaciones y personas que trabajan juntas para poner fin a la prostitución, la pornografía y la trata de niños y adolescentes con fines sexuales. Se dedica a alentar a la comunidad internacional a que asegure que los niños de todas partes del mundo gocen de sus derechos fundamentales, libres de toda forma de explotación. ECPAT tiene estatus consultivo en el Consejo Económico y Social de Naciones Unidas (ECOSOC).

²³ Swedish Statute (2005:716) chapter 5, section 1, chapter 4, section 1.

²⁴ Aliens Act (Swedish Statute 2005:716) chapter 5, section 1, chapter 4, section 2.

negativas, tal como está consagrado en la Ley de procedimiento judicial administrativo. Suecia en comparación con Reino Unido y España, se distingue por permitir que algunas fundaciones, la Iglesia sueca y las ONG desempeñen papeles administrativos activos en el proceso de implementación de políticas migratorias para una mayor integración de menores no acompañados.

Es interesante observar que las instituciones suecas firmaron acuerdos separados con otras agencias de defensa de la infancia para la implementación de políticas migratorias basadas en el concepto sueco. Una de las organizaciones no gubernamentales es el Fondo de las Naciones Unidas para la Infancia (UNICEF) de Suecia, que funciona como un grupo de presión para que la Convención sobre los Derechos del Niño suscrita por Suecia pueda traducirse en un instrumento jurídico efectivo. Hay que señalar que estas fundaciones y ONG existen en España y Reino Unido, pero desempeñan el papel de observador.

Los médicos suecos, bajo los auspicios de la Sociedad Sueca de Pediatría, prestan atención médica a los menores no acompañados lo cual constituye un factor importante en la aplicación de buenas políticas de protección para una mayor integración de los menores migrantes no acompañados. La Cruz Roja Sueca (con colaboraciones en Escandinavia) se ocupa de la seguridad social y la convivencia, iniciando y llamando la atención sobre las necesidades de los menores no acompañados, contribuyendo así a la prestación de asistencia humanitaria, asesoramiento jurídico y migración de retorno.²⁵

Otra institución importante que participa en la aplicación de políticas en Suecia es la ECPAT *Terminar la Prostitución Infantil, la Pornografía Infantil y la Trata de Niños con Fines Sexuales*. En la práctica, la protección de los menores no acompañados en espera de una decisión positiva o negativa o a la espera del resultado de una apelación judicial relacionada con el rechazo de su solicitud de asilo, está garantizada por la Ley de Acogida de Refugiados (1994) y en el Proyecto de Ley del Gobierno (2008).²⁶ Este período de espera de las Instituciones de España, Suecia y Reino Unido para emitir una decisión favorable o no favorable es muy estresante para un niño y forma la parte del lado negativo del proceso de protección.

²⁵ Migration Board Annual Report (2008)

²⁶ Reception of Refugees & Others Act (1994:137). See also: Government Bill 2008/09:1, expenditure, 8, p. 9.

En el caso del Reino Unido, el Ministerio del Interior británico y la Agencia de Fronteras del Reino Unido son los principales responsables de las instituciones y regulan la emigración, la inmigración y la implementación de políticas de migración para la protección de los niños solicitantes de asilo no acompañados (UASC). Esto es, como sugiere la definición, estos menores son víctimas de trata y no vienen por su propia voluntad. Estas instituciones se basan en el artículo 55 de la Ley de Fronteras, Ciudadanía e Inmigración (2009).²⁷

El Ministro del Interior y el Director de Ingresos de la frontera hacen ajustes para salvaguardar el bienestar de los niños dentro de “código de buenas prácticas para proteger a los niños de cualquier daño”²⁸. Las autoridades locales británicas, por lo tanto, participan en esta aplicación de las políticas relativas a la prestación de vivienda y otros servicios sociales que sitúan el interés superior del niño junto con el estatus migratorio como la prioridad cuando se trata de UASC. La Agencia Fronteriza del Reino Unido gestiona los procesos de asilo de menores no acompañados sin incorporar contribuciones de organizaciones no gubernamentales.

Los agentes de inmigración del Reino Unido ofrecen a los niños no acompañados que buscan asilo permiso para entrar en el Reino Unido. Pero esta entrada no es la admisión, y no se proporciona si el Oficial de Inmigración piensa que el menor no necesita protección. El Reino Unido, a diferencia de España o Suecia, lleva a cabo la evaluación de la edad y la entrevista en el aeropuerto y luego envía al menor a un oficial de protección infantil en un consejo local en particular, si él o ella está convencida de que el menor necesita protección.

En el Reino Unido, el niño no acompañado que solicita asilo tiene la posibilidad de proporcionar información relacionada con una actividad delictiva, como la trata o el abuso de seres humanos. Luego se invita a la policía y se les asigna a los cuidadores. El Ministerio del Interior tiene un departamento conocido

²⁷ Borders, Citizenship and Immigration Act 2, section 55 of November (2009) and replaced an earlier ‘Code of Practice for Keeping Children Safe from Harm’ (UK Border Agency, 2008).

²⁸ El Comisionado de los Niños, establecido en la Ley de la Infancia de 2004, es independiente del Gobierno y tiene el deber de promover la conciencia de las opiniones y los intereses de los niños. En la reforma de la Oficina del Comisionado de la Infancia, el Gobierno pretende hacer que el Reino Unido el país más amigable para los niños en Europa. Por lo general, los niños son más vulnerables que los adultos y no tienen las mismas oportunidades de dar a conocer sus puntos de vista ni plantean preocupaciones sobre el impacto de nuevas políticas o leyes. Por lo tanto, es importante que el Comisionado de Niños tenga los poderes e independencia que necesitan para representar a los niños de manera efectiva.

como el Children's Panel que maneja el caso del interés de los niños víctimas de la trata menores de 18 años, ya que muchos de ellos tienen miedo de ir directamente a *UK Border Agency* para la solicitud de asilo.

Otra institución importante en el Reino Unido es la Comisión de Servicios Legales (LSC). Es el organismo que financia la representación legal especialmente en disputas por edad en Inglaterra y Gales. Sin embargo, la Comisión de Servicios Legales no garantiza la representación legal de los menores no acompañados porque no es legalmente admisible por la Agencia de Fronteras del Reino Unido.

Cada vez son más los menores refugiados no acompañados que llegan al Reino Unido y cada vez más desaparecen de la custodia de la propia institución encargada de su cuidado. Mientras que el número ha aumentado en los últimos años, la intervención de la Comisión de Servicios Legales es como el cuerpo de bomberos que asume el deber sólo cuando la llama entra en erupción por lo tanto, tampoco garantizará que un menor no acompañado obtenga un representante legal para los menores ni la aportación (LSC) garantiza que los menores estén protegidos. Otra institución importante es ECPAT del Reino Unido (Terminar con la Prostitución Infantil, la Pornografía Infantil y el Tráfico de Niños con Fines Sexuales).²⁹ Como he indicado anteriormente, ECPAT tiene la misma oficina en Suecia ayudando a los menores no acompañados que sufren explotación sexual a volver a la vida normal e integrarse. Sin embargo, ayuda a los menores no acompañados en el Reino Unido a abandonar el Reino Unido.

Otro grupo de organizaciones no gubernamentales conocido como El Consorcio de Niños Refugiados (RCC) trabaja para asegurar que se apliquen los derechos y la protección de los niños no solicitantes de asilo y otros migrantes. En el Reino Unido, al igual que España y Suecia, están *presentes Save the Children* y el Alto Comisionado de las Naciones Unidas para los Refugiados (ACNUR). Otros organismos importantes en el Reino Unido que participan en la lucha son el Proyecto de Llegadas de Refugiados, el Centro Legal para Refugiados, el Consejo Escocés de Refugiados, la Acción Estudiantil para Refugiados (*STAR*) y *Voice*, la

²⁹ Versión en el Reino Unido: ECPAT es una red global de organizaciones e individuos que trabajan juntos para la eliminación de la prostitución infantil, la pornografía infantil y el tráfico de niños con fines sexuales. Se trata de alentar a la comunidad mundial a que garantice que los niños en todo el mundo gozan de sus derechos fundamentales libres y protegidos de toda forma de explotación sexual comercial.

Cruz Roja Británica, y el Fondo de las Naciones Unidas para la Infancia (UNICEF) Reino Unido.

Todas las ONG mencionadas anteriormente tienen el estatus de observador. Otros organismos luchan contra la trata de niños y la explotación sexual. Se han convertido en una agencia de lucha por lo tanto, a través del Centro de Tráfico de Humanos del Reino Unido (UKHTC)³⁰ varias organizaciones, instituciones y agencias como la Sociedad Nacional para la Prevención de la Crueldad a los Niños y la Agencia de Delincuencia Organizada Grave (SOCA) han puesto en marcha proyectos centrados en los niños vulnerables.

Desde las instituciones responsables de la implementación de estas políticas para la integración de menores no acompañados queda claro que el Estado tiene un poder de prerrogativa absoluto en materia de migración de menores no acompañados, excepto en España donde la administración se reparte el poder entre las Comunidades Autónomas debido al hecho de que las comunidades autónomas son proactivas a la migración mientras que el gobierno central es impulsado a actuar ante una demanda extrema. Esto se refleja en la nomenclatura de las instituciones migratorias, por ejemplo, las instituciones que gestionan las cuestiones migratorias que pertenecen al Ministerio del Interior denominado "Subdelegación del Gobierno Español," la Junta de Migración en Suecia y la Agencia de Fronteras del Reino Unido.

En resumen, es necesario señalar que a través de estas instituciones en España, Suecia y el Reino Unido han acogido a un gran número de menores no acompañados en los últimos años. Sin embargo, después de un largo diluvio de críticos, estos países han cambiado su dirección de la política migratoria

³⁰ Reino Unido Centro de Tráfico de Personas: El UKHTC es parte del Comando de Crimen Organizado en la NCA. Funciona de manera coordinada dentro del Reino Unido e internacionalmente. Trabajan para combatir la trata de personas involucra una amplia gama de socios y partes interesadas. Tienden a proteger al público. Se dirigen a los traficantes y reducen los daños causados por la trata de personas. Los socios del UKHTC incluyen fuerzas policiales, el Ministerio del Interior y otros departamentos gubernamentales, la Fuerza Fronteriza del Reino Unido, la Autoridad de Licencias de Maestros de Gang, agencias internacionales, organizaciones no gubernamentales (ONG) y muchos grupos de expertos caritativos y voluntarios. Prevención, protección de las víctimas y enjuiciamiento. Su trabajo los pone en contacto directa o indirectamente con la respuesta a la trata de personas. (NCA) Prevención de la trata de personas. El pilar de la labor del UKHTC es apoyar a las víctimas de la trata y llevar ante la justicia a los responsables. Por lo tanto, los esfuerzos de prevención son un componente clave de la estrategia proactiva del UKHTC para reducir el daño y proteger a las víctimas de la trata de personas. <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre>

enfaticando la tema de trata de personas y el terrorismo. Por otra parte, los problemas de los menores no acompañados en estos países han aumentado más que el período en que Frisk y Taylor (1991, p. 51) demostraron cómo el prejuicio contra un grupo particular puede penetrar profundamente durante mucho tiempo. Después, cuando Ayotte y Williamson (2001, p. 21) revisaron la vida de los niños refugiados en el Reino Unido, concluyeron que "sus necesidades psicológicas no son atendidas y pueden seguir sufriendo en silencio o actuar de manera inapropiada por su pena o su dolor" (p. 21).

Ello exige que la Asamblea General de las Naciones Unidas tome conciencia de que las consecuencias de la no protección y la no integración de los menores migrantes no acompañados deben atribuirse también a la falta de supervisión y sanción de estas instituciones y trabajadores sociales que aplican estas políticas.³¹

Es importante señalar que España y el Reino Unido han incumplido el compromiso de las ONG en el proceso de implementación de políticas de protección para la integración de menores no acompañados. En España y Reino Unido, las ONG están tienen un papel marginal; desempeñan el papel de observador al devolver al niño por ejemplo. Queremos utilizar esta investigación para recordar a los Estados que la Convención sobre los Derechos del Niño asignó específicamente a las ONG la responsabilidad de implementar políticas de protección aunque se hagan en colaboración con los gobiernos. Contribuyendo con el título "Transformar la visión en realidad: la convención sobre los derechos del niño" Gerschutz y Karns (2005, p. 35) afirmaron que el papel de las ONG es participativo y monitorean la implementación de la Convención de los Derechos del Niño, dejando claro que el comité de monitoreo de tratados podría invitar a UNICEF a proporcionar asesoramiento especializado dentro de su ámbito de mandato.

³¹ En esta investigación se utiliza "social worker" como denominación del trabajador de referencia en las entidades que trabajan con Menores Extranjeros No acompañados (MENAs), reflejando la realidad profesional de Reino Unido y de Suecia. Para el contexto de España, el equivalente sería "trabajador de lo social", integrando tanto a trabajadores como a educadores sociales, así como a otros profesionales de referencia de estos equipos (psicólogos, pedagogos...). Asimismo, tomando nota de esto hemos adoptado una visión global, integrando el punto de vista de los profesionales y académicos, y de entidades como ONU y UNICEF. Además, IFSW colaboran para este concepto global con entidades que abordan temas de migraciones internacionales como ACNUR, OIT, OMS, ACNUDH, e incluso la International Federation of Social Workers (IFSW).

Por otra parte, el tiempo para procesar una apelación en un Tribunal de Migración tras una decisión desfavorable es otro revés y ya es desgarrador junto con las consecuencias inesperadas. Estas son las áreas donde nos encontramos con obstáculos a la integración, aunque los menores de edad han esperado agonizantes durante mucho tiempo, cuando el menor no acompañado es rechazado, se traslada al abismo de los inmigrantes indocumentados encaminados a la devolución y deportación. Desde este punto, el péndulo de protección de los menores oscila en sentido contrario. Según Derluyn and Broekaert (2007, p. 141) “esperar durante mucho tiempo podría causar privación, destitución y destrucción de la esperanza del menor, las consecuencias que podrían conducir a problemas emocionales y otros problemas psicológicos”³² (p. 141).

Sin embargo, pensamos que es posible mejorar sus precarios problemas emocionales y psicológicos implementando algunos de los factores que desempeñan un papel importante en la adaptación a la sociedad mientras buscan y esperan asilo y después de obtener permiso de residencia. Algunos de estos factores incluyen el aprendizaje de la lengua, la comunicación estrecha, lo que podría conducir a una mayor integración.

Algunos investigadores como Montgomery (2011, p. 31) han demostrado que los menores no acompañados están expuestos a ambientes peligrosos y son niños refugiados vulnerables que sufren experiencia traumática antes de su llegada, pero los efectos a largo plazo de dicha experiencia dependen de una mayor exposición a factores de riesgo individual, familiar o relacionado con la sociedad.³³ Además de estos problemas asociados con menores no acompañados, algunos

³² El estrés postraumático ha sido afectado por menores no acompañados de acuerdo con muchas investigaciones. Estos autores dieron una idea de los sufrimientos de menores no acompañados que muchos no quieren investigar y concluyeron que entre 37 y 47% de los jóvenes refugiados no acompañados presentan síntomas severos o muy graves de ansiedad, depresión y estrés postraumático. Las niñas y los que han experimentado muchos eventos traumáticos están en un riesgo aún mayor para el desarrollo de estos problemas emocionales. Los trabajadores sociales también reportan una alta prevalencia de problemas de internalización en esta población y también reportan importantes problemas en jóvenes refugiados no acompañados.

³³ El autor descubrió que los menores no acompañados que se supone que estaban integrados sufrieron problemas emocionales y otros problemas psicológicos. 'El trauma, el exilio y la salud mental en los refugiados jóvenes' el setenta y siete por ciento sufría de ansiedad, alteración del sueño y / o estado de ánimo depresivo a su llegada. Que aquí es una indicación de la existencia de un gran problema de salud pública que requiere un cambio de política y acción política.

también sufren desaparición, locura y muerte según otros informes (Winberg y Salö 2015).³⁴

Creemos que este estudio puede ser de interés para los investigadores, a los encargados de la formulación de políticas, a los trabajadores sociales que sean conscientes de que ser menores no acompañados es un factor de riesgo y por eso son propensos al abuso y la explotación por parte de funcionarios, cárteles de drogas, entidades locales de negocios y explotación de redes.

La preferencia institucional para implementar políticas basadas en una concepción particular de la infancia no sólo legitima un cierto entendimiento de la infancia, sino que también lo hace como un instrumento permanente del derecho. Este instrumento, cuando se implementa, se convierte en un vehículo de rechazo y denegación del permiso de residencia que conduce a la desesperanza, y cuyas consecuencias inmediatas son la pérdida económica y los problemas psicológicos. Contribuyendo a la situación de estos menores, Derluyn y Broekaert (2007, p. 141)³⁵, que la migración de menores no acompañados es puramente un factor de riesgo para el bienestar emocional de los menores refugiados.

1.4. Elaboración de políticas en la Unión Europea.

La formulación de políticas en la Unión Europea se desarrolló en diferentes formas con ideas diferentes sobre lo que debería llamarse política migratoria. En países del norte de Europa como el Reino Unido y los países escandinavos hubo políticas más desarrolladas sobre migración y nacionalidad. Sin embargo, las

³⁴ Este es un informe largo y específico, que también aparecen como un documental de televisión sobre la desaparición de menores no acompañados en Suecia y su abandono, en 2011 solo más de 168 niños, desaparecieron y los últimos 18 regresaron. En el año 2012, fueron 330 los niños 32 de ellos fueron recuperados. En 2013 la cifra había aumentado a 347 niños desaparecidos - 58 fueron recuperados. En 2014 un número récord de niños desaparecidos llegó a 374. Esto significa que un niño desaparece todos los días. 58 de ellos regresaron. Fredrik Bengtsson, director de prensa de la Junta de Migración de Suecia, admite que hay cientos de niños que desaparecen cada año y que no saben a dónde van.

³⁵ Aplicación de las políticas públicas: Los autores concluyeron que el estudio de casos de menores refugiados no acompañados que viven en Bélgica, tal como se analiza en este documento, muestra que la perspectiva jurídica de estos jóvenes que los consideran como "refugiados" y "migrantes" no como "niños" Predominantemente el punto de partida para construir el sistema de cuidado (por un motivo diferente).

políticas de inmigración del sur de Europa no pudieron desarrollarse plenamente como resultado de su alta tendencia a emigrar al norte de Europa, África, América Latina y el norte de las Américas, especialmente España, Portugal, Grecia e Italia.

En la práctica, las políticas adoptadas en el Reino Unido, Francia y los Países Bajos se vieron influenciadas por su deseo político de redefinir sus relaciones con las antiguas colonias y otros tipos de trabajadores migrantes procedentes de ellos y desarrollar políticas migratorias únicas para los países que no tienen tales flujos. La política de inmigración se define en términos de las condiciones proporcionadas a los inmigrantes residentes: el derecho al trabajo, asegurar buenas condiciones de vivienda, disfrutar de los beneficios sociales y servicios sociales, las oportunidades educativas y la instrucción de idiomas, (Messina y Lahav 2006, p. 241).

Teitebaun (1995) insistió en que los países no tienen capacidad para controlar los flujos de inmigración debido a la convergencia de poderosos factores económicos, una amplia red de inmigración, una creciente importancia de los derechos y el volumen de migración hacia las naciones receptoras. Teitebaun (1995) rechaza la noción de fronteras abiertas, insistiendo en que la política exterior de Estados Unidos debe reflejar la inmigración y el refugiado sobre la base de intereses nacionales y valores humanitarios. Él argumenta que vale la pena practicar este enfoque que ha sido aceptado como un propuesta convincente por muchos estados. El mismo autor afirmó que los Estados Unidos protegen las libertades civiles de los ciudadanos y los inmigrantes por igual y sugirió gestionar la inmigración con una flexibilidad periódica y no con un número fijo.

Teitebaun opina que la migración internacional se percibe cada vez más como una amenaza para el bienestar doméstico y su pensamiento está vivo hasta hoy.³⁶ Sin embargo, Teitebaun (1995) señala que la situación de los niños no es diferente y no distingue entre los adultos, los niños y las migraciones de mujeres. Por otra parte, esta percepción se ha hecho eco de la Agencia de Fronteras del Reino Unido y de muchos Estados miembros de la Unión Europea y será discutida en los capítulos del procedimiento. En el capítulo dos intentaré profundizar y exponer estas teorías migratorias para explicar su relación con la evaluación de las

³⁶ Políticas migratorias restrictivas: Teitebaun es un firme defensor de las políticas migratorias restrictivas y eso lo convirtió en uno de los defensores vocales. Observa que el control de la entrada de no ciudadanos es el atributo universal de la soberanía nacional. Propuso que: Es importante que tengamos la capacidad de controlar la composición y magnitud de la inmigración a los Estados Unidos.

políticas migratorias hacia una mayor integración de menores no acompañados en España, Suecia y Reino Unido.

La política de la Unión Europea, y concretamente de España, Suecia y Reino Unido, ha sido testigo de conflictos exponenciales entre el interés superior de los inmigrantes menores y el interés de los Estados en controlar el número de migrantes. Este conflicto ha continuado generando discusión en la sede de los Tribunales Europeos de Derechos Humanos (EUHRC), los Tribunales Superiores y los Tribunales Supremos de España, Suecia y Reino Unido, entre otros.

Se presentan algunos ejemplos de sentencias y concursos judiciales para justificar el hecho de que los Estados están abdicando de su responsabilidad con respecto a la protección de los menores migrantes no acompañados. Basta con mostrar tres fallos relativos al estudio de los movimientos migratorios y las circunstancias de establecimiento e integración del menor no acompañado.

El juicio número uno involucra a un apelante cristiano de Mosul en Irak que declaró en su apelación que en 2007 había recibido tres cartas amenazantes, dos a su lugar de trabajo y una a su casa, que fue destruida. Esta justificación para abandonar su lugar de origen fue rechazada en junio de 2010 por la Junta Sueca de Migración, que a plazo de deportación del solicitante fue finalizado. La Junta de Migración decidió reintentar una nueva evaluación del caso de acuerdo con el Capítulo 12. § 19 de la Ley de Extranjería debido al deterioro de la situación de seguridad de los cristianos en Mosul. La misma Junta de Migración rechazó esta nueva solicitud.

El demandante apeló ante el Tribunal de Apelación de Migración. El Tribunal de Apelaciones de Migración anuló la decisión de la Junta de Migración de expulsar al menor no acompañado y su familia y concedió al solicitante la residencia permanente y el estatuto de refugiado.³⁷ El Tribunal Supremo afirmó

³⁷ Tribunal de Apelaciones de Migración, 14 de enero de 2009, UM 4118-07. El Tribunal de Migración señaló que la Directiva sobre calificaciones no tenía una definición de lo que constituía la situación personal de un individuo. En cambio, la Corte buscó orientación de las directrices del ACNUR sobre el desplazamiento interno, en el que se estipula que siempre se debería prestar atención a las circunstancias personales y que esta evaluación debería basarse en factores como la edad, el género, la salud, la situación familiar y las relaciones sociales o de otra índole. dificultades. El Tribunal de Apelaciones para la Migración había declarado en otro caso (MIG 2010: 10) que las circunstancias personales de un individuo y la capacidad de residir con su familia en el lugar de desplazamiento interno designado debían pesar mucho al considerar si sería razonable remitir a la persona allí. Por lo tanto, el Tribunal de Migración creía que la capacidad del solicitante para establecerse con su familia en el KRG debería pesar mucho en la evaluación. La Junta de Migración

que incluso si su lugar es habitable para los adultos, no es habitable para los menores no acompañados. Este es el enfoque del derecho humano que está integrado en el poder judicial, lo que los hace sólidos y objetivos a los principios de los acuerdos.

El segundo ejemplo procede del Reino Unido, en el que un Tribunal (Sala Cuarta) dictaminó a favor de un menor no acompañado determinado que el menor no debería ser devuelto si no hay ningún miembro de su familia legalmente presente en el territorio de un Estado miembro.³⁸

El tercer ejemplo se refiere a un caso impugnado referido a un recurso administrativo ante el Tribunal Supremo interpuesto por el apelante, un camerunés que afirma ser menor y que los motivos de la persecución fueron su orientación sexual, pero una sentencia de la Tribunal Superior de Justicia le negó el derecho al asilo la protección subsidiaria. Un Tribunal Supremo español confirmó la apelación y revocó la sentencia impugnada.³⁹ Además, el Tribunal Supremo

invocó el comentario de su Experto Legal Mayor sobre los cristianos en Mosul. De acuerdo con esto, sólo los hombres solteros adultos podrían normalmente razonablemente ser capaces de establecerse, pero para las familias con niños, los menores no acompañados y las mujeres solteras sin una red, una evaluación más individualizada tuvo que ser hecha.

³⁸ CJUE - C - 648/11 / Sentencia relativa a la determinación del Estado miembro responsable del examen de un asilo. Datos fundamentales del asunto: CJUE - C - 648/11 / Sentencia. 1. La petición de decisión prejudicial tiene por objeto la interpretación del artículo 6, párrafo segundo, del Reglamento (CE) nº 343/2003 del Consejo, de 18 de febrero de 2003, por el que se establecen los criterios y mecanismos para determinar el Estado miembro responsable del examen de una solicitud de asilo presentada Uno de los Estados miembros por un nacional de un tercer país (OJ 2003 L 50, p.1). 2. La solicitud se ha presentado en el marco de un litigio entre MA, BT y DA, tres niños nacionales de terceros países y el Secretario de Estado del Ministerio del Interior (en lo sucesivo, «el Secretario de Estado) Examinar sus solicitudes de asilo presentadas en el Reino Unido y proponer su traslado al Estado miembro en el que hayan presentado una solicitud de asilo. El artículo 6, párrafo segundo, del Reglamento (CE) nº 343/2003 del Consejo, de 18 de febrero de 2003, por el que se establecen los criterios y mecanismos para la determinación de los derechos fundamentales El Estado miembro responsable del examen de una solicitud de asilo presentada en uno de los Estados miembros por un nacional de un tercer país debe interpretarse en el sentido de que, en circunstancias como las del litigio principal, cuando un menor no acompañado que no tenga ningún miembro de su familia legalmente Presente en el territorio de un Estado miembro haya presentado solicitudes de asilo en más de un Estado miembro, el Estado miembro en el que éste esté presente después de haber presentado una solicitud de asilo debe designarse “Estado miembro responsable.” <http://fra.europa.eu/en/charterpedia/article/24-rights-child>.

³⁹ España - Corte Suprema de Justicia, 17 de junio de 2013, Nº 3186/2013. En su razonamiento, la Corte Suprema hizo hincapié en la inexactitud de las evaluaciones de la edad (particularmente en el método de Greulich y Pyle) y subrayó que se trataba de un método puramente predictivo que necesariamente implica variaciones y por lo tanto no da resultados absolutos y precisos sobre la edad de una persona. En virtud de este razonamiento, la Sala llegó a la conclusión de que la evaluación errónea de la edad del solicitante se debía a la falta de aplicación de las garantías y salvaguardias procesales previstas por el sistema de asilo para las solicitudes presentadas por menores. Además, el resultado posterior ha sido que todos los procedimientos que han tenido lugar después de esta evaluación se han llevado a cabo como si el solicitante era mayor de edad. Según la Cámara, todo esto está en contra del principio de presunción de minoría, en caso de que existan

ordenó una reconsideración del procedimiento administrativo desde el principio, con el fin de proporcionar asistencia jurídica al solicitante de asilo no acompañado.

Estas tres decisiones judiciales muestran que la aplicación de las políticas de protección en ocasiones está en desacuerdo con los derechos y las necesidades de los menores no acompañados y que la discriminación, la negación y la privación están integradas en la aplicación restrictiva de las políticas migratorias. También se observa que es imposible integrar a menores no acompañados cuando se de este tipo de comportamiento institucional.

1.5. ¿Puede lograrse una mayor integración, en virtud de las leyes de Migración y de las Directivas de la Unión Europea?

En el proceso de relacionar con los autóctonos, la situación que resulta cuando dos grupos de individuos que tienen diferentes culturas entran en contacto continuo de primera mano con los cambios posteriores en el patrón original de cualquiera de los dos grupos podría cambiar si hay un entendimiento.

Aparte de los factores de integración que hemos indicado, otros factores que son indispensables y que desempeñan un papel importante en la adaptación son: el lenguaje, la comunicación, el asentamiento hacia la asimilación.

España hace políticas de acogida e integración de inmigrantes y, por extensión, de protección de los menores no acompañados legalmente denominados Menores extranjeros no acompañados MENAs según el Ministerio de Justicia.⁴⁰ España, firmó en julio de 2014 un acuerdo por el que se aprueba el Protocolo Marco para los Menores Extranjeros No Acompañados a través el

dudas al respecto. La apelación fue confirmada y, por lo tanto, la sentencia impugnada fue revocada. Además, el Tribunal ordenó una repetición del procedimiento administrativo completo para proporcionar asistencia jurídica al solicitante de asilo (incluido un defensor jurídico) y, a continuación, el procedimiento continuará. La decisión también fue importante para los argumentos sobre el valor puramente predictivo de las evaluaciones de la edad (particularmente en lo que respecta al método de Greulich y Pyle) y sobre la imposibilidad de obtener resultados precisos al estimar la edad de una persona.

⁴⁰ Ministerio de Justicia, España: En 2009 se realizó un estudio de España de la Red Europea de Migración (2010) con el objetivo principal de analizar los procedimientos de entrada, protección, integración y retorno de menores extranjeros en España, Que sean nacionales de terceros países o apátridas menores de 18 años ... no acompañados por un adulto ... o menores que queden solos después de haber entrado en España.

Ministro de Empleo y Seguridad Social.⁴¹ Este protocolo establece las bases para la coordinación entre las diversas instituciones y autoridades responsables de la protección de los menores no acompañados.

Suecia ha recibido población muy alta de los menores no acompañados (*Ensamkommande barn* en sueco), Migrationsverket.⁴² Las políticas de protección anteriores han ayudado para la integración. Su forma de aplicar las políticas de integración ha sido integral en la formulación de nuevas políticas suecas y según el modelo de integración adoptado por MIPEX.⁴³ Por su parte, en el Reino Unido, la cuestión de la protección de los menores no acompañados denominada "Niños no acompañados que solicitan asilo", administrada por *The United Kingdom Border Agency*,⁴⁴ se ha centrado en la aplicación de políticas de protección y la frecuente desaparición de estos menores. La aplicación de las políticas existentes ya está causando una serie de cambios en el Reino Unido y en toda Europa, lo que confirma que las viejas políticas migratorias son defectuosas, obsoletas e insuficientes, haciendo la protección de los inmigrantes más preocupante-

Dado que la aplicación de las políticas existentes se basa en conceptos divergentes del menor no acompañado, se ha establecido un problema mayor para las instituciones responsables de la aplicación de las políticas migratorias del menor, que en ocasiones están en desacuerdo con la CDN de 1989 y que está en conflicto con el interés superior del principio menor.

⁴¹ Informes nacionales holandeses y españoles: Informe de síntesis de la red europea de inmigración para el estudio centrado en la EMN 2014 Políticas, prácticas y datos sobre menores no acompañados en los Estados miembros de la UE y Noruega Informe de síntesis: mayo de 2015.

⁴² Sverige Migrationsverket, (2009) and Lundberg, (2011) a Professor at the University of Malmo in Sweden adopted 'unaccompanied minors' which focused her two years research on the "Best Interest of the Child Principle in Swedish Asylum Cases: the Marginalization of Children's Rights. Also in Södebergh, C. (2005). International Law and Children as Asylum-Seekers, the Asylum-Seeking Child in Europe, CERGU 2005, p.11 and Malmö Stad Omradesfakta Rosengård. <http://www.malmo.se/kommun-politik/Om-oss/Statistik.om>.

⁴³ MIPEX, (2015) Migration Integration Policy Index for EU 28-Member State Assessment Report. Accessed 22/04/2016 at: <http://www.mipex.eu/>. The Migrant Integration Policy Index (MIPEX) is a unique tool which measures policies to integrate migrants in all EU Member States, Australia, Canada, Iceland, Japan, South Korea, New Zealand, Norway, Switzerland, Turkey and the USA. 167 policy indicators have been developed to create a rich, multi-dimensional picture of migrants' opportunities to participate in society. The index is a useful tool to evaluate and compare what governments are doing to promote the integration of migrants in all the countries analyzed. The project informs and engages key policy actors about how to use indicators to improve integration governance and policy effectiveness.

⁴⁴ United Kingdom Border Agency Report, UKBA (2009); United Kingdom Border Agency, (2010). Guidance for special cases. Processing an asylum application for a child, §4.3. www.ukba.homeoffice.gov.uk.

Por otra parte, los esfuerzos de la política europea se orientan hacia la tutela, que se interpreta como la aplicación con rigor de todos los principios de las políticas de protección para la acogida de los solicitantes de protección internacional que coincide con la Directiva 2013/33 / UE,⁴⁵ (Directiva 2011/36 / UE),⁴⁶ el Acervo de Asilo de la UE,⁴⁷ la Directiva de la UE sobre las víctimas (Directiva 2012/29 / UE)⁴⁸ y la Directiva sobre la explotación sexual de los niños (Directiva 2011/92 / UE).⁴⁹

Todas estas son políticas encaminadas a hacer hincapié en la necesidad de proteger al menor no acompañado, que también se cree que es vulnerable y está en el centro de la exclusión social y la privación. El Comité de los Derechos del Niño, de 2012,⁵⁰ hizo esta declaración en la jornada general de debate sobre los derechos de todos los niños. Las instituciones responsables de la aplicación de las políticas migratorias pueden dejar a un lado los diferentes conceptos de menores no acompañados que han ideado e inclinarse hacia una mayor integración, asimilación y aculturación, asimilación y/o aculturación bajo las Leyes Extranjeras existentes y otras Directivas de la Unión Europea.

Creemos en esta investigación que la instrucción a los estados miembros para tomar medidas proactivas para asegurar la aplicación de las medidas de protección debe darse un nuevo énfasis porque los estados pueden tener un concepto erróneo y una interpretación errónea del art. 22 que obliga a los Estados miembros a adoptar las medidas para garantizar que el niño,⁵¹ acompañado o no,

⁴⁵ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033>

⁴⁶ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 1001/1.

⁴⁷ EU acquis and policy documents on the rights of the child'; Directorate General JUST. C1/MT

⁴⁸ Directive 2012/29/EU of the European parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

⁴⁹ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1) as amended by: Directive 2014/52/EU, of the European Parliament and of the Council of 16 April 2014 (OJ L 124, 25.4.2014, p. 1)

⁵⁰ Comité de los Derechos del Niño, informe sobre los derechos de todos los niños en el contexto de la migración internacional: Día de debate general en 2012.

⁵¹ El Comité reitera la necesidad de que los Estados y los actores pertinentes adopten enfoques holísticos e integrales para identificar y abordar los derechos de los niños afectados por la migración basados en todas las disposiciones y principios de la Convención, evitando la categorización o distinción de diferentes tipos de niños, . Todos los niños afectados o directamente

que solicita el estatuto de refugiado o que sea considerado refugiado, reciba protección y asistencia humanitaria adecuadas.

Aunque este art. 22 de la Convención sobre los Derechos del Niño, (1989) proporciona las bases para la atención de los menores no acompañados, no se prevé específicamente una disposición expresa para los menores no acompañados y tal vez eso sea parte del enigma. Reafirmando su posición, el Comité de las Naciones Unidas sobre los derechos del niño en 2005 aprobó firmemente la Observación general N^o 6 sobre el trato de los niños no acompañados y separados fuera de su país de origen y confirmó que los menores no acompañados y separados son titulares de todos los La Convención sobre los Derechos del Niño, CDN, de 1989.

Por lo tanto, es necesario que las instituciones gubernamentales traten a los menores no acompañados dentro del ámbito de sus derechos reconociendo y aplicando los derechos de los niños conocido en la CDN. Los derechos de los niños se basan en los principios que consolidan el derecho a la vida, la supervivencia y el desarrollo (artículo 6). Además, el derecho a gozar de los derechos del convenio sin discriminación (artículo 2); El requisito de que el principio del interés superior sea una consideración primordial en todas las medidas adoptadas en relación con el niño figura (artículo 3), el derecho de los niños en todas las cuestiones que les conciernen y de acuerdo con la edad y la madurez, (capítulo 12).

Avanzando esta cuestión de los derechos de los niños en la CDN más de cerca, Kilkerrly (2005, p. 54), explicó que el CRC es el documento más destacado que hizo:

(...) las disposiciones que reflejan los derechos humanos en el ámbito del reconocimiento de los derechos específicos de los niños como el derecho a jugar; El derecho a mantener un contacto regular con ambos padres; Y el derecho a la protección contra el abuso, la negligencia y los malos tratos.

afectados por la migración internacional tienen derecho a gozar de sus derechos, independientemente de su edad, sexo, origen étnico o nacional y situación económica o documental, tanto en situaciones de migración voluntaria como involuntaria, acompañadas o no acompañadas, Mover o de otra manera resuelto, documentado o indocumentado o cualquier otro. Para facilitar su examen, las recomendaciones se ordenan según la estructura de las observaciones finales y recomendaciones del Comité sobre los informes periódicos de los Estados sobre la aplicación de la Convención.

El Comité emitió directrices más convincentes en la medida en que los Estados tienen el mandato de no ser restringidos de manera arbitraria y unilateral, ya sea excluyendo zonas o zonas del territorio de un Estado o definiendo zonas o zonas particulares que no estén o no estén bajo la jurisdicción del Estado.⁵² Algunos de los problemas que se oponen a la protección adecuada de los menores no acompañados o separados son la lucha contra la arbitrariedad y la trata de personas.

Esto es muy importante debido a la arbitrariedad de algunos países que reclaman zonas exclusivas de intervención, detención y deportación automática de menores no acompañados, especialmente en Francia. Esto se basa en la premisa de que el menor no acompañado se encuentra todavía en el aeropuerto o puerto marítimo que son zonas no habitables, por lo que los funcionarios de seguridad franceses (por ejemplo) afirman que el niño todavía no está en el suelo francés.

Muchos autores también han señalado catástrofes migratorias mundiales que han aumentado el riesgo de trauma, destitución, privación y muerte de menores no acompañados y otros migrantes en general como una presunción

⁵² Obligaciones jurídicas de los Estados Partes para todos los niños no acompañados o separados en su territorio y medidas para su aplicación 12. Las obligaciones de los Estados en virtud del Convenio se aplican a cada niño en el territorio del Estado ya todos los niños sujetos a su jurisdicción. Estas obligaciones estatales no pueden ser restringidas de manera arbitraria y unilateral, ya sea excluyendo zonas o áreas del territorio de un Estado o definiendo zonas o zonas particulares que no están o no están bajo la jurisdicción del Estado. Además, las obligaciones de los Estados en virtud del Convenio se aplican dentro de las fronteras de un Estado, incluso con respecto a los niños que se encuentran bajo la jurisdicción del Estado al intentar entrar en el territorio del país. Por lo tanto, el disfrute de los derechos estipulados en la Convención no se limita a los niños que son ciudadanos de un Estado Parte y, por lo tanto, si no se indica explícitamente otra cosa en la Convención, también estarán disponibles para todos los niños -incluidos solicitantes de asilo, refugiados y migrantes Independientemente de su nacionalidad, estatus migratorio o apatridia. 13. Las obligaciones derivadas de la Convención con respecto a los niños no acompañados y separados se aplican a todas las ramas del gobierno (ejecutivo, legislativo y judicial). Incluyen la obligación de establecer legislación nacional; Estructuras administrativas; Y la necesaria investigación, información, recopilación de datos y actividades integrales de capacitación para apoyar esas medidas. Dichas obligaciones jurídicas son tanto negativas como positivas, exigiendo a los Estados no sólo que se abstengan de aplicar medidas que vulneren los derechos de esos niños, sino que también adopten medidas para garantizar el disfrute de esos derechos sin discriminación alguna. Tales responsabilidades no se limitan solamente a la provisión de protección y asistencia a niños que ya no están acompañados o separados, sino que incluyen medidas para prevenir la separación (incluyendo la implementación de salvaguardias en caso de evacuación). El aspecto positivo de estas obligaciones de protección también se extiende a exigir a los Estados que tomen todas las medidas necesarias para identificar a los niños como no acompañados o separados en la etapa más temprana posible, incluso en la frontera, para llevar a cabo actividades de rastreo y, Con el fin de reunificar a los niños separados y no acompañados con sus familias lo antes posible.

*prima facie case*⁵³ para el tratamiento humanitario de sus casos. Tomemos por ejemplo los sucesos recientes en Lampedusa, Italia, donde 900 inmigrantes perdieron la vida huyendo de sus países.

Estos incidentes relacionados directamente con la migración internacional forzada que involucra un gran número de menores de edad dominaron nuestro sentido de la imaginación, pero en la Europa de los 28 Estados Miembros, (ahora 27), los Estados Miembros están más preocupados por la protección de sus beneficios sociales, que imponen medidas más restrictivas para los extranjeros. Esto sólo creó la especulación de que las vidas de los que escapan del poder de fuego de los bombardeos no son muy importantes. La migración de los menores comienza cuando salen de su país de origen hasta cuando entran en el país de aceptación. Algunos entraron y solicitaron o no asilo a dos o más países antes de llegar a un país de aceptación dentro de la Unión Europea.

Por otra parte, los menores no acompañados pueden ser capturados por las agencias de seguridad del Estado de la UE, ponerlos en prisión y ser devueltos o deportados en esta primera etapa. Las etapas y sub etapas de la migración se discuten plenamente en el capítulo cuatro de esta investigación para mostrar la situación cuando se convierten en "inmigrantes extraterritoriales".

Touzenis (2006, p. 153), por su parte, dudaba de la honestidad de la Unión Europea de los 28 para facilitar el derecho de los menores no acompañados a acceder a un territorio para solicitar asilo ", consagrado en la Convención sobre los Derechos del Niño. . . ya que hoy en día puede ser más difícil para ellos que para los adultos." Algunos autores han preguntado si se trata de una falta de fondos o falta de fuerza de voluntad o ambas cosas. ¿Es una cuestión de interés económico y político para un país o región en particular, mientras que otros países siguen siendo marginados y discriminados abiertamente?

⁵³ En esta investigación *prima facie* significa: Un hecho que se presume verdadero a menos que sea refutado

1.6. Fondo del problema

En el proceso de aplicar el principio del interés superior del niño reconocido en el (artículo 3), de Freeman (2007, p. 59), afirmó que hay varias tensiones constitucionales. Estas tensiones constitucionales se expresan en las Actas europeas de extranjería y en el rechazo de las solicitudes de protección de un mayor número de menores no acompañados. Sin embargo, Hammarberg (1990, p. 99) afirmó lo contrario y afirmó que la idea más fundamental del derecho humano para los niños está incluida en el (artículo 3).

La investigación sobre las experiencias de migración de menores no acompañados y el bienestar psicológico se ha convertido en importante para muchas disciplinas como la psicología, la geografía, la antropología, el derecho, la sociología y la salud. En las ciencias sociales, por ejemplo, se cuenta hoy como una parte importante de la práctica del trabajo social. Pero el problema radica en el caso de los trabajadores sociales que no aceptan que los menores no acompañados sean atendidos psicológicamente como otros menores. Por ejemplo, Kohli (2007, p. 73) señaló que rara vez se tiene en cuenta que los trabajadores sociales en el Reino Unido tienen en cuenta las necesidades psicológicas de los niños no acompañados al aplicar políticas de protección, en particular en lo que los trabajadores sociales pueden hacer para ayudar a los jóvenes ayudando a su voz a ser escuchados y dar sentido a sus experiencias o sentimientos.

Por otro lado, los investigadores insisten en que los trabajadores sociales no han reconocido las habilidades individuales, habilidades y experiencia técnica de los menores no acompañados como la capacidad de hablar francés, inglés y otros idiomas, el mantenimiento de aparatos eléctricos o de vehículos, la capacidad en los deportes, el artista y la agricultura que pueden aportar valor para una mejor y exitosa integración en el mercado de trabajo. Esta falta de reconocimiento de las aptitudes y capacidades individuales de los menores de edad puede deberse a barreras institucionales como el racismo y la discriminación que impiden a los trabajadores sociales explorar sus talentos.

En otro trabajo, Kohli (2005), una investigación anterior, se enfocó en la recepción de niños que no buscan asilo, analizando lo que dicen y no dicen,⁵⁴ mientras que Bhabha y Schmidt (2006), encontraron menores no acompañados mostrando signos de apatía, depresión y sentimientos de desesperanza e inutilidad e investigaron sus derechos desde la perspectiva del Derecho Humano. Sourander (1998, p. 720), se centró en el examen de los problemas emocionales y de comportamiento de los menores refugiados no acompañados, la mayoría de los cuales no sólo han huido de sus países de origen sino que también han estado expuestos a una considerable violencia antes o durante su viaje. Lacroix (2006) también había investigado la implementación de políticas de protección por parte de los trabajadores sociales, quienes se enfocó en "el desafío para los trabajadores sociales que trabajan con solicitantes de asilo no acompañados en un marco de justicia social para entender las estructuras sociales, procesos y prácticas que han causado opresión, por los derechos y oportunidades de los grupos oprimidos" (p. 20)

Específicamente, el trasfondo del problema es que la práctica del trabajo social ha sido desafiada, provocando un vacío en el sistema de servicios sociales sobre cómo tratar a los menores inmigrantes no acompañados que no encajan en el sistema original y que no tienen el derecho de desafiar a la administración. Por esta razón, Lorenz (2006, p. 79), afirmó que el "migrante menor es una prueba paradigmática para el trabajo social" y agrego que el menor no acompañado es el desgarrado en la carne del trabajo social. El encuentro con personas desplazadas desafía el trabajo social para examinar si sus valores están enraizados en o relacionados con ideologías de nacionalismo o racismo que restringen el derecho a pertenecer a ser atendidos.

⁵⁴ Factores de integración: Esta investigación no logró integrar los factores culturales, ambientales y económicos que influyen en el comportamiento de estos menores no acompañados y no consideró el trauma psicológico que prevalece en ellos después de pasar por terribles zonas asesinas destrozadas por la guerra. Esto socava la posibilidad de un mejor juicio sobre la situación del menor y un anuncio de una irascibilidad de una investigación colaborada por UKBA. Esto puede ser sesgado, ya que no tiene en cuenta, en primer lugar y sobre todo que los niños bajo estudio sufren una entrevista con pistola punto de vista administrativo y que son desesperanzados y confundidos. El autor ha llegado a la conclusión de que parece demostrar que el mantenimiento del silencio puede constreñir y defender posiciones particulares que los menores no acompañados adoptan en determinados momentos de sus viajes de reasentamiento. En cuanto a escuchar sus historias "delgadas", así como a desarrollar explicaciones "gruesas" sobre la manera en que estos niños y jóvenes hablaban y no hablaban, los encuestados en el estudio iluminaron algo de la complejidad oculta dentro de la sociedad social contemporánea trabajo. En general, parecían pesar los costos y beneficios del silencio, junto con una reorganización de historias de victimismo y resistencia.

En concreto, según Lorenz (2006, p. 73), el caso fronterizo particular es este contexto de menores refugiados no acompañados. Los trabajadores sociales parecen no estar seguros de cómo responder en la medida en que en la mayoría de los países se tarda algún tiempo en que se identifique el problema, entonces el problema siguió ajustándolos al patrón de los niños no inmigrantes, luego las dificultades para encontrar hogares adecuados o fomentar lugares que reconocen su identidad cultural y los tratan con diferentes estándares en vista de la utilidad de las redes informales entre las comunidades migrantes. El trabajo con los migrantes no acompañados, por ejemplo, cuya ciudadanía está en duda, pone a prueba la relación del trabajo social con el proyecto del Estado-nación y su posible dependencia excesiva.

Otro aspecto de los antecedentes de este estudio se refiere a cómo "nosotros" en Europa concebimos la "infancia". La concepción de la infancia es puramente diferente de otras sociedades donde estos menores se originan. Esta exposición en la práctica de atención a la MENA que estamos haciendo en esta tesis no ha sido tomada en consideración y continuará causando malentendidos y caos al intentar implementar políticas que pretenden mejorar la integración de menores no acompañados.

El comienzo de toda la batalla está en la forma en que concebimos a los niños. Los niños son concebidos de una manera legalmente establecida de autodeterminación que está en el centro de la liberación de los niños y es el único tema que guía la definición de todo el concepto en Europa. La posición de muchas instituciones de Europa va muy cerca de las críticas de Aries de que las sociedades modernas carecían del concepto mismo de la infancia. Esto es así incluso si reconocemos que estas sociedades emplean concepciones muy diferentes de la infancia y que no es imposible, ni siquiera muy probablemente, que una sociedad no tenga ningún concepto de la infancia en absoluto según algunos autores como Archard (2004, p.17). Hay diferencias culturales, ecológicas, históricas y económicas con estos países, por lo tanto, la pregunta que debemos hacer a los trabajadores sociales es: ¿El pueblo de Afganistán, Siria, Sudán y Perú tienen su propia concepción de los niños?

Esta misma concepción de la infancia afecta adversamente la evaluación de la edad del menor; afecta a la evaluación del permiso de residencia y de la

integración económica y social del menor.⁵⁵ Las políticas migratorias pueden tener su camino, pero la forma en que una sociedad concibe a un niño es el resultado de muchos factores que son ambientales, históricos, culturales, económicos y sociales configuración que está en gran medida fuera de su control. Pero en un análisis estándar liberal, los niños están en un estado donde los adultos pueden elegir paternalista o institucionalmente ellos.

La "familia" que Europa consagra en sus códigos legales está en desacuerdo con la percepción de lo que es una familia y cuál debería ser su configuración en las sociedades del mundo donde emanan los menores y la cuestionada cuestión de la madurez. Según Penn (2005, p. 57) quien desarrolló un libro basado en cuatro estudios de casos de muchos países del 'Norte' y el 'Sur' se centró en la diversidad y complejidad de los diversos intentos de los escritores para globalizar la infancia. Penn (2005) argumenta que la madurez para otras sociedades y la familia fuera de Europa puede ser un signo de status (como he indicado) y no de edad.

Montgomery (2011, p. 25) se centró en la experiencia traumática de los inmigrantes en Suecia, el exilio y la salud mental en los refugiados jóvenes, y aseguró que una serie de desafíos a menudo hacen que los derechos de los menores se descuiden. Lundberg (2011, p. 18) se centró en los mejores intereses del niño, de las palabras a las acciones, y sostuvo que:

(...) el miedo de los funcionarios de migración de hacer que los niños se sientan heridos o temerosos en situaciones en las que es necesario hacer preguntas difíciles. El temor de revivir experiencias pasadas traumáticas hizo difícil la implementación de políticas de migración.

Existe una preocupación social respecto a que los migrantes potenciales constituyan una amenaza para el Estado de Bienestar. Por esta razón, Brekke (2004, p.9) dijo que las condiciones que pueden ser manipuladas por los gobiernos para regular y controlar la migración son muchas y la lista de medidas restrictivas

⁵⁵ La infancia y la familia: Esto se debe a que el concepto occidental y la creencia sobre la infancia y la familia ya están codificados en marcos legales que no pueden ser alterados. Es imposible utilizar este concepto para evaluar la edad de los menores migrantes no acompañados procedentes del sur o de terceros países fuera de la Unión Europea. El concepto por el cual se basa la evaluación de estos niños es defectuoso, engañoso, inapropiado e inaceptable.

se divide en tres que son adoptadas por los gobiernos para controlar a los refugiados o migrantes.

Estas medidas incluyen: en primer lugar, que se podría llamar régimen preventivo son la política de visados, las sanciones a los transportistas y las campañas de información. El segundo conjunto de condiciones incluye las que regulan el proceso de solicitud y éste es el lugar en el que menores no acompañados están atrapados. Esto se debe a que se extiende desde el momento en que se presenta su solicitud hasta el momento en que el niño recibe permiso de residencia o repatriado. Estas políticas incluyen también el derecho al trabajo, el acceso a cursos de idiomas, las condiciones de vida en los centros de acogida, el apoyo financiero, el acceso a asesoramiento jurídico y la posibilidad de apelar contra decisiones negativas.

El tercer conjunto de estos instrumentos se refiere a las condiciones de residencia después de una decisión positiva que, en última instancia, puede facilitar la reunificación familiar o no. Existen otras disposiciones relacionadas con las condiciones de solución, el acceso al lenguaje y la formación profesional, el apoyo financiero y otros tipos de orientación que pueden denominarse régimen de integración. Hay que señalar que estas tres medidas restrictivas adoptadas por los gobiernos para controlar a los refugiados o los migrantes se encuentran en los marcos jurídicos y las prácticas de España, Suecia y el Reino Unido.

Por otra parte, los argumentos para políticas restrictivas son abundantes. Según Marmora (2002 p. 286) la justificación dada por los gobiernos para cerrar sus fronteras es muy fuerte debido a la seguridad, los problemas del narcotráfico y el terrorismo internacional, la saturación del mercado de trabajo y la presión sobre los servicios públicos. El argumento de los anti-inmigrantes había sido el desempleo. Además los servicios de salud, la vivienda y la educación son las principales áreas donde los nativos son siempre susceptibles porque creen que serán saturados. El problema *de facto* es que los nativos piensan que los menores no acompañados vienen para quitar sus trabajos y rebaja también los salarios según algunos autores.

Muchos autores están de acuerdo en que los menores no acompañados son vulnerables y necesitan protección contra las violaciones,⁵⁶ pero lo que los investigadores no han subrayado es que su vulnerabilidad se utiliza contra ellos y que están excluidos de sus derechos y necesidades, por lo que es imposible integrarlos en la sociedad de recepción.

Otra investigación insistió en que los derechos de los menores se consideran secundarios al interés nacional de mantener el número de migraciones en general reducido y sugirió más investigación sobre este problema de aplicación de las políticas que hemos decidido emprender. Bagaric y Morss (2006, p. 27) sostuvieron que la imposición de políticas restrictivas y controles migratorios es discriminatoria y que es la última forma de discriminación, una "super-discriminación,"⁵⁷ y sugirieron relajar los controles migratorios para proporcionar beneficios humanistas que pueden aumentar el hambre y la pobreza en el mundo.

El grueso del argumento aquí es que no hay razón lógica o moral por qué los no nacionales de un estado no deben tener las mismas oportunidades y libertades que los nacionales en ese estado. Una de las formas más comunes de discriminación es la raza - el tratamiento de una persona de manera diferente simplemente por su lugar de nacimiento. La formulación de políticas en el ámbito de la migración puede seguir generando políticas más auto-restrictivas y más discriminatorias, lo que ampliará el abismo entre la legislación desarrollada para proteger a los niños y la realidad de la política y la práctica de inmigración según (Rutter 1987, p. 54).

⁵⁶ La vulnerabilidad de los menores no acompañados se utiliza en el sentido de que necesitan regresar a sus familias donde se sientan más seguras. Pero la pregunta es: ¿qué motivó al menor no acompañado a abandonar su patria y qué riesgo implica enviar al menor de edad? Es igual a la emisión de un billete al infierno.

⁵⁷ Leyes discriminatorias: Los argumentos de Morss, son que las leyes discriminatorias contra los inmigrantes no pueden y nunca pueden ir en tándem con la postura declarada y declarada de los derechos humanos de los grandes países europeos, por lo que supusieron que: Una de las formas más comunes de discriminación es la raza Persona diferente simplemente por su lugar de nacimiento. Esta es una de las formas más claras y repugnantes de discriminación porque el lugar donde nace una persona es, por supuesto, una circunstancia feliz o infeliz sobre la cual el individuo no tiene control. Un accidente de nacimiento no debe calificar a una persona para obtener privilegios o oportunidades adicionales. Los principales argumentos a favor de esta política, relacionados con la seguridad y la construcción nacional, son en última instancia defectuosos. Esto pone de manifiesto una trágica ironía debido a los grandes esfuerzos que muchos estados occidentales -que suelen tener los controles migratorios más fuertes- eliminan la discriminación en el ámbito interno y la amplia gama de instrumentos de lucha contra la discriminación del derecho internacional. Esta es la hipocresía que se acerca a sus mejores.

Por todo ello, mi interés es extender las fronteras del conocimiento y contribuir a la evaluación de la aplicación de las políticas de protección hacia la integración de los menores no acompañados por las instituciones gubernamentales que prestan servicios de protección a fin de facilitar la integración exitosa en la sociedad de recepción. Esto permitirá a los trabajadores sociales ya los responsables de la formulación de políticas comprender el impacto de las políticas viejas y nuevas para la integración y porqué debemos separar a los menores de la migración de adultos que no ofrece la misma experiencia.

Por el contrario, en esta investigación no se trata de síntomas psiquiátricos o trastornos de estrés postraumático que afectan a menores no acompañados; Estos acontecimientos que sufren los menores no acompañados se muestran aquí como consecuencia de la falta de respeto al acuerdo internacional para la protección de los menores no acompañados.

Por otra parte, los esfuerzos concertados de los gobiernos de la UE se centran ferozmente en la admisión de cientos de miles de turistas por un lado, mientras que por otro lado los mismos gobiernos rechazan y deportan a miles de niños vulnerables que son menos en comparación con los cientos de miles de turistas. Dejo esta área a otros investigadores, pero hay un claro llamado a los gobiernos para que se adhieran a los acuerdos que firmaron para reubicar las maneras de aliviar los sufrimientos de la generación futura.

1.6.1. Declaración del problema

Las instituciones que ofrecen protección jurídica y servicios sociales tienen la obligación de prestar atención y protección a los menores migrantes no acompañados tan pronto como sean recibidos en un centro, durante y después del proceso de asilo. Las investigaciones anteriores revelaron una serie de problemas en la aplicación de las políticas en relación con la respuesta de los servicios sociales a los menores no acompañados, lo que revela que es urgente abordar estos problemas. El debate sobre los solicitantes de asilo se ha convertido en un debate político intensivo que ha desarrollado conceptos clave en las leyes internacionales.

Las personas autóctonas también reaccionan de manera negativa, lo que hace que la integración de los menores sea una tarea hercúlea. Algunas de estas

tendencias racistas habían conducido a malos tratos, golpes y hirientes a muchos menores migrantes no acompañados. Según el periódico español Levante, EMV (31/01/2016, p.49),⁵⁸ los neonazis suecos atacaron e hirieron a menores no acompañados en Estocolmo.

Este estudio difiere de otros estudios por su enfoque en la valoración de las actividades de las instituciones encargadas de la implementación de políticas migratorias para la integración de menores no acompañados que otros autores han evitado o han evitado parcialmente. Por otro lado, para alcanzar el objetivo de esta investigación se analiza la importancia de estas instituciones responsables de la implementación de las políticas migratorias en el ámbito del permiso de residencia (permanente, a largo plazo, temporal y de renovación de las mismas tarjetas de residencia) y otros servicios que ofrecen o se supone que ofrecen.

Hemos observado que en la práctica las mismas instituciones gubernamentales que admiten, evalúan y confirman la edad, la vivienda y la salud, la educación y el trabajo que pueden conducir a la integración y/o asimilación de los menores son las mismas que preparan y ejecutan la orden de deportación. En el proceso de acceso a lo que hacen las instituciones, las bases para la adopción de la educación como uno de los factores para medir la integración también se confirma con el trabajo de Gimeno (2005), quien señaló que la educación de los niños con antecedentes extranjeros es muy importante, deben tomar conocimiento de su situación como vulnerable, diferente un poco y necesitan protección. La educación es uno de los factores más importantes que preparan a alguien para ingresar al mercado laboral y puede facilitar una mayor integración de los menores no acompañados.

Gimeno (2005), afirmó que en el proceso de educar a los niños con antecedentes extranjeros, el lenguaje es el vehículo de la enseñanza y es una de las cuestiones más importantes para los profesores, porque el lenguaje de instrucción es el instrumento de comunicación que facilita la enseñanza y la comprensión. Promueve la interacción social y la integración. Villa (2002) apoyó este argumento afirmando que la educación no es sólo un instrumento. También es un factor de integración, afirmando que aprender un idioma es poder interactuar con aquellos

⁵⁸ Esto se presenta aquí para mostrar cómo el perfil de los menores extranjeros puede producir consecuencias inesperadas. Levante, EMV (31/01/2016).

que conocen el idioma, aquellos que enseñan el idioma, incluyendo aquellos que desean aprender el idioma, un argumento soportado por Gimeno (2005, p. 233). Además, cabe señalar que la misma institución que espera facilitar la educación de los menores es la misma institución que tiene la autoridad exclusiva para retirarlos, readmitirlos y deportarlos desde el país donde han solicitado protección. Por esta razón, reconocemos e identificamos publicaciones relevantes que han investigado la cuestión de la protección de los menores no acompañados en la Unión Europea, Estados Unidos, Australia y Canadá.

Otra tema relevante en este estudio es la controversia de evaluación de debate de edad comendado y soportado por los trabajos de Cemlyn and Nye (2012, p. 683). ¿Por qué evaluar la edad? Esta pregunta está en el primer plano de las instituciones que cuidan a los menores no acompañados., pero no hay una respuesta convincente. Los menores no acompañados son evaluados para determinar si serán protegidos o no. Si se declara que un menor tiene más de 18 años de edad, la ley aplicada generará rechazo y expulsión.

Esta investigación también se centra en comparar la población de los menores migrantes no acompañados que solicitaron protección y factores que conducen a la inclusión social o la exclusión. El objetivo de este estudio es avanzar en nuevos conocimientos que contribuyan a cerrar la brecha en el conocimiento sobre la vida cotidiana de los menores no acompañados en estos países bajo estudio.

Los menores no acompañados que migran solos sin familia o alguien que puede cuidar de ellos pone de manifiesto el fracaso de algunas familias en proveer a sus hijos jóvenes. También pone de manifiesto el fracaso de muchos gobiernos que afirmaron ser activistas democráticos, liberales, ricos y de derechos humanos. Por lo tanto, es necesario explorar este nuevo patrón de migración porque este tipo de migración no ha recibido suficiente atención y por eso esta tesis profundizó en sus experiencias, integración social y económica a nivel institucional donde se brindan servicios sociales para sus beneficios y los problemas asociados con su incorporación en la sociedad.

En el centro de este proceso se analizan y comparan los procesos de intervención actuales que se están utilizando y lo que los profesionales perciben como métodos de intervención alternativa esenciales en Suecia, España y Reino

Unido. La aplicación de políticas sociales que tendrán repercusiones directas en los menores no acompañados ha constituido un serio desafío para muchos responsables políticos europeos, ya que muchos de los fenómenos son desconocidos para los responsables políticos, en particular la emigración de menores migrantes no acompañados.

España, Suecia y el Reino Unido han reaccionado a este tipo de migración con políticas restrictivas que conceptualizan al menor como un tramposo cuyo principal interés es invadir El Dorado y el mercado de trabajo, según Brekke (2004, p. 9). Estos funcionarios del gobierno crean la impresión de que son visitantes que deben ser repatriados si se exceden o se nota más como un terror para el estado de bienestar. Estas políticas restrictivas han bloqueado la recepción e integración de estos menores no acompañados y han producido consecuencias inesperadas. A veces las nuevas políticas migratorias son tan restrictivas y extremas que también afectan a las personas autóctonas inadvertidamente.

Este tipo de efecto inesperado en las personas autóctonas fue explicado por un Ministro Danés de la inmigración durante una conferencia en la universidad de Copenhague. Se formulan muchas políticas nacionales e internacionales para proteger y garantizar los derechos de los niños en general y de los menores no acompañados, en particular de los depredadores de la trata de seres humanos. En el proceso de buscar y recibir esta protección, los menores no acompañados han sido enfrentados por un tropiezo ocasionado por legislaciones restrictivas y una "cultura de incredulidad" que hace que los trabajadores sociales arrojen sus historias de migración a los vientos, incluyendo una mala interpretación de las políticas de inmigración.

Para ello, hemos decidido describir, explicar y evaluar la práctica del trabajo social en la organización gubernamental durante la implementación de las políticas de integración hacia la protección e integración de menores migrantes no acompañados en España, Suecia y Reino Unido. Esto se basa en el convencimiento de que una cultura de "Este tema *no es mi preocupación* se impregna en la implementación y administración de políticas públicas que de hecho provocan una respuesta negativa. Esto se basa en lo que sabemos ahora sobre la situación de los menores no acompañados en algunos países europeos, Estados Unidos, Canadá y Australia.

Por otro lado, los datos oficiales sobre la migración de Europa están resultando muy difíciles para los recopiladores de datos oficiales. Muchos menores refugiados no están listos para ser contados, teniendo la impresión de que su registro sólo puede acelerar su deportación y no garantiza su integración en la sociedad, por lo que estos tipos de migrantes prefieren guardar silencio. Esta postura silenciosa se reflejó en el Reino Unido por Kohli (2006a, p. 708) quien confirmó que poco se sabe sobre por qué y cómo los menores no acompañados mantienen un "libro cerrado" sobre sus vidas.

En España, Suecia, Reino Unido, Holanda y Bélgica, los responsables políticos insisten en que la introducción de la detención de solicitantes de asilo sin la documentación con enmiendas a sus Leyes de Extranjería ha sido muy eficaz para reducir las solicitudes de asilo. Las leyes restrictivas y la enmienda a las antiguas leyes restrictivas siguen siendo la respuesta al aumento de la migración, incluso cuando la aplicación no es eficaz para frenar la migración masiva. Otras enmiendas a las Leyes de extranjería permitieron la detención indefinida de menores no acompañados insuficientemente documentados hasta que se tomara una decisión sobre su admisibilidad al procedimiento de asilo.

Sobre el material de apoyo a esta labor, esta investigación se basa también en informes académicos y profesionales y en conclusiones de diversas investigaciones sobre la situación precaria de los menores no acompañados en la sociedad de acogida. Más concretamente, esta investigación doctoral se inspira en nuestros hallazgos derivados de una tesis de Máster titulada: "Recepción e integración de menores no acompañados en Suecia y Reino Unido: un análisis comparativo" presentado por Onuoha (2011).

El ACNUR, estima que 358 800 solicitudes de asilo se registraron en los 44 países en su informe de 2010. Según las reclamaciones del ACNUR (20.000) o un 5% menos que 2009 y 2008 (unas 378.000 reclamaciones por cada dos años) y que el nivel de 2010 es el cuarto más bajo en los últimos 10 años. Los estados miembros de la Unión Europea registraron 235.900 solicitudes de asilo en 2010, una disminución del 5% en comparación con los 247.300 de 2009.

La Unión Europea representaba en conjunto el 87% de todas las solicitudes de asilo en Europa. En los Estados miembros de la Unión Europea 12.210, los menores no acompañados solicitaron asilo 60.000 menores. Albertinelli (2010)

informó que, entre 5 de cada 20 solicitantes de asilo en la Unión Europea, uno es un menor no acompañado.⁵⁹ Tengo claro que la Unión Europea ha reconocido el problema inherente a la aplicación de las políticas migratorias, pero debido a la plaga que ha comido profundamente en los tejidos de la Unión Europea a través de la fragmentación del sistema de asilo, les resulta difícil rectificar. Las debilidades políticas actuales han llamado la atención del Comité Económico y Social Europeo⁶⁰ al declarar que "una de las debilidades expuestas en la política actual ha sido la falta de confianza mutua entre los Estados miembros, en particular como consecuencia de la continua fragmentación del sistema de asilo."

Esto tiene un impacto directo en los solicitantes de asilo, pero también en la opinión pública de la Unión Europea. Reconociendo estos errores fatales, la Unión pidió recientemente a los Estados miembros que actualizaran⁶¹ sus criterios de aplicación de políticas con indicadores de calidad bien definidos y más sencillos para reforzar la protección de los derechos fundamentales de los solicitantes de asilo, prestando especial atención a las necesidades de grupos vulnerables como menores no acompañados.

1.6.2. El significado del estudio

Queremos aportar más información sobre la aplicación de las políticas de protección que está generando mucho debate. Por lo tanto, la disparidad en la implementación de políticas y la laxitud en la formación de políticas se abordarán a través de un nuevo conocimiento. Esto se debe a que, entre los estados de la Unión Europea, hay muchas disparidades incluso en países que tienen similitudes parlamentarias, institucionales, culturales, geográficas y políticas.

Debido a estas disparidades, es imprescindible establecer una mejor referencia para evaluar periódicamente el protocolo de acción y medir cómo los

⁵⁹ Eurostat (2015) <http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>.

⁶⁰ Comisión Europea Bruselas, 13.5.2015 com (2015) comunicación final de la comisión al Parlamento Europeo, al Consejo, al Comité Económico y Social Europeo y al Comité de las Regiones: Una agenda europea sobre la migración.

⁶¹ La Comisión elaborará una estrategia global para dar seguimiento al Plan de acción sobre los menores no acompañados (2011-2014) para cubrir a los niños desaparecidos y no acompañados. Esta es la idea detrás de la actualización, habiendo reconocido el problema básico, con un enfoque en las vulnerabilidades específicas de los niños

estados implementan modelos de acogida e integración de menores no acompañados.

Por lo tanto, es importante demostrar también que los beneficios que estos menores pueden tener, (por ejemplo, la educación, el permiso de residencia, el mercado de trabajo, la vivienda) conducirán a la adquisición de la ciudadanía que es la Suma total de todos los derechos y que le hará integrarse socialmente como económicamente como uno de los ciudadanos del país de asentamiento en Europa.

En el libro titulado "La economía de la ciudadanía", Bloemraad (2008, p. 14) confirmó que varios autores han sugerido que la ciudadanía puede funcionar como un mecanismo de señalización, y tal vez convencer al empleador nativo de asumir el trabajador inmigrante. El autor citó a De Voretz y Pivnenko que sugirieron que la ciudadanía podría comunicar un mayor apego al país como el caso de Canadá, y tal vez un compromiso más largo a una empresa o trabajo en particular, mientras que otros autores señalan que la ciudadanía podría señalar a los empleadores costumbres y tradiciones que son esenciales para el éxito de una empresa. Por lo tanto, es extraña que España y Reino Unido introdujeran exámenes de ciudadanía para los inmigrantes que quieren tomar ciudadanía.

De lo anterior, consideramos que es muy importante que los menores no acompañados puedan adquirir la ciudadanía (después de diez años). La adquisición de la ciudadanía aumentará la percepción de los "insiders" sobre él y, en consecuencia, mejorará la integración en estos países bajo estudio, haciendo este estudio muy significativo e interesante.

La relación entre el "insider" y el "outsider" mejorará si los "insiders" comprenden que el mejor integrado en el país y sociedad se ha convertido en uno de ellos, es decir, tiene los mismos derechos, privilegios y obligaciones que los autóctonos. Por ello, añadimos la adquisición de la ciudadanía como factor concreto de nuestro factor y objetivo para evaluar la integración de los menores no acompañados en España, Suecia y Reino Unido. Lo contrario de esto es que los menores no podrán seguir residiendo en el mismo país, aunque han vivido allí durante muchos años, especialmente si no pueden cumplir con los requisitos económicos de la renovación de su permiso de residencia.

Con el fin de mejorar la implementación de políticas y avanzar en el conocimiento, esta investigación doctoral también se centrará en cómo la

detención de inmigrantes y menores no acompañados se intensificó en los últimos años, ya que hay más de nueve centros conocidos en España a partir de 2010 y estos centros no distinguen edad, riesgo y vulnerabilidad.

Esta investigación es significativa porque a través de ella mostramos las prácticas diabólicas de la detención de menores no acompañados para que los trabajadores sociales, los grupos de derechos humanos y los defensores de los niños conozcan más. Este conocimiento de que la detención de menores no acompañados se utiliza como un instrumento para controlar el número de migrantes es significativo para otros investigadores y para los propios menores. Esto se basa en la visión de que los estados operan bajo el pretexto de los mejores intereses del niño para perpetuar la abominación. Una acción que no pueden permitir a sus propios hijos e hijas. Este es un claro ejemplo de cómo los Estados pueden utilizar la provisión de los mejores intereses del niño para promover su propia agenda.

Las Directrices de 1997 proporcionaron un margen de maniobra a los Estados para utilizar la detención. Por ejemplo, el párrafo 7 del artículo 7 de las Directrices establecía que: Los Estados que, pueden mantener a los niños que buscan asilo en detención. Por su parte, la Convención sobre los Derechos del Niño, (CDN) según la cual la detención sólo se utilizará como medida de último recurso y por el período más breve posible.⁶² Algunas de las principales lagunas se manifiestan en las vagas definiciones proporcionadas por la CDN y la Convención de 1951. Otros problemas se manifiestan en la determinación del "interés superior" del niño, ya que están abiertos al debate a menudo son utilizados por los actores estatales para escudriñar y sabotear la inmigración y la capacidad de los menores para reclamar protección.

Algunos autores han tratado de averiguar las consecuencias de detener a los niños porque un niño detenido es un niño restringido. Martin y Hutchinson (2006, p. 24) en su investigación encontraron que la duración de la detención y la incertidumbre de la detención contribuyen a la salud mental de todos los menores detenidos no acompañados. A esta detención se suma la cuestión del perfil de prensa de los menores no acompañados. Con este fin, debemos actuar con rapidez

⁶² Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum, 1997, p. 10)

para revertir la invasión de los medios de comunicación que se oponen a la aplicación de mejores políticas para una mayor integración de los menores inmigrantes.

Este tipo de acción sólo puede legitimar la discriminación racista y la hostilidad contra los grupos vulnerables. Esta investigación tiene su objetivo de ser muy útil para los mediadores interculturales, los responsables políticos, los trabajadores sociales y los académicos, aunque la prensa crea la impresión de inundación y peligro, dominación e invasión, el momento de actuar es ahora.

1.7. Supuestos

En el proceso de compara las políticas públicas suponemos que los menores no acompañados son vulnerables y necesitan protección contra los caprichos y caprichos de los hombres. También asumimos que se hacen muchas leyes para la protección de estos menores vulnerables pero la desobediencia a los acuerdos firmados limita la implementación de mejores políticas. También asumimos que existen también leyes de derechos humanos que se hacen pero no hay voluntad política para implementarlas de acuerdo con la doctrina de los acuerdos y sabotajes que limita o bloquea el éxito de las políticas migratorias. También suponemos que muchos menores no acompañados no se benefician de ciertas disposiciones de bienestar debido a la falta de información y sus tutores no saben la existencia de leyes hechas para ellos, por lo tanto, no participan.

Asumimos que los menores no acompañados y los defensores de los niños no son consultados durante la formulación de políticas y muchas de las leyes están disponibles para aquellos que las implementan y ocultas a aquellos que se benefician o sufren de la misma ley. Por lo tanto, debido a la falta de conocimiento de los servicios disponibles, el menor refugiado siempre se pierde en el vientre de la miseria, la privación y la destrucción.

Suponemos que los formuladores de políticas y los trabajadores sociales a quienes hemos entrevistado en muchas ocasiones para este estudio de doctorado pueden haber evitado responder a algunas preguntas con el mejor de su conocimiento; En algunos casos pueden no estar listos para responder a todas las preguntas. Por lo tanto, creemos firmemente que este estudio se convertirá en un

documento de referencia para aquellos que quieran conocer más sobre las nuevas tendencias relacionadas con la migración de menores no acompañados.

Por otra parte, un gran número de menores no acompañados son enviados a detención o prisión durante este periplo de migración cuando entran en un país miembro de la Unión Europea. Cuando son capturados por agentes de seguridad, la primera reacción es deportarlos porque se percibe como ilegal entrar en un país sin la correspondiente autorización, por ejemplo, visa. Tan pronto como un menor es atrapado por los agentes de seguridad del Estado, el debate sobre su edad se abre mientras se cierra el tema de su protección legal. Esta asunción de delito y de detención directamente no tiene solución.

De lo anterior es prácticamente imposible saber cuántos de estos menores no acompañados están en la cárcel en la actualidad. Nuestras entrevistas revelan que muchos de estos menores no acompañados pasaron gran parte de su viaje en las celdas de prisión en Grecia, España, Italia y Turquía y cuando llegan a los países del norte como Reino Unido, son enviados a prisión nuevamente. Este tipo de encarcelamiento podría haber servido de campo de entrenamiento para el terrorismo y la delincuencia; Podría haber desperdiciado su juventud haciéndolos parecer estresados, demacrado e irritado. Esta presión de incertidumbre puede haber hecho que parezcan más viejos que su edad natural.

La multiplicación de su vida estresante en las cárceles europeas hace que la evaluación de su edad sea aún más contestable, problemática, aunque la perspectiva oculta de un menor se genere e imponga por el encarcelamiento de las instituciones de seguridad europeas. ¿Podría ser este el gusano que come los esfuerzos de integración e incorporación? En mi opinión, el encarcelamiento puede ser un factor que contribuye, pero el capítulo dos nos dirá más sobre este tema. Sin embargo, es bueno notar que la migración internacional está en un nivel diferente y operando en una plataforma diferente que aún no se entiende adecuadamente y espero revelar algunas ideas que me han aparejado con mensajes de menores no acompañados en prisión y los escritos en las paredes De prisiones europeas para agregar más aspectos de derechos humanos para cerrar la brecha de información.

1.8. Presentación general de la tesis doctoral

Para dar un relato coherente de un conjunto importante de trabajos y argumentos específicamente relacionados con los menores no acompañados y la migración internacional en general, he elaborado varias publicaciones que investigaron y publicaron sus conclusiones. No se han realizado muchos estudios previos sobre el problema de los menores migrantes no acompañados y los estudios que se han centrado principalmente en experiencias de recepción y trayectoria; Derechos y servicios prestados por los centros de detención y trauma o problemas psicológicos.

Por lo tanto, en esta investigación se tomó la decisión de realizar un estudio exploratorio con el fin de resaltar los temas específicos que se mantuvieron recurrentes para que pudieran ser temas para futuros estudios. Esto se debe a que no se han realizado suficientes estudios empíricos y se sabe poco sobre el comportamiento de las instituciones que ofrecen protección y servicios de bienestar a este grupo vulnerable. Es nuestra esperanza profundizar en los problemas reales que afectan su integración exitosa y ser capaz de evaluar los problemas asociados con los menores migrantes no acompañados y los jóvenes desde muchas direcciones.

En esta investigación que se centra específicamente en la aplicación de las políticas migratorias hacia una mayor integración de los menores no acompañados en España, Suecia y el Reino Unido, el punto focal de la revisión bibliográfica se centra en temas presentados en divisiones seguidas de otras subdivisiones. Crawley (2007, p. 63) está de acuerdo⁶³ y describiremos los certificados de

⁶³ En un sorprendente resultado del profesor específicamente en p. 64. Indicó que: "Esta investigación ha identificado una serie de problemas con la orientación actual y el apoyo disponible a las autoridades locales sobre los procedimientos para la evaluación de la edad. El protocolo ADSS no sólo contiene inexactitudes y está desactualizado, sino que tampoco es ampliamente conocido o utilizado. Muy pocas (sólo 2 de cada 14) autoridades locales que participaron en esta investigación eran conscientes de su existencia, y estas autoridades se quejaron de que los procedimientos no se siguieron en la práctica. "La investigación de Crawley, dio justificación al incurable "no me importa" y la "cultura de la incredulidad" que prevalecen en la práctica del trabajo social. Crawley, hizo saber esto a través de un informe de entrevista con dos menores no acompañados, y dijo que: Muchos niños describieron cómo se les había requerido esperar muchas horas en la unidad de cribado sin información sobre el proceso y nada para comer o beber. Algunos fueron sometidos a interrogatorios groseros o agresivos por parte de oficiales de inmigración: (1) "Llegué [a la ASU] por la mañana y salí alrededor de las 8 de la noche. Yo estaba absolutamente muerto de hambre, pero así es como se supone que cada persona pobre. Estás a merced de alguien. Nunca olvidaré cómo me trataron cuando fui allí. »Michel, 16 años, Ruanda. (2) 'Odiaba la primera entrevista.

nacimiento, testimonios de la edad que se verifica a través de pruebas forenses como dental, muñeca o hueso Rayos X Byrne (2008, p. 18) y según Judith y Nye (2012, p. 683). Además, los motivos de migración, resiliencia y afrontamiento, incluidos los problemas de la recopilación de datos Bhabha y Schmidt (2006, p. 14 & 48).

Mientras que Montgomery (2011, p. 25) se centró en el trauma, el exilio y la salud mental en los refugiados jóvenes; Sourander (1998, p. 720) estudió los problemas emocionales y de comportamiento de los menores refugiados no acompañados. El autor Rutter (1985, p. 48) se centró en la aplicación de las leyes de migración de jóvenes en la área de educación para integrar los jóvenes en Finlandia, Suecia y otros países de la UE, la resiliencia ante la adversidad y el trastorno psiquiátrico.

Otros trabajos a analizar que profundizaron un poco en la situación de los menores no acompañados son Violeta (2006, p. 194) con el título en español (Los menores no acompañados en Europa, desde el punto de vista antropológico que se centra en los menores no acompañados en Europa. Kohli (2012, p. 708) recientemente se adentró en áreas de conflicto de servicios sociales, "El sonido del silencio: escuchando lo que dicen y no dicen, los niños que no buscan asilo. En esta investigación que se centra en la evaluación de las políticas de protección para la integración de menores no acompañados se intentaría analizar más autores que investigaran parte o cerca de este número de menores no acompañados Antes de cerrar este resumen me gusta agregar el trabajo Encarnación (2010, p. 12) sobre la reagrupación familiar como vía de integración en España, Italia y Portugal (La reagrupación familiar como vía de integración de los inmigrantes en España, Italia y Portugal).

La Agencia de Fronteras del Reino Unido;⁶⁴ Sub Delegación de Gobierno⁶⁵ son indispensables en este estudio. Política de colocación o "dumping" de menores

Fueron muy groseros. Ellos dijeron, solo diga sí o no. No me hizo sentir bien, sólo me hace sentir mal. Él [el IO] no me estaba escuchando. Él era muy grosero. Lo odio". Faela, de 15 años, de la República Democrática del Congo, p. 48.

⁶⁴ United Kingdom Border Agency, (2014). Asylum process guidance on special cases. www.ukba.homeoffice.gov.uk.

⁶⁵ Sub Delegación de Gobierno; Ministerio del Interior 2013. <http://www.interior.gob.es/web/servicios-al-ciudadano/extranjeria/regimen-general/menores-extranjeros> Menores extranjeros no acompañados.

no acompañados que promueve ciudades de guetos⁶⁶ merece una descripción para concreta nuestro objetivos porque los menores sufren cuando desobedecen a marcos legislativos internacionales y nacionales. Aplicación de la regulación de Dublín III, servicios sociales y trabajadores sociales están en nuestro lista de descripción y comparación en consonancia con (Geddes 2003, p. 4), *International Federation of Social Workers* (IFSW 2016) y proceso de integración, reunión familia. *Aliens Act* (Swedish Statute 2005).⁶⁷

Otros incluyen la Convención sobre los Derechos del Niño;⁶⁸ Directiva 2001/55/CE del Consejo, compare el número de solicitantes de protección, prejuicio, estereotipos y discriminación según (Allport 1954, p. 51; Dovidio et al., 2010, p. 5). Analizaremos, describiremos y comparemos los menores no acompañados aceptado, rechazado, devuelto, Eurostat, ACNUR; Organización Internacional para las Migraciones (OIM), inclusión y exclusión social, (Pettigrew et al. 2007, p. 58)

Parte de los libros que se centran en los derechos de los niños que se adaptan a esta investigación, se tratan en los capítulos 2, 4 y 5, incluyendo Miles y Thranhardt (1995, p. 19) que centraron la dinámica de inclusión y exclusión en la migración y la integración europea. Otros autores se agregan en otros capítulos de este trabajo:

Específicamente, en el capítulo dos presentamos la revisión de la literatura, para la revisión de las políticas de protección y las diferencias conceptuales en la implementación e integración de menores no acompañados en España, Suecia y Reino Unido. Con el fin de formar una base teórica para el concepto de infancia, introdujimos el fundamento teórico y la concepción histórica de la infancia en Europa en la Edad Media y en el período del siglo XXI.

⁶⁶ Esta investigación es nueva y diferente para demostrar que la asfixia y la radicalización de los menores no acompañados y otros migrantes en las ciudades guetotizadas ha estado produciendo un efecto boomerang y seguirá siéndolo hasta que las instalaciones de infraestructura y los servicios sociales cambien en esos guetos y hasta que se emitan permisos de residencia A los menores que son explotados en estos guetos.

⁶⁷ Ley sueca de extranjería, (2005: 716). Disposición sobre denegación de entrada y expulsión, decisiones de traslado en virtud del Reglamento (CE) N° 343/2003 del Consejo, de 18 de febrero de 2003, por el que se establecen los criterios y mecanismos para determinar el Estado miembro responsable del examen de una solicitud de asilo presentada en uno de los Estados miembros por un tercero (Reglamento de Dublín).

⁶⁸ United Nations Convention on the rights of the child CRC/C/GC/12 20/07/2009 <http://www.coe.int/t/dg3/children/participation>.

Ase presenta el nivel de reconocimiento de la infancia y la protección de los niños durante la Edad Media con el nivel de reconocimiento de la infancia y la protección de los menores no acompañados en este siglo. Hemos adoptado algunos cuerpos de teorías relacionadas con el concepto de infancia para sentar una base adecuada para este estudio. Estos cuerpos de teorías provienen de las obras de: Ariès (1962); Stone (1979); DeMause (1976); Pollock (1983) y otros.

La teoría de la infancia de Philippe Aries vino primero seguida del primer concepto de la infancia. Estas teorías nos ayudaron a introducir las perspectivas de los autores en esta investigación. A esto le sigue la definición de términos y conceptos adoptados. Las teorías de la migración en general se analizan con introducción a las teorías de la migración para este estudio y más tarde introdujimos al lector en el marco teórico específico adaptado a los objetivos de este estudio. Dado que las políticas tienen su importancia histórica, presentamos las diferencias y acuerdos de políticas, conceptos y definiciones relacionados con menores no acompañados (UMM, UASC y MENA) en los países bajo nuestro estudio y avanzamos para mostrar algunas visiones globales y actores globales como las concepciones De algunos países de la UE, EE.UU., los escandinavos, Mandela y colaboradores.

En la dos continuo con la descripción de las motivaciones de los menores no acompañados para emigrar de su país de origen a España, Suecia y Reino Unido entra, seguido de la recepción de personas no acompañadas, vinculadas a otras cuestiones que surgen en el proceso de migración de menores como la trata de personas, la detención y la desaparición. Las prácticas de aplicación de políticas que generan una buena experiencia de menores migrantes no acompañados que más tarde se encontraron en hogares de cuidado. Por otro lado, se revisan las prácticas de implementación de políticas que generan consecuencias psicológicas, detención y deportación. Este capítulo dos termino con una descripción histórica de la Convención de las Naciones Unidas sobre los Derechos del Niño (1989), La Unión Europea, la ONU y el marco legislativo, las políticas migratorias de España, Suecia y Reino Unido.

En el capítulo tres se presenta los aspectos de la metodología para esta investigación que se inició con la Introducción de las fuentes de datos y métodos adoptados en la recolección relacionados con la implementación de políticas

migratorias. A continuación se presentan el propósito del estudio y los objetivos generales y específicos de esta investigación, seguidos por las características demográficas de fondo.

Se presentan los instrumentos de protección básicos derivados de la Convención sobre los Derechos del Niño y el diseño de la investigación, seguidos de los instrumentos adaptados para la recopilación de información para esta investigación. Se presentan cuestionarios semi-estructurados y preguntas de entrevista para menores no acompañados y trabajadoras sociales que implementan políticas migratorias en España y Suecia, seguidas de nuestras entrevistas programadas para la recogida de datos con trabajadores sociales y menores no acompañados en centros de integración de menores no acompañados.

En el capítulo cuatro, se muestra la parte principal de los resultados de la implementación de las políticas, comenzando con el análisis de los resultados de la implementación de las políticas de los factores centrales de integración. En esta etapa se presta especial atención al análisis de los instrumentos fundamentales para la aplicación de las políticas de protección en España, Suecia y Reino Unido. A esto siguen los menores migrantes no acompañados: primera y segunda fases de trayectoria y migración a España, Suecia y Reino Unido. Una comparación de los factores de integración básicos se yuxtapone para explicar el movimiento de los menores y los tipos de legislaciones que se aplican en España, Suecia y Reino Unido mientras se están moviendo de una etapa de la migración a otra.

Con el fin de ofrecer una visión panorámica, ofrecimos la descripción y el análisis de la primera y segunda fases de trayectoria y migración de los menores no acompañados, especialmente cuando son descubiertos y se encuentran bajo custodia y se asisten con protocolos de protección. Se discuten los contenidos de los principales factores de integración de nuestros objetivos. Se analizan comparativamente otros factores fundamentales de integración que se consideran indispensables para los servicios de protección para la integración social y económica: permiso de residencia, reagrupación familiar, vivienda, salud, orientación al mercado laboral, posibilidad de mejorar los prejuicios, la discriminación, el racismo y la nacionalidad, Etc.

Se analiza la directiva de regreso que muestra las consecuencias de la deportación y la implicación de la evaluación de la edad, agrupando a los menores

no acompañados ya los inmigrantes viejos: creación de guetos. La capacitación profesional de los trabajadores y la intervención se revisa en este capítulo cuatro. En la segunda parte se presenta a los resultados estadísticos de la población de menores no acompañados y la necesidad de la aplicación de las legislaciones de protección. De esta manera, se comparan cinco años de población de menores no acompañados que fueron recibidos en España, Suecia y Reino Unido yuxtapuestos para mostrar los resultados relativos a su número y cómo la implementación de las políticas de protección les afecta. Además, las políticas restrictivas mostraron una evidencia estadística de que el grupo más afectado de menores no acompañados son aquellos que tienen entre 16 y 17 años de edad.

Finalmente, el capítulo cuatro trata de la explicación de los vínculos existentes entre la recopilación de datos y la reclusión democrática; desaparición de menores no acompañados: motivos e inquietudes; el panorama de la trayectoria migratoria desde Tánger hasta Europa vía España; la disposición de detención y el principio de unidad familiar; los esfuerzos de trabajo social en la intervención en la protección, la integración y la responsabilidad de los estados y los padres para proteger y educar a los niños sobre la mafia de la droga, la mafia de la prostitución y la trata de personas.

Hemos resumido esta área con la interpretación de los cuestionarios semi - estructurados y las preguntas de las entrevistas que presentamos en el capítulo tres y que se administraron en menores no acompañados en Suecia y España.

El capítulo termino con nuestras contribuciones finales a las cuestiones relativas a la aplicación de las políticas de protección de los menores no acompañados; descripción de nuevos descubrimientos sobre la motivación para emigrar; dialéctica de la migración y nuestra justificación para la derogación de las leyes de persecución - la regulación de Dublín III, la reforma de la CDN y la eliminación del concepto de readmisión.

El capítulo cinco anuncia la fase final de este trabajo doctoral y contiene las conclusiones y sugerencias para futuras investigaciones. Esta parte comienza con las conclusiones generales que ponen de manifiesto los objetivos generales de esta investigación doctoral y posteriormente se presentaron los objetivos específicos. En análisis de las limitaciones del estudio se completa con las sugerencias para

futuras investigaciones. Al final de este trabajo se hicieron disponibles las referencias y los anexos de este trabajo.

CHAPTER TWO: LITERATURE REVIEW

2. SPAIN, SWEDEN AND UNITED KINGDOM: COMPARATIVE ASSESSMENT OF PROTECTION POLICIES AND CONCEPTUAL DIFFERENCES IN IMPLEMENTATION AND INTEGRATION OF UNACCOMPANIED MINORS.

INTRODUCTION:

Sourcing literature relating to unaccompanied minors had been a hideous task, but because of our passion to accomplish this research with dedication and to expand the knowledge of scholarship, we attempt to outline relevant literature relating to the issue of assessing implementation of protection policies towards integration of unaccompanied minors in Spain, Sweden and United Kingdom. A brief presentation of existing researches on unaccompanied migrant minors is made followed by more detailed researches and comments on the selected works upon which this research is based. Furthermore, researches focusing on European Union, Australia, United States, Canada and other countries are analyzed.

This very department appraises researches conducted in relation to key issues that affect implementation of integration policies in practical terms and the changes that occurred in policy implementation; model adopted by social workers and administrative discrimination (if any) against unaccompanied minors in particular and immigrants in general while implementing policies. In order to give a cohesive account of important body of works and arguments relating to unaccompanied minors and international migration in general, I have drawn up several bodies of literature which investigated and published their findings.

Studies that have been done relating to unaccompanied minors focused mainly on reception and trajectory experiences; rights and services provided by detention centers and trauma or psychological problems. Therefore, in this research a decision was made to carry out an exploratory study in order to

highlight the specific topics that are excluded and the ones that kept reoccurring so that they could be topics for future studies. This is also because there had not been sufficient empirical studies and little is known about the institutional behavior while offering welfare services to this vulnerable group.

Our effort in this research is to delve into the real issues that affect their successful integration and to be able to evaluate the problems associated with unaccompanied migrant minors and youths from many directions. In this research, the literature review is divided into several parts, to be followed by other subdivisions namely: Various definitions adopted by states and researchers which vary according to policy objective and implementation motive therefore, these differences will be explored and assessed. Why do they migrate? What are the minors' motivations for abandoning their parents and places of origin?

We would join the assessment of protection policies and conceptual differences in implementation and integration and are joined by theoretical foundation and historical conception of childhood during The Middle Ages followed by the level of recognition of childhood and protection of children during the middle ages with the level of recognition of childhood (Ariès 1962; Stone 1979; DeMause 1976; Pollock 1983). Definition of terms and concepts adopted. Would be joined by migration theories in general are analyzed with introduction to theories of migration and the specific theoretical framework.

Furthermore, Bhabha (2001, p. 294) who has done comparative studies is with a title "Minors or aliens? Inconsistent state intervention and separated child asylum seekers; Bhabha, Crock, Finch, and Schmidt (2007, p.13) who did a comparative study on Unaccompanied and Separated Children seeking asylum in Australia, United Kingdom and the United States of America; Bhabha and Schmidt (2006, p. 87) focused on psychological trauma of unaccompanied migrant minors and found that these problems are visible through their anxiety and fear.

Reception, detention and verification of possible human trafficking of Unaccompanied Minors are taken up as priority by various government institutions in response to the mandate of various Directives of the European Union are to be dealt with much later. The next in this department of literature review we bring to the fore the age determination and implementation processes; one of the most controversial issues that has dragged many governments to the

mud; which many institutions determine through forensic tests of dental, wrist, or bone X-rays (Byrne 2008, p. 18; Cemlyn and Nye 2012, p. 683). Another important work on age assessment by Crawley (2007, p. 63) examined the current procedures for ensuring that asylum seekers whose age is disputed are able to access a formal social service and the conflict of interest involved. Asylum care and rights, right to legal representation and other rights which focused on minors' core needs like housing, health Assess institutional response to right to legal representation, as suggested by Archard (1993, 2004, p. 28).

Furthermore, we would assess and compare The Convention on the Rights of the Child;⁶⁹ Council Directive 2001/55/EC. This literature review also focuses on reception and integration policies, right to family reunification, residence permit and labor market integration efforts. Literature relating to unaccompanied minors migration experiences and stressful life and their survival strategy are reviewed. Kohli (2006, 709) investigated the behavior of unaccompanied minors when they are being interviewed by social workers with the title "the sound of silence: listening to what unaccompanied asylum-seeking children say and do not Say".

We would describe and adapt the European Union promotion of integration through equity and justice and a mini conclusion. This is followed by literature review on the impact of prejudice, out-group perception, as it affects unaccompanied minors while attempting to integrate and assimilate according to (Devin 1995, p. 487). We beam our searchlight on discrimination and anti-discrimination laws made to ameliorate or exacerbate discrimination and prejudice and a follow up of institutional attitude. Marmora (2002, p. 257) in his book, investigated migration policies and their implementation. There is also a work on migration policies as a material for the protection of unaccompanied foreign minors in Valencia Community, according to Felipe i Sarda (2012, p. 229) and unaccompanied foreign minors as new actors in transnational migration, was investigated by Navas (2011, p. 855).

Protection and safeguarding are some of the terms inserted in the lexicon of government institutions for the execution of children related projects and this attracted many authors. Another author very important to us is Parton (2011, p.

⁶⁹ Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49.

855) who investigated child protection and safeguarding in England from a risk to social work perspective. We would further compare nondiscrimination in policy implementation, Bagaric and Morss (2006, p. 27). Policy of placement which inevitably leads to 'dumping' of unaccompanied migrant minors coupled with obedience or disobedience of international and national legislations. This is followed by comparative assessment of implementation of protection policies and court judgments in favor or against unaccompanied minors, including Dublin III Regulation. This is followed by welfare services and social workers' interpretation of their commitments to the immigrant minors who were investigated extensively by (Geddes 2003, p. 4).

Furthermore, in other to fortify our benchmark for assessing implementation models of policies of these countries we have chosen, to adapt and to extend the Integration Standard set by Migrant Integration Policy Evaluation Index (MIPEX) for Spain, Sweden and United Kingdom,⁷⁰ and the bases for implementing social work practice as laid down by IFSW ethical standard for social workers.⁷¹

Others areas of our focus include some important declarations and reports of United Nation Organization (UNO), United Nation High Commission for Refugees (UNHCR), United Nation International Children Fund (UNICEF), Save the Children and other NGOs that are involved in child advocacy and support in implementation of migration policies. This is analyzed in order to point to the direction of implementation of policies while more description, comparison and explanation on policy impact will be done in chapter four of this work. We compare the legal frameworks cum Protocols adopted by different countries during integration process and core needs of unaccompanied minors and family reunification.

⁷⁰ Migration Integration Policy Index for Europe, assessment report. MIPEX, (2011) Accessed 17/06/2016 at: <http://www.mipex.eu/>.

⁷¹ International Federation of Social Workers (IFSW) (2007) 'Ethics in Social Work, Statement of Principles.' The International Federation of Social Workers supports its 116 country members by providing a global voice for the profession. IFSW has been granted Special Consultative Status by the Economic and Social Council (ECOSOC) of the United Nations and the United Nations Children's Fund (UNICEF). In addition, IFSW is working with the World Health Organization (WHO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office of the United Nations High Commissioner for Human Rights (OHCHR). Accessed on 17/06/2016: <http://www.ifsw.org/f38000032.html>.

We compare the implementation of the Aliens Act (Swedish Statute 2005);⁷² compare the condition provided for protection of unaccompanied minors and the population of applicants for protection. Issues relating to factors that block integration is very important to this research and our idea is to attempt to review literature based on psychological problems suffered by unaccompanied minors which are antithetical to the efforts made for their integration, incorporation and acculturation which also form the key to progressive social contact and social harmony, (Allport 1954, p. 40; Dovidio et al. 2010, p. 11; Wilson and Davis 2008, p. 2; Pettigrew and Merteens 1995, p. 58; Goig 2007 p. 108).

One of the greatest diabolic denials against immigrants, especially unaccompanied minors is the denial to belong and social exclusion which produces a “deconstructed” cognitive state in people, whereby unaccompanied minors are left to become more passive, lethargic, emotionally numb, and unwilling to control their impulses. This area has been investigated by Pond, Brey, and Dewall (2011, p. 109). More publications are reviewed as we add more themes in other sections to analyze relevant literature based on this topic.

Delving into the psychological perspectives, Derluyn and Broekaert (2007, p. 143) included post traumatic growth in children⁷³ investigated the emotional and behavioral problems in unaccompanied refugee children and adolescents⁷⁴ and Sourander (1998, p. 720) added that adults and the family play important

⁷² Section 2: In this Act ‘child’ means a person under 18 years of age. Section 10: In cases involving a child, particular attention must be given to what is required with regard to the child’s health and development and the best interests of the child in general. Section 11: In assessing questions of permits under this Act when a child will be affected by a decision in the case, the child must be heard, unless this is inappropriate. Account must be taken of what the child has said to the extent warranted by the age and maturity of the child. Section 12: An application for a residence permit that is based on circumstances.

⁷³ The authors Derluyn, Ilse & Broekaert, Eric argued that the combination of the following characteristics, that is, being a refugee, being in the middle of one’s adolescence and being unaccompanied, might burden the emotional wellbeing of this group of unaccompanied minors, or separated children and adolescents. Using the works of Many studies show how migration can result in the development of diverse emotional and behavioural problems, such as post-traumatic stress, depression, anxiety, fear of recurrence, guilt, separation fears, grief, withdrawal, eating and sleeping problems, identity confusion and delinquent behavior. Examples of some of the works include; Sam, D. L. (1994) ‘The psychological adjustment of young immigrants in Norway’, *Scandinavian Journal of Psychology*, vol. 35, pp. 240-253; Davies, L. C. & McKelvey, R. S. (1998) ‘Emotional and behavioural problems and competencies among immigrant and non-immigrant adolescents’, *Australian and New Zealand Journal of Psychiatry*, vol. 32, pp. 658-665.; Allwood, M. A., Bell-Dolan, D. & Husain, S. A. (2002) ‘Children’s trauma and adjustment reactions to violent and nonviolent war experiences’, *Journal of the American Academy of Child and Adolescent Psychiatry*, vol. 41, pp. 450-457, etc. to buttress their arguments.

⁷⁴ The New Encyclopaedia Britannica, (volume 16) (1990) London; United Kingdom. p. 10

roles in providing an emotional buffer, focused on the psychological well-being and emotional problems affecting unaccompanied minors. As time progressed, recent studies have concentrated on the emotional and psychological well-being of unaccompanied minors thus creating the impression of their vulnerability and the need for their protection.

Most of the literature we have encountered focused on experiences that unaccompanied minors carry with them from their countries of origin through their migration processes including their separation from traditional families and being imprisoned in many countries which has been proved to provoke emotional problems. For this reason many of the authors argued that migration experiences and destitution could be termed as the most distressing factors affecting the lives of unaccompanied migrant minors. Contributing to this new phenomenon in migration system Navas (2006, p. 18.) suggested that unaccompanied minors participate in an amplified migration camp articulated through institutions ... like social networks based on friendship, family parentage and countrymen, or what is denoted (*ima madu* [IM] in Igbo language).

This brings us to the two core areas of this study: (1) Protection policies are implemented according to the dictates of government policy direction. (2) But unaccompanied migrant minors suffer denial, detention and psychological distress. At this point it will be needless to argue that the two situations are manageable. They are irreconcilable. This is why we must ask: how are protection policies implemented and does the implementation correspond to the needs and in line with the best interest of these minors?

Therefore, we would open a window of better understanding through this doctoral research, focusing on assessing implementation of protection policies towards enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom. This research believes that former researches did not cover the most distressing problems of unaccompanied minors; therefore we have decided to embrace the main problems headlong. What we consider in this research as the source of the main problem is the activities of the social work institution of the host country that implements protection policies, that is, provide services to unaccompanied minors which affect their day to day lives.

Therefore, we believe that the behavior of government workers while implementing immigration policies determine the relationship with the 'in-group' which ultimately reflect on the integration efforts of unaccompanied minors and immigrants in general. This is because unaccompanied minors are affected directly by the attitude of social workers, social structure, funding of reception their centers, legal representation, discrimination, including race, age determination, ethnic background and gender negligence. However, some authors have also shown that unaccompanied minors are also agency of their own and can survive using various types of strategies in the absence of good protection.

Reflecting on what it termed as a "double governance problem," on integrating immigrants Giguère (2006, p. 24) suggested that there is a clear mismatch between immigration and integration policies in many countries, with policies to manage immigration *rarely being accompanied by strong policies to support integration*. (This may be the Oedipus complex of the EU migration policy). While most countries provide specialized support to immigrants on arrival, particularly language training, after this initial period labor market integration is generally felt to be the responsibility of mainstream labor market policies, which in most cases are biased, discriminatory and outright prejudiced in allocating job opportunities, thereby blocking integration efforts from all frontiers.

This means that there is a structural and institutional problem militating against these indispensable factors of integration which should be verified and resolved. For example: Why do they suffer psychological trauma? Why do they use silence to defend themselves before their care givers? Why should unaccompanied minors use silence as a mechanism of surviving the short-gun interview process while suffering in silently in the hands of social workers? The social worker is expected to be the 'parent in diaspora' or 'paternoster' based on the concept of the 'best interest of the child' in the CRC, minors are on the palms of a 'protector.'

On the other hand, questions must be asked about the type of investigation in this field. Earlier studies concentrated only on demeaning the personal characteristics of unaccompanied minors; securitization of their presence and profiling the transnational link to their country of origin and propagating their resilience and resistance to racial discrimination.

Through these earlier postulations we are made to believe by the media and policy analysts that the new concept of the European policy makers are that these unaccompanied migrant minors were former soldiers of Al-Qaeda especially the Afghans and the Iraqis, and have come to fight and that they are hungry criminals, dangerous prostitutes and will definitely not only take away jobs; they will rob, rape and decrease the wage base.

Many authors have Corroborated this issue in their publications and one of them declared that those discontents of modernity which were the trademarks of modernity (that is the modern state) arose from the 'excess of order' and its inseparable companion, that is, the *DEARTH OF FREEDOM*; first and foremost the individual's freedom to seek pleasure. Within the framework of a civilization bent on security, more freedom meant less discontent. Within the framework of a civilization that chose to limit freedom in the name of security, more order meant more discontent according to (Bauman 1998, p. 2).

For this reason this research focuses on comparative analysis of the institutions in order to assess the implementation of immigration policies towards better and enhance integration of unaccompanied migrant minors. My main focus in this research is on institutional arrangements surrounding unaccompanied migrant minors which I consider essential for their integration and incorporation into society which other researchers have not given sufficient attention. For this reason, this literature review relate to a broader area of international migration and public policy, social work services, education, child psychiatry, child welfare, law and justice, nursing science, sociology, psychology and public health, national and international conventions.

Furthermore, we would attempt to examine various attitudes and pressures that influence policy making and policy implementation in organizations, in order to understand how and where these differences are produced. While many authors have focused on economic motivations for international migration of unaccompanied minors, they have adapted to neo classical theory; push pull and network theories; some authors have compared laws made for their protection, their legal status and identity; other authors have chronicled the poverty level in their country of origin to show why they came; their migratory route to Europe, experience and psychological problems associated with these vulnerable minors.

As part of our main objective, this research describes, compares and analyses implementation of migration policies towards integration and incorporation of unaccompanied minors and youths in Sweden, Spain and United Kingdom, for example in the areas of: education, residence permit, family regrouping, age assessment, legal representation, racial prejudice and discrimination, accommodation, labor market, increase and decrease of acceptance, rejection, detention and imprisonment, deportation and return, irregularity and racism.

Delving on the issue of implementation of migration policies and in a well-founded critique, Castles and Miller (2009, p. 32) argued that the way migration policies are implemented at the early stages of migration play a role in character formation of migrants or ethnic groups. They suggested that the best way to prevent marginalization and social conflicts is to “grant permanent immigrants full rights in all spheres.”⁷⁵ This is the bases for the enactment of the Convention on the Rights of the Child and this is why we have to publish this research in order to add to close the information gap. This can help social workers to understand that the unaccompanied minors’ full rights constitute the *prima facie* case for integration and cannot be ignored as it is now.

The most wretched and excruciating experience of an immigrant minor starts after getting residence permit realizes that the labor market offers only temporary jobs to immigrants like them and that they are abandoned to the volatility of the labor market. The minors profile in the community is neither recognized nor their power or powerlessness: the immigrant minor do not have the power to appeal, complain officially for jobs denied; not informed about paid training opportunities or scholarships. As part of the distribution policy formula, unaccompanied minors are dumped in a congested environment where labor

⁷⁵ The authors were concerned that Western governments expect immigrants to integrate on their own. They argued that when ethnic minorities find permanent settlement, a large number of immigrants realize that the temporary labor recruitment which is also precarious is not enough for their social and economic integration. The immigrants spend more months looking for job while the social security restrictive conditions make remuneration impossible. Depending on the actions of the receiving country, immigrants may or may not integrate. At one extreme, openness to settlement, granting citizenship and gradual acceptance of cultural diversity may allow the formation of ethnic communities which are seen as part of a multicultural society. At the other extreme, they averred, refusal of citizenship and rights to settlers, and rejection of cultural diversity may lead to formation of ethnic minorities, whose presence is widely regarded as undesirable and divisive. This is the situation we are many immigrant communities find themselves.

market opportunities are low, difficult, deficient and which cannot allow them to move up to higher jobs.

The immigrant is not informed that continuous training is remunerated by the social service and when immigrants retrain or participate in courses, their remunerations are not paid. In practice, these denials and slavish treatments conform to the institutional discrimination and the untold daily life of unaccompanied migrant minor. Implementation of harsh laws at the early stages of migration deletes children's' rights and this has created the aura of defensive radicalization among immigrant minors. Unaccompanied minors are paying the heaviest price for restrictive policies, stringent economic policies and political obduracy.

Before they arrived at the borders of the European Union these minors have been attacked and stifled by hunger, persecution by enemies and uprooted from their traditional homes by wars. On arrival in European soil, they are attacked and jailed by security agents; stifled by restrictive policies; persecuted by age assessment; uprooted by security agents through deportations and sent forth and back on the strength of Dublin III (I call this dingdong process). On top of all these maltreatments, millions of children suffer abject poverty; insecurity and false ego.

The above graphic presentation relates to the bases of the migration experience of unaccompanied minors. From my experience with these minors, I have noted that modern technology may help unaccompanied minors to know the wholesale conspiracy to destitute and destroy their future aspirations.

Children are drawn into world conflicts and beyond war zones and frontiers where there is no law and no guarantee for meaningful survival by adults. Children of countries from African, Asia and Latin America have become unwanted aliens in Europe 28 - member states (now 27 with the exit of Britain) where their identity is questioned with official vehemence. The European Union where child's' privacy is evaded, explored, x-rayed, violated, dumped and *pingponged* by European Union member states after many years at the tormentor's prison cell will go down in history as equivalent to the sixteenth and seventeenth century period of cruelty to children. There is no guarantee that these children are not aware of their destitution, deprivation and destruction.

There is no guarantee that when they mature, they will not react to their marginalization and stealing of their rights as enshrined in Convention on the Rights of the Child (CRC),⁷⁶ Directives of the EU and other Human Right laws⁷⁷ which are endorsed by many countries and child advocates.⁷⁸ Having identified many problems militating against the implementation of migration policies for enhanced integration of unaccompanied minors, we wish to contribute a type of '*widow's mite*' through this doctoral research so as to close the gap in knowledge.

Relocating the theme on the situation of unaccompanied minors in his submission, Hammarberg captured a graphic view of what children suffer everywhere. On a well-founded demonstration of how the United Nation Convention on the rights of the Child can work effectively, Hammarberg (1990) declared that this child phenomenon is excruciating, for example, "when famine spreads, children die first; diarrhea is the worst killer of children in spite of available knowledge and means to control it. In poorer nations, twelve million children die every year because they do not have vaccines or sufficient food or suffer grave conflicts. They are deprived of the most fundamental human rights-the right to live" (p. 100).

Summing up approaches to migration issues of migration Castles and Miller (2009) suggested that migration "is better tackled by using an interdisciplinary approach which include Sociology, Law, Health, Psychology, Political Science, History, Geography and Demography and by drawing on migration network theory and migration systems theory" (p. 21). However, in this research, we defer with the authors suggestion because, the motivation and migration pattern of unaccompanied minors differ from adult migration.

Delving into this issue Frykman (2001) confirmed that migration has changed and will keep changing with "the patterns of migration, including people who are legally classified as refugees, have been changing and today we are faced with the migration of unaccompanied minors which was not recognized by states

⁷⁶ The United Nations Convention on the Rights of the Child: A Guide to the "Travaux Préparatoires", Nijhoff, Dordrecht 1992.

⁷⁷ UN Human Rights Treaties contain provisions on the protection of the right to family life and also special rights for children. The Covenant on Civil and Political Rights.

⁷⁸ These Guiding Principles are jointly endorsed by the International Committee of the Red Cross, the International Rescue Committee, Save the Children/UK, UNICEF, UNHCR, and World Vision International. They are intended to guide the work of all members of the Inter-Agency Standing Committee with respect to unaccompanied and separated children.

earlier and it keeps changing” (p. 12). In order to deepen our knowledge on the experiences of minors we deviate because unaccompanied minors migrate without a care giver and with little knowledge of the perilous nature of the journey, and because their situation is precarious and vulnerable.

We shall acquire sufficient knowledge relating to the main thrust of the study; results and conclusions dealing with attitudes and social relationship between ‘in-group’ with ‘out-group’ and finally the knowledge of the fundamental objective of this research. This department will also enable us to understand the extent to which local, national and international laws made for protection of unaccompanied migrant minors are obeyed or downplayed or disobeyed and consequences that occurred and where these consequences occurred during implementation of migration policies.

2.1. THEORETICAL FRAMEWORK FOR THIS STUDY

Many theories are advanced in the study of international migration especially when it involves great movements of people but less theoretical works are advanced in the area of vulnerable minors. There is less theoretical framework for the study of people who are not protected and there is no sufficient explanation on why people return en mass to their country of origin. Our effort in this department is to review the theoretical frameworks that exist and from there, we chose the ones to adapt to our study. We have the opportunity to review some theories that have influenced earlier migration laws. These theories have followed migration laws like bees never separated from the comb...

2.1.1. Theoretical foundation and historical conception of childhood in Europe: The Middle Ages and Twenty-First century period.

*Parent child and institutional relationship.
 “The beast and bird their common charge attend
 The mothers nurse it and the sires defend.
 The young dismissed, to wander earth and air,
 A long care man’s helpless kind demands,
 That longer care contracts more lasting bonds.”
 By Pope, A. (1733) An Essay on Man, Epistle 3,
 lines 26-31. In Stone (p. 405).*

The philosophical conception of childhood has undergone centuries of transitions and phases throughout history. Children are historically perceived as independent and autonomous but subject to adult will, parental jurisdiction and state control through its welfare institution which also undertake the care and protection of unaccompanied migrant minors. During the medieval period, children were conceived as obstinate, rude and devilish which need to be purged out in order to avert the catastrophe which they will bring to the world around them. Children have been conceived as little angels who need to be cared for to enable them grow in humble, cheerful and caring family.

Children and adolescents have also been perceived as vulnerable and for this reason deserve enormous protection. All these sensibilities, harsh realities and cruelty of the sixteenth and seventeenth centuries and up to the first half of the nineteenth century society, will be discussed presently to provide a background theoretical foundation and historical conception of childhood in Europe which will help us to understand the linkages to the conception of childhood in policy making and implementation in this our period. Children are not autonomous persons but they are dependent and entrusted to adults according to (Minow 1986, p. 18).

At the global level, there is a universal law that supports us in making predictions that are important in all human societies in relation to children because every clime and society conceptualize a child, first and foremost, as a member of his parents' group. In this way, the child belongs to the same race, stock, family tradition, religion and caste linked to an occupational status. To be sure, in our society, when a minor grows older s/he may escape some of these memberships, but not all.

The child is ordinarily expected to acquire his parents' loyalties and prejudices; and if the parent of the child is an object of prejudice because of his group-membership, the child too is automatically victimized and derided but the fact remains that that child belongs to a family and that that family owes the development of that child, *ceteres paribus*.

Understanding the true nature of childhood is linked to a deep exploration into the philosophical and policy making issues that affect children in the past and present. The same or nearly the same history may have repeated itself at present.

These philosophical postulations about perception, care and control of childhood and family provide valued information to close the information gap on where European policy makers got the ideas they implement nowadays.

Knowledge about earlier conception of childhood feeds us with foundation knowledge and provides the logic on how policies are made; how policies are implemented and why a policy is implemented even though there is a counter claim to make a given policy better. These philosophical foundations are based on punitive, permissive and protective attitudes of ancient families and societies towards childhood and guiding principle propagated through the works of Ariès (1962) *Centuries of childhood*; Stone (1979) *Family, Sex and Marriage*; DeMause (1976) *The History of Childhood*; Pollock (1983) *Forgotten Children: Parent-Child Relations from 1500 to 1900*; Rose (1999) *Governing the Soul: the shaping of private self*, etc.

Furthermore, the book, "Post modernity and its discontents," by Bauman (1997, 1998) and Bauman (2004) on "Wasted lives and outcasts," which orchestrated the impact of globalization and securitization on the lives of children provide one of the foundation causes for the expulsion of unaccompanied minors from their traditional homes. These Discontents arising from exploitation through price fixing and appropriation of natural resources of poor countries by western states, pursued vigorously by multinational companies provoke large scale migration from poor to rich countries and also provoking the expulsion of unaccompanied minors from their traditional homes; where poor countries have no resources for child development projects but invest their meager resources in weapons of mass destruction.

Let us take for instance, in 2012 alone there was a geometric increase in the population of displaced children; many of them arrived in Europe, United States, Canada and Australia while Africa and Asia Minor took their shares. According to UNHCR's 2012 Global Trends Report analyses of statistical trends and changes from January to December 2012, an estimated 7.6 million people were newly displaced due to conflict or persecution, including 1.1 million new refugees - the highest number of new arrivals in one year since 1999. Another 6.5 million people were newly displaced within the borders of their countries - the second highest figure of the past ten years.

Children below 18 years constituted 46 per cent of the refugee population in (UNHCR 2012 p. 3).⁷⁹ The question that keeps ringing in the ears of concerned people is: Why is it difficult for these war monger countries to resist these exploitative tendencies to acquire weapons and go to war? Through the work of Bauman, motivation for migration of unaccompanied migrant minors is provoked by the exploitative activities of globalization in countries of the south.

Furthermore, the book by Slatter (1984, p. 27) on "Family life in the seventeenth century" postulated that in the matter of education, "parent's status and influence had overriding importance in determining both the extent and the application of formal education of the child. During the seventeenth century period, a university degree was not the necessity for a successful career...in postindustrial societies" (p. 26). The author agreed with other authors that many "younger children of both sexes could be tutored at home or sent out to one of a number of boarding schools for the purpose of acquiring the necessary social polish and 'breeding' which parents of the (aristocrats or the like) considered important, primarily in order to enhance the child's future value in the marriage market."(p. 27)⁸⁰

In our considered opinion, it is important to assume that the society at this period cared for childhood a bit more than the previous centuries, based on what they want to achieve through the child's education and based on their own pomposity and based on the image they want the child to project. It should be understood that this type of education is perceived from the perspective of continuity of the family empire and not on the best interest of the child.

This is predicated on the view that many families of the seventeenth century were not primarily interested in education *per se*, but it was used to maintain the status quo of the family and since youth mortality rate increased, there was a sense of (fear) removing children to safer places where they may be properly protected by those who have more experience. Infant mortality was heavy, according to Bresc (1986, p. 457) who claimed that 66.25 percent of

⁷⁹ United Nations High Commissioner for Refugees, 2013: UNHCR's Global Trends report analyses statistical trends, (2012 p. 3). <http://www.unhcr.org/statistics>

⁸⁰ Family hierarchy, sex of the child and the social position of the parents and their aspiration has full impact on the selection of the type of training and level of education for their children. This is an evidence of care and recognition of childhood which I call economic recognition of childhood.

children baptized between 1470 and 1517 were already dead before their first birthday.

However, despite all these postulations, we differ in some aspects which do not fit very well into this research. In order to deliver the core theoretical foundations for this study we have excavated some historical theories and philosophical postulations about the concept of childhood that can help us to trace the behavior of the ancient societies of the sixteenth century period to this twenty-first century period towards recognition of childhood.

There had been great emphasis placed on family relationship while dealing with integration concepts relating to minors in Spain, Sweden and United Kingdom. This family relationship is always linked to regrouping with a family thereby, emphasizing the supremacy of parent-child-relationship. Family regrouping is part of the benchmark for assessment of integration efforts adopted by the EU member states and adopted by (MIPEX),⁸¹ and one of the most important factors in enhanced integration of unaccompanied minors in this research. For this reason we consider it very important to provide the philosophical linkage to this child-family bond which is used for and against 'the best interest of the child principle.'

It is inevitable to trace the link since every child is linked to a family, which makes the discussion of unaccompanied minors 'a parent-child-relationship interesting.' This is informed by the fact that family history is a subject which tends to evoke our deepest concern and passions and perhaps no problem is more controversial and overlaid with special concern, either to justify or condemn the present, than the subject of Children according to Slatter, (1984, p. 108). We would agree at a point that this controversy is following states like a *bee on honey* and this is why many European Union institutions are finding it very difficult to implement policies that can enhance the integration of unaccompanied migrant minors.

Some of the child rearing theories and parent-child-relationship discussions are fundamentally deduced from the philosophical works relating to recognition of childhood beginning with authors like, (Stone 1979; Ariès, 1962; Rose 1999; Slatter 1984) and others. In order to provide a water tight foundation for future

⁸¹ MIPEX, (2016) Migration Integration Policy Index for Sweden, assessment report. <http://www.mipex.eu/>

researchers we would analyze also other authors in conjunction with the above mentioned great child crusaders and we shall be joined latter by Bauman (1991) that will help us understand more about the concept of childhood in relation to welfare, perception, policy implementation and motivation for migration.

Before we go further, let me attempt to starve some critics so that we can move ahead with our exploration of the words which we use. First, I make is clear that it was Ariès (1962, 1964) who launched the first salvo on the concept of childhood and the attitudes of families and ancient society towards childhood. Supporters and critics followed alike. The second is that through these writings we encountered two groups of writers: 1) those who focused on the middles ages. 2) Those that focused on the early modern history which extends till the twenty-first century with various modifications. In summary, Scholars have attempted to develop three principles in the study of childhood: Interest in child welfare and social policy; the concept of childhood and the development of a new child- parent relationship which empowers the child.

As presented in the objective of this study (3.1), I am interested in showing how to recognize and relate the level of recognition of childhood and protection of children during the Middle Ages with the level of recognition of childhood and child protection of unaccompanied minors in this century through the eyes of: (Ariès 1962, 1964; Stone 1979; DeMause 1982, 1994); Pollock 1983; Rose 1999) and others. This we have incorporated as one of the objectives of this research

2.1.2. The level of recognition of childhood and protection of children during the Middle Ages with the level and recognition of childhood and protection of unaccompanied minors in this century: Perspectives on Philippe Ariès, Lawrence Stone, Lloyd DeMause, Linda Pollock and others.

2.1.3. PHILIPPE ARIÈS'S THEORY OF CHILDHOOD

There was an evolution of themes relating to perception and the recognition of childhood especially as early as the seventeenth century and that gave us the impetus to explore the works of these important authors. Ariès (1962, p. 14)

confirmed through his famous work about Age registration in France which provide us an inside conception of children and how children were documented, that is, registered in France in the sixteenth century and it is our duty to allow our thesis to reflect on this important connection with the implementation of age assessment Cemlyn, and Nye (2012) in the European Union 28 now 27 member states incorporating ostensibly, Dublin II or III, Regulation⁸² and now corroborated by council regulation EC N^o 343/2003⁸³ which can be interpreted as persecution policies when they are implemented.

According to the account of Ariès (1962) children were registered thus: “the recording of births in the Parish Registers was imposed on the Priests of France by Francois I, but to be respected by Order, which had already been prescribed by the authority of the Councils, had to be accepted by the people who for a long time remain hostile to the rigor of abstract accounting.”(p. 14)

He argued on the personal importance of age of children which is debated in Europe today and forms the only base for seeking asylum. The author affirmed that the concept of age must have grown to high proportion in French society managed by Priests and Churches. Linking the medieval registration of age in France and modern registration of age in the European Union, one can understand the semblance of age registration and assessment requirements legislated for unaccompanied migrant minors who cannot be protected until their age is assessed and translated. The only difference is that the age registration and assessment in Europe in the middle ages has been transferred from the Priests and Churches to Local Councils and the Prosecutor.

During the Middle Ages religious and civic reformers used age registration in documentary form, beginning with the more educated social strata. In the case of the European Union, the age of unaccompanied minors is used for documentation, police and crime identification, social security, education, health and other public and private institutions.

The authorities have noted in the Middle ages that “the Christian name had been considered imprecise a description, and it became necessary to complete it

⁸² Dublin II Regulations, (2003) The Reception of Asylum Seekers Regulation 121. Council Regulation (EC) N^o 343/2003).

⁸³ Council Regulation (EC) N^o 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the member states by a third-country national.

with a surname for the child which is the same practice till today; a place name in many cases is added and later age is added for the numerical character, therefore it was accepted that the surname belongs to the local tradition to be sustained till today, while the age stands for quantity, that of precise figure” (p.13)

Furthermore, the concept of age in the middle ages, according to Ariès’s account was conceived as the only way of understanding human biology and it became very popular, but today it is not just popular; it is obligatory and controversial; it is the basis of all calculations of our existence, from cradle to grave and the key to citizenship.

Therefore it looks as if what we are practicing today as age registration, age declaration, age assessment, and the concept of interconnection of biology of human being while documenting the age of unaccompanied migrant minors are linked to the ideas and practices of our ancestors from the Middle Ages (p. 18)⁸⁴

The authors of middle age works adopted the terminology which strikes us purely verbal: “childhood, puerility, adolescence, youth, senility, old age with each word signifying a passage of a period of life” (p. 17). This adolescence is a bit different from the definition we have adopted in this research. We have the definition of adolescence in (2.1.9.6) in our “Definition of terms and concepts that adolescence refers to a period of life from puberty to adulthood (roughly ages 12 to 20) generally regarded as an emotionally intense and often stressful period.

Specifically, in the Middle Ages this foundation idea of age of childhood starts when the teeth are planted, the age from birth to seven years, which is conceived as infant, a time when the child cannot talk or talk well. After infancy comes the second stage called *pueritia*, Pappas (2003, P. 17) because the person is like the pupil in the eye, lasts till fourteenth year and this may be debatable today. The third stage is called adolescence, which ends in the twenty first year.

The next stage that follows is the youth age which occupies the central position among ages. The person is in his greatest strength which lasts till forty-

⁸⁴ It originated from the Byzantine Empire in the sixth century. It was attributed to Fulgentius who found it hidden in the *Aeneid*: he saw in the Aeneid shipwreck the symbol of a man’s birth in the mist of the storms of existence and interpreted Cantos 2 and 3 as image of childhood hungering for fabulous tales.

eight to fifty.⁸⁵ The next stage is senectitude, which is halfway between forty and old age also known as *gravity* and after this old age, the person passes to old age which is close to the grave or going back to ashes. In this research, our interest is focused on minors who are fourteen years and less than eighteen years of age.

The idea of presenting these stages is to describe, compare, explain and fortify the theoretical background of the concept of childhood of the ancient societies compared with the present day societies of Europe. This research is illustrating the beginning of family and social conception of childhood and link this family and social conception with the conception of childhood of this twenty-first century making our objective clearer and emphatic.

I have attempted to excavate the social conception of childhood because it provides background knowledge of not just for this research but 'who we are.' With the bandwagon of ideas about childhood, I have elucidated the specific objective of this research found in (3.2.) number three chapter three of this research. It is evident that policy makers in Spain, Sweden and United Kingdom may have taken a cue of social conception of childhood from middle age government or borrowed much of the ideas about childhood from the Middle Ages.

From the point of view of Ariès, we have noticed the "importance of the seventeenth century in the evolution of the themes of childhood, moreover, in the seventeenth century portraits of children on their own became numerous and commonplace and the family portrait planned around the child. At this time subject paintings gave the child a place of honor. Other themes that show that the seventeenth century recognized childhood a bit are that of countless childhood reading lessons; music lessons; groups of boys and girls playing, drawing and reading.

Drawing a historical viewpoint, Ariès (1964) pointed out that the "discovery of childhood began in the thirteenth century, and its progress can be traced in the history of art in the fifteenth and sixteenth centuries, but the evidence of its development became more plentiful and significant from the end of the sixteenth century and through the seventeenth"(p. 44). At that moment, clothing was used to distinguish boys from girls: the little girls were distinguished by the false sleeves

⁸⁵ This very stage is called youth because of the strength and power in the person to help himself and others, especially when the person has good health, economic means of livelihood and family (author's emphasis) according to Aristotle.

which were abandoned in the 18th century. Boys were first recognized because they started going to school in large numbers as far back as late 16th century and early 17th century while the girls started in small numbers (p. 56).

2.1.4. The First concept of childhood

According to Ariès (1962, 1964) “The first concept of child – characterized by coddling had made its appearance in the family circle, in company of little children. The second from a source outside the family: churchmen or gentleman of the robes in the 17th century: moralists in the 17th century eager to ensure discipline and rational manners. They saw children as fragile creature of God who needed to be both safeguarded and reformed” (p. 129).

Goussault (1962) a counselor at High Court in 1693 which was quoted by Ariès (1962) declared that: “familiarizing oneself with one’s children, getting them to talk about all manner of things, treating them as sensible people and winning them over with sweetness, is an infallible secrete for doing what one wants to do with them.”

In the area of education, discipline was meted on children in the fifteenth to early eighteenth century were surprisingly harsh and stringent. Some were controlled while others perished. Therefore the transition from free school of the Middle Ages to the disciplined college of the subsequent centuries where children are confined for study purposes was the sign of a parallel movement in the world of feelings which expressed a new attitude to childhood and youth (p. 153).

However, in the sixteenth century, Pasquier gave a precise description of the disorderliness of the medieval education. The negative side of the medieval schooling was that studies were in jumbled... rooms; one side were leased to students and on the other side whores occupied them for prostitution; so under one roof there was a school for learning together with a school of whoring (p. 152) This is very important for critiques because, while showing that the medieval society at that time attempted to educate children in the most disciplined way, the abuse and cruelty moved side by side.

Our objective is focused on asserting the rights guaranteed to minors in the Convention on the rights of the child (1989)⁸⁶ through this focus. I argue that the convention on the rights of the minor of 1989⁸⁷, and other Human Right instruments saw children as fragile and provided guarantees (though quasi) for the treatment of Unaccompanied and separated children.⁸⁸ These provisions seem to agree that unaccompanied migrant minors are fragile creatures who need to be safeguarded and reformed in line with social demands.

Furthermore, the medieval society did not understand clearly that their advancement and survival depends on education. Unlike today's societies which possess the understanding that their economic, social and technological advancement and total existence depends on the education system, although it is argued that our modern world is more obsessed with physical, moral, sexual problems of childhood, therefore the quality of discipline and the niceties of educational attainments are not fully transmitted to our future generations.

This also means that this present generation, with all its high technological knowhow is still lacking in conveying the proper message to the new generation of children and may be responsible for the misinterpretation of protection laws for unaccompanied minors. At the global level, maybe that is why States are mandated to implement protection policies based on the best interest of the minor principle and to allow the voice and desire of the unaccompanied migrant minor to take precedence, especially when readmission protocol is being considered. This is very important in order to checkmate the excesses of member states that leap into application of Dublin III Regulation as if it is the only protocol for "protecting" the unaccompanied migrant minor.

⁸⁶ Article 3 (1) In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. (2) States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. (3) States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

⁸⁷ CRC Convention on the Rights of the Child (1989)

⁸⁸ Committee on the Rights of the Child, General Comment n°6, Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, CRC/GC/2005/6, 1 September 2005, para. 7

Launching back to our objective in this area of historical foundations for recognition and non-recognition of childhood, a new revival came which changed the way people look at education. There were moralists who joined hands with churchmen, lawyers and scholars merged and advocates of religious reform while the humanists showed scanty interest in education confined to children.

At this moment, 'a positive moralization of society' took place whereby moral aspect of religion gradually triumphed. This was how the moral order was led to recognize the importance of education for children which EU orchestrates today as if it is their own making. These developments are very important for us to understand the key foundations made by our ancestors in the area of education and Ariés, (1964) insisted that "children are young plants that need tending and watering frequently," (p. 129). It is also important to note that education of unaccompanied minors is one of the core objectives of this research.

On the other hand member states are mandated to respect the integrity of the child; respect the right of the child who is separated from one or both parents and to child to preserve his or her identity,⁸⁹ in order to integrate them. Therefore it is noteworthy that the moralists influenced education, the "transformation of the free school into the strict disciplined college; the Jesuits and the Oratorians, became teaching orders, not directed to adults only as was the practice in the Middle Ages, but to children and young people" (p. 386). It was at this moment that the first literature on propaganda taught parents that they were spiritual guardians, that they are responsible to God for the souls, and indeed the bodies too, of their children.

⁸⁹ Article 8 of the Convention on the rights of the child declares that 1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. 2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity. Article 9. 1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence. 2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known. 3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

For an unaccompanied minor to be properly protected, integrated, incorporated or acculturated, there must be a person to play this role and this is why this moralist philosophy of the Middle Ages coincides with the declarations of the CRC and the other legislative frameworks.

From here a new stage about the recognition of childhood was born. The child on the other hand was to be quarantined because it was agreed that the child is not yet ready to join the adults without schooling and the type of school must be a serious one. The author averred that “this type of care inspired in children a new type of feelings and a new emotional attitude, to which the iconography of the seventeenth century gave brilliant and insistent expression: the modern concept of family” (p. 387)

The family played a very central role in recognition of childhood and this is why the study of the family and relationship with the child is important for us in this study of assessment of implementation of protection policies for enhance protection of unaccompanied minors in Spain, Sweden and United Kingdom. Ethically, many parents began to think that they were not to educate only their own children but also to educate others; they started to incorporate other people’s children including girls which become social phenomena.

The moralists thought them that it was their duty to send their children to school very early in life. In this way family and school removed the child from adult society. This may be why there is a practice adopted by western countries for parents to send their children to school until the child is capable or until an agreed time. It is important for us to explore Aries thesis for dealing with the discovery of children. During the ancient period of XVIII society, there was no space for children. With the Oton illustration of XI century which gave impressive idea of the deformation which the artist, body of the children suffered and which seems very far from our sentiments and our intuition of their concept of childhood.

2.1.5. Description of Childhood Recognition and linkages to Spanish Child Mortality and fostering children.

The massive mortality of Spanish children during the 1834 to 1936 led to the sympathetic recognition of minors (albeit) in line with the level of social

understanding. Explaining an example of what happened in one European town and city in the fifteenth and seventeenth century, Bresc (1986, p. 457) said that “infant mortality was heavy in any case: at Montarchet-en Forez, out of 214 children who were baptized between 1470 and 1517, 66 percent were dead before the end of their first year and such deaths plunge parents into great gloom” (p. 457).

Children’s lives were seen as temporary and solitary, but the child was to gain more rights of existence laced with protective actions obtainable at that period. It seemed that the worst influenza, forced fostering practices and abject abandonment of children led to the exponential mortality rate (natural and manmade), which rattled the society’s cruelty against the young ones.

These extremities led to a change of heart and attitude which has endured for centuries. It is sufficient to be alarmed by the killer diseases but when we consider the application of restrictive policies we remember the sufferings of unaccompanied minors. When we remember fostering unaccompanied minors into strange homes we also remember throwing innocent children to foster mothers who have neither milk nor mind to give the child; neither care nor charisma to support healthy upbringing of the child; which lead to untimely death of these minors; we must add also pernicious damage to tender lives of children.

In this research on assessing the implementation of protection policies for enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom one of the objectives is to recognize, relate the level of recognition of childhood and protection of children during the Middle Ages with the level of recognition of childhood and child protection of unaccompanied minors in this century. This is what we have done.

This showed that the protection of minors at that period by the Spanish society was delicate. It is a situation whereby the operators were reeling at an irresistible dare devil’s workshop where the Spanish social system, instead of protecting childhood based on “the best interest of the child” systematically exterminated its youth directly and indirectly until the bubble bust.

This is what I consider as an unexpected consequence occasioned by deliberate social aggression against childhood which runs till today. In today’s world, social aggression against childhood; the gatekeepers have changed, but the

concept of denial, destitution and deprivation of childhood's best chances of survival is coded in obscure jurisprudence and implemented with rigor and vehemence.

The consequences of cruelty at that time was not recognized until there were no children playing in the playground; there were less children in church cubicles; until they found less children to send for errands; until they realize that there were less children to fight their obnoxious wars.

Drawing together this deliberate social aggression against childhood of the ancient world with the events of rejection, imprisonment, deportation and death of unaccompanied minors in Spain, Sweden and United Kingdom, one could see the correlation between the cruelty meted on the childhood of the sixteenth, seventeenth and half of eighteenth centuries with the profiling, prejudice, cruel discrimination, identity loss, sickness and psychological problems visible on unaccompanied migrant minors simply because of their origin.

The non-recognition of childhood is equal to lack of recognition of unaccompanied migrant minors; is the same abandonment of children which refers to child exposure to risk environments. In the case of the medieval period Spain and other parts of Europe, their case was that children were exposed to risk environments, specifically: "newborn babies or small children, mainly female, authorized or tolerated in a society, tantamount to legal infanticide" according to (Burguière, Klapish-Zuber, Segalen and Zonabend 1986, p. 649)

Comparatively, in England and drawing on the specific area of educational discipline of children in the middle ages, the book by Tucker (1994, P. 277) averred that "in the XV century, the adage of child discipline was converted to 'anyone that do not use the cane hates his child' which endures with the earlier admonitions which declares with more love and terror a father punishes his loved son" (p. 277)

These adages permeates as culture and managed as official concept also formed the bases for the treatment of children which can be linked to today's treatment of unaccompanied minors because EU states believe that if they do not deport and repatriate them, they will eat up the economy and also the ones who are preparing to migrate will not learn. As part of the objective I hereby, show and confirm more linkages of old practices with modern practices of child protection.

Not only that the states believe that with imprisonment, denial and rejection of asylum application, the minors will learn more or behave better since they are believed to have entered without permit and need to be treated with iron hand and imprisonment in order to discipline them and also discourage other migrants on the way. Undoubtedly this led to abandonment, hypocrisy and the ultimate form of discrimination adopted in all government institutions.

2.1.6. LAWRENCE STONE'S THEORY OF CHILDHOOD.

Delving into the issue of child recognition and parent child relations, Stone, (1979, p. 405) declared that "there took place between 1660 and 1697, a remarkable change occurred in acceptance of child rearing theory, in standard-rearing practices, and in affective relations between parents and children" (p. 405).

He noted that, by 1800 century there were four distinct modes of child-rearing practices by different social groups and contended that one of the newest among these modes contain four modes. These four modes are the maternal, child oriented, affectionate and permissive modes that came to prevail among the upper class ranks of the bourgeoisie and the squirarchy.⁹⁰ The perception of children's right from infancy to time of maturity into adulthood provides a key illustration of how the middle age and post middle age family and state cared and protected their children.

Stone (1979) said that there are four views relating to the perception of the nature of the new-born child helped to understand the conception of childhood in the Middle Ages and compare that with the Twenty First Century. According to his book, the first: "was the traditional Christian view, strongly reinforced by Calvinist theology, that the child was born with Original Sin, and that the only hope is holding the child in check, through the most ruthless repression of his will and his total subordination to the parents, schoolmasters and others in authority. The second was the environmentalist view which postulates that the child was born with a propensity towards neither good nor evil, but is a *tabula rasa* malleable and open to be molded by experience. The third model postulates the biological view

⁹⁰ Squirearchy relates to a group (in the past in England) the people of high social status who owned large areas of land, considered as a social or political group.

that the character and the potentialities of the child are genetically determined at inception; that there is little that subsequent environmental influence and educational efforts can do except to reinforce good habits and restrain bad ones. The fourth view was to be seen as utopian, that the child is born good and is corrupted only by his experience in society. This idea was propounded by Renaissance humanists but killed by the Calvinist Original Sin Doctrine" (p. 206).

In the seventeenth century, children were repressed with utmost severity and this repression lead to many deaths, sufferings, expected and unexpected consequences as we would learn presently,⁹¹ coinciding with assertions of (Ariès 1962; Burguière, Klapish-Zuber, Segalen, and Zonabend, 1986; Guichard and Cuvillier 1986).

While the reinforcement of patriarchy and Calvinist ideologies received wholesale patriotism, children were to suffer inside the family, in school and in the social spheres. This idea is reinforced by the concept that the child was born with evil, therefore, the child's evil tendencies must be extinguished before he starts unleashing them.

For this reason, in the middle ages, the schools used physical punishment to reinforce discipline, and the characteristic equipment of a schoolmaster was not much of a book or learning but to teach and deal with the nemesis on children.⁹² Recalling the type of punishment meted to children with the title "Barbarian Europe" in the middle ages, especially thirteenth century, Guichard and Cuvillier, (1986) said that:

In the Saxon law of Germany, the age of puberty (fourteen) was also the age at which those who were 'close to childhood' became fully responsible for any criminal actions. Nevertheless, the principle that any punishment meted out to children was proportional either to their parent's patrimony or their

⁹¹ For the first four months after birth they were, tightly bound in bandages so that they were unable to move either limb or head and after four months they can only use their hands and not their legs. This swaddling method was used in many parts of Europe which could be regarded today as "crime against humanity." There were myths behind these practices which are not within the scope of this research, but we can induce that the practice allowed adults to do their own job without the incessant molestation of the child.

⁹² Corporal punishment through flogging in schools: In France the punishment later changed to payment of fines for the punishment. In the sixteenth century, there were a number of significant changes: firstly corporal punishment through flogging became the standard routine method of punishment for academic lapses for all school children, regardless of rank or age.

inheritance ... was in vigor in the thirteenth century (Guichard and Cuvillier 1986, p. 341).

Some authors have argued that they sent children to centers or schools to be punished because many parents could not stand the punishment or they were unable to give enough punishment as the social norms require. This could be linked to and in the same with or reception centers where the punishment of unaccompanied minors is not viewed nor perceived by the public. What one can read is either that some of them have been absolved of their 'sins' and permitted to clean their lives or that the minors have escaped to continue running or that the minors have be deported so we heave a sigh of relieve.

The severity of treating children seems to have been as common in the seventeenth century France as in England and Spain, which suggests that the importance of Puritanism was overemphasized. "At that time in many places there exist flogging and whipping posts. The breaking of the will of the child was thus generally accepted as a prime aim to early education and as with animals, physical punishment was the standard method employed for this purpose" (Stone, 1979 p. 169 & 170)⁹³.

The author listed four causes for the development of such a culture: high frequency with which infants at that period were deprived of single mothering whereby upper class babies were taken away from their real mothers and put out to wet-mother or forced fostering. According to Stone (1979) "These wet-mothers were often cruel or neglectful and often ran out of milk, as a result, the baby has to pass from nipple to nipple from one unloving mother to another unloving mother who lack the original milk for the baby," (Stone 1979, p. 110).

Bresc (1986, p. 458) corroborated these postulation and said that babies died so often that the loss was scarcely felt and parents made little attempts to get to know them, for fear of getting too fond of them. The author also contested the controversy of Ariès declarations and said "since the appearance of Ariès study in 1979, it has been denied that any feeling of childhood existed at the time, because

⁹³ In France, for example, Pierre Charron spoke of almost universal costume of beating, whipping, and abusing and scolding children and holding them in great fear and subjection. Take the case of the young son of Henry IV, the former Louis XIII who was first whipped at age two, and the punishments continued after he became king at the age of nine. He was whipped on the buttocks with a birch or a switch.

it is almost never presented in a distinctive way in iconography and had no well-defined limits, but was merely an antechamber to adolescent.” (p. 458).

In another study, the experience of the majority of the sixteenth and seventeenth centuries children of the upper class reveals that they have ‘deprivation syndrome,’ chronic low grade depression, a sense of abandonment, a feeling of emptiness, deep dependency needs, an inability to maintain human relations, psychotic-like attacks of rage, tendency erect projective defenses against the world giving an paranoid coloration of their character. And in order to break the camel’s back, “there was a deliberate breaking of the young child’s will, first by the harshest physical beating, and later by overwhelming psychological pressures as the key to successful child-rearing in the sixteenth and seventeenth centuries” (Stone 1979, p. 101).

In summary, the factors that degenerated this middle age centuries are: lack of a unique mother figure in the first two years of life, the constant loss of close relatives, siblings, parents, nurses and friends through premature death, the physical imprisonment of the infant in tight swaddling-clothes in early months, and the breaking of the will of the child. For these reasons there was a bandwagon effect which led to the worst mixture of suspicion and hostility, tyranny and submission, alienation and rage. If these constitute the consequences of maltreatment of children, we leave it to present political analysts and policy makers to evaluate their treatment of unaccompanied minors.

Furthermore, some of the sixteenth and seventeenth centuries’ children got affectionate parents who cared so much for them. The point to put home is that between 1500 to 1600 centuries England and France, life was relatively cold, suspicious and violent prone and this provoked mass migration of the population of Europe into Africa, the Americas and Australia. Many fathers in the sixteenth and early seventeenth centuries had the same affection, as a result of the high mortality rate in Europe where they lose many children and Bresc (1986, p. 457) concurred that “infant mortality was heavy in any case.”

In comparative linkage to the modern age unaccompanied minors’ feeling of loss in migration, (because migration provoke a sentiment of losing your family and loved ones). Many parents lose their migrant children forever (if not dead) seem to have looked on their children who are branded unaccompanied migrant

minors in Europe with same degree of affection for the loss which separation through migration and abandonment provoke in their cities of origins.

This cruelty, abandonment and helplessness may have weakened the resistance of children to diseases, making them more vulnerable and susceptible to death. The same abandonment, helplessness, hopelessness, deprivation and deportation block the integration system and this why we must take the protection of unaccompanied minors more seriously to ameliorate their psychological sufferings, health and material losses in order to retain them in the *committee of living citizens*.

The daily life of children and the social perception of childhood in the sixteenth and seventeenth centuries are very important especially when information about them is presented by protectors of children which can provide important information for students, social workers, policy makers and child advocates.

Using one Oligarchy family in a rural kingdom in western Sevilla, Spain Roldán (2010, p. 142) documented the daily lives of children in the sixteenth and seventeenth centuries and affirmed that “though it was difficult to acquire archives outside the nobles accounting notebooks there is the possibility to use other sources of information that give the idea of how a child lives for example, the family income, feeding consumption, clothing, footwear, hire, energy, transportation, ostentation and serfdom, etc. the account of administration of the child by a protector or a guardian endorse all these modes of documenting the daily life of a child.” (p. 142).

I must add that what we know about children is incomplete because of the paucity of information available and because documentation of children’s activities and their protection were not rife in past centuries, therefore we have to make do with what we got.

The type of protection offered to children in centers of reception and integration heralded the same practices in the twenty first century although with a different administrative system but based on the same philosophy of controlling the excesses of minors and checkmate any criminality. These motives are nearly the same in today’s’ centers for reception of unaccompanied minors and other immigrants.

Dwelling on this controversial issue Carmona (2011, p. 69) wrote with the title "Control, protection and indoctrination in centers for minors in XVI century" with a focus on abandoned and helpless children who are sheltered in the *Colegio de la Doctrina*.

According to the author "because of the uneasiness and public concern, in the house of assembly, held in Valladolid, they formulated in the parliament in 1548, the creation of colleges known as "*Doctrina Cristiana*," that is Christian Doctrine College which established modalities for bringing the boys inside the centers (p. 69). Many of the unaccompanied minors are vulnerable and helpless in these centers which coincide with today's methods of allowing unaccompanied minors to become **helpless and abandoned** before the state can protect them.

This is therefore equivalent to the creation of twenty-first century asylum centers or reception centers for refugees in Spain, Sweden and United Kingdom. From the foregoing I have established various ideas and practices connected to, that is the concrete links between the middle ages practice of childhood perception and care with the protection of unaccompanied minors. Now we know that these current EU practices in centers of reception and integration are presented fully in chapter four of this study.

What the court in Valladolid enacted in 1548 for the establishment of centers for minors are remodeled and renamed by EU government institutions to purge not only the excesses of the minors for daring to cross EU borders, but also to teach hard lessons to those on their way. If the State connived in establishing control and disciplinary centers to purge their children of the original sin, it is difficult, after administering a center of this nature to convince the same state not to lock up unaccompanied minors. This is because the implementation of deterrent policies is based on the original sins of the children - how much less unaccompanied minors (UMMs).

According to Carmona, (2011) within the path of the procurators, pundits and representatives of the believers, there was an agreement that a great danger hover in the offing against the uncontrolled youth. In unison, there was total lack of confidence towards adolescents who are not subjected to strict authoritarian regime. They believed that if adequate remedies are not applied strictly on the minors, their behavior will become outside the law as thieves, delinquents and

breakers of established law and order.⁹⁴ This may be the real idea behind Dublin III.

In one of these centers, the watchers were so preoccupied that they peep around all nooks and crannies to verify if any of the boys were hiding disparagingly somewhere by the corner. The science of nosing a criminal corresponds to the experience of the daily lives of unaccompanied minors staying in reception and integration centers for minors.

In these centers, security personnel not only go round peeping on the minors, there are video cameras, barbed wires, and sophisticated communication networks watching their movements. This is exactly the same securitization attitude meted at unaccompanied migrant minors who are kept in asylum centers or reception centers. This signals the fact that unaccompanied minors are perceived as possessing the same hard-core original sin which middle ages minors were accused to possess.

As it turned out, “the brotherhood in charge of these children also had a special concern to the extent that in some occasions they stow away the most helpless children back to their own homes at night, and give them parental succor and return them to the guardianship before dawn so that they will not offend social opprobrium” (Carmona (2011, p. 84). This is the same scenario in the reception centers in this twenty first century Spain Sweden and United Kingdom.

The author gave a graphic scenario of the redoubled efforts which the brotherhood makes by presenting the boys year after year for their *integration social* through work orientation, apprentice and the job itself.⁹⁵ Although the situation of the minors in the *Colegio de la Doctrina* was pathetically below the expected protection norms for proper integration of the minors, this center run by the brotherhood showed concern in integrating the minors through proactive social exhibition of the boys’ capacities and advertisement of their needs of

⁹⁴ More succinctly, this means from the forgoing that children were perceived as authentic public danger and a challenge to social stability, good governance and peaceful citizenship. p. 70

⁹⁵ This is an example of some activities undertaken by the brotherhood in order to showcase the boys to the public during festival for their economic and social integration into the labor market during these past centuries , thus (In Spanish): Todas las Semanas Santas hacíamos traer dos o tres fusas de cuales hacíamos de las cuales hacíamos cuarenta vestidos poco más o menos comprábamos piezas de lienzo y hacíamos camisas repartiéndolas entre los hermanos para que las hicimos en sus casas y comprábamos zapatos y el jueves y Vienes Santo pedimos limosnas para ello... Pascua de Resurrección...

abandonment and vulnerability which is not advertised by present governments of the European Union of this century.

Carmona, (2011, p. 84) confirmed that the Brotherhood that engaged in the protection of minors in their centers employed concerted efforts between 1584 to 1592 to provide *adequate care* and protection to more than 1,400 children, (according to their circumstance). The book also claimed that protecting children was recorded in details in the account books by administrators, showing the minute details of who took which person took which child for job orientation, who signed for the exit, date of entry and exit, name, age, town and family where they came from and the total number in the center.

There was no aspect of uncertainty about the children put in the hands of the brotherhood and the utility of the centers was recognized. However the question of controversial age assessment and criminality were not mentioned or maybe these issues were irrelevant during this century in which the brotherhood operated. Finally, this *Colegio de la Doctrina* suffered lots of setbacks which led to conflicting power tussles and closure which are not relevant in our research.

Putting the cruelty against children aside, a change of heart and pinch of a better attitude towards children occurred. The type of change that occurred ushered in new changes that led to a new revolution that led to reformation that squeezed out the first step to social recognition of childhood in Europe, which cascaded into other parts of the world.

We take this headlong based on core objective which correspond to the core integration factors relating to implementation of protection policies towards enhanced integration of unaccompanied minors. This is predicated on the persistent debate over the interest of the State and the conflict of cultures especially from immigrant sending countries like Iran, Iraq and the Palestine which have shown that children are corrupted by experience in society.

Take for instance; children from Palestine can play freely with children from Israel without animosity and children from Iran or Iraq can also go to school without thinking of how to cover their face or head, but due to social corruption and indoctrination by society, they become indoctrinated and may radically assume the enmity and conflicts enunciated by their parents' society. This

radicalization; this cultural orientation of the outsiders might also be another palpable excuse to retard their social integration.

Contrary to the great expectation of unaccompanied minors and other immigrants, they are to be perceived as possessors of foreign *Original Sin*, and that the only hope is holding the child immigrant in check, must be through the most ruthless repression of his will and his total subordination to State authority. Accusation to the perception to be added in the case of an unaccompanied minor include: being overage, false declaration and documentation, imposters, job hunters, invaders.

Confirming its position on the issue of documentation of unaccompanied asylum seeking children, Home office policy makes clear that, "where there is little or no evidence to support the applicant's claimed age, they will be either be deemed age disputed or an adult."⁹⁶ Delving on the issue of false documentation Dorling, (2013, p. 31) averred that: "A young person's lack of documentation, including birth certificates and ID cards can be a significant factor in the decision to dispute age and issues of documentation may also be tied in with the perceived credibility of the child's account of his or her stated age and experiences."(p. 31)

Therefore, it is laid bare from institutional point of view that those who commit this crime and are seen to have this foreign evil intensions deserve adequate punishment and that is why the administrative instruments and restrictive policies being implemented in these countries under study acquire their justification.

The evolution of the modern age registration (which states apply) was practiced in France in the middle ages. This age registration changed the social mentality, in particular, the idea that individuals as persons have the same level of rights, liberty and freedom when their age can be relied for documenting their biography. On its part, the convention on the rights of the child of 1989 provided

⁹⁶ United Kingdom Border Agency Asylum Processing Instruction, Assessing Age, Section 2.1. It states that: The applicant should be treated as an adult if their physical appearance /demeanor very strongly suggests that they are significantly over 18 years of age. Careful consideration must be given to assessing whether an applicant falls into this category as they would be considered under adult processes, and could be liable for detention.

for the registration of children at birth⁹⁷ which is extended to unaccompanied minors by documenting them correctly.

Another pillar to our linkages to recognize, relate the level of recognition of childhood and protection of children during the Middle Ages with the level of recognition of childhood and child protection of unaccompanied minors in this century possess a positive impact on Age assessment and Age declaration which took place in France and England and other western countries which was corroborated by Ariès, (1962, p. 14) affirmed that children were registered, which related to “the recording of births in the Parish Registers which was imposed on the Priests of France by Francois I, and respected by order.” (p.14)

This quantum of evidences of recognition of childhood in the 16th century indicates also evidence of greater attention paid to infants and children in England. On his part, Stone, (1979) posits that the earliest evidence of greater attention paid to infants and children in England as at late 16 century were records upon tombs erected decades later of children who died in infancy-represented as tiny images wrapped in swaddling clothes as children holding skulls.

Another practice that showed the recognition of children in the 17th century is the “substitution of names that is, of giving a new-born son the same name as one who had recently died. This idea did not survive in the 18th century” (Stone, 1979, p. 408).

Another practice that showed the little recognition of children was to give a new-born child the same first name as the elder sibling especially if it is the traditional name of the family, practiced up to half of the eighteenth century. They shifted from the long frocks of their childhood into the breeches and sword-carrying of the adult world.

Many authors have affirmed the importance of the family in the development of children which we support in this research. Therefore we

⁹⁷ Article 7 of Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49, declares that: 1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. 2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

emphasize family reunification for unaccompanied minors because of what we know.

Another important factor is the “sudden interest in reading and the availability of literary works and the influence of education while children of both sexes were to benefit from home tutoring others were sent to boarding schools” (Slatter, 1984, p. 27). And finally, this led to the “identification of children as a special status group, distinct from adults; with children’s own special institutions such as schools and their own information circuits which made adults to exclude the knowledge of sex and death” (Stone 1979, p. 221).

The recognition of the uniqueness of the individual in this sense relates to escaping the original sin concept of life and embracing the rights and privileges of freedom even though the freedom at that moment was still limited.

The second aspect of individualism was the rising demand for autonomy and growing resistance to attempts to put extreme pressure on the individual’s body and soul. Another was the rise of individual states with its autocratic laws and the religious divisions of the Reformation in the early seventeenth century which led to headlong collision with the two values as Karl Max would put it.

The publication of Children’s Books enunciated a new era of children’s rights to reading and this led to a revolution in enlightenment and literature, however tiny. The effect on children was dramatic, in that, in the late eighteenth century the new attitude was reflected on children’s books and further recognition of childhood.

This progress made gingered our interest in this research on comparative assessment of protection policies towards enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom. Education being one of the important factors we have chosen for integration, made us accept that the books at that time, (as modern world attempts to do) attempted to inculcate the need to avoid cruelty to animals and violence and brutality towards human beings.

In my opinion, by treating animals better, eighteenth century society learnt that human beings are more important than animals, no matter their social situation. Children are expected to be treated with the same respect and this may be the idea behind the fight launched by animal rights campaigners in Spain and other parts of Europe. It is expected that the effect of these animal rights

campaigns would be useful towards producing the concept for enhanced protection of unaccompanied minors in Spain, Sweden and United Kingdom. However, animal campaigners are yet to delineate the difference between animals and man and it may be difficult to draft them into migration perspectives.

In summary to this area, I hereby declare that the champions of the early liberation movements were Enlightenment thinkers, like Voltaire or men of Feelings, Clergymen, Schoolmasters and Educated Members of Parliaments. These type of men of *timber and caliber* are needed now to salvage unaccompanied migrant minors. It must be noted at this point that these philosophical postulations of the middle age and the twentieth century discussed above have similar impact on immigration policies and on the lives of children who form part of the social system all over Europe and this is why it is very important to this research.

Finally, to sum up this fundamental part of this doctoral dissertation which have recognized, related the level of recognition of childhood and protection of children during the Middle Ages with the level of recognition of childhood and child protection of unaccompanied minors in this century; it is incumbent to analyze the reasons for change in recognition of childhood in XVIII century and onward.

According to the postulations of Ariès and Duby (1989, p. 9) on the change of social mentality, declared that there were three external events which serve as factors and which belong to the great political and cultural history. These events were: "(1) the State and the Justice system entered and adopted frequent effective intervention activities, at least nominally, including during the XVIII century in social spaces which was hitherto relinquished to barons of the community; (2) The development of alphabetization and diffusion of reading and literature and the emergence of the printing machine.⁹⁸ (3) The emergence of new forms of religion

⁹⁸ Citing The Renaissance Europe, the arrival of mechanical movable type printing introduced the era of mass communication which permanently altered the structure of society. This was said to have brought revolutionary ideas in many societies outside Europe and transcended borders, captured the masses in the Reformation and threatened the power of political and religious authorities; the sharp increase in literacy broke the monopoly of the literate elite on education and learning and bolstered the emerging middle class. It should be remembered that these printing development which also benefited the press/media in today's journalism owe its emergence to Johannes Gensfleisch zur Laden zum Gutenberg, who in 1439 was the first European to use the printing press and movable type in Europe and which was substituted by an improved method of steam-powered rotary presses. It should be conceived that the same revolution or a new

established in XVI and XVII. People developed a new piety which changed the way they reverence God or their devout fulfillment of religious obligations in relation to the Catholic puritanical confessions” (Ariès and Duby 1989, p. 9 & 10).

According to Slatter, (1984, p. 110) the fact that the family valued their children in the (latter centuries) was as guarantor of futurity, has to be distinguished from parental attitudes toward the child. This is predicated on the circumstances of age, birth, mortality rate and the fact that there is no guarantee of the survival of certain businesses which in turn guarantee succession of property.⁹⁹

In comparison with Spain, Llop, (1996, p. 14.) averred that between 1834 and 1936, in Spain, “there was a progress when secular realities persisted which also insinuated that new attitudes and changes were part of Spain” (p. 14.)

These new attitudes and changes that transport themselves into the twenty-first century are foundations necessary to understand the ‘train of thought’ which influence policy making and implementation in the European Union. We are encouraged to dig out these fundamental philosophies of childhood in order to close the gap in information relating to the protection of unaccompanied migrant minors because they become part of the social system which government institutions are apt to manage.

Policy changes and the attitude of earlier societies towards their children is very important and our interest are found in the area of the following trends that occurred: Decline of mortality rate of infants; progress in preventive medicine; change in the form of socialization; schooling; establishment of laws and institutions for the protection of childhood and State intervention.

In my opinion, these trends can facilitate or inhibit the provision of suitable policies and core materials necessary for the development of children. The trends also formed the bedrock of the link between the past and present foundation for

reformation is taking place with the development of computer technology which have a magnificent impact on migration especially to the migration experience of unaccompanied minors.

⁹⁹ While parents were educating their children in that century, there was no affectionate life intimacy with their children as the author seems to emphasized in SLATTER, M. (1984) *Family Life in the Seventeenth Century: The Verneys of Claydon House*. London, UK: Routledge & Kegan Paul. p. 138 “there does not seem to have been great priority placed on affectionate, personal intimacy of the kind associated with daily contact... Instead they believed that they should provide appropriate training and ‘breeding’ to enable the children to take their places in the social hierarchy.

interventions relating to protection of unaccompanied migrant minors in Spain, Sweden and United Kingdom.

From the point of view of Borderies-Guerña, (1996, p.31), “recognition of childhood in the family and society took the form of recognition of exultation of women during maternity, whereby the diffusion of the bourgeoisie ideology which extolled the role played by women at home as mothers and wives, indirectly revolutionized the value of infancy and slowly with a new mentality, boys and girls began to occupy a central place in the home. Women became to be known as ‘Queens of the home,’ while children became to be known as ‘Kings of the home’.” (Borderies-Guerña, 1996, p.31),

This means that, the hierarchy of power sharing in the family was allocated to the father as the head of the family to oversee the wellbeing of the wife and children. However, until the promulgation of the 1889 civil code, there were other laws which regulated family relationship. An important change occurred with the promulgation of the 1931 constitution which made provision for the principles of democracy and freedom which ultimately recognized the equality that must exist between married men and women and proclaimed the duties of the father towards his children.¹⁰⁰ In this way “parents owe a duty to feed, educate and instruct their children” (p.31) while the state takes the duty of supervision of obedience to these laws.

There is no theory of childhood for only boys; therefore we intend to explore the situation of girls in the family and society in the middle ages to be able to maintain equality of perception even though our research may not bring this equality. In a family setting at this period, the sisters tend to belong to the ones that relieve the mother of the house in domestic cores. These postulations were signaled by one of the most important authors who investigated this childhood perception and treatment in a voluminous book titled the “History of infancy in contemporary Spain between 1834-1936” which took the issue of children farther

¹⁰⁰ Constitución español de 1931, Familia, economía y cultura en Artículo 43: La familia está bajo la salvaguardia especial del Estado. El matrimonio se funda en la igualdad de derechos para ambos sexos, y podrá disolverse por mutuo disenso o a petición de cualquiera de los cónyuges, con alegación en este caso de justa causa. Los padres están obligados a alimentar, asistir, educar e instruir a sus hijos. El Estado velará por el cumplimiento de estos deberes y se obliga subsidiariamente a su ejecución. Los padres tienen para con los hijos habidos fuera del matrimonio los mismos deberes que respecto de los nacidos en él. Las leyes civiles regularán la investigación de la paternidad.

by discussing their place in the family, hierarchy and role, their abandonment, socialization into society and domestic life.

Therefore, the book by Borderies-Guerña, ((1996) agreed with the method of Ariès, (1962) who adopted illustrations and paintings to prove the perception of childhood, while Stone, (1979) went a little further and added children's' statutes, graveyard inscriptions, burial, birth and death, funeral ceremonies and labor training records of children to buttress and explain the situation of childhood during the middle ages to eighteenth century periods.

On the part of Borderies-Guerña, (1996) posited "that the research discovered (the role of the female child) and all her education, which showed their participation and fingerprints of the girls in magazines and in the novels titled 'Domesticas'" Borderies-Guerña, (1996, p. 38), and also in "paintings which serve as proof of the parts played by girls and how society perceive female children at that time."¹⁰¹

In twentieth-first century Spain, the idea of abandonment that is "abandonment/helplessness" is one of the most controversial issues being discussed today in relation to unaccompanied minors in Spain, Sweden and United Kingdom. This is predicated on the view that government institutions can intervene only, when an unaccompanied foreign minor is found in a situation of abandonment or helplessness by a legitimate and competent authority.

Delving into the issue of abandonment of grown up children (*el abandono* in Spanish), (from the time of birth which we do not include because we preferred to emphasize issues relating to children between fourteen to eighteen years old). Borderies-Guerña, (1996) said that:

Many abandoned minors fall into the hands of adults who do not care to give them proper education. In the worst cases, the minors were used for begging alms while wandering in the streets of big cities: the exploitation of

¹⁰¹ To buttress this argument of the situation and role of girls during this period, the author quoted the "La Hermana Madrecita," *Los Niños*, Madrid, Febrero 1873, tomo VII n^o 5, pp. 73-75. *Inta alia*: "the girls lit the fire or lamp, put the food, warm the rich goat milk for the junior brother, lovingly served the little lad, cleaned him, dressed him, sing lullaby and played with him. Latter cleaned the house, organize and wash the clothing of the father or mother, knitted, wash the child's dresses, and nothing seemed forgotten, ... made sure there was complete order in the house, and this very Luisa used as example by the author has only thirteen years."

these minors through using them for begging, far from reduction in the face of the progress made in the area of customs and social institutions, acquired alarming proportions up to the first years of twentieth century (p. 43).

In the process of accessing the implementation of migration policies for enhanced integration of unaccompanied minors we have encountered many legal instruments for control and punish criminal offences that affect migrant minors and directives to tackle the incidences of exploitation of minors, including engagement in hard and underground labor, human trafficking and drug abuse. We can perceive the link between the postulations of these authors which show that, right from the Middle Ages, children are exploited, used as messengers of death and trafficking. Unaccompanied minors are full time beggars.

Furthermore, Borderies-Guerña, (1996) led us into the darkest arena of perpetual exploitation of abandoned and helpless children whereby, “when the minors were still tender, they used them for compassionate appeal for support (equates to the practices by minors used by adults along Gran Via Fernando de Católico, Valencia, Spain). The girls on their part engage less in begging spree, but they engage in the main theater of prostitution at early stage, starting a bad life selling newspapers in the night, cheap goods and flowers at doorsteps of theaters or dancing auditoriums.

It must be noted that at the beginning of the 20 century, some of the “children whores registered hit eight hundred youths, and majority of them were 14 to 18 years” (Borderies-Guerña, 1996, p. 43). The age bracket conforms to the exact Age bracket for our specific population in this research on assessing the implementation of protection policies for enhanced integration of unaccompanied minors. We may now agree that even local citizens can suffer exploitation of adult whims and caprices when social workers perceive them as ‘no man’s child’ and when they cannot receive adequate protection for their personal development.

Our readers can now understand that our arguments are on the right track and that the suffering of these children could be traced to absence of enhanced protection because nobody cared and that those who should care abandoned them to wallow in destitution, deprivation and destruction. It should be noted that in chapter one, we gave advance notice in our statement of the problem. We have also

stated that the objective population for this research is unaccompanied minors who are 14 and less than 18 years of age. Through presenting the above theoretical foundation and historical conception of childhood in Europe during the middle ages we have described and compared the conception of childhood with twenty-first century period. We hope that we have succinctly corroborated the linking theories and practices and also linked historical foundations with contemporary European implementation practices through this research which also shows our objective more brilliantly.

After exploring the childhood socialization and integration, family care hierarchy and abandonment, Borderies-Guerña, (1996) concluded that “it is better to improve the perception and living condition of childhood in respect to physical development as well as psychological development of the minors. After long process of grave phenomenal epidemic and massive deaths of children, society began to overcome. Children began to occupy a place in the collective conscience of society and this was possible because of the development of the family individualism. The minor won the right of descent and protected existence” (p. 55).

Based on the forgoing, government institutions are reminded to save future leaders who are also unaccompanied minors (documented or undocumented) so as not to allow history repeating itself and so that their sufferings can be ameliorated because being an unaccompanied minor is a big risk and being abandoned and hopeless is like giving a deadly weapon to migration networks and other local exploiters of children.

Bringing all these together, historical linkages of the conception of childhood in the Middle Ages and recent conception of childhood of unaccompanied minors in modern European Union is a way to understand modern concepts behind certain migration policies that affect unaccompanied minors and other immigrants.

The concept of childhood is linked with the family and with fostering children and that is why the work of DeMause (1994) and collaborators is also important. Delving onto this matter, in his attempt to portray more knowledge about the evolution of childhood, DeMause (1994) declared in his opening account that “the much we recede to the past years, the less we perceive the level of care culture to childhood, whereby children were exposed to violent death,

abandonment, beating, terror and lots of sexual harassment” (p. 15). It becomes necessary to recover the history of childhood from the testimonies of family members of the Middle Ages.

We can understand that his last statement points to the fact that if we want to know better about today’s treatment of our children including unaccompanied minors who live within the same country. Many authors have made postulations draw our attention to the experiences of the past middle ages and also from humanists who campaigned for child protection and liberation from social cruelty, caging and abandonment. From their writings they believe that there was abundant evidence of lack of protection hidden, distorted, softened, or totally ignored (Ariès 1964; Stone 1979; DeMause 1982, 1991, 1994)).

They also argued that the history of childhood had been in the backburner for many centuries. This lack of priority on issues relating to childhood had been explained in many ways by many historians. On his part, DeMause (1982, 1991, 1994) contended that many historians had preferred to write about noble events and concentrated on areas of public noise events than private life where issues of childhood comes to question. Additionally, this book about the evolution of childhood did not begin in the field of history, but in applied psychoanalysis which made him shed more light on the issue of priority of previous researchers and historians when he said that, historians have concentrated on fantastic castles where millions are sunk.

Many researchers have concentrated consistently on the great battles for the possession of cities and did not pay much attention on what happens in the family daily life and also ignored many events that took place in pavilions, parks and what happens at a child’s free time. From the forgoing historical lapses the author and his collaborators asked: “how did each generation of parents bring up their children and the problems associated with the upbringing in public life?”(p. 15).

From this research we now know that the evolution of parent-child relations constitutes an independent source of historical change. The origin of this evolution lies in the ability of successive generations of parents to regress to the psychic age of their children and work through the anxieties of that age in a better manner the second time they encounter them than they did during their own

childhood. The process is similar to that of psychoanalysis, which also involves regression and a second chance to face childhood anxieties.

Delving into this issue (Carmona 2011; Stone 1979; Ariès 1962; DeMause 1994) confirmed that childhood behavior during the Middle Ages represented a disorder that must be curbed just like the current childhood behavior of unaccompanied minors that represents a disorder to the welfare states that must be curbed by all means. This conception of childhood may be a linkage between the Middle Ages as a burden to EU's economic resources and the twenty first century EU's conception of the childhood of unaccompanied minor's links to the idea that they take away economic resources, jobs and lower wages.

The author, Carmona (2011) corroborated these ideas and declared that: "within the rank and file of procurators, pundits and representatives of the believers, there was an agreement that a great danger hover in the offing against the uncontrolled youth" (p. 69). In unison, there was total lack of confidence towards adolescents who are not subjected to strict authoritarian regime. The belief was that if adequate remedies are not applied strictly on the minors, their behavior will become outside the law as thieves, delinquents and breakers of established law and order.

In one of these centers, the watchers were so preoccupied that they peep around all nooks and crannies to verify if any of the boys were hiding disparagingly somewhere by the corner. To link this with the old practices, in today's centers for minors, security personnel not only "go around peeping on the minors," (p. 68). There are video cameras, barbed wires, and sophisticated communication networks watching their movements. This is exactly the same securitization attitude meted at unaccompanied migrant minors who are kept in asylum centers or reception centers. This signals the fact that unaccompanied minors are perceived as possessing the same hard-core original sin which middle ages minors are said to possess. (See table of comparisons between the middle ages and the twenty-first century).

However, historical precedents have shown how adults in the middle ages shared the view that the child was born with evil. In other words, during the period from 1540 to 1660 there was a great deal of evidence from the Puritans, of a fierce determination to break the will of the child, and to enforce his utter

subjection to their parents, and to bend him to the authority of elders and superiors in society according to Stone (1979, p.162). The twenty first century government authorities are adopting the same models to deter unaccompanied minors and other migrants.

This very conception of youth and childhood showed that history can repeats itself. Government agencies have established sophisticated communication gadgets to monitor the minors, control their movement just to make sure they know their next move. This may have given rise to the way social workers manage the affairs of unaccompanied minors.

This is why we must be careful in dealing with children because they come with new ideas, new experiences which are good and bad. They also come with new cultures that may be at variance with the existing culture and for them to adapt we must give them a good space to learn the new tread of life. This is why Mezey (1960) said that unaccompanied minors deal with life according to the unique constitutional and genetic makeup and with all the experiences gained during childhood from the country of origin and through the migration trajectory experience. We should be able to know better if we combine all these experiences (acceptance, rejection and deportation or readmission) with the present emotional problems associated with the way they are handled.

2.1.7. Comparing modernity: Childhood, Conception and Government Overzealousness.

Governments' overzealousness over the issues relating to childhood is articulated through connivance and phishing of digitalized information and professional manipulations. According to a graphic presentation of Rose, Government apparatus targeted upon the child: the child welfare system, the school, the juvenile justice system and the education and surveillance of parents of parents.

A new civil-military model of administration is born: it deals with the multiplication of surveillance of unaccompanied minors, through related friends and families, immigrants in all strata through the shadowing services of workmates, false lovers, students, butlers, countrymen, semi-disabled persons and

security companies. The whole idea of mounting a military-type undercover work is to muzzle and control (MC) the unaccompanied migrant minor so that at the appointed time he or she would be declared *persona no grata* for lack of qualification for legal protection because the minor's application and age cannot be accepted based on information gathered through these army of undercover informants.

A more sophisticated model of controlling immigrants, the family and children of all strata correspond to, where a whole family of new professional groups has propagated itself, each asserting its virtuosity in respect of the self, in classifying the meaning and psych, in predicting its vicissitudes, in diagnosing the causes of its troubles and prescribing remedies. In this multiplication of power hustling, some groups worth mentioning are: psychologists-clinical, occupational, educational and also social workers, personnel in other government departments, probation officers, prosecutors, including the Goodman, counselors, school teachers and prison guards.

Through this multiplication of power and civil-military model of coerce and control, the European Union institutions exert their sophisticated model of controlling immigrants, families and children which are perfected by legal instruments like the Dublin III Regulation and Alien Acts, setting higher limitations for third country nationals; executing these obnoxious policies through connivance with IOM and EUROSTAT officials. These limitations are expressed on the notion that member states do not extend their obligation to examine the asylum application of a minor to determine whether the applicant qualifies as a refugee in accordance with the "Qualification Directives of the EU."¹⁰²

2.1.8. Definition of terms and concepts.

It is interesting to provide meaning of concepts adopted in this research work. Parents and authorities know that the children we are describing in this study will become our leaders of tomorrow in various areas of human endeavor, *ipso facto*. Therefore, we present them in accordance with the concept of United

¹⁰² Qualification Directives of the EU. Report from the Commission to the European Parliament and the Council on the Evaluation of the Dublin System," COM (2007), 299 final, 6 June 2007 (hereafter 2007 Commission Report) 6.

Nations Convention which describes Unaccompanied minors (UMs) as, “Minors under 18 years of age, nationals of a country outside the European Union -28 member states who are travelling and not accompanied by their parents or a legal representative,” Convention on the rights of the child (CRC 1989).¹⁰³ While undertaking this doctoral research we have thought about how to present the concepts we are going to use and we thought it necessary to give advance notice of these concepts and terms for example:

2.1.8.1 Culture of disbelief

Culture of disbelief is used in this research to denote the amount of confidence a social worker has when interviewing and listening to the migration experience of a refugee or measuring the age of a refugee minor. Culture of disbelief refers to pre-conceived stance about the decision to be taken during and after the asylum and integration process.

2.1.8.2. Trauma

In this research refers to the debilitating effect of the emigration experience of the minor. According to experts, immigration acts as a stressor that can lead to many types of sicknesses, for example, mental problem and psychological stress. Social workers are expected to take cognizance of the situation of the minor during interview and implementation of policies for their integration into society because many minors have been found to become traumatized again and insane after passing through many imprisonments, a situation they carry through life.

2.1.8.3. Perception

Perception here refers to how we see the other person and specifically social worker’s perception of the unaccompanied minor. Delving onto the issue of perception, Crawley, (2007 p.119) contended that “there is a perception held by

¹⁰³ Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49

many social workers that the majority of age disputed cases are assessed as children” (that is social workers prefer pediatrics to assess minors as adults) and this perception arises in significant part from the fact that the assessment is usually commissioned by a legal representative, who pays the fee for the assessment process and who will only relay the outcome of the assessment to the local authority and/or Home Office if it is in the client’s favor. This brings us very close to the concept of the “outsiders” and the “insiders.”

2.1.8.4. Decision Making

This refers to the implementation of an immigration policy that affects the minor and which determines whether the minors’ application for asylum protection is favorable or unfavorable. A decision might be taken to admit the minor but not to give him or her residence permit or permanent accommodation. Another decision may be taken to mean other types of decisions that will be in the interest of the State. In some cases a court decision tumbles the decision of the migration board. A decision to accept or reject the minor is taken on behalf of the state, though without taking into account the voice of the minor. Decisions are results.

2.1.8.5. Family Reunification¹⁰⁴

This relates to nominating a person to take care of a minor or sending unaccompanied minors to live together with a distant family or close relatives, *ceteres paribus*. By extension, it also connotes bringing or regrouping their parents when a minor becomes an adult which is one of the important factors adopted in

¹⁰⁴ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification: Article 10: 1. Article 4 shall apply to the definition of family members except that the third subparagraph of paragraph 1 thereof shall not apply to the children of refugees. 2. The Member States may authorize family reunification of other family members not referred to in Article 4, if they are dependent on the refugee. 3. If the refugee is an unaccompanied minor, the Member States: (a) shall authorize the entry and residence for the purposes of family reunification of his/her first-degree relatives in the direct ascending line without applying the conditions laid down in Article 4(2)(a); (b) may authorize the entry and residence for the purposes of family reunification of his/her legal guardian or any other member of the family, where the refugee has no relatives in the direct ascending line or such relatives cannot be traced.

this research to assessing enhanced integration of unaccompanied minors in Spain Sweden and United Kingdom.

According to the doctrine of family regrouping, the authorities are mandated to apply family regrouping and facilitating family reunion of the minor so that he or she will be able to form a family or bring a family into the country of settlement. The doctrine envisaged that “families should never be separated by State action or left separated by State inaction except when it is in the best interests of the child. In the case of irregular migrant, parents and States should explore alternatives to deportation to ensure the right to family life of their children; e.g. granting a residence permit on the grounds of family unity and the best interests of the child.”

Contributing to this Solanes, (2010, p. 41.) averred that in the Spanish case for family reunification, Article 92.4 of the regulation enshrines the principle of family reunification based on the best interest of the child, so that after hearing the report of the child protection services, it shall decide whether repatriation to their country of origin or to one where their relatives are, or if opting for their stay in Spain. In any case, the expenses incurred for repatriation shall be borne by the child's family or the child protection services of their country; otherwise the General Administration of the State will bear the cost of repatriation on behalf of Spain.

Our position in this research is also supported by Stephens (1995, p. 39.) while analyzing the relationship of the Convention on the Rights of the Child and family unification averred that, in the CRC, the “family is the fundamental group of society and the natural environment for the growth and well-being of all its members.”

On the other hand, looking at the CRC closely, one cannot but be left to ask a question: What about other forms of family? Can an extended family, non-kinship based family...etc. be considered as a family? This provision clearly has an impact on unaccompanied children from the South, as families are not only related through biological ties. Thus, when family members are being sought for unification with their children, it is only those with close kinship ties that are considered.

This modernist vision of the CRC according to Stephens (1995) is not surprising, since the UN is “the supreme mediator of the principle of liberal democratic rule globally” with a “strong interest in spreading to the poor countries of the South the values and codes of practice devised in the public sector of the industrialized North.”

2.1.8.6. Adolescence

Adolescence refers to a period of life from puberty to adulthood (roughly ages 12 to 20) characterized by marked psychological changes, development sexual feelings, efforts towards construction of identity, and a progression from concrete to abstract thoughts. Adolescence is sometimes seen as a period as a transitional stage during which youths begin to separate themselves from their parents but still lack a clearly defined role in society. It is generally regarded as an emotionally intense and often stressful period according to the Britannica Concise Encyclopedia edited by (Pappas 2003, p. 17).

2.1.8.7. Foster family

This is in terms of sending a minor to live with a person of his or her volition who is chosen or not by the Migration Board of the country of reception. The placement of an unaccompanied minor is normally arranged through the local government or a social service agency with a contract agreement with the migration board. It may be an institution, individual, group home and they are compensated for their various expenses.

It must be noted that there are stringent rule governing the foster family program in all Spain, Sweden and United Kingdom and those who want to foster a minor, an individual, couple, care home center or solidarity group must satisfy the screening exercise. Delving on the issue of the foster family program Hill said on 15 September 2015 of The Telegraph¹⁰⁵ that Young has initiated a petition, signed by over 2,000 people, calling on David Cameron to allow United Kingdom families to

¹⁰⁵ Reporting to British Telegraph, Hill said on 15 September 2015 that Young, another Telegraph journalist has initiated a petition, signed by over 2,000 people.

immediately take (foster these unaccompanied minors) into their homes who were around 3,000 refugee children¹⁰⁶.

2.1.8.8. A ghetto

This refers to a situation where a large number of unaccompanied minors and other refugees are sent to one particular area or city to join their ethnic group through a dispersal program. This type of placement is facilitated by the concentration of foreign ethnic groups in one area. Therefore, they form a ghetto of multi ethnic group, where social services are very poor and where they find it difficult to find good jobs that can advance their aspiration to integrate economically and socially. This very act has a direct economic impact and unexpected consequences, but on the other hand, the goal of exclusion of immigrants is achieved.

Social workers interviewed argue that this dispersal program or distribution of minors is done in the name of family reunion and foster family program where there is existence of ethnic group where a minor come from which coincided with Hagstrom, (2009, p.186). It has led to expected and unexpected consequences. In the proceeding chapters, I'll attempt to expand these concepts in relation to assessment of migration policies towards enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom etc.

Some of the ghettos resemble what I tag 'thick ghettos' and 'light ghettos.' The light ghettos for immigrants are accessible while the thick ghettos for immigrants are not easily accessible and are more dangerous. One of the thick Spanish ghettos for immigrants harbors unaccompanied minors whose application for asylum were rejected and those who are on the way, including those who have graduated from long prison stay. The language of integration, residence permit, housing and nationality are not discussed because this ghetto serves as a training

¹⁰⁶ Save the Children is calling on philanthropic people to come forward and foster children. Save the Children estimates there are currently around 5,000 'unaccompanied' children in European refugee camps who have no adult officially responsible for their care. There are 63,000 UK children currently in foster care, and the Fostering Network estimates that over 8,000 more foster families must be recruited in the next 12 months to support this overstretched system. Access at: <http://www.telegraph.co.uk/women/womens-life/11864162/Refugee-crisis-The-complex-reality-of-fostering-a-refugee-child-in-UK.html>

ground for those minors and adults who were already rejected and frustrate by the administrative systems of Spain.

The security agencies like the police according to reports rarely venture into this thick ghetto called El Príncipe in Ceuta, where unaccompanied minors, penury, banditry, drug trafficking and violence are mixed. The question that arises in this type of thick ghetto where lawlessness and banditry reign is: can this place produce people who are acculturated,¹⁰⁷ integrated and assimilated into the Spanish society? The El Príncipe Alfonso district in Ceuta is home to the most retched on earth immigrants; poorest inhabitants lacking the most basic amenities and crippled by 90-percent unemployment and majority of them belong to the Muslim community.

Reporting for El Mundo daily Newspaper, Jesús Rodríguez on 3 November, 2014, confirmed that this ghetto is a third-world slum dominated by rival drug gangs fighting each other to control a trade that has moved away to Tangier. This is the major ghetto for the orientation and production of people who love terror as recent events can prove. Many unaccompanied migrant minors who finally travel to other parts of Europe to seek asylum had been there selling for many years. For example, Mohamed who was shot and killed there in August, 2015 had been in El Príncipe in Ceuta with a large chunk of unaccompanied minors doing courier business until problem came.

Mohamed earned a few Euros each day making drug deliveries. As a security officer put it “This is Spain, but it isn’t Spain. Quite simply, there is no law here, the state is absent.”¹⁰⁸ And there are many ghettos where only immigrants are shifted like Barrio Russafa, Bario Carmen, and Bario Cabanyal, all in Valencia Province. Can a minor become a drug trafficker if social workers have given him or her due rights and full protection when he or she applied for protection?

¹⁰⁷ Aculturación está ligado en algunos sentidos a la colonización, y se refiere al resultado de un proceso en el cual una persona o un grupo de ellas adquieren una nueva cultura, generalmente a expensas de la cultura propia y de forma involuntaria.

¹⁰⁸ El Mundo daily Newspaper reported by Jesús Rodríguez (2014) on 3 November, 2014 reported that Kids here don’t care about Batman, their heroes are the gunmen who drive big fast cars and live in huge houses. El Mundo daily Newspaper. http://elpais.com/elpais/2014/10/30/inenglish/1414682950_772016.html. Ghettos represent the level of decadence hidden in a city or state, where evil men capture children and train them for armed robbery, as drug traffickers, prostitutes, and the like. It is the hub nub of evil and disobedience, but the greatest evil is to ignore its existence.

2.1.8.9. I don't care attitude

The concept of “don't care attitude” is the idea that one has no obligation to the child and does not need to worry about his or her helplessness, destitution, deprivation and destruction. When one does not care, ethical values of social work practice makes less meaning. Legislative changes and policy complexity is a pointer to the fact that unaccompanied minors suffer increasingly punitive measures but no one cares. Their vulnerability and the situation of their home countries are not considered; therefore their petition for protection is discussed in terms of exclusion of asylum seekers from their basic rights. Even more damaging is the incarceration of children and families in detention centers because nobody cares.

2.1.8.10. Øresund (Bridge, Highway and Sea Migration Routes)

Øresund: (meaning “The Sound” in English). Øresund is the sea almost without tide between Sialland Island, Denmark and Sweden, connecting the Kattegat Strait with the Baltic Sea. It is one of the busiest seas in the world and most watched. Ice sometimes impedes navigation in sever winters. Copenhagen and Helsingor are Danish seaports. Malmo and Halsingborg are on the Swedish side. In April, 2016 the wave of immigrants, mostly unaccompanied minors less than 18 years old crossing on vehicles and trains alarmed both the government of Sweden and Denmark. Thereafter an identity check was imposed on all routes leading to Scandinavia countries through Øresund Bridge, Highway and Sea Migration Routes but the measure of the two governments did not deter the young migrants. They took the bridge on foot also.¹⁰⁹

¹⁰⁹ Border crossing to north of Europe through Oresund Bridge: It was revealed on that five migrants, who the News Öresund news agency reported were aged under 18, made it into the road tunnel section of the bridge from Copenhagen Airport's train station on May 12th. From there, they continued onwards on foot into Sweden. A group of five asylum seekers have for the first time successfully crossed the Öresund bridge on foot. and when a lone walker was spotted walking on the motorway, Sanna Holmqvist, Head of Public Relations for the bridge, told The Local that police also had access to a network of some 400 cameras to help them detect pedestrians. But a police spokesperson has told The Local that the total figure may well be higher. <https://www.thelocal.se/20160527/first-refugees-cross-resund-bridge-on-foot>

2.1.9. Comparative critique and Summary of this department.

On one hand, the world celebrated the acclaimed stage by stage recognition of childhood, child care and the family in the Middle Ages through the works of (Ariès 1962; Stone 1979; DeMause 1976). On the other hand, Pollock (1983) opposed Ariès's (1962) "Centuries of childhood" and their followers. Pollock (1983) did not end there; the author also hit her criticism towards the postulations of Stone (1979), "The Family, Sex and Marriage in England 1500-1800" and other notable theorists on the family and the recognition of childhood from the Middle Ages to the twentieth century.

Through her comprehensive research on parent-child relation from the fifteenth through the nineteenth century in her book titled "Forgotten Children: Parent-Child Relations from 1500 to 1900," she claimed that her work remains 'socio-biological' which is different or distinct from the 'cultural determinism' conception of (Ariès 1964; DeMause 1976; and Stone 1979) and other authors. Her claim is that other authors were misled by their sources and methods by emphasizing the role of culture instead of emphasizing the role of biology in the evolution of family and the recognition of childhood.

According to Pollock, (1983) other authors simply followed Ariès's (1962) footsteps without question to the culturally dominated behavior. She argued that they relied so much on overzealous moralists and other critics who presented themselves as objective outside observers to established norms and condemned it as "biased" moralist-reforming literature.

The author concentrated exclusively on the extensive body of first person sources accounts of 'parenting' written either by parents or the children they raised. In Pollock's (1983) counter conclusion, she averred that "there were no basic changes in the loving care and highly developed concern displayed by parents for their children over the four centuries she considered." Pollock's (1983) based on her findings, she concluded that Ariès and all other authors were misled by their sources.

On the issue of high mortality rate which (Aries 1962; Stone 1979; DeMause 1976) and other authors employed to justify family exasperation and disregard to children at the Middle Ages, Pollock (1983) did not explore questions relating to

infant mortality and did not use her first-person sources to discuss reasons for high mortality trend in eighteenth century Europe.

Many authors infer Pollock's method with her subjects would have been an advantage but the author failed in that area. Having talked to the parents of children using "150/1000 as an estimate of typical infant mortality rates" Pollock (1983, p. 51) also presented a work filled with gaps of this nature, Pollock (1983) would have been in a position to say whether infant mortality rates influenced parent's and society's recognition of childhood or not.

Furthermore, we would have also been informed about and to what extent higher mortality rates affected the rich and the poor. Suffice to say that Pollock (1983) research covered the period of 1500 to 1900 and many of her accounts used in studying parenting are the eighteenth and nineteenth century equivalent of the 20th century family photo albums.

We do not intend to extend this argument further, because it will divert us to issues relating to fertility and demographic issues like birth control. We are interested on the relationship between the behavior and recognition of childhood in the middle ages and the link in the recognition of unaccompanied migrant minors in modern European Union.

On the other hand, the core ideas of Ariès (1962) thesis pertaining to the history and recognition of childhood which is very important in accessing the implementation of protection policies for enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom societies is that, it contains an intellectual relevance to the idea that 'parental investment' changes over time and space.

Ariès (1962) thesis clarifies that the behavior of parents and State authorities is related to different ideas they have absorbed from their culture about what childhood is all about, like parental and official responsibility, including child abuse, neglect and punishment and human trafficking in the current extended terminology.

In conclusion to this department, we have learnt a lot of things; we have excavated theories that link the core objectives of this research with old ideas about childhood, family and the state. We can now recognize, relate the level of recognition of childhood and protection of children during the Middle Ages with

the level of recognition of childhood and child protection of unaccompanied minors in this century including the impact, consequences and challenges ahead.

Some of the areas we have expounded with relevance include: reception centers fostering; imprisonment and integration of children into society;¹¹⁰ perception of childhood; treatment of children; how the ideas of childhood began; stages of childhood development; the family and the child; family and state behavior and relationships with children; what earlier societies considered as integration into society; types of policies made for children; age registration and adoption of children. All these panorama influence the how we treat childhood and their day to day life and this is the bases for reception and integration of foreign minors especially unaccompanied minors in Spain, Sweden and United Kingdom. We believe that childhood is relational which means how people, both adults and children, are connected to each other through the family.

Furthermore, another important ideologist and campaigner who focused on the development of childhood rights and privileges education, eradication of discrimination of children is Rose (1999, p. 125) which conducted an in-depth research into a globalized defense of rights of children with the title: "Governing the Soul: The Shaping of the Private Self." According to the book "the social recognition of childhood took a dramatic turn in the twentieth and twenty first centuries, whereby the family became the center of action; from this recognition, children were individualized and at the same time associated with families" (p. 125).

In many Western democracies it has become possible for government institutions to form a conspiratorial bond with lawyers, psychologists, social

¹¹⁰ An example of the similarity and link of how England treat unaccompanied minors can be explained with, but not all in the provisions of The Nationality, Immigration and Asylum Act 2002 which introduced further changes making life more difficult for child asylum seekers. The Act brought in Induction Centres in which newly arrived asylum seekers must lodge their asylum application, and application for support from NASS. Seven days after this, children and their families could be treated in one of three ways: 1. Adults and children could be moved to a detention centre for removal from the UK, often having no idea how long they would be detained even though detention of children is clearly not in their 'best interests' and contrary to the Children Act 1989 and the UNCRC 1989. 2. Refugee children may be moved to the community to live with family or friends, to attend a reporting centre for checks to be made on them. 3. They may be moved to an accommodation centre where they have to stay until a decision has been reached on their application. During this time they will have basic needs provided, and receive a tiny amount of 'pocket money'.

workers, doctors who use their lexicon expertise to formulate projects and programs (national and transnational) in the adumbrated name of international cooperation) adopted for manipulating the development of childhood projects and in this way all human projects are oscillating around this group of professionals. In this way, core family ethos, morals and culture are excluded from the main theme of child upbringing and family knowledge about childhood is eroded and a yawning gap between family and child exacerbated.

Children came to the attention of social authorities as delinquents threatening property and security, as future workers requiring moralization and skills, as future soldiers requiring a level of physical fitness, that is on account of the threat which they posed now or in the future to the welfare state. This type of perception is another burden in the concept of childhood which unaccompanied minors must bear together. Another idea of entering a country with an original sin consolidates the treatment. This was the contribution of Rose (1999) in one of the foundation books which brings together many of the contested issues relating to recognition of childhood and program development for children.

The recognition of unaccompanied minors has followed the same pattern or even worse, thus: "unaccompanied minors are recognized by government institutions for being delinquents, foreigners that jump into their country to destroy the everlasting beauty of a paradise, (the state), saturate the labor market and take away job positions; that they are problems to housing and that they came to disturb existing orderliness in city parks and overflow the schools and they are the ultimate threat to the welfare state" (Brekke 2004).

Children have gained "individual freedom such as liberty to the person and the right to justice, individual rights, and ultimately they have gained social rights," (Rose 1999, p. 124). These rights are based on the conclusions of many scientific and psychological studies conducted on children who are problematic in the society and squeezed into government agencies as a way to spy, monitor and control families.

The rights children have gained have become surplus, redundant and diversionary in the western world, for instance children are no longer controlled in classes or public spaces, and rather they control their parents and teachers through group digital communication systems using Mobile and Android-

WhatsApp systems. Based on what we believe, “the education system and the social services extended to each child the right to a modicum of economic welfare and security, to share the social heritage and life in society because the bases for a welfare system is specifically made to protect the less privileged and vulnerable” (Carens 1988, p. 209).

Universal education also attracted the attention Rose (1999) which is one of the bedrock factors for assessing enhanced integration, incorporation and assimilation of unaccompanied minors in Spain, Sweden and United Kingdom. A progressive guarantee could be found in the Council of Europe 1950 Convention for the Protection of Human Rights and Fundamental Freedoms (2010),¹¹¹ freedom and right to education in Article 2;¹¹² freedom and right to education in Article 2. To buttress this argument, this research supported the idea that Universal education was a decisive step in the reestablishment of social rights of citizenship in the twentieth century; for it was an attempt to stimulate the growth of citizens in the making, that is, immigrant minors. Education is a personal right for the child irrespective of his or her parents’ wishes, but it was recognized and imposed as social and collective rights.

Reflecting on today’s childhood, Rose (1999) summarized the contended issues relating to the activities of many government institutions and childhood projects saying that “childhood is the most intensively governed sector of personal existence. In different ways, at different times, and by many different routes varying from one section of society to another, the health, welfare and rearing of children have been linked in thought and practice to the destiny of the nation and responsibility of the state” (Rose 1999 p. 123)

Therefore the modern child has become the focus of innumerable projects that purports to safeguard it from physical, sexual, or moral danger, to ensure its ‘normal’ development, to actively promote certain capacities of attributes such as intelligence, educability, and emotional stability. It was for these reasons that the

¹¹¹ European Convention on Human Rights, as amended by the provisions of Protocol No. 14 (CETS no. 194) as from its entry into force on 1 June 2010

¹¹² Article 2 Right to education of Convention for the Protection of Human Rights and Fundamental Freedoms declares that: No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions. The European Convention on Human Rights, as amended by the provisions of Protocol No. 14 (CETS no. 194) as from its entry into force on 1 June 2010.

sexual, conjugal and domestic lives of their families are being modified and surreptitiously translated into a national discourse..

Delving on the importance of family, Rose (1999); Stone (1979); Ariès (1962) advocated on the importance of family and relationship with children. While many protection policies have recollected these concepts, many government institutions evade their responsibility making the same claim that a child in their territory who is in need of protection should be returned to the family even when there is ample evidence that the place of origin of the minor is not safe and not conducive to normal child growth and development.

In one of the reports known as the Underwood Report they stress that “the fundamental importance of the family as a whole should be borne in mind by those responsible for strengthening and developing social services, and action designed to keep the family together should be regarded as one of the most important aspects of the prevention” (Rose 1999, p. 177).

We have reviewed many principal concepts that are adopted in this study and this helps us to understand the situation at hand.

2.2. INTRODUCTION TO THE THEORIES OF MIGRATION FOR THIS STUDY

The objective in this department focus on bringing to the knowledge or our readers different theories of migration and in this process we distinguish and analyze them, clarifying concepts, and established approaches. I attempt hereunder to differentiate child migration experience from adult migration experience. (See chapter two and the implementation of integration core factors in chapter four).

Theorizing about unaccompanied minors in international migration and integration sphere differ from the type of theories which are adopted when conducting research into the area of international migration of adults, women and gypsies. Although there are overlapping themes, we must be careful not to conceive children from the construction adopted while discussing the issue of adult migration. This department enables us to examine the theoretical background that influence policy making and policy implementation and that can adapt in explaining some specific objectives of this study. These theories serve as

eyeballs to this research, providing us sufficient knowledge about the conclusions and results which inspired us to engage in this doctoral investigation.

Social work theories and other relevant theories will be useful to explain the concept of policy making and policy implementation; integration efforts of unaccompanied minors; the three main dimensions of social work: task and purpose of social work in policy implementation; the role of social work in society and its ability to interrelate with humans and other cultures and be able to adapt with differences; practice theories, approaches or methods on how to perform social work.

Furthermore, in this research, we review the application of several classical theories in various countries that are relevant to this study. Some of these theories include: Neoclassical theory; World system theory; Dual market theory, The push-pull theoretical framework; Theory of Globalization and migration; Network Theory; Assimilation theory; Acculturation theory of integration of children, social work theory, children and the family and theories of social construction of children in a globalized world. Unaccompanied minors benefit from social services provided by social workers in the process of asylum process and the process of social, economic, cultural, educational integration interventions. Since this process results in four stages, we think it is necessary to find out to what extent unaccompanied minors are affected (Sakamoto, 2007; Berry, 1988). Policy debates surrounding the rights of unaccompanied minors differ from country to country though there are international agreements. Hypertensive debates occur at every stage of the process making it abundantly clear that among the Member States of the European Union there are different theories of migration, hence differences in conception of the unaccompanied minors.

I hereby posit that the legal protection of the immigrant minor may have been influenced by world affairs relating to adult migration and the conception of adult movements to other countries in order to improve their livelihood. These migratory influences are enormously activated by the Second World War, the collapse of the Berlin wall, the collapse of former Soviet Union, the convergence of former Sovereign States and creation of the European Union, the Palestinian/Israel conflict, war in Iran, Iraq, Somali, Sudan, Liberia, Afghanistan and now Syria, have all influenced migration policies and the conception of what is really migration.

These global, regional and state events (good and bad) have rendered certain theories of migration obsolete; questioned some theories, while some are adapted to explain some migratory phenomena. Therefore, migration is perceived as an octopus, multifaceted and a complex diverse phenomenon where micro and macro-levels interrelate. Departing from above submission, it becomes imperative to adapt some theories that will help us explain the circumstance which unaccompanied minors are incorporating, integration or being readmitted in the European Union.

Therefore, we would engage the four subject areas that have been developed by various authors, Portes (1999); the origins of migration; the directionality and continuity of migrant flows; the utilization of immigrant labor; and the socio-cultural adaptation of migrants (Arango 2000; Massey 1999). Though there is a strong desire to explain all the four aspects of migration, we have chosen to focus on areas that apply to our study. In their submissions, (Massey et al. 1993; Todaro and Smith. 2006; Faist 2000; Portes, 1999) affirmed that all these theoretical approaches propose divergent hypothesis, but they need to be used in a complimentary manner because they are not mutually exclusive.

2.2.1. Theoretical framework adopted for the objectives of this study.

As we have noted earlier, it's our objective to differentiate child migration experience from adult migration experience through these theories. (See chapter three 3.2. number ten). In the process of assessing migration policies for enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom it is important to review some theories that have been adopted by some authors in dealing with adult migration and migration of unaccompanied minors. We have chosen some of the theories which are amenable to the situation of unaccompanied migrant minors and discountenance the theories that are amenable only to the migration of adults and other group of migrants although in some situations, they crisscross each other.

This department enables us to examine the theoretical background that influence policy making and policy implementation in the process of assessment of migration policies towards enhanced integration of unaccompanied migrant

minors in Spain, Sweden and United Kingdom. We hope to acquire sufficient knowledge about theoretical concepts, perspectives, conclusions that can adapt to this research

According to many authors many countries that are receiving immigrants have developed countless projects that purport to safeguard children from physical, sexual and moral danger, to ensure its normal' development, to actively promote certain capacities of attributes such as intelligence, educational and emotional stability (Rose, p. 21). In this research project, we work in consonance with the concepts pre-conceived by the convention on the rights of the child which are amenable to integration and good acculturation efforts. A summary of some of these theories which legitimize restrictive policies and theories which justify policies that favor migration and protection is located at the end of this department.

In this research we recognize that the term theory comes with many meanings depending on the discipline, from the ancient to modern conceptions. It is believed that "theory can begin with the most trivial inductive generalizations up to the highest vision of God. However, theory relates to a systematic ordering of concepts on the light of an overarching idea or a systematic field of experience" (Kaufmann 2015, p. 340). Many authors have therefore developed theories for studies in sciences, social sciences and humanities which include the study of the family, attitudes and perception of childhood.

Some of these theories are: The neoclassical theory; world systems theory; push-pull theoretical framework; dual market theory; the network theory; migration systems theory; assimilation theory; the classic assimilation theory; acculturation model in integration theory and social work theory. Having sorted out the voices of other authors, it's time to reflect on the neoclassical theory which is the leading theory of migration and which assumes that migration is motivated principally by rational economic considerations of relative benefits and costs, mostly financial but also psychological, according to (Todaro and Smith 2006, p. 342). The theory has been subjected to criticism on conceptual level by Arango (2000) as well as on empirical grounds (Massey, Arango, Hugo, Kouaci, Pellegrino, Taylor 1993).

Nonetheless, neoclassical theory has been used in current academic and policy-related research. It is this theory of migration that proposed that "Migration regimes which encompass migration flows from industrializing to mature economies, reduced costs of transportation, cheaper and more rapid communication, increasing governmental intervention and a greater circularity of movements in an era of trade interdependence and globalization," (Massey 1999).

Neoclassical theory of migration operates on two levels: macro and micro levels and recognizes that migration is driven by differences in returns to labor across markets. This interaction at macro level, relate to the society and micro level dealing with the individual and the meso (mezzo) dealing with the (middle) structures. According to Castles and Miller (2009) meso or mezzo or middle-structures can relate to individuals, groups or institutions that take on the task of mediating between migrants and political - or economic institutions, smugglers and trafficking in persons which is against Art. 3(a), United Nation Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children¹¹³.

For this reason, before the integration of the European Union the autochthonous people demonstrated salient suspicions that Eastern Europeans and other immigrants will steal local job positions from western Europeans. Through our investigation, we now know that all these claims are based on xenophobia patriotism and neoclassical theory becomes the harbinger of restrictive migration policies.

Instead of facilitating protection of immigrants, restrictive migration policies is making it impossible for social workers and policy makers to focus on implementation of protection policies but to implement defensive and offensive migration policies. The basic concept of this theory, believes that international migration is driven by geographic differences in labor supply and demand and the resulting differentials in wages between labor-rich versus capital-rich countries provoke migration.

¹¹³ Trafficking in persons - "The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments ... purpose of exploitation" (Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000).

According to Bauer and Zimmermann (1999) and Borjas (2008), when there is full employment, it predicts a linear relationship between wage differentials and migration flows. On the other hand, the capacity to migrate is associated with costs. It must be noted that it is not the poorest individuals who migrate, nor the poorest countries which send the most labor (Dustmann et al. 2003; DeHaas 2008; Faist 2000). At the micro-level, neoclassical theory postulates the capacity of individual choice and which can be seen as “human capital theory of migration” according to (Todaro 1969).

This was introduced by Sjaadstad (1962), thereby making the neoclassical theory richer through the “human capital theory” by incorporating the socio-demographic characteristics of the individual at micro level. This is predicated on the view that a rational individual is motivated to migrate to e.g. Europe to maximize his or her benefits and gains. Human capital endowments, skills, age, marital status, gender, occupation, and labor market status as well as preferences and expectations strongly affect who migrates and who does not.

The neo classical theory provided the basic conceptual foundation for assessing the viability of the convergence of separate states before the formation of the European Union and this theory is not adaptable to our research based on assessment of migration policies towards enhanced integration of unaccompanied migrant minors in Spain, Sweden and United Kingdom. The push-pull theoretical framework also aligns with neoclassical theory of migration believing also in economic context of the flow of workers (Bauer and Zimmermann 1999). People in search of work, wealth and *wampum*¹¹⁴ ([3Ws] *wampum* is money used in ancient times).

Push-pull factors introduced a mirror image, that is, factors one can see and what can attract or motivate a person. The push factors are low living standards, war, low economic opportunities, political repression etc. While the pull factors are good economic opportunities, political and freedom etc., or what the Spanish calls (*Cambiar la vida*).

¹¹⁴ Wampum was legal tender in New England from 1637-1661 and also traditional shell beads of the Eastern Woodlands tribes of the indigenous people of North America and used in ancient African and as money, gift, wealth and status. Wampum is used as a form of money. The colonists then adopted wampum as their own currency but latter abandoned it. It's still useful in some parts of the world.

We in this research agree that the idea of low living standards, war postulated by this theory may explain part of the reason for the migration of unaccompanied minors into Spain, Sweden and United Kingdom, but not all the factors.

The assumption that people have a choice; they calculate relative risk, costs and benefits of leaving their current residence for a specific destination, does not apply to the migration of unaccompanied minors. Investigators that applied this push and pull theory were unable declare the main reasons of migration and cannot say why their number is increasing.

Discussion on the push and pull theory only establish that there are push and pull factors in every migration system. However, it must be noted that these push and pull factors interact with local historical and cultural patterns. The author DeHaas (2008) criticized it saying that it does not determine dominant factors and has been critiqued for postulating that individuals are 'automatons' responding to external stimuli (Skeldon 1997).

Contributing to the viability of this theory in the European Union, Kurekova (2011) in the work title "Theories of migration: Conceptual review and empirical testing in the context of the EU East- West flows," declared that, "While rigorous, it has been viewed as mechanically reducing migration determinants, ignoring market imperfections, homogenizing migrants and migrant societies and being ahistorical and static." It generally ignores the effects of home and host states and leaves out the importance of politics and policies, which are only considered as distortion factors or additional migration costs.

Human capital theory has been criticized for presenting an overly optimistic view of migration which is not always a voluntary process to maximize gains, Based on the widespread dissatisfaction with neoclassical economic theoretical explanations of migration tendencies and the push-pull framework, new theoretical perspectives emerged on the horizon. These new theoretical perspectives started to deepen our knowledge by analyzing the interplay of individuals, motivations and contexts" which made better adaptation than the neo-classical framework of (Massey et al. 1998, p. 16).

From this point on the assessment of implementation of migration policies for enhanced integration of unaccompanied migrant minors we move to World

systems theory. Many government institutions are interested in this theory because it justifies the implementation of restrictive policies and conceive unaccompanied minors and other migrants as economic imposter and labor hunters.

The world system theory believes that migration is caused by structural changes in world markets and views migration as a function of globalization. The adaptation of a theory to world multinational businesses makes it popular; has been widely accepted and used by scholars in the international migration research, the increased interdependence of economies and the emergence of new forms of production (Massey et al., 1993; Sassen 1988; Skeldon 1997; Silver 2003).

The world system theory posits that “foreign direct investment flows from advanced economies to semi-developed or emerging economies has led to a disruption in traditional work structures and has mobilized new population segments into regional as well as long distance migration.” It is therefore envisaged by world system theory that the multinational companies are making it possible to push people away from their traditional homes while many people work in economic institutions, and the mighty migratory industry, to perpetuate migration of people, (Castles and Miller 2009, p. 29).

However, I posit that World systems theory neither envisaged migration of unaccompanied migrant minors, women, other groups and families, nor does it conceive about the catastrophes caused by multinational which are destroying cultivable farmlands, eco systems through erosion, bush burning, exploitation and oil spillage¹¹⁵ that destroy soil fertility and livelihood of thousands children and families therefore, destroying sources of economic production; putting the province in perpetual penury, deprivation and devastation.

World systems theory conceptualized that “sending a family member abroad, where wages and labor markets are weakly correlated with those in local

¹¹⁵ An oil spillage represents an immediate fire hazard and loss of cultivable land and destruction of vegetation. The Kuwaiti oil fires produced air pollution that caused respiratory distress. The Deepwater Horizon explosion killed eleven oil rig workers. The fire resulting from the Lac-Mégantic derailment killed 47 and destroyed half of the town's centre. Spilled oil can also contaminate drinking water supplies. For example, in 2013 two different oil spills contaminated water supplies for 300,000 in Miri, Malaysia; [29] 80,000 people in Coca, Ecuador, [30] In 2000, springs were contaminated by an oil spill in Clark County, Kentucky. [31]. Contamination can have an economic impact on tourism and marine resource extraction industries. <https://www.google.es/search?q=oil+spillage&espv=2&biw=1280&bih=709&tbm=isch&tbo=u&source=univ&sa=X&ved=0ahUKEwiouIDS67jLAhUilxoKHULjAQ8QsAQIjw&dpr=1>

markets, provides source of income when domestic conditions might be deteriorating” (Massey et al. 1993). Borrowing from Marxists ideology, the world system theory believes that “migration is a natural outgrowth of the disruptions and dislocations that inevitably occur in capitalist development and can be observed historically” and believes that labor and capital are inseparable twins.

The dual market theory followed same line with world system theory by linking migration to structural changes in the economy but rather on the demand by skilled and unskilled labor. It was developed by (Piore 1979). Dual market theory, as it sounds: believes that in a capitalist intensive economy “both skilled and unskilled labors are utilized and labor intensive where unskilled labor prevails”. Therefore, migration is driven by conditions of labor demand rather than supply: the character of the economy in advanced countries creates a demand for low-skilled jobs which domestic workers refuse to take up primed by ego and wanton passivity.

For instance many Spaniards refuse to take up farm work to harvest *melocotón*. Foreigners go to pluck oranges and fruits during the Spanish economic boom period. To do this type of job, the laborers assemble by 03.30am at an improvised bus station close to the highway to Alicante called plaza *Pantarosa* in Valencia, Spain. Orange and Fruit plantation foremen arrive with Ford transit buses or Toyota Urvan buses to select laborers from the multitude of immigrant laborers that stretch four kilometers. However, during the economic crises sources revealed that autochthonous laborers signed contract secretly with agriculture cooperatives in their offices and snatched away the jobs hitherto done by immigrants including a large number of unaccompanied minors.

Dual market theory believes that labor intensive economy exists and whereby unskilled labor prevails for immigrant minors and adults, social workers may have the dual market theory mindset while implementing protection policies. In Valencia, Spain some of the unaccompanied minors I interviewed, informed me that they were mandated to submit labor contracts to be able to qualify for resident permit and its only possible if he/she can sign a contract in this type of market.

There is evidence that this concept and condition prevailed until recently. However, unaccompanied minors cannot sign job contracts now because the entire

labor market is for the house owner and his family-the Spaniards. Dual market theory envisaged a situation whereby more and more migrants are recruited to the extent that labor migration provokes a new migration policy or give birth to new restrictive measures.

A critique of this theory is that it is neither interested in immigrants' sending countries nor does it have any interest in unaccompanied minors of youths and the theory is unable to account for important increase or decrease of migration to some countries. However, through Dual market theory we are able to know "the coexistence of chronic labor demand for foreign nationals alongside structural unemployment in receiving countries" (Arango 2000). The network theory of migration declares that even if there is no wage differential, migration of people will continue. It's like saying that migration is a perpetual phenomenon therefore policy makers should calm down.

At this juncture, other authors argued that "the existence of a Diaspora or networks is likely to influence the decisions of migrants when they choose their destinations" (Vertovec 2002; Dustmann and Glitz, 2005). Children follow the same pattern in the search of their parents, natives, brothers, sisters and the existence of a diaspora or networks may facilitate more people. This may be part of the "motivation of many Albanian, Afghan, Iraqi and Iranian unaccompanied minors to move out of their traditional homes in large numbers to Sweden because Albanian, Afghanistan and Iranian Diasporas exist in Sweden" (Frykman 2001, p.11). Furthermore, unaccompanied minors from Afghan, Nigeria, Liberia and Iraq go to United Kingdom; unaccompanied minors from Morocco and the Maghreb, Ghana, Algeria, Eritrea and Pakistan go to Spain, and France.

Magobunje (1970) established another migration theory known as migration systems theory which is closely related to Network theory which claims that migration affects "social, cultural, economic and institutional conditions at both the sending and receiving ends and that it forms an entire developmental space within which migration processes operate" and DeHaas (2009b) concurred.

These differences in interpretation arises because migration systems theory emanates from geography; migration network theory from sociology and anthropology. This network theory focuses mainly on the vital role of personal relations between migrants and non-migrants, migration systems theory goes

further and stresses that migration restructures the entire societal affairs, both at the receiving and at the sending end (DeHaas 2008). According to Castles and Miller (2009) “the Migratory movements arise in response to prior existence of links between sending and receiving states, such as colonial ties, trade or investment flows.” Contributing to this, Papadopoulou (2005) declared that “restricted policies have led to the growth of the thriving migratory industry” (p. 90).

I posit that hoteliers and banker who become professionals in various tourist transactions become hard core agents to not just travelers but also to emigrants. Having worked in various stages to facilitate migration as travel agents, human resources personnel, bankers and foreign exchange companies, they become specialist because they can deliver and can be trusted. Though it exists and states do not worry about this because sates make lots of money from tourism. This is a new concept for policy makers and has been found to have links with (Thomas Cook traveler’s checks, brokers, Hotels and restaurants), interpreters, housing agents, immigration lawyers, and private smugglers.¹¹⁶

A critique to the aforementioned theories provides some kind of enlightenment on why migration perpetuates but does not offer sufficient insight into why migration declines and what makes them decline. The decline of migration systems overtime has not been given sufficient attention. Receiving countries shout and quarrel aloud over increased migration, but when migration reduces or stops their institutions keep quiet. The theories did not explain why many Syrians are heading to Europe; why the great migration occurred in Europe and why there is so much apathy on Africa. Our general observation to these theories is that they are potentially prejudiced against migrants sending countries because of lack of cultural knowledge and the nature of migrants’ country of origin which motivated him or her to escape.

Based on these general misconceptions of protection practices which influence implementation of protection rights for unaccompanied minors, I hereby launch the following questions, viz: *How can one justify the detention and threat of*

¹¹⁶ Immigration has become a very lucrative business that governments, local and international banks, new money transfer companies and mobile networks are all benefitting. Special courier services, NGOs, Solidarity organizations, labor agency bureaus and airlines have joined in the profit hunt.

deportation to an unaccompanied minor who lost his or her parents and who had been running away for enemy attack and bombings? How can one explain these economic theories to a young person who is being persecuted because of ethnic origin or because of identity? How can we explain this theory to a boy or girl who went to the river, (the only source of drinking water), farm or orchard to find that all their farms, crops and drinking water are submerged and polluted by oil spillage, erosion and natural disaster? How can one make meaning out of these theories to surviving children who had seen members of their families killed or died of influenza or deadly disease?

Having carefully studied these theories for their adaptation to this work, I believe that some components of these theories are not suitable in discussing the implementation of protection policies for enhanced integration of unaccompanied minors.

On the other hand, Assimilation theory, (not the French model) which is also known as integration¹¹⁷ is idealist, but professes equality for all. It's about receiving, sharing and acquiring skills and the ability to relate with others and has the same concept with incorporation of immigrants, politically and economically. It can be described as the process by which the characteristics of members of immigrant groups and host societies come to resemble one another. Therefore, we would use the terms interchangeable. That process, which has both economic and socio cultural dimensions, begins with the immigrant generation and continues through the second generation and beyond. This is predicated on the view that the position of the unaccompanied immigrant minor is always marked by a specific legal status: that of a foreigner, non-citizen or alien. Immigrants come from different backgrounds, traditions and follow different cultural practices and different paths in the process of integrating into society. Our mission in this research is to show that the best interest principle has been incorporated into many aspects of international law as well as national and local stages.

¹¹⁷ Integration is idealist, but professes equality for all. Others have done the same which link work, income, what people do and what they mean. According to my Swedish professor, at Malmö University, Integration and assimilation is not linked to the type practiced in France, but the Swedish conception. Swedish conception is that it means 4 things: it's about acquiring something, adapting to a normal life or swedishness, receiving, sharing and acquiring skills and the ability to relate with others

In 1997, for example, the United Nations High Commissioner for Refugees explicitly invoked the best interest principle in its Guidelines on Dealing with Unaccompanied minors seeking asylum therefore, they must be integrated into society. Assimilation of a person is influenced by many factors and for these reasons an unaccompanied minor whose age is within the range of 14 years or below to 18 years, may assimilate completely or halfway or three quarters or not integrated at all because of certain factors. These factors include language, earnings or if other structural chances reduces his chances of education. Assimilation maybe blocked outright, delayed, or merely unfinished.

From our own point of view the institutional response to the *NEEDS* of the unaccompanied minor determines whether he or she will integrate. Our mission is to take this matter headlong in order to show other researchers what to talk about and specifically the core needs of an unaccompanied minor, which conform to the “rights of the child”; which conform to the “best interest principle” and which are wholesome factors of integration for this doctoral research. The assimilation or integration or incorporation of unaccompanied minors and other migrants can be possible only when they have the right to; “Long term residence, right to Family reunion, Employment, Nationality, housing program, education, Anti-discrimination laws. European Migration Integration Policy Index standard for integration.”¹¹⁸

European Migration Integration Policy Evaluation Index adopts seven factors listed above on assessing integration efforts of the 28-Member States of the European Union. From what we have learnt in our field work, the seven factors adopted by MIPEX for integration are not sufficient and therefore defective. More disturbing is that although this is not adequate to integrate an immigrant minors, Member States neither comply with the seven factors nor support half of these factors even though these factors of integration are not adequate. In this research we have added some factors to the above integration factors adopted by Migration Integration Policy Evaluation Index (MIPEX, 2016).

¹¹⁸ Apart from the seven factors of integration of Migration Integration Policy Index (2005, 2016), we believe that it is administratively favorable and more realistic if the implementation of protection policies for enhance integration take cognizance of another seven factors of integration listed below.

We have also shown some core problems of integration of unaccompanied minors which serve as obstacles and *fifth wheel* when social workers deal with minors. In order to give advance notice, we have many new submissions in this research to close the information gap that will be very interesting to policy makers, social workers and scholars. We hope to make a more profound analysis of some results of the interviews relating to these new factors for enhance integration of unaccompanied minors in chapter four. These new integration factors are indispensable in closing the gap of knowledge prevalent in researches relating to unaccompanied minors.

During these three years of interviews and research for this doctoral research, I have reviewed many works relating to the experiences of unaccompanied minors therefore, I may stand a better chance to disclose the rights, needs and core indispensable factors for enhanced integration of unaccompanied minors.

In addition to the Migration Integration Policy Evaluation Index (MIPEX) seven factors of integration, I project fourteen possible alternative factors of integration necessary for enhanced integration of unaccompanied minors. These fourteen integration factors correspond to part of our specific objectives which are relevant academically, contextually and administratively favorable to the implementation of protection policies for enhance integration of unaccompanied minors in Spain, Sweden and United Kingdom.

Therefore, these fourteen factors of integration mentioned above may be the bases for measuring the existing method used by MIPEX. This is because MIPEX adopted MIPEX factors of integration which we consider inadequate. Therefore I have decided to device seven addition factors of integration which are as follows:

- Technical training and substitution of religion in their classification and Free from all forms of prejudice and racism;
- Periodic training and labor market orientation including periodic reminders in order not to slid back to “irregular” (happening now) and economic resources exemption;
- Freedom from “hot devolution” and premeditated deportation;
- Freedom from short-gunpoint interview and medical age assessment;

- Right to have a legal representative, a psychologist and a physician;
- Compulsory language and civic knowledge competence as condition for residence and easy family regrouping;
- Acquisition of citizenship within 5 years and free from two excruciating exams.

In order to provide explanations for integration uncertainties and link them with how policy implementation functions; how policy implementation ought to work; and what should be done about policy implementation, we begin with constructive theories of migration and show how the theories of migration mirrors the problems of migration, integration and what the theory offers for solving the problem. This research intends to provide a better understanding of the relationship between policy implementation and impact on unaccompanied minors and suggestions thereof.

For this reason above, we have decided to adapt some theories of assimilation or integration into this research relating to *the* assessment of migration policies towards enhanced integration of unaccompanied migrant minors in Spain, Sweden and United Kingdom because of what we now know. We focus our analysis on the following theories: the classic and new assimilation models, the racial-ethnic disadvantage model, and the segmented assimilation model. These overlapping themes will be discussed hereunder.

This type of theory postulated that incompleteness of integration may be the result of racial-ethnic discrimination, which can be considered as blocked assimilation provoked by the restrictive policy and the implementation of restrictive policies. This is more pronounced when the minor is from Asia, Africa or Latin America where the color of skin differentiates. This is because the groups that are non-black may eventually come to be seen as semi white or white in part, and may be accepted partially with a benefit of doubt.

This is intended for future discussion because it is a topic that deals with the first, second and third generation immigrants. However, this very factor definitely blocks good education, employment and creates room for institutional discrimination which is supposed to be a big concern to policy makers and social workers. Furthermore, the International Organization for Migration (IOM, 2011),

assimilation connotes, "Adaptation of one ethnic or social group - usually a minority -to another.

Assimilation involves the subsuming of language, traditions, values, mores and behavior or even fundamental vital interests. Although the traditional cultural practices of the group are unlikely to be completely abandoned, on the whole assimilation will lead one group to be socially indistinguishable from other members of the society. Assimilation is the most extreme form of acculturation."¹¹⁹ The Classic assimilation theory believes that "immigrant-ethnic and majority groups follow a "straight-line" convergence, to become more similar over time in norms, values, behaviors, and characteristics".

Immigrants who have resided in the longest period in the host society, as well as the members of second and third generations, are expected to show greater similarities with the majority group than immigrants who have spent less time in the host society. This Classic assimilation theory was criticized for its "Anglo-conformist" concept and because immigrant groups were depicted as conforming to unchanging, middle-class, white Protestant values.

In order to close this gap in knowledge we have presented literature that encourage proactive improvement of enhanced protection and better understanding of foreign minors, for instance, Gordon (1964), postulated stages of integration which will include acquisition of culture and language and improvement of close relationship with the host society, (*ceteres paribus*). This activity is followed by large-scale intermarriage; ethnic identification with the host society; and the ending of prejudice, discrimination, and value conflict.

However, this new assimilation theory has its peculiar problems. It has been criticized for trying to define assimilation so broadly that the concept loses meaning. This new assimilation theory postulates that government institutions, especially those that incorporate civil right laws, should play important roles in achieving assimilation Alba and Nee, (2003). This is in consonance with the postulation of this research on assessment of migration policies towards enhanced integration of unaccompanied migrant minors in Spain, Sweden and United Kingdom.

¹¹⁹ International Organization for Migration, (2011) <http://www.iom.int/key-migration-terms>. In IOM, Glossary on Migration, International Migration Law Series No. 25, 2011

We believe that the institutions in charge of providing protection services as enshrined in the CRC, (1989) are permanently responsible for the enhanced integration of the unaccompanied minors and that is the main reason for mandating a committee to supervise the implementation of the Convention on the rights of the Child, according to (Beigbeder, 2007, p. 512). According to Alba and Nee, (2003), the incorporation of immigrant groups involves change of heart and acceptance by the mainstream population as part of human community which we recommend in this research. Our presentation is shown in with a proof of various court decisions (shown in chapter four). These court decisions lay credence to the view that the concrete implementation of protection policies by migration Boards and its affiliates who are in charge of unaccompanied minors deserve a profound review.

On the other hand, a living example is the Jewish organizations that persuaded the New York City Council in 1946 to react over the tax-exempt status of colleges or universities that discriminated against Jews. Furthermore, *racial/ethnic disadvantage* posits that the assimilation or integration of many immigrant groups often remains blocked, according to (Glazer and Daniel 1963; Portes et al. 2005). The authors argued that language and cultural familiarity may often not lead to increased assimilation. Where institutional barriers and discrimination prevail, there will be prejudice and discrimination in housing, employment and social benefits for lack of qualification which ultimately leads to total blockage of assimilation - unaccompanied minors in this case. It is good to see the relationship which I indicated above. There will be reemergence of racial consciousness which may be imbibed by the second and third generation of immigrants.

Contrarily, the institutions will interpret the reaction of these immigrants as street violence or 'radicalization' (to borrow the Spanish Interior Minister's words) and the circle continues. Critiques believe that there is overemphasis on racial ethnic consciousness. Another segment of assimilation or integration in this research relating to *the* assessment of migration policies is known as *The Segmented Assimilation Model*. According to Gans (1992) the process of assimilation does not appear to elude some immigrants' descendants, even as late as the third generation.

However, uneven patterns of convergence do not necessarily indicate lack of assimilation, but rather may reflect a "bumpy" rather than "straight-line" course. Some authors have added that: immigrant groups are cut off from economic mobility while others find multiple pathways to assimilation. Some of the factors that determine this type of *segmented assimilation* include national origins, (new conditions that can induce application of a different integration policy, identity, condition of acceptance, e.g. as a trafficked person, as a child soldier resettled refugees and or as a displaced person.¹²⁰

This model believes that these assimilation experiences make some immigrants, especially new ones to be different compared with the situation found with immigrants in the classic assimilation and the ethnic disadvantage models. Elevating the context of assimilation or integration of immigrant Portes and Zhou, (1993) delved into the issue of integration of children and declared that, heavily disadvantaged children of immigrants may even reject assimilation altogether and embrace attitudes, orientations, and behaviors considered 'oppositional' in nature, such as joining a street gang.

More advantaged groups may sometimes embrace traditional home-country attitudes and use them to inspire their children to achieve success or something like that and which can be seen as selective acculturation. On the other hand what many analysts call integration of immigrant relate to efforts by immigrant whereby some immigrants work for their countrymen in order to survive. Many theories had been made out from the sufferings of immigrants who do not have the opportunity to make any demand from the social security office.

They can only survive by working in deadly zones. Through these deadly underground forged job contracts unaccompanied minors provide the most wanted job contract (instrument of integration) that facilitates issuance and renovation of residence permit. These small shops are the hope but (underground, but their documents are accepted by Subdelegación de Gobierno) in order to satisfy all necessary conditions laid down by the country's restrictive migration policies which are confectioned on the concepts of the neoclassical theory, (Massey

¹²⁰ Resettlement - The relocation and integration of people (refugees, internally displaced persons, etc.) into another geographical area usually in a third country... the transfer of refugees from the country in which they have sought refuge to another State that has agreed to admit them... in many cases, will have the opportunity to become naturalized

1993; Todaro and Smith 2006; Faist 2000; Portes 1999) and further perfected on the world system theory (Massey et al., 1993; Sassen 1988; Skeldon 1997 and Silver 2003).

Furthermore, Portes and Zhou (1993) argued that obstacles facing the children of immigrants can thwart assimilation or integration particularly as a consequence of institutional discrimination. This is so if insiders insist on framing immigrant children by calling the name like Asian children, black children, Moroccan children, mulatto and mestizo which is very difficult to escape.

Their enduring physical differences from whites and the equally persistent strong effects of discrimination based on those differences ... throw a barrier in the path of occupational mobility and social acceptance. Immigrant children's identities, their aspirations, and their academic performance are affected. This model has been criticized for laying too much emphasis on poor economic outcomes to racialization, arguing that lack of integration may come from family financial obligations or factors such as lackluster job growth that slow the rate of mobility.¹²¹

However, in this research I argue that unaccompanied minors and other children will have their integration retarded and partially cut off from incorporation factors for the core reason that their parents were subjected to restrictive policy orientation. The first generation parents could not have had the capacity to sustain their families with the little income, working overtime jobs, paying for house mortgage and other taxes and still have time to assist their children do their homework. Therefore, expecting children to assimilate or integrate on their own under this inclement condition is a *faux pas*¹²².

This study holds that the institutions in control of structures that affect integration tendencies are fully responsible for the partial and non-integration of unaccompanied minors and other children; or fully responsible for the integration and incorporation of those who have been able to achieve this. In the process of assessment of migration policies towards enhanced integration of unaccompanied migrant minors in Spain, Sweden and United Kingdom we posit that the

¹²¹ Many authors argue that above theories of assimilation do not adequately explain the proper method by which immigrants assimilation in the United States and other parts of the western world that receive large chunk of migrants including unaccompanied minors

¹²² Faux pas refers to: an embarrassing social mistake, Access at: <http://www.merriam-webster.com/dictionary/faux%20pas>

integration of a minor is based on the possibility of applying the rights enshrined in the Convention for the rights of the child (1989)¹²³ which prohibits the imprisonment of the minor when he or she applies for protection. It is a denial of freedom and aberration of justice even when there is no settlement center, unaccompanied minors should not be imprisoned or detained.

In its judgment on 17th July, 2014, the European Court of Justice ruled that, “the absence of specialized detention facility is not a justification for detaining third country nationals in prison pending removal. Holding third- country nationals together with prisoners is incompatible with the European Union Directive 2008/115/EC of 16 December 2008 on common standards and procedures in member states for the returning illegally staying third country nationals” (Cruz 2014 p. 7).

In the process of reviewing the literature relating to unaccompanied minors’ migration experiences, we have come to realize that migratory movements are conceived at many levels: interaction at macro level, e.g. the society and micro level dealing with the individual and meso dealing with the structures. According to Castles Miller (2009) meso-structures can relate to individuals, groups or institutions that take on the task of mediating between migrants and political or economic institutions, human traffickers or companies which specialize in smuggling.¹²⁴

Adapting *acculturation* model in integration and incorporation of unaccompanied minors and other children is compatible with the aims and objectives of this research therefore we attempt to analyze the integration and acculturation models in order to adapt some components of the theory and postulations using them to explain this work. I am quick to say that some aspects of the theory do not fit into the bases for integration of unaccompanied minors.

¹²³ United Nations Convention on the rights of the child CRC/C/GC/12 20/07/2009. Access at: <http://www.coe.int/t/dg3/children/participation>.

¹²⁴ Smuggling relates to “The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident” (Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime 2000). Smuggling, contrary to trafficking, does not require an element of exploitation, coercion, or violation of human rights. IOM, Glossary on Migration, International Migration Law Series No. 25, 2011

One of the earliest definitions of acculturation is that: “acculturation comprehends those phenomena which result when groups of individuals having different cultures come into continuous first-hand contact with subsequent changes in the original culture patterns of either or both groups” (Redfield, Linton, and Herskovits 1936, p.149).

Another famous acculturation philosopher was Berry (1997) acculturation game involves at least two players (a dominant or majority group and an acculturating or minority group). This means “...how individuals who have developed in one cultural context manage to adapt to new contexts that result from migration. Acculturation therefore is to be known as those phenomena which result when groups of individuals having different cultures come into continuous first-hand contact with subsequent changes in the original culture patterns of either or both groups.

Although acculturation is a neutral term in principle (that is, change may take place in either or both groups), in practice acculturation tends to induce more change in one of the groups (termed the acculturating group in this article) than in the other. Factors that play a huge part in adaptation include: language, communication, settling down and assimilation. To me, it is a duel without a referee.

Contributing to this, the International Organization for Migration (IOM 2004),¹²⁵ defined acculturation as, “**The progressive adoption of elements of a foreign culture (ideas, words, values, norms, behavior, and institutions) by persons, groups or classes of a given culture.**” The IOM definition for instance overlooks the fact that acculturation could also entail “rejection of” or “resistance to” cultural elements and not simply the “adoption” of foreign cultural elements. Acculturation of unaccompanied minors and other youths from our point of view takes place and continues to develop step by step in the early years of “*minorhood*” (e.g., prior to entry into primary school).

The environment of the minor (hostile or friendly) and parents (in the case of unaccompanied minors, parents are social workers and care givers) determines the configuration of the personality and who s/he becomes during adulthood. The

¹²⁵ International Organization for Migration (2004) International Migration Law: Glossary on Migration ISSN 1813-2278

reasons for this is not clear; perhaps full enculturation into one's primary culture is not sufficiently advanced to require much culture shedding or to create any serious culture conflict; or perhaps personal flexibility and adaptability are maximal during these early years.

However, older youths do often experience substantial problems. To this extent, it's better to orientate a minor at early stage than when fully grown. Contributing to the acculturation of youths and other generations of immigrants, Sam and Berry (1995), posited that during adolescence the conflict between demands of parents or that the problems of life transitions between childhood and adulthood are compounded by cultural transitions for example, development of personal identity and ethnic inclination come to the fore at this time Phinney (1990) thus multiplying the questions about who one really is.

In this research I posit that relationship between two divergent cultures can lead to acculturation experiences and adaptation that may suggest various ways to deal with the challenges of acculturation. Unaccompanied minors are subjected to various stringent policies and various levels of obedience in European Union, for example: multilingual regions like Catalan, Valenciano in Spain, Friesland, French and Dutch Flanders in Belgium or Queens' English in United Kingdom instead of one dominant host language or culture.

This model is also criticized for its lack of utility and focus on subcultures and various levels of integration and the ability to explain dominant group attitudes or acquisition of cultural skills were absent. Similarly, acculturation involves mutual accommodation and possesses heavy costs and benefits to both sides that are (the insiders and outsiders). As I have stressed earlier with the Finish unaccompanied minors who were protected and integrated socially by Sweden, an example of not adopting integrationist policies are likely to heavier consequences, (expected and unexpected) Roosens, (1988) especially if institutional prejudice and marginalization are the end result (Berry, 1991). From our experience we now know that unaccompanied minors who feel rejected by institutions in Spain, Sweden and United Kingdom, facing daily experiences of prejudice and discrimination are exposed to significant psychological consequences in their cities and this also imposes a new consequence on the dominant insider in terms of social conflict and security control.

Elevating the issue to enhanced integration of unaccompanied minors, Berry's (1997) theory is relevant in explaining the responsibility on the part of the unaccompanied minor. It helps us to know the effort a minor should make in order to integrate and helps us to know the factors that can influence acculturation process. This justifies the importance of investigating key contextual issues and also requires understanding personal strengths and strategies in defining and achieving success.

Adapting Social Work theory, Perspective, Values and Ethics into this work, we mean, Social work (*Trabajo social*, in Spanish; *Socialt arbete*, in Swedish) which refers to work carried out by trained personnel with the aim of alleviating the conditions of those in need of help or welfare e.g. implementing the legislative framework CRC, (1989), Directive of the EU and Alien Acts in the area of family reunion, education, residence permit, non-discrimination, freedom from age false assessment, labor market, housing, social participation and completion of aspirations, Migration Integration Policy Evaluation Index (MIPEX, 2015).

Social work stands at the frontline position in the process of making and implementing migration policies that affect unaccompanied migrant minors therefore, we attempt to analyze Social work theories to know the components that can adapt to the integration and acculturation models in this study.

Read this sample letter adapted from a report.¹²⁶ It is good to show a glimpse hereunder of the migration experience and policy impact on an unaccompanied minor:

S. is a 16-year-old Ethiopian boy whose father was politically active in opposition to the Ethiopian government. One day S's house was attacked by government soldiers. His father was shot in the neck and died. His mother committed suicide on the same day. S escaped. The house was ransacked. An aunt helped to get him out of the country. On arrival in the UK he was

¹²⁶ Social work on unaccompanied minors is a very interesting job, therefore the author went to field to know how social workers are helping them to adapt and integrate. Ravi Kohli's social work with unaccompanied asylum-seeking young people shows a little that very often social workers work alone, without the benefits of clear guidance from policy or research. Their potential to sustain good practice by using a web of connections rather than relying on solitary efforts has yet to be exploited. Similarly the potential of each child to reconnect with his/her family, safe in the knowledge they have actually gained asylum, is yet to be fulfilled

referred by Immigration to Social Services. After living for a while in a young people's home he was diagnosed as suffering from post-traumatic stress disorder for which he received effective help from the local Child and Adolescent Mental Health Services. He has recently moved on to independent living. Described as a humorous and friendly young man, he still suffers from the trauma of his pre-flight experiences. On a recent visit, his social worker visited him in his new flat and asked about an empty photo frame on the mantelpiece in the front room. S said that one day he hoped to get a photograph of his mother and father. Then the frame would be filled with their picture. Adapted from Kohli, Ravi (2006).

In explaining this, three perspectives of social work will suffice: The strengths perspective Saleebey, (2002); Person-in-Environment,¹²⁷ by Karls and Wandrei, (1992) and Cross-Cultural Efficacy by Núñez, (2000), which are models prevalent in United States of America.

Social work values include social justice, dignity and worth of the person, importance of human relationships, integrity, competence, and self-determination National Association of Social Workers (NASW, 2008)¹²⁸, require the profession to take responsibility for ethical practice and in relation and while handling unaccompanied minors. Social work theories are useful to explain the three main dimensions of social work: task and purpose of social work; the role of social work in society; practice theories, approaches or methods on how to perform social work.

In this research we emphasize users of social service and users' needs which can be internal, that is psychological and external which deals with social needs and rights of e.g. unaccompanied minors and other immigrants and the society in general. Social work has some written theories of practice (e.g.

¹²⁷ PIE, Person-in-Environment: A new language for social work. that is the social worker intervention on the issues relating to unaccompanied minors. The new system succinctly notes social role; environmental, psychiatric, and health problems; and client strengths. Concepts and theories incorporated into the system are discussed, as are reliability test findings.

¹²⁸ The preamble of the code of ethics declared: The primary mission of the social work profession is to enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed, and living in poverty. A historic and defining feature of social work is the profession's focus on individual well-being in a social context and the well-being of society. Fundamental to social work is attention to the environmental forces that create, contribute to, and address problems in living

casework, family therapy and group work) can be tested to see if they apply to particular situations. Social work is at the heart of implementing of migration policies (Open or restrictive) and the closest profession that have direct impact on unaccompanied immigrant minors especially in the area of (e.g. legal status, marriage, family reunion, race, class, gender).

The theory on the strengths perspective of social work is an empowerment approach to understanding challenges according to (Saleebey, 2002). This is opposed to pathology or deficit based model. The strengths approach assumes that individuals have abilities that are untapped but many social workers are afraid of admitting their inefficiency. However, if social workers are supervised and encouraged to retrain and apply their full strength they could be empowered to use those abilities; they could meet their needs of unaccompanied minors with available resources¹²⁹. This very theory raises the need to train and prepare social workers on differences in cultural and legal provision for the protection of unaccompanied minors and this will help any social worker to cope with the duty. In this way our topic on: Assessing the implementation of protection policies towards enhanced integration of unaccompanied minors in The Kingdom of Spain, The kingdom of Sweden and The United Kingdom will be achieved.

The second theory which relates to The Person-in-Environment approach deals with the social worker and the surroundings. This theory postulates that the relationship between individuals and their environment is bi-directional, Karls, and Wandrei (1992), that is, people change their surroundings, and peoples' surroundings change them,¹³⁰ Some of the social workers I interviewed in Sweden

¹²⁹ In the Strengths Perspective in Social Work Practice, Dennis Saleebey Strengths-based principles for practice became increasingly clear that many experienced social workers and supervisors who themselves had been workers earlier in their careers resented strengths-based, solution-focused training because they sensed a contradiction.

¹³⁰ To demonstrate how social workers intervenes the book by explores PIEs current and potential use in a variety of settings including outpatient mental health. PIE is constructed to help demonstrate the unique way social workers go about their work, by providing uniform descriptions of the common problems of social work's clientele, in their interactions with others and with the social institutions in their communities. PIE is the acronym for Person-In-Environment and we in this research recommend the use of PIE for assessing the daily performance of social workers who attend to unaccompanied minors. It is a system for describing, classifying and coding the problems of social functioning of the adult clients of social workers. Developed under a grant from the National Association of Social Workers (NASW), in the USA, it uses the organizing construct of "person- in-environment" to provide a system of brief uniform descriptions of a client's inter-personal, environmental, mental and physical health problems. It also includes an assessment of the client's ability to deal with these problems

and Spain responded that they have learnt a lot of lessons by taking care of unaccompanied minors from Afghanistan, Iraq, Syria, Liberia; and were encouraged to change some of their models of working to adapt to the reality of the minors.

Based on our objective in this research I have attempted to distinguish different theories of migration used to discuss the migration of adult migrants from the theories that can adapt to the migration of unaccompanied minors. This helps us to establish a differentiate approach in child migration experience from adult migration experience. For this reason, I hereby adapt this theory into this research. This is because of the hope that through this social work model, unaccompanied minors core needs and rights may receive attention and this becomes a boost to their integration, assimilation and acculturation efforts which can produce enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom.

In order to achieve this we anchor on the social work theory relating to Cross-Cultural Efficacy presented by Núñez (2000, p. 1072), which declared that this mode: "... implies that the caregiver is effective in interactions that involve individuals of different cultures and that neither the caregiver's nor the patient's culture is the preferred or more accurate view." One of the cases that have dragged down social workers is the offhand decision they take while assessing the age of the minor. Corroborating on this social work efficiency, Dorling, (2013, p.30) reported that: "Independent social worker reports have been criticized in a number of cases. Concerns have been raised that they only offer an opinion about a young person's age based on a single meeting and that the tone of the reports borders on advocacy of one person's case and does not reflect a truly independent view an age" (p. 30).

Furthermore, we have chosen to adopt Cross-Cultural Efficacy because it explains the terms more succinctly. We do not use the term "cultural competence"¹³¹, which would mean having full knowledge of another culture;

¹³¹ According to the author, to prepare students to be effective practitioners in an increasingly diverse United States, medical educators must design cross-cultural curricula... One goal of such education is cultural competence, defined as a set of skills that allow individuals to increase their understanding of cultural differences and similarities within, among, and between groups. In the context of addressing health care needs, including those of women, the author states that it is valid to define cultural groups as those whose members receive different and usually inadequate health

therefore Social workers should be trained not just in statistics, but also in cross cultural studies. While attending to foreigners, there is need to know some aspects of other countries' cultures, but not all and not deeply.

For instance, according to medical doctors in Valencia, Moroccan women may not be operated without the presence of a male or husband; they may not go naked; the Columbians are not afraid of going naked, while the Chinese will not accept another medical expert; they prefer their own Intercultural mediator. A social worker in Teckomatorp in Sweden told me during my interviews for this research that the Afghans eat only sheep meat, while the Sri Lankan prefer beef meat, etc. Through this way, they encourage assimilation, integration and incorporation of outsiders.¹³²

In continuation, government has involved many NGOs and institution to collaborate in areas of orientation, training, and partial integration efforts. It is for this reason that an important work was propounded by Rose (1990: p. 21) which posits that, "the modern child has become the focus of innumerable projects that purport to safeguard it from physical, sexual and moral danger, to ensure its 'normal' development, to actively promote certain capacities of attributes such as intelligence, educational and emotional stability" (p. 21)

In summary to this department, I argue that, to safeguard unaccompanied minors from physical, sexual and moral danger this clarion call mandates all social workers to separate minors from the harsh realities of human trafficking, child labor and prostitution. They should be a separate program for assimilation or integration or mixing and collaboration with them. This is because they are afraid to go very close those who will facilitate their deportation, therefore assimilation or integration should be taken to them. Children need to be protected from adult work and also protected from dubious adults whose stock in trade is destitution, deprivation and destruction of their future.

care compared with that received by members of the majority culture. The author proposes, however, that cross-cultural efficacy is preferable to cultural competency as a goal of cross-cultural education because it implies that the caregiver is effective in interactions that involve individuals of different cultures...and emphasizes that learners should be trained in the real-world situations they will face when aiding a variety of women patients. Social workers should be trained not just in mathematics, but also in cross cultural studies.

¹³² Thus, assessment emphasizes the importance of conceptualizing a person in an interactive context rather than in a person-in-a-vacuum scenario

This is why this doctoral investigation in Human Mobility is very important to us and to policy makers. In order to give them enhanced protection, social workers must be supportive and loving as corroborated according to Allport (1954) in his book 'The Nature of Prejudice,' reaffirmed that children are more likely to grow up tolerant if they live in a home that is supportive and loving. They feel welcome, accepted, loved, no matter what they do. Therefore, it becomes imperative for child agencies to design *new policies* that can facilitate the eliminating of discriminatory actions that generate racial prejudice and discrimination in the process of implementation of policies towards integration of unaccompanied minors and youths.

Our conclusion for this department on the theories which legitimize restrictive policies; theories which justify policies that favor migration and protection and theories which favor integration of minors can be viewed below:

Table (1) A summary and differences of Theories

Theories which legitimize restrictive policies	Theories which justify policies that favor migration and protection	Theories which favor integration of minors
<ul style="list-style-type: none"> • The Network theory. • World system theory • Dual market theory • Push-pull theoretical framework • The Theory of globalization. • The Theory of World Systems • Theory of economic integration • Social work theory (part of) • Acculturation theory (part of) 	<ul style="list-style-type: none"> ❖ Assimilation theory ❖ Acculturation theory and integration of children ❖ Social work theory (part of) ❖ Theory of social construction of minors in a globalised world: there is recognition of a social construction of childhood. 	<ul style="list-style-type: none"> ❖ Social Work Theory, Perspective, Values and Ethics ❖ Theory on the strengths perspective of social work ❖ Person-in-Environment ❖ Cross-Cultural Efficacy ❖ Acculturation Theory and integration of children

Elaborated by the author and updated from previous works, Onuoha, (2017)

2.2.2. Comparing differences and agreements of policies, concepts and definitions relating to unaccompanied minors: a literature review

Many policies are made in Spain, Sweden, Spain and United Kingdom to cater for the interest of the state with other nations and that is why it is probable that many of these policies are sometimes different or in agreement with other countries. Based on this same national interest, different conceptions are used in defining

“unaccompanied minors” which makes implementation of policies for their protection different from one country to another and that is why it is imperative for us to show and explain the differences and agreements where they occur. From now we would present the definitions of the unaccompanied minor from a global perspective, to be followed by the description of motivations of unaccompanied minors to migrate from their country of origin, and further to be followed by description of different ideas on the reception of unaccompanied migrant minors in Spain, Sweden and United Kingdom including their social impact.

2.2.2.1. Definitions of the Unaccompanied Minor: Globalized views

In the process of reviewing literature relating to the situation of the unaccompanied minor we have discovered some overlapping themes in definitions adopted by various authors, governments and other organizations that denote them as: unaccompanied asylum seeking children, unaccompanied and separated children, unaccompanied foreign child immigrants, unaccompanied alien children, child migrants, unaccompanied migrant children, and juvenile immigrants and are often used interchangeably and generally refer to immigrants who are under the age of 18 years who are not under the care of a parent or legal guardian.

According to Levinson, (2011) the concept of unaccompanied minors includes children fleeing political violence or social unrest, seeking to make their lives better, or who are victims of human trafficking. On the part of the United Kingdom Border Agency, (2010)¹³³ they are defined as ‘unaccompanied asylum seeking children,’ (UASC) while in Spain they are known as ‘unaccompanied foreign children,’ (menores extranjeros no acompañados, [MENAS]) by Spanish Sub-Delegación de Gobierno; Swedish Migration Board maintained ‘unaccompanied minors.’

On their part, Bhabha and Finch, (2006) adopted ‘unaccompanied and separated children,’ while other authors adopted ‘Unaccompanied Refugee Children and Adolescents,’ Derluyn and Broekaert, (2007, p. 142) for their European Studies; ‘Separated young asylum seekers’ was the definition adopted in

¹³³ United Kingdom Border Agency, (2010). Asylum process guidance on special cases. www.ukba.homeoffice.gov.uk

the works of Cemlyn and Nye; (2012) 'Unaccompanied alien children,' United States Department of Homeland Security; 'Refugee and asylum-seeking Children,' Newbigging and Thomas, (2011) and 'Unaccompanied refugee minors,' according to Montgomery, et al., (2001).

We have noted that in Spain, unaccompanied minors are called (*Menores extranjeros no acompañados*) (*MENAS*)¹³⁴ therefore, the full definition of an unaccompanied minor refers to: "Third-country nationals or stateless persons below the age of eighteen, who arrive on the territory Spain or of a member State unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they have entered Spain"¹³⁵.

This institutional definition provides a bird's eye view to the Spanish policy direction towards integration of unaccompanied minors. In this definition, the concept of being '*foreign children*' makes it obviously clear to the minors, their parents and the networks that they are just 'visitors' to the Spain; that the foreign child, unaccompanied, accompanied or stateless are to be readmitted to their parents back home. The child is therefore perceived as foreign, immigrant, lonely and can be abandoned at the same time. This is because the plan for social integration of migrants of (1994),¹³⁶ formed the bases for subsequent migration policies in Spain as enunciated in the GRECO of 2000.¹³⁷

¹³⁴ Ministerio de Empleo y Seguridad Social: Gabinete de Comunicación. Access at: <http://prensa.empleo.gob.es/>

¹³⁵ Article 2-f of Council Directive 2001/55/EC of 20 July. This definition of the unaccompanied foreign minor is also included in Article 1 of the European Council Resolution 97/C 221/03 of 26 June; in Article 19 of Council Directive 2003/9/EC of 27 January; in Article 2-f of Council Directive 2004/81/EC of 29 April; in Article 2-i of Council Directive 2004/83/EC of 29 April; in Article 17 Council Directive 2005/85/EC of 1 December.

¹³⁶ Law 9/1994 of 19 May 1994

¹³⁷ Plan Estratégico de Ciudadanía e Integración 2006-2009 de 21 de junio (2006). The ten general objectives set by the Strategic Plan are: 1. recognizing full civil, social, economic, cultural and political rights of the immigrants. 2. Adapt public policy, especially education, employment, services social, health and housing, to the new needs originating the presence of immigrants. 3. Ensuring access of immigrants to public utility services especially education, employment, social services, health and housing, on equal conditions with the native population. 4. Establish a system to welcome new immigrants and those who are in particularly vulnerable situations. 5. Foster among immigrants knowledge of the shared values of the Union European. 6. Fight against various forms of discrimination, racism and xenophobia in all fields of social life, both in the public sphere as private. 7. Introduce a gender perspective both as regards policy development integration, and its implementation. 8. Develop policies and experiences of co-development with countries of origin. 9. Encourage understanding by the Spanish society of the phenomenon migration, improve intercultural coexistence 10. Promote the adoption of public policies and measures by the different

Furthermore, Bruquetas-Callejo et al. (2011, p. 309) postulated that these integration policies were influenced by pressure from below, that is, pressure exerted by Spanish Autonomous Communities and municipalities¹³⁸ who needed cheap labor for the recollection of oranges, tomato, melon and cheap laborers for the construction industry (author's explanation). I believe that this human resource quality of unaccompanied minors and other immigrants involved in Spanish economic production miracle are not taken into consideration and neither projected as valuable, nor conceptualized while defining unaccompanied foreign minors, therefore it must be noted that this information gap is a serious lacuna and an antithesis to the implementation of policies that can replicate the 'best interest of the child.'

This may be the reason many migration policies in Spain are hatched in line with the demands of Autonomous Communities and local power brokers while the central government in Madrid contemplates the demands for entry of more cheap labor as a temporary project that will wane with time. The first of these policies in 1980's dealt with regulation of entry of migrants. Since Spain had been an emigration country, the major motive for a migration policy was linked to Spanish preparation to enter into the European Union, and this explains the paucity of knowledge, lack of rights for migrant minors and the absence of social actors in creating the laws and regulations.

On his own part, Wernesjö, (2011) conducted research from Sweden with the title "unaccompanied asylum-seeking children: Whose perspective?" He adopted 'unaccompanied children' which coincided with the definition adopted by Ayotte (2001); Hopkins and Hill (2008) in United Kingdom. These authors believe that this very definition is appropriate because of the specific background experiences and child-specific grounds for asylum. As we have noted above, there are different terminologies adopted by many authors and Migration Boards in describing and dealing with the issue of unaccompanied minors.

Government and civil society to promote the integration of immigrants and cooperation in this field.

¹³⁸ This regularization policy program was aimed at solving or reducing the border problem in Ceuta and Melilla. One year contracts were issued to migrants, specially youths who had moved in from the Maghreb region of Africa and were forced to work in the agriculture and in that region. The implication of this is that up till today, all immigrants who had worked in agriculture and had been published in the social security cannot work in any other industry. It becomes a policy filled with unexpected consequences for the outsiders.

According to the United Nations Refugee Agency an unaccompanied minor refers to: A person who is under the age of eighteen . . . and who is separated from both parents and is not being cared for by an adult who by law or custom has responsibility to do so¹³⁹. On its part, the Separated Children in Europe Program (SCEP) also believe that both terms should be used simultaneously, thus: Unaccompanied and separated children are used when discussing minors who have travelled outside their country of origin and are seeking asylum without their parents or guardians¹⁴⁰.

On its part, The European Social Network (ESN, (2005) considers that separated children “must receive the same standards of care and protection offered to all children.”¹⁴¹ This extension of definition of unaccompanied minors provides that their needs should be met and protected from life threatening situations, from harm and abuse, provision of safety and support, health care and education.

The operational definition reflecting the methodology adopted by some researches could have led to many unexpected integration outcomes. The problem can be in two versions: one version of the problem may arise from competing interpretations of (the data) while the other version may arise from competing theories used to explain them. Therefore, we believe that there are flaws that hinder a full understanding of the implementation of policies in European Union. On our own part in this research, we have engaged this research emphasizing potential factors, needs and rights that encourage integration, incorporation, mixing and acculturation in order to contribute to a better understanding of this topic.

The definition proposed by Bhabha and Finch, (2006) and Bhabha, et al. (2007, p.13) were adopted for Australia, United Kingdom and United States where they conducted research and proposed ‘Unaccompanied and Separated Children’ which is a bit different from the definition of unaccompanied minors which we have adopted in this doctoral research. Extending the horizon of definitions, Villaseñor and Moreno, (2006) Campos, (2004) adopted: ‘youths’ or ‘minors’ which are used interchangeably with a focus on migration process initiation, transit,

¹³⁹ UNHCR, (1994: 121).

¹⁴⁰ The Separated Children in Europe Program (SCEP).

¹⁴¹ The European Social Network (ESN) (2005: 5).

arrival and integration in both United States of America and Mexico. The legal implication surrounding unaccompanied minors prompted Byrne, (2008, p. 8.) to conduct a Literature review for the United States Institute of Justice.

The research titled 'Unaccompanied children in the United States', adopted 'unaccompanied children' which refers to the same population that the Homeland Security Act of 2002 (HSA). Specifically Byrne adopted similar nomenclature which coincides with Onuoha, (2011, p. 8) that is: "Persons under the age of 18 without a parent or legal guardian in the United States or without a parent or legal guardian in the United States who is able to provide care and physical custody" (Byrne, 2008, p. 8; Lundberg, 2011, p. 26; Sverige Migrationsverket, 2012).¹⁴²

Article one of the Convention on the rights of the child (CRC) (1989)¹⁴³ defines a child as: "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" and went on to mention specifically on Article 22.1. that: "States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties. (p. 6)¹⁴⁴

Byrne, (2008) affirmed that unaccompanied children's reason to leave their traditional homes in favor of United States is to 'escape war, famine, poverty, or abuse; some come in search of family members; and some are brought by adults who intend to exploit them'. However, the author in his submissions, acknowledged the fact that many authors prefer the term "separated children," which includes all children who are separated from their parents or caregivers, for example, Schmidt, (2004) used this terminology to argue that they should be protected regardless of whether they were accompanied by an adult or not when

¹⁴² Migrationsverket (2012) and (2015).
http://www.migrationsverket.se/info/2718_en.html.printable

¹⁴³ United Nations Convention on the Rights of the Child CRC/GC/2005/6

¹⁴⁴ Article 22.1 of The Convention on the Rights of the Child. Ratification and accession by General Assembly Resolution 44/25 of 20 November 1989. Entry into force 2nd. September 1990, in accordance with article 49. p.6.

crossing an international border. This research by Byrne, (2008) also adopted quotations like 'minor' and 'juvenile' and other general terms like 'child' or 'children' where the legal literature permits.

Just like the literature offered by the Swedish Migration Board,¹⁴⁵ the United Kingdom Border Agency¹⁴⁶ and other authors, unaccompanied migrant minors enter the United States immigration system through many paths for example, some are caught inside the city; some are apprehended crossing an international border, others enter surreptitiously and reside in the United States for months or years before coming to the attention of United States Federal Authorities (Bhabha and Schmidt, 2006; Nugent, 2006); United Kingdom Border Agency, 2016;¹⁴⁷ Migracionsverket., 2016).¹⁴⁸

The fundamental objective of a this research which we have decided to follow rigorously in relation to compare the implementation of protection policies for enhanced integration of unaccompanied minors embody some stages or parts, namely: analyze, explain, predict and react where appropriate. The first objective is therefore to know the reality of the situation and the elements that form the situation and their present features. After knowing how the reality is, the next aspect will be to explain the situation and thereafter establish their relationship with other distinct parts of the investigation and which the author Bravo (1993, p. 25) supported. Our established relationship has been linked also with the previous situation of childhood and child care which existed in the middle ages.

Based on what we know about the experience of unaccompanied minors the objective of this study is to compare the difference and similitude in the methods of protection; the negative and positive impact implementation of these protection policies. The information gathered are compared in the existing legal, institutional and historical context of unaccompanied minors so that practitioners, researchers and scholars whose work touches on immigration issues, especially, the protection of unaccompanied minors will acquire new information.

¹⁴⁵ Government of Sweden- (Regeringskansleit) (2013). Children in asylum process. Accessed 20/10/2013 at: <http://www.sweden.gov.se/d/11901/a/125270>

¹⁴⁶ United Kingdom Border Agency, (2015). Guidance for special cases – Processing an asylum application for a child, §4.3. www.ukba.homeoffice.gov.uk.

¹⁴⁷ United Kingdom Border Agency, (2016). Asylum process guidance on special cases. www.ukba.homeoffice.gov.uk.

¹⁴⁸ Swedish Migracionsverket (2016). http://www.migrationsverket.se/info/2718_en.html.printable

The differences in methods of protection of children which we noticed during our pre-research period may have been in line with the divergent concepts and definitions adopted by Spain, Sweden and United Kingdom. It is noteworthy that many authors have alerted that the definition of an unaccompanied minor depends on the type of migration policy adopted by a receiving country and the attitude of social workers to the minor.

It is for this reason that minors who are migrating from Asia - Hong Kong, Taiwan, China and Korea are tagged 'parachute children'; minors emigrating from Latin America are called by United States of America as 'anchor babies' because they are likely to be the future link to guarantee regrouping of their parents. Maybe, that is why the United Kingdom Border Agency conceive them as unaccompanied asylum seeking children (UASC)¹⁴⁹ thereby, implements a policy of 'No regrouping of parents' and also applies a policy of 'No legal Representative' for unaccompanied asylum seeking children (UASC) because UKBA believes that legal services can be provided when necessary in United Kingdom.

On the other part of the Atlantic, United States law defines an unaccompanied minor as, "An illegal alien under the age of 18 who came to the United States without authorization or overstays the visa, and is without a parent or legal guardian." While the United States has taken interest on 'unaccompanied alien children' (UAC) the notion that the minor is fragile, dependent and innocent is clashing with new restrictive migration policies.

This notion enabled states to agree to provide legal representative, food, shelter, psychological and medical attention. Nevertheless, the same Ministry institutes action of deportation against the unaccompanied minor thus, making a mockery of the 'best interest of the child principle' as enshrined in Convention on the Rights of the Child. The definition, 'Unaccompanied minor' is adopted by (Lundberg 2011; in Swedish researches, Onuoha, 2011; Convention on the Rights of the Child, 1989).¹⁵⁰

Therefore, I have chosen to adopt 'Unaccompanied minors.' Where appropriate I refer them as unaccompanied migrant minors and may add youths in

¹⁴⁹ United Kingdom Home Office Statistics, (2014). Access at: www.homeoffice.gov.uk/.../control-immigration-q1-2014-t/control-immigration-q1-2014-sopp?view=Binary

¹⁵⁰ Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49

order to emphasize or distinguish certain terms. In effect, we have adopted the above term and the following definition for an unaccompanied minor: “*Minors under 18 years of age, nationals of a country outside the European Union -27 member states who are travelling and not accompanied by their parents or a legal representative.*”¹⁵¹ My definition in this research is in consonance with the United Nation Convention on the Rights of the Child (UNCRC), which is the benchmark instrument for the protection of unaccompanied minors and children in general.

Consolidating and extending this concept, Article 9.1 and 3. of the CRC contemplates the serious vulnerability of separated minors and in an attempt to rescue them it enshrined rescue children clause for separated minors whereby it states that: “States Parties shall ensure that a child shall not be separated from his or her parents against their will” and on the other hand where a child is separated, as happens in most cases, article three declares that: “States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.”¹⁵²

These may include migrant minors accompanied by other adult family members,¹⁵³ while a ‘child’ as defined in Article 1 of the Convention means “every

¹⁵¹ Committee on the Rights of the Child, General Comment n°6, Treatment of Unaccompanied and Separated Children Out-side Their Country of Origin, CRC/GC/2005/6, 1 September 2005, paragraph 7

¹⁵² Article 9 of the Convention on the Rights of the Child (1989) declares that: (1). States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence. (2). In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known. (3). States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. (4). Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

¹⁵³ Committee on the Rights of the Child, General Comment n°6, Treatment of Unaccompanied and Separated Children Out-side Their Country of Origin, CRC/GC/2005/6, 1 September 2005, paragraph 8. Other adult family members may be a good Samaritan or the real mother or as the United States authorities chose to refer them as parachute children with the notion that they are shot inside so that when they acquire residence permit, they can regroup they parents...

human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.”¹⁵⁴ Accordingly, the definition of an ‘unaccompanied minor’ was established in the same terminology in Article 2(f) of Council Directive 2001/55/EC.¹⁵⁵ The advantage is that this definition will give us more latitude to perform a comparative analysis of key issues of assessing social work practices during implementation of protection policies towards enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom.

Summary of comparative definition of unaccompanied minors

Changes in terminology have been identified as a factor that influences how countries implement the legislative agreements for the protection of unaccompanied minors. It becomes necessary to show the different denominations which influence policy implementation.

Table 2. Summary of Different Definitions of unaccompanied minor by Spain, Sweden and United Kingdom

DEFINITION IN THIS RESEARCH	SPAIN	SWEDEN	UNITED KINGDOM
Unaccompanied minor or Unaccompanied migrant minor. (UMM)	Menor extranjero no acompañado (MENA) Unaccompanied foreign minor.	Unaccompanied minor (UM)	Unaccompanied asylum seeking child (UASC)

¹⁵⁴ Committee on the Rights of the Child, General Comment n°6, Treatment of Unaccompanied and Separated Children Out-side Their Country of Origin, CRC/GC/2005/6, 1 September 2005, para. 9.

¹⁵⁵ Council Resolution of 26 June (1997). Unaccompanied minors who are nationals of third countries; Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection (...), Art. 2f; Council Directive 2003/9/EC of 27 January 2003 laying down minimum standard for the reception of asylum seekers, Art 2h; Council Regulation (EC) n° 343/2003 Of 18 February 2003 establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application (...), Art. 2h. Council Directive 2004/83/EC Of 29 April 2004 on minimum standards for the qualification and status of third country nationals (...), art 2i.

2.2.2.2. Description of motivations of unaccompanied minors to migrate from their country of origin to Spain, Sweden, United Kingdom and the United States of America.

“A boundary is not that at which something stops but as the Greeks recognized, the boundary is that from which something begins its presence”.

By Martin Heidegger

In Heidegger for Architects,
Adam Sharr, (2007, p. 55).

Policy makers have taken a particular part, making policies based on what they consider as motivation for migration. In this way policies are tightened to discourage or make it more difficult to enter their countries. We describe the old motivations for migration and show what other authors have written about these old motivations. In chapter four we present the NEW MOTIVATIONS for migration which are in consonance with the objectives of this research. This provides more information on the migration trajectory of unaccompanied minors from their traditional home to a country in Europe. We hope to stimulate more interest in research and develops critical human rights posture

Thereby, the traditional approach to the study of motivations for migration composes of two fundamental approaches that are inextricably interrelated to the causes of migration of people from one country to another. These two are known as demographic pressure and poverty. The environmental crisis is added as the third corner of a triangle of the fundamental crisis of migration movements. From this perspective Overbeek (1995, p. 17) proposes that migration can be explained in terms of push and pull factors originating from environmental, demographic and socio-economic disparities.¹⁵⁶

¹⁵⁶ The Thrust of Overbeek’s arguments is that immigrants are attracted to western countries and that political violence is often triggered by worsening economic conditions. He argued that one of the most pressing and potentially destabilizing political challenges facing western Europe (and in a wider sense the whole OECD area) in the 1990s is the influx of refugees and migrants. Western states seem to act as magnets attracting hundreds of thousands from the other countries.

The author argued that the explanation of international migration, and particularly of the refugee crisis in the 1990s involve a variety of factors. One of the explanation accords primary importance to the extraordinary demographic and developmental gap between the North and South: migrants respond to the population pressures and absence of long term development perspectives in the third World, and look to improve their children's prospects by migrating or fleeing to the north insisted Overbeek (1995).

Pushing this argument further, the demographic transition model predicts that countries in the second and third stages of modernization will display a high mass immigration potential, which is the temptation to migrate. Then countries in the first stage of modernization, with stagnant population, will become immigration countries.

From this perspective, it is sufficient to say that since many of the Asian, Latin America and Africa countries are condemned to inexplicable exploitation and poverty, migration pressure from these developing and retarded countries will surely continue to rise exponentially (my emphasis) if nothing drastic is done. Far beyond what we think today as the major factors of migration movements, there is no effort to tackle these factors and there is no sign that the causes might be adjusted.

Delving into the motivations behind the movements of people to many European countries, Pierson (2010, p. 184) suggested that migration is motivated by impoverishment, climate destruction and civil violence and concluded that government's dogged efforts at sorting out genuinely persecuted persons and those who are looking for work is purely erroneous.

My opinion is that the movement of migrants whether they are persecuted or not the attempt for the precarious journey to improve their living conditions continues unabated as evidenced in recent events in Oresund Bridge, Lampedusa, Eurotunnel, Melilla and the '*boat people*' to Spain. This is predicated on the view that "children living in poverty face imminent deprivations of many of their rights, including survival, health and nutrition, education and protection from harm, exploitation and discrimination, according to Beigbeder (2007, p. 519).

This would remain as a brazen abuse of children's rights and subjugation of their childhood that would also remain a torn in the flesh for policy makers. It is

believed that the most damaging effect of disasters, wars and all these adversities fall on children from cradle to grave and that directly or indirectly, some economists declare Carens (1988, p. 211), present patterns of immigration and suffering of unaccompanied minors hurt the economic position of precisely those citizens whom welfare state is supposed to help - the poor and the disadvantaged. The very concept of welfare services and the term 'welfare state' was introduced in the Scandinavian in the 1930s according to Kaufmann (2015, p. 249) and the bold idea was to offer social solutions.

For this reason Zolberg et al. (1989, p. 259) had warned that unless we really address the development problem, we cannot be able to circumscribe movements of people whether they migrate are refugees or economic, political or ecological reasons. It is reasonable to add that unaccompanied minors do not follow this pattern of migration. And this theory does not stand in terms of countries with extreme poverty like Haiti, Niger and others.

This demographic theory does not take into consideration the culture and tradition of a particular people that make them unique and this uniqueness makes separation from ones family look like failure and death. The theory is conceived on the bases of adult migration movements who are attracted by economic factors that provide better economic reward which do not the necessarily protect and guarantee legal protection of unaccompanied minors.

On his own part on the motivation for migration movements Portes (1978, 11) analysed labour migration from less developed countries and added that labour migration does not occur through external comparisons of economic advantage between countries and regions but requires the penetration of economic and political institutions of the centres into the periphery and outlying arrears which Overbeek (1994, p. 20) concurred.

Furthermore, other authors believe that in the process of taking material resources of other countries and trading these companies like Shell and Chevron also take away human resources of those countries. This action generate more interest in the country of the investors which ultimately encourage migration especially of the youth.

Under the motive to migrate to another country there are two ideas that converge: the colonial manipulations and the frailties of the Convention on the

right of the child. According to Stephens (1995) the colonial arguments goes as follows: “we take away your resources and colonize your primordial spaces and then give you in return goods and rights, including the right to remake yourselves in our images” (p. 36). This image is consistent with that of an adult, white person and who is in Western form. These tendencies can be viewed, for example, in the Convention on the right of the child language of the right of “the child,”¹⁵⁷ as opposed to rights of children. Thus, the Convention on the right of the child assumes universality and freestanding, individual child. It stipulates all ‘children’ as one entity that has the same needs, regardless of their social, political, historical and economical context.

Unaccompanied minors are attended by European Union Governments, but they are not properly protected by the very legal instruments provided in the CRC because of their contemporary definition of foreign children and for this reason Stephens averred that this modernist vision of the CRC is not surprising, since the United Nations is “the supreme mediator of the principle of liberal democratic rule globally” with a “strong interest in spreading to the poor countries of the South the values and codes of practice devised in the public sector of the industrialized north,” according to Stevens (1995p. 39).

Foreign investments also create communication linkages and bilateral relations that facilitate training programmes and another type of migration for example France exploration and exploitation of petroleum attracts its former Arab colonies and the Maghreb; Britain attracts former Commonwealth Nations; Spain attracts the Latin Americans and the Maghreb; Holland attract the Indonesia and Surinam while Sweden attracts Scandinavian counties, Turkey and the East Africans.

We recognize the massive asylum seekers from Former Yugoslavia and other eastern Europeans to Western Europe; the massive migration of east African to the Scandinavian countries. Based on these permanent and semi-permanent

¹⁵⁷ Article (1) and Article (3) are examples of what Stephens refers to the use of child, instead of children as very narrow concept found in all the chapters of the CRC, thus: Convention on the Rights of the Child (1989) Article (1) For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. Article (3.1.) In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

global migration phenomena, we encounter the migration of minors during the first batch of migration or first generation migrants, we encounter children who were accompanied when they were on transit, but when they reach the country of settlement, their guardians or parents release them to go and seek asylum as unaccompanied minors. On the other hand, another group of minors migrate later in order to join the first group that had hitherto migrated. The first children who migrated were in effect following their parents, while the second group of children were pursuing their parents and relations.

Accordingly, movements of asylum seekers into Europe pass through their various western and eastern continental borders while a large chunk of the United States migration movements pass through the trek and death train from Central America and Caribbean into United States of America; the Mexico - USA permanent migration pattern is the same pattern in the Mediterranean movements between the Maghreb countries and the southern Europeans.

Contributing to this with the title "The new migratory actor: youths, routes and rites of transnational juveniles," Navas (2006) as cited in Checa i Olmos, Arjona y Checa (2006, p.26) averred that "the trans-frontiers minors (*los menores tranfronterizos*), present themselves in Ceuta or in Chiapas, Spain which is characterized by constant displacement crossing the frontiers. They also dedicate in small trading (as I indicated), hawkers of tobacco, candies, car wash, etc... These minors have also crossed the frontiers clandestinely undetected and secretly integrate in the underground precarious and dangerous labour market" (p. 26)

Before and after the upheaval in Former Yugoslavia, massive asylum seekers irrupted. Other eastern Europeans joined towards Western Europe along with massive migration of east Africa refugees to the Scandinavian countries. In these types of migrations, many unaccompanied minors were involved during the first and second batch of migration.

It can be understood now that children's migration follow the process of regrouping and the availability of former ethnic group or groups in a particular city or country. In my view, people take higher risks for same reasons as wanting to achieve a 'new status' outside their city or constituency and if we do not agree that

migration and new status are compatible and also inevitable, we may agree that it is unstoppable.

Navas (2006) averred that migration factors like the family migration or the migration of those who are close to the minor affects the in a major propensity to migrate because of the information available on ways to manage life when the intending candidate migrates. Part of Nava's argument is justified, but only affects the migration of 'some' unaccompanied minors from the Maghreb region. Due to the inflexible policies of the Spanish Empire all migration across the Mediterranean Sea follows the Dual market theory and the push-pull theoretical framework. Be that as it may, our earlier research discovered other patterns which differ from the Spanish experience.

The difference relates to unaccompanied minors who are escaping natural disasters, war zones and are being persecuted. Another point is that the author did not take into cognisance that Morocco and its Mediterranean neighbours absolve migration traffic from Middle East and Asia Minor who were pushed out by amorphous Oligarchic regimes of the Gulf regions. Demographic results have shown the geography of migration which includes complex nationalities of Pakistanis, Iran, Iraq and other African nationals pushing through the club of voyagers into the European Union through the Maghreb frontier. Quo Vadis!

It is known that the European Union vision about migration is blurred and that the conception of unaccompanied minors is always linked to the guzzling of urban amenities and economic sentiments; for this reason, Zolberg, Suhrke, and Aguayo (1989, p. 405) insisted that we cannot see international migration simply as an extension of urbanization. He averred that "in international migration, it is precisely the control of borders which States exercise that defines international migration as a distinctive social process with attendant obstacles" (p. 405).

The sovereign state like Spain, Sweden and United Kingdom determines migration and integration policies through compatible legislative frameworks. The state determines who gets what when and how and determines who is a refugee to be protected and who is not. Government institutions are responsible for the implementation of policies for the integration of unaccompanied minors.

Specifically in Spanish context, according to (Pantoja 1997 as cited in Clement, Miguel y Urrea, y Javier, 1997, p. 286), "the law granted the Autonomous

Administrations the concrete responsibility to attend to the circumstances of the minors in a helpless situation, granting the director of public prosecution of a superior guardian in order to supervise the application of the rights of the child and the position of the Judge to direct and settle the conflicts which may emerge in the process of protection of the fundamental rights of the minors paying special attention to the best interest of the child." (p. 286).

There is a uniform protocol for the design and implementation of interview questions for unaccompanied migrant minors in Spain, Sweden and United Kingdom based on a one way irreconcilable concept of economic motivation for migration. Delving on the legal empowerment of various government institutions that deal with implementation of policies for the protection of unaccompanied migrant minors Pantoja (1997) declared that the "entrance into effect of the constitution and the institutional power sharing within the framework of the constitution led to the renewal of the legal protection of minors in Spain" (p. 285).

A committee is mandated to keep an eye on government institutions according to Beigbeder (2007, p. 512) who averred that "The government mechanism for the implementation of the Convention for the rights of the child is the Committee on the rights of the child as spelled out in (Articles 43, 44 and 45). The committee's purpose is to examine the progress made by state parties in achieving the realization of the obligations undertaken in the convention" (p. 517). This has led to many legislative changes and the hatching of new policies for the protection of unaccompanied minors.

In this way the law 21/87 which reformed the civil code and regulated the figure of a guardian as representative of the minor in cases of a minor who becomes helpless or on the other hand towards the representation of the minor in case of adoption process. Beigbeder, (2007) discovered that "almost all the countries that signed and submitted reports to the committee have amended their legal system to conform to the standards and requirements" necessary for implementing the Convention on the rights of the child (CRC) in their home countries (p. 514).

It is ironical that States cry wolf over the multiplication of undocumented immigrants, especially unaccompanied minors, whereas the 'factory' which control the production of undocumented immigrants is located in the heart of the State's

Migration Boards. That is, if a government institution denies residence permit to an immigrant applicant, the consequence is that the Migration Board pushes the applicant to the irregular dungeon where this type of group languish in perpetual deprivation and gnashing of teeth.

In the Spanish context, the State does not exist in isolation and the local government does not implement protection policies in isolation, for instance, demands for immigrant workers by Communities in Cataluña, Valencia and Andalucía have influenced the opening and creation of a Quota System and amending certain immigration laws. The relationship between the Government of Spain is devolution of power from the centre to other lower levels, while the Autonomous Communities stand at another level of government which make their relationship not unilinear, but reciprocal, each containing as well as bearing the impact of others.

Therefore, the impact of these differences in implementing protection policies and the fact that minors are escaping from war zones of conflict where lives of many citizens of a particular country are sniffed out makes this study into these areas of human catastrophe very important. This is predicated on the view that war is one of the most dangerous motivations for the escape and migration of unaccompanied minors is perilous. The case of Bosnia is a good example, whereby “nearly all children and adults, who survived the war in Bosnia and Herzegovina experienced traumatic events or *adversarial growth due to war*” (Rosener and Powel, 2006 as cited in Calhoun and Tedeschi 2006, p. 199).

When wars are fought and conflicts of any kind rage, the most damaging effects are experienced mostly by minors because of their perpetual vulnerability. In an attempt to give a wider perspective of what should be understood as post traumatic growth due to war, we are introduced what is known as “*adversarial growth*.”

In order to find out the motivations of unaccompanied minors to migrate to other countries, Hewett, Smalley, Dunkerley, and Scourfield (2005) launched their research with the title “Uncertain futures: Children seeking asylum in Wales,” and they interviewed 47 asylum-seeking children, eight unaccompanied minors and found that ‘safety` was their first motive. On their part, Hopkins and Hill (2006). adopted the title “This is a good place to live and think about the future... the needs

and experiences of unaccompanied asylum seeking children in Scotland,” to investigate the motivation of unaccompanied minors to abandon their traditional homes. The authors interviewed 74 unaccompanied asylum seeking children (UASC) service providers and 31 UASC residents in United Kingdom and the authors reported that they fled their countries because of lack of safety, death of parents, persecution, armed conflict, poverty, and family issues.

On its own part, United Kingdom Border Agency (UKBA) commissioned a research to find out the specific motives of unaccompanied minors entering into United Kingdom, but did not come out with a new and clear answer. However, with the same objective to find out the motive for the migration of unaccompanied minors, Hopkins and Hill reported additionally that there is little information about unaccompanied minors and that their motivations are as complex as their background.

For its part, the British Home Office research into which factors shape the decisions of adults, families and children to seek asylum in the United Kingdom and declared that their reason for migrating include: Family ties, education, perception that United Kingdom is a ‘tolerant democracy.’ Other reasons adduced for their migration is the ever present colonial links and the ability to speak English, Robinson and Segrott (2000); Zetter et al. (2003). The British Home Office also conducted another research on motivation and mentioned economic motivation as one of the most important factors that encourage people to leave their traditional homes.

Ayotte, (2001) countered in his submissions on the motivations by using a larger number of samples of unaccompanied migrant minors who fled their countries and concluded that when unaccompanied minors do talk, they sometimes do so reluctantly and cautiously. This reveals the danger that the hand of Damocles awaits for them is they give any implicating information because a social worker (the big brother) is trailing him or her. The comprehensive research of Ayotte 2000, p. 61) was sponsored by government and reports to government. The study focused on the lives of 218 unaccompanied migrant minors seeking asylum in Western Europe, and the conclusion confirms that “sometimes when unaccompanied migrant minors are asked about the reasons for seeking sanctuary,

they try and squeeze their stories into the narrow channels acceptable to asylum givers in their chosen country of refuge” (p. 61).

In this direction Ayotte, (2000) noted from another sample of stories that: Some cases in the study involved children from West African countries who claimed to be from Sierra Leone and others from Albania who claimed to come from Kosovo in order to be recognized as refugees. Several Guineans appeared to have been provided with the same stories of political repression, imprisonment and escape All of these children had applied for asylum and it was in this context that doubts or uncertainty arose.

Therefore, from the point of view of this research these minors are influenced by fear of persecution, family linkages, cultural and personal ties, network and globalization factors or access to good information and an assumption of an ‘El Dorado’ factor in the country of reception. On the other part of the globe, Castro (2007); Villaseñor and Moreno (2006); Campos and Iréndira (2004) conducted demographic assessment of children who migrate alone into United States of America, through Mexican border, which was corroborated by Corredor Bilateral and Save the Children, Sweden. The authors defined unaccompanied minors as ‘youths’ or ‘minors’ which they used this interchangeably with a focus on migration process initiation, transit, arrival and integration in both United States of America and Mexico; the institutions (that is shelters and detention centers) that are involved in the migration of unaccompanied minors.

The objective of Castro (2007) was to assess holistically and described the process that unaccompanied minors experience while migrating and highlighted the importance of institutions that temporarily house these unaccompanied minors while on transit, detained, repatriated or in United States of America. These institutions serve as encouragement to migrate from their traditional homes after getting the information or what can be termed as a new Motivation to emigrate. These centers were also where the empirical research has been conducted. This encouraged Castro (2007) to suggest that adult migration experience has been used to contextualize minor’s experiences and contended that what we know about adults should not be the only yardstick to measure what is lacking in our knowledge on the youth experience.

Therefore, the authors underscored the fact that a great deal of what we know about unaccompanied minors is derived from our knowledge of adult migrants. This assertion is in consonance with the policy making machinery and in line with the assertions of various authors like Boyle, Heger, Smith, and Guenther, (2007) who emphasized that unaccompanied migrant minors and other youths are also individuals who make decisions especially after maneuvering many obstacles on their prolonged expedition towards the Promised Land. The authors suggested that decision makers should take their migration experience into consideration because these were the very arguments made by researchers during the early period of women migration and this has helped to uplift women. The result of their research coincided with the view that children migrate for reasons not too different from the reasons of adults. From this point of view, the different reports said they also migrate for family reunification.

Another investigation centered its objective on 'why unaccompanied minors migrate.' This is to question: what are the motivations? This was realized by Corredor Bilateral and Save the Children Sweden (2006) and cited in Chavez and Menjivar (2010. p. 84) in two cities of Mexico, United States of America Border: at the Young Men's Christian Association (YMCA) shelter in Baja California, and at DIF (Desarrollo Integral de la familia [DIF] and Sistema Nacional para el Desarrollo Integral de la Familia [SNDIF]) shelters in Nogales, Sonora, during a five month period from July to December 2005.

This research was conducted among the unaccompanied minors who were repatriated in Tijuana, and the top motivations for migrating are: in all the cases 42.3% signaled family reunification; 28.1%, signaled work; 10.3% education; 5.12% were already residing in USA; and 14 % mentioned other reasons, including to join the spouse/partner, to travel, to have a child, and that a smuggler left them behind, Corredor Bilateral and Save the Children Sweden, (2006).

It is good to note that motivations for migration vary according to group, nationality, human taste and circumstances. Minors follow their parents even when the situation do not permit, and this produce what can be called a *Chicken effect* for example, (the parents could not concede residence permit) or another factor is that the parents have not indicated that they have left their children during documentation which could mean difficulty in bringing them. Some

scholars have noted that there are children who migrate as a way of reuniting with the parent or parents who left them behind, and or separated in transit.

They also found out that these minors are sometimes lost Seugling, (2004; Workman 2004). The motivation of unaccompanied minors to emigrate also attracted The Swedish Migration Board in 2012, 2013 to 2015, which conducted researches and reported that unaccompanied minors repeatedly abandon their traditional homes because of fear of death from want, war, social conflict, persecution and natural disasters. This report suggested that globalization (details analyzed below) also wreck havoc on countries like Former Yugoslavia, Somalia, Sudan, Afghanistan, Iran and Iraq, Republic of Congo, Liberia or the Bakassi boarder conflict between Nigeria and Cameroun which led to eviction of many children and families to Sweden and France.

All the countries mentioned above are potential countries where unaccompanied minors are moving away from their traditional homes. On the part of the governments where these minors take off, instead of ameliorating the situation of these minors, their leaders expend their tiny resources to acquire sophisticated weapons, and are heavy debtors to International Monetary Fund (IMF) and are also at war or at loggerheads within and outside their countries, thereby making it impossible to provide basic social services for their children.

Putting all these together across the Atlantic, one of the great authors who deepened our knowledge about the precarious life condition in the country of origin of these migrants in Latin America, Lázaro (2003, p. 169) declared that there is necessity for local improvement in Latin America: “the programs and the projects on human development. Initiatives that propose public investments in education to shape such capital as a tool that will enable Third World countries to overcome underdevelopment”. As many authors have indicated and through our interview with unaccompanied minors and social workers, the precarious conditions that impede the development of young people in their countries of origin makes abandoning their places of origin imminent.

The reference showcases our clear inclination to dual development the receiving country and the developing nations where unaccompanied minors originate their migration trajectory. It may not be possible to talk about the motivations and movement of unaccompanied minors without talking about

tangible solutions in the countries of origin. We leave this area for future researchers.

In another graphic example Lázaro (2003 p. 210) believes that: “the efforts in social spending do not contrast the demographic growth and lack of equity is obviously motivated, among other things, by the enormous inequality in the distribution of income”. This precarious situation in Latin America corresponds to the very incurable destitution and deprivation of children which provoked large movements of immigrants, especially unaccompanied minors to Miami, Florida and California in USA; and another innumerable number of Latin Americans that migrated with questionable documents to Spain, Italy, Sweden and Switzerland.

The continued truncated inequality between the rich countries and the poor countries generated by war, poverty and persecution made the United Nation to become the mother of mediators, attempting to forge an understanding between sending countries and receiving countries, but the heartbreaking *Sword of Damocles; causative factors that generate war; poverty and persecution that perpetuate expulsion of unaccompanied minors is yet to be addressed by UN*. This is predicated on the view that “many sending states do not have the resources, capacity, or will to give proper assistance to parents and children who are among the most obvious victims,” according to (Beigbeder 2007, p. 516). It is for these reasons that international support from European Union, global and regional NGOs should assist in developing programs for the rescue of childhood.

In 2009, a similar study of Spain conducted by European Migration Network, EMN (2005, 2015)¹⁵⁸ titled ‘Policies on reception, return and integration arrangements for unaccompanied foreign minors’. This EMN research on Spain went to the field with the main purpose of analyzing procedures of entry, protection, list of integration measures and return of foreign minors in Spain. It complained of lack of sufficient information and declared that unaccompanied minors from the Maghreb region migrate in order to improve their lives and help their families. Another report said they are motivated by the proximity of Spanish borders and also wanted to establish business units.

¹⁵⁸ European Migration Network (EMN) (2005 & 2015). Policies on reception, return and integration arrangements for unaccompanied foreign minors. European Migration network.. <http://extranjeros.mtin.es>.

The motivation of migrants and the concentration of immigrants in the labor market of Spain has been attributed to the unique nature of the closed family system in Spain. Therefore, immigrant workers outside the European Union especially the Maghreb dominates the migration population in Spain. According to Bruquetas-Callejo, Garcés-Mascareñas, Morén-Alegret, Penninx and Ruiz-Vieytez (2011, p. 294) migrant workers from outside EU “are concentrated in services (58.1 per cent), construction (24.6 per cent), industry (11.1 per cent) and agriculture (6.2 per cent) and 42.3 per cent of the total of male foreign workers have jobs in construction while 89.7 per cent of the total of female foreign workers are in the service sector – more than half of them in domestic employment and nearly less than half in commerce” (Pajares 2007, p. 52, as quoted in Bruquetas-Callejo et al, 2011).

Therefore, the national study analyzed research projects on ‘unaccompanied foreign minors’ and questionnaires issued to autonomous communities and cities for gathering information; interviews with social workers and groups; child protection services; the aliens and borders units of national police, the immigration offices and delegation of Spanish governments and the child prosecution office. The national report defined unaccompanied minors in the following way: “Unaccompanied foreign minors and who are third-country nationals or stateless persons below the age of 18 years...unaccompanied by an adult...or minors who are left unaccompanied after they have entered Spain” according to European Migration Network, (EMN of 2015).

Another Home Office research draws attention to an additional, economic motivation for asylum seekers, illegal entrants and ‘overstayers.’ Another study relating to why unaccompanied minors chose to seek asylum in the United Kingdom suggested perceived economic opportunity as well as by accessibility, political factors, and cultural, family and personal ties. Corroborating the thesis that unaccompanied minors are motivated to migrate by family regrouping program and better treatment, Nowrasteh, (2014) reported in a research across the Atlantic in United States of America that family regrouping is the motivator and for Nowrasteh family regrouping is a perfect theory of motivation for migration of unaccompanied minors.

Delving into this matter Nowrasteh suggested that there are two main

issues surrounding the increase in the migration of unaccompanied children (UAC) and asylum seekers in recent years in United States of America. He gave the first reason as unrestricted treatment of unaccompanied children who are apprehended by Border Patrol and the second relates to how American policy is reacting to the surge of unaccompanied minor.

In other researches, large numbers of unaccompanied migrant minors surveyed in previous years gave reason for migration as "Family reunification," therefore Nowrasteh averred 'family reunification' as a motivation for migrating to United States of America, many European countries and other western States. In this research, thirty-six percent of all unaccompanied children surveyed prior to 2014 had at least one parent already in the United States. This survey likely undercounts the family ties between these child migrants and their U.S. based family because it excludes extended family connections. Aunts, uncles, and cousins also provide a bridge for unaccompanied children to live in the United States,

More detailed causes were demonstrated by Ayotte (2000) who enumerated persecution, armed conflict, poverty, and family issues. On his own part, Halverson (2002) agrees that many unaccompanied minors are motivated to emigrate for the same reasons as adult asylum-seekers, that is, to escape armed conflict, persecution, severe poverty and deprivation and some are recruited by traffickers either in their country of origin or en route. Some also flee child specific human rights abuse and neglect.

This report tends to reflect closely similar migration trends on one hand between Spain and the Maghreb in northern Africa and between (Latin southern America) Mexico with United States of America on the other hand. These unaccompanied minors are purported to leave their country because of destitution and poverty; to improve their lives and the welfare of the families they left behind. In effect, unaccompanied foreign minors who migrated to Spain came from Morocco, Algeria, Senegal, Mali, Sahel Region, sub-Saharan, Pakistan and etc., and their ages range between 12 to 17 years.

The motivations of unaccompanied minors to migrate affect more boys than girls especially those from large families and those deprived of livelihood. About ninety five percent of these migrating minors are boys, while girls took only five percent. Therefore, as other authors have pointed earlier in this study, changes in

definition and terminology reflect the position of government of Spain and the type of Migration Policy which it tends to formulate.

It is worthy at this point to argue that the Spanish report and definition is best described as 'reactionary' to migration events at Spanish porous borders in Canary Islands, Ceuta and Melilla can testify. The Spanish national report concluded that once a minors' age is determined, he/she is referred to the Child protection services of the autonomous community waiting for acceptance or return to country of origin.

The report by the European Migration Network posited that in Spain unaccompanied foreign minors have right to full protection *ceteres paribus*. On the other hand, Spain has signed multilateral agreements with sending countries like Morocco and Mauritania for assisted return of unaccompanied foreign minors. This thesis observed that the Spanish model of policy making and implementation is equivalent to 'using one stone to kill two birds'. It is therefore, necessary to add that unaccompanied migrant minors abandon their traditional homes as victims of trafficking destined for exploitation at European cities.

Based on our experience, the motivation for migration and reason for protection and displacement of people have become unavoidable issues. We may not escape the realities of a globalized world, because we live in a world filled with fear and danger of death where some states are bombarded for their state sponsored ethnic violence, but many more are allowed to proceed to terrorizing their ethnic minorities since it is their 'internal affair' and where allies sponsor rebels peace would remain an orphan. Those who manage to escape persecution and terror, exile do not necessarily become a 'nursery of nationality,' the battle for survival of immigrant minors continues while the battle for State control of migrants continues on the other platform.

Drawing together the experience of immigrants from former Yugoslavia who spread throughout Europe and United States of America, professor Frykman (2001, p. 12) declared that "in the case of forced migration of Kosovo Albanians, both children and adults migrated to Sweden, frightened, frustrated and traumatized. Those who stayed for goodwill have to deal not only with their personal experiences of violence and losses, but also with the social demands made on them in the course of becoming immigrants. It is good to signal that the

frightened, frustrated and traumatized immigrants are involved in the adaptation to a life in an unfamiliar setting, as well as contacts with the Albanian diaspora in Sweden” (p. 11 and 12).

We extracted three issues from the book of this author relating to why unaccompanied minors migrate; the situation in their country of origin and the continued repression because internal conflicts are ignored and that the presence of a Kosovo Albanians diaspora can trigger a new pattern of mass migration which brings us back to the theory of family regrouping which motivates another type of migration; which also informed our new theory of migration.

For this reason, It is necessary to illustrate the implication of the submissions of the author in this way: that the adaptation of children and families of Kosovo Albanians in Sweden would be very difficult; that the immigrants were frightened, frustrated and traumatized and that the Kosovo Albanians origin who were left behind would be forced to endure harassment and finally that this continued persecution will generate a continuous migration and ultimately this generated a new motivation for Kosovo Albanians’ unaccompanied minors, facilitated by the Albanian diaspora.

This same diaspora of Croats in Germany, diaspora of Eritreans in Italy, Tamil Tigers, Afghanistan, Armenian, and Chileans have strong Europe diaspora that facilitate more migration of the their countrymen who are in the troubled regions even when the war ended.

I posit that this type of migration is the unlimited extension of motives for migrants; a way to escape destitution and represents the maturity of migration movements. Far beyond what EU policy makers and social scientists portray are the major factors of migration movements, the patterns of migration keeps changing; displacement of people has become an unavoidable issue

In my view, to tackle the problems associated with motivation and by-motivation for migration of minors, we should broaden our view on the motivations for the migration of unaccompanied minors. Therefore, government institutions are called upon to reflect and act on the operational areas of the conventions, agreements, resolutions, and reports on immigrant children. In order to subdue the source of expulsion of children from their traditional homes and protect children’s rights, national and international submarines must re-launch

their attacks. This is to show the need to focus on: poverty alleviation through mechanization of farming in communities where expulsion of minors is prevalent; infrastructural investment in education; exchange of medical doctors and subsidizing of sanitation drugs to sending countries mentioned above.

Other areas of urgent action must include the establishment of industries in communities where child trafficking and child militarization occurred; manufacturing of malaria and HIV drugs where it occurred; permanent training and job orientation of children in their locality. The next department deals with reception, that is, how unaccompanied minors are received.

Our conclusion to this department shows with a table the old motivations to migrate and new motivations to migrate which are new global factors that motivate unaccompanied minors to migrate. See them below:

2.2.2.3. A comparative reception of unaccompanied migrant minors in Spain, Sweden and United Kingdom.

The history of reception and protection of unaccompanied migrant minors can be traced from the Mediterranean Sea to North Sea and Danube. At the instance of the United Nations High Commission for Refugees, United States admitted thousands of children and successfully integrated them into the heart of American dream, for example: evacuation of British children in 1940; evacuation of 14,000 Cuban children on the operation 'Peter Pan' as a result of Fidel Castro's 1959 coup d'état Rumbaut (1994); mass departure of 2500 Vietnamese children under the program *Baby lift* during the Vietnam war according to (Boothby, Ressler and Steinbock 1988, p. 142).

Furthermore, Boothby, et al. (1988) estimated that most European countries were home to between 50,000 people and 200,000 unaccompanied children during this period, while the civil wars in Spain, Korea, and Nigeria accounted for another 100,000 of reception of unaccompanied minors and youths. The first program made provisions for the protection and integration of close to 6,000 'British Guest Children' according to Adelman (1984). While some children were accompanied by their mothers, helpers or other family members, close to 1,500 were unaccompanied minors.

On its part, I show that the Swedish reception and successful integration of unaccompanied minors from Finland is a big lesson to European Union policy makers and deserve shown in this project, because some of the minors who belong to the Finish first generation that were rescued by Sweden latter returned to Finland and another wave of second generation have established in Finland. I discovered during a six months study at Malmö University, Sweden in 2011, that a Finland third generation unaccompanied minors hitherto protected by the Swedish government after Second World War have become pillars to economic, diplomatic and social cooperation, between Sweden and Finland and this has reinforced industrialization and recruitment of Finish nationals into Sweden.¹⁵⁹

The mode of policy implemented to protect and integrate unaccompanied minors after 1945 World War is sharply in contrast with the restrictive policies implemented by EU 28-memeber States. Despite all Human Right Laws, unaccompanied migrant minors are faced with a dragon-like controversy that revolve around age dispute and country of origin, which made Dorling (2007), warn that age is not universally registered, documented, celebrated or even necessarily known in many countries and unaccompanied minors and young people coming from countries of war and conflict areas must be able to challenge this through their legal representatives.

This raises the importance of obligatory legal representative for the unaccompanied minor which we presented above. The question that arises here is: suppose the Swedish government had implemented today's model of age assessment after the Second World War against the unaccompanied minors from Finland, would they have been socially and economically integrated into Swedish society? Your response may be as good as mine. Furthermore, would the children of Finland become pillars of economic, diplomatic and social cooperation between Sweden and Finland? Your answer can provoke a new research into the antagonism and frustration of minors of this decade.

¹⁵⁹ Sweden is the largest of the Nordic countries by size and population. With a population of nine million it is one of the smaller members of the European Union (EU), which it joined in 1995. Sweden industrialized at the end of the 19th century, and by the mid-20th century was known for combining a liberal market economy with state-run welfare policies. In the 1950s and 1960s, the recruitment of immigrant labor was essential for generating the tax-base required for the expansion of the public sector.

Drawing together some historical lessons relating to proactive rescue and protection of unaccompanied minors after the Second World War, there were no restrictive policies on protection, age assessment dispute was absent, detention and imprisonment of minors were absent, legalization of documents and police report for criminal records were absent, obstructive residence permit with tears had no place, interrogation at short-gun point was absent, entry into the labour market, culture and religion were discountenanced. While my readers ruminate over all these obstacles to enhanced integration of unaccompanied minors, I invite them for a constructive contribution into these secret areas of administrative stronghold where no one dared to talk about.

Securing the wellbeing of the child without reservation was the uppermost tendency. What went wrong? It would be interesting to know why some European governments are dragging feet in rescuing children of war and political conflicts. Some authors have asked if it is a question of lack of funds or lack of will. Is it a question of having economic and political interest for a particular country or region, while others remain marginalized and overtly discriminated? It may be a question of geo political interest. It is good to recognize that there are some good social work practices that tend to advance the best interest of minors' principle and that there are laws that are attempting to recognize the obligation of the state to protect them.

However, during reception of minors I witnessed in Malmo, Sweden the Migration Board officers asked the minors questions pertaining to: Age and marriage; how many children they have; how many wives they have; how many people they have killed; how many cattle and goats they have; how many cars they have; languages spoken in their country; rivers, and mountains in their country; names of presidents, political parties and politicians; parents and grandparents names inside and outside the country; history and geography of their city; war lords; food items, culture, music and art works. From this experience and others I doubt the sincerity of implementing migration policies with the aim of integration of unaccompanied minors.

Many child advocates reasoned that the above questions thrown on minors are capable of intimidating them. Other researchers also agreed that the questions above belong to the short-gun point interview that could even scare an adult and

may not be a good model for implementing asylum policies towards integration of unaccompanied minors anywhere including Spain, Sweden and United Kingdom. On the other hand, European Union-28 member states, UNHCR and some child protection agencies have contributed to protection of refugee minors in the past.

In the same token, the barrenness of public policy of present governments makes restrictive policies look as if they are the only way out. Social workers should not allow unaccompanied minors to become helpless because it is dangerous to conceive unaccompanied minors as social cancer or social burden to the welfare state according to Brekke (2004). It is for this reason that Joseph Carens (1988, p. 209) argued that some people fear that large scale migration will undermine both the will to support institutions of welfare state as British and Spanish governments have demonstrated against unaccompanied minors. However the will to support the welfare state comes, from a sense of common bonds, from mutual identification by the members of the community. This perception that the minors constitute a social burden to the welfare state may have changed the construction of an innocent migrant minor from vulnerable to *helplessness* and *abandonable*.

According to Bhabha, Crock, Finch, and Schmidt (2007, p13) after a comparative investigation of four government departments and 15 agencies concerned with unaccompanied alien children in United States, United Kingdom and Australia declared that there is significant lack of communication and coordination surrounding the acquisition, maintaining and searching for information relating to unaccompanied minors.

On the other hand, resettlement of unaccompanied refugee minors as a protection tool is complex therefore, deserve more in-depth analysis. In this dimension, Touzenis (2006, p. 280) made a thorough analysis of the Convention on the Rights of the Child (CRC) and its interplay with the Refugee Convention and concluded that: It would have been preferable that the CRC had included a clear improvement of the Refugee Convention covering the gap in protection of refugee children.

However, he claims that the effort of UNHCR in producing guidelines on Formal Determination of the Best Interests of the Child (as provisionally released in May 2006, can complement the Conventions weakness that will inevitably

guarantee that unaccompanied minors are protected. According to Touzenis, we must realize that "This text, given takes a rather legal approach, will treat a very real problem in quite a theoretical way," (Touzenis 2006, p. 15). Recognizing the embedded racial prejudice in formulating and implementing migration policies, there is doubt on the honesty of European Union - 28 member states to facilitating unaccompanied minors right to access a territory to seek asylum' as enshrined in Convention on the Rights of the Child (CRC)... since today it may be more difficult for them than for adults.

Since laws are binding, but cannot be enforced and there are no sanctions against defaulting European Union - Member States to abide by the dictates of the United Nations conventions, some countries participate in this project of protecting unaccompanied minors while some do not and for this reason reports published by the Secretary General of United Nations for some years do not reflect some countries. This arbitrariness in policy implementation by member countries shows the lapses that exist and determination by some countries to thwart the genuine aspirations of protecting the immigrant and vulnerable minors. Therefore, in this research I believe that the pendulum has swung the other way; adding power of abstention, reservation and outright disobedience of international human right laws into the lexicon of international agreements.

Reporting on reception of unaccompanied minors, The Times of London, of (March 13, 2007) blared with the title 'Who'll care for asylum orphans?' This is a remarkable perception of institutional position designed to question how public policies are implemented towards reception and integration of unaccompanied minors that inevitably question the attitude of social workers. The authors alerted that the British Home Office has announced plans which would mean 50 to 60 specialist local authorities outside the South East caring for unaccompanied asylum-seeking children (UASC). On their part, Local Government Chronicle (March 8) says that the United Kingdom's four children's commissioners condemned the proposals. One criticism is that using social workers as the 'soft arm of the immigration service' will break the trust between them and the immigrant children.

Unaccompanied minors belong to the specific human resource group that will manage, develop and contribute to future economic production process but it

seems that states and government institutions do not recognize their economic contribution therefore, there is lack of political will to account for the responsibility of unaccompanied asylum-seeking children (UASC).

From my point of view, States and government institutions may have jettisoned the implementation of protection agreements they signed, because many authors now agree that States prefer to recognize the economic contribution of tourists and vagabonds and also emphasize more priority on making and padding new instruments for not only to protect but to better the wellbeing of the less privileged people.

Migration of unaccompanied asylum seeking children and other migrants into United Kingdom had been characterized by migration of eastern Europeans, the Caribbean, east Africans and members of the former Commonwealth of Nations brought about the presence of youths sent by their family members or those who came on their own to fill the gaps created by mass exodus of Britons to United States, Australia and New Zealand coupled with decaying infrastructure, desertion of cities sides while the heart of London was beaming with life. Many authors like Bhattacharyya and Gabriel (1997, p 63) argued that the late twentieth century England witnessed immigration from Eastern Europe, British former colonies, the new commonwealth countries in the Caribbean and Africa.

The European Union may have enough reasons for hatching the Dublin III regulation and other restrictive Directives which may be the height of obsessive preference for discrimination against foreigners who are regarded as 'outsiders.' *A preview of the implementation of protection policies in the European Union can be evaluated from the astronomical number of irregular unaccompanied minors roaming in the streets; the high number of unaccompanied minors in prison and high number the same deported.* When controversy plagued the reception, placement and care of unaccompanied minors, the migration agencies action only lead to hatching a new restrictive policy which may be at variance with successful incorporation of unaccompanied minors and this confirms that many migration policies need to be revisited.

In the United States Bhabha and Schmidt (2006, 34) found lack of data collection, lack of adequate protection, failure to respond to the needs of children

and horrible detention, concluded that the United States immigration laws do not consider the 'best interests of the child' in decision making.

2.2.2.4. Comparison and description of detention of unaccompanied minors

Detention of unaccompanied minors has become a rule than exception even though there had been hue and cry over this inhuman act committed by democratic institutions. This is the bane of restrictive policy making. Policies are implemented to deter migrants from coming including innocent minors. In order to do this, many authors argue that all the benefits of migration are discounted or thrown to the dogs. They are replaced with the development of a hostile politics leading to another hostile immigration policy which creates a vicious circle of hostility, (Mulvey 2010).

In order to extend their hostility and discriminatory policies against the indefensible minors, some authors have laid credence to the idea that governments prefer to spend millions in court cases involving illegal detention of unaccompanied minors because of age assessment disagreements. Delving on this issue, Aynsley-Green et al. (2012, p. 6.) stated that in United Kingdom, the courts are now involved in the process of age determination whereas United Kingdom government spent more than two million pounds (£2,000.000) in court settlements in 2010 to forty unaccompanied child asylum seekers who were wrongly detained as adults as a result of a flawed process of age assessment and this gives us the bird's eye view of the reason for detention.

In Spain detention practices are similar to United Kingdom detention practices and are operated on the bases of 'regrouping' minors with their parents back to their countries of origin, although local authorities closed some of its detention centers, (for financial expediency) Spain can still boast of (9 centros de acogida, in 2010) in Algeciras, Barcelona, Gran Canarias, Fuerteventura, Madrid, Malaga, Murcia, Santa Cruz de Tenerife, and Valencia.

In Valencia for example: Centro de Internamiento de Extranjeros-Valencia (Centro de Zapadores). Some of the detention centers in use in (2010) Valencia (Complejo policial de Zapadores) Migrant detention centre Secura Ministerio de Trabajo e Inmigración Ministerio del Interior/ Dirección General de la Policía

(2008). A new report by the Refugee Council corroborated the detention of unaccompanied asylum seeking children in United Kingdom. According to the Refugee Council, highly vulnerable child refugees who arrive in United Kingdom unaccompanied are sometimes held for weeks before officials accept that they are not adults.

One of the consequences of these detentions said the Council is that many of these unaccompanied minors suffer mental health difficulties because of the psychological strain of detention. According to this children stake holder officials, 'social workers are failing to exercise sufficient caution on the issue relating to unaccompanied asylum seeking children' and called on the coalition to implement safeguards to reflect the serious nature of a decision to treat someone as irrelevant adult based purely on their appearance.

Another scathing attack on reception and integration of unaccompanied asylum seeking children was reported in *The Sunday Times*¹⁶⁰ by Oakeshott (2012) 22 April 2012, declared that the Mayor of London, Boris Johnson has launched a scathing attack on the government's implementation record on immigration, calling on ministers to 'get a grip'. Boris told PM to 'get a grip on immigration'. According to this report, the mayor of London is facing a financial crisis which he had linked to the soaring number of unaccompanied asylum seeking children in schools. Mayor of London, having requested relentlessly for more financial allocation from the British central government, Boris used the opportunity to demand the Treasury for an extra £300 million for education because primary schools were 'bursting at the seams as a result of more unaccompanied asylum seeking children.'

In an interview with *The Sunday Times*, he warned that the relentless influx of newcomers (unaccompanied asylum seeking children) was putting a huge strain on public services, calling on the British Prime Minister Cameron's administration to 'blooming well sort the problem out'. According to the Mayor of London Boris Johnson 'I want a much tighter grip on immigration. It is really important for the country. It cannot be beyond the wit of man. We have a relatively small number of ports and airports.

¹⁶⁰ *The Sunday Times*. Boris (Mayor of London) tells PM to get a grip on immigration
<http://www.thesundaytimes.co.uk/sto/news/Politics/article1022177.ece>

A restrictive migration policy has not been able to stop migration movements; it should be possible to control migration.¹⁶¹ Apart from restrictive policies, policy enactments and decrees have had impact on protection of unaccompanied minors, for instance, in the case of Johnson was specifically undermining attempts for enhanced integration of unaccompanied asylum seeking minors through education by openly advocating for the denial of their right to education and training which is one of the core factors we have chosen for this research. This is the dreaded ultimate act of discrimination which Bagaric and Morss wrote about, which is aimed specifically at migration control; an institutional decision that block integration efforts of unaccompanied minors and immigrants in general.

Our description of this panorama above shows that our objective of showing many differences and blockages to integration is effective. This represents one of the important factors that block enhanced integration of unaccompanied minors in United Kingdom.

Delving on this, Bagaric and Morss (2006) averred that this type of action directed to unaccompanied asylum seeking children will only generate 'super discrimination' and detention of children will cause immediate and lasting damage, Crock, (2004). Defending its decision, United Kingdom Border Agency argued that it defines them as unaccompanied minors as unaccompanied asylum seeking children (UASC) and that this definition is in line with United Nation High Commission for Refugees (UNHCR) on human trafficking of children. Contradicting this definition, Bhabha and Finch, (2006) emphasized that these definition defect leave the unaccompanied children in a legal vacuum and also potentially exposed them to abuse from adults.

Protection policies for reception in United Kingdom, relating to unaccompanied asylum seeking children (UASC) are adopted by United Kingdom border Agency (UKBA). One of the outcomes of partial or complete failure in implementing protection policy is that it provides a way and justification to

¹⁶¹ Mayor of London at this point insisted on restrictive policies against unaccompanied minors in Uk for using the school system. He Boris Johnson launched a scathing attack on the government's record on immigration, calling on ministers to "get a grip". The mayor of London is facing a financial crisis linked to the soaring number of foreigners setting up home in the capital....he was forced to appeal to the Treasury for an extra £300m for education because primary schools were bursting at the seams.

construct more detention centers instead of building Integration centers for integration of unaccompanied minors in particular and other immigrants in general. Construction of more detention centers is a leeway to reward political sympathizers and may be another way to compensate political outcasts and retired security officers.

In this literature review relating to assessment of migration policies towards enhanced integration of unaccompanied asylum-seeking minors; it is worthy to cite investigations relating to protection of unaccompanied minors in Australia. A good example was presented by Martin and Hutchinson, (2012, p. 3.) making a graphic presentation of Detention centers, e.g. in Sydney (Villawood), Melbourne (Maribyrnong), Perth, near Port Augusta in South Australia (Baxter). The Australian government believes that sending unaccompanied minors to prison is very effective in the war against unaccompanied migrant minors.

According to the Howard government report the proportion of boat people held in mainland detention centers (from 3082 out of 9321 detainees in 2001/2002 to 1 out of 7970 detainees in 2004/2005) resolved the increasing numbers of immigrants according to Phillips and Spinks, (2012). The Howard government beat its chest claiming that the implementation of restrictive policy worked out reducing the number. However, Koser (2011) disagreed, insisting that the decline is in line with a global decline of asylum claims. Furthermore, Australia has a ferocious detention policy and lack of data of those minors detained according to Crock, (2004). Other authors believe that there is no sufficient attention given to children's vulnerability, experiences and needs and that data collection relating to children was inadequate or absent. This means that the migration Board and the Australian institutions show excessive conflict of interest because immigration control dominates over child protection issues.

It is now known that detention of unaccompanied minors can cause immediate and lasting damage and this detention and abuse of children and its impact led Human Rights and Equal Opportunity Commission HREOC, (2004),¹⁶² to investigate the issue. On their part, a social work-led inquiry looked more broadly at the human rights abuses of immigration detention. However, Crock found that

¹⁶² Human Rights and Equal Opportunity Commission HREOC (2004) A Last Resort? Report of the National Inquiry into Children in Immigration Detention. http://www.hreoc.gov.au/human_rights/children_detention_report/report/PDF/alr_complete.pdf

detention continues to be a key part of the asylum system in Australia, as in other Western countries like Greece, Spain, Sweden and United Kingdom. Continuing in Australia detention center, Amnesty International insisted that the Christmas Island facilities constitute a breach of Human Rights. After numerous hue and cries over reception and imprisonment of unaccompanied minors, Amnesty International finally made its report condemning the inhuman treatment of unaccompanied minors and other migrant.¹⁶³

Amnesty International went to investigate further allegations of imprisonment of unaccompanied minors which led to an inspection and report about where unaccompanied asylum seeking children are locked up in this Australian prison. Amnesty International were concerned that unaccompanied asylum seeking children were treated badly, many of whom have no parent or guardian with them, and the use of tents to house asylum seekers is inhuman.

According to Graham Thom, the refugee coordinator for Amnesty International after touring the controversial facility in faraway Indian Ocean Island condemned Australia policy makers, and condemned the crowded condition of the center. Other publications indicate that unaccompanied minors are locked up as adults. In effect this is an implication to social workers who connive to lock up unaccompanied minors through direct orders to the immigration service after assigning high age label on them and wrongly classified them as adults.

However, Australia is a democratic state with demonic detention centers which currently holds around 7,000 asylum seekers, at least 1,000 of them are unaccompanied asylum seeking children (UASC) less than 18 years of age. They are housed in extraordinarily hostile environment in the scorching outback. Therefore, in comparative terms, remarkable democratic states like Spain, Sweden, United Kingdom and Australia, the rights of unaccompanied minor is crushed by the fire power of restrictive migration policies.

The authorities in Canberra of Australian hope that the horrible 'red center' (as it is known) and its vast inhospitable distance will deter other asylum seeker minors from coming to Australia. Many authors have denounced the horrible red center and activities as dehumanization, discrimination and animalization of

¹⁶³ Amnesty International report of December 16 by BARROWCLOUGH, A. (2009) Sydney Finally Report. The Times of London on (December 16,)

unaccompanied asylum seeking children. Abandoning unaccompanied asylum seeking children and imprisoning them in a hostile detention centre equates to the very prejudice and discrimination toward members of another racial group.

In his famous work on the "Nature of Prejudice," Allport (1954) averred that these prejudice and discrimination are generated through: verbal antagonism, avoidance, segregation, physical attack, and extermination. Reacting from another angle on dominant racism, Kovel (1970, p. 62.) posited that "dominant racists exhibit the more red naked form of discrimination; whether they are writing, talking or implementing policies and this represents the open flame of racism we experience" (p. 62.).

Among these negative behaviors against unaccompanied migrant minors, only extermination is absent in the postulations of some authors and this is why researchers now talk about subtle racism because the administrative establishment has allowed some type of racism into the workplace. Implementation of restrictive immigration policies recreate dehumanization, discrimination and animalization of unaccompanied asylum seeking children which forms the very foundation for blocked integration; lack of incorporation, lack of assimilation and lack of acculturation.

However, I believe that strong welfare States like Spain, Sweden, United Kingdom and Australia should, and have enormous capacity to facilitate extensive integration and incorporation assistance to unaccompanied minors and other refugees, in order to ameliorate discrimination and injustice they have suffered, (Valenta 2010). In furtherance to this study, my preliminary interviews and research in Sweden and Spain with unaccompanied minors confirm that they are held in a situation where they are likely:

- >>To be victims and susceptible to crime, exploitation and radicalization,
- >>Underserviced by the police but over policed and followed by security agents,
- >>Incarceration rates skyrocketed in recent years,
- >>Attend inferior schools, which lead to inferior job opportunities, and no suitable for job placing in many cases

- >>Jobs are reserved for the in-group members and certain jobs not sent to them,
- >>Receive short-term and part time contracts as opposed to long term,
- >>Receive few and inferior social services,
- >>Absence of job security: they spend more time looking for job,
- >>News Media stereotype and media blackout more frequent,
- >>To be victimized by predatory lenders, bankers and pawn shops,
- >>Problems in getting enlisted in security institutions, sports and training opportunities and not admitted in festival events, (Carr and Kutty, 2008; Onuoha, 2011).

2.2.2.5. Human trafficking and disappearance of minors.

United Kingdom Border Agency (UKBA)¹⁶⁴ has the responsibility to identify minors who are potentially victims of trafficking. They have the responsibility to liaise with U.K. Human Trafficking Center (UKHTC)¹⁶⁵ involved in the fight against human trafficking. Here again, the identification and treatment of these minors is subject to inefficiency. The British office of the End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes (ECPAT), that offers training program for officials who engage in human trafficking do not have sufficient tool to do the job.

Many reports of disappearance of unaccompanied asylum seeking children indicate the active performance of migration networks that traffic on minors. In another report, the British Broadcasting Corporation (BBC) reported 330 disappearances of unaccompanied minors between April 2008 and August 2009.¹⁶⁶ Government of United Kingdom is concerned that its local authorities are not keeping vigil of minors entrusted in their hands. The United Kingdom Border

¹⁶⁴ Section 48 of UK Borders Act 2007 created a Border and Immigration Inspectorate, known as the UK Borders Agency, which is an agency of the UK Home Office. <http://www.ukba.homeoffice.gov.uk/aboutus/>

¹⁶⁵ The 2007 UK Action Plan described the UKHTC as being “a multi-agency centre” which forges “close links between the immigration service and law enforcement.” These tasks continued after the UKHTC became part of SOCA. As well as to obvious role of the UK Borders Agency.

¹⁶⁶ British Broadcasting Corporation (BBC) (21 January 2010). Reported 330 disappearances of unaccompanied minors between April 2008 and August 2009 BBC

Agency (UKBA) report confirmed that it remains committed to tackling all forms of human trafficking.

The United Kingdom action plan was launched in March 2007 and updated in July 2008. The United Kingdom ratified the Council of Europe Convention on trafficking in December 2008 and it came into fully into operation on 1st April 2009. The National Referral Mechanism (NRM) was created in 2009 for this purpose and between April and December 2009 it identified 143 minors who are victims of human trafficking, of whom 27% are identified victims.

In Sweden, Human trafficking law was adopted in 2008 despite existing laws because the identification of the unaccompanied minor as a victim of trafficking remains insufficiently developed. All these depends if the Migration Board suspects that the minor is a victim of trafficking, can inform the Social Services office. There is no reliable specific data on the number of trafficked minors and no specific center is dedicated for specially protecting minors who are victims of trafficking. Sweden provides a 6 month residency permit in compliance to the Community law Directive 2004/81/EC op. cit. note 33¹⁶⁷. Thereafter, the new EU directive on human trafficking is a much more substantial document than its predecessor and Directive on the EU's visas, asylum, and immigration of third country national provisions, Directive 2011/36/EU.¹⁶⁸ On its part, in 2008 the committee on the rights of the child and UNICEF Sweden emphasized the need to improve the measures for identifying unaccompanied minors who are victims of trafficking. UNICEF advised the Swedish Migration Board, the police and the social services to cooperate effectively and make better provisions for victims of trafficking in the Criminal Code so that they can be recognized as victims without cross examining them by adults.

¹⁶⁷ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of human trafficking in human beings or who have been the subject of an action to facilitate illegal immigration who cooperate with the competent authorities, OJ L 261, p. 19, Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, OJ L 168 p. 24, and Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the rights of the citizens of the Union and their family members to move and reside freely within the territory of the Member States OJ L 158, p. 77

¹⁶⁸ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 1001/1.

In order to ameliorate the suffering of unaccompanied foreign minors, and other children of the world, Spain set up a foundation called *Ayuda a Niños y Adolescentes en Riesgo* (ANAR, 2007)¹⁶⁹ for the prevention and intervention relative to high risk situations involving minors. ANAR is dedicated to promoting and defending the rights of children and adolescents at a situation of risk and helplessness, by developing projects both in Spain and Latin America, within the framework of the United Nations Convention on the Rights of the Child. It also conducts fund raising and relates with nongovernmental organizations and the Ministry of Interior.

On its part, the European Union Directive (2004) established that: "A third country national that cooperated in the fight against human trafficking will be granted residence based on revelation of traffickers and renouncing their activity," (p. 19.) Directive (2004/81/EC).¹⁷⁰ This clause can also be applied to minors in general. It is painful that this is not obtainable in many EU member states. Human trafficking is related to (but not the same) as motives for migration.

2.2.2.6. Age assessment models practiced on unaccompanied minors as bases for acceptance or rejection in Spain, Sweden and United Kingdom.

Age assessment is the prerogative of institutions charged with protection of unaccompanied migrant minors as indicated in chapter one of the study, therefore, it is important to confirm that unaccompanied minors also depend on these institutions for the implementation of protection policies relating to residence permit, housing and work, asylum procedure, medical care and other interventions. They are the same institutions which assess and confirm their authorized age; the same institutions in charge of their integration and removal from the country. It's good to mention that due to disparity in application of laws

¹⁶⁹ la Fundación ANAR, (2007) puso en marcha el E-mail, conscientes del creciente uso de las nuevas tecnologías por parte de los niños y adolescentes. Desde 2010 funciona el Teléfono ANAR para Casos de Niños Desaparecidos, número único armonizado de la Unión Europea 116000. ANAR ofrece apoyo emocional a las familias las 24 horas, asesoramiento jurídico y social, ayuda a las denuncias, conexión inmediata con Policía y Guardia Civil, conexión en red con todos los 116000 de Europa, ayuda y pistas a la investigación de casos criminales.

<http://www.anar.org/informacion-institucional/>

¹⁷⁰ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration who cooperate with the competent authorities, OJ L 261, p. 19.

and other agreements, previous studies are systematically explained more deeply to allow the reader get our view clearly. We have explained factual findings that are also original or new in nature and this is why we are making more attempts. This is because we have laid ambush in some centers for unaccompanied migrant minors in order to excavate information. Although we may not reveal all, these reports sometimes have ethnographic qualities and this is what makes this study very special and different from other studies.

Dealing with the issue of age, we have to ask: Why age assessment? This question is on the front burner as we write this topic but these institutions that conduct age assessment have not taken the interest of the minor as priority and that is why the age debate rages and that is why there is no cogent answer.

Age assessment of unaccompanied minors is conducted in order to determine if they qualify to be protected or not. If a minor is declared to be more than 18 years of age, the law applied will engender rejection and expulsion. In practice, the age conflict concerns some areas, thus: (1) If evaluators deliberately overestimate the age of unaccompanied minors or underrate the hazardous migration experience of unaccompanied minors (2) If assessment is based on humanitarian ground of protection (3) If it is based on the best interest of the minor principle (4) If apparatus used for assessment is approved by law (5) If it is the only instrument to determine reception or rejection of a minor (6) Who authorizes and who determines the exactness of the age determined? (7) What type of apparatus used? (8) Life threat and adverse consequences to the minor.

The age of the minor stands at the bridge between two lands because age determines whether unaccompanied minors should be treated as adults or minors under 18 years old entitled to protection in many countries of the Western world. In this way, acceptance or denial of asylum may be justified and this may pave way to the application of the Dublin II Regulations, (2003),¹⁷¹ and detention of the unaccompanied minor, The Reception of Asylum Seekers Regulation 121 and Council Regulation EC N^o 343/2003.¹⁷²

¹⁷¹ Dublin II Regulations, (2003) The Reception of Asylum Seekers Regulation 121. Council Regulation (EC) N^o 343/2003).

¹⁷² Council Regulation (EC) N^o 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the member states by a third-country national.

The European Union legal frameworks are meant to protect in theory, but in practice the laws add to the list of negative impacts according to many authors. In the long list of factors that have significant impact on the development of the child are: traumatic experiences, separation, sudden changes in environment, manmade and natural disasters, war and its atrocities, can affect the minor's personality development (Bibring 1953; Boywlby 1973; Mostwin 1976). For this reason to assess a minor's age becomes an uphill task whether medical, holistic or with new inventions. For this reason we have added items that will help social workers inform us in this research what measures they used in determining the age of minors and whether they have faith in the method they use.

Through interview and semi structured questionnaires we have also verified if social workers are satisfied with the type of protection they provide and also if they receive high pressure to control asylum seeking or not by using the age dispute as a surreptitious tool. On our own part, we have had face to face interview with unaccompanied minors in this age bracket (for example 16 -17.5 years) that are mostly affected by age assessment debate. As a very important policy implementation process, we discovered many things that will be presented in chapter four and five. We now know that age assessment makes room for '*benefit of doubt*'; we now know how long it takes to determine the age of a minor and the positive or negative effects of the age determination.

In Spain, the Prosecutor General for Aliens Affairs is conferred with the power of imposing how an unaccompanied foreign minor's age should be assessed and the process to be adhered to. There is a laid down Protocol for the process to be followed in dealing with children from a third country, that is, a country outside the European Union. It's like hatching a new law to deal with a dangerous criminal like (El Chapo, the infamous most wanted Mexican drug lord). For example, the prosecutor who already knows the type of apparatus to be employed orders medical tests of wrist and hand radiography (these will be assessed and explored in the proceeding chapters). The apparatus used for assessing the age of unaccompanied minors is an old method used in the 1930s which was adapted during the Second World War using the left palm fingerprints to determine age conflicts.

The consequence is generation of an army of 'irregular' immigrants who are abandoned to their fate. Based on the appearance and documents of the minor, conclusion is made. However, it turns out that the minor's documents are always regarded and treated as fake and that his appearance betrays in such a way that the passport and the age certificate becomes irrelevant to the social workers. The assumption that he or she is more than 18 year of age has already been taken. This is where the bridge linking the minor and the EU breaks. The bridge to social integration is cut by this 'culture of unbelief' which makes the minor a perpetual risk. These armies of 'irregular' unaccompanied minors have assumed the opprobrium tagged 'illegal aliens.'

To this end Dorling, (2009) claimed that age is not universally registered, documented, celebrated or even necessarily known and unaccompanied minors and young people coming from countries of war and conflict may challenge Western conceptions of childhood as dependent and powerless Legget, (2008).

Contributing to this Crawley, (2007), complained that these assessments are prejudged. Age disputes of unaccompanied minors and the Dublin II Regulation normally affect unaccompanied minors who are declared to be between 16 to 17 years and they are the largest in number among unaccompanied minors denied asylum and many of them are deported or returned.

Dublin II Regulations, (2003)¹⁷³ now Dublin III, is most prejudiced instrument of coercion and punishment, because a minor is subjected to detention for 2 years in various countries in the EU, then protection denied based on the same Dublin III instrument, now in force, consequently the minors reach close to 18 years (according to institutional age assessment) which is the limit for humanitarian protection. The consequence of Dublin III instrument means that the unaccompanied minor is swept into 'irregular' group - the abyss of abandonment where he or she would be sent to the country of first asylum petition.

¹⁷³ Dublin II Regulations, (2003) The Reception of Asylum Seekers Regulation 121. Council Regulation (EC) N^o 343/2003 (Förordningen Om mottagande av asylsökande m.fl. SFS (1994:361). www.migrationsverket.se.

To add salt to injury, a new Dublin III Regulations¹⁷⁴ entered in vigor to the consolidation and to retighten the restrictive policies as a way to implement even more repugnant policies in European Union member states.

Beaming the research on age assessment, the research by Cemlyn, and Nye, (2012) titled 'Asylum seeker young people: Social work value conflicts in negotiating age assessment in the United Kingdom', defined unaccompanied minors as 'separated young asylum seekers' and focused on social work with separated young asylum seekers following armed conflict. The research examined the ethical issues arising from discrimination, lack of responsibility and other contradictions between core social work values and immigration control. The authors considered that immigration control has defeated the idea of social work practice in the area of age assessment and has taken over the job of social work. Although, one understands the difficulty social workers have in balancing migration policy with 'the best interest of the child principle' the authors affirmed that age dispute has become very contentious and a substitute for reducing intake of unaccompanied asylum seeking children.

For this reason, in practice, it will be safer to conclude that social workers are assessing age; instead of protecting the unaccompanied migrant minor they are denying them their rights. The authors drew much of their information from the findings of a smaller study on age assessment practice. This small study concludes with the centrality of maintaining social work values and links with wider campaigning. The aim of the authors is to analyze ethical issues that confront social work when it becomes entangled in the tensions between core social work values and immigration control because the authors believe that there is a link between the wider notion of immigration control and the tiny issue of age assessment. The age assessment determines whether unaccompanied minors should be treated as adults or minors under 18 years old entitled to protection in order to benefit the provisions of CRC, (1989). Age determination has caused social work to fall behind the expectation of international human rights groups aimed at preventing human

¹⁷⁴ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 (Dublin III Regulation) establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

rights abuse in Western asylum systems. Determination of Age has been a big problem in Australia, United States and the European Union.

The concept of right, need and vulnerability do not come up, rather the idea that the child is an adult and therefore capable of solving problems transcend the idea to protect the unaccompanied minor. It would be interesting to find out what some other countries of the European Union and Canada do while integrating unaccompanied minors. It has been observed by many experts that the medical methods in use to assess age raise many questions about accuracy, reliability and safety and the absence of standardization in Spain, Sweden and United Kingdom.¹⁷⁵

Legal instruments that had been signed including the United Nation Convention on the Rights of the Child (1989) (Articles 3 and 20)¹⁷⁶ which declared that “The best interests of children must be the primary concern in making decisions that may affect them” and article 20 made it clear that “Children who cannot be looked after by their own family have a right to special care and must be looked after properly”¹⁷⁷ and the EU Charter of Fundamental Rights (Article 24)¹⁷⁸ which mandates countries and their administrations to take proper care of unaccompanied minors, thus: (1) Children shall have the right to such protection and care as is necessary for their well-being.

They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity. (2) In all actions relating to children, whether taken by public authorities or private institutions, the child’s best interests must be a primary

¹⁷⁵ Medical methods in use raise questions about accuracy, reliability and safety. The medical, legal and ethical acceptability of invasive methods (notably X-rays) in particular is controversial. Human rights are at stake. The lack of common practices results in different levels of protection (discrimination). The absence of standardization is an obstacle for the functioning of the Common European Asylum System. EU Best Practice Guidelines should remedy the situation; such guidelines should reflect the best interest of the child.

¹⁷⁶ Article 3 (Best interests of the child): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they are expected to think about the impact of their decisions and the unexpected damage on unaccompanied minors. This particularly applies to budget, policy and law makers.

¹⁷⁷ Article 20 (Children deprived of family environment): Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture and language.

¹⁷⁸ EU Charter of Fundamental Rights, Article 24 - The rights of the child: Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.: <http://fra.europa.eu/en/charterpedia/article/24-rights-child>

consideration.”¹⁷⁹ Consolidating on the high profile researches on unaccompanied minors Bhabha, (2011) declared that implementing a policy of accurate age determination creates a political climate of mistrust and xenophobia and that the value of even genuine birth certificates cannot be trusted. In consequence age debate is retarding the protection of unaccompanied minors.

According to Watters, (2008) so many complex and controversial efforts are made at determining the age of children. This is predicated on the view that the guideline issued by the Royal College of Paediatrics and Child Health in 1999, age determination is an inexact science and the margin of error can sometimes be as much as 5 years or either side.

It is imperative to respond to this problem of age assessment through a holistic assessment of wrist and dental procedures to determine age of a child. This holistic assessment model though has been recommended by child welfare advocates have been rejected in United Kingdom and the European Union. Minors have suffered sexual exploitation, child abuse and female genital exploitation in the hands of unscrupulous adults which affects their appearance therefore, cultural differences must be taken into consideration. Therefore, all governments must take proactive measure by providing the needs we listed in this doctoral dissertation without failure in order to protect their personality and enhance their integration into society.

2.2.2.7. Disappearance of minors as a result of Age assessment and protection failure.

In some situations, age assessment has been linked to disappearance of unaccompanied migrant minors. This is predicated on the view that social workers use age assessment as a weapon to scare them and when they know that a decision has already been taken; they take another decision or maybe to escape, but does

¹⁷⁹ EU Charter of Fundamental Rights. Article 24 - The rights of the child. (1) Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity. (2) In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration. (3) Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

not mean that they have been protected. Age assessment may have also provoked disappearance of unaccompanied migrant minors and other youths. During the process of seeking asylum, unaccompanied minors are faced with 'yes' or no 'answer' derived from the report of their age.

When minors are faced with aggressive manners or negative attitude, they disappear in order to continue the running journey. It is interesting to evaluate why a child who escaped from a terrible war zone or a devastated region could have the interest to run again. Three reasons may be attempted here: excruciating bureaucratic approach; discriminatory care and fear of deportation. If a child disappears in a family setting, the parents must be held responsible for not taking proper care of their child.

If a child disappears in a government department, (as in this case) the bureaucratic organization and its appurtenances must be held responsible for failure to implement 'child-centered approach' during and after the process of social integration of unaccompanied minors. Immigration personnel in collaboration with social workers and the police dispute the age declared by minors or their guardians in an effort to apply a predetermined measure of control on migrant population and to reduce the welfare services offered to integrate them.

Through this abnormality of age disputing (Giner, 2009; Kvittingen, 2010) noted that unaccompanied refugee minors 'lose credibility in relation to their asylum claim. Bhabha and Crock, (2007) corroborated this affirmation by saying that only a minority of young people achieve recognition as refugees in United Kingdom because of age dispute. The debate on the child's age and the Dublin III regulation is a threat to unaccompanied minors to the extent that it is a tool to serve the Member States of the European Union in order to repatriate unaccompanied minors. Sweden, Spain and England are signatories to the Dublin III Regulation.

It is noteworthy that the children most affected by this regulation are those that are between 16 and 17 years and represent 85% of unaccompanied minors. Policy implementation has shown a phenomenal increase in the denial of asylum applications in Sweden and United Kingdom. In fact, the number of rejected application according to the official statistics of United Kingdom and Sweden I

observed between 2007 and 2008 85% of unaccompanied minors between 16 and 17 years were affected negatively. The measurement of age can have a high degree of error and reliance on medical evidence failed to give correct answer to the debate because while government workers are more interested in using the machine to eliminate number of asylum seekers, the machine is not making the justified result.

So far, there is no agreement on the medical model. For this contentious reason pediatricians insisted that 'determining chronological age through bone density x-rays, especially for older teenagers, is virtually impossible' and should not be attempted' Levenson and Sharma, (1999, p. 13). It is reasonable to argue that this Spanish Supreme Court decision against age assessment in (June, 17 2013)¹⁸⁰ practices in Spain shows that implementation of restrictive policies are highly institutionalized and politicized. In one of the numerous contentious age assessments cases for example, the case refers to an administrative appeal before the Supreme Court brought by the Appellant against the High National Court's judgment denying the right to asylum and subsidiary protection.

The Appellant is an unaccompanied migrant minor from the Federal Republic of Cameroon who had claimed asylum on the grounds of persecution¹⁸¹ for his sexual orientation. The Supreme Court declared, that "The asylum seeker was effectively denied appropriate legal aid during the administration of the application. Furthermore, regardless of the UNHCR report of 4th February 2010 (which is recorded in the file), due to the alleged minority of the Applicant, the decision-making body would have recommended that the applicant be treated as a minor. The link between disappearance of minors, age assessment and residence permit makes this description and analysis which we promise very interesting. This is what we promised in chapter one of this research.

The Spanish Supreme Court Judgment, of 2013¹⁸² reasoned that the applicant is a minor at the time of application for asylum and emphasized the

¹⁸⁰ Spanish Supreme Court, 17 June 2013, No. 3186/2013

¹⁸¹ Other Case Laws cited include: Spain - Supreme Court, 31 October 2006, No. 4979/2003; Spain - Supreme Court, 6 October 2006, No. 6881/2003; Spain - Supreme Court, 21 April 2006, No. 2675/2003; Spain - Supreme Court, 20 January 2012, No. 125/2009.

¹⁸² In their reasoning, the Supreme Court emphasized the inaccuracy of age assessments (particularly the Greulich and Pyle method) and stressed that this was a purely predictive method which necessarily implies variances and therefore does not give absolute and precise results about a person's age. By virtue of this reasoning, the Chamber concluded that the erroneous assessment

inaccuracy of age assessments (particularly the Greulich and Pyle method) and stressed that this was a purely predictive method which necessarily implies variances and therefore does not give absolute and precise results about a person's age. The Supreme Court revoked the challenged judgment and ordered a reconsideration of the administrative procedure from the beginning to restore the minor's rights.¹⁸³ Comparatively in the United Kingdom, it has been reported that dental analysis and pediatric reports are still offered as supplementary evidence, alongside Merton age assessments which are also criticized. Implementation of restrictive policies in place of protection policies towards integration of unaccompanied is difficult to justify because unaccompanied minors navigate difficult terrain beyond their age in the process of submitting to the demands of social workers who determine their age.

According to Chavez and Menjívar, (2010) in their voluminous study titled "children without borders: A Mapping of the Literature on Unaccompanied Migrant Children to the United States," gave a detailed account of bureaucratic and cumbersome process adopted in order to determine the age of an unaccompanied minor at the United States border post detention center. Chavez and Menjívar reported that after being detained under the custody of the United States Department of Homeland security (DHS), which determine whether a child is under the age of 18 years and unaccompanied, then they are transferred to the Office of Refugee Resettlement (ORR).

Their age is verified through birth certificates, testimonies, or forensic tests as dental, wrist, or bone X-rays Byrne, (2008, p. 18); Nuggent, (2006). It is good to point out to policy makers that in countries where unaccompanied minors came from, counting of age and registration of date of birth is not developed as in Europe and this bare fact should be understood clearly during decision making by government workers.

of the Applicant's age was behind the failure to apply the guarantees and procedural safeguards provided by the asylum system for applications submitted by minors. Furthermore, the subsequent result has been that all procedures that have taken place after this assessment have been carried out as if the applicant was of age. According to the Chamber, all of this is against the principle of presumption of minority, in the event there are doubts in this respect.

¹⁸³ The Supreme Court dismissed the High National Court's judgment. At the same time, understanding that an accurate age assessment had not been made, the Court revoked the challenged judgment and ordered a reconsideration of the administrative procedure from the beginning, in order to provide the asylum seeker with legal assistance because it deemed the Applicant to have been without legal defense during the administrative process of his application.

To this end Dorling, (2007) claimed that age is not universally registered, documented, celebrated or even necessarily known and unaccompanied minors and young people coming from countries of war and conflict may challenge Western conceptions of childhood as 'dependent' and 'powerless' (Legget, 2008). The idea to assess age is to be able to allocate a lifetime age for work and social security documentation relating to the child and this may go a long way to determine his or her relationship with other organs of government including the hospital and the labor market.

However, where social work practice adopts a more aggressive approach while interviewing these minors, they create the impression that they have ulterior motive when measuring the minor's age. On the other hand, unaccompanied minors seem different. They may instead be seen as 'manipulative imposters' or perceived as 'people out of place' (Bhabha, 2001, p. 294.).

The models of age assessment in United Kingdom which for now include interaction, social history, family circumstances, education, self-care and health, as well as physical appearance and behavior Crawley, (2007), these assessments are prejudged or put in another way, they are based on what social workers want the age of the unaccompanied minor to be and other misconceptions about age-related conduct and subjective judgment.

Social workers are also influenced by power from 'above' which is aimed at giving as little as possible to minors determined to be less than 18 years. Social workers are also influenced by neo classical theory of migration, political and cultural constructions of unaccompanied minors. They may have perceived them as economic guzzlers and this becomes more dangerous because social services are integrated with border control and deterrence. Many authors believe that there are pockets of holistic, open-minded, culturally aware practice, but he noted poor quality age assessments which inevitably reflect social construction and culture of disbelief in the asylum system are on rampage.

Many authors have recommended that in the process of age assessment, social workers must not depend solely on the Merton guidelines although this method is trying to be more 'Holistic'. Therefore, in order to guarantee age assessment government workers must not depend solely on physical appearance.

It seems that social workers who are empowered to conduct an age assessment, should be given training, not only on how to conduct age assessments, but also on the difficulties of the task and framing age assessment within the wider asylum system. If we compare the difference between the impact of child age assessment with a child who is treated like an adult; and adult age assessment to an adult who is treated like a child we would understand the wide implications. The negative effect on the adult will be infinitesimal but the negative effect on the child who is assessed like an adult will be huge and the child can suffer. Therefore, Social workers should be able to play active part in wider political struggles to protect asylum seekers with the maintenance of core humanitarian values in their practice.

It is futile asking social workers to stop assessing age of unaccompanied minors since they are in the same organization that implement negative asylum policies and they are in a lower hierarchy where power flows from top to bottom the bottom black box. Take the case of unaccompanied minors who are taken into a center. The social secretary receives the unaccompanied minor from the police and sends the minor to a designated care center. As soon as the center receives the minor; the prosecutor declares what type of instrument to use in assessing age.

The result of this age decision goes *pari passu* with the decision to approve minor's asylum application or reject the minor. While the result for application for asylum may last from three to six months, the result of an age assessment lasts between one and half years to two years before the result comes out. Strangely, the decision to grant asylum protection to unaccompanied minors inextricably depends on this age decision (not more than 18 years limit).

In practice, this group of unaccompanied minors that were not granted residence permit is shifted to the abyss of 'irregularity.' Furthermore, we have encountered policy contradictions towards protection and integration of unaccompanied minors in the literature so far reviewed. To analyses these contradictions, we appreciate the Supreme Court declarations; the UNHCR report supporting the defense of unaccompanied minors' rights is recommendable.

However, Dublin III regulation has been seen as a persecution and a threat to the application of Article 24 on unaccompanied minors best interests principle, while Regulation (EU) No 604/2013 of the European Parliament and of the Council

of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person serve as a brutal headlong clash with the fundamental rights of unaccompanied minors.

2.2.3. Minors' rights equate to needs and number one specific objective to the CORE INTEGRATION FACTORS.

In the process of assessing the implementation of protection policies towards enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom we believe that the needs of the unaccompanied minors are equal to their Rights. The United Nation and its Supra National Organizations like UNHCR, Families, Child stake holders, and unaccompanied minors themselves are calling for the provision of their needs.

Consequently, States are mandated to react positively for example, Directive 2003/9/EC of 27 January (2003)¹⁸⁴, laying down minimum standards for the reception of asylum seekers (Reception Directive), OJ L 31 of 6 February 2003, Chapter IV, (1). Specifically, Article 23 on Minors mandates Member States to implement policies in a manner that: "the best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors"¹⁸⁵ while Article 24 on Unaccompanied minors

¹⁸⁴ Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers on Schooling and education of minors. The Council of the European Union: Official Journal of the European Union 6.2.2003

¹⁸⁵ (1) Article 23: The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors. Member States shall ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development. (2) In assessing the best interests of the child, Member States shall in particular take due account of the following factors: (a) family reunification possibilities; (b) the minor's well-being and social development, taking into particular consideration the minor's background; (c) safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking; (d) the views of the minor in accordance with his or her age and maturity. (3) Member States shall ensure that minors have access to leisure activities, including play and recreational activities appropriate to their age within the premises and accommodation centres referred to in Article 18(1)(a) and (b) and to open-air activities. (4) Member States shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care is developed and qualified counseling is provided when needed. (5) Member States shall ensure that minor children of applicants or

mandates Member States to take measures to ensure that a representative is appointed to: “assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive and shall be informed immediately.”¹⁸⁶ According to The European legal concept on asylum, unaccompanied minors and other children are considered as one of the groups that are vulnerable persons and for this reason Member States have (immediate) obligations to protect them.

Unaccompanied children are entitled to a guardian and their needs as minors must be taken into account (seriously) when implementing the provisions of the EU Reception Directive. According to chapter IV, Article 17 on General principle: Provisions for persons with special needs stated *inter alia*:

applicants who are minors are lodged with their parents, their unmarried minor siblings or with the adult responsible for them whether by law or by the practice of the Member State concerned, provided it is in the best interests of the minors concerned.

¹⁸⁶ Article 24 on unaccompanied minors (1) Member States shall as soon as possible take measures to ensure that a representative represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The unaccompanied minor shall be informed immediately of the appointment of the representative. The representative shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 23(2), and shall have the necessary expertise to that end. In order to ensure the minor’s well-being and social development referred to in Article 23(2)(b), the person acting as representative shall be changed only when necessary. Organizations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives. Regular assessments shall be made by the appropriate authorities, including as regards the availability of the necessary means for representing the unaccompanied minor. 2. Unaccompanied minors who make an application for international protection shall, from the moment they are admitted to the territory until the moment when they are obliged to leave the Member State in which the application for international protection was made or is being examined, be placed: (a) with adult relatives; (b) with a foster family; (c) In accommodation centres with special provisions for minors; (d) in other accommodation suitable for minors. Member States may place unaccompanied minors aged 16 or over in accommodation centres for adult applicants, if it is in their best interests, as prescribed in Article 23(2). As far as possible, siblings shall be kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum. (3) Member States shall start tracing the members of the unaccompanied minor’s family, where necessary with the assistance of international or other relevant organizations, as soon as possible after an application for international protection is made, whilst protecting his or her best interests. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardizing their safety. (4) Those working with unaccompanied minors shall have had and shall continue to receive appropriate training concerning their needs, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.

Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, in the national legislation implementing the provisions of Chapter II relating to reception conditions and health care.¹⁸⁷

It must be noted that investigation in the area of social work and unaccompanied minors has been converted into a security problem because Western Governments have securitized the discourse about asylum and integration and the issue of protecting unaccompanied minors.

We must also take note that an investigator into this area is not going into one accounting office to ask for their ledger book or sales budget for the past three years, but here is an investigator whose job is being monitored by state security, the internal and external affairs ministries and the central governments are not passive. This is the home of the bureaucratic organization that is being assessed and their image and interest is always at stake, therefore the investigator is to be brave.

Bhabha and Finch, (2006) adopted a methodology which permitted the review of relevant international and regional conventions, domestic legislation, and the policies and practices of the relevant government departments of United Kingdom. The author's sources of information came from Statistical data of the British Home Office, and NGOs inclined to the issue of unaccompanied or separated children in the United Kingdom. Other sources include interviews with legal representatives, social workers, information from meetings and correspondences between social workers and the Home Office within the two years of this research.

Through these working documents Bhabha & Finch, (2006) were able to analyze the policy changes that affected asylum cases of unaccompanied or

¹⁸⁷ Provisions for persons with special needs contained in Chapter IV, Article 17 General principle declared, inter alia: 1. Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, in the national legislation implementing the provisions of Chapter II relating to material reception conditions and health care.

separated minors and how applications for asylum were going to be determined and other changes which were proposed in relation to the United Kingdom's response to their other protection needs. The authors conducted formal face to face interviews in 2004 with unaccompanied or separated children themselves in order to give an insight into the different stages involved in making and determining an asylum application from an unaccompanied or separated child in the United Kingdom. However, the authors did not go into assessing the attitude of institutions and social workers who engage who particularly implements migration policies that have impact on minors and activities that affect the day to day interaction with unaccompanied minors, rather they collected sufficient information on how and what worker do when they encounter an unaccompanied minor.

I posit that this research made a very good attempt at evaluating the barrel of information amassed in order to show the content of the Statistical data and that the British Home Office is applying UK policies "to the best of their knowledge" to protect the minor but the interest of the Sovereign State takes precedence. However, banging all the information together does not explain core issues relating to denial of their rights; the daily needs and the migration experience of the unaccompanied minor.

The researches by government institutions did not assess the very institution which makes the unaccompanied minor suffer psychological distress, destitution and deprivation. We now know what they understand, that is, in their type of research sponsored by a government institution, *'He who pays the piper calls the tune.'*¹⁸⁸ Furthermore, their researches did not assess the impact of age assessment used as a factor to determine asylum and enhanced integration success. The research of Bhabha and Finch (2006) failed to find negative effect based on these factors of integration, though the impacts on denials of protection are visible in all aspects of their daily lives. It is good to note that chapter four of this research presents the consequences of ignoring core rights of unaccompanied minors.

¹⁸⁸ This relates to a situation where...one is paying for someone's services, you can dictate exactly what you want that person to do.

2.2.3.1. Integration efforts of European Union and promoting Equity and Justice.

An integration effort of the European Union was recognized according to Reuters Koranyi and Klesty (2012) who reported from Oslo on Friday October 12, 2012, that 'The European Union won the Nobel Peace Prize' and the reactions differ.¹⁸⁹ According to this report, the Nobel Peace Prize was awarded as a chest beating recommendation 'for promoting peace, democracy and human rights over six decades', a morale boost for the EU bloc as it struggles to resolve its economic crisis Koranyi and Klesty (2012).¹⁹⁰ According to the Nobel Committee Chairman Thorbjørn Jagland the European Union has emerged 'from a continent of wars to a continent of peace'. Armed with this human right score card, many European Union member states make us believe that the principle of policy making revolve around the principles of cooperation, justice and fair play, equality of opportunities and respect for human rights.¹⁹¹

In this research we consider it appropriate to analyze the policy direction of the European Union governments that won the Nobel Peace Prize for promoting peace, democracy and human rights since this is likely to influence policy direction. On the other hand, unaccompanied minors and migrants in general who are also vulnerable members of this community should benefit from this generosity of protection during policy making and policy implementation. This is predicated on the view that the implementation of immigration policies like other policies is limited to serve a particular purpose in these states. In this same European Union, Migration Policies are self-limiting and made to suit the national interest which may be at variance with the avowed principles of cooperation, justice equality and human rights.

¹⁸⁹ The European Union won the Nobel Peace Prize on Friday for promoting peace, democracy and human rights over six decades, a morale boost for the bloc as it struggles to resolve its economic crisis.

¹⁹⁰ European Union wins Nobel Peace Prize. Among those tipped to win was Russia's small Ekho Moskvyy radio, a frequent critic of the Kremlin. Editor in chief Alexei Venediktov conceded the prize to a worthy winner. "We are only 115. They are 500 million. It is an honor (to lose to the EU)," he told Reuters. <http://www.reuters.com/article/us-nobel-peace-idUSBRE89A1N820121012>.

¹⁹¹ Considering unaccompanied refugee children and adolescents as 'refugees', entitled to gain temporary protection and residence documents until they attain the age of majority leads to minimal standards of care and reception and an important neglect of their psychological needs

These self-limiting migration policies produce another group of self-limiting model which makes it even difficult and confusing to implement certain aspects of the policy itself. The consequence of this policy limiting itself to the interest of the political elite makes the policy insufficient and insignificant. This insufficient policy leads to human suffering and generates a new political conflict. This restrictive policy consumes the very fundamental rights and washes its hands off the responsibility of protection. In practice, self-limiting migration policy generates politics and migration politics generates insignificant self-limiting migration policy, as this thesis is proving presently. When a policy is based on resolving a perennial problem, a longitudinal study is conducted to know the problem and its implication, but this is where the conundrum is. This European Union Nobel peace prize for promoting peace, democracy and human rights is justifiable.

However, this justification can only be fruitful if reformed, equitable and specific protection policies are made in recognition to the suffering of unaccompanied migrant minors during all these destabilizing wars fought in former Yugoslavia, Afghanistan, Liberia, Sudan, Somalis, Iran, Iraq and Syria. For example, the United Nations High Commissioner for Refugees (UNHCR) did the same thing, by recognizing the protection of children after the Second World War which made it possible for United States, Sweden and other countries to admit many children for protection. Can European Union-27 member states make new policy to admit these unaccompanied migrant minors now?

By recognizing the protection of unaccompanied migrant minors who are pathetically affected by bloody wars including those affected by the devilish effect of globalization, the European Union commission will be planting a new *Iroko*¹⁹² tree that can protect and reduce the tension brewing between 'in-group' and 'out-group'.

Based on our discussion above, it is sufficient to argue that much of the work done by social workers is controlled by top down bureaucratic process and outside influences which is antithetical to the tenets of social work practice. Therefore, this research believes that social work personnel are caught between solidarity to the whims and caprices of in-group power brokers and the

¹⁹² An *Iroko* is the biggest protective trees found in tropical Africa that symbolizes power and unshakable strength

responsibility of safeguarding the rights and future of a weak and vulnerable population.

This same conflict makes it possible for social workers to feel complacent while implementing public policy. This same conflict is antithetical to the ethics of social work practice but social workers are hiding behind organizational bureaucracy thereby making racial discrimination a veritable attitude in the process of implementing protection policies for unaccompanied minors. This research also believes that budgetary allocations to the department of social services and family for unaccompanied minors have degenerated in recent years and may have affected the behavior of social work practice.

We also believe that there are three cankerworms that influence social work practice which are evaded by researchers. They include (1) Framing immigration issues, (2) Financial foibles and crunch and lack of adequate protection and (3) Attitudes encapsulated in racial prejudice. These obstacles could be the hunch back that threatens the principles of cooperation, justice and fair play, equality of opportunities and respect for human rights.

These cankerworms that influence social work practice embolden them to carve out self-limiting migration policies which ultimately lead to relegating the fundamental principles of social work practice as stipulated by international and national codes of social work ethics, that is, 'principles of human rights and social justice are fundamental to social work' International Federation of Social Workers. (IFSW, 2015).¹⁹³

This European Union 2012 Nobel Prize for peace should be a reminder to the principles of human rights, justice and fare play, and to the principles of human rights and social justice which are essential to social work practice. Working in an environment where these three areas of influence prevail may be very difficult to

¹⁹³ International Federation of Social Workers. (IFSW) (2007) The International Federation of Social Workers (IFSW) is a global organization striving for social justice, human rights and social development through the promotion of social work, best practice models and the facilitation of international cooperation 'Ethics in Social Work, Statement of Principles. The International Federation of Social Workers supports its 116 country members by providing a global voice for the profession. IFSW has been granted Special Consultative Status by the Economic and Social Council (ECOSOC) of the United Nations and the United Nations Children's Fund (UNICEF). In addition, IFSW is working with the World Health Organization (WHO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office of the United Nations High Commissioner for Human Rights (OHCHR). <http://www.ifsw.org/f38000032.html>.

execute social work practices based on professional ethics and based on the 'best and high interest of the minor' principle.

For these reasons our semi structured questionnaires sought to find out how social workers respond to the various factors that reflect the three grand influencers, for example: unaccompanied minors and other asylum seekers are security risk to the state; that there is increased number unaccompanied minors and other asylum seekers.

Unaccompanied minors and other asylum seekers constitute financial burden to the state; that they are taking away jobs from the locals; that contact with unaccompanied minors and other asylum seekers is devaluating; that they have different customs which make them very different and that they should be sent home by any means. Responses by social workers and unaccompanied minors to these and other questions provides readers of this research an equitable and balanced results in chapter 4 and 5 which will serve as eye opener to the way organizations implement policies that affect unaccompanied migrant minors and other asylum seekers.

2.2.3.2. Social Work intervention and Attitudes: Racism, Discrimination, Perception and Framing.

An attitude is an expression of favor or disfavor toward immigrants or an unaccompanied migrant minor; a person, place, thing, or event. In this research we believe that attitude of the in-group can be formed by the type of sensational articles published by the houses; by government restrictive policies or from a person's past and present interaction with immigrants; from the experience of working as a deportation agent. One may be influence working for a secret service for the deportation and readmission of minors. One can be oriented and influenced working in an unaccompanied minors' reception camp or prison establishment.

According to the famous psychologist Allport, (1935) attitudes refers to "the most distinctive and indispensable concept in contemporary social psychology," Allport, (1935) while attitude as a psychological tendency is defined as "a psychological tendency that is expressed by evaluating a particular entity with some degree of favor or disfavor" (Eagly and Chaiken, 1998).

Lorenz, (2006, p. 72) corroborated the views of other authors and declared that quantitatively, direct social work with refugees and asylum seekers is of marginal importance to the whole field of the social services. This goes to justify what I have discovered during interviews for this research; that administration of reception and integration of immigrants and especially unaccompanied minors are left in the hands of unqualified staff or political supporters who do not know what to do and who do not read developments in other countries and who do not know the implication of the Convention on the rights of the child CRC (1989).

Furthermore, social workers are not even necessarily in the frontline of intervention in the reception centers of refugee camps. Other problems that deals with the unaccompanied minor or other migrant like financial calculations, auditing, language interpretation, housing, search and apprehension, search for families, advice and legal issues normally require specialists are contracted to offshore experts.

Questions of psychological trauma of displacement and torture of minors are dealt with by therapists in special cases because unaccompanied minors are not allowed these elite services. In a complicated situation, social work is beginning to understand that these are the main social problems for the existence of social work, but until they realize their full implication, there is no hope for immigrants especially migrant minors to integrate on the bases of activities of social workers. More closely, the work with unaccompanied migrants for example, whose citizenship is in doubt, tests the relationship of social work with the project of the nation state and its possible overdependence on it, Lorenz, (2006, p. 73) averred.

In the study of integration of immigrants, many studies have labeled ethnicity or race with the terms 'mixing', 'merging', 'miscegenation', 'integration' 'acculturation' as another way of expression of "INTEGRATION," which is one of the important factors in assessing the implementation of protection policies for enhanced integration and incorporation of unaccompanied minors in Spain, Sweden and United Kingdom.

Therefore, sex is at the very heart of racism and that is why Allport's Scale of Prejudice and discrimination' incorporated 'avoidance' to contact as part of his scale on racism. As stated in chapter one, we have induced the theory of Allport,

(1954) which emanated from his Scale of Prejudice and discrimination and others to support the institutional destitution, deprivation and discrimination which are the fruits of racism and prejudice against unaccompanied minors. Therefore, if a minor accepts marriage with a social worker or *vice versa*, there is bound to be concrete integration or mixing', 'merging' or 'acculturation'.

On the other hand, we become aware that whereby members of the majority group actively avoid people in the minority (unaccompanied minors) with no harm intended, but harm is done through isolation or social exclusion Pettigrew and Meertens, (1995), in their work 'Subtle and blatant prejudice in Western Europe' incorporated also intimacy factors in their Blatant scale. This may be why Migration Integration Policy Evaluation Index (MIPEX, 2016) included marriage and regrouping of family as one of the importance factors in measuring 'integration,' and that is why we are interested in family regrouping.

Migrants, that is, non-citizens of the European Union challenge European cities to declare on which principles they want to ground citizenship, solidarity, equity and its avowed campaign on human rights protection because the EU has won a Nobel Prize based on this concept.

2.2.3.3. Description and comparison of the fight against Racism and Anti-discrimination laws

Although it is difficult to openly accept racism in any social setting racial discrimination flows from top to bottom and permeates into the main fabrics of administrative processes of admission, readmission, renovation and deportation of immigrants. It is in recognition of the prevalence of racial prejudice, discrimination statistical profiling in social work practice that led some EU -27 member states to adopt some measures in an attempt to ameliorate racial attitudes against immigrants in general and unaccompanied minors in particular.

As a result, Swedish government attempted by making new and better anti - discrimination laws which served as shock absorber and hope to some immigrants in Sweden. Some immigrants interviewed said that the new anti- discrimination law is easier to interpret and apply but unaccompanied minors whom we

interviewed orally said they are perceived as a problem and security risk, especially in Göteborg, Rosengård, Malmö and Stockholm.

In this context, many authors have pointed to manifestation of racial prejudice in Sweden as demonstrated in: the mock slave trade; the Somalia woman who was forced to pour milk over herself; Racist children movie; the burning of women integration center by in-group racist group; the destitution and ghettoization of the city of Rosengård through dumping of unaccompanied minors in the same city and the ghettoization of work place through allocating work to them only in cleaning, farming and construction industry.

Racist tendencies can lead to maltreatment, beating and wounding many unaccompanied migrant minors in Stockholm was corroborated by Levante, (2016).¹⁹⁴ Anti-discrimination laws have also been published in Spain, Sweden, United Kingdom, France, Canada and United States but many authors believe that these laws are just paper tigers and smokescreens as we shall read presently. Sweden on its part replaced seven anti-discrimination laws with one law and four Equality Bodies with one Equality Ombudsman. In some Swedish courts, NGOs are allowed to support victims and judges can award damages, *ceteres paribus*.

In United Kingdom, the New Equality Law of 2011 is aimed at fighting racial discrimination but its impact is yet to be felt. It tackles the issue of multiple-discrimination. It harmonizes equality laws in a consistent coherent and easy to understand manner. With these changes non-governmental organizations can play a role in courts.

2.2.3.4. Description and comparison of Institutional attitudes and Framing of Immigrants that block integration.

The issue of unaccompanied minors seeking asylum has been legitimately debated in a 'Framing' language and symbols that convert protection to threat of the welfare state Brekke, (2004). The migration experience of unaccompanied minors is framed and discussed in its most bizarre antediluvian pattern of

¹⁹⁴ Framing may be very harmful and also may be a kind of self-determination. The expression of prejudice, racism and all forms of discrimination against outsiders has been found to be a lethal instrument to nationalism and xenophobia patriotism. Levante EMV (31/01/2016) Neonazis Suecos, agreden a menores inmigrantes no acompañados en Estocolmo, p. 49.

language whereby words adopted by some writers to describe immigrant minors and immigrants in general are: migration flow; 'it' for unaccompanied minors; rise of tide and fall of rain to denote migration; a bunch and collective of immigrants as if describing things, etc., which we abhor in this research. Immigration is discussed as an instrument of terrorism and instrument of third world economic growth, thus abandoning the very economic benefits derived by the society of reception within the European Union.

It seems, by this very reasoning that migration has no benefit and that also means that the European Union is just helping other parts of the world out of mercy and that they are incurring huge loses while accepting immigrants. Delving into the issue of framing immigrants, Rein and Schon (1993, 146) asserted that: "Framing is a method that allows room for (migration) to be seen in an instrumental way. Framing is a perspective from which an amorphous, ill-defined and problematic situation can be made sense of and acted upon" (p. 146).¹⁹⁵ Many Migration policies and theories of the same European Union that got a Nobel Price follow this definition in the process of implementing protection and integration laws.

Contributing to the issue of framing immigrants Hulst and Yanow, (2016, p. 97) declared that: "framing is carried out through ... sense-making; naming, which includes selecting and categorizing; and storytelling. Sense-making is a situated process to which policy-relevant actors attend in circumstances that are ambiguous or about which there are uncertainties. Intractable policy controversies are clear examples of these. Through their use of language, selecting categorizing, naming and storytelling, draw certain features of an intractable policy situation together, thereby both rendering them more coherent and graspable and diverting attention from their ambiguities and uncertainties." (p. 97).

From the forgoing, it becomes clear that the construction of migration of minors as a problem may lead abandonment, hopelessness, deprivation, destitution and official discrimination. Social workers may find it difficult to apply policies in consonance with the Convention on the right of the child, (CRC) but in

¹⁹⁵ Policy discourses in the fields of national and international developments are constructed and operate and how they can be analyzed. Dominant discourses screen out certain aspects: they frame' issues to include some matters and typically exclude important others. More generally, different policy discourses construct the world in distinctive ways, through language that requires deconstruction and careful review.

consonance with a model which will definitely solve the problem created by the perception. In the words of Mulvey, (2010, p.3) this definition of immigrant minors as threat creates a crisis and becomes another crisis when it is narrated in such a way.

In modern societies, when there is a problem, all hands are on deck to solve it. Therefore all hands of the European Union -28 member states are on deck to eliminate and control migration of unaccompanied minors, *first by giving the dog a 'bad name' before disposing the dog.* I posit that the importance attached to framed news and framed immigration policies lay credence to the view that the use of incriminating language to discuss migration is deliberate, systematic and unwavering.

Decisively, social workers should be aware that it is pure blasphemy to adopt aquatic language in the definition of immigrant minors as *'flood.'* It is immoral and discriminatory to use aquatic metaphors in describing migratory movements such as 'floods', 'waves' and 'streams' that create images of deluge, but also imply the ability to switch it on and off and to dyke it. Therefore, this research believes that these attitudes are blocking integration and that means this research is correct in showing racial prejudice reports as one of the obstacles in social work practice that block better implementation of immigration policies towards integration of unaccompanied minors in Spain, Sweden and United Kingdom. We are convinced that describing migratory movements such as 'floods', 'waves' and 'streams' add up to the methodology of racial prejudice and discrimination against the weakest ones.

In Spain, Sweden and United Kingdom, framing of migration as deluge, overflow and threat, has the support of media houses who in turn deliberately assign transient behavior to relatively unchanging dispositions of migrants. The solution to the crises created by self-restricting policy making immigration look like a big problem. The framing process, according to Entman (1993), is selecting some aspects of a perceived reality and making them more salient, in such a way as to promote a particular problem definition, causal interpretation and moral evaluation. It is this situation that Bagaric and Morss (2006) called the breeder of 'super discrimination.'

The application of framing language is highly linked to perceptions that the in-group has, because it's natural to listen to State politicians and the State media houses whether they are right or wrong, immigrants are what they want them to be. The magnitude of migration should not affect the protection of vulnerable children. The threat posed by unaccompanied minors is yet to be proved. They are locked up in prisons and in reception centers; they have no means of livelihood and have no idea about the country where they are held; are not even matured to take up any responsibility; their basic demand is to survive.

In the Kingdom of Sweden, on the other hand, some authors have indicated how they are perceived, for example, in there is ample secularization threat to Scandinavian welfare states Geddes (2003, p. 4), an economic threat, taking away jobs of autochthones¹⁹⁶ and a threat to community cohesion.

Reporting in the unspoken area of racial discrimination against unaccompanied asylum seeker children (UASC) Masocha and Simpson (2011b) and argues that if concerns about social work's complicity in oppressive and racist practices are to be fully addressed, a more critical perspective that is underpinned by an understanding of how asylum seekers as a social group are constructed is needed.¹⁹⁷

Furthermore, Masocha and Simpson (2011a), provided social work with a practical tool to make sense of the mental health difficulties faced by asylum seekers and insisted that both electronic and print media are in a rare campaign against immigration policy and immigrants by publishing falsehood laced with racism.¹⁹⁸ In this way the authors affirmed that the media present asylum seekers in 'negative and xenoracist terms', which ultimately reproduce a 'culture of disbelief' that impinge on social workers who in turn justify this during asylum

¹⁹⁶ Observer Newspaper (30/09/2001),

¹⁹⁷ The aim is to illuminate how the construction of asylum seekers is underpinned by xenoracism and how social workers are not immune to these discourses. Given the (xeno) racist manner in which asylum seekers are constructed, the paper illuminates and underscores the inherent ethical dilemmas for social work. It concludes by discussing the implications of these issues for social work.

¹⁹⁸ The work of Masocha and Simpson makes sense to us in this research because the aim is to provide social work with a practical information and to close the information gap that can make sense of the mental health difficulties faced by asylum seekers, help in the development of assessment tools, and help multidisciplinary agencies to define the roles and remit of staff as well as contribute towards the development of policy and practice.

decisions, hence the weakening of the Convention on the right of the child (CRC, 1989) and other European Union laws.

For this reason and others, I am of the view that a high supervisory body should be established to oversee the implementation of immigration policies. Contributing to framing, stereotyping and decision making Reese, Gandy, and Grant, (2001) argued that 'framing' always implies an active process, and he recommended that analysts "should ask how much 'framing' is going on" (p. 13). Active process means that the communication media conscientiously maintains the division between the insiders and outsiders in terms of perception, economy, culture and stereotypes.

In practice, an active process involves perceiving the unaccompanied child as an adult, thereby elevating the age allocated to the child and using the same mechanism to deny asylum and to deport. We argue here that 'framing' is a system of the 21st century that may die with political ideologies. Framing uses statistical profiling, discriminatory messages, images that depicts the worst scenario or not (e.g. delinquency, famine, HIV, war, terrorism), generalized stereotypes, messengers of evil, metaphors, etc, used to prompt specific responses from the in-group, citizens of the European Union. One of the most striking findings of the research by Bryant & Miron, (2003) is that 'Framing' has become the top model methodology of the 21st-century mass communication theory, and is largely the purview of the traditional "Big 3" serial publications, where it is the most frequently utilized theory.

2.2.3.5. A Global perspective: Subtle prejudice, discrimination and construction of the child in decision making process

Across the Atlantic, the United States has fought hard right from eons of time to liquidate or ameliorate two centuries of *de jure* and *de facto* racial discrimination but this same Americans continue to suffer the evil seed of racism. After many years of heavy investment in the fight against this recalcitrant cankerworm, many analysts believe that the fight had been successful but not completed. In the European context racial prejudice is meted against migrant ethnic groups like the Jews, Roman community (Gypsies) or Gitanos, the Maghreb,

America Latinos, Eastern Europeans, Asians and Africans. The unaccompanied minor is sandwiched between this sword of Damocles¹⁹⁹ and deportation intrigues which are making survive difficult. This type of attitude has negative and everlasting impact on unaccompanied minors in particular and other migrants in general. It sums up the racial prejudice of the in-group against out-group in the European Union. There is a view that racial prejudice and discrimination against unaccompanied minors and immigrants in general may have the same traits as a 'scar' whether subtle, secret and non-violent. There is also a view that these are not only dangerous but also forms an obstacle to integration, mixing, incorporation and acculturation of minors.

Elevating the issue of racial discrimination, authors Sniderman and Piazza (2011) in their recent work "The Scar of Race," proposed a concise portrait of American public opinion on issues of race. Using five major polls (three national, two regional in scope) they confirmed the impression that American attitudes on race is diverse and complex. They found out that: "(1) Attitudes vary according to race, (2) that strains on racism remain antithetical, (3) that conservative critics are responding to their principles rather than to racial prejudice, (4) that education is positively correlated with racial tolerance, and (5) that the attitudes of white Americans on race are surprisingly malleable."

In Spain, the fight against racism that specifically affect policy implementation on unaccompanied foreign minors was launched by United Nations Special *Rapporteur*, Ruteere, (2013) who made a clarion call on the Spanish authorities at national, regional, and local government levels 'to make a priority the fight against racial intolerance in the country. According to the United Nations Special Rapporteur: "In the face of the economic crisis, Spain should not backtrack on the significant progress achieved in addressing the problem of racism and xenophobia. The fight against racism is imperative now more than ever" Targeted News Service, Washington, D.C. (28 Jan., 2013)²⁰⁰."

The United Nations Special *Rapporteur* insisted that Spanish government must make it a priority to fight racism. At the end of his official visit to the country

¹⁹⁹ In this case: The Sword of Damocles hanging over a person's head; something bad seems very likely to happen to you

²⁰⁰ United Nations Special *Rapporteur*, Ruteere, (2013) Targeted News Service, Washington, D.C. 28 Jan (2013)

Ruteere said: "In particular, there is a need for a clear and more visible political leadership in combating racism and xenophobia. The struggle against racism cannot be effective unless it is led by the most senior political leadership."²⁰¹ There is sufficient evidence that immigrants, especially unaccompanied minors suffer these racial attitudes and how they suffer this discrimination has been highlighted by Berry, (2006) when he said that Immigrants usually become marginalized for different reasons: social, political, economic, color of skin, cultural distance, levels of education, language skills, and so forth.

When marginalization is imposed by the host society, it can be experienced as one form of exclusion. This social exclusion which is the antithesis of integration from the point of view of Navas, (2006, p. 19.) takes its root from the concept of who is an immigrant when she said that "we know already that the concept 'Immigrant' are those persons who have established in countries other than theirs... the denomination of an 'immigrant' does not refer to a neutral condition of being. This acquires a forceful pejorative character in the context of some systems and mechanisms of social exclusion and acquires ethnic visibility which is construed as essential difference which is only unfavorable for integration."(p. 19.)

Furthermore, "the designation of a minor as 'immigrant minor' automatically assigns a load of stigma²⁰² on the minor which the minor should not have carried, but in this research this could be seen as part of the Original sin which the minor came with as it is in the old middle ages which follows him like a fly over excrete, he carries the load to the grave."²⁰³

While Fiske and Taylor (1991) showed how prejudice against a particular group can penetrate deeply for eternity, many European Union governments in their latest effort to crucify immigrants with institutional racial discrimination may

²⁰¹ United Nations Special *Rapporteur* Mutuma Ruteere, Targeted News Service, Washington, D.C. 28 Jan (2013)

²⁰² Other types of stigma and policy practices against unaccompanied minors that block integration efforts include: denial of residence permit, denial of family regrouping, denial of voice, denial of appeal efforts, restrictive asylum policies, imprisonment, criminalization, profiling, discrimination, etc

²⁰³ From the point of view of the author NAVAS, (2006), on page 19, the durability of this stigma on the minor makes it a relevant inheritance which can be analyzed in this way: (1) the category of an 'immigrant minor' does not make any difference on the migratory circumstances of a minor (2) this inheritance of the Original sin influences, not only the educational structures and entry into the labor market for these minors but also in their identity and reference as immigrant minors or unaccompanied foreign minors. (3) This category is the two edged sword instrument which responds to the interest the state.

be hiding under the umbrella of economic crises. It was for this reason that Ruteere warned that 'the economic crisis should not become the reason for rolling back progress in the fight against racism and xenophobia,' and while acknowledging that the crisis has put pressure on governments and severely affected the Spanish society, the report also added that: "There is already an ongoing dynamic that the Government should seriously take into consideration in order to avoid a deterioration of the situation with regard to racism in Spain" according to Targeted News Service, Washington, D.C. (28 Jan 2013)²⁰⁴.

Another study about racial discrimination in United States observed that African-American teenagers are aware they are stigmatized as being intellectually inferior thereby going to school bearing what psychologist Claude Steele called 'a burden of suspicion.' Or what I call '*suffering and smiling.*' Such a burden or suffering or trauma can affect their attitudes and achievement throughout life time Fiske and Taylor (1991). It may also be noted that this applies also to women, especially when they are told that they are bad in science and math, which will become a stamp on their life. This also applies specifically to unaccompanied minors. As averred by Allport, (1954) children are more likely to grow up tolerant if they live in a home that is supportive and loving. 'They feel welcome, accepted, loved, no matter what they do. Therefore, it becomes imperative for us to fashion new ways of eliminating racial prejudice and discrimination in the process of reception, integration and incorporation of unaccompanied migrant minors and youths.

However, problem starts when people fail to control their hidden biases and allow them to permeate into the administrative fabrics that govern people. All the stigmatization, culture of unbelief, language detours, interrogation, spying and threat can be avoided if social workers compare and contrast the impact their action will cause this generation of unaccompanied minors. The European Union, having won a Nobel Prize for human right record for its peace efforts, justice and fair play, equality of opportunities and respect for human rights should become the harbinger of the fight against prejudice, racism and discrimination. However, in a deliberate attempt to rationalize the irrationality, policies could be implemented to

²⁰⁴ United Nations Special *Rapporteur* Mutuma Ruteere, Targeted News Service, Washington, D.C. 28 Jan (2013)

serve the national interest. Unaccompanied minors that have been admitted or deported should be able to tell us how they feel about the policies implemented to integrate them into the social system.

In the same year the European Union won a Nobel Prize, many authors observed that political and social context of marginalizing, depersonalizing and criminalizing immigrants prevail in Europe. Some authors make believe that not all prejudicial attitudes are discriminatory, but we believe that when a minor suffers persistently any one type of racial prejudice, however subtle, the victim will not only feel the pinch, but will also lose the integration. The most subtle prejudice is bound to kick out the taste of life from migrant minor, for example a person or group of persons (in-group solidarity) who hate immigrants go to the local government center from time to time to report that unaccompanied migrant minors are from a particular country and that they are delinquents and dangerous.

On the face value, this subtle comment is not dangerous, but it is the same comment that will determine the deportation and ruin of the immigrant minor and this is why it is necessary seek a way of ameliorating the 'super discrimination' Bagaric and Morss (2006). On the other hand, as I have quoted earlier, the intention to '*contact with insiders or with outsiders*' and social participation, which is deliberately restricted, remains a vehicle for successful integration, quote me.

Many writers have shown that an intention to 'Contact' with intimacy or harmonious relationship between the in-group and out-group galvanize social cohesion and leads to successful integration of newcomers. This may also guarantee the absence of racial prejudice and discrimination according to (Allport, 1954; Dovidio and Gaertner, 1986; Kinder and Sears, 1981; McConahay, 1986; Pettigrew and Merteens, 1995).

2.4. Description of the Implementation of Migration Policies: a circle of hostility and integration blockage?

I can conveniently assert that, it is certain that social work practitioners work within the framework of their profession. Within the same established framework they have intrinsic professional responsibility to protect unaccompanied minors in line with the tenets of their profession. This research

does not envisage any challenge beyond the limits of social work profession rather; we see a profusion of laws and norms that place obstacles during implementation of distinct immigration laws. Where social workers are unable to execute their professional ethos, they will find themselves clashing with the ethical standards of their job coupled with the challenge of not fulfilling the tenets of the Convention on the Rights of the Child, Directives of the UNHCR, The National Aliens Acts and other agreements.

It is at this stage that the monstrous racial prejudice is born and we will find out the level of its deterrence on implementation of public policy. According to Rose, (1990) "... The most intensively governed sector of personal existence... The modern child has become the focus of innumerable projects that purport to safeguard it from physical, sexual and moral danger, to ensure its 'normal' development, to actively promote certain capacities of attributes such as intelligence, educational and emotional stability" (p. 21). The major concern of the research is to remove unaccompanied minors from the manipulation of migration networks and organizational racial profiling. This is a clarion call on all social workers to engage in separation of minors from the harsh realities of this world like: Drug trafficking and addiction, irregularity and illegality, hard labor, human trafficking, child labor and prostitution.

Children need to be protected from adult work and also protected from dubious adults whose stock in trade is destitution, deprivation and destruction of their future. The result of this investigation will attempt to create awareness that will encourage policy makers to not only make laws to protect the minor but also make coherent laws to tackle migrant networks through concerted efforts and implementation of public policies without prejudice. The research subscribe to the concept of the 'best interest of the child' principle and our position also correspond to International Integration Standard Migration Integration Policy Evaluation Index, (MIPEX) which can guide policy making as it affects implementation of migration policies towards protection, integration and incorporation of unaccompanied minors in Sweden, Spain and United Kingdom.

For this reason, we have the obligation to inquire if removing racial prejudice is an issue and how the impact is managed during reception and integration efforts through our interview and semi questionnaire in such areas as:

Education, housing, family regrouping, residence permit, labor market, racial prejudice and discrimination, Age of the minor, legal representation and discrimination. (Please see chapter four for more details). Delving onto the issue of integration, a comparative research conducted by Valenta (2010) dealt on integration policies in Scandinavian Welfare States, comparing state assisted policies in Sweden and Norway.

These integration policies in Scandinavian Welfare States affect unaccompanied minors and immigrants in general. Valenta (2010) examined the changes, disparities and ambiguities in the Swedish and Norwegian refugee integration policies and observed that these Scandinavian countries have developed extensive state sponsored integration programs of a high magnitude in Europe in relation to housing and employment assistance as major pillars in both Swedish and Norwegian refugee integration policies. Valenta (2010) found similar changes in Sweden and Norway. However the research concluded that the strong welfare state facilitates extensive resettlement and integration assistance to refugees, refugee integration policies in Sweden and Norway have not succeeded in equalizing the initial inequalities between refugees and the rest of the population.

The study of Valenta, (2010) calls for in-depth research into the implementation of integration policies in order to avoid destitution, deprivation, and destruction of an immigrant youth which may come from many expressed in-group racial prejudice and discrimination during the process of seeking asylum and during the process of integration (Allport, 1954; Dovidio and Gaertner, 1986; McConahay, 1983; Pettigrew and Merteens, 1995). These investigations have revealed that unaccompanied minors are aware that they are stigmatized as being intellectually inferior and that they go to school bearing what psychologist Claude Steele called a 'burden of suspicion'. Such a burden can affect social work attitudes and achievement and dampen integration efforts.

This is predicated on the view that contact with the minor will be curtailed only to official instructions while the minor languish in isolation. In the same manner many investigations by Portes, Fernández-Kelly and William, (2005) reiterated the incidence of segmented assimilation whereby immigrant minors and other youths including first, second and third generation youths are told and

reminded where they belong, that is their ethnic group is considered bad at Castellano, English and math; that their performance as immigrants may show that they will never make it in order to fulfill this prophecy.

On the other hand, as I have mentioned before that if social workers assume that an unaccompanied minor is 'to be' 16 years old when they receive the application for protection, the refugee minor will be 18 years when the Migration Board or Sub Delegación de Gobierno or UK Border Agency make their decision, which means the unaccompanied minor cannot qualify for protection as specified by law.

In effect, this group of unaccompanied minors that were not granted residence permit are shifted to the abyss of 'irregulars'. In practice, this self-limiting policy generates a new political debate on irregular immigrants and consequently a new self-limiting policy will be promulgated without consultation with unaccompanied minors and this will generate a new on-ending politics because migration policy is discreetly made by those on the upper cadre of governance and self-limiting to become the anathema to implementation of policies towards integration of unaccompanied minors.

This is clear evidence that self-limiting policy is applied by social workers as a means of accomplishing their daily obligation without thinking about the impact the policy will have on the unaccompanied minors but with the notion of avowed solidarity to the in-group sentiments. In its discriminatory nature, this self-restricting Policy has been made, agreed, implemented and everything goes normal, but the assumed age is not contested; the waiting period is not questioned; the denial of asylum is no problem. However, while the hunch of irregular migrants continues to grow, the problem of a new self-limiting policy Mulvey, G. (2010) creates social insecurity which menaces like the sword of Damocles. Another self-limiting policy which affects the implementation of policies towards integration of unaccompanied minors in Spain is the policy which requires that a child under custody of social workers should provide job contract in order to qualify for a residence permit. This self-limiting policy contradicts the 'best interest of the child principle' and clashes with the tenets of the Convention on the Rights of the Child, the Alien acts of Sweden, Spain and United Kingdom and the European standard which embodies the policy of protecting the minor who is under 18 years of age.

This research, which focuses on the attitude of social workers while implementing migration policy and the impact of these policies believes that, unaccompanied minors who are asked to produce job contracts in order to qualify for residence permit are no longer treated like minors but are treated like adults whose motivation for migration are purely economic. Minors are forced by these self-limiting policies to revert to seek help from migration networks who have been exploiting them.

They should be given a new perception and care because European Union also have good social workers who may also be confused about these decisions, but the law prevails. Based on what we now know, unaccompanied minors are expected to make efforts to integrate on their own as a result of differences in immigration policies of Spain, Sweden and United Kingdom. In this way discriminatory policies become more 'elastic'. As specifically published by United Kingdom Border Agency of 2015²⁰⁵ and the Spanish Sub Delegación de Gobierno of 2016.²⁰⁶

The Spanish policy requires the unaccompanied minor to find 'job contract' in order to qualify for a residence permit. In October 15, 2015 the Spanish government of President Mariano Rajoy launched the Nationality law which mandates Jews and other foreigners to pass two exams based on knowledge of constitution, culture, current affairs and Spanish language and added 'ability to speak Spanish.'

Furthermore, the Spanish authorities came out with a new policy that makes it impossible for those without primary education or without economic resources or without knowledge or without Spanish language to acquire Spanish nationality therefore no more integration. Those who are without regulated residence permit are restricted from many services including medical service and welfare support.

The near and far left political groups applauded this decision because, their 'streetwise' racist campaign are justified and cemented with a new self-limiting policy. In United Kingdom, the individual effort of unaccompanied asylum seeking child to integrate will include ability to speak English, pass all exams and celebrate

²⁰⁵ United Kingdom Border Agency, (2011). Asylum process guidance on special cases. www.ukba.homeoffice.gov.uk.

²⁰⁶ Spanish-Ministerio de Interior: Sub Delegación de Gobierno, (2016).

citizenship. While the 1989 Children Act claims that: "It shall be the duty of every local council to safeguard and promote the welfare of children within their area *who are in need* and so far as consistent with that duty, to promote the upbringing of such children by their families, by providing a range of and level of services appropriate to those children," Children Act, (1989, s, 17[1]).

The question we must ask here is: if the UK Children's Act had envisaged that provision should be made to children *who are in need*, why is it not possible for social workers to provide the core needs of unaccompanied minors? Take the case of the integration policy of United Kingdom which adamantly prohibits unaccompanied minors from Family regrouping and does allocate a professional legal representative to the minor.

Many authors have accused the British government of manifesting racial prejudice in implementation of policies for the successful integration of unaccompanied asylum seeking children (UASC) which provides a perfect way of legitimizing subtle racism.

On the other hand, some social workers, including some professionals always claim that they have nothing against out groups. In our opinion, based on the evidence we have, remarks by government workers like the one above can only justify that a State makes 'good laws' in the form of cooperation, justice and fair play, equity and defense of human rights but this same laws may be misinterpreted in the hands of those who implement them, *ceteres paribus*. However, it is good to note that if a law is good but not applied fully and properly, it is the most dishonest method of implementing public policy. But if the law is concocted with restrictive principles and it is applied fully and properly, it is also the most dishonest thing to give our new generation of children, which could constitute a subtle way of destitution, deprivation and destruction of a vulnerable group.

Furthermore, group orientation projects, program of alienation of out-group in an effort to disconnect with the 'contamination' has taken the pilots' front seat. For example, the leftist groups in European political systems have the inclination of generating sentiments against foreigners in recent years. In another example from 2008 and during the economic crisis up to the general elections in Greece and Spain, extreme left political groups published daily in newspapers, on

billboards, posters claiming that immigrants (out-group) are the cause of the economic crisis.

Nationals wrote angry inscription and scathing images on Newspapers, bridges, bus-stops, and train-halts against immigrants. Some of their banners wore: 'go back to your country, you stupid immigrants!'; '*Hijos de puta madre, gillipollas!*'; 'Stupid, immigrants are social security risk!'; 'immigrants are stealing our jobs!'; 'Foreigners are causing grave crisis, GO home!' Finally, brutal attacks against migrants were meted incessantly. (e. g. see report 'Spain Must Make a Priority the Fight against Racism, Now More than Ever.'²⁰⁷ It is not a wonder that some of these groups of insinulators against the foundations of social integration metamorphosed into political parties that are now jostling provocative attacks on what they hate in parliamentary debates.

Therefore, in practice these vituperations were translated into action whereby immigrants were hounded from pillar to post, accosted by private security agents in their homes, bars, along the road, pedestrian lanes, stations and supermarkets. This group action laid credence to the view that group prejudice and discrimination are good and stronger than the individual prejudice. Members of this group execute their positive or negative sentiments like a 'child fighting from the back of his/her mother'.

The group orientates its supporters and expects a form of solidarity for a course which inevitably affects the implementation of a good policy. The mother in this case is the good government ministries that understand the desperation of immigrant minors and inevitably the Spanish government under President Mariano Rajoy validated the in-group actions by promulgating new migration self-limiting policies which became 'riot acts' in the form of: (1) Return regime of 2008 (2) Prohibition of welfare service to irregulars (3) obligatory job contract for renewal of residence permit(at this time job opportunities are absent) (4) Policing immigrants on personal bases and deliberate denial of job position (5) Border point deportation.

This led to the consolidation of the avowed intention by the in-group to: "Close its borders and reserve its welfare services for the in-group; to close the possibility of obtaining access to welfare services including hospital service by

²⁰⁷ United Nations Expert. Targeted News Service, Washington, D.C, 28 Jan 2013).

irregulars; closing the possibility of obtaining access to residence permit on humanitarian grounds by unaccompanied minors; prohibited renewal of residence without a job contract. A total blockage to integration of unaccompanied minors and other migrants has been consolidated.” This brings us to the core question: whether these reactionary self-limiting policies can be for the ‘best interest of the unaccompanied minor’ and whether these policies can stand the test of government’s avowed publicity of being a defender of equity and human rights principles.

Taking all these views together, one can see why one of our objectives concerns the behavior of social workers why dealing with unaccompanied minors. In conclusion it is noteworthy to agree that: “It is a hypocrisy nearing its finest in sovereign states upon which available international law is built is inherently discriminatory and in fact is probably responsible for more harm as a result of the innately discriminatory immigration policies than results from the cumulative operation of all domestic discrimination, according to Bagaric and Morss (2006).

This is in support of our position in this research based on our experience and based on the fact that unaccompanied minors suffer so much psychological problems which are not noted. We also regard it as discrimination because the minors need protection and are potential human resources. Therefore loosening migration controls to give humanistic benefits that may augment world hunger and poverty may be interesting.

We believe that more humane attitudes have promoted social cohesion within nations with diverse groups and also generated economic growth, through this research which focuses on assessing implementation of protection policies towards integration of unaccompanied minors. This was the idea behind the United Nations Convention on the rights of the child (CRC, 1989)²⁰⁸ that specifically entrenched the ‘best interest of the child’ principle a *sine qua non* model for protection of unaccompanied migrant minors.

In the absence of this progressive humanistic approach which is necessary to successfully integrate unaccompanied minors, asylum seeker minors will continue to encounter various barriers to their rights; accessing services, age

²⁰⁸ United Nations Convention on the rights of the child CRC/C/GC/12 20/07/2009. <http://www.coe.int/t/dg3/children/participation...>

disputes and deportations, within the postulations of (Ahsan, 2011). Policy making in the area of migration may continue to generate more self-restricting policies, more discriminatory, which will widen the gulf between legislation developed to protect children and the reality of immigration policy and practice as contended (Rutter 2003, p. 48).

Furthermore, racial sentiments permeates into political life of political practitioners and therefore, whenever there is limited hope of galvanizing votes, immigration policy is used effectively in the development of a hostile politics that was responded to further hostile immigration policy which creates a vicious circle of hostility as postulated by (Mulvey, 2010). This is why, in this investigation we ought to agree with the assertion that the impact of racial discriminating against children lasts for eternity. Put accordingly, the effects of discrimination may cumulate across generations and through history and the consequences of integration stress may make resilience and coping of vulnerable unaccompanied minors impossible.

2.4.1. Interpretation of Integration policy for unaccompanied minors

On his part, while assessing how social workers response to ethnicity as it relates to immigrant children Pringle, (2010) in Sweden observed the presence of racial prejudice in social work practice during application of policies towards integration of unaccompanied minors and suggested that the Swedish welfare system may be far less compassionate in challenging racism and ethnic discrimination. Pringle's methodology includes drawing from a qualitative study of (*Socialstyrelsen in Swedish*) that is, the National Board for Health and Social Welfare and some data from several recent transnational European studies.

This research confirmed that this individualistic and conflict oriented institutional ethos has permitted greater recognition in England than in Sweden. Furthermore, in the process of implementing asylum policies to integrate immigrants, Pringle, (2010) identified some profound social divisions associated with 'race', and moreover institutional racism has a long history in Sweden as well as ethnic heterogeneity.

Focusing on assessing implementation of immigration policies towards integration of unaccompanied minors in United Kingdom, Mulvey, (2010) gave a detailed account of 'the game of policy making and application played by political stalwarts in United Kingdom and indicated that the type of discriminatory migration policy formulated by United Kingdom Border Agency provokes 'politics' which in turn provokes another migration policy 'politics' which in turn generates discrimination. Mulvey, (2010) contended that when policy creates politics: making immigration look like a big problem therefore destroying the possibility of refugee integration in the United Kingdom. This is it.

This work has established the perception that unaccompanied asylum seeking minors and other groups of migrants belong to the unwanted list aided by legislations aimed to control asylum seekers and asylum seeking, thereby weakening the urge or possibility of Unaccompanied asylum seeking children (UASC) seeking protection.

While journalists create the impression of danger posed by unaccompanied minors, disgruntled insiders create the impression of overpopulation of immigrants in general and the overprotection of unaccompanied minors. For the little care received by unaccompanied minors, social work perception of them as a threat to the welfare state is lopsided, shameful and racist.

This is predicated on the fact that the Convention on the right of the child and other UNHCR Treaties were signed by the same States that are attempting to dodge the responsibility of applying the law towards the best interest of the minor. In the process of application of integration policies, government workers do not have responsibility to the media, nor to disgruntled policy makers, nor to political deviants, but to mankind. Government workers owe their responsibility to their respective economies, to United Nations, other countries and above all to humanity.

Mulvey (2010) argued that presenting asylum seekers as a threat and danger and the language used to justify those decisions questioned the legitimacy of the overall immigration policy. He observed that immigration policy aided the development of a hostile politics that was then responded to by further hostile immigration policy creates a vicious circle of hostility thereby many immigrants were 'othered.'

Policy making which is attuned to restrict immigration of foreigners and media profiling of foreigners (children and adults) have created a stream of racial discrimination, statistical profiling thereby making it impossible to link an unaccompanied minor with any good aspect of life. Unaccompanied minors thereby wallow in suspicious identity crises, abject poverty of soul, pervasive social injustice, destitution and deprivation. For this reason, we believe that unaccompanied minors are profiled as a threat to the national conscience. To add more insult to an injury, derogatory language is adopted to justify state decisions relating to their entrances which ultimately accompany them through the process of integration and surveillance; assimilation and deprivation; incorporation and mixing with members of society (where it occurs).

In order to enrich the literature on unaccompanied minors, Ballucci (2009) investigated on the vulnerability of children and youth in the Canadian refugee determination system. The research examined the sources of Canadian legal policies for unaccompanied child refugee claimants including unaccompanied child refugee guidelines and the legal decisions associated with unaccompanied minors. He concluded that research on children and childhood needs should move beyond documenting differences and towards understanding how and where these differences are produced. These differences are how and where these differences are produced is what we intend to tackle in this research. Drawing together ideas about child related projects, Rose, (1990) reported that, the modern child has become the focus of innumerable projects and the most intensively governed sector of personal existence which coincided with Ballucci (2009) who established that childhood is now a powerful governing tool for legal agents who shape evidence to produce what are arguably very politically motivated outcomes.

To understand how and where these differences are produced we need to evaluate the attitude of social workers and other children stake holders including unaccompanied minors themselves. This is why it is important to seek and restart the debate on the 'child's best interest principle' by assessing social work practice during implementation of protection policies towards integration of unaccompanied minors.

Focusing on implementation of policies, Parton, (2011) critically examined "Child Protection and Safeguarding in England..."²⁰⁹ The research highlighted policy changes that augured well (as we have noted earlier) with a broader focus of concern about what constituted risk to children and what the role of professionals should be in relation to this; increasingly, the emphasis was upon safeguarding rather than child protection. He concluded that by considering the current state and possible future directions for child protection and safeguarding in England the role of social workers must change. Conducting a research on impediments that block integration of unaccompanied minors Ahsan, (2011) used semi-structured interviews and a qualitative approach with unaccompanied minors from a Human Rights support group and key informants based in London to investigate barriers to integration. He concluded that the barriers that block integration include: *age disputes, provision of support under section 17 of the children's act, a lack of understanding and knowledge as to how to navigate the United Kingdom system and what entitlements are available.*

Ahsan (2011) asserted that there are complicated barriers to implementing immigration policy towards integrating unaccompanied minors and this lead to another complicated multiple barriers including funding, according to the mayor of London.²¹⁰ Furthermore, Dunkerley, Jonathan, Maegusuku-Hewett, and Smalley, (2006) discovered that the daily lives of unaccompanied minors are hopelessness, that is, social service response to their needs is discriminatory, their hopes and fears are high and their attitudes towards being dispersed to a strange and unknown country are discriminatory too.

The authors asserted that these unaccompanied asylum seeker children nurture the feeling of being '*othered*' Mulvey (2010) by government workers who should apply protection policies. It is interesting to note that the brains of children can detect when they are protected or not. Many authors have argued that when migration policy creates politics, politicians use asylum seeking to capture votes and fuel elector's prejudices. Instead of debates to implement enhanced policies as

²⁰⁹ This research critically reflects on policy developments and debates in England in relation to child protection and safeguarding over the past twenty years. It argues that the period from the early 1990s to late 2008 saw policy change in significant ways.

²¹⁰ This research supports the objectives of our research. It concluded that barriers to access are multi-dimensional and closely intertwined with one another. Lead to multiple other barriers are policy and funding.

enshrined in the Convention on the rights of the child, human compassion and aid change to a dreadful concoction of shameful naivety and criminal irresponsibility Bauman (2004, p. 57). This assertion is played in Spain by extreme leftist parties in 2011.²¹¹

Many findings have revealed that children and young people seeking asylum in Europe do so for reasons of safety and for protection and the need to improve. Many of these unaccompanied asylum seeking children and young people have experienced conflict and persecution and lived through horrific events and it will be in the best interest of children and the States to protect unaccompanied minors in order to avoid destitution, deprivation and destruction of their future.

2.4.2. Policy Impact: psychological consequences inside integration centers

In the process of promoting the 'child's best interest principle' we portray social work practice during implementation of policies towards integration of unaccompanied minors and psychological consequences thereof. Many authors have delved into the mental health and psychological consequences of lack of integration, denial of asylum, detention and imprisonment of unaccompanied minors. However, these authors have done their investigation without investigating the institutions that provide these welfare services to enable us forecast the reasons behind their emotional problems. For this reason we have engaged in this research.

2.4.2.1 Experience of unaccompanied minors inside Centers

Psychological problems in unaccompanied minors which block their integration efforts were investigated by Chase, Knight, and Statham (2008) "The emotional well-being of young persons seeking asylum in the United Kingdom," focusing on coping strategies, trauma, psychiatric symptoms among unaccompanied asylum seeking children in United Kingdom while Goodman,

²¹¹ Through political debates, media publications and writings on bus stops and train stops the famous Izquierda Unida Political Party, Political Party, won more seats in the general elections insisting that immigrants were the cause of the Spanish economic crisis.

(2004),²¹² while another author concentrated on the Sudanese unaccompanied minors in United States, (Luster, Qin, Bates, et al. 2010).²¹³

On their part, Derluyn and Broekaert, (2007, p. 156) lunched the idea that “unaccompanied minors are at a higher risk of developing emotional problems, and that they are vulnerable” (p. 156).²¹⁴ The authors distinguished them according to gender and age (Hodes et al., 2008; Sourander, 1998, p. 720). More specifically, another research by Derluyn and Broekaert, (2007, p. 145) delved into the prevalence of emotional and behavioral problems in unaccompanied refugee minors and adolescents living in Belgium, comparing perspectives of the adolescents with those of social workers on the adolescents wellbeing.²¹⁵ The research adopted a structured questioner where 166 unaccompanied minors participated.

In this research by Derluyn and Broekaert, (2007, p. 145) 142 participants completed the questionnaire on emotional and behavioral problems using (HSCL-37A, SDQ- self and RATS) and Traumatic experience (SLE),²¹⁶ and 124 refugee youths, social workers filled in two questionnaires on emotional and behavioral problems (CBCL/6-18 and SDQ-parent). 37% unaccompanied youth reported “sever” symptoms of anxiety, depression and post- traumatic stress, while 47% reported “very sever”. For this result, Derluyn & Broekaert posited that being unaccompanied minor is a risk factor for the emotional wellbeing of refugee

²¹² This research asserted that unaccompanied minors applied some tricks to survive including that unaccompanied minors focused on collectivity and the communal self; suppression and distraction; making meaning; and emerging from hopelessness to hope.

²¹³ This research gave us the idea that education to unaccompanied minors is a very important factor in integration, incorporation, mixing, acculturation and that is why the authors linked with education and school performance as well as balancing life adaption in the host country with maintaining connections with Sudan. To show that education for integration is important is one of the objectives of this research and that is why we incorporate this research

²¹⁴ Refugee children who are unaccompanied or separated from their parent(s) or caregiver are thus at huge risk of experiencing traumatic events, a very important risk factor for the child’s emotional well-being.

²¹⁵ The authors provided a justification to believe them. They adopted The Hopkins Symptom Checklist-37 for Adolescents (HSCL-37A), an adaptation of the Hopkins Symptom Checklist-25 (HSCL-25) Specifically for Unaccompanied Minors), the HSCL-25 into the HSCL-37A for use with migrant adolescents: to overcome language problems, item questions were simplified and shortened, and the questionnaire was translated into 19 different languages.

²¹⁶ Stressful Life Events (SLE) scale of Bean et al. 2004b was used. Participants are directed to indicate whether or not they experienced 12 different kinds of stressful events, such as war, natural disaster, and separation from family, physical or sexual abuse. P. 145. (See Derluyn, I. & Broekaert, E. (2007).

minors and adolescents, therefore appropriate measure on reception should be taken in order to support them.

It is a crucial that this research is echoing the results of Lundberg and others authors. Their analysis on psychoanalysis is in line with the 'best interest of the minor' and also a confirmation that the reception camp should be a reformer and protector and not a center of imprisonment. However, the research of, Derluyn & Broekaert added adolescents in its study which may also mean youths above 18 years of age.

As we have noted, adolescents are evaluated to be from twelve to eighteen year for girls; fourteen to twenty for boys especially when childhood is observed from the point of childhood diseases and disorders.²¹⁷ However, many societies establish laws to regulate each stage of the child's development. In this sense, the research is a bit off the mark on age limit but, we are accepting it as very important because it is the bases of protection of minors. The authors called for total guarantee on the protection of the rights of unaccompanied minors.

The consequences of integration stress and psychological well-being of unaccompanied minors attracted, Groark, Sclare and Raval, (2010). They focused on reactions to trauma and loss in the process of implementation of protection policies via asylum process which are helpful in supporting unaccompanied asylum-seeking children in United Kingdom. They adopted the titled 'Understanding the experiences and emotional needs of unaccompanied asylum-seeking adolescents in the United Kingdom'. The idea was to have a 'better understanding of this group's psychological needs and how they cope with the complicated application process that could guide therapeutic interventions.'

The main objective being to examine the experiences of unaccompanied minors seeking asylum in United Kingdom; understanding how past and present life experiences impact on their psychological well-being; to explore the psychological processes they use to manage difficulties. The authors recognize that unaccompanied minors have difficult problems with social workers and this is why it is very important to find out from social workers through this investigation.

In the same sense and following the mentioned research, unaccompanied asylum-seeking children were 16–18 year olds who had lived in the United

²¹⁷ The New Encyclopaedia Britannica, (volume 16) (1990) London; United Kingdom. p. 10

Kingdom for at least six months, five from Africa and one from Asia. Five reported leaving home due to civil war and one left due to persecution. They were in United Kingdom between six months and one year. Four unaccompanied asylum-seeking children shared accommodation; three shared a room. Two live in their own flats. Five unaccompanied asylum-seeking children were single and one had a partner and child. Four participants had been granted leave to remain for a set time period. One unaccompanied minor was waiting to hear about a Home Office asylum appeal. One participant's asylum status was unknown. All reported having attended school prior to coming to United Kingdom alone, having fled to safety, leaving family and cultural ties. Groark, et al. (2010) reported that two participants scored above the cut-off mark on the Birleson Depression Scale Birleson et al., (1987),²¹⁸ indicating that they meet criteria for a diagnosis of clinical depression.

Three participants scored in the clinical range on the Spence's Children's Anxiety Scale (SCAS) Spence, (1997), indicating anxiety disorder and five participants scored above the cut-off on the Child Impact of Events Scale (IES) Horowitz et al., (1979), consistent with a diagnosis of PTSD²¹⁹ and post traumatic growth according to Rosener and Powel, (2006, p. 190). In order to provide understanding of the six young asylum seekers' experiences, exploring themes of loss, negotiating a new life, psychological distress and the process of adjustment, the authors also adopted 'Interpretative Phenomenological Analysis' aimed at assisting social workers during Psychological interventions and future service provision for unaccompanied minors.

They argued that the group experienced the impact of past events, losses and their current situation both physically and emotionally, with little divide between "physical" and "mental" descriptions of distress. According to this reports some participants felt "sick", supporting the role of somatic symptoms in the

²¹⁸ Birleson Depression Scale is a structured scientific method used in indicating that they meet criteria for a diagnosis of clinical depression. This scale is attributed to (Birleson et al., 1987)

²¹⁹ Post-Traumatic Stress Disorder (PTSD) is a syndrome characterized by "re-experiencing" a traumatic event, and it includes a decreased responsiveness and avoidance of any event, associated with the trauma. The traumatic events causing PTSD could be military combat, accident, rape, assault, torture, severe burns, etc. Symptoms of PTSD last for more than a month. The individuals, who are affected, may keep reliving the event. They may also avoid anything that reminds them of the event and for this reason Social workers should take note. Access at: <http://www.dovemed.com/post-traumatic-stress-disorder-ptsd/>

expression of distress in young refugees (unaccompanied migrant minors in this case).

Delving extensively into matter Sack, Richard, David, and Ben, (1986), averred that social workers understand the trauma of unaccompanied asylum-seeking children and adolescents' complaints about headaches or body pain as possible symptoms of distress²²⁰.

For this reason, it is necessary to recognize also the challenges faced by government workers. It is also necessary for us to inform social workers that they must come down to be able to *read the footsteps of the ants*, that is, reading the complaints of unaccompanied minors with dedication and having the moral determination to remove them from their sufferings.

Furthermore, I suggest that if social workers 'read meaning into' unaccompanied asylum-seeking children complaints about headaches or sickness could lead to successful protection of the minor or family. This is predicated on the view that the minor represents "a human resource" and should be able to attract an intervention which corresponds to protection based on the "utmost interest of the minor."

With reference to how unaccompanied asylum-seeking children coped on day to day basis, the authors highlighted: managing distressing memories and thoughts through avoidance; avoid isolation and establish positive trusting relationships; gain control or agency in their lives and affirmed that social workers should consider the difficulties these unaccompanied asylum-seeking children face when planning effective social and psychological support which we have corroborated in this research.

In order to achieve this, the authors suggested: 'A secure base' promoting resilience and coping ability to be in place so that unaccompanied migrant minors can begin to make the transition to living a new successful life in the United Kingdom and other parts of Europe. They suggested that minors should have positive contact and 'encourage meaningful relationships with careers, peers and the wider cultural community'.

²²⁰ 40 estudiantes camboyanos (media de edad de 17) que 4 años antes sobrevivieron al régimen Pol Pot y 6 niños controles de la misma edad que escaparon antes del Pol Pot. Se presenta el caso de una chica de 16 años. Los resultados ponen de manifiesto el rol crucial del colegio y la responsabilidad y oportunidades que tienen los maestros a la hora de ayudar a los estudiantes refugiados a realizar una dificultosa transición.

In the process of assessing the implementation of protection policies towards integration of unaccompanied minors in Spain, Sweden and United Kingdom, the consequences, effects, changes and where these changes occurred are very crucial in this research. This has enabled us to confirm the linkages and affirmation of our objectives to current implementation processes in Spain, Sweden, and United Kingdom.

Conversely, unaccompanied minors come with problems just like the children we have at home. Unaccompanied minors (UMMs) create new problems when they arrive at the border and this is why when they are managing symptoms of distress in order to support their mental health, social workers must be able to identify their problem and helping them to manage their inborn insecurity which they do at all costs.

In this research I mean that a combination of the core rights equals to core needs of unaccompanied minors with mental health. This is predicated on the view (even hypothetically) that there is the presence of racial prejudice and discrimination in public administration and this has led to keeping the children in prison and this has also led to mental health. Sending an unaccompanied minor to prison laid credence to the concept of 'a crime' committed before the minor emigrated from another country. It is also important, because medical research has pointed to a long-term detrimental effect on minors throughout lifetime.

I believe that international agreements are made to secure rights and protection of unaccompanied minors including other migrants and ethnic groups. International agreements are also made to harness social harmony and coexistence between insiders and outsiders. The utmost concept of International agreements is to strengthen diplomatic and transnational relations between nations.

In order to realize this investigation, Martin and Hutchinson, (2006) analyzed agreements signed by Australia, on the one hand with international human rights law and the reality of Australian Migration Act, of 1958.²²¹ The

²²¹ Mandatory immigration detention: The Migration Act 1958 requires all unlawful non-citizens (other than those in excised offshore zones) to be detained, regardless of circumstances, until they are granted a visa or removed from Australia. Australian law also fails to protect unlawful non-citizens against indefinite detention, as time limitations for immigration detention are not codified in Australian law (Migration Act 1958 (Cth), ss189 (1), 189(2) and 196(1)). Conditions in immigration detention facilities have serious implications for the human rights of asylum seekers.

inquiry also found that the “length of detention and the uncertainty of detention were important contributors to the mental ill health of all detainees which is our position and also in line with the postulations they also claimed that the length of detention and the uncertainty of detention were important contributors to the mental ill health of all detainees” (p. 24).

The suggestion this research is in consonance with the position of Mulvey, (2010) who insisted that the self-limiting policy of Australia is adopted for detention of unaccompanied refugee children as its first option. It is clear now that the mandatory detention is causing high risk to long term mental health of unaccompanied minors in the whole of Europe which is equivalent to deprivation of their liberty, having no caregiver in the same family or cultural group, while asylum seeking process creates exacerbating mental ill health of already damaged and vulnerable children.

One of the most important researches on unaccompanied minors’ efforts to achieve integration and obstacles to incorporation was done by Montgomery, (2011) who confirmed that “Trauma, exile and mental health in young refugees is obvious,”²²² who confirmed that “Trauma, exile and mental health in young

Detention, particularly when indefinite or prolonged, has a detrimental impact on the mental health of persons who have suffered torture and trauma. This impact is magnified by the limited access to legal counsel, interpreting services, communication facilities, physical and mental health services and social, cultural and religious support networks available to asylum seekers in detention. This is particularly the case for asylum seekers detained in offshore or remote facilities, whose isolation renders the delivery of appropriate services difficult. In light of this, the re-opening of Curtin detention facility, in one of Australia's most remote locations, is of great concern. Offshore processing: Under the Migration Act 1958, a non-citizen who first enters Australia at an excised offshore place (including Christmas Island, Ashmore and Cartier Islands and the Cocos Islands) without legal authorization is unable to submit a valid visa application unless the Minister for Immigration makes a personal intervention into the case. This process of ministerial intervention is non-compellable and non-reviewable. In addition, asylum seekers in offshore places are barred from the refugee status determination system that applies on the Australian mainland, instead undergoing a non-statutory process governed by guidelines which are not legally binding. They have no access to the Refugee Review Tribunal (a non-transparent review process is available) and very limited access to the Australian courts: While the Migration Act 1958 has been amended to affirm the principle that asylum seeker children should only be detained as a measure of last resort, and children are no longer detained in immigration detention centres, they nonetheless continue to be held in detention-like conditions in other immigration detention facilities. Human rights issues relating to the detention of humanitarian minors have been examined in the Australian Human Rights Commission report, *A Last Resort? National Inquiry into Children in Immigration Detention*, however the Australian Government has not implemented the recommendations outlined in this report. Access at: <http://www.humanrightSACTIONPLAN.org.au/nhrap/focus-area/refugees-and-asylum-seekers>. This Offshore processing system is also operated in France, Spain and other EU countries.

²²² From what we have learned so far, we are beginning to understand that unaccompanied minors are already in trouble even before seeking asylum. “Trauma, exile and mental health in young

refugees is obvious.' The author's objective was 'to review evidence of trauma and exile-related mental health in unaccompanied refugee children from the Middle East'. The research adopted four empirical studies: 1) a qualitative study of 11 minors from torture surviving families, 2) a cohort study of 311, 3-15-year-old asylum-seeking children, 3) a qualitative study of 14 members of torture surviving families and 4) a follow-up study of 131, 11-23-year-old unaccompanied refugee children. In this report the author, asserted that the reactions of the children were not necessarily post-traumatic stress disorder specific. Seventy-seven per cent suffered from anxiety, sleep disturbance and / or depressed mood at arrival. Sleep disturbance (prevalence 34%) was primarily predicted by a family history of violence.

As a follow-up, 25.9% suffered from clinically relevant psychological symptoms. According to this report, traumatic experiences before arrival and stressful events in exile predicted internalizing behavior while witnessing violence and frequent school changes in exile predicted externalizing behavior. Their school participation, Danish friends, language proficiency and mother's education predicted less long-term psychological problems.

For these reasons Montgomery, (2011) argued that "experiencing discrimination is one of the exile-related factors that can have a negative impact on social adaptation as well as on mental health" (p. 30)²²³ and concluded that the psychological problems are frequent in unaccompanied refugee children, but the extents are reduced over time in exile. Traumatic experience life in exile before arrival are very important for the reaction of the children and that is why it is imperative to incorporate the migration experience of unaccompanied minors into the protection implementation process.

For these reasons we have incorporated these items into our questionnaire to enable social workers respond to them. This examination of unaccompanied asylum seeking children shows that they suffer from high level of psychological problems and considering that the children's traumatic background seems only to

refugees.' Seventy-seven per cent suffered from anxiety, sleep disturbance and / or depressed mood at arrival. Sleep disturbance (prevalence 34%) was primarily predicted by a family history of violence. At follow-up, 25.9% suffered from clinically relevant psychological symptoms

²²³ The reason why leaders should be aware of the implication of detaining children is that psychological problems are frequent in refugee children, but the extent is reduced over time in exile. Traumatic experience before arrival is most important for the short-term reaction of the children while aspects of life in exile are important for the children's ability to recover from early traumatization.

a limited extent to determine their long-term mental health while exile-related stresses, including discrimination, seem to be of prime importance. That individual perspective on mental health of refugee children needs to be complemented with a perspective focusing on the social life context in exile.

According to many clinical studies it is good to understand the mental health consequences of torture and organized violence on children when an unaccompanied minor is seeking asylum to be able to identify and understand risk and protective factors and processes in the children's social ecology. On the contrary, detention of unaccompanied minors has escalated in recent years and there are nine known centers as at 2010 and these centers do not distinguish age and vulnerability.

Their research was based on the functional and behavioral health of unaccompanied refugee minors resettled in the United States. They focused on the health situation of unaccompanied minors and concluded that unaccompanied Sudanese minors have done well in general. However, unaccompanied minors function well in school and in activities; but their behavioral and emotional problems manifest in their home lives and emotional states. On their part, Geltman, Grant-Knight, Mehta, Lloyd-Travaglini, Lustig, Landgraf, and Wise, (2005) adopted a descriptive model using Harvard Trauma Questionnaire and the Child Health Questionnaire to health outcomes.

This research relating to assessment of the implementation of migration policies towards enhanced integration of unaccompanied minors in Spain Sweden and United Kingdom takes seriously the health and impact of policies on the attitudes of unaccompanied minors. These functional and behavioral health of unaccompanied refugee minors resettled in the United States include the diagnosis of posttraumatic stress disorder and their traumatic symptoms had characteristics that may distinguish them from others.

Posttraumatic growth after war is used to explain two things according to Rosener and Powel, (2006, p. 199), number one is to explain that political conflict and war are identified as the most provocative factor that motivate mass migration of unaccompanied minors and that the end of war or cessation of conflict may not withhold a renewed motivation of a new group of minors to migrate.

As we have indicated, new motivation for the migration of unaccompanied minors and other groups would be encouraged by family regrouping regime and unexpected consequence derived from the fact that the first group of minors that migrated were attend admitted well. Number two, is that posttraumatic growth after war can be adopted as justification to grant amnesty of protection status to minors without much ado. The type of suffering shows why we should go beyond the Convention on the rights of the child (1989).

The adverse impact of posttraumatic problems in minors and adults is not forgotten or treated in hospitals, it can only be managed, and therefore social workers should be aware. What is not known at this moment is whether social workers would be able to conduct research into the suffering of children after conflict so as not to provoke new disorders or make their suffering worse.

Through describing this department we have encountered the manifested the objectives behind the research which many authors are in agreement. Some of these authors we have cited believe that these health outcomes will help social workers in United States and European countries who receive children to know what to emphasize while formulating public policy and how best to implement these policies. With this definition made above, Wernesjö, (2011) presented an overview of researches on unaccompanied minors' psychological problems as a result of migration experiences and contended that the existing research focused primarily on investigating the children's emotional well-being from psychiatric and medical perspectives.

The author contended that these researches on unaccompanied minors' psychological wellbeing and emotional problems 'tend to be linked to previous and current traumatic experiences, in particular separation from their parents'. Wernesjö opposed the method of research into the unaccompanied minors' psychological wellbeing and suggested that a critical need exists for research on unaccompanied children's life situations based upon exploration of their own perspectives in the social work arena. The authors' main objective is to present an overview of some researches on unaccompanied minors and discuss the implications of existing research for understanding their categories.

It is for this conception of the minor and lack of research in the social work practice that led us to agree that unaccompanied migrant minors are conceived as

children 'out of bounds' and beyond the realm of what is considered a normal childhood. Wernesjö (2011) quoted Eide (2005) who classified research on unaccompanied children in Norway into three main categories and suggested that the same range of categorizations can be applied at an international level as well, with the addition of studies that map unaccompanied children's background experiences and child-specific grounds for asylum for example (Ayotte, 2000, 2001; Hopkins and Hill, (2008). Other authors have emphasized psychosocial studies on unaccompanied children and their specific situation in social services work.

Unaccompanied minors has been characterized as a particularly vulnerable category of children and therefore at risk of developing emotional problems linking their 'vulnerability to trauma, uprooting, loss and separation from their parents.'²²⁴ In the author's view, unaccompanied asylum-seeking children are constructed as in need of support and protection thereby locating them outside the realms of a normal childhood and argued that this characterization of unaccompanied children as particularly in need is partly linked to the nature of the research itself, which focus on 'psychopathology and developmental perspectives.' Wernesjö insisted that the construction of unaccompanied minors as a category imposes a risk of emphasizing pathological qualities.

Furthermore, Goodman, (2004) conducted a research and identified four strategies adopted by unaccompanied minors to cope with past experiences of trauma and loss. He reported that unaccompanied minors focused on collectivity and the communal self; suppression and distraction; making meaning; and emerging from hopelessness to hope.

Many studies have concentrated their efforts on coping strategies of unaccompanied minors. This lay credence to the fact that there is administrative problem in integrating these children which emanates from organizational

²²⁴ These studies contended that they need help since we can now characterize unaccompanied asylum-seeking children as a particularly vulnerable category of children and therefore at risk of developing emotional problems linking their 'vulnerability to trauma, uprooting, loss and separation from their parents.

The emphasis here on vulnerability has two meanings: one vulnerable so that money can be allocated by European Union governments and state parties to marketing oriented NGOs. Number two vulnerable justifies the debate for deporting the unaccompanied minor back to any country that accepts to take the child or their country of origin or to their proper families. Further examination of this practice will be done in chapter four.

structure. Because of this we are investigating the institutional structure where social workers implement migration policies in order to provide protective services and this can also give teeth to the studies of the vulnerable child.

It is for these reasons we have included items relating to racism and social exclusion in the host country in our questionnaire and how they might affect unaccompanied minors from the point of view of the social workers and minors as well.

While some previous researches are linking the vulnerability of unaccompanied minors to trauma, uprooting, loss and separation from their parents, we may have to think that their vulnerability is located in social work practice, that is, the implication of social workers who have abandoned the unaccompanied minors to suffer destitution, deprivation and destruction as a result of racial prejudice and discrimination.

The linkage of vulnerability to trauma, uprooting, loss, separation and further linkage of the inability of social workers to fully provide their rights aggravate denial, discrimination and destitution shows that our core objective of this research is tenable. Literature on unaccompanied minors has witnessed more interest in the area of post-traumatic stress disorder (PTSD) which is relegated because of its scientific obsolescence and lack of political support. However, it is instructive to argue that studies that adopted this model failed to answer the main question militating against unaccompanied minors.

It is noteworthy that the question of implementing policies for enhance integration of unaccompanied minors in Spain, Sweden and United Kingdom is beyond conventional method of intervention and solution may not be found using only one type of model of investigation according to (Almqvist, 1999). Unaccompanied minors attracted Sourander, (1998, p. 720) who postulated symptoms of psychiatric diagnosis on unaccompanied minors in a research in Finland and affirmed in the same context as Derluyn and Broekaert (2007) that family and a care giver appears to play an important role in providing an emotional buffer.

Back to Sweden, a study focusing on psychological problems of unaccompanied minors and young persons living in a collective housing suffered one or several psychiatric. These studies observed sleeping disorder, lack of

concentration and irritability as a scar, and also reported lack of appetite, suicidal thoughts, depression and post-traumatic stress for this out-group codenamed unaccompanied minors Chase, Knight and Statham (2008). It must be emphasize once again that unaccompanied migrant minors constitute a heterogeneous category in terms of gender, age, ethnicity, previous experiences, countries of origin and host countries, etc.

In the research by Derluyn and Broekart (2007, p. 149) many authors agree that social workers generally identify more behavioural and externalizing problems (e.g. conduct problems and hyperactivity), compared to adolescents themselves, therefore to avoid the presence of depression, anxiety and PTSD at a high level social workers must recognize the inevitable factors like traumatic experiences, separation, sudden changes in environment, manmade and natural disasters, war and its atrocities,²²⁵ that can affect the minor's personality development (Boywlby 1973; Mostwin 1976).

The foregoing presentations are the justification for institutions and authorities who wish to eliminate racial prejudice when assessing a minor's age, whether through medical, holistic or other types of inventions. Thousands of unaccompanied migrant minors and youths arrive alone to European Union-28 member states every year without their parents and without guardians. They are between the ages of 13 to 18 years, male and female although there are reports that confirmed that younger ones are also migrating.

In the process of assessment towards successful reception and integration, the attitude adopted during this period can help to ameliorate the trauma associated with migration experience. However, this research is not about their psychiatric symptoms or post-traumatic stress disorder. This research focuses on whether there is plan to provide them with trained Psychologists and whether their psychological problems are provoked by racial prejudice, age disputes, lack of provision to their needs, reason of having been to many prison cells?

²²⁵ This comparison, made by means of cross-tabulations analyses and kappa statistics, reveals that in general, there is a relatively good agreement between adolescent's and social worker's perception on the adolescent's emotional and behavioural problems, although an important group of adolescents reports severe or very severe emotional and peer problems that are not detected by the social It is good to note that social workers also know that unaccompanied minors suffer psychological problem caused by their work.

Reason of hopelessness with the asylum system; reason of integration stress, e.g. lack of job opportunity, residence permit, racial prejudice, discrimination, lack of regrouping their parents; psychological problem because of lack of asylum appeal success; lack of contact with family or countrymen.

Other question we asked: if the psychological problems of unaccompanied minors are as a result of lack of faith in the immigration policy; fear of victimization; having a sense of failure and insecurity. This will enable us to assess the type of integration stress or racial discrimination in institutions or individuals or groups that have more impact on service delivery to the young ones.

Martin and Hutchinson (2006, P. 24.) elevated the issue of unaccompanied minors in their research titled "Mental health and human rights implications for unaccompanied minors seeking asylum in Australia" with the objective to show how international agreements are directed towards securing their rights and protection of unaccompanied minors and how medical research has pointed to the long-term detrimental effects if such rights for their treatment are not guaranteed.

The authors pointed accusing fingers on the authorities detention centers located in places like (Detention centers in Sydney [Villawood], Melbourne [Maribyrnong], Perth, near Port Augusta in South Australia [Baxter]). These practices of detention and deprivation of liberty have been found very active in Spain, Greece, United Kingdom, and etc. The Inquiry also found that the length of detention and the uncertainty of detention were important contributors to the mental ill health of all detainees.²²⁶

²²⁶ We are contented that the foundation for further research is here made. They averred that detention of refugee children as its first option, not where all other options have failed. This use of mandatory detention, the authors argue, is causing high risk to long term mental health of such children deprivation their liberty, having no caregiver in the same family or cultural group, while asylum seeking process creates exacerbating mental ill health of already damaged and vulnerable children. E.g. Detention centers in Sydney (Villawood), Melbourne (Maribyrnong), Perth, near Port Augusta in South Australia (Baxter) Martin and Hutchinson (2006 p.3) and this corresponds with detention practices in Spain and Greece. The Inquiry also found that the length of detention and the uncertainty of detention were important contributors to the mental ill health of all detainees. (P.24)

2.4.2.2. Policy Impact and psychological problems: Experience of unaccompanied migrant minors in prison and detention posts.

Delving into the post-flight experiences of unaccompanied migrant minors fleeing their traditional homes, Derluyn, et al. (2012) reported scenic events relating to marginalizing, depersonalizing and criminalizing unaccompanied migrant minors and other migrants with the title “We are all the same, coz exist only one earth, why the border exist: messages of unaccompanied minors on their way.” In order to conduct this type of research, they laid ambush in the waiting rooms of the police station near the Belgian port of Zeebrugge, where intercepted unaccompanied minors are locked for detention for some time.

This is because, the authors believe that there is no research that deals with impact of the flight itself and the way migrants cope with these flight experiences while ‘on the way’ believing that migrants’ wellbeing is significantly threaten by the migration experience which makes it imperative to reassess minors based on their migration experiences when implementing asylum policy. This is exactly what we are doing in this research and that is why this research is very important. This research was based on succinct and pitiable messages that unaccompanied minors wrote on furniture and walls at the police station of the detention camps; what the immigrants said in English and in their mother tongue.

Demonstrating their freedom to be heard, the reaction of children in prison cell is the most interesting information to close the gap of information which we have not heard or refuse to listen. It is the very liberty denied those who are caged and are afraid to talk. Based on this, the authors analyzed 179 inscriptions made by intercepted unaccompanied migrant minors and revealed how they show great solidarity, agency and resilience in dealing with their feelings and experiences.

The study observed the political and social context that is marginalizing, depersonalizing and criminalizing unaccompanied migrant minors and migrants in general. The conclusion is that the spontaneous, unsolicited expressions represent the ideal form of ethnographic enquiry provide a privileged level of insight into the otherwise private worlds of these unaccompanied minors which are neglected.²²⁷

²²⁷ The bill posted by these unaccompanied minors should be a lesson to policy makers and social workers as well as academicians: It is the ideal form of publishing their own magazine to social workers. Derluyn, I. et al.

The professors who authored this research advised that these inscriptions are useful indicators of the type of protection, psychological needs and social tensions within unaccompanied minors and other migrants in general where they are socially and geographically excluded and reduced to only the 'bare life of an illegal' according to (Scott, 1990).

These spontaneous, unsolicited expressions of unaccompanied minors represent the ideal form of ethnography and expressions which social workers are afraid to transmit, maybe, because they create self-determination, social belonging, identity opportunity to tell their stories and to express feelings of hope, anger or despair, and implicated government workers on discrimination. It may also challenge institutional authority and contest current suffocating and drastic migration policies Alderman and Ward (2008); and fortified by the thesis of Moreau and Alderman (2011) which inevitably throws policy makers back to the cruelty of the Middle Ages.

These messages written by unaccompanied migrant minors on furniture and walls at detention centers and reception centers are spontaneous, unsolicited expressions explaining the harsh realities of migrants and migration which we have presented above. These new ideas we have added in this research relating to Post-flight experiences of migrants is a revelation, but they are not integrated in migration policy formation and implementation of European governments. It's time to integrate this idea in order to know more about the migration history of unaccompanied minors.

Therefore, policy makers in Spain, Sweden and United Kingdom should take note of this study because they do not incorporate ethnographic reports relating to unaccompanied minors, even though these reports exist. These migration expressions could be extracted by social workers during asylum interview of unaccompanied minors in order to be able to give justice to minors seeking protection.

It is good to show also that, where preconceived conclusion is already made, even before the arrival of a minor, a hasty bureaucratic pervasion prevails in

asserted that these are the words and situation which social workers are afraid to transmit maybe because they create self-determination, social belonging, identity opportunity to tell their stories and to express feelings of hope, anger or despair, and implicated government workers on discrimination, to challenge authority and contest current suffocating and drastic migration policies

determining how to deal with an unaccompanied minor. Instead of implementing the very protection norms the concept of no one's child gives way to abandonment. While the concept of 'state protection' and the concept of 'return' and 'deport' takes precedence. Under this type of abandonment state decisions are bound to be a rape of justice, discriminatory and inhuman.

It is important to note that stringent border controls have not reduced the entrance of unaccompanied migrant minors and other groups of migrants, but have weakened their access to human rights protection and legitimized organizational racial discrimination. Stringent border controls also triggered the formation of increasingly sophisticated smuggling and trafficking network sourcing cheap labor for European hardline business entities.

There is a belief that unaccompanied minors seek asylum because of fear of persecution, whilst others are escaping from conditions of poverty and lack of opportunity and in the process of escaping from death they find themselves locked in prison by the security operatives, from there a new persecution begins, (Ayotte 2000; Thomas, Nafees and Bhugra 2004; Hopkins and Hill 2006; Chase et al. 2008).

In order to survive police post or custody and other types of imprisonment Raghallaigh, and Gilligan, (2010) identified six different coping strategies, which unaccompanied minors adopt, namely:

- (1) Maintaining continuity in a changed context,
- (2) Adjusting by learning and changing,
- (3) Adopting a positive outlook,
- (4) Suppressing emotions and seeking distraction,
- (5) Acting independently, and
- (6) Distrusting.

These coping strategies can be linked to various investigations, especially implementation of migration policies, because we need to know why children are on the defensive while in the hands of their 'protectors'. Under normal circumstances, unaccompanied minors should be relaxed hoping that someone is there like a parent and protector for them.

2.4.3. Children policies with other global actors: Advances and initiatives

Our effort is to signal the necessity of a new initiative in the United Nations which will remove moribund actors and establish new actors who can fight against child exploitation. New actors at the United Nations and other supranational organization can put pressure on developed and developing countries to reverse their timid attitude towards the protection of unaccompanied migrant minors. They are also children of the world. Are they not? This effort is to signal the necessity to provide special education for unaccompanied migrant minors.

Global organizations and national Institutions have not given sufficient attention pertaining to child protection because they deal with global figures produced arbitrarily that does not reflect the problems in some regions and countries. In an attempt to contribute positively to the growing denial and destitution of children, in 2000, Nelson Mandela, the former South African President and Graça Machel the former minister of education in Mozambique, launched The Global Movement for Children,²²⁸ a worldwide movement of organizations' and people. The efforts of The Global Movement for Children and others at the global level provide us more knowledge that helps us to compare new and old trends.

It was this Global Movement for Children that initiated the "*Say Yes to Children Campaign*" that helped to sensitize people all over the world to embrace protection of children from the public eye view as noted by (Beigbeder 2007, .p. 514.).

In concrete terms, I declare that unaccompanied minors' major protection needs should focus on fighting human trafficking by dubious individuals and exploitative companies; promotion of technical education; fight root causes of infectious diseases especially chemical pollution of water, vegetation and degradation of land resources by local and multinational companies; establish business shops to empower women and youths; dissuading countries to stop arming rebel groups who inevitably recruit children for hard labor and war and subsidizing food production and '*traditional medicine*' for the protection of youths...

²²⁸ "Say Yes for Children," is the call of the Global Movement, is to change the world with children. We must listen carefully to what young people have to say and give them every opportunity to speak. Nelson Mandela and Graça Machel. Access at: <http://www.gmfc.org/> and for UNHCR: <http://www.unicef.org/gmfc/what.htm>

This type of action can reduce the motivation of migrant minors to escape to another country and may remove the obstacles, trenches and mines that are provoking the exodus of unaccompanied minors to countries of the European Union. This contribution by Nelson Mandela and Graça Machel was able to mobilize more than 95 million pledges in 2006 for children, which confirms that good laws are made and implemented with the best interest of the child at heart we would overcome the whims and caprices that militate against enhanced integration and proper incorporation of unaccompanied minors and youths in many societies.

2.5. Spain, Sweden and United Kingdom: International and National Legislative Frameworks for the Protection of Unaccompanied Minors.

Our general objective in this research is to compare and analyze the scope of international and national protection and services available to unaccompanied minors with the purpose of integrating them in Spain, Sweden and the United Kingdom and Europe. One of our specific objectives is directed to the description of different historical migration policies of governments of countries under study and their social and economic implications.

Unaccompanied migrant minors are protected by international and national laws, providing nations guidelines on how to identify and save them from when they are in their territory asking for protection. Among states of the 28, now 27 Member States of the European Union, there are lots of disparities even with countries that have similar parliamentary, institutional, cultural, geographical, and political similarities. Because of these disparities, it becomes imperative for us to compare their models of reception and integration of unaccompanied minors in Sweden and Britain.

We separate factors which explain the outstanding reception and integration outcomes as a result of changes in policies and these different outcomes are best illustrated by a direct comparison of the number of reception and integration factors on citizens originating from third countries.

Therefore, we argue that the ability to generously receive more unaccompanied minors and also provide their needs corresponds to the 'best

interest of the child' principle, *sine qua non* for their integration, but the sign of increased rejection, readmission and deportation is an indication that states are abdicating and flouting of international laws made for the protection of minors. This also gives the idea that different institutions are involved in the process of this comparison.

2.5.1. Description of The United Nations Convention on the Rights of the Child, (1989): Legislative Framework for child protection and historical links.

Historically, the development and final adoption of the United Nations General Assembly Human Rights Treaty in 1989 gave a new definition of children, which is the care of children, after many years of ideological logger heads. The Convention on the Rights of the Child of 1989 of 20 November was born with many responsibilities to national governments and all institutions laying down minimum standards for the protection of children. It is understandable that a number of international human rights treaties contain detailed obligations, which guarantee rights of children; the main instrument²²⁹ is this United Nations Convention on the Rights of the Child ([CRC] 1989)²³⁰.

It must be noted that only few provisions in these treaties refer to rights of children who are unaccompanied. Though these Conventions do not define the term "unaccompanied minors" it is our duty, in fact the responsibility of workers in all institutions to infer and to accept the reality that unaccompanied minors are victims of war, hunger, persecution, destitution and deprivation. Political war mongers and economic agitators who fight wars care less about the impact on children; those who manufacture and sell weapons do not calculate the unexpected consequences.²³¹

²²⁹ Legal tool used to decide on, explain and spread international human rights standards, for example the Convention on the Rights of the Child, Convention on the Rights of Persons with disabilities, Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

²³⁰ Convention on the Rights of the Child, 20 November 1989.

²³¹ These unexpected consequences which form part of motivation for migration like war, famine, torture, persecution and death, etc

Non implementation of the convention to the letter is an impediment to integration and incorporation of unaccompanied minors. For this reason, I advocate for a new convention that can enforce the dignity of unaccompanied minors and global children. This is necessary to control of the supervision of the first agreement. However, all obligations pertaining to the rights of the child have to be respected whether minors are accompanied or not.

Recently, during the Committee on the rights of the child report of 2012 Day of General Discussion on the rights of all children in the context of international migration States were reminded to ensure that the rights enshrined in the Convention are guaranteed for all children.²³² States should rescue and protect children according to the committee whether they are unaccompanied or accompanied or separated or alone because, the countries and their economies will benefit from unaccompanied minors in two ways: (1) the children will become a replacement for aging population (*envejecimiento* in Spanish); (2) the children will become human resources for future production and by extension the unaccompanied minors will become a formidable public relation between the country of origin and the country of reception.

This is predicated on the fact that the State neither provided pampers for their upbringing, nor did the state provide scholarship for their primary and secondary or half secondary education and feeding until they landed at the border or were taken into reception camps. All European Union member states, including other countries of the world have ratified the Convention on the Rights of the Child (CRC) but South Sudan and the United States of America have a reservation²³³ that

²³² The committee on the rights of the child, report of 2012. General recommendations, including on legislation, policy and coordination (number 57). States should ensure that the rights enshrined in the Convention are guaranteed for all children under a State's jurisdiction, regardless of their own or their parents' migration status and address all violations of those rights. Child care and protection agencies/bodies rather than immigration agencies take primary responsibility for all children in situation of international migration. (number 58) States should adopt comprehensive human rights-based laws and policies to ensure that all children involved in or affected by international migration enjoy the full protection of the Convention in a timely manner, regardless of age, economic status, documentation status of themselves or their parents, in both voluntary and involuntary migration situations, whether accompanied or unaccompanied, or any other. 59. States are encouraged to take measures, including legislation, policies and programmes and related training, to ensure the integration of the Convention in all migration-related national legislation, as well as in regional and/or international frameworks or agreements related to migration.

²³³ Reservation: to a treaty (covenant, convention) means that a State Party does not agree to go along with one or more of its provisions (parts). Reservations are, in principle, intended to be used only temporarily, when States are unable to realise a treaty provision but agree in principle to do so.

made them not to ratify the CRC. Most European Union 28-Member States are bound by the other treaties guaranteeing the rights of the child. However, The United States government played an active role in the drafting of the Convention on the Rights of the Child.

However, United States of America proposed the original seven texts. Three of these come directly from the United States Constitution and were proposed by the administration of President Ronald Reagan. The Convention was adopted by the United Nations General Assembly on 20 November 1989 and came into effect on 2 September 1990. The Convention on the Rights of the Child 1989, entered into force as a benign legal instrument in 1990, amplifying the human rights for children which incorporated individual and social rights, civil, cultural, economic, social and political rights.

The CRC, (1989) is also the only international human rights treaty that says that specialized agencies shall be entitled to be represented at the consideration of the implementation of the Convention and that non-governmental organisations (NGOs or charities) should help to make sure they follow-up protection measures adopted by States, (under Article 45a,b,c).²³⁴

Unfortunately, through these specialized agencies, NGOs and Charity organizations the issue of protection of unaccompanied minors and immigrants in general has become a huge political campaign instrument; an industry to compensate supporters and a state criminalizing machine. Many of them are on standby to deport the unaccompanied minor back to his or her country of origin applying all tricks to deceive the minor that they want to help. United kingdom

²³⁴ Article 45 of UN Convention on the rights of the child (1989): In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention: (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities; (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications; (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the child's right.

Border agency does not even allow them to act. Though they play observer role in Spain the agencies intervene in the readmission process, data recording and also accomplish the goal set by Sub Delegación de Gobierno - that is the masters' bidding.

In Sweden some of the specialized agencies like Save the Children, UNHCR, NGOs and Charity organizations are allowed to participate in care services for unaccompanied minors but are also involved in the readmission process which means to deport the child. The Convention on the Rights of the Child applies to all children of the world and Member States are obliged to respect these obligations in their national laws, not only when they legislate autonomously but also when they implement EU legal acts and transpose Directives.

Furthermore, although the European Union has not acceded to the UN Convention on the rights of the child, the Treaty on the European Union sets an objective for the promotion of the protection of the rights of the child and the EU has committed itself to respect core human rights treaties, such as the CRC and the 1951 UN Convention Relating to the Status of Refugees (1951 RC)²³⁵.

There are quite a number of reasons why only within the last decade it was seen necessary to create special

2.5.2. Available Human Rights protection measures for unaccompanied minors in the Convention on the Rights of the Child (CRC of 1989).

We have a compelling interest to defend the objective of this research and to close the gap of knowledge by showing that unaccompanied minors, ipso facto possess legitimate rights enshrined in golden Human Right laws. Convention on the Rights of the Child (CRC) for example applies to all children and defines in its Article 1 that a child is "every human being below the age of eighteen years unless under the law applicable to the child, maturity is attained earlier."

The Convention however does not address the situation where minority is disputed and does not refer to the critical issue of age assessment procedures and necessary guarantees in these procedures. However, the protection of unaccompanied minors *per se*, was not a key issue when the CRC was drafted. This

²³⁵ Convention Relating to the Status of Refugees, 28 July 1951

is detectable from the text and also from the travaux préparatoires (Detrick, 1992).²³⁶ Article 22 is the only Article which directly refers to unaccompanied minors. It deals with unaccompanied refugee children and obliges Member States to take appropriate measures to ensure that a child, whether accompanied or unaccompanied, who is seeking refugee status or who is considered a refugee shall receive appropriate protection and humanitarian assistance.

The CRC does not contain an exact definition of “unaccompanied minor” but simply refers to a minor not accompanied by an adult as indicated and Art. 22, only reflects on children seeking protection and children who are considered to be a refugee. This may be in line with the trend whereby mothers send their children to go and take asylum because the authorities turned deaf ears to adults. It may also be the unexpected consequence of parachuting. All rights for the minor provided for in the CRC however have to be guaranteed to all children.

This Article 22 which provides for additional guarantees for those who are unaccompanied also states that efforts have to be undertaken by states to protect and assist such a child and to trace the parents or other members of the family, subject to a best interests assessment in pursuant of, and elaborated through Directive 2008/115/EC²³⁷ of the European Parliament and of the Council of 16 December 2008 on Common Standards and procedures in member states for returning illegally staying third country nationals.²³⁸ Specifically for the return of minors the directive said that assistance to unaccompanied minors should be given to enforce the return,²³⁹ which I insist is contrary to the spirit and tenets of the CRC.

²³⁶ United Nations Human Rights Treaties contain provisions on the protection of the right to family life and also special rights for children. The Covenant on Civil and Political Rights

²³⁷ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third country nationals.

²³⁸ The controversy to trace their family: 3. Member States, protecting the unaccompanied minor's best interests, shall endeavour to trace the members of his or her family as soon as possible. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising their safety. 4. Those working with unaccompanied minors shall have had or receive appropriate training concerning their needs, and shall be bound by the confidentiality principle as defined in the national law, in relation to any information they obtain in the course of their work.

²³⁹ Article 10 relating to Return and removal of unaccompanied minors (number 1) Before deciding to issue a return decision in respect of an unaccompanied minor, assistance by appropriate bodies other than the authorities enforcing return shall be granted with due consideration being given to

However, in 2005 the United Nations Committee on the rights of the child adopted General Comment No 6 on the treatment of unaccompanied and separated children outside their country of origin aimed at draw attention to “the particularly vulnerable situation of unaccompanied and separated children; to outline the multifaceted challenges faced by States and other actors in ensuring that such children are able to access and enjoy their rights; and, to provide guidance on the protection, care and proper treatment of unaccompanied and separated children based on the entire legal framework provided by the Convention on the Rights of the Child, (GC No 6).²⁴⁰ The Committee on the rights of the child recalled that unaccompanied and separated children are holders of all of the rights in the Convention and issued guidance to help tackle some of the protection gaps already identified. The Committee made series of recommendations to States Parties, many of which are relevant to the themes addressed in this report²⁴¹.

Other UN Human Rights Treaties contain provisions on the protection of the right to family life and also special rights for children. The Covenant on Civil and Political Rights²⁴² provides for the protection of family life in its Art. 12, and guarantees special rights for children in Art. 24. Unaccompanied minors are only covered by these general rules, making no special guarantee for unaccompanied minors.

the best interests of the child.(2) Before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return.

²⁴⁰ General Comment NO. 6 (2005) of 17 May - 3 June 2005: Treatment of unaccompanied and separated children outside their country of origin The issuing of the General Comment is further motivated by the Committee’s identification of a number of protection gaps in the treatment of such children, including the following: unaccompanied and separated children face greater risks of inter alia sexual exploitation and abuse, military recruitment, child labor (including for their foster families) and detention. They are often discriminated against and denied access to food, shelter, housing, health services and education. Unaccompanied and separated girls are at particular risk of gender based violence, including domestic violence. In some situations, such children have no access to proper and appropriate identification, registration, age assessment, documentation, family tracing, guardianship systems or legal advice. In many countries, unaccompanied and separated children are routinely denied entry to or detained by border or immigration officials, and in other cases they are admitted but are denied access to asylum procedures or their asylum claims are not handled in an age and gender sensitive manner. Some countries prohibit separated children who are recognized as refugees from applying for family reunification; others permit reunification but impose conditions so restrictive as to make it virtually impossible to achieve. Many such children are granted only temporary status which ends when they turn 18.

²⁴¹<http://www2.ohchr.org/english/bodies/crc/docs/discussion2012/ReportDGDChildrenAndMigration2012.pdf>

²⁴² International Covenant on Civil and Political Rights, 16 December 1966.

On the other hand, The UN Covenant on Social, Cultural and Economic Rights²⁴³ again contains guarantees for the protection of children in Art. 10 but does not refer to unaccompanied minors either. On its own part, The 1951 Refugee Convention does not deal with procedures in general and does not guarantee special rights for children. The Final Act of the Conference that adopted the 1951 Convention aims to provide for family unity.

Despite its weaknesses, it's imperative to respect the CRC since it's the only legal instrument that has come in defense of unaccompanied minors. It's lapses can be amended to reflect the reality of the implementation of policies aimed at integrating unaccompanied minors in Spain, Sweden and United Kingdom. The Hague Convention on Parental Responsibility and Measures for the Protection of Children does not guarantee special rights for unaccompanied minors either.²⁴⁴ The same goes for the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.²⁴⁵

On the level of the Council of Europe, the ECHR provides for the protection of the right to family life in Art. 8.²⁴⁶ In exceptional cases this provision could even oblige states to unite children with family members.

2.5.3. Description and analysis of International Legislative Frameworks for the protection of unaccompanied minors

Although there are United Nations' relevant Protocols to prevent, suppress and punish persons who engage in human trafficking by land, sea or air, especially against women and children, there are also International Humanitarian Law and International Criminal Law for the protection of migrant minors like the 1949 Geneva Convention and additional protocols of 1977, Bridgbeder, (2007, p. 514).

²⁴³ International Covenant on Economic, Social and Cultural Rights, 16 December 1966.

²⁴⁴ Hague Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children, 19 October 1996, available at http://www.hcch.net/index_en.php?act=conventions.text&cid=70.

²⁴⁵ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 25 May 2000.

²⁴⁶ ECHR, Article 8 Right to respect for private and family life 1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Other legal instruments include protocols of the Council of Europe 1950 Convention for the Protection of Human Rights and Fundamental Freedoms,²⁴⁷ especially as it concerns freedom of expression in Article 10;²⁴⁸ freedom and right to education in Article 2;²⁴⁹ and prohibition of abuse, prejudice and discrimination in Article 14²⁵⁰ and Article 17²⁵¹ right to family life and marriage provided in chapter 12.²⁵² Another is the European social charter of 1961 (revised in 1996) on the right of children and young persons to have protection.²⁵³ And this serves as

²⁴⁷ European Convention on Human Rights, as amended by the provisions of Protocol No. 14 (CETS no. 194) as from its entry into force on 1 June 2010

²⁴⁸ Article 10 on Freedom of expression: (1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. (2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

²⁴⁹ Article 2 Right to education of Convention for the Protection of Human Rights and Fundamental Freedoms declares that: No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions. The European Convention on Human Rights, as amended by the provisions of Protocol No. 14 (CETS no. 194) as from its entry into force on 1 June 2010.

²⁵⁰ Article 14 Prohibition of discrimination The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. The European Convention on Human Rights, as amended by the provisions of Protocol No. 14 (CETS no. 194) as from its entry into force on 1 June 2010.

²⁵¹ Article 17 Prohibition of abuse of rights. Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and 14 15 freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention. The European Convention on Human Rights, as amended by the provisions of Protocol No. 14 (CETS no. 194) as from its entry into force on 1 June 2010.

²⁵² Article 12 on Right to marry, declared that Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right. The European Convention on Human Rights, as amended by the provisions of Protocol No. 14 (CETS no. 194) as from its entry into force on 1 June 2010.

²⁵³ Article 7 The right of children and young persons to protection ... right of children and young persons to protection, the Parties undertake: (1) to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education; (2) to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy; (3) to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education; (4) to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training; (5) to recognize the right of young workers and apprentices to a fair wage or other appropriate allowances; (6) to provide that the time spent by young persons... (7) to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with

basic foundation for legal and economic protection.²⁵⁴ Attention should be paid to the European Convention for the Exercise of Children's Rights (1996).

Despite all these legal frameworks, the pendulum has swung the other way, making it absolutely impossible to address the basic needs of unaccompanied minors against big time business smugglers therefore, the implementation of migration policies for the integration of unaccompanied minors and other migrants is clashing with the vested interest of States to seal off their borders and the underground business smugglers who can always exploit the vulnerable situation of the unaccompanied minors in search of cheap labor hunters.

The European Union on its part for a long time have hatched a number of Directives and conventions which have placed an obligation on (Member) States to take appropriate protection and prevention measures to protect minors from the jaws of heartless exploiters. This was the idea behind the UN Conventions on refugees of 1951, Convention on the rights of the child of 1989, and the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms.

In order to improve the Common European Asylum System (CEAS) there had been a concerted effort to amend the Asylum Procedures, Reception Conditions and Qualification Directives Since 2009. This also include the renovation (as noted in this study) the amended Dublin III-Regulation²⁵⁵ formerly

pay; (8) to provide that persons under 18 years of age shall not be employed in night work ...; (9) to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control; (10) to ensure special protection against physical and moral dangers to which children and young persons are exposed.. European Social Charter (Revised), 03.V.1996.

²⁵⁴ Article 17 – The right of children and young persons to social, legal and economic protection With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organizations, to take all appropriate and necessary measures designed: 1 a to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose; b to protect children and young persons against negligence, violence or exploitation; c to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support; 2 to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools. European Social Charter (Revised), 03.V.1996 European Social Charter (Revised)
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007cf93>

²⁵⁵ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 (Dublin III Regulation) establishing the criteria and mechanisms for determining the Member State

(Dublin II-Regulation) establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection of unaccompanied minors. The whole idea is for the equitable sharing and readmission of unaccompanied minors may have a boomerang effect.

The European Union considered it necessary to hatch another new Anti-Trafficking Directive in (2011) legislative frameworks which provided the justification that the former legislative frameworks (Regulations, Conventions, Asylum Procedures, Directives and protocols) are defective, politically restrictive and administratively ineffective.

Many authors believe that legislative frameworks of the European Union have received tremendous developments through its European Union *asylum acquis* project. Through these legislative frameworks, more information is published and member states are encouraged, (though not all), to implement integration factors like (right to legal representation, right to be heard, right to family reunification, right to residence permit, right to labor market, right to health services, right to full education and training, freedom from age assessment (authors suggestion)²⁵⁶ or rules for taking the principle of the child's best interests into account in procedures) which are indispensable for assessing implementation of immigration policies for the integration of unaccompanied minors in the country of reception.

According to studies conducted by European Migration Network on "Policies, practices and data on unaccompanied minors in the EU Member States and Norway"²⁵⁷ that unaccompanied minors who applied for asylum and waited for a long time for official decision are not fully protected and that children who do not apply are not protected even though there are legislations, therefore there is a yawning gap in legislation. The study concluded that, "while the European Union

responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person. The European parliament and the council of the European Union,

²⁵⁶ The author's suggestion is predicated on the fact that there are obstacles with the United Nations and European Agencies that 'assess' (good practices for the best interest of the minor principle), the application of protection measures, e.g. MIPEX, EUROSTAT or IOM do not include Age assessment practiced as bases for measuring the performance a country in the area of protection of unaccompanied minors. Unfortunately, denial of protection of unaccompanied minors is based on age assessment. This should be a new criterion for assessing the implementation of migration policies.

²⁵⁷ European Migration Network (EMN May, 2015) Policies, Practices and Data on Unaccompanied Minors in the EU Member States and Norway." EMN@ec.europa.eu

has set out rules and standards regarding the protection of UAMs applying for asylum, only a few specific provisions are available in the legislation for Unaccompanied Asylum seeking Minors who arrive in the Union without applying for international protection.”

Delving into the Common European Asylum System (CEAS) motive and effectiveness Pirjola (2009, p. 366) examined the fundamental contradictions within the Common European Asylum System between abstract human rights commitments and the unspecified notion of refugee protection in the 1951 Convention, and their implementation by national governments with particular interests related to controlling the inflow of asylum seekers to their territory and concluded that “the power of states versus the powerlessness of children seeking asylum means that the Common European Asylum System is a ‘hypocrisy’ . . . that promotes particular and instrumental aims under the camouflage of universal human rights commitments” (p. 366).

2.5.4. Description of European Union legal frameworks for the protection of unaccompanied minors: A historical perspectives.

In conformity with showing closing the gap of knowledge as part of the objective of this study, it is interesting to explore the legal provisions and their dimensions in relation to protection of unaccompanied minors. In consideration of the preamble of the European Union Treaty establishing the European Union Constitution²⁵⁸ the founding fathers envisaged a continent that can live together in diversity,²⁵⁹ with immigrants, when it declared, that it is drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law.

Therefore, in section 2, Article III-266 (1, a, b) on “Policies on border checks, asylum and immigration”, the European Union Constitution referred to the policies

²⁵⁸ The Constitution for Europe (2004) Published in the Official Journal of the European Union on 16 December 2004 (C series, No 310). <http://europa.eu.int/constitution>.

²⁵⁹ Convinced that, thus ‘united in diversity’, Europe offers them the best chance of pursuing, with due regard for the rights of each individual and in awareness of their responsibilities towards future generations and the earth. The preamble envisage a new Europe with divergent policies but with one objective

on border checks and declared that any third country national requiring international protection and ensuring compliance with the principle of non-refoulement²⁶⁰. It is envisaged that this piece of legislation can be applied in the circumstance of a minor who is in dire need of extraordinary protection, thus the constitution declared, "1. (a) The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third country national requiring international protection and ensuring compliance with the principle of non-refoulement²⁶¹.

This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties. (b) A uniform status of subsidiary protection for nationals of third countries that, without obtaining European asylum, are in need of international protection."

The Tampere program (1999 to 2004) which set the groundwork for migration policies was signed in Finland and established common rules for family migrants, access to long-term residence as a base for a Common European Asylum System²⁶². The Tampere program is made up of 4 main legal instruments that cover reception conditions, asylum procedures qualifications, and which Member State is responsible for examining an asylum application (this is the prelude to Dublin II Regulation).

The major concern of the EU state is strictly to have a policy regime that will deal with asylum seekers who succeeded in reaching the territory of a member state was criticized by former Secretary General of United Nations, Kofi Annan²⁶³, and the main instruments became the Schengen Agreement and the Dublin

²⁶⁰ Refoulement means: The expulsion of refugees from a place where they can rightfully claim refugee status to a place where they may face persecution or other threats, such as the country or disaster area from which they originally fled. States are expected to desist from Refoulement.

²⁶¹ The principle of "refoulement" was officially enshrined in Article 33 of the 1951 Convention Relating to the Status of Refugees and is also contained in the 1967 Protocol Relating to the Status of Refugees and Article 3 of the 1984 Convention against torture. Article 33 of the 1951 Convention Relating to the Status of Refugees contains the following two paragraphs that define the prohibition of the expulsion or return of a refugee.

²⁶² Protection of Unaccompanied Migrant Minors was not included in the Tampere or Hague programs but their vulnerability was mentioned in the Stockholm Program.

²⁶³ The UN Secretary General at that time Kofi Annan's Address to the European Parliament, 29 January 2004. He said: "...when refugees cannot seek asylum because of offshore barriers, or are detained for excessive periods in unsatisfactory conditions, or are refused entry because of restrictive interpretations of the Convention, the asylum system is broken, and the promise of the Convention is broken, too."

Convention and the introduction of the third safe country. Furthermore, a new legal instrument for a five-year period known as The Hague Program (2004 to 2009) came into force with ten priorities aimed at strengthening freedom, strengthening security, strengthening justice.²⁶⁴ During this period the European Union policy architects recognized the value of information sharing, therefore, they implemented a system of exchange of information on integration policy, and the need for collaboration with third countries codenamed Global Approach to Migration in 2005 which also led the foundation for the fragile Readmission Agreements with Morocco, Mauritania, Algeria, and Libya with Italy.²⁶⁵

The Stockholm Program (2009 to 2014)²⁶⁶ establishes the framework for police and customs cooperation, rescue teams, cooperation on criminal and civil affairs, and policy on asylum, immigration and visas, for the 2010-2014. It is launched as third part of the European Migration Policy with the aimed at integration, illegal migration, rights of third-country nationals, labor migration, migration and development (Collett 2008).

²⁶⁴ The Stockholm Program (2009 to 2014) launched “Ten priorities for the next five years: a partnership for European renewal the Strategic Objectives 2005-2009 refers specifically to the development of a partnership in view of the strengthening of an area of Freedom, Security and Justice. Within the objectives of (a) strengthening freedom (b) strengthening security (c) strengthening justice, and ten main priorities identified by the Commission.

²⁶⁵ Readmission Agreements From Barcelona to Rome and Lisbon, there had been cooperation that was codified as 5+5 dialogue launched in Rome in 1990 with five European countries namely Italy, Malta, Spain, France, and Portugal and five African countries in the Maghreb region namely Algeria, Libya, Morocco, Mauritania and Tunisia. EUROSUR in 2008 took over cross-border surveillance and another competitor came up known as integrated multi-lateral border management cooperation with FRONTEX operating with satellites, drones, connection and rationalization of the surveillance. It was the focus of controversial debate since the illegal crossing of borders is assimilated to cross-border crime.

²⁶⁶ The Stockholm Programme (2010-2014): The Stockholm Programme, which replaces the Tampere and Hague Programmes, was adopted by the European Council (Brussels, 10-11 December 2009). In light of the Lisbon Treaty's entry into force on 1 December 2009, which brought about significant changes to the provisions relevant to the area of Freedom, Security, and Justice (Title V of the Treaty on the Functioning of the European Union), the Stockholm Programme establishes the framework for police and customs cooperation, rescue teams, cooperation on criminal and civil affairs, and policy on asylum, immigration and visas, for the 2010-2014 period. The Stockholm Programme sets the following priorities: promoting citizen rights, improving their everyday lives, protecting citizen, ensuring access to Europe in a globalised world, solidarity and partnership in migration and asylum matters, as well as the external dimension of the area of freedom, security and justice. Specifically with regard to promoting European citizen rights, the European Council calls upon the Commission to submit a proposal for the rapid accession of the EU to the European Convention on Human Rights. It also calls upon European institutions to capitalize on the Fundamental Rights Agency's experience and stresses that obtaining a right of residence under Union law for EU citizens and their family members is an advantage inherent in the exercise of the right of free movement. It stresses, however, that the purpose of that right is not to circumvent immigration rules, and that freedom of movement not only entails rights but also imposes obligations on those that benefit from it. With regard to protecting citizens' rights in the information society, it is pointed out that the European Union must play a leading role in developing and promoting international standards concerning personal data protection, and that ways to encourage citizens to vote should be looked into ahead of the 2014 European elections.

This Stockholm Program tend to show that EU policy architects realized that the former migration policies are not functioning well,²⁶⁷ therefore the program shifted a bit from the *restrictive theory policy* to open *border theory policy* which we have discussed. Another Migration Policy, The Lisbon Treaty provides rights of legal entry and residence but the European Parliament as key player in the policy-making process maintains a veto right over new legislation regarding legal migration. Regrettably, Protection of Unaccompanied Migrant Minors was not included in the Tampere or Hague programs²⁶⁸ but their vulnerability was mentioned in the Stockholm Program.

Both the Schengen and the Dublin II and now Dublin III Agreements are clear on one point till today: asylum requests cannot be heard by more than one of the contracting parties.²⁶⁹ Dwelling on this, Michael et al. (2009) argued that it is for this reason Schengen Agreement stated that, “every contracting party retains the right, on the bases of its own laws and in conformity with its international commitment, to refuse entry to an applicant for asylum or to remove him or her to a third state,” Schengen Agreement, Article 29(2).²⁷⁰ This is a sever contradiction to the 1959 Geneva Refugee Convention and can be judged by the declarations relating to the concept of removing the unaccompanied minors like separating the weed from the king’s garden, (Bauman, 1991).

My innate interest in the research is to close the gap of knowledge and to show that European Union Directives are aimed at protecting the interests of member states of the Union. Therefore, it is good to understand that these policies for the protection of unaccompanied minors are not respected fully because the States assume that the international laws are not binding and that they are not supervised and that is why United Kingdom could prohibit a minor from regrouping his or her parents; and that is why in Spain a minor is asked to show his or her parents addresses in order to facilitate readmission to country of origin

²⁶⁷ Working Paper (2009). Beyond Stockholm: overcoming the inconsistencies of immigration policy. EPC Working Paper No. 32. Brussels

²⁶⁸ Report on the Implementation of the Hague Programme for (2007, 2008). COM (2008)373 final. Brussels. June.

²⁶⁹ European Commission. (2007). On circular migration and mobility partnerships between the European Union and third countries. COM(2007)248 final. Brussels.

²⁷⁰ Council of the European Union. (2009). The Stockholm Programme – An open and secure Europe serving and protecting the citizens. Doc. 17024/09. Brussels.

and that is why it is possible for Sweden to ask unaccompanied minors escaping out of war to prove beyond all reasonable doubts that they are being persecuted.

In migration policies of the EU, there are also protection clauses and a formula for their implementation by the European Parliament but they have no supervising power. These become directives of the European Union and the member states are expected to adhere to it, *ceteres paribus*. The European policy is oriented towards tutelage, which is interpreted as rigorously applying all the principles of protection policies for the reception of applicants for international protection which coincides with Directive 2013/33 / EU (Directive 2011 / 36 / EU), the EU Asylum Fund, the EU Directive on Victims (Directive 2012/29 / EU) and the Directive on the sexual exploitation of children (Directive 2011/92 / EU).

2.5.5. Migration policies for the protection of unaccompanied minors in Spain, Sweden and United Kingdom.

It is customary to make laws to restrict people of all race and clime from entering Europe right from eons of time, but today's European migration policy makers think only about advantages of migration. In the recent past, there had been massive migration movements of Europeans into Africa, America and Australia. There had been massive migration movements of Europeans during the great migrations as a result of the potato famine; the great migrations of Spaniards Italians and Portuguese into USA, Argentina, Brazil and the Americas. Further to this, there had been massive migration movements of southern Europeans composed of Italy, Greece, Spain and Portugal which Turkey joined.

This concept of restrictive policies and rejection of asylum seekers do not correspond to reciprocity in international relations. Restrictive migration policies became a major component in migration polices in the 1990s, so that United Kingdom closed its borders against former colonies and other migrants; Spain closed its borders against Maghreb and Latin Americas, Sweden against East Africans and former Yugoslavians, Holland and Italy against all countries.

What is evident is that some of these countries mentioned above introduced a control window known as "quota system" that enabled them determine the number of people they want to enter their country without automatic citizenship

and without creating enhanced social integration policy that will ameliorate their uprootness. According to reports, the result of implementing restrictive immigration policy has not stopped migration; rather it has set up a new social underclass known as 'irregulars.' A large chunk of unaccompanied minors are shifted to this irregulars' dungeon. Every city in the European 28-Member States boasts of a variety of 'graveyards' of undocumented persons called 'irregulars.'

In order to look back at the reminiscences of historical protection of unaccompanied minors, we would go back to the history of rescue of unaccompanied minors which formed part of Nordic history. They seem to me, especially Sweden, to have taken advantage of the domination of the Lutheran church for almost five centuries in the Nordic countries and this may have influenced their understanding of what humanity should be and what integration should be.

To justify how good an enhanced implementation of a good integration policy can benefit both countries (country of origin and country of reception) is for example: We are reminded that Denmark and Norway were occupied by Germany in April 1940. Soon after the eruption of this war Helsinki was attacked by bombs, therefore the Red Cross and other organizations evacuated more than 70,000 children from the carnage of war, unlike the forgotten wars going on in Sudan, Somalia, Congo, Syria, Afghanistan, etc. where children are raped, caged and exterminated. We know now that some of these unaccompanied rescued children remained and grew up with their Swedish foster parents after the war.

However many returned, but with the good knowledge of Swedish language and the best sensation that Sweden is the best country in the world. Furthermore, some of these children that were hitherto rescued and properly integrated and incorporated re-emigrated as adults back to Sweden in the post-war labor recruitment. The result and new lesson: unforgettable and solid diplomatic and international relations between Finland and Sweden. Why not in European Union-28 member states?

2.5.5-1. Spain: Migration Policies for the protection of unaccompanied minors and other migrants: A historical perspective compared with latest strengths and weaknesses events.

In consonance with our key objective for this study in chapter three (3.1, number 7), of our special objective, I compare and describe different national protection policies of Spain and attempt to signal where differences occurred and compare them with tendencies in Sweden and United Kingdom. This comparative description and analysis is aimed at evaluating migration policies that affect unaccompanied minors and other immigrants; in continuation we explore other areas of ideological foundations of Spain, Sweden and United Kingdom in relation to implementation of migration policies and the authorities behind the integration of unaccompanied minors. The contributions of various authors have helped to analyze changes, disparities and ambiguities in implementation of legislative frameworks of these countries.

The term migration policy refers to the objectives, procedures and systems designed for the regulation of migration by Spain, Sweden and United Kingdom and other countries of the European Union which conform to what we have been examining in this doctoral research. These migration policy may be published or unpublished and may also be inferred or in many cases, may be the opposite of what is written according to Dummett and Nicol, (1990) which in most cases may only be confirmed by assessing their effect on receptors of services exactly as we are doing right here in this research. Social work has been accused many times of assumption, lack of ethics and total insensitivity to the yearnings and aspirations of people and the issue of unaccompanied minors has worsened social perception of the profession.

Spain had been preoccupied that foreigners should be able to enjoy maximum rights and liberties in the same manner as Spanish citizens within a legal framework. This is predicated on the view that there was insufficient protection for foreigners in the general principles of the recommendations on foreigners in the previous law (Real Decreto de 17 de November de 1852) thereafter; there was a step by step increment in subsequent laws.

The basic fundamental rights of children are enshrined in The Spanish Constitution of (1978).²⁷¹ The provisions are enshrined specifically in Article 39.4, that "Children shall enjoy the protection which are provided for in international agreements, protecting and safeguarding their rights" (Blanco 2003). Those who drafted the Constitution of 1978 made allusion of International Agreements with a view on the 1951 United Nation Convention relating to the status of refugees and the 1967 Protocol,²⁷² wanted to inform the world that Spain has arrived and also to assure that Spain recognize the status of refugee minors. Therefore, the Organic Law (Ley Organic 7/1985)²⁷³, established more rights and privileges to foreigners in Spain in consonance with Article 13 of the Spanish constitution.

These rights are spelt out in Section 1.1 and sections, 3.1 on expulsion, residence and work permit²⁷⁴. Comparatively, United Kingdom had already implemented its Aliens Act of 1905 which centered on migration and integration laws passed at the time when Eastern European Jews were arriving in United Kingdom. In comparative terms, Sweden had admitted many immigrants from Nordic countries between 1950 and 1960. In 1975, Swedish Parliament (Riksdag) had already passed an integration law for a radical control of labor migrants from Southern and Eastern Europe. Spain had not joined the European Union at that time and the fact that Spanish citizens emigrated to Northern Europe and the Americas, it was not possible to conceptualize an effective migration policy.

Furthermore Sweden had already signed the 1951 United Nation Convention relating to the status of refugees and the 1967 Protocol, which facilitated Sweden to admit more asylums claims to persons who escaped from the claws of former Soviet Union. Drawing our attention to this, Pérez, (2003) averred that Immigration became part of the Spanish government's agenda in 1985. It became a political issue that led to many restrictive policies in 1990. As I have indicated in chapter one, Spain had been a country of emigration pushing its population outside to Latin America, Northern Europe, African and Australia, and

²⁷¹ The Spanish Constitution of (1978)

²⁷² 1951 United Nation Convention relating to the status of refugees and the 1967 Protocol.

²⁷³ Ley Organic 7/1985, de 1 de Julio, sobre derechos y libertades de los extranjeros en España

²⁷⁴ Derechos § 1.1, 13.1; §3.1, 4-1. Sufragio en elecciones locales § 1.1, 13.2; §5.2, 176. Derecho de asilo, § 1.1, 13.4; §3.2. Extradición, § 1.1, 13.3. Expulsión § 3.1, 26., 36. Residencia, § 3.1, 13, 14. Permiso de trabajo, § 3.1, 15-19. Important Note: This law did not make any provision for minors or unaccompanied minors. Leyes Políticas del Estado (1969. P. 167) Editorial Civitas S. A. Madrid. The law is devoid of protection tenets for children.

this is not far removed from the notion to guarantee its entry into the European Union.

Comparatively, United Kingdom, implemented migration policies for integration of children in 1990, as enshrined in The 1989 Children's Act for England and Wales, Scotland and Northern Ireland which mandates local authorities to provide care and accommodation for unaccompanied migrant minors.

Another law that was also in force in United Kingdom was the 1988 Immigration Act which restricted the right to appeal in certain deportation cases and the prohibition of polygamy in United Kingdom. By 1990 Sweden had admitted Ugandan Asians expelled from Uganda, The Mediterranean countries, South Americans and Kosovo people. According to population estimates by United Nations²⁷⁵, as at 3rd March, 2016 the population of Spain stands at 46,083,195 and ranked 30th in world population list. Since 2010 the net migration in Spain had been negative that is, more emigration is superior to immigration, especially youth emigration.

Restrictive policies permeate into the legal fabrics of Spanish migration policies to the extent that unaccompanied minors are finding it difficult to claim that they are *unaccompanied minors or minors*. This is a new revelation during my interview in Teckomatorp, Sweden with five unaccompanied minors from Morocco (Names withheld). These minors confessed that they have lived in Melilla, Valencia for two year and each time they applied for asylum in a center, as "unaccompanied foreign minors", the authorities had declared that they are more than 18 years, therefore not "unaccompanied foreign minors", whereas the Migration Board accepted their application and age claim of (15, 16, 16, 16.2 and 16.5 years). The problem of the five unaccompanied minors I interviewed have (still in Sweden at the time of this report) is that the Spanish authorities have taken their fingerprints nine months ago when they applied for asylum; but the worst story is that the Swedish authorities through the Migration Board claim that under the Dublin II

²⁷⁵ <http://www.worldometers.info/world-population/spain-population/>

Regulation (as amended) (EU) No 604/2013 Dublin III Regulation)²⁷⁶ five of the unaccompanied minors would be returned to Spain.

Their asylum decision I read confirmed that the Spanish authorities have accepted their return so that they can send them back to their parents in Tangier, Morocco. However, a form to appeal against the decision to the Migration Board Appeal court was attached to their letters. This is the information gap we lack about impact and dilemma of implementation of restrictive policies that shift the vulnerable minor in the 'dungeon of irregular'. The unaccompanied minors have appealed to the Swedish Migration Board appeal court and are waiting for the judgment day.

According to Micheal (1990) while researching on the topic "Unaccompanied Refugee Children: Detention, Due Process, and Disgrace" declared that our legal system generally extend rights to children, yet refugee children are given almost no rights at all. Laws and policies can be made; published, unpublished and may be inferred; may be opposite of what is written according to Dummett and Nicol (1990), where the implementation is based on the whims and caprices of social workers, unaccompanied minors suffer the consequences as in the South African report,²⁷⁷ (GCIM 2005, p. 52).

Drawing together some these events (*acontecimientos*, in Spanish) together, the European Migration Network attributes this trend to tighter immigration controls²⁷⁸. According to some social workers interviewed in a center in Valencia, Spain, "What happens to these unaccompanied minors in so-called 'reception centers' depends on the conditions of their arrival. They'll be qualified to apply for residence permit if they secure job contract, e.g. recollection of (*naranja, melocotón, o construcción*) and some minors do this job. When unaccompanied minors are not seeking asylum, efforts are made to reconnect them with family members in the arrival country or in their home country" Social workers interview of (2012 to 2014). Spanish institutions have the obligation to carter for their

²⁷⁶ Dublin III Regulation (EU) No 604/2013 of the European parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

²⁷⁷ Global Commission on International Migrations (GCIM) (October 2005; p. 52).

²⁷⁸ European Migration Network (2014) <http://www.migrationpolicy.org/article/unaccompanied-immigrant-children-growing-phenomenon-few-easy-solutions>

situation of abandonment or helplessness and the entity charged with the Protection of Minors from the city or region where they are identified (Calzada 2007).

Therefore, an unaccompanied foreign minors' status is determined by the Organic Law 4/2000 on rights and freedoms of foreigners in Spain and their social integration and for that matter implementing regulations Real Decree 2393/2004 of 30 December,²⁷⁹ and if the minor is involved in a criminal activity, his or her criminal responsibility will be treated under the Organic Law 5/2000 of 12 January.

In relation to unaccompanied foreign minors which is relevant to this study, Título VIII, Artículo 92, (1) of Real Decreto 2393/2004, de 30 de diciembre, specifically addressed the area immediate protection of the minors by informing the institutions in charge of protection as soon as the security forces locate him or her;²⁸⁰ (2 and 3) deals with age determination through competent organs;²⁸¹ while (4) deals with the principle of readmission (return to sender) to parents back to his or her country of origin after hearing the minors.²⁸²

²⁷⁹ Real Decreto 2393/2004, de 30 de diciembre, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.

²⁸⁰ Menores Extranjeros: Real Decreto 2393/2004, de 30 de diciembre, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social Ministerio de la Presidencia. BOE núm. 6, de 7 de enero de 2005. Referencia: BOE-A-2005-323. Menores Extranjeros: Título VIII- Menores extranjeros: Artículo 92. Menores extranjeros no acompañados. (1) En los supuestos en que las Fuerzas y Cuerpos de Seguridad del Estado tengan conocimiento de, o localicen en España a un extranjero indocumentado cuya minoría de edad no pueda ser establecida con seguridad, informará a los servicios de protección de menores para que, en su caso, le presten la atención inmediata que precise, de acuerdo con lo establecido en la legislación de protección jurídica del menor. Con carácter inmediato, se pondrá el hecho en conocimiento del Ministerio Fiscal, que dispondrá la determinación de su edad, para lo que colaborarán las instituciones sanitarias oportunas que, con carácter prioritario y urgente, realizarán las pruebas necesarias.

²⁸¹ Menores Extranjeros: Título VIII- Menores extranjeros: Artículo 92. 2. Determinada la edad, si se tratase de un menor, el Ministerio Fiscal lo pondrá a disposición de los servicios competentes de protección de menores. (3) Si durante el procedimiento de determinación de la edad el menor precisara atención inmediata, las Fuerzas y Cuerpos de Seguridad del Estado lo solicitarán a los servicios competentes de protección de menores.

²⁸² 4. La Administración General del Estado, conforme al principio de reagrupación familiar del menor, después de haber oído al menor, y previo informe de los servicios de protección de menores, resolverá lo que proceda sobre la repatriación a su país de origen, o a aquel donde se encontrasen sus familiares, o, en su defecto, sobre su permanencia en España. De acuerdo con el principio del interés superior del menor, la repatriación a su país de origen solamente se acordará si se dieran las condiciones para la efectiva reagrupación familiar del menor, o para la adecuada tutela por parte de los servicios de protección de menores del país de origen. El procedimiento se iniciará de oficio por la Administración General del Estado o, en su caso, a propuesta de la entidad pública que ejerce la tutela del menor. El órgano encargado

Furthermore, Título VIII, Artículo 92 of this Real Decreto 2393/2004 in area for the minors also declares that the minor can be repatriated if the parents are found or if security agents believe their parents can be located.²⁸³ Some countries of the European Union assign a guardian *ad litem*²⁸⁴ that is a court-appointed individual to represent the child's best interests if they have no family members present. Other countries assign a social worker or other representative to look after their welfare while they are in the country, but it is a passive position. Britain has stopped this practice while Sweden appoints a legal representative.

In continuation of hardened migration policies, more and more unaccompanied foreign minors are put in situation of helplessness and abandonment. Many of the minors in some EU countries are continually forcibly deported while in some cities few minors are allowed to escape, especially where (integration) policies vary in communities for example integration policies vary in (Gordon, United Kingdom; Malmö; Sweden and Cataluña; Spain). This is common to those who do not receive protected status but their residences do not provide

²⁸³ Título VIII, Artículo 92 of this Real Decreto 2393/2004: Título VIII Menores extranjeros Artículo 92. Menores extranjeros no acompañados. 1. En los supuestos en que las Fuerzas y Cuerpos de Seguridad del Estado tengan conocimiento de, o de la tutela del menor facilitará a la autoridad gubernativa cualquier información que conozca relativa a la identidad del menor, su familia, su país o su domicilio, y pondrá en su conocimiento las gestiones que haya podido realizar para localizar a la familia del menor. La autoridad gubernativa pondrá en conocimiento del Ministerio Fiscal todas las actuaciones llevadas a cabo en este procedimiento. La Administración General del Estado, competente para llevar a cabo los trámites relativos a la repatriación desde España de un menor extranjero en situación de desamparo, actuará a través de las Delegaciones y Subdelegaciones del Gobierno, las cuales solicitarán de la Comisaría General de Extranjería y Documentación la realización de las gestiones necesarias ante las embajadas y consulados correspondientes, para localizar a los familiares de los menores o, en su defecto, los servicios de protección de menores de su país de origen que se hicieren responsables de ellos. Si no existiera representación diplomática en España, estas gestiones se canalizarán a través del Ministerio de Asuntos Exteriores y de Cooperación. Una vez localizada la familia del menor o, en su defecto, los servicios de protección de menores de su país, se procederá a la repatriación mediante su entrega a las autoridades de fronteras del país al que se repatríe. No procederá esta medida cuando se hubiera verificado la existencia de riesgo o peligro para la integridad del menor, de su persecución o la de sus familiares. En el caso de que el menor se encontrase incurso en un proceso judicial, la repatriación quedará condicionada a la autorización judicial. En todo caso deberá constar en el expediente la comunicación al Ministerio Fiscal. La repatriación del menor será acordada por el Delegado del Gobierno o por el Subdelegado del Gobierno, y ejecutada por los funcionarios del Cuerpo Nacional de Policía. La repatriación se efectuará a costa de la familia del menor o de los servicios de protección de menores de su país. En caso contrario, se comunicará al representante diplomático o consular de su país a estos efectos. Subsidiariamente, la Administración General del Estado se hará cargo del coste de la repatriación.

²⁸⁴ *Ad litem refers to a guardian appointed by the court to represent the interests of Infants, the unborn or incompetent persons in legal actions. Guardians are adults who are legally responsible for protecting the well-being and interests of their ward, who is usually a minor.*

protection; their helpless situations do not provide respite because many of them fall back the 'dungeon of irregulars'.

Where is the welfare state if the welfare state is for vulnerable people? However, the "best interest of the minor" principle is implemented to some extent in Portugal for example, unaccompanied minors are assumed to be treated the same as Portuguese minors; they are permitted access to residence permits and social benefits²⁸⁵. In pursuit of the National objective of controlling immigration, The Kingdom of Spain signed bilateral and multilateral agreements for cooperation and repatriation of unaccompanied minors and other immigrants.

This is known also as readmission agreements. As I have indicated earlier, the whole idea of signing readmission agreements with the countries across the Mediterranean like Morocco, Mauritania, Tunisia, Guinea and Senegal is to curb excessive migration especially unaccompanied minors and to checkmate exploitation of migrants by business recruiting networks.²⁸⁶ This type of repatriation and readmission or return is being executed by International Organization for Migration (IOM), Sub-Delegation of Government Officials and a special squad of the National Police for deportation of the unaccompanied minor or "Safe Return" according to The Dublin II Regulation, (Now Dublin III Regulation).²⁸⁷ The southern territory of Spain had been conceived as the *Oedipus Complex* of EU migration. However, events in the Mediterranean from 2011 to 2016 may have shown that weakest point of massive migration into European states this period has changed.

This decade, the pendulum of massive migration has swung to the region of Lampedusa and far Eastern Europe. The most current development is that migration pattern has changed from the migration of adults to the migration of unaccompanied minors as it happened decades ago when migration was overtaken

²⁸⁵ Levinson, A. (2011) "Unaccompanied Immigrant Children: A Growing Phenomenon with Few Easy Solutions." The Migration Policy Institute, Migration Policy Institute, Washington, DC 20036 Menores Extranjeros: Título VIII- Menores extranjeros: Artículo 92.

²⁸⁶ Spain has also signed several bilateral agreements with Ecuador, Colombia, Dominican Republic, Morocco, Nigeria, Poland, and Romania with the aim of repatriation and negotiating administrative formulas for access to Spain and its labor market though many of these countries failed to comply fully while Nigeria opted out.

²⁸⁷ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 (Dublin III Regulation) establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person. The European parliament and the council of the European Union,

by women (termed feminization, but I term this *minorization* of migration) and for this reason we call for more investigation into this new phenomenon.

Drawing together these issues with the research titled “Migration Control and Migrant fatalities at the Spanish-African Borders”, Carling, (2007) averred that there had been massive migration through the Spanish- Mediterranean borders and that heavy surveillance infrastructural investments have not abated massive migration meaning that the perforated borders may be difficult to close. According to the researcher, “Right from the 80s, the Spanish- African borders epitomized by the narrow stretch of Gibraltar have been the focal point of migration pressure toward Europe and the South.” I have earlier submitted that the migratory phenomenon between Spain and Morocco is similar to the migratory phenomenon between United States with Mexico.

The author Carling, (2007) coincided with my assertions even though I had not read his works in 2011. His research corroborates the earlier assertion I made in my thesis but his work added that Spanish researches focus their researches largely on the situation of undocumented residents after arrival. Migration experts have acknowledged that “The Mediterranean Sea is the inland sea enclosed by Europe, Africa, Asia and the Strait of Gibraltar, (Pappas 2003, p. 1196). As an economic, cultural and communication route through the Mediterranean connecting Atlantic Ocean become potential entry points into the European Union.²⁸⁸ This is the genesis of the strengths and weaknesses of public policy implementation in Spain.

The parallel between the Mediterranean Sea and Europe and the United States-Mexican border as barrier to South - North migration pattern has often been pointed out in migration literature as problematic. While there are numerous studies about the dynamics of migration and better border control on the United States-Mexico border, academic research on irregular migration in southern Europe has by and large concentrated on the situation of undocumented residents after arrival, and not on the unauthorized migration itself, nor on the question of fatalities.

²⁸⁸In the west, the Strait of Gibraltar connects the Mediterranean with the Atlantic Ocean. In the Northeast the sea of Marmora, the Dardanelles, and the Bosphorus link it to the black Sea. The Suez Canal connects it to the red sea in the south east. Through this geography of entry points into the European Union, the porosity of the frontiers of the EU makes migration control more challenging.

Carling, (2007) demonstrated that the border control policies have not been effective to deter smugglers.²⁸⁹ The situation is also complicated because Spain has historical ties with the Maghreb's people and also the ever present supply of cheap labor needed constantly by the agriculture and construction sectors makes border control policies ineffective, "For decades there had been rising numbers of migration attempts, large investments in control measure, and resulting geographical and organizational response on the part of smugglers.

There has been advanced surveillance and massive interception infrastructure on many EU borders but far from sufficient element in controlling unauthorized migration. The reports mentioned above which showed that the migration pattern into Spain is similar to the neighborhood migration of the people of Mexico into United States of America must be very disturbing to policy makers because a large chunk of these migrants are unaccompanied minors and a larger chunk are below fourteen years, for this reason I ask (*Quo Vadis*)?

In the case of number of migrants in Spain, Morocco dominates the African population of migrants in Spain, followed by Latinos from countries of Latin America: Ecuador, Bolivia, Argentina, Peru, Columbia and Dominican Republic etc. Other European Union countries, Germany, Holland United Kingdom migrated to Spain when it entered the European Union in 1986 dominating the sunny side of Mediterranean coastal areas, (Ackers and Dwyer 2002). There are new studies conducted on this area called, retirement migration or old age migration. Other groups from Eastern Europe are Romania, Poland and the Balkans while other few African Countries from west and north joined latter.

As I write this research, the China population has outstripped other migrant groups in Spain. Furthermore, according to Spanish reports, January 1998, pressures to implement integration policy came from below, that is the Spanish Autonomous Communities. But this integration of immigrant's debate was hijacked and propelled by political parties called Izquierda Unida, Convergencia i Unió, and Grupo Mixto. The other political parties in favor of enacting an integration law succeeded in launching the program thereafter called, Law, 4/2000, on the Rights

²⁸⁹ It has been discovered according to Carling that Advanced surveillance and interception infrastructure on the border is a necessary but far from sufficient element in controlling unauthorized migration. The growth in the number of migrant deaths seems to result from an increased number of migration attempts.

and Freedoms of Foreigners in Spain and their Integration was enacted and latter it took effect on 12th January, 2000.²⁹⁰

However, the Partido Popular criticized the law and claimed that Law, 4/2000 on the Rights and Freedoms of Foreigners... is not restrictive enough for the European Union and that (the Law) is very soft for third country immigrants. After winning majority seats in parliament, the Spanish Partido Popular modified Law 4/2000 and enacted another Law 8/2000 to amend the previous legislation. The new Law 8/2000 enacted by Partido Popular introduced new models of issuing work and residency permits and visa limits and unauthorized immigration. Law 8/2000 also provided the impetus for signing readmission and cooperation agreements with neighboring countries across the Mediterranean.

The anxiety to push up migration policy to contain the pressure from above through European lending houses and from below, the Autonomous communities' demand for cheap labor needs led to hatching new migration policies. This justifies that the year 2000 Laws activated much interest that led to the introduction of the Global Program to Regulate and Coordinate Foreign Residents' Affairs and Immigration in Spain denoted as Plan Greco. This Spanish Plan Greco is a multi-year initiative initiated in 2001 and expected to run until 2004, *ceteres paribus*.

Adjustment to new migration and integration laws are published in the Kingdom Spain not to improve the situation of unaccompanied migrant minors or immigrants in general but they are aimed at internationalizing migration and retightening the nuts of restrictive migration policies as exemplified by (Real Decreto 1162/2009, de 10 de julio (BOE núm. 177, 23 julio de 2009)²⁹¹. This Plan Greco focused on design, coordination, integration, admission and the management of reception center or of displaced persons. It is left for analysts to confirm the results of the implementation of these policies.

²⁹⁰ The Law 4/2000 on the Rights and Freedoms of Foreigners in Spain and their Social Integration: This law brought a new way Spain perceive immigrants, making the new policies to advance from controlling immigrants to integration of immigrants in Spain, however it was replaced by Law 8/2000 which was hatched by the Popular Party which criticized the Law 4/2000 for being too fragile.

²⁹¹ Real Decreto 1162/2009, de 10 de julio (BOE núm. 177, 23 julio de 2009), por el que se modifica el Reglamento de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social, aprobado por el Real Decreto 2393/2004, de 30 de diciembre (BOE núm. 6, 7 de diciembre de 2005).

Very little has been written about policies that affect unaccompanied minors and the ones that did so focused mainly on reasons for migration and why these under aged minors chose to migrate to a particular country.

The objective of this study is different because we attempt to show, evaluate and compare old and new social work practices of reception and integration of unaccompanied minors and how these policies affect increase and decrease the number of unaccompanied minors seeking asylum; increases or decrease in the number of deportations and to create awareness of the vulnerability and problems associated with their integration in Spain, Sweden and United Kingdom.

Another remarkable difference of the research is that we have linked integration of unaccompanied minors with age assessment debacle because of the effect when applied and because it becomes a “two aged sword” when applied. The debate and doubts could lead to deportation, detention, acceptance and or reintegration.

Many good practices have helped in the process of protecting unaccompanied minors some years ago but, currently they encounter difficulties while asking for protection and integration. The European Parliament strongly condemned and denounced the existing lacunae in the protection of unaccompanied minors in the European Union. The European Union parliament was not happy and strongly condemned the existing gap in the protection of unaccompanied minors and denounced the deplorable conditions in which such minors are received and the numerous breaches of their fundamental rights in certain Member States.

Many political administrative systems in Western Europe are not constructed in order to deal with non-citizens and many policies are made in reaction to major tragic events like murder, disappearance, abuse, human trafficking including sudden increase in migration statistics. This has led to blaming social workers and policy makers by UNHCR and other stake holders because humanity has acquired more rights. Confirming this line of idea Marshall, (1964), had suggested that in a representative government the individual has gained three categories of rights.

A reference to children readmitted or deported or who are thrown back. He emphasized that the harmful impact detention cannot replace education and

medical care which are the basic rights of these children. He drew a graphic view saying, "Being with your parents does not protect you from drowning at sea or the harmful impacts of detention, nor does it replace public education or mean you have access to necessary medical care. Therefore, the European Union should expand its focus from unaccompanied children to ensure the rights of all children are realised, including undocumented migrant children who are accompanied by family members" Marshall, (1964).

The nationality law²⁹² was signed into law by His Royal Majesty, King Felipe VI and the President of Government of Spain, Mariano Rajoy Brey on 13th July 2015 and published in government Gazette denominated: Boletín Oficial del Estado.²⁹³ In general practice, Spanish nationality is based on the principle of *jus sanguinis*, however there are certain limited provisions for the acquisition of Spanish nationality based on the principle of *jus soli*. This Spanish nationality law costs 100 Euros to foreigners, but excludes minors under 18 years and disabled persons from taking the qualifying exams which entered into force on 15th October 2015. All applications are done via electronic system which was not obtainable until 2016 and this limits those immigrants who have not had the opportunity to get educated before emigrating to Spain.

This may be the system that attempts to harmonize European Union migration policy standards with Spanish migration policies. Analysts and immigrants are concerned that there is no sufficient computer training to prepare millions of immigrants and Jewish community.

Comparatively, United Kingdom offer exams for applicants to citizenship. Germany also mandates applicants to take two exams but in Sweden the justice

²⁹² El cumplimiento de los requisitos exigidos por el Código Civil para la obtención de la nacionalidad española por residencia deberá acreditarse mediante los documentos y demás pruebas previstas en la ley y reglamentariamente. La acreditación del suficiente grado de integración en la sociedad española requerirá la superación de dos pruebas. La primera prueba acreditará un conocimiento básico de la lengua española, nivel A2 o superior, del Marco Común Europeo de Referencia para las lenguas del Consejo de Europa, mediante la superación de un examen para la obtención de un diploma español como lengua extranjera DELE de nivel A2 o superior. Los solicitantes nacionales de países o territorios en que el español sea el idioma oficial estarán exentos de esta prueba. En la segunda prueba se valorará el conocimiento de la Constitución española y de la realidad social y cultural españolas. Estarán exentos de la superación de las pruebas mencionadas los menores de dieciocho años y las personas con capacidad modificada judicialmente. Este artículo estará sujeto al pago de una tasa de 100 euros y La presente Ley entrará en vigor el 15 de octubre de 2015. Boletín Oficial del Estado D. L.: M-1/1958 - ISSN: 0212-033X. Access at: <http://www.boe.es>.

²⁹³ Boletín Oficial del Estado D. L.: M-1/1958 - ISSN: 0212-033X.

Ministry does not ask applicant to take exam. Contributing to this, the European Migration Network attributes this trend of new nationality law to tighter immigration controls, which have strengthened networks of migrant smugglers who know that children are less likely than adults to be returned.

On July 22, 2014, Báñez,²⁹⁴ the Minister of Employment and Social Security, declared that as at 31 December 2013 Spain admitted 2,841 unaccompanied foreign minors while signing a Protocol Framework for Unaccompanied Foreign Minors. Báñez, was accompanied by the Ministers of Justice, Health, Services Social Affairs and Equal, the Attorney General, the Secretary of State Security and Undersecretary of the Ministry of Foreign Affairs and Cooperation. Fátima Báñez, confirmed that Spain will lead in coordination of actions aimed at protecting Unaccompanied Foreign Minors through the institution in (location, identification, determination of age and documentation), for the proper functioning of MENAS Registry.

The Minister's good news for Unaccompanied Foreign Minors is that the Protocol will enable the institutions involved work in collaboration with the ministries of Justice Foreign Affairs and Cooperation, Interior, Health, Services. The adoption of the Protocol complies with the provision contained Article 190.2 of the Immigration Regulations, in force since 2011.

2.5.5.2. Sweden: migration Policies for the protection of unaccompanied minors and other migrants: A historical perspective compared with latest events.

In consonance with our key objective for this study in chapter three (3.1), number (3) seven, of our special objective, I compare and analyze the difference and similarity of national protection policies of Sweden and attempt to signal where differences occurred and compare them with tendencies in Spain and United Kingdom, etc. In an effort to amplify Swedish migration policies, the Prime Minister of Sweden, Löfven, reaffirmed Sweden's commitment to protect young

²⁹⁴ Báñez, confirmed that Spain will lead in coordination of actions at all stages of process aimed at protecting the MENA, whatever the institution acting at all times (location, identification, determination of age, made available to the public protection service minor and documentation), the Protocol has the clear objective to achieve the proper functioning MENAS Registry, as a source of reliable information on the number and location of MENAS welcome in Spain (to 31 December 2013, the Registry of the collected MENAS number of 2,841 minors).

immigrants from Africa at a conference of The African Union (AU), (30 January, 2016). This is because the large number of unaccompanied minors who applied for protection in Sweden came from Ethiopia, Uganda, Kenya, Somali, Congo, Liberia, Morocco, etc.

Löfven said: "I'm proud to say that Sweden, as a partner, will stand alongside you, ... in the promotion of better education and employment opportunities for young people, in the creation of better systems for migration, that are circular, safe and sustainable both for receiving countries and for those African Nations who need their young and ambitious children to develop their societies, and in the many challenges we face together".²⁹⁵

Löfven's affirmation to help migrant children from Africa was corroborated by Bengtsson, Head of the press unit at the Swedish Migration Board who claimed that in 2014, Sweden received the highest level of asylum seeking applications (100,000 people) just like in 1992 when more than 84,000 refugees were fleeing former Yugoslavia. According to Swedish Migration Agency's Director-General Anders Danielsson nearly 163,000 people sought asylum in Sweden in 2015, and approximately 35,400 unaccompanied minors.²⁹⁶ He confirmed that since the war in Syria started, around 70,000 Syrians have been granted permanent residence permits in Sweden and predicted that 2015 and 2016 will be very high²⁹⁷.

Numerically, as at 1 January 2016, the population of Sweden was estimated to be 9 581 593 people²⁹⁸ and joined the European Union in 1995 combining its Lutheran church liberalism to create a liberal market economy with state-run welfare policies. It's good to articulate that migration policy making and

²⁹⁵ Sweden, Stefan Löfven represented the Swedish government before African Heads of State, Secretary-General of the UN Ban Ki-moon, Members of the African Union, at the AU meeting in Addis Ababa, Published 09 February 2016. <http://www.government.se/speeches/2016/02/speech-by-prime-minister-stefan-lofven-addis-ababa-30-january-2016/>

²⁹⁶ The Swedish Migration Board declared that: In 2015 more unaccompanied minors sought asylum in Sweden compared to the previous year. The numbers went up from 7,049 to 35,369. At the same time their portion of the total number of asylum seekers increased – from a tenth to a fifth. Of all the unaccompanied minors, 66 per cent were Afghans. The fact that 35,400 arrived meant a great challenge for all municipalities in the country. <https://www.migrationsverket.se/English/About-the-Migration-Agency/News-archive/News-archive-2016/2016-01-12-Nearly-163000-people-sought-asylum-in-Sweden-in-2015.html>

²⁹⁷ According to the Swedish Migration Agency's prognosis, ADN/Ipsos survey from March 2015 shows that six out of ten Swedes feel that immigration is mainly beneficial for Sweden. At the same time, six out of ten Swedes feel that integration works badly.

²⁹⁸ <http://countrymeters.info/en/Sweden>.

implementation in Sweden has been influenced by major world developments which include: Middle East conflicts and increased migration flows, membership of the European Union, globalization, and collapse of the Berlin Wall, the disintegration of the former Soviet Union, Chilean President Salvador Allende in 1973, and Sweden's campaign for human rights.

These factors have also influence migration in Spain relating to the Morocco - Saharawi conflict, Chilean upheaval in 1973, and the Middle East, the East Africa Conflict and immigrants from former British colonies have also informed the migration pattern of United Kingdom. The first migration experience of Sweden was the massive rescue and protection of Finnish during the former Soviet Union attack in 1939. The second was Labor immigration (return migration) from Finland and southern Europe (1949 to 1971). Furthermore, between 1950 and 1960, Sweden admitted many immigrants from Nordic countries that helped it to expand the public sector and also reinvigorated the potent tax base system that is today absolving the shocks of economic development.

At that time, no official migration policy was hatched, taken for granted that immigrants from other Nordic countries may integrate easily because they are considered culturally compatible. It is good to remind us that the largest number of immigrants came from Finland. This is a recognition of the rescue of Finish unaccompanied minors during and after the 2nd World War. In order to participate in the world order, Sweden signed the 1951 UN Convention Relating to the Status of Refugees and the 1967 Protocol, in 1951 and 1967 respectively. This made it possible to grant more asylums to persons who escaped from the claws of former Soviet Union.

Historically, a new pattern of migration occurred in Sweden from 1972 to 1989 which we regard as the third stage of migration. Consequently, in 1972, Sweden also admitted Ugandan Asians expelled by Idi Amin Dada. Among the 70,000 persons who were ejected by Idi Amin Dada, more than half was British Protected Persons who were safely admitted by United Kingdom. From here the bubble busted as family reunifications redoubled.

Sweden declared a restrictive migration policy which also coincided with the collapse of the former Soviet Union and wars in Bosnia-Herzegovina and Kosovo. In an attempt to control immigration, the Parliament Riksdag in 1975,

passed an integration law for a radical control of labor migrants from southern Europe. This 1975 Law also contain three main issues on: equality, freedom of choice, and partnership. Immigrants residing permanently in Sweden were to enjoy the same rights as Swedish citizens including access to the welfare system as introduced in the 1930s Scandinavian countries, according to Kaufmann, (2015, p. 249), which helped them to integrate thousands of second world war unaccompanied minors without fuss.

This was a novelty to include language support for immigrant children. This novelty does not exist in Spain and United Kingdom and no policy is predicted. In view of the increased number of migrants from 1970 to 1995 in Sweden at that time, the foreign born persons grew by 400,000 persons, an estimated increase of 75 per cent. In United Kingdom there was no large-scale immigration as a result of the existence of former colonial ties. Hammar (1993, 1999, p. 195) corroborated this affirmation when he declared that: between 1950 and 1985 more than 90,000 asylum seekers were recognized as refugees in Sweden therefore changing Sweden from a homogenous country into a multicultural society.²⁹⁹

It is good to note that The Labor Board was the institution in charge of implementation and integration from 2nd World War till 1984 and thereafter The Migration Board (*Migrationsverket*)³⁰⁰ took over the implementation of migration policies till today. The refugee integration program of 1990 could be said to be the fourth stage of migration in Sweden that allowed free movement of European Union citizens and asylum seekers from southern Europe till today.

The Migration Board has given refugees opportunity to elect where they would like to live which led to a new dispersal formula. This created a strong labor markets and commercial base for Stockholm, Goteborg and Malmö. In order to achieve this, a second phase has been implemented whereby The Migration Board

²⁹⁹ Regeringskansleit, (2000). Sweden in 2000 – A Country of Migration, Past, Present and Future: An overview. The Government of Sweden.

³⁰⁰ It developed an ambitious program of integration built on the pillars of language and vocational training, dispersal to a large number of towns with available housing, and municipal responsibility for implementing the integration programs. Municipalities were to receive subsidies from the state in relation to the number of refugees they agreed to accept. However from my visit and investigations only Stockholm, Goteborg, Skåne-Malmö are active.

signs agreements with local governments for accommodation and upkeep for unaccompanied minors since 1st July 2006.³⁰¹

Compared to United Kingdom, unaccompanied asylum seeking children do not make choice of where to live rather they are locked up and when released they should find their way while in Spain unaccompanied foreign minors rely on what the social worker attached to them says. The Aliens Act regulates who is entitled to stay in Sweden. The Act contains a number of provisions focusing in particular on the rights of the child and based on the UN Convention on the Rights of the Child, “which states that in cases involving a child, particular attention must be given to what is required with regard to the child's health and development and the best interests of the child in general,” (The Aliens Act, 1989)³⁰².

The Aliens Act also contain provisions for exceptional distressing circumstances, ... in the case of a minor do not need to have the same seriousness and gravity that is required for a residence permit to be granted to adults on the same grounds in order to strengthen the protection of children. The implementation of protection policies towards integration of unaccompanied minors in Sweden is envisaged in the health sector whereby health care and education for children seeking asylum as unaccompanied minors are entitled to “health and dental care on the same terms as children resident in Sweden”.³⁰³ This law extends to the right to “education in the public school system, pre-school activities and school-age childcare.”

However, this same law in Sweden does not make school attendance for asylum-seeking unaccompanied minors compulsory. Restrictive policies which govern the promotion of closed borders were enshrined in the Aliens Act in December (1989) and latter Sweden repeated the model adopted by United Kingdom by imposing sanctions on airlines that carry a passenger without proper documentation.

³⁰¹ See <http://www.government.se/sb/d/11901/a/125270>

³⁰² Aliens Act (1989)

³⁰³ Unaccompanied minors residing in Sweden with or a permit will be offered full health and medical care, including regular dental care. County councils will also offer people residing in the country without a permit a health examination and care in accordance with the Communicable Diseases Act as from 1 July 2013. This type of policy means that subsidized health and medical care extended to include certain groups who currently lack access to it. <http://www.government.se/sb/d/15471/a/213522>

According to Abiri (2000, P. 20) “the restrictive visa obligation put an end to the arrival of refugees from Kosovo.” Swedish Human Rights Watch (1996), concurred stating that visa restrictions was responsible for the reduction in applications for asylum seekers. Furthermore, detention mechanisms as envisaged in (1989/97 Aliens Act) were applied and as it turned out the Swedish Human Rights Watch strongly criticized the Swedish government while the Refugee Advocacy groups lampooned the Home Office. It should be noted that, The Government Bill ‘Swedish Migration Policy in Global Perspective’ in 1996 was an extension of 1995 document and led to the implementation of the Amended Aliens Act in 1997.³⁰⁴

Though it was called “An Integrated, Global Approach to Asylum” and despite all Swedish declaration of global proactive integration and better refugee system, the law introduced a more restrictive asylum practice as obtained in other European Union countries that limited the number of refugees. From the forgoing, it will be naïve to think that an unaccompanied minor will be integrated, (Castles and Miller, 2009). It is good to beam our searchlight on how social workers in government institutions apply discretionary powers, taking dangerous decision that have had serious consequences for unaccompanied minors, (Zetter, et al. 2003).

Activities of social workers have become the notion of law and also a benchmark for future practitioners dealing with unaccompanied minors. This makes the challenge in social work practice more refreshing. The consequence is that, while thousands of unaccompanied minors languish in destitution and deprivation, more denial of the child’s rights, rejection, non-documentation, deportation, return and imprisonment are reproduced with the same notion of law and with the same conception of the vulnerable child.

Therefore, I make a clarion call based on my experience to humanists to denounce these activities and to be a guiding spirit for those who want to protect posterity. Furthermore, acquisition of citizenship is one of the key factors of enhance integration and incorporation of unaccompanied minors and other immigrants and one of the areas of interest for this research because

³⁰⁴ Home Office Research Study, June 2003. An assessment of the impact of asylum policies in Europe 1990-2000.

unaccompanied minors must be able to secure permanent residence permit in order to be able to apply for citizenship.

In Sweden, citizenship is based on the principle of *jus sanguinis*³⁰⁵. Children born in Sweden to non-Swedish parents are not automatically entitled to Swedish citizenship. The requirements for naturalization are five years of permanent residence in Sweden, and refugees need four years while Nordic citizens need just two years.

In Spain the term nationality and citizenship connotes the same meaning and foreigners who do not belong to countries that signed reciprocal agreement must have ten years of permanent residence in Spain coupled with economic sustenance to qualify for application for nationality. Countries like Andorra, Portugal, the Philippines, Equatorial Guinea, Argentina and Venezuela are some of the countries that signed reciprocal agreements with Spain need only two years of permanent residence to obtain nationality and also may keep their dual nationality but the rest of countries dual nationality is not observed except in special cases³⁰⁶. Legally, an unaccompanied minor from Eritrea who secured a residence permit in Spain in 2010 should continue to renew his or her residence permit until 2020 when the minor will qualify to apply for nationality, *ceteres paribus*.

However, Spain published a new law that takes effect on October 2016 which mandates foreigner to pass two exams (1) is knowledge of Spanish constitution and (2) knowledge of Spanish language) This would be analyzed in chapter four. In United Kingdom, foreigners can obtain nationality but it is still an illusion to the unaccompanied minors. Sweden may have distinguished itself from

³⁰⁵ The principle of *jus sanguinis* (right of blood), in which citizenship is inherited through parents not by birthplace, or a restricted version of *jus soli* in which citizenship by birthplace is automatic only for the children of certain immigrants. Therefore, A child born in Spain to foreign parents may acquire Spanish citizenship *jus soli* if either one of the parents is a permanent resident and legally domiciled in Spain at the moment of the child's birth. In United Kingdom, Since 1 January 1983, at least one parent must be a British citizen or be legally "settled" in the country or upon the 10th birthday of the child regardless of their parent's citizenship status. In United States, the 14th Amendment to the United States Constitution provides that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The phrase "subject to the jurisdiction thereof" excludes children born to foreign diplomats and children born to enemy forces engaged in hostile occupation of the country's territory.

³⁰⁶ In becoming a Spanish citizen, you may or may not obtain dual nationality or be required to renounce your current citizenship. Citizens of Latin American countries, Andorra, Portugal, the Philippines, or Equatorial Guinea are not required to renounce their citizenship, and their dual nationality is bilaterally recognized

other countries, according to authors, but the question that still remain accusations of discrimination, racism and prejudice against immigrants, especially minors. Accusation and counter accusation rage between Swedish Migration Board and Child advocates, Human Right Organizations, Refugee council, the church of Sweden, parents, minors, youths and many migrant groups.

Take for instance Sweden does not register categories of religion, ethnicity, or race as categories in its census. It uses country of birth, citizenship, and parents' citizenship(s). In Spain, categories of religion, ethnicity, or race appear in registries, job application forms, scholarship forms, etc. in United Kingdom, everything about you appears although it is subsumed. The Red Cross, Save the Children also criticized the extraordinary restrictive immigration and asylum policies in the fall of 2005.

After many years of resistance to (Dual citizenship)³⁰⁷ Sweden has reluctantly accepted dual citizenship. Health services is one of the factors to assessing enhanced integration of unaccompanied minors and other immigrants in this research, therefore, the report of an inquiry of 2011, titled: "Health care according to need and on equal terms a human right" (*Vård efter behov och på lika villkor en mänsklig rättighet*, in Swedish),³⁰⁸ was accepted and presented by Swedish government for implementation as a memorandum containing the health proposals in 2012. Regrouping of family members, especially from Latin America, Iran and Middle East attracted many minors. The Swedish Health care program and family regrouping policies also affected refugees from the former Yugoslavia who were admitted in the 1990s, albeit under the excruciating hammer of restrictive policies.

The former Swedish Aliens Act (1989:529) entered into force on 1st July 1989 and was amended for the period of 15 November 2005 to 31 March 2006 via the so called "temporary law". The Swedish Act of (2005:762)³⁰⁹ amended the

³⁰⁷ On July 1, 2001, a new Citizenship Act came into effect in Sweden. The new law makes it possible to have dual citizenship. The law also gives children further opportunity to become Swedish citizens independent of their parents. If you are a Swedish citizen and become a citizen of a second country, the new law means that you can keep your Swedish citizenship if the other country permits it. By the same token, if you become a Swedish citizen you can keep your foreign citizenship if the laws of that country permit it. <http://www.swedenabroad.com/en-GB/Embassies/Canberra/Services-for-Swedes/Swedish-Citizenship-and-Dual-Citizenship/>

³⁰⁸ Please see also: <http://www.government.se/sb/d/15471/a/213522>

³⁰⁹ Act (2005:762) Amending the Aliens Act (1989:529).

Aliens Act of (1989:529)³¹⁰ has made the Swedish Government to claim that the national regulation, that is the Aliens Act (2005:716) is in consonance with the definition of “refugee”³¹¹ contained therein and the regulations on refugee status in the Qualification Directive 2004/83/EC.³¹²

Major changes among others in the Aliens Act (2005:716) relating to our study on minors are: (2) For several years Sweden granted residence permits to certain categories such as draft resisters, homosexuals, bisexuals and transgender individuals, victims of human trafficking and women at risk of female genital mutilation. Until the current Aliens Act went into effect, these groups were granted subsidiary protection³¹³ under the Council Directives.³¹⁴ (2) The current Aliens Act is also different because in the former Aliens Act, the validity of a removal order expired when the alien left Sweden (e.g. unaccompanied minors).

The current Swedish Aliens Act maintains the validity of removal orders for four years and the order may be enforced more than once during the four-year period.³¹⁵ Unfortunately, this means a minor living in perpetual fear of deportation; of the unknown which definitely creates psychological problems and this also means that threat for removal and the removal can be attempted four times on unaccompanied minors. After analyzing this policy direction, can anyone read this and argue that still, this is not enough to provoke disappearance of the minors and that this is not enough to cause psychological disorder on minors?

³¹⁰ European Migration Network Sweden (2010). The Practices in Sweden Concerning the Granting of Non-EU Harmonized Protection Statuses

³¹¹ Aliens Act (2005:716): www.sweden.gov.se/sb/d/5805/a/66122. The Swedish Government recently analyzed the national regulation – the Aliens Act (2005:716) – and found the definition of “refugee” contained therein and the regulations on refugee status in the Qualification Directive 2004/83/EC to be consistent with the Swedish regulation.

³¹² Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted – Article 2 (c) and (e).

³¹³ Council Directives: subsidiary protection due to “other severe conflicts” (an expansion of “international or national armed conflict”) in the country of origin, if the individual has a well-founded fear of being subject to serious abuse; subsidiary protection to an alien who is unable to return to the country of origin due to an environmental disaster; humanitarian protection, and; protection of tribunal witnesses.

³¹⁴ European Migration Network Sweden (2010). The Practices in Sweden Concerning the Granting of Non-EU Harmonized Protection Statuses.

³¹⁵ European Migration Network, (EMN) Sweden (2010). The Practices in Sweden Concerning the Granting of Non-EU Harmonized Protection Statuses.

2.5.5.3. United Kingdom: Migration Policies for the protection of unaccompanied minors and other migrants: A historical perspective compared with latest strengths and weaknesses events.

In consonance with our key objective for this study in chapter three (3.1), number 7, of our special objective, I analyze the difference and similarity of national protection policies of United Kingdom and attempt to signal where differences occurred and compare them with tendencies in Spain and Sweden. We have noted earlier that restrictive migration policies became a major component in migration policies in Europe in the 1990s, so that United Kingdom closed its borders against former colonies and other sending countries. According to reports, the result of this restrictive immigration policy has not stopped migration; rather it has set up a new social underclass known as “irregulars.” Through our interviews and investigations we have the knowledge that: “A large chunk of unaccompanied migrant minors are still on the way and that they are shifted to the irregulars’ dungeon when they arrive” (Onuoha, 2011, p.45).

On the other hand, United Kingdom, through the perspectives of the first modern immigration laws, the Aliens Act 1905 Migration and integration laws. This Law was passed at the time when Eastern European Jews were arriving in the United Kingdom. United Kingdom also adapted to the 1951, United Nations Convention relating to status of refugees was passed in the aftermath of the mass displacements of the Second World War, and the 1951 and the 1967 Protocol define a refugee as, someone who has fled a country of origin, or is unable to return to it, owing to a well-founded fear of being persecuted for reasons of nationality, race, religion, membership of a particular group or political opinion.

Party politics has influence migration policies in United Kingdom some other interests that are linked to its relations with commonwealth countries and the European Union. The UK policy for the protection of unaccompanied minors is derived from The Immigration Act of 1971 which specifies United Kingdom immigration systems for Unaccompanied Minors.

This burden is specified in paragraph 349 of the Immigration Rules³¹⁶ relating to persons under 18 years of age who, in the absence of documentary evidence establishing age with due consideration to age and maturity including documentary evidence, country evidence, evidence of risk and evidence of people who know him or her.³¹⁷ Therefore, on September 2008, United Kingdom lifted their previous reservation to Article 22 of the United Nation Convention on the Rights of the Child (UNCRC) so that the 'best interest of the child' become a priority along with the immigration status rather than subordinate them.

The UK legislation incorporates The Asylum Seekers (Reception Conditions) Regulation 2005 transposes (EC) Council Directive 2003/9/EC³¹⁸ and this laid minimum standards for the reception of asylum seeker children into domestic law otherwise integrating them into society. It stipulates that the needs of the asylum seeker children and/or families who are vulnerable must be taken into account. It also provides a caveat to trace the family of the child in order to protect the child's

³¹⁶ The Immigration Rules make specific provision for asylum-seeking children and the safeguarding and promotion of their welfare during key parts of the asylum process: (1) Paragraph 349 of HC 395 (as amended) defines a child for the purpose of an asylum application, as a person, who is under the age of 18 or, in the absence of any documentary evidence, appears to be under that age (2) Paragraph 350 provides for unaccompanied children wishing to apply for asylum and, in view of their potential vulnerability, requires that particular priority and care be given to the handling of their cases (3) Paragraph 351 explains that a person of any age may qualify for refugee status under the 1951 UN Convention relating to the Status of Refugees. However, account should be taken of the applicant's maturity and in assessing the application of a child more weight should be given to objective indications of risk than to the child's state of mind and understanding of their situation. An asylum application made on behalf of a child should not be refused solely because the child is too young to understand his situation or to have formed a well-founded fear of persecution. Close attention should be given to the welfare of the child at all times. (4) Paragraph 352 requires that an accompanied or unaccompanied child (over the age of 12) who has applied for asylum in their own right be interviewed about the substance of their application unless the child is unfit or unable to be interviewed. This paragraph also requires that when a child is subject to a substantive asylum interview...

³¹⁷ Age and maturity: More weight may need to be given to objective indications of risk than to the child's state of mind. Other factors to consider might include: documentary evidence, objective country evidence, evidence from people with knowledge of the child – including post arrival in the UK. Any child psychological and physical health and development reports or information from welfare and health support professionals to whom the child may have disclosed relevant evidence, (such as rape) which he/she may not have felt able to disclose to other should also be considered as part of the decision making process. In young or less mature children a different degree in their knowledge and information is to be expected and the benefit of the doubt must be applied more liberally. An asylum application made by a child must not be refused solely because the child is too young to understand their situation or to have formed a well-founded fear of persecution.

³¹⁸ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standard for the reception of asylum seekers, Art 2h; Council Regulation (EC) n° 343/2003 Of 18 February 2003 establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application (...), Art. 2h. Council Directive 2004/83/EC Of 29 April 2004 on minimum standards for the qualification and status of third country nationals (...), art 2i.

interest. The 1989 Children's Act for England and Wales, Scotland and Northern Ireland mandates local authorities to provide care and accommodation for unaccompanied migrant minors.

Therefore, it is the obligation of UK local authorities under section 17 and 20 of the Act to provide for reception and integration conditions for unaccompanied asylum seeking children (UASC). As we have noted in chapter one of this research that implementation of migration policies is concentrated on the United Kingdom Border Agency. Section 11 of the 2004 Act places a duty on institutions and other bodies in England to safeguard and promote the welfare of children. Section 28 of the Act requires similar bodies in Wales to do the same.

Other important bodies that collaborate with UKBA are the governments of local councils,³¹⁹ the justice/ probation service, police officers; Health/NHS bodies (Strategic Health Authorities, Designated Special Health Authorities, Primary Care Trusts, NHS Trusts, Local Health Boards and NHS Foundation Trusts); Governors / Directors of Prisons and Young Offender Institutions; Directors of Secure Training Centers; The British Transport Police for capture and detain.

³¹⁹ Children Act 1989 (CA 1989): As a forerunner to subsequent modern migration laws in UK. (1) Local authorities have a duty to assess children who are in need. Under section 17 of the Children Act 1989 local authorities have duties to safeguard and promote the welfare of children in their area who are in need. When read in conjunction with the power to assess under paragraph 3 of schedule 2 to the Children Act 1989 and the statutory guidance, a duty to assess a child... (2) Local authorities have a duty to investigate when they are informed of a child who is likely to suffer significant harm. Under section 47 of the Children Act 1989 local authorities (through their social services departments) have a duty to make enquiries where they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, in order to enable them to decide whether or not to take action. Harm can include exploitation, detention in an immigration removal center or enforced removal to face persecution or breaches of rights under the European Convention on Human Rights. (3) Local authorities have the power to provide assistance to families with Children Section 17 of the Children Act 1989 empowers local authorities to provide assistance to 'children in need' and their families. Such assistance is most likely to be by way of accommodation and/or financial support, but it could extend to any other assistance that is necessary for the child's welfare. (4) Local authorities must look after minors who cannot be appropriately looked after by someone else. Section 20 of the Children Act 1989 obliges local authorities to 'look after' children with no parents, or children whose parents (or other adults with parental responsibility) are unable to care for them. The local authority can do this in many different ways, most commonly by arranging foster care placements. When looking after a child under s20 of the Children Act 1989 the local authority is acting as that child's 'corporate parent' which means that the local authority is stepping into the shoes of the child's parent. The concept of being 'looked after' is distinct from being placed in care by order of a court under s.31 Children Act 1989. Details about the law and procedure under s.31 Children Act 1989 are outside the scope of this document. (5) Once a young person who was looked after by a local authority for 13 weeks or more turns 18, local authority social services departments must remain in touch with them. The local authority continues to have a duty to provide them with assistance until they are 21, or beyond that age (up to 25) if they remain in a program of fulltime education.

The United Kingdom Border Agency does not devolve its powers unlike the bodies above which derived their powers from the 2004 Act.³²⁰ In comparative terms to our objective, we confirm that many European Union member countries introduced restrictive immigration laws like United Kingdom, Spain and Italy. Therefore, the 1988 Immigration Act was also an extension of another type of restrictive law of the 1981 British Nationality Act. Whereas, the 1981 British Nationality Act denies automatically United Kingdom citizenship to a person born in the United Kingdom, the 1988 Immigration Act restricted the right to appeal in certain deportation cases and also do not allow “second wives” of polygamous marriages to enter United Kingdom to settle, and it becomes a criminal offence if a foreigner overstays in United Kingdom.

This also applies to unaccompanied asylum seeking children (UASC), whenever their asylum partition is rejected, they are expected to leave the British territory immediately, but in direct comparative terms with Sweden, rejection of asylum of an unaccompanied minor does not connote automatic removal, because the rejection letter comes with an option of appeal. In Spain, the unaccompanied minor has to abandon the territory or live his or her life of abandonment. Migration policies analysis and reminiscences of historical protection of unaccompanied minors is typically influenced by colonial linkages just Spain and Italy introduced restrictive immigration policies by introducing quota system for work related migration.

Through this description we now know the trends, influence of political, social, economic, cultural and ideological factors in the social welfare system that affect not just special education of unaccompanied minors but also their overall wellbeing. This description can also serve for clarifying our objective set in chapter three number 6. (See also chapter four and five).

United Kingdom also implement and continues to implement restrictive immigration policies adopting the *Quota Refugees System* as benchmark for the distribution of quota refugees of migrants from Chile, Ugandan, Vietnamese and Asians between 1970 -1980 and the sharing formula adopted to admit Bosnian and Kosovo refugees in the 1990s. After the application of these policies for these

³²⁰ Section 55 of the Borders, Citizenship and Immigration Act 2009

special groups, United Kingdom adopted decentralized and was incremental immigration policies the hooked on to 1999 Immigration and Asylum Act.

The economic and democratic considerations influence the foreign policy or demands and ethnic consideration were the most significant factors. In reality, during this ten years 1980-1990, United Kingdom reacted to the arrival at its seaports which was the same way Spain reacted against the Maghreb's' influx into Spain. In order to control the increased number of migrants United Kingdom adopted deportation, detention and courts orders to cut down the number of refugees into United Kingdom and even went further to hatch and apply the Carriers Liability Act in 1987 compelling all airlines to apply restrictive control of documents of passengers.

In continuation some the strengths or weaknesses of integration of each country under this comparison and the latest developments, including latest harmonization of laws developments have been portrayed. Changes occurred and will always occur for reasons. Having received enough venom of criticisms, United Kingdom Government in 2008 lifted its general reservation relating to immigration on the United Nations Convention on the Rights of the Child, (1989) and introduced a statutory Code of Practice for the United Kingdom Border Agency on Keeping Children Safe from Harm.³²¹ The Code is superseded by this new duty which now places the United Kingdom Border Agency on the same footing as other public bodies working with children.³²²

A bold step was taken by the British government to launch the Borders, Citizenship and Immigration Act 2009. In this Act which took effect on 2 November 2009, section 55 is fundamental in ameliorating the suffering of unaccompanied asylum seeking children in United Kingdom because it gave the responsibility to the Home Secretary and the Director of Border Revenue to perform the following duties: "On the issue of human trafficking and trafficking of children since 1 April

³²¹ Safeguarding and promoting the welfare of children, defined in the guidance to section 11 of the 2004 Act (section 28 in Wales) and in Working Together to Safeguard Children as: protecting children from maltreatment; preventing impairment of children's health or development (where health means 'physical or mental health' and development means 'physical, intellectual, emotional, social or behavioral development')

³²² The duty does not give the UK Border Agency any new functions, nor does it override its existing functions. It does require the Agency to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children. It is the recycling of what existed.

2009³²³, United Kingdom has been bound by the Council of Europe Convention on action against trafficking in human beings.

To prevent and combat human trafficking; identify and protect victims of trafficking and to safeguard their rights; promote international co-operation against trafficking.”³²⁴ As we indicated in chapter one, the United Kingdom define unaccompanied minors in consonance with the definition of *human trafficking* creating the impression that they are all trafficked children.

This is in line *with* the Protocol to the 2000 UN Convention against Transnational Organized Crime (UNTOC) named Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children thus it states that, ‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. Pressing on to the corruption of migration other terminologies deals with human smuggling and trafficking,³²⁵ (Derluyn, Lippens, Verachtert, Bruggeman, and Broekaert, 2010, p. 165). This is associated more with illegal border crossings under the assistance of third parties

Many Unaccompanied minors are enticed to go back to their country after many fingerprints and documentation therefore they are persuaded to return voluntarily and those who are deceived are asked sign some papers so as to facilitate diplomatic passage to their country of origin through Voluntary Assisted

³²³ Borders, Citizenship and Immigration Act 2009. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257876/change-for-children.pdf

³²⁴ Some of the changes introduced led to the entry of 1,945 separated children to seek asylum in 2014 claimed asylum in the United Kingdom. But the harsh realities persist. <http://www.refugeecouncil.org.uk/what-we-do/childrens-services>

³²⁵ Human trafficking is defined as the transportation of people from one place to another for exploitative purposes through coercion, deception, or some other form of illicit influence, and human smuggling associated more with illegal border crossings under the assistance of third parties.

Return and Reintegration Program (VARRP) and Assisted Voluntary Return for Irregular Migrants scheme (AVRIM), both run by the International Organization for Migration (IOM). The practice of voluntary return of unaccompanied minors has generated conflicting debate.

The International Organization for Migration which *plays The Errand Boy* has never considered the negative impact of its job to millions of returned unaccompanied minors. With its universal human right posture, the Courts have shown resilience to the brazen abuse of the rights of unaccompanied minors and other immigrants, questioning the safeguards, the rights and the political reasoning behind implementing draconian laws³²⁶ against defenseless children. The United Kingdom has opted into the Dublin II regulation, which states that unaccompanied children can be sent to another Member State if there is a close family member living in that country, and if return to this Member State is seen by the United Kingdom Border Agency³²⁷ to be in the child's best interests.

On its own part, Article 2(f) of Council Directive 2001/55/EC, defines an unaccompanied child as: "A third country national or stateless person below the age of eighteen, who arrives on the territory of the Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or a child who is left unaccompanied after they have entered the territory of the Member States corresponding to Article 2(f) of Council Directive 2001/55/EC³²⁸.

The United Kingdom has become one of the best European countries³²⁹ where the detention of unaccompanied minors has become a national issue. The incarceration of thousands of children in immigration removal centers made headlines in 2010 till date and we hope that this our study will contribute to the gap in knowledge relating to enhanced protection of our future generation who are known as unaccompanied minors in the European Union.

³²⁶ Laws that have great impact on unaccompanied minors: great severity, that derives from Draco, an Athenian law scribe under whom small offenses had heavy punishments.

³²⁷ United Kingdom Border Agency. Access at: <http://www.ukba.homeoffice.gov.uk>

³²⁸ Council Directive 2001/55/EC, Article 2(f). Access at: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0055:EN:NOT>

³²⁹ <http://www.migrationpolicy.org/article/unaccompanied-immigrant-children-growing-phenomenon-few-easy-solutions>

The evidence can be seen from the reports of Dorling, (2013, p. 21) which states, *inter alia* that: "In its 2012 report, the Independent Monitoring Board for Harmondsworth immigration removal center expressed concern regarding children being detained; the delay in securing their release and assessment in the community by a local authority, and that the Home Office had failed to provide the Board with the information necessary to fully monitor the problem" (p. 21)

The differences that accompany the implementation of international and national policies for the protection of unaccompanied minors in Spain, Sweden and the United Kingdom are shown in this work in order to justify one of the objectives of this research- Policies implemented towards enhanced integration of unaccompanied migrant minors in Spain, Sweden and United Kingdom, are also overburdened by different conceptions of unaccompanied minors. For this reason we have analyzed different publications in books, journals, magazines, newspapers, (digital and non-digital), websites of institutions charged with the issue of unaccompanied minors like the Spanish Sub Delegación de Gobierno, Swedish Migration Board and the UK Border Agency.

In this department we have also shown important books and publications that support our objectives for this research. The postulations of various authors has been constructive, including publications of supranational organizations like United Nation High Commissioner for Refugees, United Kingdom Human Trafficking Center, Schengen Information System, IOM, European Convention on Human Rights, International Organization for Migration, Migration Policy Index, UNICEF, EUROSTAT, MIPEX, European Union Organs and the USA. We encountered many agreements, contradictions and conceptions relating to unaccompanied minors linked to economic oriented migration theory which dictates the implementation of restrictive migration policy.

We have presented protection policies of Spain, Sweden, United Kingdom and legislative frameworks of the European Union and the UNO. We have also discovered some overlapping themes in definitions adopted by various governments, authors and other organizations and links to the motivations for migration of unaccompanied minors. We encountered literature dealing with recurring motives of unaccompanied minors for entering Spain, Sweden and United Kingdom: Family ties, war, persecution, education, perception that United

Kingdom is a 'tolerant democracy', colonial links and the ability to speak English (Robinson and Segrott, 2000; Zetter et al., 2003).

We excavated historical Literature relating to evacuation and protection of unaccompanied migrant minors, for example: British children in 1940; evacuation of 14,000 Cuban children on the operation 'Peter Pan' as a result of Fidel Castro's 1959 coup d'état Rumbaut, (1994); mass departure of 2500 Vietnamese children under the program *Baby lift* during the Vietnam war Boothby et al., (1988), and Swedish evacuation of Finland unaccompanied children. This is a good eye opener and an affirmation that protecting unaccompanied minors could be beneficial to the state in various ways. This offers new themes that can close the information gap that exists today.

We have shown some important aspects of policy direction of the countries under study as it affects detention of unaccompanied minors and how they are being attended to with existing laws as a rule than exception and that the fight against human trafficking, age assessment models were highlighted according to our objectives. Some authors like Dorling, (2007) claimed that age is not universally registered, documented, celebrated or even necessarily known, childhood as 'dependent' and 'powerless' Legget, (2008). Contributing to this Crawley, (2007), complained that these assessments are prejudged Cemlyn and Nye (2012) British regulatory code General Social Care Council of 2011. Through my experience, it is good to declare that the needs of unaccompanied minors are equal to their rights which are enshrined in the Convention on the Rights of the Child, (1989) Article 28, Article 10 of Council Directive 2003/9/EC of 27 January 2003 laid down minimum standards for the reception of asylum seekers on schooling and education of minors.³³⁰

I have also shown that the European Union Migration Policies are self-limiting and made to suit the national interest which may be at variance with the avowed principles of cooperation, justice, equality and human rights. We also believe that there are three cankerworms that influence social work practice which are evaded by researchers.

³³⁰ Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers on Schooling and education of minors. The council of the EU: Official Journal of the European Union 6.2.2003

Some areas that can have negative effect on the principles of cooperation, justice, equality and human rights include: (1) Framing immigration issues, (2) Financial crunch and (3) Attitudes encapsulated in racial prejudice. For this reason we have examined works on attitude of the “insiders” which we believe can be influenced and formed by the type of sensational articles published by media houses and leads to psychological consequences against minors.

Based on what we hope to achieve through our objectives, we have to the understanding that some of the theories adopted in this research have differentiated the childhood concept from the adult migration experience and this is very good in order to close the gap of knowledge. Some of the theories that are not fully adaptable are: Neoclassical theory; World system theory; Dual market theory, The push-pull theoretical framework; Theory of Globalization and migration; Network Theory; Assimilation theory; Acculturation theory of integration of children, social work theory, children and the family and theories of social construction of children in a globalized world.

We have also analyzed and commented on important international legislative frameworks for the protection of unaccompanied minors. Others include: The United General Assembly and the human rights treaty in 1989; Other UN Human Rights Treaties; The United Nation covenant on social, cultural and economic rights. In order to improve the Common European Asylum System (CEAS) there had been a concerted effort to amend the asylum procedures, reception conditions and Qualification Directives Since 2009.

We also attempted to review The European Union legal frameworks for the protection of unaccompanied minors: historical perspectives on improvement of the common European asylum system; comparative analysis of migration policies for the protection of unaccompanied minors in Spain, Sweden and United Kingdom. We have noted that the vulnerability of unaccompanied minors cannot be ignored, therefore, more attention should be paid to guaranteeing the minors rights to protection in order to strengthen their resilience and to boost their ‘adaptive strengths’ (Goodman 2004, p. 1178).

While working on this project we have noted some new developments that are positive and negative, for instance: Mandela and Macheal launched *The Global Movement for Children*; Bañez, a Spanish Minister presented the harmonization of

the convention on the rights of the child (CRC). The British government updated some of its laws. These are all fruits of our new discovery and durability of our research objectives. Furthermore, the Swedish Minister promised to improve protection measures in Sweden; London mayor wants a ban or a cut off of unaccompanied minors in British school system while the Spanish president wants to remove irregulars from the health system while Sweden facilitated access to health services for them.

I have shown the new commitments brought by the harmonization of United Kingdom Children Act with the Convention for the Rights of the child while the Spanish government toughened the Nationality law, imposing two exams and exam fees to prospective immigrants. Therefore, we have benefited from a wealth of useful knowledge that enabled us to close the gap of knowledge. Nonetheless, there is need for a more nuanced research. I hope that the more we learn from the latest research developments, the better the decision we make in shaping social work attitude towards implementation of enhanced integration policies and practical adaptation to the exigencies and core needs of unaccompanied minors.

To wrap up this area, I hereby posit that unaccompanied minors' core protection needs should be conceived as their rights with a focus on fighting "motivation for migration" through fighting human trafficking by dubious individuals who exploit them; promotion of technical education for life; fight root causes of deadly diseases. Collaborate with sending countries in reducing desertification, chemical pollution of water, land degradation by local and multinational companies that scare children out of their traditional homes.

Furthermore, European Union States should collaborate in local youth and women empowerment (permanent) programs; dissuading Western Nations to abstain from sending military weapons to rebel groups who inevitably recruit child soldiers for war, for hard labor (some sending countries spend a whole years' budget on ammunition. Encourage states to collaborate in food production and 'traditional medicine' for the protection of youths. These areas would be explored in chapters four and five. Fortunately, we have succeeded in presenting the specific objectives of this research figured in number two, three, six, seven, eight and ten.

CHAPTER THREE: METHODOLOGY, SCHEME OF WORK AND LEGAL FRAMEWORKS.

3. Introduction to methodology: Sources of data and methods adopted in collection, relating to implementation of migration policies for integration of unaccompanied minors in Spain, Sweden, United Kingdom and European Union.

We focus on core legal instruments on which protection activities are based in this chapter three. We introduce the description of the situation or phenomena of this problem before we delve into the core areas of this research. We have attempted to assemble data that enabled us to describe, interpret, compare and analyze the outcomes of this doctoral research in various areas and in various countries of our research interest.

Therefore, this comparative research enabled us to deepen our knowledge relating to the migration experience of unaccompanied minors and their relationship with the protection services and activities offered by policy makers and social workers who are in charge of their integration in these countries of our choice.

It seems that unaccompanied minors are treated with levity and their core needs and rights are neglected. It is also assumed that they are a special vulnerable group whose number is burgeoning but the protection services to attend to them are diminishing. On the other hand, data about them is also scarce and difficult to collect. Specifically, our demographic background characteristics relate to unaccompanied minors under the age of 18 years who migrated alone or without a person in charge of them as defined by the Convention on the rights of the child (CRC, 1989).

This special group of minors conforms to the objective population of this study. Furthermore, we have excluded minors under 18 years who are citizens of the European Union member states. Even though they are under risk of social exclusion, they enjoy the basic rights of Schengen free movement status and do

not need our laid down factors of integration to integrate or incorporate into European society. The profile and data of the nationals who are at risk may be known to local authorities unlike unaccompanied migrant minors who suffer identity crisis and whose population cannot be ascertained and who are also susceptible to imprisonment and psychological dysfunction while seeking asylum protection on reaching the countries of the European Union.

The United Nations' institutions, Ministries and Migration Boards of the three countries under survey, NGOs, UNHCR, UNICEF, Save the Children, IOM, EUROSTAT³³¹ and other institutions have admitted that data collection and concrete information about these unaccompanied minors is neither certain nor correct. Therefore, we have prepared a benchmark for social history of the minor to give an advance notice of the characteristics of our objective population. For this reason this department outlines the core legal instruments applied for the implementation of rights of unaccompanied minors for their integration.

In the UNO Communications, UNCRC recommendations, European Union Directives and National Alien Acts of the countries under study there are provisions of fundamental rights and privileges, laws, norms and guidelines that regulate other tools in pursuance to the implementation of protection rights for unaccompanied migrant minors and which are expected to conform to "the best interests of the child principle." Other reliable sources of data that are adapted and conform to this research are the statistical information published by European Migration Network, Migration Board of Sweden, Ministerial publications of Spain, (INE) and the United Kingdom statistical publications.

Collection of some prepared and classified data from these institutions enabled us to know the population and characteristics of the unaccompanied minors who applied for protection,. Many of them were accepted, rejected, readmitted and deported as we would see presently. But these classified data do not explain the nature of the implementation of protection policies and do not measure and do not interpret and do not show their rights which conform to the core factors of integration. As the research progresses we shall give advance

³³¹ Eurostat provides statistical for the European Union. Eurostat mission is to provide high quality statistics for Europe. Eurostat has the main role to process and publish comparable statistical information at European level. However, it does not collect data. The data is collected by member states under the EU agreement. <http://ec.europa.eu/eurostat/about/overview/what-we-do>.

signal on how protection policies are being applied, the outcomes will be fully developed in chapter four. This comparative research design and structure shows how other parts of the research project are linked and how the objective of this research is connected and achieved. In this way, this research addresses the central research questions in this study.

As we have signaled in chapter one of this doctoral research, data collected through our pilot study and their characteristics are adaptable in this study. Furthermore, in order to achieve the purpose of this study we added interview responses from Spain and Sweden based on semi structured questionnaires which are designed to correspond with a comparative analysis of the policy implementation dilemma of the three countries under study.

The main thrust of this chapter three is to show the availability, contents and utility of specific legal instruments for the protection of unaccompanied minors. In chapter four, I compare, interpret, analyze and show to what extent the countries in question actually implement their rights which correspond to their needs, that is, compare the practical implementation of protection policies in our chosen areas which we believe should facilitate their full integration.

The contents of the standard method we have chosen with unaccompanied minors' rights and also equate with their needs and also is the *prima facie* case for achieving the best interest of the minor principle. Therefore our focus would be in the area of Legal provisions that guarantee unaccompanied minors the acquisition of long term and permanent residence permit; legal provisions that guarantee them the right to education, training and orientation; legal instruments that guarantee right to housing and secure accommodation; protection from racism, prejudice and discrimination; the right to form their own family and reunification of parents; legal instruments that can guarantee unaccompanied minors right of entry into the labor market; legal instruments that facilitate their voice and opinion and also protect them from framing and legal instruments that guarantee their right to health and sanitary services.

In this research, we assume that if unaccompanied minors are able to secure the above mentioned core integration factors, they may become more integrated which may also conform to modern ideals of democratic States.

These legal instruments for rights and needs of unaccompanied minors and the responsibility of States are presented hereunder. These legal instruments, protection rights and obligation of institutions are enshrined in international laws, European Union laws, and national laws of Spain, Sweden and United Kingdom. Furthermore, a comparative analysis of the implementation efforts of these instruments including the latest efforts by different institutions of Spain, Sweden and United Kingdom is presented in chapter two, four and five.

In this research, we laid emphasis on the significance of information in investigation. This recognition has guaranteed the originality of the information gathered and the accumulation of documents hitherto obscure and unused. This supported our method of information access and its importance for our comparative research. In line with this Bravo (1993) declared that: “without information, without knowledge, the man becomes intellectually blind and is incapable of acting rationally. This is what happens in the camps of human activity and in a special mode in scientific investigation” (p. 169).

3.1. The Purpose of Study

Unaccompanied minors have received a lot of protection and social services based on the norms and practices in Spain, Sweden and United Kingdom and other countries of the European Union. Despite the interventions of the institutions of these countries the problem of respecting their rights and needs remain incomplete and obstructed during implementation of the protection policies. Our purpose of study is to highlight the core areas necessary for their social and economic integration and also show some stumbling blocks to their integration.

This research focuses on unaccompanied minors, bearing the fact that there are minors in every country that are vulnerable like unaccompanied minors but they are not foreign minors. In line with the purpose of this study, we issue advanced notice of what we are going to call our objective population which is better in terms of global conception of childhood. Throughout this dissertation we adopt ‘unaccompanied minors’ or ‘unaccompanied migrant minors’ as same where suitable in order to make emphasis.

The study adopts a comparative method and inductive method since some of the results of other similar investigations will be useful in our analysis and conclusions. Specifically, we highlight the differences and similarities so that scholars, policy makers and their ministers, local councils of other countries can learn one thing or the other.

Furthermore, this doctoral research is aimed at deepening our knowledge through assessment of migration policies towards better *integration of unaccompanied minors in Spain, Sweden and United Kingdom* and can encourage Government to seriously consider implementing better policies in order to avoid social exclusion and deterioration of the situation with regard to racism in Spain.³³² This research is a comparative analysis of Spain, Sweden and United Kingdom, therefore, we have interviewed social workers, child care Agents, unaccompanied migrant minors' and procured data from relevant national authorities including the UNO sister Organizations like UNHCR, UNESCO, EU and MIPEX, etc. and this is explored in detail in chapter four.

3.2. The General and Specific Objectives of this Research

The fundamental objective of a scientific research in relation to a global focus is four: analyze, explain, predict and act where appropriate. The first objective is to know the reality of the situation and as provided in our introduction and statement of the problem. The next consists of the elements and their features. After knowing how the reality is, the next objective is to explain it, then establish their relationship with the distinct parts. This very "train of thought" guides us in this research.

The general objectives of this doctoral work include:

A. Demonstrate the differences that accompany the implementation of policies for the protection of unaccompanied minors in Spain, Sweden and the United Kingdom.

³³² Targeted News Service, Washington, D.C. 28 Jan 2013.

B. To analyze the scope of protection services available to unaccompanied minors with the purpose of integrating them in Spain, Sweden and the United Kingdom.

C. To signify the experience of distinctive migration of the unaccompanied minor (their migratory trajectory) and know the policy of protection and accompaniment of a minor in Spain, Sweden and the United Kingdom.

Furthermore, the specific objectives are as follows:

1. Elucidate the keys to core integration, that is, "Integration factors" which are: (permanent residence permit, family reunion, technical education, housing and health. nationality and free from racial discrimination). We believe that these are indispensable for enhanced social and economic integration of unaccompanied minors.
2. To compare and indicate the strengths or weaknesses of integration of each country under this comparison.
3. To recognize, relate the level of recognition of childhood and protection of children during the Middle Ages with the level of recognition of childhood and child protection of unaccompanied minors in this century.
4. To point out, to close the gap in knowledge, to understand and to distinguish the different practices of Social work efforts at intervention in the protection and integration.
5. To indicate, understand and show the impact to integration or non-integration when implementing policies for measuring age, detention, permit, asylum and readmission that cause trauma, social exclusion and better integration.
6. To signal the necessity of a new initiative in the United Nations which will remove moribund actors and establish new actors who can fight against child exploitation and which can provide special education for them. And to have more knowledge in order to compare new trends.
7. To compare and analyze the difference and similarity in the number of unaccompanied migrant minors in Spain, Sweden and United Kingdom

within the last five years including different protection policies of government bodies

8. To stimulate more interest. To portray the *new motivations* for migration; to describe old and new motivations and to show the migration trajectory of the minor.

9. To provide arguments to repeal Dublin III Regulation, provide reasons to and redraft the Convention on the Rights of the Child and to repeal the norms for reintegration of unaccompanied minors to their country of origin.

10. To know and distinguish different theories of migration, clarifying methodology, concepts and approaches. Differentiate these concepts and approaches.

11. To relate our core integration factors with interview responses from unaccompanied minors and social workers and compare them with policy implementation outcomes which affect unaccompanied minors positively or negatively.

3.3. The general scheme of objective of this research: implementation of regulations in centers of integration.

Regulation of centers where people are kept for orientation, rehabilitation has been taken seriously in public administration in Spain. In the case of children, the Spanish authorities believe that, all children who are in Spanish territory should enjoy the right of protection. For this reason, the central government and the autonomous communities and public authorities are obliged to guarantee to all minors, without any discrimination and denial except in legal cases, respect for the law of the Spanish Constitution, the CRC, and the European Charter on the Rights of the Child. In recent times the Comunitat Valenciana, Spain adopted an updated legislation for implementation of regulations in centers of integration on issues relating to unaccompanied minors which is specifically governed by Law 12/08 of July 3, on the integral protection of children and adolescents.³³³ (See annex for Spanish, European Union and international protection laws).

³³³ Official Gazette of the Valencia Community, number 5.803, of July 10, 2008. Article 1. Purpose. The purpose of this Law is: (a) The recognition and protection of the basic rights of the child,

3.3.1. Demographic background characteristics: Objective population and the mode of exclusion.

The demographic background of the objective population comprise of immigrants who are third country nationals and unaccompanied minors from divers countries outside the European Union. Therefore, our analysis covers the country of origin of unaccompanied minors in order to close the gap of knowledge that prevails in other research studies. This is for example, unaccompanied migrant minors who are citizens of countries outside the European Union and who are less than 18 years of age and who entered the European Union without their legal parents and without someone to take responsibility of their protection. Their ages are within the range of 14 years or less than 18 years.

These demographic characteristics are shown fully in chapter four where the various characteristics are analyzed for each country under study. In order to have a preview of the specific population of this study, we conducted a demographic study of the participants, and an interview procedure. The author had conducted a foundation research at post graduate level into the migratory phenomenon relating to unaccompanied minors in United Kingdom and Sweden,

especially those contained in the Charter of Children's Rights of the Valencia Community, conceiving minors as active subjects with rights. (B) The establishment of a set of measures, structures, resources and procedures for the effectiveness of the social and legal protection of the child at risk or of helplessness and for the effectiveness of the application of the Law regulating the criminal responsibility of Children. (C) The coordination and collaboration measures of the different Public Administrations and collaborating entities, in the area of comprehensive protection of the child and the family. (D) The creation of the Permanent Observatory of the Family and Children of the Comunitat Valenciana. (E) The creation of the Commissioner of Children of the Region of Valencia, with the denomination of "Commissioner of Children-Pare d' Òrfens". (F) The sanctioning regime in matters regulated by this Law. This is evidently linked to Organic Law 8/2015, of July 22, on the modification of the system for the protection of children and adolescents. The first article establishes the modifications of the Organic Law of Legal Protection of Minors; In the second article, the amendments affecting Law 1/2000, dated January 7, of Civil Procedure, hereinafter referred to as the Law on Civil Procedure; The first final provision includes the amendments corresponding to Organic Law 6/1985, of 1 July, of the Judicial Power, hereinafter Organic Law of the Judicial Branch; In the second final provision, Organic Law 4/2000, of January 11, on the rights and freedoms of foreigners in Spain and their social integration is modified and in the third final provision Organic Law 1/2004, of 28 December, of Measures of Integral Protection against Gender Violence. With the main objective: Minors have been a priority in the Social Agenda of this Government. The reform of children's legislation ensures a uniform legal framework for protection against violence especially against minors, facilitates foster care and adoption, and takes special care of the most vulnerable

and this served as a strong base for conducting this doctoral research. From our experience, we are applying our knowledge advantage to enriching this study.

During my research for the Master thesis in 2011, I found out that there are also unaccompanied minors from Spain, Sweden, United Kingdom and other European Union Member States who are unaccompanied or not and who also need care and reintegration into society. There are various centers where they are kept for reorientation and reinsertion into society. In some centers they are mixed with unaccompanied minors from outside the European Union who are regarded as third country nationals.

This group of minors who are born within the boundaries of the European Union are 'insiders.' Normally, there are citizens of the European Union who are circumstantially taken away from their parents for protection through police intervention and a court order, or due to maltreatment of a minor by parents or due to abandonment through loss of parents or due to rescue from delinquency, custody and rehabilitation activities of the police in collaboration with the welfare services. I also found out that the implementation of a protection policy for social integration and incorporation may also have impact on them.

Nevertheless, they belong to a different category of citizens that would attract a different study. Therefore, the first thing we have done is to exclude this group from this study because they enjoy all rights of European Union membership welfare services and 'free movement status' especially when they come from the same country or member states and are not to be defined as 'unaccompanied migrant minors.'

The potential participants (objective population) in this study are *unaccompanied migrant minors between the ages of 14 to 18 years* that solicited asylum or not in these countries: Spain, Sweden and United Kingdom. Selection of this group of minors is based on the legal definition of a minor by United Nation Convention on the Rights of the Minor, the European Union Directives and National Alien Laws of Spain, Sweden and the United Kingdom.

According to these laws and conventions, the age limit for these unaccompanied minors is a maximum of 18 years (Convention on the Rights of the Child, 1989; Directives and UNHCR). Furthermore, we have exchanged various

types of correspondences, emails, including letters: letters of permission to conduct the study, letters of presentation, invitation to interviews, etc.

Furthermore, in this research specifically based on implementation of protection policies towards enhanced integration of unaccompanied minor in Spain, Sweden and the United Kingdom, we have discarded those legal instruments that persecute and also exclude the unaccompanied minor from benefiting from the rights enshrined in human rights laws, e.g. Dublin III Regulation. This is predicated on the view that these restrictive migration policies are not designed to integrate the minor in the country of reception in Europe; therefore they are never protective and cannot guarantee them any integration process.

In practice, restrictive instruments are used as a macro defense mechanism to eliminate and reduce the population of immigrants that venture into the territory of the EU. These restrictive laws (under any form) do not contribute to the social and economic integration of unaccompanied minors. We believe that they have become instruments of destitution, deprivation and destruction.

It is good to note that this study is believed to possess a minimal risk to participants and that the probability and magnitude of harm or discomfort anticipated in the research will not be greater than any ordinarily encountered in daily life, or during the performance of routine physical or psychological examinations or tests.

For this reason, before I conducted the interviews in this research in these centers of integration and reception, I formally observe the relevant protocol of action. After declaring my commitment to the protection of under aged minors, I make my own declaration to the social worker or director in charge in this way:

Below you will have some questions about immigration and integration experience. We want to know your opinion and we promise that your name will not be revealed. It is therefore very important to be honest. No right or wrong answers, all are valid. The information you provide will remain confidential and anonymous. Thanks in advance for your honesty and cooperation.

[Interviewer Note: Encourage the child. Make h/him feel comfortable, "feel free and show a feeling that their responses are important."

PERSONAL INFORMATION: Remember that all data are treated confidentially.

(Prepared by Ekeoma Onuoha. and professors)

We also adopted another method known as deductive science method, since part of the conclusions are also going to be deducted from previous studies, having formed one or 'separate theory.' Be that as it may, we believe that there are lots of overlapping theories about the determinants of factors of a given study. According to the famous theorist, Allport, (1954) "as a rule, most theories are advanced by their authors to call attention to some important casual factors, without implying that no other factors are operating." (p. 207). Though these studies may be empiric or totally inductive, their conclusions are necessary addition to our conclusions and a better understanding of the topic on the implementation of protection policies for integration of unaccompanied migrant minors. In this way, we can describe, analyze and compare the implementation of migration policies. In the process, we have had the opportunity to interview many people prior to writing this dissertation and all our participants fully understood the nature of the study and supported the idea behind this study.

During data collection and interview, we realized that a number of unaccompanied migrant minors are held in deplorable detention camps or obscure prisons during their audios journey of migration. When they are caught by security agents, the security agent's first reaction is to detain and deport them because it is perceived illegal to enter a country without corresponding authorization, for instance, visa and travelling with inadequate passport. In the same manner, the debate on their age opens while the issue of their legal protection closes.

From the foregoing it is practically impossible to know how many of these unaccompanied minors are in these countries at present. Our interviews reveal that many of these unaccompanied minors spent one to three years attempting to locate where they can be protected. They spent a larger part of their journey in prison cells in Greece, Spain, Italy and Turkey. This type of imprisonment could have served as a training ground for delinquency than proper integration and incorporation. For this reason there is a link between number of unaccompanied minors, data collection, imprisonment and disappearance. This is reflected on

reasons for disappearance of unaccompanied migrant minors from the hands of local government officials.

Other researchers and child advocates agree that it is very difficult to collect data that represent the actual population of unaccompanied minors and it is for this reason Capdevila and Ferrer, (2004) declared that

It is very difficult to estimate numerically their population due to their circumstance as being portrayed as an irregular, illegal and trafficked person that make it difficult for them to expose themselves and the fact that they belong to a population with a high rate of mobility, which moves more frequently and easily than adults.

We have also continued to observe that despite some efforts of social workers to provide social services for them, the rights of unaccompanied minors are abused perpetually. They are not well documented therefore, the characteristics that allow us to fully describe this group are not made available in order to fully highlight their situation (Capdevila and Ferrer, 2004; Ramirez and Jimenez, 2005).

In the process of interviewing social workers, the inevitable stage by stage pattern adopted was the use of the (5 W's and 'How') in asking interview questions, that is 'what, why, when, who and how.' These are further divided into blocks to fit adequately into the objectives of the research. On their part, Kvale and Brinkmann (2009) noted that, "thematization is an important factor in a research project; the 'why' and the 'what' of the research should be clarified before the question of 'how'. This helps the researcher to develop a theoretical understanding of the phenomena in the study in order to establish new knowledge as we have done" (p. 119).

Corroborating their submission about interview the authors averred that the interview subject often wants a perception of what kind of person the interviewer is before the subject decides if he or she will be comfortable enough to reveal their experiences and feelings to this person (who looks like an interrogator) 'a stranger.'

This is why it is very important to be extremely clear from the beginning and explain to the interview subject about what one wants from him or her. The author had this very experience in the process of interviewing my subjects in Spain and Sweden. I visited more than seventeen special centers and homes at remote or far removed centers for unaccompanied migrant minors in various countries for interviews. From my experience the interviewee is very alert, skeptical and very important at every stage of the interview.

During our field work in this research, we were able to interview many unaccompanied minors and social workers in Sweden and Spain as follows:

Description of the sample:

POPULATION	SPAIN	SWEDEN	TOTAL
UMMs	6 MENAS	24 UMMs	30
Social workers	6 SW	6 SW	12
MENAS with Experience for their story	3		3
UMMs with Experience for their story	4		4
Social workers with Experience	4		4
Grand Total			53

Names of countries in the population stock of unaccompanied minors are:

Sweden	Afghanistan, Eritrea, Ghana, Ivory Coast, Kosovo, Liberia, Iran, Iraq, Morocco, Russia, Syria, Serbia, Ukraine, and Vietnam.
Spain	Guinea, Morocco and other North Africa ns, Pakistan, Sahrawi Arab Republic, Syria and Ukraine.

Our population sample consists of males between the age of 14 and 18.

3.3.2. Benchmark for social history of a minor

From my experience, in the process of analyzing the migration experience of unaccompanied minors and the institutional obligation to implement protection policies aimed at integrating them, it is imperative to identify the major characteristics of unaccompanied minors, which should be a standard or benchmark in dealing with their problem. Although this may not be a complete list because of the complexity of human beings, the list below serves as a guide for social workers and other researchers to have a better idea of what to expect from unaccompanied migrant minors. They are:

1. Family information is case sensitive and indispensable (in the country of reception and in the country of origin);
2. Information on non-family members is important to the minor, where they are helpful;
3. Circumstances when and where the child was found/identified,
4. Information concerning the child's separation from the family
5. Information about the child's life before and since the separation,
6. Child's physical condition, health and past medical history,
7. Educational background (formal and informal),
8. Present care arrangements,
9. Child's wishes and plans for the future,
10. Preliminary assessment of the child's mental and emotional development and maturity by a relevant professional.
11. Age assessment which must be holistic and in line with the wish of the minor.
12. It is not necessary to ask question concerning sexual orientation, circumcision, labor, political, religious affiliations.

This standard or benchmark in dealing with their documentation and administration of unaccompanied minors rights and needs is in consonance with

the “best interest of the child principle” and in line with the UNHCR Guidelines.³³⁴ The United Nation Convention on the rights of the child (1989) dictates that this action is not for uniting the minor with his/her family that is “if this is contrary to the best interest of the child” (UNHCR Guidelines, 2004).

Now that we know the major characteristics of unaccompanied minors which should be a standard for social workers, academicians and policy maker who have the opportunity of reading this work should have a stronger base to pursue the principles of the Charter of Fundamental Rights of the European Union which specifically declared that: “All actions relating to the children, whether taken by public authorities or private institutions, the child’s best interests must be a primary consideration.”³³⁵

Furthermore, as we have noted in chapter one the ‘Standard for Comparison’ for this research is based on the standard or benchmark laid down by the European Migration Integration Policy Evaluation Index (MIPEX, 2014, 2015, 2016) model which is the authentic form of evaluating the implementation of integration policies.

3.3.3 Explanation of relevant provisions for the protection of unaccompanied minors.

In pursuance of one of the general objectives of this research in (3.2. B). we shall continue to describe, analyze and interpret the scope of protection laws and services available to unaccompanied minors with the purpose of integrating them in Spain, Sweden and the United Kingdom. Specifically, as indicated in number one of our specific objective we elucidate keys to core integration, that is, "Integration factors" necessary for a better social, economic and educational integration of unaccompanied minors. Our approach makes this research distinct.

Through this descriptive method we pay attention to the significance of the characteristics of services for integration of minors. The analytical method is very important to us because the migration system of any country especially the European Union is closely attached to social, political and economic conditions and

³³⁴ UNHCR Guidelines on 5.9, in Separated Children in Europe Program: statement of good practice, (Third Edition, 2004)

³³⁵ Charter of Fundamental Rights of the European Union (2000/C364/01, art. 24.2)

the perception of foreigners. When laws, norms, regulations or agreements are technically tied to national interest there is bound to be clashes.

For these reasons it is worthy to say that there is need to pay more attention to the differences and similarities and the characteristics of these factors of integration because of their relationship to social cohesion, inclusion or social exclusion. It is because of this relationship that a comparative study has become necessary. In any comparative study, analytical method is imperative. Through analysis we can separate the various elements and understand the importance of each independently. Therefore, the four factors necessary for a good comparison to take place is:

1. Collection of data relating to unaccompanied migrant minors.
2. Provision of a space of five years statistical record of migration movements, which is explored in chapter four; interpretation of social, political, economic and catastrophic events that provoked or influenced certain events which is explored in chapter two on motivations for emigration. This becomes imperative in order to understand similarities and differences found in the implementation of protection policies for enhanced integration of unaccompanied minors in these countries under survey.
3. We have determined the "Standard for Comparison" which is based on the standard or benchmark laid down by the Migration, Integration Policy Evaluation Index (MIPEX) model which is agreed form of evaluating the implementation of integration policies. However we have moved further to add more factors to their seven factor measurement model to give more emphasis on the rights and needs of the child as enshrined in the convention on the rights of the child. The aims and objectives of the very protection form the bases for the standard of comparison.
4. Interpretation and Conclusion follow. These are based on the collected data that enabled us to reach certain conclusions on the basis of comparison.

Having made my processes clear, I move forward to the specific contents of the Convention on the Rights of the child, (CRC 1989). The conditions available in this CRC have direct impact on the protection of unaccompanied minors by local and national institutions of States. The specific contents of the CRC for this research do not involve all the contents of the CRC, but only those chapters that are indispensable for their protection. They are as follows:

3.3.4. Instruments derived from the Convention on the Rights of the child, (CRC, 1989) which equates to the core needs: indispensable factors for integration of unaccompanied migrant minors.

This Convention on the Rights of the child (1989) which covers some of the basic rights which encompass protection in the areas of: education, family, information, accommodation, residence, health, social and political rights. Some of the articles tend to be very encompassing even advising the States to 'treat unaccompanied minors as you would treat your own citizen.' This is noteworthy because this CRC of 1989 was not originally predestined for unaccompanied migrant minors but their coverage appeared in such a concise way where it mandated states to treat all children under 18 years old on the same bases and this is where the problem of age assessment blew up.

By enunciating Human Rights perspective in the Convention on the Rights of the child of 1989 the founding fathers of this CRC intended to ameliorate the sufferings of children during persecutions, catastrophes, war, famine and separation. Some of these articles in our estimation can be read like a rescue order, for example: their education is entrenched in Article 28; extensive family rights which some Member States are not willing to grant are there in Articles 5, 9 and 14.2; adoption is located in Art. 21 having the premonition that there may be a situation where minors get lost or separated and they may migrate alone therefore, the need for a foster family arises; juvenile justice in Articles. 37 and 40, and Article 24 provides for Rights to health.

Other 'progressive rights' can be found in Article 27 for an adequate standard of living which we interpret in this research as ability of the state to facilitate labor market entrance after training because it is the only way to

guarantee what the CRC termed 'qualified by the State's financial capability.' This is because the state's financial capability may be limited and states also need to generate taxes in order to meet its obligations. However poor states may even complicate the situation of the minor by diverting the funds for their development.

Therefore, the state must facilitate incentives that will put the unaccompanied migrant minors into the labor market where they can in return, pay taxes so that they increase their capacity and living standard according to the country's economic and social development. In order to protect them from human intolerance, the act included the prohibition against discrimination found in Article 2 of the Convention on the Rights of the child of 1989.

Though the basic rights are not complete to my satisfaction, this presentation provides an eye view of what I regard in this research and denominate core rights and core needs for integration and incorporation of unaccompanied migrant minors in Spain, Sweden and United Kingdom.

According to the UNHCR, paragraph 17 of The UNHCR Policy on Refugee Children states inter alia "as a United Nations Convention, (the CRC) constitutes a normative frame of reference for UNHCR's action." It also summed in paragraph. 26 (a) That: "In all actions taken concerning refugee children, the human rights of the child, in particular his or her best interests are to be given primary consideration" which is why we have undertaken this focus on assessment of implementation of protection policies for enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom.

Part I, Article 1 of the United Nation Convention on the rights of the child conceives and define a child as: "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." This is the riding concept that will guide us throughout this work.

Article 2: (1). States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. (2). States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the

status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3: (1). In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. (2). States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. (3). States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 5: States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 8: (1). States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. (2). Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 12: (1). States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. (2). For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a

representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13: (1). The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice. (2). The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; or (b) For the protection of national security or of public order or of public health or morals.

Article 16: (1). No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honor and reputation. (2). The child has the right to the protection of the law against such interference or attacks.

Article 17: States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall: (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29; (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources; (c) Encourage the production and dissemination of children's books; (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous; (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 17: States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and

physical and mental health. To this end, States Parties shall: (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29; (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources; (c) Encourage the production and dissemination of children's books; (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous; (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 20: (1). A child temporarily or permanently deprived of his or her 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. (2). States Parties shall in accordance with their national laws ensure alternative care for such a child. (3). Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21: States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall: (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counseling as may be necessary; (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin; (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national

adoption; (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it; (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavor, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22: (1). States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

(2). For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 24 (1): States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. (2). States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: (a) To diminish infant and child mortality; (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and

through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution; (d) To ensure appropriate pre-natal and post-natal health care for mothers; (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents; (f) To develop preventive health care, guidance for parents and family planning education and services. (3). States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children. (4). States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25: States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26: 1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law. 2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 28: (1). States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every

appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates. (2). States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention. (3). States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29: (1). States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment. (2). No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30: In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

Article 32: (1). States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. (2). States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum age for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 37: On imprisonment. States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age; (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.

In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances; (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

In summary I have attempted to present specific legal protection instruments from the contents of the CRC of 1989. These are the areas where the implementation of core factors of integration can be extracted. They are the areas

where the implementation of enhanced integration can be derived. I have also attempted to present other laws with specific articles that attempt to defend the core rights of unaccompanied migrant minors that are adaptable to the objectives of our study and that can facilitate, though not fully, the integration, incorporation and acculturation of unaccompanied minors in Spain, Sweden and United Kingdom.

These specific articles in the CRC can offer protection rights to minors if implemented, because they are linked directly with more than seven factors of integration efforts that are necessary for integration, incorporation and acculturation. In the process of extracting these articles from the legislative instruments we have considered the wordings and the concepts and believe that part of the articles, even though defective and short sighted, can give succor to unaccompanied minors' miserable situation if they are implemented to the letter.

I end this part with a pointer to the preamble of human right approach of the CRC and to confirm that the founding fathers incorporated the idea that battle must be waged on the growth and well-being of minors and that they are entitled to special care and assistance which is also summed up in Article 22 of the CRC of 1989.³³⁶

3.4. Research design and summary of methodology

In this doctoral research, we have adopted a comparative method which facilitated a descriptive and comparative analysis of migration policies towards integration of unaccompanied minors in Spain, Sweden and United Kingdom. We deviated from the customary concept of adult migrants which nearly coincides with classical migration theories which legitimize restrictive policies for example,

³³⁶ This is part of the preamble: It said it all while Article 22 summarized it. Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance. Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community. Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding. Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

(the network theory, world system theory, dual market theory, Push-pull theories, etc.)

On the other hand, our approach is to insist on the concept of high (the ultimate) interest on the child for an adequate social and economic integration of unaccompanied minors into the society. There is need for extra effort and different forms of integration practices (adding our recommended seven extra factors) that can enable social workers ameliorate their situation. These ideas to ameliorate their situation determined the methodology adopted in this study and are in consonance (though not fully) with theories which justify policies that favor protection of unaccompanied migrant minors and other immigrants, for example (assimilation theory, acculturation theory, cross cultural theory, social work theories, open border theory and the theory of social construction of minors) which we have explained in chapter two of this work.

Many laws are made to protect unaccompanied minors and other immigrants. The differences and similarities in implementation of these laws will be explained based on the standard set by European Migration Integration Policy Evaluation Index MIPEX (2015, 2016) social participation and aspiration according to Ackerman, and Jahoda (1954, p. 3). This is also based on the result of our research interviews and based on European Union Statistics on Migration of unaccompanied minors. We incorporated these questions and factors into the questionnaires and interviews with unaccompanied minors and social workers.

We have also compared and analyzed National and International legislations where the rights of minors are specifically enshrined for their protection, etc. It is worthy to mention that some social workers, care workers, child advocates and unaccompanied minors in various countries were interviewed by this researcher during my previous research on this subject and during the present research.

My visit to the various centers for unaccompanied minors and my face to face interview with them opened a new firsthand experience for me as a researcher and generated reliable data of the unaccompanied minors and social workers who had responded to our various questions presented in this chapter three and their analysis in chapter four of this research. Their experiences as care workers, interveners and crises managers are transcribed hereunder. Other

interviews that are important were held by assistant researchers and by embedded assistants in order to get better answers and to be able to evaluate previous responses.

3.4.1. Comparative research method for this investigation

In this investigation on implementation of protection policies for enhanced integration of unaccompanied minors, explanation and data analysis go hand in hand. To explain may also be seen as interpretation of the data. This is an analytical process whereby the data collected is used to explain the phenomena in Spain, Sweden and United Kingdom or another country and be able to compare them. The data is converted or adopted in explaining the events.

Due to many ideological influences or study background influences or what Garcia Garrido (1986) called “a positivist vision of the reality attributed to Marxists, o Christians o Atheists” (p.146), there is need to consider the recommendations of Le Thanh Khoi (1981) who catalogued explanation into “historical explanation and synchronic explanation”. The historical explanation is linked to the origins of the phenomena, the chronological evolution and the changes which it passed in its structure throughout the period. While the synchronic explanation focus more closely on the actual determinants of the phenomena, the situations which influence on them and on the structure which they support. It must be noted that these are merely recommendations that are not to be followed strictly but we have been able to adapt to its parts.

When it comes to interpretation per se, the research has taken explanation and description very seriously in order to show why things are the way they are or why implementation of laws relating to legal representative and family reunion is the way they are. It is also good to note that we analyze the data which we have accumulated from United Kingdom, Sweden and Spain in other to evaluate historical precedents and implementation practices adopted. We showed that they are influenced by historical, socio-economic, technological, cultural and political ideologies as well as racial prejudices.

Some authors have asked: “why are things the way they are?” Many people can answer this question in their own way but there is something common. The

historical wars, conquests, treaties, unifications and dominations including colonization and globalization make the history of each country in current Europe very distinct and that is why things are the way they are. Taken from the other side, the way Europe is today in terms of management of migration systems reflects the maturity of distinct ideological, social, economic, political, and cultural States.

Therefore, in order to have a better understanding of historical precedents, we portrayed the differences and similarities we encountered. For example, we compare the conception of childhood in the middle ages and the conception of childhood in the twenty first centuries which belong to current events so that we can acquire a better understanding of knowledge presented in this research. Furthermore, comparing the laws, public policies, norms and other legislative frameworks can help us understand the *modus operandi* of Nation States in the European Union and other countries.

In each country under study like Spain, Sweden and United Kingdom there have been migration policies etched in social, political and economic exigencies which serve as bases for implementation of protection protocols for unaccompanied minors. Above these countries we have the United Nations and European Union, where other laws, conventions and agreements for the protection of minors in general and other immigrants are enacted. Since these countries have adhered to these laws, conventions and agreements for the protection of all immigrants, it is essential to use these laws as benchmark for the evaluation and comparison of their implementation. In this way the similarities and differences will become clearer according to Garcia Garrido (1986).

Furthermore, management of migration affairs by the State depends on constitutional provisions, public policies, decrees and protocols, ministerial orders, white papers, court decisions. The enforcement of these legal instruments conforms to our exact base for comparison of one country with the other in relation to implementation of protection policies for enhanced integration of unaccompanied minors. The debates and interaction between the bureaucratic organizations, political actors, legislators and local administrators would lead to debates for liberal migration policies or restrictive migration policies which ultimately reflect in the laws which they make.

This leads us to the type of methodology we adopted for this study which also coincides with the recommendations by Hilker-Bereday (1964 as cited in Garcia Garrido 1986) that postulated four conditions for comparison which are:

1. Description of the situation or phenomena
2. Interpretation and clarification of the descriptions
3. Juxtaposition of the information in the way the variables were previously established in the descriptive phase
4. Comparison: establishment of the conclusions from the compared analysis.

Based on these methodological postulations of Hilker-Bereday (1964) and taking into account the nature, similarities and differences of legal frameworks in migration systems, this our present comparative research intends to adopt the following line of action:

- A. Description of the current phenomena and pre-interpretation
- B. Delimitation of the study and Definition of similar and different conceptions
- C. Interpretation and clarification of the descriptions
- D. Juxtaposition and separation of differences and similarities through tables and paragraphs.
- E. Comparison: outcomes and establishment of conclusions from the compared analysis. This will also include the development of the five points and showing where the impact is negative of positive.

(A) Process of description current phenomena and pre – interpretation

According to Garcia Garrido (1986) description and interpretation is: “the order to follow (though not strictly but according to the type of investigation or the circumstance) one can choose to realize all the work for this phase in a country and latter do the same for another country and successively do the same with others ... On the contrary, whereby the investigator has gotten all necessary data

for two or more countries beforehand then the investigator can realize the investigation at a go on all the systems of education which concerns the study”.

This is a suggested pattern by the author. On our part in this research, we have followed this part. However, we in this investigation adopted the first pattern by collecting data of one country after another because of the distance and other circumstances that affect, Spain, Sweden and United Kingdom. The first thing that we did was to classify and separate the relevant from the irrelevant materials.

The description in this dissertation of the phenomena in the countries of our study is a process aimed at using the descriptive approach to draw the attention of readers, policy makers, human right activists, pastors, presidents, migration boards, ministries and their heads to those factors which distinguish one country from the other. Educationists and other social scientists advocate for this.

On the other hand the Historical Method Approach relates to the use of our previous knowledge for example, the middle ages conception of childhood through the postulations of Ariès (1962); Stone (1979); DeMause (1976); Pollock (1983); Borderies-Guerña (1996) to compare our present knowledge at this point which can help in eliminating undesirable elements in the migration policies (e.g. Dublin III regulations and EU Directives) and further strengthening the desirable ones (e.g. the CRC of 1989).

This method can reveal the basis on which the modern childhood protection is based though part of the history has been removed or replaced. Needless to say that historical knowledge about childhood practices may help us in eliminating undesirable practices in childhood protection and further strengthen the desirable ones. In comparing historical events, there is an understanding that history may repeat itself and that there is “nothing new under the sun; everything has its time” (Nelson 1992, in Ecclesiastes chapter 3, 1-8). It will be wrong to think that we employ the historical method only to know the past in order to understand the present better. In fact, our purpose is also to improve the future by hinting at those factors which may be more useful.

(B) Delimitation of the study and Definition of similar and different conceptions.

In order to apply the methodology of comparative studies on migration in this research, we made a geographic delimitation in the selection of comparative units or countries in the European Union which comprise three countries from the 27 member states of the European Union, namely: Spain, Sweden and United Kingdom. It is good to delimit the problem or the phenomena of the study. This is based on the view that “the more complex the area of study the more difficult it will be to conduct an investigation” Garcia Garrido (1986 p. 143). According to the author it is better to have a well cut and delimited plots which are also small. On the other hand, the need to delimit the method is also very important.

The author added that the knowledge of another language is indispensable while treating analysis of the contents, analysis of the systems in other countries and the realization of surveys or questions. My competence in English language gave us added advantage in data collection and interview in Sweden and helped us in networking and data collection in United Kingdom. It must be noted that United Kingdom and Sweden speak and understand English language very well, while Spain uses Spanish, therefore while conducting this research we have adopted the Spanish language and the English language with some flakes of Swedish.

We have also delimited this study to the last five years of migration trajectory of unaccompanied minors with reminders of the past years. We have also delimited ourselves to the benchmark or standard of integration set by the European Union MIPEX. However we have added extra seven factors of integration which are necessary for enhance integration or assimilation or acculturation of unaccompanied migrant minors and other migrants.

On the other hand some of our statistical data has been updated or partially prepared by EUROSTAT, MIPEX, INE, Migration Board and UKBA that are responsible for the elaboration of statistical data for different countries. Garcia Garrido (1986) supported this idea when he said that “the necessary data could have been elaborated already and in this case the investigator does not have to use other means to source the data necessary or other means in order to obtain it” (p.145).

However, other authors observed that it may happen that there is no such data already elaborated for the very investigation which we are conducting therefore, the responsibility falls on the investigator to provide and elaborate the

data through collaborations, emails from friends and well-wishers in other universities in the country of investigation. Where this is not possible or plausible, the investigator must prepare for visits and travels to the places of data collection.

Furthermore, our conceptual delimitation is on the area of definition of our subject population. We define them as unaccompanied minors or unaccompanied migrant minors where it is necessary. On their parte our comparative units like Spain, Sweden and United Kingdom denominate them and conceive them differently. Therefore, we have made effort to describe the similar and different conceptions adopted in the definition of unaccompanied minors in Spain, Sweden and United Kingdom. Definitions adopted by other organizations are presented in chapter two of this research.

The definition of an unaccompanied minor gives an advance notice of the type of policy a country would adapt to and very often this adaptation influence policy making and implementation, therefore we analyze the outcomes based on the definition of the minors and conception of the country. Through these definitions, it is believed that states rely heavily on the qualities of socio-political situation and theoretical framework in implementation of migration policies nay, the protection of unaccompanied minors.

(C) Interpretation

In the process of interpretation, we apply social science methodologies of other social sciences in order to interpret the data. Interpretation can lead us to understand what is behind certain events and actions and this helps us to make relevant conclusions. These conclusions are made in order to summarize the elaborations and also provide a picturesque view of the objectives of this study even when it does not coincide completely with the objectives. This is why we have the analytical, comparative and synthetic conclusions in order to give advanced summary and a final conclusion.

(D) The Juxtaposition and separation of differences and similarities previously through tables.

It is imperative to present the similarities and the differences and unite the similarities through this comparative methodology. This idea is to present the countries under study Spain, Sweden and United Kingdom in a comparative platform where we could outline their model of implementation of legal frameworks for reception and integration of unaccompanied minors. This is based on the concept of the laid down factors of integration and latter we relate them with the new interview responses. While doing this, it is not our intention to condemn or support any implementation formula of the countries under study. We are free to predict.

In order to confront the analytical conclusions obtained during the descriptions, juxtaposition of the conclusions and selected data, we adopted "tables and illustration" (Garrido 1986. p. 149). This helps us to show through a picturesque view to what extent we have gone in bringing the pertinent and true conclusions. Juxtaposition of the conclusions and selected data also helped to make our presentation very clearer, coherent, brief, and global.

We assume and recommend a holistic position in order not to influence the application of this comparative model. In this way this juxtaposition reflects the integrated explanation on the milestones and the data which is analyzed individually which can also help us to know which of these integration factors are ignored and which ones can function well for enhanced integration of unaccompanied minors. The juxtaposition helped us to explain and compare policy direction of governments, their deficiencies, their mistakes, the unexpected and expected consequences. It also helped us to understand alternative action for denial of residence permit, legal representative, age assessment and family reunification which can enhance the integration, assimilation and acculturation of unaccompanied minors. We believe it can also help a reader. Added to this, we synthesize, critically interpret and equally relate them to the situation in the twenty first century Europe.

(E) Comparison: outcomes and establishment of conclusions from the compared analysis. This will also include the development of the five points and showing where the impact is negative of positive.

Comparison in this investigation focusing on implementation of migration policies for enhanced integration of unaccompanied minors is the answer to the total project, and a completion to the objective of this investigation. Many comparative studies focus on nations with a general vision to be able to extract the good things available in one nation and recommend it to the other. It seems to me a prediction cum recommendation comparison. Comparison may take place in the area of international migration, Child wellbeing, education, agriculture, labor, science and technology. A comparative study may focus on election, trade, abortion, urbanization, health, prostitution, immigrants' integration, border control, collection of refugee minors and other migrants including students' performance published by PISA.

In any case, we have obtained reference data from the countries of our research interest as postulated earlier by professor Garcia Garrido, (1986) who insisted that: "the investigator who is comparing should turn up to the reference data of the country, in general"(p. 132). This is exactly what the author has done, traveling to many parts of Sweden and Spain and collaborating with institutions in United Kingdom, Sweden and Spain to collect reference materials including house manuals for this research.

The comparative analysis of the three countries chosen in this investigation, which involves describing, interpreting and comparing the protection policies offered to unaccompanied minors with a view of evaluating their experiences, comes at a time when the need is very high and this study is aimed at closing the gap of knowledge. Based on this we compare the laws made to protect the unaccompanied minors and we present analysis of the interviews and two stories or testimonies as illustration and reinforcement to this research. At this point I can conclude that comparative studies is good because the comparative approach focuses on differences and similarities between cases and the differentiation of types, it also facilitates historical interpretation which we are interested.

3.4.2. Instruments adapted for the collection of information for this Research.

Data collection is very important and one of the most difficult tasks for a comparative investigation. I have had the experience right from the time I was collecting data for the Master thesis but it also served as training ground for this doctoral study. This is because of the nature of the data, geographical distance, security issues and type of people to contact for the investigation. While addressing this issue of data collection, Garcia Garrido (1986) reminded that "... all those who engage in comparative studies have insisted on the necessity of carefully programming this stage" (p, 144).

Part of the instruments for this research is based on interviews and responses to semi-structured questionnaires by unaccompanied migrant minors in Sweden and Spain. Another group of interviews was conducted on social workers and care workers who implement policies and social services for the protection of unaccompanied minors who benefit from these policies and social services. Other sources include United Nation Publications, National Statistics and documents from Ministries, Institutions and Organizations' reports of the countries under study.

Others are Swedish Migration Board, Spanish Sub-Delegación de Gobierno and United Kingdom Boarder Agency; Universities in Sweden, Spain, and United Kingdom; EUROSTAT Publications; International Organization for Migration (IOM) Publications; European Union Directives and Protocol Agreements and United Nations Organizations Conventions, UNHCR, UNICEF; Migration Policy Institute (MPI), Migration Integration Policy Evaluation Index (MIPEX); Save the Children etc.

This study involves travelling inside and outside the countries under study; sitting inside Vueling airplanes to Sweden, mapping out research strategies; booking appointment with the Welfare and Justice Ministries and confirmation with government institutions. Holding group and single interviews, administering and recollecting semi-structured questionnaires based on official discussion procedure that helped us develop a consistent process of data collection across all interviews that belong to: the primary research questions,

which are not asked of the participants, and the main interview questions that are based on the primary research questions and are asked of the participants.

Selected instruments are in the appendix of this dissertation. This research also draws on various sources of research based on this topic. It is our belief that the contributions of certain authors like Rutter, (1999) are relevant. The author affirmed that to undertake this type of investigation researchers should be supported by the following documents:

- Texts on trauma and interventions to support children.
- Psychological writing on refugee children's resilience and vulnerability and interventions.
- A multidisciplinary literature on refugee children's identity, ethnographic studies.
- Research on refugee children's social worlds, their experiences in educational and welfare services, Rutter (1999).

3.4.2.1. The formal analysis and data collection for the doctoral investigation.

In data collection there is a necessity for a formal analysis of data collected. We have been able to examine, classify and evaluate the data we got. Though the materials did not come at the same time but whenever materials are sourced we examined, evaluated and classified them before decision is made on where they will be suited. When the United Nations library at Tarongers, University of Valencia sourced materials for us after a meeting with the librarian, I selected them one after the other and examined, evaluated, classified them as it affects protection and integration of unaccompanied minors.

On numerous occasions with the chief librarian of Library of Humanities, Library of Psychology and Library of Social Sciences, whenever the University of Valencia Librarian performed an assisted consultation of specific material and books relating to this comparative study, I selected the data one after the other and examined, evaluated and classified them.

I applied the same formula for the material, documents and data collected from Sweden, United Kingdom and Malmo University Center for Migration Studies.

At Orkanen library of Malmo University and the University of Copenhagen, the librarians delivered materials to me that well classified. Furthermore, the publications and data from UNHCR and Save the Children were also selected one after the other and examined, evaluated and classified before they were added to this dissertation. This phase of formal analysis of materials and data was supported by Professor Garcia Garrido (1986, p. 145) when he said that “once data is collected it should be examined, classified and evaluated”. Other data collection tools for this research in the form of questionnaires and interviews are below.

3.4.2.2. Sources of some scales adapted to constructing our semi-structured questionnaires.

In order to construct our semi-structured questionnaire which can serve as acceptable standard for this research we have adopted the ideas formed in some existing scales and scientific instruments. We do not employ the whole structure and do not abide by the whole design. Though these items are found in fully structured questionnaires they are useful in giving direction to the ideas of this research. Some of the items we have chosen come from the following areas and authors: Factors adopted: (1) Interpersonal (2) Well Being from Missoula-Vitas Quality of life Index (MVQOLI).

In this type of tool, the focus of the researcher is the extent of suffering and the quality of life during the pains and pangs of life which can be generated by acute physical dysfunction illness or psychological problems as it applies to unaccompanied minors during their migration trajectory. A person’s QOL can range from suffering, associated with physical distress and/or a sense of impending disintegration, to the experience of wellness and personal growth... (Byock and Merriman, (1998).

The next is The Satisfaction With Life Scale (SWLS) which is a measure of life satisfaction (Diener, Emmons, Larsen and Griffin, 1985). Life satisfaction is one factor in the more general construct of subjective wellbeing. The SWLS is a global measure of life satisfaction. The SWLS consists of 5-items that are completed by the individual whose life satisfaction is being measured. Administration is brief--

rarely more than a few minutes--and can be completed by interview (including phone) or paper and pencil response.

Modern racism scale: item 1. Over the past few years, Blacks have gotten more economically than they deserve which is adapted to our question numbers 1, 2, and 13 for social workers and 1 and 2 questions of unaccompanied minors. Item 6, Blacks should not push themselves where they are not wanted are linked in the same way (McConahay, 1986).

In The symbolic racism 2000 scale, we adapted Item 1. Which says: It's really a matter of some people not trying enough; if blacks would only try harder they could be just as well off as whites adapted to number 4 & 5 of the questions for the minors? Item 5, How much discrimination against blacks do you feel there is in the United States today, limiting their chances to go ahead? Is adapted to our question for the social workers in numbers 12 and 13 and for the unaccompanied minors in questions number 13 and 8 and Item 8: Over the past few years, blacks have gotten more economically than they deserve is linked to the perception of the services provided for immigrant minors in 1, 2 and 13 of the social workers (Henry and Sears, 2002; Sears and Henry (rev) 2005)

In the Allport's Scale: Nature of prejudice, we adapt to item 1, item 2 and item 3. In Item 1. Anti-locution: Means a majority group freely joke against a minority group e.g. Ethnic joke of Hispanics against Maghreb immigrants. Speech in terms of negative stereotypes and negative images: This we have focused in chapter two on framing the unaccompanied minor which is also adapted in questions 8, 17 and for social workers in their questions number 11 and 8 (Allport, (1954). Item 2: Avoidance: majority group actively avoid people in the majority group. This may result to social exclusion and isolation which is adapted to our question numbers 19, 8, 17, 17, 18, 14 for the unaccompanied minor and, 12, 15. Item 3: Discrimination: Means majority group denying them opportunities and services and so putting prejudice into action. This will make it impossible for them to achieve their goals like getting education or jobs adapted to our questions number 1, 2, and 2 for social workers and 2, 9, 10 for unaccompanied minors.



This research adapted also Item 1: Item 4 of interracial marriage and dating miscegenation is an indicator of the degree of racial bias and racism in a society leads to decrease of honor killings and absence of superior race. It gives way to

better immigration policies (a). Do you approve or disapprove of marriage between blacks (Immigrants) and whites (nationals)? And (b) How would you react if a member of your family were going to marry someone of a different race? These are adapted to our marriage questions in number 14, 16, and 20 of the questions for the unaccompanied minors and in questions 9 and 10 of the social workers are all linked to the scale of statistics of racism: indicators of racism by human rights watch (Gallup; Pew Research, 2009 & 2010).

In this type of research where unaccompanied minors benefit from many protection and social services we saw the need to adapt these universally accepted research scales which are also open and accessible. On the other hand unaccompanied minors suffer psychological problems and the fact that they are unaccompanied foreign children, their relationship, their close contact, and their perseverance to perceived discrimination, destitution and discrimination during the implementation of these protection policies need to be a matter of interest. Therefore, I and the professors found it adequate to adapt these recognized scales and concepts in reproducing our instrument for collection of information. It is sufficient to asked questions, but it is more important to have a global view of these questions and to adapt them to the circumstance of the present study questions below.

3.4.2.3. The Semi-structured questionnaires and interview questions for unaccompanied minors in Sweden

New model 20 questions in interviews with unaccompanied minors in Sweden. Code (MAS3317)

The Researcher, The Doctorate School.

Below you will have some questions about immigration and integration experience. We want to know your opinion and we promise that your name will not be revealed.
 It is therefore very important to be honest. No right or wrong answers, all are valid.
 The information you provide will remain confidential and anonymous.
 Thanks in advance for your honesty and cooperation.

[Interviewer Note: Encourage the child. Make h/him feel comfortable, "feel free and show a feeling that their responses are important"
 (Protagonist)]

(I) PERSONAL INFORMATION. Remember that all data are treated confidentially
 Name Sex: Male Female Birth place.....
 Country.....City/Province.....

QUESTIONS FOR THE MINOR

1. Question: What do you think about Sweden? (This is the most repeated question).
 Answer:

2. Question: What type of assistance and protection services do they give you here?
 Answer:

3. Question: What type of indoor and outdoor activities do they give you here?
 Answer:

4. Question: Is the country good for your education?
 Answer:

5. Question: Was it what you expect when you arrived here?
 Answer:

6. Question: Do you know how many you are here?
 Answer:

7. Question: Do you think there is a disagreement over your correct age?
 Answer:

8. Question: Do you feel any bad treatment?
 Answer:

9. Question: How did they examine your age?
 Wrist radiography X-Ray of the teeth Recommendation by the local police
 Recommendation by a medical doctor Recommendation by a social worker My migration
 story Depends on my documents
 Guesswork (Appearance) Others (write here)
 Answer:

10. Question: They interviewed me in the presence of the following: Choose from my list: A
 lawyer or public notary Legal representative A social worker Appointed person A
 good person or "Goodman"
 (a person with good credibility) Nobody
 Answer:


11. Question: What motivated you to come to this country?
 Answer:

12. Question: How did you enter here at the center?
 Answer:

13. Question: You think that psychological distress and stress overshadows your chance for integration?
Answer:
14. Question: Are you disposed to marry a social worker or recommend to a friend in this country?
Answer:
15. Question: Have they given you residence permit?
Answer:
16. Question: Can you live comfortably with a social worker or another person from Europe like a proper son?
Answer:
17. Question: Do you feel different when you relate with social workers?
Answer:
18. Question: Because you are a foreign minor, do they expect you to behave two times better than a minor of this country?
Answer:
19. Question: Would you like to regroup or bring your parents to this country in future when you are ready?
Answer:
20. Question: Which country (Sweden or where) would you like to live and continue your education when you have your papers?
Answer:

You have finished: Thank you very Much.

3.4.2.4. The Semi-structured questionnaires and interview questions for unaccompanied minors in Valencia

<p>LAS PREGUNTAS PARA LA ENTREVISTA A MENAS EN VALENCIA Código (MAV 3317) por Investigador. Escola de Doctorat</p>	
	
<p>Tendrás unas preguntas sobre tu experiencia migratoria e integración. Prometemos que tu nombre no será revelado. Seas sincero y no hay respuestas buenas ni malas. Toda información será totalmente confidencial y anónima. Gracias antemano por su sinceridad y colaboración.</p>	
<p>Nombre..... Sexo: <input type="checkbox"/> Hombre <input type="checkbox"/> Mujer Nacido en:</p>	
<p>País.....Ciudad/Provincia.....</p>	
1. Pregunta: ¿Qué opinas sobre España? (Esta es la pregunta más repetida).	Respuesta:
2. Pregunta: ¿Qué tipo de ayudas de protección te dan aquí?	Respuesta:
3. Pregunta: ¿Qué tipo de actividades de ocio te dan aquí?	Respuesta:
4. Pregunta: ¿El país está bien para tu futuro y educación?	Respuesta:
5. Pregunta: ¿Era lo que esperabas cuando llegaste aquí?	Respuesta:
6. Pregunta: ¿Sabes cuántos MENA están aquí?	

Respuesta
7. Pregunta: ¿Crees que hay un desacuerdo sobre su edad correcta?
Respuesta:
8. Pregunta: ¿Sientes algún mal trato?
Respuesta
9. Pregunta: ¿Cómo se examinó tu edad? (Puedes usar las casillas)
<input type="checkbox"/> Radiografía del muñecas <input type="checkbox"/> Rayo-X de los Dientes <input type="checkbox"/> Recomendación de la policía local <input type="checkbox"/> Recomendación de un médico <input type="checkbox"/> Recomendación de un trabajador social <input type="checkbox"/> Mi historia de migración <input type="checkbox"/> Mis Documentos <input type="checkbox"/> (Apariencia) Otras:
Respuesta:
10. Pregunta: Se te entrevistó en presencia de...:
<input type="checkbox"/> Un abogado o notario <input type="checkbox"/> Representante legal <input type="checkbox"/> Un trabajador social <input type="checkbox"/> Un Delegado <input type="checkbox"/> Una "buena persona" o persona de credibilidad social <input type="checkbox"/> Nadie
Respuesta:
11. Pregunta: ¿Cuáles fueron tus motivos para dejar tu país de origen?
Respuesta:
12. Pregunta: ¿Cómo llegaste aquí o al centro de acogida?
Respuesta:
13. Pregunta: ¿Piensas que la angustia y el estrés psicológico eclipsan tu oportunidad de integración?
Respuesta:
14. Pregunta: ¿Estás dispuesto a casarte con un trabajador social o recomendar a un amigo en este país?
Respuesta:
15. Pregunta: ¿Te han dado permiso de residencia?
Respuesta:
16. Pregunta: ¿Puedes vivir cómodamente con un trabajador social u otra persona de Europa como un hijo/a adecuado/a?
Respuesta:
17. Pregunta: ¿Te sientes diferente cuando Te relaciona con trabajadores sociales?
Respuesta:
18. Pregunta: ¿Debido a que usted eres un menor de edad extranjera, esperan que te comportes dos veces mejor que un menor de este país?
Respuesta:
19. Pregunta: ¿Te gustaría reagruparte o traer a tus padres a este país en el futuro cuando esté listo?
Respuesta:
20. Pregunta: ¿En qué país (España o dónde) te gustaría vivir y estudiar cuando tengas sus papeles?
Respuesta:

Terminado: Muchas Gracias

3.4.2.5. Semi-structured interview questions for social workers in Spain (Code: Manager 1418-ES).

Entrevistas de personal que trabajadores Sociales con MENAS (Código: Manager 1418-ES)
1. Pregunta: ¿Qué tipo de servicios y actividades proporcionan este centro para ellos que pueden facilitar su integración?
Respuesta:
2. Pregunta: ¿Cuántos menores no acompañados tenéis?
Respuesta:
3. Pregunta: ¿Le da usted representante legal para facilitar su rápida integración según lo dispuesto por la Convención sobre los Derechos de los Menores?
Respuesta:
4. Pregunta: ¿Crees que su país de origen es un problema para recibir asilo en este país?
Respuesta:
5. Pregunta: ¿Cree usted que existe un desacuerdo sobre su edad correcta?
Respuesta:
6. Pregunta: ¿Cree usted que la evaluación de la edad y la discriminación oficial pueden ser erradicadas? (explica)
7. Pregunta: ¿Invitas a los medios de comunicación o al representante legal cuando los entrevistas cuando entraron en el centro?
Respuesta:
8. Pregunta: ¿Cuáles cree que son sus motivaciones para abandonar su país de origen?
Respuesta:
9. Pregunta: ¿Cómo garantiza que obtengan la residencia a largo plazo y la nacionalidad de este país?
Respuesta:
10. Pregunta: ¿Se siente diferente cuando se relaciona con un menor no acompañado?
Respuesta:
11. Pregunta: ¿Cómo personal de trabajo social está dispuesto a casarse con un menor no acompañado o recomendarle a un amigo en este país?
Respuesta:
12. Pregunta: ¿Qué tipo de vivienda? ¿Podría valora si es barato, costoso, económico, pequeño o grande?
Respuesta:
13. Pregunta: ¿Crees que podrías vivir cómodamente con un menor no acompañado como un hijo / hija adecuado?
Respuesta:
14. Pregunta: ¿Por ser menores extranjeros, esperan que se comporten dos veces mejor que un menor de este país? Ejemplo...
Respuesta:
15. Pregunta: ¿Crees que tienen sufrimiento psicológico y que el estrés puede ensombrecer su oportunidad de integración y su vida?
Respuesta:
16. Pregunta: ¿Están satisfechos con el tipo de protección que les da? ¿Se puede detener su deportación?
Respuesta:
17. Pregunta: ¿Cómo se examiné edad de un menor? (Puedes usar las casillas)
<input type="checkbox"/> Radiografía del muñecas <input type="checkbox"/> Rayo-X de los Dientes <input type="checkbox"/> Recomendación de la policía local <input type="checkbox"/> Recomendación de un médico <input type="checkbox"/> Recomendación de un trabajador social <input type="checkbox"/> Mi historia de migración <input type="checkbox"/> Mis Documentos <input type="checkbox"/> (Apariencia)

Respuesta:
18. Pregunta: ¿Se permite a los menores no acompañados hacer reagrupación familiar o traer a sus padres a este país en el futuro?
Respuesta:
19. Pregunta: ¿Qué tipo de sistema de educación les dan aquí y muestran mucho interés?
Respuesta:
20. Pregunta: 20) Pregunta: ¿Sobre desaparición de los MENAS, que hacéis cuando pierde un menor?
Respuesta:

Elaborated by Author, (2017).

3.4.2.6. Semi-structured interview questions for social workers in Sweden (Code: Manager2217-SE) Blinkarp, Rostånga Skåne, Sweden.

1. Question: Sweden is Scandinavian. What type of services do you provide for them that can facilitate their integration? How many unaccompanied minors do you have?
2. Question: Do you give them Legal representative to facilitate their quick integration as instructed by the Convention on the Rights of the Minors?
3. Question: You think their country of origin is a problem in order to receive asylum in this untry?
4. Question: Do you think there is a disagreement over their correct age and can evaluation of age and official discrimination be eradication?
5. Question: Do you invite the media or the legal representative when you interview them when they you when they entered the center.
6, Question: What do you think are their motivations for abandoning their country of origin?
7. Question: How do you guarantee that they get long term residence and nationality of this country?
8. Question: Do you feel different when you relate with unaccompanied minor?
9. Question: As a social worker are you disposed to marry an unaccompanied minor or recommend a friend in this country?
10. Question: What type of housing? Are they cheap, costly, economical, small or big? Do you think you could live comfortably with an unaccompanied minor like a proper son/daughter?
11. Question: Because they are foreign minors, you expect them to behave two times better than a minor of this country?
12. Question: You think that they have psychological distress and that the stress can overshadows their chance for integration?
13. Question: Are you satisfied with the type of protection you give them? Can you stop their

deportation?
14. Question: How is their age decided here and what instruments do they use? (you can explain with my example, Wrist radiography, X-Ray of the teeth, Dental analysis, Recommendation by a medical doctor, Recommendation by a social worker, Depends on my documents, Guesswork and (Appearance), Psychological tests, Others (write here).
15. Question: Are unaccompanied minors permitted to regroup or bring their parents to this country in future?
16. Question: What type of education system here and do they like to go to school?
17. Question: At the height of any psychological problem and discrimination have you had any case of attempted suicide?
18. Question: How do unaccompanied minors enter into this center?
19. Do you have any program or special training to prepare them for the labor market?
20. Are you entitled to a special training and continuous training while dealing with these children?

Elaborated by the author, (2017)

3.5. Scheduled Interviews for data collection with social workers and unaccompanied minors at centers for integration of unaccompanied workers: The process.

Having gone round many integration centers conducting interviews and collecting manuals and data relating to implementation of policies towards integration and incorporation of unaccompanied minors in Spain Sweden and United Kingdom, I am more equipped to deepen our knowledge on the dialectics of policy implementation. Legal changes occur in the form of more restrictive policy direction and changes in the period of asylum decision making. Therefore the minor is subjected to various levels of administrative criteria and also the introduction of new age assessment apparatus prolongs the time for a migration board to decide on the minor's petition for asylum.

The forgoing can be a bird's eye view on the dialectics of policy implementation which has generated new information on the situation of the minor and also extended the frontier of knowledge. Many questions were raised

and answers were offered to many. However, it is necessary to reproduce some questions and answers that relate to policy implementation for the integration of these minors. Those who want to know more about the research can contact the author. It is important for us through this research project to focus on perspectives that attempt to interpret underutilized laws, agreements, professional ideas, protocols and ethical standards.

These perspectives are derived from our experience with immigrant minors, social workers, policy makers, human right advocates and other resources at our disposal. The author insists that there is no sufficient attention paid to the daily lives of unaccompanied minors because agreements, professional ideas, protocols and ethical standards are underutilized. This department, among other things attempts to demonstrate how we collected data and other information necessary for the execution of this doctoral project. Starting in Sweden, my meeting with the director and three managers of Attendo Individ och Familj Blinkarp Rostånga³³⁷ took place at their headquarters in Malmo where the arrangement for a focus group was made.

The coordinator made a time table for visiting appointments with seven Managers known as (Verksamhetschef) who are managers of integration and reception centers for unaccompanied minors. After the meetings at the headquarters, the Director and Coordinator faxed seven letters to their respective centers explaining the timetable for my interviews with them and about my research and the need to collaborate. As I indicated earlier some of the center managers created new focal groups, but they interviewed me before I started interviewing them and they delayed my appointment for more than three times making the interview to last for more than three days scheduled appointments instead one day.

However, some of the centers collaborated while some did not fully collaborate which form some of the obstacles we have experienced in this research. I and the director, the managers and the focus group agreed on the protocol for administering and asking questions and the ethical dimensions of the work which we must observe. Before they gave me their manuals, pamphlets and permission to collect information, some of the conditions are that: photos and

³³⁷ Access at: www.attendo.se

videos inside the rooms, halls and persons are taken only on absolute permission; No need for forced questions; interpreters must interpret the question before an unaccompanied minor or a social worker respond; Coffee and tea available and free; outside photos can be taken; no hugging, no closeness and gestures are allowed and contact with the minors must be in the presence of a social worker, interpreter, psychologist, Legal representative or care worker. At the end I was allowed some selected photos.

In Sweden, the author personally interviewed directors at Centers for Reception and Integration of Unaccompanied Minors supervised by Swedish Migration Board (*Migrationsverket*) and Ministry of Justice. We also interviewed the directors the Migration Board of Sweden in Malmo accompanied by professor Alwall. Our presentation at this department is guided by the norms and protocols in dealing with minors and is presented below, (be aware that some of the information here are protected and are not divulged). Some of the centers I visited collaborated fully while some did not provide sufficient information; some of the centers and persons in charge of unaccompanied minors spoke on anonymity while some social workers and care officers were proactive and went as far as offering lunch and coffee, including various photos, documents and manuals which makes this investigation more original and factual.

The Swedish reception and integration centers arrangements include: The appointment for a meeting and interview with social workers at six centers in Skåne Län, Sweden was organized by the able Professor Jonas Alwall of Malmö University and whom we owe many thanks. My appointment with the Manger of Social Workers and Regional Director and Coordinator for unaccompanied minors took place in Sweden, BetJ. on 17th May, 2015, 14pm. Regional Coordinator affirmed that the interview relating to unaccompanied minors cannot take place without approval of my arrival by the director. The interview was held after the permission was approved and thereafter in May 2016 we repeated the same meeting but this time around with the coordinators or the centers.

The center is one of the grand Scandinavian NGOs charged with the implementation of protection policies for integration of unaccompanied minors. The NGO had signed agreements with the Swedish Migration Board

(*Migrationsverket*) and Ministry of Justice as indicated in chapter one and two under institutions responsible for unaccompanied minors.

I conducted another interview at another center for integration in Rosengård, managed by the Malmö local Council's director of social work and family, SemaS. in charge of unaccompanied migrant minors. In the process of conducting the interview, we thought about the main focus of this research on assessing implementation of protection policies for the integration of unaccompanied minors in Spain, Sweden and United Kingdom. Therefore, we lined up keywords with the statement of our problem.

Our questions focused on the rights and needs of unaccompanied minors which are the core ingredients of integration, incorporation and acculturation which are: residence permit-long and permanent, housing, health, discrimination, nationality, age assessment, labor market and how they manage communication and discrimination. These and other questions were duly answered and many stories that will form part of another book. We have asked these questions from many angles and in such a friendly manner that make extracting information easier though very official.

However, there are four fundamental issues to be resolved before any interview is held: (1) Permission must be confirmed after letter of presentation is verified. (2) To fix a date: day and time of the interview. (3) How many minors and social workers and care workers are available at a given time? (4) Preliminary protocols to follow. (5) What languages are to be adopted and how many interpreters should be booked in advance and for the exact time for the interview? And (6) Time (before or after the interview) to evaluate the house other documents like manuals and the time to go round the establishment to see things for yourself? These issues must be in relation to the timetable of activities schedules on sports, classes, eating time and other meetings.

On the first day, the first interview lasted for two hours while the second day interview lasted for four and half hours at a center known as Rosengård Local Government Headquarters. Through this way it was revealed to me that the Migration Board examined (889) unaccompanied minors and youths, boys and girls (*ensamkommande barn och unga in Swedish*).

Another scheduled interview took place in Trelleborg, Skåne and I interviewed Matthias DM, director of the Center for Reception and Integration and Training for unaccompanied minors. I visited other three centers under this community at the mouth of Oresund river which accommodates 50 - 70 unaccompanied minors and other (*invadrare*) immigrants who are minors with families and another group between 19 and 22 years who are kept separate because according to the managing director they are about to live on their own or be deported or be readmitted on the bases of Dublin III.³³⁸

Located in a maritime area, Trelleborg takes in unaccompanied minors in one area and also take minors with families in another area depending on the trajectory and phase of migration process and also depending on agreements with The Migration Board and the Ministry of justice. One example of the travels I made in order to assemble data for this research was when I hopped into line 146 yellow bus from Malmo to the city of Dalkopinge, the location of Attendo Individ och Familj, AB Transit, Strandvag. I was able to conduct interviews on unaccompanied minors and social workers and other personnel for 5 hours and half with intermittent coffee breaks.

I had another interview meeting very late because of the absence of the managing director who should give a go ahead when I arrived, therefore I waited reading their house manuals, making notes, drinking lots of coffee and finally we took off and discussed the strategy for the interview thereafter I conducted another interview two weeks later with the manager RudinalT for another three hours. On 17/07/2014, at Attendo Mariesten Asyl och PUT-boende, I interviewed the Head Social Work and Human Resources Manager (Verksamhetschef) LuisaT and care workers at Teckomatorp Center for Unaccompanied Minors in Sweden on 14/08/2014. To visit the city, I hopped into the famous train called Pågatåg towards Helsingborg from Malmö central station which took about 45 minutes to reach by train. But the place where the center was located was as far as heading to the Kattegat Sea.

³³⁸Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 (Dublin III Regulation) establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person. The European parliament and the council of the European Union.

There were fifty unaccompanied minors to join another fifty that were older at the time I visited for the scheduled interview. When new started, I realized that not all of them were ready to respond to questions, therefore I came face to face with the silence and drudgery. Although many of the unaccompanied minors were reluctant to listen on the first day, I realized that many of the unaccompanied minors from Afghanistan, Syria, Morocco, Iraq and Iran were observing a fasting feast. We agreed on a new appointment to enable me have interview with more unaccompanied minors. During my second visit for interview at the Teckomatorp Mariesten Put och Asyl Center for Unaccompanied Minors, the ice broke.

I surveyed the operational manual for protection of unaccompanied minors and their rosters. The center for Unaccompanied Minors was in the process moving to a bigger site, therefore their estimated number of 56 unaccompanied minors were distributed but the manager confirmed the presence of 20 unaccompanied minors who were interviewed, filled our forms and among whom were the five Moroccans' unaccompanied minors who had solicited asylum earlier in Spain. I did not recognize them until the manager told me that they also speak Spanish. The countries accommodated in this Mariesten Put och asyl, came from Iran, Iraq, Pakistan, Afghanistan, Syria, Somalia, Eritrea, Morocco and Mali.

The manager brought the unaccompanied minors and among them five boys came from Morocco and one from Algeria. They came to the mini hall where we normally have interviews and were introduced to me as the interviewer from the University of Valencia in Spain. They looked at each other and returned their eyes. The social worker addressed them and informed them about the house rules and the interview rules, for instance nobody should talk when another person is talking and to ask question if in doubt. During this introduction the social worker told the unaccompanied minors that I came from Spain and that I speak Spanish also. We moved to another hall where I sat face to face with the five unaccompanied minors and two social workers and spoke to them in Spanish.

They responded with excitement (unlike their former cold and suspicious disposition). They decided to participate in the interview. They seem to have overcome their hidden suspicion and decided to collaborate by filling the forms. The unaccompanied minors also spoke their minds about their migration

experience to the extent that they took pictures with me. One after the other answering my questions and narrating their migration experience through Ceuta, Valencia in Spain and how they came to Sweden which formed part of the responses we got through this investigation. This has enriched our data collection and gives an interesting originality to this work.

This interview is a revelation of the main objectives of this research and serves as a warning to social workers that the migration theory used for adults cannot be applied to unaccompanied minors. It is also showing that they have lived in various prison detention camps which are absolutely antithetical to enhanced integration of unaccompanied minors.

Note: For ethical reasons, the sensitivity of the subjects and the fact that these interview subjects are children under the law, we have promised anonymity to preserve their identity and integrity. The fact that the interview subjects are still in a vulnerable position whereas their protection applications and appeals are still debated and undergoing bureaucratic processing in the Swedish Migration Board, their names shall not be presented in this thesis. In a qualitative interview study in which participants' statements in an individual interview can occur in public reports, one must endeavor to protect the interviewees' private integrity.

I also interviewed the director of Social Work and Human Resources for Attendo Mariestén Asyl och PUT-boende. These are some of the questions I asked the head and director of integration and these questions will be explained and analyzed in relation to the protection laws and our core integration factor in chapter four: Here are the questions:

1. *Question: many say that Legal representative is very important for the minors. How do you guarantee the right of the unaccompanied minor who come to you without a family member to have a legal representative while passing through this asylum process as indicated in the CRC of 1989?*
2. *Question: In relation to residence permit. How do you guarantee that a minor acquire a residence permit in Sweden and how long does it take?*

3. *Question: On health, do you give them health coverage especially when they become sick?*
4. *Question: Is family regrouping a problem? How do you implement it for the minors?*
5. *Question: How many children can a 'Goodman' handle? On issues of the unaccompanied minor? Has there been a disappearance here?*
6. *Question: How do you determine which place or locality to send them and who control the minor and the foster families?*
7. *Question: Unaccompanied migrant minors come in from time to time to this center. What is the peak time of the year or month do they come here mostly, e.g. Christmas, New Year or any other time or seasons?*
8. *Question: Is discrimination a concern with the minors here? They need to be aware what is happening to them. How does your center communicate with them and how does Migration Board communicate with them?*

To complete the interviews I also visited another center in Malmo, Sweden, at Attendo PUT Erikslust och Asylum Boende where I spoke with Johansen, M. I also visited on the 15/08/2015 at 4pm. I interviewed the workers and a social worker. However, the coordination at this center was not as others therefore, I spoke to less unaccompanied minors. More details will be presented in chapter four.

3.5.1. Special interview in Swedish United Nation Displaced Persons (UNDP) center for Integration Center for trafficked unaccompanied minors: Höganäs, Sweden.

At Höganäs unaccompanied center, I interviewed manager Boogan S. on 19/11/14. This was arranged by the Governor of the Local Council with the director of welfare services. The questions today started with two social workers and later two legal representatives joined with another two managers of the center

where unaccompanied minors who have spent more than one year are located. I was driven to the center by the director who explained the rules for the interview before we started.

For ethical reasons, taking pictures was not allowed but I explained to Chairman of the local council the distance of my University and the purpose, therefore I was allowed to take photos of our meeting and the surroundings including their sleeping beds and gymnasium. I received their house manual which explains many issues. They have just gotten permission from the UNDP and UNHCR to take 200 unaccompanied minors from United Nation Refugee Centers in Kenya for their two centers. I held another interview on migration policies with another director in another city approved by the government Migration Board. Here are the questions

Question: What arrangements do you make in respect of legal representative for unaccompanied minors as enshrined in the convention for the rights of the child (1898)?

Question: How do you communicate with them to make sure that they are protected and their rights guaranteed?

Question: How do they seek asylum, appeal for rejection? Who buys the food items and how do they and feed? In what ways do you protection them?

Question: Age assessment of unaccompanied migrant minors has been a great debate. For example, in United Kingdom they assess with interview and documents, in Spain de apply skeletal assessment, interview and documentation while in Sweden skeletal assessment, interview and documentation is applied. Based on your experience, what is your opinion and how do you influence the age assessment decision?

Under this situation, if a parent comes up, they are handed over to them or managed by Goodman before they reach 18. After 18 years they need a legal representative to survive. Our instruments for this research on assessment of migration policies for integration of unaccompanied minors in Spain Sweden and United Kingdom were fully utilized making it possible to us to interview social workers, unaccompanied minors, care workers and policy makers.

The meeting with the directors of Attendo Individ och Familj Blinkarp Rostånga was organized by Professor Alwall of Malmö University took place at

their headquarters in Malmo where the arrangement was made on the time table for visiting the centers. The coordinator informed the centers about my PhD investigation and the need to collaborate. The center managers known as (Verksamhetschef) collaborated fully. This is another big center in Sweden for unaccompanied migrant minors called center Attendo Individ och Familj Blinkarp Rostånga which has the capacity to accommodate 150 unaccompanied minors. When I visited the center they housed 128 persons therefore, they acquired a new building about two kilometers from the Blinkarp center that will house another 200 persons.

Therefore, to apply our instruments for this research, a brief summary of my trip will suffice. The location of the center where unaccompanied minors are accommodated in large numbers and where I got the permission to administer the semi structured questionnaires and interviews is far removed I have to take a bus and a train before they come to pick me up. I hopped into bus (518) to Rostånga, panicking for my near miss and which would have caused me waiting for another one hour because this city is far removed from the city centre where I was staying and not well communicated.

I called on arrival at the train station where my host Bet K. would pick me, but he complained that he had been sick, therefore, he sent a chauffeur from the center to pick me at the station. After waiting for about twenty minutes, a white Mitsubishi bus from the company drove me to Attendo Individ och Familj AB, Blinkarp Rostånga after 10 minutes. I presented my mission to the social worker and manager Korb L. (name hidden for protection) and how I want to conduct the interview and administer the semi structured questionnaires. The questions asked him has been integrated into the semi- structured questionnaire administered to social workers in general in Sweden.

I was reminded of the protocol for administering and asking questions and the ethical dimensions and that is to observe their freedom taking permission and asking for information when necessary. Therefore, one Afghan care worker interpreted my words and the semi-questionnaire to the Afghan boys while the unaccompanied minors from Pakistan, Iran and Eritrea were helped by an Arabic interpreter. The boys from Liberia, Ghana, Cameroun, Sudan and Somalia were able to hear and speak English with me and this supports the postulations of

Garcia Garrido (1986) on alternative language and language of the research competence. The social workers and care workers speak and understand English very well which became an advantage for me and my collaborators in the process of this research as proposed by Garcia Garrido (1986)

Based on agreements with the Swedish Migration Board (*Migrationsverket*) and Ministry of Justice, the activities of protection of unaccompanied minors in Sweden coincided with what is obtainable in this Attendo Individ och Familj Blinkarp Rostånga. Migration Board visits the center every Monday between 10-12am to physically document and review all the asylum processes of the unaccompanied minors. I took permission to take photos of the facilities and services including their bunker beds, gymnasium, kitchen, games and television rooms. At my time for this interview the countries where the unaccompanied minors came from were Syria, 70, Afghanistan 15, Ukraine, 2, Russia 3, Serbia, 3 Kosovo 6, north Africa 11, Vietnam, 1, Somalia 12, Eritrea 5, Iran 5, and Iraq 2. This brings the total to 128 unaccompanied minors.

CHAPTER FOUR: OUTCOMES OF POLICY IMPLEMENTATION

4. ANALYSIS OF POLICY IMPLEMENTATION OUTCOMES OF CORE INTEGRATION FACTORS: AN INTRODUCTION.

“A child is not, in itself, anything. Any image, body or being we can hollow out, purity, exalt, abuse, and locate sneakily in a field of desire will do for us as a child”
-- James Kincaid, *Child-Loving*.

We dedicate this part to the explanation of the outcomes of this investigation and this would afford us the opportunity to engage in comparative analysis.

4.1. General overview of policy implementation outcomes

After a general overview of policy implementation outcomes, some selected fundamental instruments for implementation of protection policy for unaccompanied minors in Spain, Sweden and United Kingdom are presented below because they represent the major current policies that have direct impact on unaccompanied minors. They are the laws which we consider capable of integrating unaccompanied minors. Policies that may permit their social exclusion are also highlighted. We would also make reference to those persecutory laws before we compare and analyze their impact.

In consonance with some of our specific objectives presented in chapter three, (3.2) aimed at showing and describing policy implementation outcomes of core integration factors which affect unaccompanied minors positively or negatively we hereunder compare, analyze and comment on their First and Second phases of trajectory and migration into Spain, Sweden and United Kingdom. However, these policies are influenced by agreements and vagaries of migration policies which are discussed presently.

Specifically we describe, compare and analyze results relating to how unaccompanied minors pass through many administrative agencies and prisons in European Union and come into the hands of institutions where they seek asylum which starts from the discovery of the unaccompanied minor; application of protection laws and decisions taken until the end which may result in residence permit which also can lead to the acquisition of citizenship. On the other hand a country may choose to send back the unaccompanied minor based on the circumstance and the decision of the respective Migration Boards of the three countries under study. This trajectory migration of the unaccompanied minors is presented hereunder in a table form to give a picturesque view of the outcomes. Furthermore, this is followed by analysis and comparison of the outcomes of core integration factors; comparison and analysis of policy outcomes in the area of the population movement of the minors; followed by the analysis of the responses of social workers and unaccompanied minors to our interviews and semi structured questionnaires which we presented in Chapter three.

In general, before delving onto this, it is good to explain that the delimitation of national borders which conferred sovereignty to nation-states made it imperative for foreigners who do not have bilateral or multilateral border entry agreements to present authorization documents like passports including visa and or diplomatic passage documents. For this reason and others, the European Parliament established a Schengen Community Code³³⁹ on the rules governing the movement of persons across borders aimed at granting liberty to member states that establish agreements with the countries that subscribed to the Schengen Border code and provided visa restrictions for third country nationals where unaccompanied minors belong.³⁴⁰

For this reason, we noted that part of the policy implementation outcomes of core integration factors shows that currently there are more sophisticated security controls in European Union national borders because of new policies. We also noted that liberty and free movement is granted to member states that established agreements. However, these agreements have only had adverse effect on unaccompanied minors. The result of this research is linked to the evidence we

³³⁹ This is based on Regulation EC No 562/2006 of the European Parliament and of the Council of 15 March 2006.

³⁴⁰ Art. 5 of the Schengen Borders Code.

found in national and supra national statistical reports which show consistently of an alarming increase in number of unaccompanied minors but instead of sharing them accordingly based on the free movement agreements, unaccompanied minors are returned for readmission and deportation to the countries of the first instance³⁴¹ because of the implementation of a deterrent policy known now as Dublin III Regulation.³⁴²

The results of this research show a quantum of individual suffering on a huge scale and they reflect the difficulties of the international community in accepting responsibility, preventing conflicts and promoting timely solutions for them. The fact that refugee endemic countries have always resurfaced makes it important to devote more time to tackle this problem from its roots. More than half (55%) of all refugees worldwide came from five countries: Afghanistan, Somalia, Iraq, Syrian, and Sudan. Around 2012, 526,000 refugees were repatriated voluntarily, half of them either to Afghanistan, Iraq or Côte d'Ivoire according to Guterres (2013, p. 26).

It must be noted that in all member states in Europe and elsewhere in the world, the adoption of entry requirements are almost the same. The rules are made to govern the entry conditions applied to unaccompanied minors, women and adult third-country nationals whether Jews or Gentiles. In some countries like the United Kingdom and Ireland this European Regulation is not applicable in order to be in control of their own borders without interference on their sovereignty by the European Union 28, now 27-Member States.

Similarly, the entry into a country itself does not guarantee acceptance because the states also have the absolute power to refuse entry and stay of a

³⁴¹ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person. In continuation: In accordance with Commission Regulation (EC) No 1560/2003 (9), transfers to the Member State responsible for examining an application for international protection may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers by providing adequate information to the applicant and should ensure that supervised or escorted transfers are undertaken in a humane manner, in full compliance with fundamental rights and respect for human dignity, as well as the best interests of the child and taking utmost account of developments in the relevant case law, in particular as regards transfers on humanitarian grounds.

³⁴² Dublin III Regulation (EU) No 604/2013 of the European parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

foreigner in their country as laid down in Art. 13 of Schengen Borders Code of 2006.³⁴³ Taking cognizance of the forgoing rules of entry and transcendental powers of the states to admit or reject entry of unaccompanied minors and other migrants, we attempt to explore the experiences of unaccompanied minors through sources of information available for this study to be able to provide the results relating to phases of their migration trajectory experience.

Specifically, when it comes to the injunction given by the persecution laws, (Dublin III) the interest of the minor is put last in the order as it is specified in the regulation. This is because the same law that intends to protect the minor provides other ways of rejecting the minor and one of them is: “that where a family member or a sibling of the unaccompanied minor is legally present, the Member State responsible shall return or readmit the minor.”³⁴⁴

In the first group of new ideas is that the unaccompanied minor has three possibilities of suffering zero protection and return namely: (1). Return to the first country of asylum application. (2). Return to a family member or a sibling legally

³⁴³ This is the most cited article, because it does not provide any latitude for maneuver. A third country national, Unaccompanied or adult need to satisfy the entry requirement. Generally, entry should be refused to any third-country national who does not fulfill the entry conditions set out in the Schengen Borders Code. As stipulated by Art. 13 Schengen Borders Code. <http://eur-lex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32006R0562&from=EN>

³⁴⁴ Article 8 Minors 1. Declares that: Where the applicant is an unaccompanied minor, the Member State responsible shall be that where a family member or a sibling of the unaccompanied minor is legally present, provided that it is in the best interests of the minor. Where the applicant is a married minor whose spouse is not legally present on the territory of the Member States, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present. 2. Where the applicant is an unaccompanied minor who has a relative who is legally present in another Member State and where it is established, based on an individual examination, that the relative can take care of him or her, that Member State shall unite the minor with his or her relative and shall be the Member State responsible, provided that it is in the best interests of the minor. 3. Where family members, siblings or relatives as referred to in paragraphs 1 and 2, stay in more than one Member State, the Member State responsible shall be decided on the basis of what is in the best interests of the unaccompanied minor. 4. In the absence of a family member, a sibling or a relative as referred to in paragraphs 1 and 2, the Member State responsible shall be that where the unaccompanied minor has lodged his or her application for international protection, provided that it is in the best interests of the minor. 5. The Commission shall be empowered to adopt delegated acts in accordance with Article 45 concerning the identification of family members, siblings or relatives of the unaccompanied minor; the criteria for establishing the existence of proven family links; the criteria for assessing the capacity of a relative to take care of the unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State. In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 6(3). 6. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and the exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).

present and return to Country of origin or another country that accepts him or her. There is a pattern which leads only to none integration. This migration of unaccompanied minors does not start in deportation camps, not in shelters, and not in prisons; and not in the street as some authors wrongly postulate. It's therefore interesting to look at their migration experience in two phases in Spain, Sweden and United Kingdom. One of the reasons for the disappearance of minors kept in their custody and the justification for incarceration of minors by the same institutions is amalgamated in this same regulation.

First: when they entered the country and were accepted and or rejected; second: when they entered the social welfare system and how they were treated in order to know how the integration factors which we adopted for this research which form their core integration rights and needs affect them. In the process of benefitting their fundamental rights as enshrined in international protection laws, they are also exposed to unexpected consequence of restrictive policies of receiving countries when the interest of the minor clashes with the interest of the state.

As we promised in our general overview of policy implementation outcomes, we hereby present some selected Fundamental instruments for implementation of protection policy in these countries under study.

4.1.1. Spain: Analysis of Fundamental instruments for implementation of protection policy for unaccompanied minors: Description and comparison.

The fundamental legal Instruments specifically applied for the implementation of protection policies for economic and social integration, of unaccompanied minors and other immigrants in Spain are contained in the Organic Law 4/2000 amended by Law 8/2000, and the 14/2003, on the rights and freedoms of foreigners in Spain and their social integration and for that matter, its implementing regulations is approved by Royal Decree 2393/2004 of 30 December (Blanco 2003, p. 13).

If they are unaccompanied foreign minors who are abandoned and who do not have parental care or guardian and supported by the provisions as laid down

in the law: Organic Law 1/1996 of 15 January on the Legal Protection of Minors, partially modifying the Civil Code and the Civil Procedure Act, However, it's instructive to go back to earlier legal development of child protection in Spain which took place before the Law 1/1996 was made. This is instructive because of the proactive disposition of the Spanish Government in promoting child related protection laws as can be confirmed in the Spanish Constitution which declares in Art. 39.4, that 'Children enjoy the protection under international agreements safeguarding their rights.' The Spanish legal system has therefore through modifications of existing laws introduced greater guarantees for children and a recognition of rights.

Elevating the rights of children to right of parental authority and to what can be denominated as the primacy of the interests of the child as contained in the Law 11/1981, of 13 May, amending the Civil Code concerning affiliation, parental authority and economic regime of marriage and the Law 21/1987, of November 11, amending certain articles of the Civil Code and amending the Code of Civil Procedure on adoption have been very important in the rights, protection and generalize the primacy of the interests of the child or teenager.

Another law simply known as the Foreign Law (*Ley de Extranjería*) according to Bruquetas-Callejo, Garcés-Mascareñas, Morén-Alegret, Penninx, and Ruiz-Vieytez (2011) was promulgated in 1985 at a time when there were only about 250,000 legal foreign residents in Spain. Delving on this matter, Watts, (1998) said that "this law that deals with the freedoms of foreigners in Spain was enacted just a year before Spain entered the European Union" (p. 661). Further to the Spanish interest on minors another law came into force, known as Organic Law 1/1996, of January 15, Legal Protection for Minors (LOPJM), partially amending the Civil Code and the Law Civil Procedure.³⁴⁵

This law may have made important progress in establishing guidelines for other regulatory developments of minor's rights and the family. The interests of the child was the overriding concern here and this law went ahead to incorporate international conception of minors' rights. This law not only recognizes certain rights, but regulates the principles and action in situations of social vulnerability,

³⁴⁵ La Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor (LOPJM), de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil)

building a legal framework on child protection that links all public authorities, institutions specifically related to minors, parents and relatives and citizens in general.

Analyzing this law of 1996 on the legal protection of children's' rights Senovilla and Lagrange (2011) argued that in this article 3 there is a promotion of the rights of children by the Convention and that this applies to all children on the territory³⁴⁶ without distinction of nationality. The authors, considers the laws made at that time very insufficient because the best interest of the child remains limited, as the return to the country of origin is seen as the priority solution till today.

On the other hand, if the minor is involved in a criminal activity, his or her criminal responsibility will be treated under the Organic Law 5/2000 of 12 January, regulating the Criminal Responsibility of Minors (LORPM)³⁴⁷ (Blanco 2003; Ararteko, 2005). The clause 'if the minor is involved in a criminal activity' is incriminating firmly on the unaccompanied minor because, he or she entered the country without authorization and there is a law that prohibits and sanctions illegal entry with deportation which is exactly what the Security apparatus and Sub Delegación de Gobierno are applying with a baptismal name of readmission.

This also means that the law for protection may not have the moral capacity to offer protection to the unaccompanied foreign minor if the first legal instrument contains the concept of criminalization of the minor. Spanish authorities are eager to participate in integration programs for unaccompanied minors because they are signatories to various International Treaties of United Nations Organizations and are also recipients of assistance in this direction. Drawing together their experience on the implementation of protection policies for unaccompanied minors according to Senovilla and Lagrange, (2011) who averred that up till today the institutional response to the presence of these unaccompanied migrant children is at first repatriation.

When this is not possible for legal or other issues, unaccompanied minors are placed in shelters, after the mandatory order of residential care. We shall

³⁴⁶ Artículo 3, Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil,

³⁴⁷ Ley Orgánica 5/2000, de 12 de enero, reguladora de la Responsabilidad Penal del Menor (LORPM).

discuss both measures in chapter four. It is therefore incumbent for us to beam our assessment efforts on the core Spanish legislative instruments that are favorable to the implementation of protection policies for enhanced integration of unaccompanied minors in the area of family reunion, education, residence permit, non-discrimination, age assessment, labor market, housing, social participation and how they enhance the aspiration of minors to enable them integrate. Some of these Spanish legal instruments are found in:

At the regional level of Spain, at the regional level of Basque Autonomous Community and Valencia Autonomous Community there are instruments for implementation of protection policy for integration and acculturation of unaccompanied minors which I found in two doctoral researches.

In the Basque Autonomous Community, the instrument for protection of unaccompanied minors is contained in the Basque Law 3/2005 of 18 February, Care and Protection of Children and Adolescents.³⁴⁸ It lays down the set of rights recognized in other international instruments for children and adolescents, and sets out the principles that should govern the actions of the Basque public administration in promoting, (Lamarca, Agúndez, Hernández, López de Foronda, Martínez-Acha, Barceló et al. 2005).

In the Autonomous Community of Valencia, the instrument for protection of unaccompanied minors is contained in the Comunitat Valenciana Law 12/2008, of 3 July, on Integrated Protection of Infancy and Adolescence.³⁴⁹ The latest

³⁴⁸ Comunidad Autónoma Vasca, la reciente Ley vasca 3/2005, de 18 de febrero, de Atención y Protección a la Infancia y la Adolescencia (LVAPIA). La Ley Vasca with the main objectives La presente Ley de Atención y Protección a la Infancia y la Adolescencia tiene un triple objeto: (a) Garantizar a los niños, niñas y adolescentes, residentes o transeúntes en el territorio de la Comunidad Autónoma del País Vasco, el ejercicio de los derechos que les reconocen la Constitución, la Convención de las Naciones Unidas sobre los Derechos del Niño, la Carta Europea de los Derechos del Niño y el ordenamiento jurídico en su conjunto. (b) Establecer el marco de actuación en el que deben ejercerse las actividades de fomento de los derechos y del bienestar de la infancia y de la adolescencia, así como las intervenciones dirigidas a su atención y protección, en orden a garantizar su desarrollo en los ámbitos familiar y social. (c) Definir los principios de actuación y el marco competencial e institucional en el ámbito de la protección a niños, niñas y adolescentes en situación de riesgo o de desamparo, así como en el de la intervención con personas infractoras menores de edad. Estructurado en ocho títulos, el texto legal pretende establecer el marco global de actuación en cada uno de los ámbitos que regula.

³⁴⁹ LEY 12/2008, de 3 de julio, de protección integral de la infancia y la adolescencia de la Comunitat Valenciana. Diari Oficial de la Comunitat Valenciana, número 5.803, de 10 de julio de 2008. Artículo 1. Objeto. La presente Ley tiene como objeto: (a) El reconocimiento y la protección de los derechos básicos del menor, especialmente los contenidos en la- Carta de Derechos del Menor de la Comunitat Valenciana, concibiendo a los menores como sujetos activos de derechos. (b) El establecimiento del conjunto de medidas, estructuras, recursos y procedimientos para la

instrument for implementation of protection policy for integration and acculturation of unaccompanied minors is known as the modification of the organic law of 8/2015 of 22nd July for the system of protection of infancy and adolescence which amended two laws at the same time.³⁵⁰ The main objective of the Spanish introduction of this amendment, (which may be amended very soon because of the migratory phenomena en Lampedusa), is to harmonize some of its activities with the European Union on terrorism, sexual orientation and higher restrictions on reception and documentation of foreign asylum seeking minors.

Another reason for introducing child protection reforms by Spanish authorities is that they claim awareness of the fact that a legislative reform is needed in order to guarantee a *CHILD LEGAL FRAMEWORK* that will be in consonance with the fight against violence towards children and also streamline adoption and foster practices to the most vulnerable. This recognition by Spanish authorities led to the enacting of the Law 8/2015 of 22nd of July, for the system of protection of infancy and adolescence and its modification outlined various objectives,³⁵¹ however our main focus of interest centers on policies that can

efectividad de la protección social y jurídica del menor en situación de riesgo o de desamparo y para la efectividad de la aplicación de la Ley reguladora de la responsabilidad penal de los menores. (c) Las medidas de coordinación y colaboración de las distintas Administraciones Públicas y entidades colaboradoras, en el ámbito de la protección integral del menor y la familia. (d) La creación del Observatorio Permanente de la Familia e Infancia de la Comunitat Valenciana. (e) La creación del Comisionado del Menor de la Comunitat Valenciana, con la denominación de «Comisionado del Menor-Pare d'Òrfens». (f) El régimen sancionador en las materias reguladas en esta Ley.

³⁵⁰ Ley Orgánica 8/2015, de 22 de julio, de modificación del sistema de protección a la infancia y a la adolescencia. En el artículo primero se establecen las modificaciones de la Ley Orgánica de Protección Jurídica del Menor; en el artículo segundo se determinan las modificaciones que afectan a la Ley 1/2000, de 7 de enero, de Enjuiciamiento Civil, en lo sucesivo Ley de Enjuiciamiento Civil; en la disposición final primera se recogen las modificaciones correspondientes a la Ley Orgánica 6/1985, de 1 de julio, del Poder Judicial, en adelante Ley Orgánica del Poder Judicial; en la disposición final segunda se modifica la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social y en la disposición final tercera se modifica la Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género. Con objetivo principal: Los menores han sido una prioridad en la Agenda Social de este Gobierno. La reforma de la legislación de la infancia garantiza un marco jurídico de protección uniforme, lucha contra la violencia hacia los menores, agiliza el acogimiento y la adopción y, atiende de manera especial a los más vulnerables

³⁵¹ Desarrolla de forma más detallada el derecho fundamental del menor a ser oído y escuchado. Prioriza soluciones familiares para los menores y agiliza los trámites de acogimiento y adopción. Modifica la Ley de Familias Numerosas para asegurar la conservación del título mientras uno de los menores cumpla los requisitos y la edad establecida (21 años o 26 si está estudiando). Reconoce, por primera vez, a los menores como víctimas directas de la violencia de género. Se obliga a que los jueces se pronuncien sobre la prohibición de aproximación o suspensión de la patria potestad o régimen de visitas del padre inculpado. Establece la creación de un Registro de Delincuentes

encourage or facilitate economic and social integration of unaccompanied minors in Spain.

In concrete terms, there can be no economic and social integration of unaccompanied minors without the factors we have laid down which are: freedom from gun-point age assessment, freedom from prejudice, residence permit of long duration/permanent, housing, labor market guarantee, family reunification and acceptance of the voice of the minor and protection of the minor's honor. Other articles in the Spanish coded laws which we hope will help to understand how far they are coping with protection policies. It is therefore good to outline the Spanish legal instruments that are adaptable to our research, which are as follows:

Article 4. Focusing on the right to honor, privacy and self-image

(1). Children shall have the right to honor, personal and family privacy and personal image. This right also includes inviolability of the family home and correspondence, as well as the secrecy of communications.

(2). The dissemination of information or the use of images or name of minors in the media which may involve unlawful interference with his privacy, honor or reputation, or that is contrary to their interests, determine the intervention of the prosecutor, that urge immediately the precautionary and protective measures provided in the Act and request the corresponding compensation for the damage caused.

(3). It is considered illegitimate the interference in the right to honor, personal and family privacy and self-image of the child, any use of their image or name in the media that may involve damage to his or her honor or reputation, or is contrary to their interests even if it has the consent of the child or their legal representatives.

(4). without prejudice ... at the request of the child himself or any interested physical, legal person or public entity. (5). Parents or guardians and the public authorities shall respect these rights and protect them against possible attacks by third parties.

Sexuales. Dispone que los maltratadores no podrán recibir la pensión de viudedad. La Ley Orgánica 8/2015 entró en vigor el 11 de agosto y la Ley 26/2015 entró en vigor el 17 de agosto.

Article 5. On Right to information

- (1). Children have the right to seek, receive and use information appropriate to their development. ...Special attention to digital and media literacy will be provided, so adapted to each stage, allowing minors to act in line with safety and responsibility and, in particular, identify risk situations arising from the use of new technologies and communication as well as tools and strategies to address these risks and protect themselves.

Article 7. Right of participation, association and assembly

- (1). Children shall have the right to participate fully in the social, cultural, artistic and recreational life of their environment, as well as a progressive incorporation into active citizenship. The public authorities shall promote the establishment of bodies involving minors and social organizations of children and adolescents. Accessibility of environments and providing reasonable adjustments to ensure that children with disabilities can develop their social, cultural, artistic and recreational life.

Article 8 Right to freedom of expression.

- (1). Children enjoy the right to freedom of expression in the constitutionally established terms. This freedom of expression has its limits on the protection of privacy and the image of the child itself contained in Article 4 of this Act.
- (2). In particular, the right to freedom of expression extends minors:
 - (a) The publication and dissemination of their views.
 - (b) A production editing and media.
 - (c) access to aid public authorities established for that purpose.
- (3). The exercise of this right may be subject to restrictions provided for by law to ensure respect for the rights of others or the protection of safety, health, morals or public order.

Article 9. Right to be heard and heard.

- (1). The child has a right to be heard and listened without discrimination on age, disability or any other circumstances, both in the family and in any administrative, judicial or mediation procedure that is

affected and leads to a decision that affects in their personal, family or social sphere, with due regard to their views, depending on their age and maturity. To do this, the child must receive the information that will allow the exercise of this right in understandable language, and in accessible formats adapted to their circumstances. In judicial or administrative proceedings, the hearings or hearings the child will have preferential basis and shall be conducted appropriately to their situation and evolutionary development with the assistance, if necessary, qualified or experienced professionals, taking care to preserve their privacy and using a language that is understandable to him, in accessible formats and adapted to their circumstances informing both what is asked and the consequences of their opinion, with full respect for all procedural safeguards.

(2). Ensure that the child, when you have enough maturity to exercise this right itself or through a person appointed to represent him. The maturity shall be assessed by qualified personnel, taking into account both the evolutionary development of the child as their ability to understand and evaluate the specific issue to be addressed in each case. It is considered, in any case, that when a child has enough maturity is twelve years old. To ensure that the child can exercise this right, the child itself will be assisted, if necessary, by interpreters.

The minor may express his or her opinion verbally or through nonverbal forms of communication. However, when this is not possible or not in the best interests of the child, the views of the child will be heard through their legal representatives, provided they have no competing interests to their own, through other persons who, by their profession or special trust relationship with him, can transmit their views objectively.

(3). Whenever administrative or judicial appearance or hearing of minors directly or through person representing him or her is rejected, the decision shall be motivated in the best interests of the child and communicated to the Public Prosecutor, the minor and his case representative, explicitly indicating existing remedies against such a decision. The decisions on the merits shall be stated, where appropriate, the outcome of the hearing of the child, as well as their valuation...

Article 11 Guiding principles of administrative action. (1). The Public Administrations shall provide appropriate assistance children to exercise their rights, including support resources they need. Public administrations in the areas which they represent, articulate comprehensive policies aimed at the development of childhood and adolescence and, especially, those relating to the rights listed in this law.

All children have the right to access such services themselves or through their parents, guardians or foster, who in turn have a duty to use them in the interest of minors. In any case, the essential content of children's rights cannot be affected by lack of basic social resources... Public Administrations should take into account the needs of children in exercising their powers, in particular as regards control over food products, consumer, housing, education, health, social services, culture, sports, entertainment, media, transport, and new technologies, etc.

Other core current legislative instruments in Spain which came into force as legal reforms for child protection need to be is explained hereunder including the implications. The compatibility and agreement of Spanish policies on protection is enshrined Chapter III (I) of the 1978 Spanish Constitution which provides the guiding principles for social and economic policy. It declares the obligation of public authorities to ensure social, economic and legal protection of the family and children which is in consonance with Article 3 of Convention on the Rights of the Child, (1989).³⁵²

One of the core integration factor for this research is the provision of legal representation and residence permit for enhance integration of unaccompanied minors which is the bedrock of our specific objectives. Until this is translated into

³⁵² Article 3 of Convention on the Rights of the Child. Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49 which declares: 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. 3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

reality in the Spanish case we can only assume that the present practice is a *faux pas*. This concerns also providing the child with an adequate legal protection in order to have a type of protection which corresponds with various international treaties ratified by Spain and, especially, the Convention on the Rights of the Child, United Nations, of 1989, which was ratified by Spain on 30 November 1990.

It must be noted that a new idea about child protection was enhanced. This need has been shared by other international bodies such as the European Parliament, through Resolution A3-0172 / 92, which was unconditionally adopted by the European Charter on the Rights of the Child.

In meeting with the demands of the objective of this research we have shown many protection laws, but I remind my readers that many of the protection laws we have shown, analyzed and described have something in common, that is, they do not cover all the needs and rights of the minor. Consistent with the constitutional mandate and other trends, there is a continued effort to renew the laws concerning minors either in response to a new development or in response to a new agreement. In view of the Law 11/1981 of 13 May, it was the first law which amended or harmonized other laws on parental authority and economic regime of marriage, which abolished the distinction between legitimate and illegitimate relationships, equated the father and mother for the purposes of the exercise of parental power and introduced the investigation of paternity which has reproduces new debates up till today.

When enacted, among other innovations, the Law 13/1983 of 24 October on guardianship; Law 21/1987, of 11 November, amending certain articles of the Civil Code and the Code of Civil Procedure on adoption came to be modified; Organic Law 5/1988 of 9 June on exhibitionism and sexual provocation in relation to minors; Organic Law 4/1992 of 5 June amending the Law on the jurisdiction and procedure of the Juvenile Courts; and Law 25/1994 of 12 July, which transposes into Spanish law Directive 89/552 / EEC on the coordination of regulations and administrative provisions of the Member States concerning the pursuit of television broadcasting activities. Among those laws, the 21/1987, of 11 November, incorporated more substantial changes introduced in the field of child protection.

Subsequently, the outdated concept of abandonment was replaced by the institution of helplessness, a change that has resulted in considerable streamlining of procedures for child protection by enabling automatic assumption by the competent public entity in the protection that in cases of severe vulnerability the child should be looked after. This is where the bubble bursts. Do we have to wait for the child to become helpless before helping him or her? It is believed that this was the same situation which the middle ages behaved when they lacked the concept of childhood. But this reminds us of the linkages of protection of children in the middle ages....

It also introduced the consideration of adoption as an element of full family integration, configuration of foster care as a new institution of child protection, the widespread interests of the child as a guiding principle for all actions related to that, both administrative and judicial; and increasing the powers of the Prosecutor in relation to minors, and their correlative obligations.

However, despite the undeniable progress that this law meant and important innovations introduced, its application has been highlighting certain gaps. Since its enactment circumstances and events demand for recognition of the core needs and demands in social cohesion.

Many institutions, both public and private and the house of representatives and the senate, the Ombudsman, the Attorney General and various related associations which include children activists, have echoed these core needs and demands, shifting the Government the need to adapt the system to the reality of our society. However, it seems that the welfare system and its governing authorities lack the moral power to develop new methods and to make laws that can adapt to these core needs and core demands.

However there are portions of this act which aims to be the first response to some of these demands, addressing a thorough reform of the traditional institutions of child protection regulated in the Civil Code. In this sense the law takes the interest of government at heart and not of the child *per se*. It may not be otherwise therefore, the amendment of the relevant provisions of that code transcends the limits of this to build a comprehensive legal framework of protection binding on all public authorities, institutions specifically related to minors, parents and relatives and citizens in general. It is obvious that the

migration of minors cannot be incorporated in this law because of the foundation of the law is based on protection of insiders while outsiders can only be subjected to laws that adapt to the school of world system theory, dual market theory, push-pull theory and theory of world Systems which are all economic and power contest based.

Social and cultural transformations in this society have caused a change in the social status of the child and as a result there is a new approach to the building of human rights for children. This approach reformulates the structure of the right to child protection in force in Spain and anchors the demands of the European Union where suitable. In many countries of Europe children are recognized as having full ownership of rights but this applies only to limited situations. The issue of full ownership of rights to unaccompanied minors is untenable. The post-constitutional legislative development reflects this trend, introducing the status of a subject of rights to minors, but the implementation is something else. Thus the concept of being heard if he has sufficient justification has been shifting to the entire legal system in all matters that affect children. This concept introduces the dimension of evolutionary development in the direct exercise of their rights.

The limitations that may result from evolutionary fact can be interpreted restrictively. The law, in particular is progressively reflecting a conception of minors as active, participatory and creative individuals, capable of changing their own personal and social environment; to participate in the search and meeting their needs and meeting the needs of others.

The knowledge on the impact allows us to view is a sharp difference between the protection needs and the needs related to the autonomy of the child. It is obvious that the laws for children is managed by adults and child's interests is dictated by adults therefore, the best way to social guarantee and legal protection of children is to promote their autonomy as subjects and to give them a spokesperson, a representative and a promoter. In this way they can progressively build a perception of control about their personal situation and their future prospects. This is the critical point of all systems of child protection today. This is the challenge for all governments and their legal systems and devices for the promotion and protection of laws.

The right of children to participate has also been expressly stated in the articles, with reference to the right to join associations and to promote children and youth, with certain requirements, complete with the right to participate in public meetings and peaceful demonstrations, establishing the requirement of parental consent or guardians. The Law regulates the general principles of action in situations of social protection, including the obligation of the public body to investigate the facts known to correct the situation through the intervention of Social Services or, where appropriate, taking care of a child through legal operation.

Similarly, the obligation of any person who detects a possible risk or neglect of a child, to lend immediate assistance and to communicate the fact to the authority or its nearest agents is established. With specific character also provides for the duty of citizens to communicate to the public authorities the absence of the child, habitually or without justification.

It is envisaged that, in addition to establish a general principle, any action must be primarily in the best interests of the child and not to interfere with their school, social or work life, whenever there is a situation of helplessness, it must be reported to parents, guardians and custodians, within forty-eight hours, informing them also and, if possible, in person and in clear and comprehensible manner, of the causes that gave to the intervention of the Administration and the possible effects of the decision.

Furthermore, it has been noted that the measures which judges can take to avoid harmful situations for children, includes the Civil Code Article 158,³⁵³ all children, and situations that exceed the scope of the parent-child relationships.

³⁵³ Civil Code (approved by Royal Decree of July 24, 1889) in Article 158. Declares that The Judge, ex officio or at the request of the child, of any relative or of the Public Prosecutor, shall order: Suitable measures to ensure the provision of support, and to provide for the future needs of the child by his parents, in the event of breach of such duty. Adequate provisions to prevent harmful disturbance to the children in cases of change of the holder of custody. Necessary measures to prevent the abduction of underage children by one of the parents or by third parties and, in particular, the following: (a) Prohibition to exit national territory, save with a prior judicial authorization. (b) Prohibition to issue a passport to the minor, or removal thereof if one should already have been issued. (c) Submission to prior judicial authorization of any change of domicile of the minor. Generally, other provisions deemed suitable, to remove the minor from danger or to prevent any damages to him. All these measures may be adopted within any civil or criminal proceedings, or in voluntary jurisdiction proceedings.

Special mention to foster care, figure introduced by Law 21/1987.³⁵⁴ This can be established by the competent public authority when they attend parental consent.

Otherwise, the interested person must go to court to arrange the placement. The application of this provision has forced many public entities to put minors in a separate facility which sometime operate like prisons, even in cases where the extended family has expressed its intention to host a child. This has cause psychological and emotional damage for children, who are deprived a family atmosphere unnecessarily.

To remedy this situation, this Act includes the possibility that the public entity may agree on a provisional interest of the child in a foster family care. So far, the Spanish legislation envisaged a foster care as a temporary situation and therefore its regulation made no distinction regarding the different circumstances that could arise.

Furthermore, Article 9.5 of the Civil Code establishing the need for the suitability of the adoptive parents for efficacy in Spain thus fulfilling the commitment made at the time of the ratification of the United Nations Convention on the rights of the Child which obliges states parties to ensure that children or children to be adopted in another country enjoy the same rights as nationals in adoption, and this may be the idea behind the adoption of unaccompanied minors.

Finally, some aspects of guardianship require qualifications when involving minors. Thus the guardianship of a minor should aim, at integrating the child into a family. Furthermore it is introduced as a way of removing the existence of serious and repeated problems of coexistence and in hearing the child's voice.

4.1.2. Sweden: Comparing and analyzing concrete fundamental instruments for implementation of protection policies for unaccompanied minors.

³⁵⁴ LEY 21/1987, de 11 de noviembre, por la que se modifican determinados articulas del Código Civil y de la Ley de Enjuiciamiento Civil en materia de adopción. 5. la adopción constituida por Juez español se registrá. en cuanto a los requisitos, por lo dispuesto en la Ley española. No obstante, deberá observarse la Ley nacional del adoptando en lo que se refiere a su capacidad y consentimientos necesarios: 1.0 Si tuviera su residencia habitual fuera de España. 2.º Aunque resida en España. si no adquiere, en virtud de la adopción la nacionalidad española.

The fundamental legal Instruments specifically applied for the implementation of protection policies for integration, incorporation and acculturation of unaccompanied minors and other immigrants in the Kingdom of Sweden are established in the Swedish Aliens Acts which regulates who is entitled to stay in Sweden.³⁵⁵

For a long time, instruments for policy implementation relating to foreigners and children are enshrined in the Swedish constitution. It is organized to intervene on migration issues relating to the Scandinavian countries, the east African countries and other parts of the world. Chapter 2. of The Swedish Constitution, of 1st January 1975³⁵⁶ on Fundamental rights and freedoms declares in Art. 21, that: "All children are covered by compulsory schooling shall be entitled to a free basic education at a public school. The public institutions shall be responsible also for the provision of higher education" (Swedish Constitution, 1975).

Art. 22 further declared that 'a foreign national within the realm is equated with a Swedish citizen in respect of (1). Protection against coercion to participate in a meeting for the formation of opinion or a demonstration or other manifestation of opinion, or to belong to a religious community or other association (Article 2, sentence two); (2) Protection against capital punishment, corporal punishment and torture as well as against medical influence for the purpose of extorting or preventing statements (Articles 4 and 5); (3) The rights to the trial by a court of any deprivation of liberty on account of a criminal act or a suspicion of such act (Article 9, first paragraph); (4) The protection against the institution of a court for a particular case (Article 11, first paragraph); (5) Protection against discrimination on account of race, skin color, or ethnical origin, or on account of sex (Articles 15 and 16) (6). Protection against the establishment of a court of law for a particular case (Article 11, paragraph one); (7) the right to compensation in cases of expropriation or other such disposition (Article 18).

³⁵⁵ Aliens Act in December (1989) helped to impose restrictions and to penalize airlines that carry illegal passengers. Aliens Act (1989:529) entered into force on 1 July 1989 and was amended for the period of 15 November 2005 to 31 March 2006 via the so called "temporary law". Care of Young Persons (Special Provisions) Act (1990:52) Aliens Act (2005:762) Amending the Aliens Act (1989:529).

³⁵⁶ The Constitution of the Kingdom of Sweden (1975): The Instrument of Government (SFS nr: 1974:152), The Act of Succession (SFS nr: 1810:0926), The Freedom of the Press Act (SFS nr: 1949:105), The Fundamental Law on Freedom of Expression (SFS nr: 1991:1469).

In continuation, unless otherwise provided by special rules of law, any foreigner within the Realm shall be on equality with a Swedish citizen also with regard to: Number 8 & 9 are not applicable to this research, therefore not adaptable for integration of unaccompanied minors. 10. The right to an education (Article 21). Unless it follows otherwise from special provisions of law, a foreign national within the Realm is equated with a Swedish citizen also in respect of. (1) The freedom of expression, the freedom of information, the freedom of assembly, the freedom of demonstration, the freedom of association, and the freedom of religion (Article 1); (2) The protection against any compulsion to make known his opinions (Article 2, first sentence); (3) Protection against physical violations also in cases other than cases under Articles 4 and 5, against body searches, house searches and other such invasions of privacy, and against violations of confidential communications (Article 6); (4) The protection against deprivation of liberty (Article 8, first sentence); (5) The right to trial by a court of any deprivation of liberty for reasons other than a criminal act or a suspicion of such act (Article 9, second paragraph).

The Swedish Aliens Act contains a number of provisions focusing in particular on the rights of the child which also corresponds with the United Nation Convention on the Rights of the Child. In comparison with Spain and United Kingdom, Sweden amends its immigration policies to suit the circumstance of migration movements just like other countries that receive asylum and labor immigrants. Another difference Sweden has is that while United Kingdom enacted a separate Children's Act, Sweden manages all its migration systems, whether it deals with UNHCR refugees, labor or quota program, asylum/protection, minors, family, women migration with only one unified Aliens Act.

It is a different ball game in Spain whereby the Autonomous Communities demonstrate proactive interest in open border migration policy, the central government in Madrid maintains a disinterest and lukewarm attitude which leads to dilly darling, haggling over quotas, political debate and manipulation. As a country that receives different types of foreigners, Sweden established its immigration policy long ago just like Britain, but Spain had been an emigration country until the pendulum swung the other way leading to the making of new immigration policies. As a fundamental legal Instrument for the management of

migration movements, the former Aliens Act (1989, 529) entered into force on 1st July 1989 and was amended for the phase of 15 November 2005 to 31 March 2006 through a Temporary Law.³⁵⁷

The contents of the Temporary Law expanded opportunities for immigrants by making it possible to grant residence permits to aliens who had been in Sweden for a long time and could not be returned. This Swedish model at that time seems similar but not fully to the model adopted in Spain known as (*Arraigo social & arraigo laboral*). Children were the focus of this law in order to help build new families, because Swedes prefer a work–life balance within society and believe that there must be family-friendly society. Furthermore, the current Aliens Act (2005:716) entered into force on 31 March 2006 thereby passing several aspects of the asylum process and set a different focus on assessment of protection issues.³⁵⁸

According to the Swedish Aliens Act the best interests of the child should be considered in all cases regarding children. Swedish migration policy covers refugee and immigration policy, returns, support for repatriation and the connection between migration and development. It also includes cooperation at international level on these issues. Decision taken by Swedish Migration Board is always complemented by Migration Courts especially in an unfavorable case where the applicant has been denied or requested a proof of identity.

In accordance with the former Aliens Act, a negative decision by the Migration Board could be appealed to the Aliens Appeal Board (a government authority for appeal, but not a court). The Aliens Appeal Board was the instance of last resort for most appeals, although the Government could examine certain cases under special circumstances.

In accordance with the current Aliens Act, a negative decision from the Migration Board may be appealed to one of three Migration Courts.³⁵⁹ Rulings handed down by these Migration Courts may in turn be appealed to the Migration

³⁵⁷ Act (2005:762) Amending the Aliens Act (1989:529).

³⁵⁸ Swedish Government Bill 2004/05:170 “Ny instans- och processordning i utlännings- och medborgarskapsärenden”.

³⁵⁹The Migration Courts are located at three of Sweden’s Administrative Courts: the County Administrative Courts in Stockholm, Skåne and Gothenburg. The Administrative Courts are general Administrative Courts. Access at: http://www.domstol.se/templates/DV_InfoPage___2321.aspx

Court of Appeal,³⁶⁰ which is the court of last resort. However, the Migration Court of Appeal requires leave to appeal. This helps to control the number of cases heard by the court.

Moreover, the Government now only handles cases tried under the Act (1991, 572) on Special Control over Aliens, certain national security cases, and petitions for clemency when a criminal court has issued a removal order. For several years Sweden granted residence permits to certain categories such as draft resisters, homosexuals, bisexuals and transgender individuals, victims of human trafficking and women at risk of female genital mutilation. Until the current Aliens Act went into effect, these groups were granted subsidiary protection under the Council Directives.³⁶¹ Other novelties of the new act is that The Aliens Act Chapter 12, Section 1 and 3 supplements the regulation in Chapter 4, Section 2, sub clause 1 and part of sub clause 2 by covering new circumstances that will result in impediments to removal after a removal order has gained legal force.³⁶² The subsidiary protection, on its part of the Aliens Act has not been amended since 1996.

According to Migration Board officials the Aliens Act is liberal than the regulation for subsidiary protection in the Qualification Directive, since the Swedish regulation covers the provisions for 'other severe conflicts' (3.8) Education. The rights and access to preschool, child-care and education in Sweden are based on residency, not citizenship and for that reason there is no distinction between foreigners and Swedish citizens.

Equality of access to Education is maintained and compulsory for all children residing in Sweden aged seven to sixteen, whether accompanied or unaccompanied and whether they have residence permit or not. This is where Sweden is different and wide ahead of Spain and United Kingdom in comparative

³⁶⁰ The Migration Court of Appeal is located at the Administrative Court of Appeal in Stockholm. It is the court of last resort and its rulings provide guidance for decisions by the Swedish Migration Board and Migration Courts in similar matters. The Administrative Court of Appeal is a general administrative court.

³⁶¹ There are four national statuses in the Swedish Aliens Act not covered by the Council Directives: subsidiary protection due to "other severe conflicts" (an expansion of "international or national armed conflict") in the country of origin, if the individual has a well-founded fear of being subject to serious abuse; subsidiary protection to an alien who is unable to return to the country of origin due to an environmental disaster; humanitarian protection, and; protection of tribunal witnesses.

³⁶² The Practices in Sweden Concerning the Granting of Non-EU Harmonized Protection Statuses. European Migration Network Sweden February, 2010.

terms. Unaccompanied minors and other immigrants have the same right as citizens to attend secondary school. In the process of doing so, accompanied or unaccompanied minors who have applied for asylum have the right and are afforded the opportunity to attend school, but attendance not compulsory. The local councils provide special education for adult refugees and individuals in need of protection have a right to participate in the same program as citizens of Sweden.

The Swedish Act. 3.6 provides for Medical Care accompanied or unaccompanied on regular base and they receive medical check twice a year. The residence permit whether permanent or temporary guarantees eligibility for registration with the labor agency, insurance agency and the tax office, in order to guarantee full access to medical and sanitary coverage in the same terms as for Swedish citizens.

The Swedish Act.3.7 provides access to the Labor Market which guarantees training, orientation courses for inevitable acquisition of knowledge that facilitate integration into the labor market. Through this research we are making it clear that Sweden does not separate education from residence permits and do not separate work permit with health and insurance and all foreigners are allowed to work as employees on the same terms as for Swedish citizens. More details and other will be discussed in chapter 4 and 5. It is important for us to inform our readers that this is a method to learn and adopt because this compact system of Sweden is more humanitarian and makes integration, incorporation and acculturation of unaccompanied minors easier and sustainable.

On the other hand UKBA of United Kingdom insists that children who are irregular have no right to education or health since they are to be returned while in Spain the central government introduced a law making it a crime to give irregular migrants medical attention and their schooling is not possible because Spanish Sub Delegación de Gobierno believe that they have to be returned or reunited with their families back home.

The Swedish Act. 3.10. provides for Family Reunification (and Family Formation). This is predicated on the view that the family is very important in the society and as soon as an unaccompanied minor gets residence permit it is possible for him or her to reunite his parents. Spanish Sub Delegación de Gobierno and UKBA of United Kingdom do not make provisions in their legal

books that can facilitate family regrouping for unaccompanied minors because they maintain that the minors shall be returned.

Other contending issues are based on certain instruments on Education, the available include which provides right to education for children who are to be refused entry or expelled which are reflected on the title: Schooling for children who are to be refused entry or expelled (SOU, 2007, p. 34). Schooling for all children (SOU, 2010, p. 5).³⁶³ Furthermore, Sweden introduced new instruments in 2009 on Policies for labor market introduction³⁶⁴ and Policies on freedom from discrimination.³⁶⁵ In this research, we recognize the last two factors mentioned above as strong ingredients in the process of assessing implementation of protection policies for enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom.

Because of the implementation of better integration policies Sweden attracted the attention of the European Migration Integration Policy Evaluation Index which awarded Sweden an (excellent score) (sobresaliente in Spanish) in 2009 and beyond for facilitating implementation of protection policies that are favorable to integration, incorporation and acculturation of immigrants in the area of long-term residence, education, political participation and access to nationality.

Sweden is on the frontline for implementing better international human rights agreements by coordinating its protection activities in collaboration with UNHCR, UNICEF, Save the Children and other NGOs to annually collect a certain quota of refugees in refugee dumps located in Kenya, Tanzania, Uganda, Iran, Iraq. Sweden also intervenes on immigrants inside its territory and those on its borders with Denmark who are in particularly vulnerable situations even though the Swedish Aliens Act does not make any special provision for quota refugees.³⁶⁶

Chapter 4. Refugees and persons otherwise in need of protection provide scanty definitions though sufficient to provide protection for those in need. Section

³⁶³ The report was circulated for consultation in February 2010. <http://www.government.se/sb/d/11901/a/125270>

³⁶⁴ 2009 Labor Market Introduction Act: policies (MIPEX 100 per cent) should have better impact on newcomers over time

³⁶⁵ Discrimination Act, 2009: strong laws and policies easier to use for victims

³⁶⁶ Aliens Act (2005:716): www.sweden.gov.se/sb/d/5805/a/66122

1. In this Act the term 'refugee' means 'an alien who is outside the country of the alien's nationality, because he or she feels a well-founded fear of persecution on grounds of race, nationality, religious or political belief, or on grounds of gender, sexual orientation or other membership of a particular social group and is unable, or because of his or her fear is unwilling, to avail himself or herself of the protection of that country.

This applies irrespective of whether it is the authorities of the country that are responsible for the alien being subjected to persecution or these authorities cannot be assumed to offer protection against persecution by private individuals. The Aliens act further explains its perception of 'a stateless alien' who shall also be considered a refugee if he or she is, for the same reasons that are specified in the first paragraph, outside the country in which he or she has previously had his or her usual place of residence and is unable or, because of fear, unwilling to return there. This definition is very important to us in this research, because it is the very circumstance of an unaccompanied minor the only difference depends if the unaccompanied minor comes from a recognized country or not.

The definition and perception of the Swedish Aliens Act makes it easy for one to view clearly the kernel of the matter, that is, all the unaccompanied minors are subject to this section of the Aliens Act and it is from here the perception of social workers are diverted to restrictive implementation of migration policies. With this type of instrument, it becomes possible for the social workers to apply the dimension of 'culture of disbelief' and the term of 'nobody's child' because the onus is now on the unaccompanied minor to prove and establish a well-founded fear of persecution beyond all reasonable doubts.

Many of the cases that are appealed; many of the cases that are rejected; many of the unaccompanied minors that are deported fall on this category because they are children and lack the capacity to understand the legalistic vocabulary which requires them to establish a well-founded fear of persecution beyond all reasonable doubts. This very clause is the antithesis of the favorable mark scored by Sweden and the Achilles hill of its immigration policy and that is why it is expedient for us to assess the implementation of policies towards enhanced integration of unaccompanied minors in Sweden, Spain, and United Kingdom to be able to seal the gap of knowledge on the points where changes occur.

Section 2. of this Swedish Act provides that: 'a person otherwise in need of protection' is an alien who in cases other than those referred to in Section 1 is outside the country of the alien's nationality, because he or she (1) feels a well-founded fear of suffering the death penalty or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment, (2) needs protection because of external or internal armed conflict or, because of other severe conflicts in the country of origin, feels a well-founded fear of being subjected to serious abuses or (3) is unable to return to the country of origin because of an environmental disaster. The corresponding applies to a stateless alien who is outside the country in which he or she has previously had his or her usual place of residence. In the process of declaration of refugee status this is the term adopted by the administrators of the asylum processes.

Section (3) Model of application for asylum: If a refugee requests this, the alien shall be declared a refugee (declaration of refugee status) either in connection with the granting of a residence permit or subsequently. A declaration of refugee status shall be withdrawn if it comes to light that the alien can no longer be regarded as a refugee.

Chapter 5 provides detailed conditions for offering residence permits to aliens, for instance unaccompanied minors, and other persons who are entitled to a residence permit as being in need of protection. Section (1) Refugees and persons otherwise in need of protection who are in Sweden are therefore entitled to a residence permit. However, the same act made provision for the rejection of residence permit. A residence permit may, however, be refused to (1) a refugee under Chapter 4, Section 1 if there are exceptional grounds for not granting a residence permit in view of what is known about the alien's previous activities or with regard to national security, (2) a person otherwise in need of protection under Chapter 4, Section 2, first paragraph, points 2 and 3, if in view of his or her criminal activities there are special grounds for not granting the alien a residence permit or if there are exceptional grounds for not granting such a permit in view of what is known about the alien's previous activities or with regard to national security, (3) an asylum seeker who has entered Sweden from Denmark, Finland, Iceland or Norway and can be returned to any of these countries in accordance with an agreement between Sweden and that country, unless it is obvious that the

alien will not be granted a residence permit there, (4) an asylum seeker who has otherwise, before coming to Sweden, stayed in a country other than the country of origin and is protected there against persecution and against being sent to the country of origin or to another country where he or she does not have corresponding protection, (5) an asylum seeker who has special ties to another country and is protected there as specified in point 4 or (6) an asylum seeker who can be sent to Denmark under the Convention of 15 June 1990 determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities (the Dublin Convention) and is protected as specified in point 4.

The Dublin II and now Dublin III Regulation contains provisions that are applicable by all Member States of the European Union and in relation to Iceland and Norway. In Section (2) A residence permit shall be given to an alien who has been received in Sweden within the framework of a decision that the Government has issued on the transfer to Sweden of persons in need of protection (resettlement). Section 2a. A permanent residence permit shall be given to a person who has been granted long-term resident status in Sweden.

4.1.3. United Kingdom: Comparing and analyzing core Fundamental instruments for implementation of protection policies for unaccompanied minors.

Any important discussion about migration policies in United Kingdom, whether for adults, refugees, women and unaccompanied asylum seeking minors, family reunification and labour migration must start with the Empire and its Commonwealth countries. The United Kingdom migration policy is different from other migration policies because of its determination to restrict, regulate and reduce the entrance of outsiders who are known as 'aliens' or 'foreigners' but also those who were formerly people from the Empire whose population of about 800 thousand have already gained British nationality, (Cerna and Wiethiltz 2011, p. 195).

According to Hansen (1999):

the 1948 National Act of United Kingdom created a legal status for citizens of the United Kingdom and colonies, including Britons and colonial British subjects under a single definition of British citizenship who has the right to enter United Kingdom at their convenience. It was this very act of 1948 that asserted the supremacy of British role as leader of the commonwealth, (p. 85) (see also Somerville, Sriskandarajah and Latorre 2009).

Since assuming that position, it is believed that Britain took a dominant position while all other countries that belong to the commonwealth are the dominated. This implies that only United Kingdom has the right to determine, regulate and reduce immigrants and anyone who attempts to enter United Kingdom without permit will be automatically returned his or her country of origin. However, according to Cerna and Wiethiltz (2011) Britain until 1962 allowed unrestricted access from the colonies when it realized that many Britons were emigrating in large numbers to Canada, Africa, Australia and United States.

As I indicated earlier Spain through its quota system attracted immigrants from the Maghreb region, Sweden attracted the Turks and the East Africans and United Kingdom have adopted permissive migration policy to attract migrants from the commonwealth countries. Layton-Henry (2004) added English speaking Caribbean (Jamaica) and the Indian Sub-Continent. It must be note in terms of acculturation these migrants that entered during this period did not find it very difficult to integrate into the system including their children. The Home Office's immigration and Nationality Directorate (IND) was finally buried and replaced by United Kingdom Border Agency (UKBA) in 2008. This UKBA has the prerogative powers over all issues on international migrations, according to (Cerna and Wiethiltz 2011, p. 195)

Therefore, immigration policy making and implementation in United Kingdom became stifled in response to higher migration movements, but today migration policy in UK is even more restrictive in anticipation of higher migration movement changes. Migration Policies in UK is not focused any more particularly on ormer commonwealth nations but to the whole world migration countries. Corroborating the issue of implementation of policy in UK, Dorey, (2005) averred that the role of civil service has shifted from policy formation and advice to policy

management and service delivery through the Home Office, which is the most important part of immigration policy according to (Somerville, 2007). The Home Office is the supreme authority which has been responsible for asylum policy since the Aliens Restriction Acts of 1914 and 1919, (see also MacDonald and Blake 1991).

The Fundamental instruments for implementation of protection policy for integration and acculturation of unaccompanied minors in United Kingdom are provided in part III of the Children Act 1989.³⁶⁷ The United Kingdom Children Act is applied to three groups of children and young people, namely: unaccompanied asylum seeking children, disabled children at residential centers and special schools and children who are privately fostered or who live with relatives rather than their biological parents. These groups of children have one thing in common but may have different circumstances - all of them require full protection as provided by the Children Act.

As I have indicated in chapter three on our demographic background mode of exclusion, the disabled children and children who live in centers are excluded from our study. This is because these groups of minors are 'insiders' already citizens of the European Union who are circumstantially taken away from their parents for protection through police intervention and a court order, or due to maltreatment of a minor by parents or due to abandonment through loss of parents or due to rescue from delinquency.

In this 1989 Act there are provisions for local councils to take care of children 'in need' in their area of jurisdiction which coincided with the birth of the Convention on the Rights of the Child of 1989,³⁶⁸ and Article 9 of the United Nation Convention recognizes children's rights to live with their parents, unless this is not in their best interests, while Article 18 commits governments to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities. Local Councils are mandated by law to implement the migration policies in line with the dictates of United Kingdom Boarder Agency

³⁶⁷ The United Kingdom Volume 2 of the Children Act 1989 Guidance and Regulations provides guidance, primarily addressed to local authorities and their staff in England, about their functions under Part 3 of the Children Act 1989.

³⁶⁸ Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49: Article 2, 3, 12, 20 UNCRC.

guidelines.³⁶⁹ These specific guidelines in Section 17 of the Children Act 1989 obliges local councils to (a) safeguard and promote the welfare of children who are in need within their area in their area of jurisdiction, (b) promote the upbringing of such children by their families, by providing services³⁷⁰ appropriate to those children's needs.

Section 20 is specific on provision of accommodation to a child who requires it by the local council and this is where the problem starts because children may not even know that they have a right to demand for accommodation and may not be given the opportunity. It would have been the moral duty of the care giver to provide accommodation for unaccompanied minors without the clause of asking. In section 47 of the United Kingdom Children Act of 1989 local councils are mandated to enquire about harm or damage if they have reasonable cause to suspect that the child is suffering something or misbehaving, or is likely to suffer, significant harm. Adult asylum-seekers and families are provided with asylum support from the Home Office, but it is local authorities that are responsible for supporting unaccompanied asylum-seeking children.³⁷¹

Local authorities receive funding from the Home Office for this, paid at a daily rate, by sending monthly returns, though this funding does not necessarily cover all the costs involved. In comparison Spain and United Kingdom also allow local councils to implements migration policies that deals with provision of care to these needy children but the difference is that in Spain, Autonomous Communities exercise more power and make more recommendation on what type of service they can offer because the central government does not have favorable disposition on migration issues whereas the locals are always interested.

In Sweden, the three most important counties that are interested in taking unaccompanied minors are Malmo, Göteborg and Stockholm whereas other local councils, especially in the north are not interested in refugee or migration issues. It is pertinent to argue here that local councils are always suspecting that the child is

³⁶⁹ Local councils were provided another protocol of action that enabled them implement the specific policies that affect unaccompanied minors as reflected in Children Leaving Care in England Act 2000 and the Children Act 2004.

³⁷⁰ Section 17 (1), Children Act 1989

³⁷¹Home Office 'Grant instructions to local authorities financial year 2013/14 Home Office grant: unaccompanied asylum-seeking children.' Access at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithasylumseekers/localauthoritygrants/uasc2011/grantinstructions.pdf?view=Binary>

suffering something because many of the children in England suffer stress and many have been declared by psychologists and medical doctors as children suffering from post-traumatic stress disorder, (Groark, Sclare and Raval 2010); Ayotte 2000; Hopkins and Hill 2008). On their part, local council officials prefer to declare unaccompanied minors as trafficked persons in order to ignore their real core needs and rights, Art 3 of CRC, (1989). Child advocates in UK had noted that the greatest consideration UK should make is to bind the UNCRC of 1989 more strongly into domestic law which would facilitate incorporating its provisions directly into domestic law.

United Kingdom had been seriously criticized by the United Nations Committee on the Rights of the Child for not pursuing full incorporation of the rights of the child, and called for this to be rectified. Incorporation of the UNCRC into domestic law was also one of the recommendations which UK has received from the UN Human Rights Council.³⁷² Section 17(10) and (11) of the United Kingdom Children Act of 1989 defines 'a child in need' included all children with a disability, not just one group of children.

Therefore, it defined 'a child in need' as a child who is unlikely to achieve or maintain a satisfactory level of health or development, or whose health and development will be significantly impaired, without the provision of (external) services, or any child with a disability. A child can be 'in need' for a huge variety of reasons, including, in the case of unaccompanied asylum seeking children, because they migrated alone, without caretaker, have no parents in the United Kingdom to support them therefore depends on welfare services to father them. Unaccompanied asylum-seeking children are therefore expected to enter onto the local councils and ask for their needs as soon as they arrive Britain. In comparative terms, United Kingdom adopts 'child in need' which is the same as a 'child in helplessness' adopted by Spain. The whole concept leads to: reintegration, repatriation and readmission or deportation.

On the other hand it is the duty of immigration officers at a port of entry to send the child to the local council if they apprehend the unaccompanied asylum

³⁷² UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, United Kingdom of Great Britain and Northern Ireland, July 2012, Recommendation 110.9: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> A Universal Periodic Review (UPR) by the UN Human Rights Council

seeking child at the British airport, seaport or road border for onward processing. However, this marks the beginning of the process to asylum application and has nothing to do with the success or rejection.

More details are provided in chapter four on the proper implementation of protection policies, per se which corresponds to the core factors of integration. On their part the Home Office refers an unaccompanied minor who claims asylum to a local authority³⁷³ if the local council had not documented the child already. While the government of United Kingdom government claims that the Children Act of 1989 is the right instrument to satisfy the United Kingdom's responsibilities under the United Nations Convention on the Rights of the Child but Human Right Organization pick holes on the government's reservations on some key chapters of the CRC of 1989 e.g. United Kingdom argues that local authorities through the Children Act fulfils its human rights obligation by: (a) safeguarding and promoting the welfare of children within their area who are in need (b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.

The Children Act Section 1(3) requires courts to have regard to 'the ascertainable wishes and feelings of the child' when making decisions about their care and local authorities to 'ascertain the wishes and feelings' of children when providing them with care away from their families (Sections 20(6), 22 (4) and (5). But the UN Convention on the Rights of the Child Article 12 recognizes that 'the right of the child who is capable of forming his or her own views has the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child'. This is at variance with the CRC of 1989.

The Children Act Section 31 on accommodation, adopted the concept 'looked after' to cover a short term family support service promoted child care away from home. On its own side Article 25 of the United Nation Convention on the rights of the child, CRC of 1989 declares that children who receive care outside their homes have the right to all aspects of the placement and should be evaluated

³⁷³ Part 6.4, Home Office Asylum Process Guidance, 'Processing an asylum application from a child.' <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/processingasylumapplication1.pdf?view=Binary>

at regular intervals. This should be through a court order or through local government arrangements.

From my own point of view, many unaccompanied children have multiple needs because of their experiences of separation, loss and social dislocation. Many of them have seen their parents and loved ones killed. Some are benumbed for escaping fighter jet bombers and have been hardened by their migration experience; since there is ample evidence that the minors are coming from problem ridden countries, the provision of needs should be the responsibility of social workers and care worker at local councils. This is because of what we know relating to implementation of migration policies for better integration of unaccompanied minors.

It is difficult to implement the rights of the child, based on the best interest principle if existing principle is very restrictive and do not give room for liberal process. Take for example, in order to provide the legal entitlements of an unaccompanied minor in United kingdom and other states of the EU, three critical criteria are laid down for the unaccompanied minor to fulfill, (1) Age assessment stands as a colossus above all considerations. (2) a proof that they are unaccompanied or accompanied by an adult who has parental responsibility for them (3) on the grounds that they can be defined as 'looked after' within the framework of the Children Act of 1989 so that the local council can react.

Since 'looking after' the minor is temporary and there is a qualification for looking after, the unaccompanied minor must pass it like an exam, even though he is not prepared for this type of examination and have no idea what it means. On the other hand there are many clashes with the Directives of the EU, for example United Kingdom opted out of Directive 2003/86/EC on Family Reunification,³⁷⁴

³⁷⁴ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification. [...] Article 4(1) of the Directive imposes precise positive obligations, with corresponding clearly defined individual rights, on the Member States, since it requires them, in the cases determined by the Directive, to authorize family reunification of certain members of the sponsor's family, without being left a margin of appreciation (para 60) [...] as is apparent from Article 17 of the Directive, duration of residence in the Member State is only one of the factors which must be taken into account by the Member State when considering an application and that a waiting period cannot be imposed without taking into account, in specific cases, all the relevant factors. (para 99). This act shall not apply to Denmark, This act shall not apply to the United Kingdom, This act shall not apply to Ireland. However, this Directive insists that in its opening remarks in (8) Special attention should be paid to the situation of refugees on account of the reasons which obliged them to flee their country and prevent them from leading a normal family life there. More favorable conditions should therefore be laid down for the exercise of their right to family reunification. And (9) Family

with the excuse that it is not in line with the UK's border control policies. Though UK adhere to the general rules of the Directive it prefers to opt out in order to avoid any possible clashes with current border control policies and any possible future possibility of permitting unaccompanied minors to reunite their parents.

It is unfortunate that United Kingdom refused to permit family reunion or unaccompanied minor. This denial is a refusal to adopt a more humane approach relating to family reunification which is one of the important factors that can facilitate integration, marriage and acculturation of unaccompanied minors. The book by Cerna and Wiethiltz (2011) on its part confirmed that influences on immigration policymaking in Britain are on the macro-meso- and micro-levels. The macro-level, there are globalisation, international and national law and the European Union. On the meso level we have the networks, interest groups, politicians and the policymakers, media and labour unions.

Other groups that facilitate emigration of minors are organized cooperatives which have powerful influence on local councils which in turn influence the territorial government, which in turn influence the central government in order to get advantage for cheap labour. Cerna and Wiethiltz (2011) complained that profiling and framing immigrants by the media influence negative attitudes in the public and this play a dangerous role in policymaking and implementation, (Somerville 2007 p. 154). The liberal migration policy of United Kingdom ended in 1962; Asians with British passports were excluded in 1968, the commonwealth citizens lost their privileged position in 1971 and Britons and settled persons family regrouping, (Hansen 2000 p. 238; Cerna and Wiethiltz 2011).

Below we present a comparative summary of laws for protection, punishment and adjudication of children in Spin, Sweden and United Kingdom.

Table (3A) Major laws for protection, punishment and adjudication of children

N	SPAIN	SWEDEN	UNITED KINGDOM	EUROPEAN UNION	INTERNATIONAL LEGISLATIVE FRAMEWORKS
1.	Código Civil de 1889.	Aliens Act in December (1989) helped to impose restrictions and to penalize airlines that carry illegal passengers.	The Immigration Act of 1971	Resolution C148 / 37, the European Parliament on a European Charter of Hospitalized children, of June 16, 1986.	Declaración Universal de los Derechos Humanos de Nueva York, 1948.
2.	Constitución Española de 1978.	Aliens Act (1989:529) entered into force on 1 July 1989 and was amended for the period of 15 November 2005 to 31 March 2006 via the so called "temporary law".	The Children Act, 1989 (1) Local authorities have a duty to assess children who are in need. 2) Local authorities have a duty to investigate when they are informed of a child who is likely to suffer significant harm.	Resolución del Parlamento Europeo sobre la Convención de los Derechos del Niño, de 1990.	Convenio de Ginebra de 1951 sobre el Estatuto de Refugiados.

Table (3B) Major laws for protection, punishment and adjudication of children					
N	SPAIN	SWEDEN	UNITED KINGDOM	EUROPEAN UNION	INTERNATIONAL LEGISLATIVE FRAMEWORKS
3.	Ley Orgánica 5/2000, de 12 de enero, reguladora de la responsabilidad del menor.	Care of Young Persons (Special Provisions) Act (1990:52)	Equality Act 2010, public authorities have a responsibility to have due regard to the need to eliminate discrimination and promote equality of opportunity	Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties	United Nation Convention on the rights of the child 1989 & Declaración de los Derechos del Niño, de 1959.
4.	Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social.	Swedish Aliens Act, 2005:716, issued: 29 September 2005. Council Directive 2001/55/EC is implemented in Chapter 21 of the Aliens Act.	Working Together to Safeguard Children (2010), 'The Framework for the Assessment of Children in Need and their Families' (2000) and 'Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 (2007).	The Tampere program (1999 to 2004) which set the groundwork for migration policies was signed in Finland and established common rules for family migrants, access to long-term residence as a base for a Common European Asylum System.	Directrices del ACNUR de 1994 sobre protección y cuidado a los niños refugiados, Declaración de Buenas Prácticas del Programa conjunto ACNUR y Save the Children.
5	Real Decreto 1162/2009, de 10 de julio (BOE núm. 177, 23 julio de 2009) Real Decreto 1162/2009, de 10 de julio (BOE núm. 177, 23 julio de 2009)	Swedish Government Bill 2004/05:170 "Ny instans- och processordning i utlännings - och medborgarskapsärenden."	Borders, Citizenship and Immigration Act 2009: Act section 55 which took effect on 2 November 2009 is fundamental in ameliorating the suffering of unaccompanied asylum seeking children in United Kingdom. To prevent and combat human trafficking; identify and protect victims of trafficking and to safeguard their rights; promote international co-operation against trafficking. In comparative terms, this laws implements the return regime directives of the EU.	EU No 604/2013 Dublin III Regulation for the return of unaccompanied minors to countries of first application. Dublin III Regulation (EU) No 604/2013 of the European parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.	Comité de los Derechos del Niño, 39º periodo de sesiones 17 de mayo a 3 de junio de 2005. Sobre Trato de los menores no acompañados y separados de su familia fuera de su país de origen y se encuentran las recomendaciones del Comité de Derechos del Niño de las Naciones Unidas que tiene influencia en el momento de implementación de las políticas para integración de los menores no acompañados

Table (3C) Major laws for protection, punishment and adjudication of children

N	SPAIN	SWEDEN	UNITED KINGDOM	EUROPEAN UNION	INTERNATIONAL LEGISLATIVE FRAMEWORKS
6	Reglamento (UE) nº 604/2013 del Parlamento Europeo y del Consejo, de 26 de junio de 2013 (Reglamento Dublín III) por el que se establecen los criterios y mecanismos para determinar el Estado miembro responsable del examen de una solicitud de protección internacional presentada en uno de los Estados miembros Por un nacional de un tercer país o por un apátrida.	Communicable Diseases Act as from 1 July 2013 provided for, Unaccompanied minors residing in Sweden with or a permit will be offered full health and medical care, including regular dental care	The Children’s Act 2004 Act Section 11, places a duty on institutions and other bodies in England to safeguard and promote the welfare of children.	Council Regulation (EC) Nº 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the member states by a third-country national.	UNHCR Guidelines on the Application in Mass Influx Situations of the Exclusion Clauses of Article 1F of the 1951. Status of Refugees, (febrero, 2006). Protocolo de Nueva York Protocolo sobre el Estatuto de los Refugiados, firmado en Nueva York el 31 de enero de 1967. La legislación español prevé conforme con esta ley.

Elaboarated by Ekeoma Onuoha, (2007)

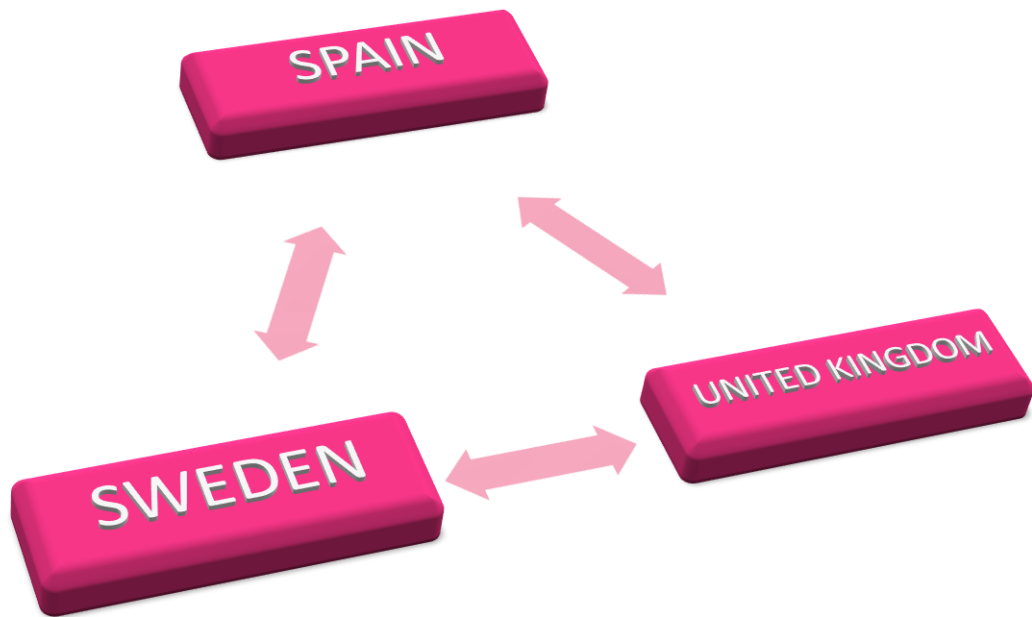


Ilustración 1: comparison of trajectory and phases of migration

4.2 Unaccompanied migrant minors: First and Second phases of Trajectory and migration into Spain, Sweden and United Kingdom: a comparison of core integration factors of our objectives.

In this department, we present first and second phases of trajectory and migration of unaccompanied minors into Spain, Sweden and United Kingdom. This will be followed by a description of core stages of protection protocols, followed by protection services which we consider as core integration factors that can guarantee enhanced social and economic integration. We also engage in analysis of the return Directive, the Dublin III regulation. We analyze outcomes of implementing a particular type of policy, for instance, the implication of age assessment, lumping unaccompanied minors, etc. This is followed by five years statistical population of unaccompanied minors received in these three countries of our study; followed by analysis of linkages between data collection and democratic seclusion. We engaged some outcomes which are generated by policies of detention and other policies which provoke disappearance of minors when implemented by social workers. Further notice will be given when we reach the interpretation of semi structured questionnaires and other comments.

4.2.1. Trajectory and phases of migration: From Discovery to Residence Permit.

Through the comparative tables below, we portray and compare trajectory and phases of policy implementation in Spain, Sweden and United Kingdom on the trajectory and phases of migration which facilitates the protection and integration of unaccompanied minors. This involves discovering the unaccompanied minor to investigation cum entrance into residence or readmission. This presentation provides an advance notice of the comparison in such a way that the knowledge can be absorbed quickly on a table form. Thereafter, each stage is accompanied by explanations.

These stages of migration are divided into part one and part two and also sub divided into other sub divisions. The stages where the application of a particular norm is indicated and how they are applied are interpreted. The trajectory of unaccompanied migrant minors starts when they are discovered by

security forces in border posts or in the city centers or when they enter the migration board on their own to seek asylum. From this point they pass other stages until they reach a stage where they qualify for a residence permit or on the contrary they meet their waterloo. We present hereunder the trajectory and phases of migration of unaccompanied minors:

4.2.1.1. First Phase of Trajectory and Phase of Migration: Arrival of unaccompanied minors and into custody - A scheme of two halves.

Table (4A) First Phase of Trajectory and Phase of Migration

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Border control and Entry point	Southern border controlled by FRONTEX, an EU agency for cooperation at external borders of member states. Airports, land and Mediterranean sea borders	Oresund bridge border with Denmark controlled by Swedish/Danish security agents. Airports in Copenhagen, Sturup and Stockholm	London Heathrow airport and sea ports controlled by British Security agents
Discovery of the minor	Security forces of the National, Community and local police arrest the minor and later pass them to detention center to wait the advice of the prosecutor	(A)Security forces arrest and send them to detention/care transit center. (B)Concerned good Samaritan drops them at regional Migration Board or at the care Transit center.	Security forces arrest and send them to detention Centers. Handed over to UKBA after in interview and registration of would be identity and processed by Children Services

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
1 st preliminary decision: This involves on the spot assessment if the minor is truly a minor below the legal age of 18 years that is qualified to claim asylum protection and integration as enshrined in CRC of 1989 and other protocols.	Preliminary assessment done by police agents (catcher) with the involvement of an immigration officer, customs and social worker at port of entry or office of the security forces.	Preliminary assessment done by police agents (catcher) with the involvement of NGOs or Center managers and social worker at port of entry or office of the security forces.	Preliminary assessment done by police agents (catcher) with the involvement of customs, an immigration officer and social worker at port of entry or office of the security forces.
UMMs application for protection and asylum	Child protection services represents UMM application for asylum (Caveat- this depends if the minor is accepted as less than 18 years of age and having well founded reason for fear and persecution by reason of race, religion and nationality).	Reception center presents the minor to the Migration Board to apply for asylum after fourteen days if the minor accepts.	An UMMS can apply for asylum to the immigration officer at the point of entry at the airport or seaport inside the UKBA screening unit or at the police station. UKBA adopts five stages: (1) Screening, (2) the first report event (3) the completion of the statement of evidence form, (SEF) (4) the substantive asylum interview (5) the acceptance or denial decision and possibly an appeal.

Table (4C) First Phase of Trajectory and Phase of Migration

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Means of entry into Spain, Sweden and UK	UMMs enter into Spanish territory by boats, ships and airplanes. By foot, buses, vehicle boots and inside tomato trailers into problematic two major exclaves, Ceuta and Melilla in North Africa.	UMMs enter Swedish territory by airplanes. By crossing the 8 km Öresund Bridge, with private vehicles, buses and train through the combined railway and motorway bridge strait between Sweden and Denmark. UMMs cross Drogden Tunnel from Peberholm to the Danish island of Amager.	UMMs enter British territory by ships and airplanes. By The Channel Tunnel which is a 50.5-kilometre (31.4 mi) rail tunnel linking Folkestone, Kent, in the United Kingdom, with Coquelles, Pas-de-Calais, near Calais in northern France, beneath the English Channel at the Strait of Dover. At its lowest point, it is 75 m (250 ft) deep.[4][5][6] At 37.9 kilometers (23.5 mi) from France
2nd preliminary decision: Detention and care	UMMs are moved to protection services for detention and investigation for inevitable reunification/readmission with parents back home, e.g. centro de internamiento de extranjeros, Valencia (Centro de Zapadores)	The government social officer (Resursforvaltningen) takes responsibility and controls that placement of UMMs to reception centers while those who fall under Dublin II minors are kept in secured housing units and detention centers, Pending reports of NGOs and the resource person at the center.	UMMs are sent to child services for minors and this organ reports finding based interviews to state prosecutor. Children's services are allowed to present their proposal while kept in detention.

Table (4D) First Phase of Trajectory and Phase of Migration

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Notification of the decision made by competent authorities	State public prosecutor by security agents, but the state maintains its exclusive powers of admission and expulsion	Migration Board notifies government social managers of a new applicant minor. Also security officers notify the presence of a minor to closest appropriate body	UKBA officers notifies the secretary of state and hands over the minor to a local council after interviewing them to establish their identity, what, where, when and why they came
Identity registration	This involves the fingerprint identification which automatically creates the ID number. UMM data is entered into the general directorate of the police and Guardia Civil, (Registro de los Menores Extranjeros no Acompañados de la Dirección General de la Policía y Guardia civil)	Migration Board three types of interview to find out the identity and to know if they have a family relation living in the country. Fingerprinting is done and data is used to produce a temporary identity card for them.	UKBA conducts screening and extensive interview which is used to establish the child's identity. This is figured in UKBA database until final decision is taken

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Legal assistance for first asylum application process.	A social worker or guardian is assigned to keep vigil on the minor and record his or her day to day activities because the law classifies them as persons for readmission (reagrupación) back to their parents. Therefore, no legal representative is allocated to each minor.	A legal representative is allocated to the UMM at this point. Translation service and asylum invoice are given to the minor	No legal representative is provided, therefore a social worker or care worker oversees their daily activities but there is a general Child Legal Services for England and Wales that serve during asylum process.
Age determination (Offhand: preliminary stage)	State public prosecutor (Ministerio Fiscal) determines the mode for assessing the age of the minors with the recommendation of the hospital and the doctors which leads to many rejections.	Migration Board determines the age of the minor, but if doubt exists, re-interview and justification of age is demanded by MB of Sweden and then a dispute starts.	A social worker of the UKBA determines the age by (every child matters or culture of unbelief)
Institutions which conduct the age assessment	Spanish Ministerio de Interior through Sub-Delegación de Gobierno.	Swedish Migration Board that has prerogative powers	United Kingdom Border Agency has prerogative powers

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Investigation: Application of Dublin III Agreement and search for parents or relations of the UMMs.	Spanish Ministerio de Interior through Sub-Delegación de Gobierno starts from the onset to investigate the availability and country of origin of the minors in order to regroup the minor with parents and where not possible (Dublin III) back to the first country where the minor applied for asylum.	Swedish Migration Board investigates if the minor has applied in another member state of the EU. If so it applies the spirit of (Dublin III) back to the first country where the minor applied for asylum	United Kingdom Border Agency applies (Dublin III) return procedure back to the first country where the minor applied for asylum or back to the country of origin or back to a third country outside the EU where UK have paid for the agreement which enable the minor to be accepted.
1 st Result: When a UMM could not be deported within a period of time e.g. nine months	If Spanish Ministerio de Interior through Sub-Delegación de Gobierno finds it impossible to repatriate the minor within nine months the Sub-Delegación de Gobierno grants residence permit (not for work)	If Swedish Migration Board could not locate a relation and could not deport the minors the UMM who applied for asylum is given a benefit of doubt and given a low keyed residence permit	If United Kingdom Border Agency finds if impossible to deport a minor, they issue a temporary residence authorization

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
2 nd Result: If a minor reaches 18 years without residence permit	If the minor is still under custody and become trained, may be granted temporary residence on exceptional grounds. The UMM cease to be under the protection of the state and not covered by the legislation on foreigners specific to them. (this is the policy implementation that generates 'irregular' migrants)	The minor is abandoned to his or her fate and can live as others like an irregular promoted to illegal. (Is this the policy implementation practice that generates 'irregular' migrants?)	All support services ceases when a minor reaches 18 years of age and the assumption of reaching 18 leads to age dispute and this is where 80 percent of UMMs are in EU. UACS can be entitled to UKBA support until 21 st birthday if they agree to a voluntary return without access to employment, education and training. (this is the policy implementation that generates 'irregular' migrants)
3 rd Result:	Spanish Ministerio de Interior through Sub-Delegación de Gobierno grants residence permit to accepted unaccompanied asylum seeking minors who appeared to and confirmed to be 18 years of age.	Swedish Migration Board grants residence permit to accepted unaccompanied asylum seeking minors who appeared to and confirmed to be 18 years of age and those who won their appeal.	United Kingdom Border Agency grants residence permit to accepted unaccompanied asylum seeking minors who appeared to and confirmed to be less than 18 years of age and who satisfy laid down conditions.

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Residence permit	Spanish Ministerio de Interior through Sub-Delegación de Gobierno grants residence permit (without permission to work) and with retroactive effect as of the date when the minor was referred to the child Protective Services. The minor falls into irregular if it's impossible for him or her to secure economic contract to renew the permit.	Migration Board issues asylum seeker card (LMA) and temporary work permit known as (AT-UND)	United Kingdom Border Agency gives temporary residence card during this temporary period (Temporary leave to remain) and an asylum applicant's card (application registration card, ARC). Latter, if the minor meets all the conditions identity evidence, behavior and training, s/he is given five years residence permit.
Appeal for rejection: Based on age, Based on Dublin III, Based on others.	It is not common to appeal for rejection since the detention and protection processes is one and designed for repatriation or what they law calls regrouping.	Legal representatives can appeal for the minors within 21 days at the Migration Board Appeal Court since the minor receives a form and guide to appeal the decision in the same envelop of rejection.	In UK the minor has 41 to 45 days to appeal rejection

Table (4i) First Phase of Trajectory and Phase of Migration

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Deportation and return journey	Spanish Ministerio de Interior through Sub-Delegación de Gobierno can repatriate the minor through the collaboration of IOM	Swedish Migration Board case officers accompany the minors to his or her new destination. Unaccompanied minors are informed through a letter about their transfer action.	United Kingdom Border Agency managers handle the repatriation of the minors. Unaccompanied asylum seekers are told to leave or be forced out.

Elaborated by Author (2017)

4.2.1.2. SECOND PHASE: Phase and Trajectory of migration and policy implementation: Integration and Incorporation into society.

Table (5A). Second phase and Trajectory of implementation of protection policies: From Residence permit towards the process of integration and incorporation into society

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Unaccompanied minors obtain residence permit, thereby facilitating integration in areas of: access to labor market, education, long term/permanent residence, family reunion, nationality and free from racial discrimination	Permit access to labor market if attained 16 years and authorized by their guardians or foster parents in order to facilitate money making integration	UMMs are not permitted to access the labor market until they get educated and trained in an occupation. They live on stipends paid by the Migration Board. They live on their own when they turn to 18.	UASC can apply for further leave to remain 4 to 5 weeks before they reach 17.5 years. They are not permitted to access the labor market.

Table (5B) SECOND PHASE: Trajectory of implementation of protection policies

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Allotment/allocation of unaccompanied minors	Autonomous Communities receive allotments/allocation of minors from the Sub Delegación de Gobierno. The local councils take charge of them. Guardians take responsibility of tutelage through the Family Reception and prepare the minor for return integration	Allotment/allocation involves giving out minors to cities in different localities and to different families that accept to harbor them. Not all counties accept UMMs or other migrants therefore they are predominantly allocated to areas like Skåne, Goteborg and Stockholm where integration resources can be provided.	Allotment/allocation of UACS to local councils is the prerogative of UKBA and minors can only be allocated after obtaining residence permit. From them foster families can take any of them if they meet the requirements.
Family reunification	Sub Delegación de Gobierno does not allow minors to regroup their parents because they prepare the minor to be regrouped back to the parents or relatives in their country of origin.	Swedish Migration Board provides enabling environment enabling the minor to regroup his or her parents.	United Kingdom Border Agency does not permit minors to regroup their parents.

Table (5C) SECOND PHASE: Trajectory of implementation of protection policies

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Education and Housing	Basic training in language and housing in centers known as (casa de acogida) the minors do not integrate because they are subjected to various levels of governance and variety of languages. Details in analysis	UMMs are provided with basic education and training. They are accommodated temporarily in special housing units and are relocated latter.	UMMs are provided with basic temporary housing and education that provides orientation

Table (5D) SECOND PHASE: Trajectory of implementation of protection policies

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Legal representative during integration process	Spanish Sub Delegación de Gobierno does not provide legal representative for the minor. Somebody looks after the minor	The Swedish Migration Board provides first a Goodman and legal representative for the minor	United Kingdom Border Agency does not provide legal representative for the minor.
Long term /permanent residence	Spanish system expects minors to take training courses and participate in order to be granted extra one year renewal of their residence permit. However, they are subjected to varying norms and edicts. Implementation varies according to Autonomous Communities.	The Swedish system guarantees right of residence for 5 years leading to a long term residence on renewal.	United Kingdom the system guarantees right of residence for 5 years leading to a long term residence if the minor satisfies all conditions.
Nationality/Citizenship in the country of reception	No. Nationality/citizenship is not foreseen in the implementation process. Other immigrants must possess economic resources qualification and need to pass Spanish language exams, constitutional and cultural exams and tests to obtain citizenship.	Yes. Nationality/citizenship is possible in the implementation process. Immigrants do not need language exams nor constitutional cultural exams and tests to obtain citizenship.	Yes. Nationality/citizenship is possible in the implementation process. Other immigrants must possess economic resources qualification and need to pass English language exams, constitutional and cultural exams and tests to obtain citizenship.

Table (5E) SECOND PHASE: Trajectory of implementation of protection policies

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Free from discrimination and racial prejudice	<p>Spanish efforts: Spain set up a foundation called (Ayuda a Niños y Adolescentes en Riesgo [ANAR]) for prevention and intervention related to high risk situations involving minors. The Interior ministry and NGOs are involved but the impact on minors is yet to be felt.</p> <p>ANAR is an <i>'over the bar policy'</i> because it attempt to address issues that are transnational and which it cannot control, nor does it have the resources to fight networks or migration businesses.</p>	<p>Anti-discrimination laws were made. Sweden replaced 7 anti discrimination laws with one law and 4 equity bodies with one equity Ombudsman.</p>	<p>In its effort to fight discrimination, UK established the British office of End Child Prostitution, and Trafficking in Children for Sexual Purposes.</p> <p>UK also created New Equity law 2000 which tackles the issue of multiple discrimination, harmonizes equity laws.</p>

Table (5F) SECOND PHASE: Trajectory of implementation of protection policies

MILESTONES	SPAIN	SWEDEN	UNITED KINGDOM
Declaration of helplessness/ abandonment (<i>Desamparo</i> in Spanish)	An Autonomous Community through its social worker declares a situation of helplessness/abandonment that is <i>Desamparo</i> of a minor in order to facilitate (Direccion Territorial de la Conselleria de Bienestar Social) to assume tutelage. From then a protocol of care for the minor is activated	The situation of declaration of helplessness/ Abandonment is not applicable in Sweden	The situation of declaration of helplessness/ Abandonment is not applicable in United Kingdom
Re-integration agreements with third countries.	Spain entered into re-integration agreements with third countries like Algeria, Cape Verde, Gambia, Ghana Morocco, and Senegal. Another agreement with Niger, and Nigeria were not signed.	Not applicable in Sweden although there are other agreements	Not applicable in United Kingdom although there are other agreements return unaccompanied asylum seeking children when they are rejected.

Elaborated by Author (2017)

4.2.2. Description and analysis of the First phase: *arrival* of unaccompanied minors and into custody: Contents of core integration factors of our objectives.

This description and explanation of certain aspects of the outcomes helps us to establish our conclusions from the compared analysis as we promised in chapter three. It is worthy to not that, Spain distributes the competencies of its protection policies between the State and the Autonomous Communities and adopts two types of legislations (national legislation and autonomous communities' legislations) governing the protection of minors. This mandates local authorities to implement policies for social and economic integration of the child. Spanish legislative framework in Autonomous Community of Valencia for the reception and integration of unaccompanied minors, shows evidence that, the protocol for action is in line with national Migration policies aimed at not just rejecting and returning the child but also to dissuade other children from coming to Spain.³⁷⁵ Under this dual policy arrangement, public authorities with competencies as regards alien affairs relates to the state which maintains exclusive power to administer the portfolio of immigration, emigration, nationality and bilateral relations.

In this type of dual arrangement, government delegations and sub-delegations in Autonomous Communities receive application and provide the necessary backup information. The application for asylum is processed which may lead to acceptance and residence permit or rejection and removal.³⁷⁶ Therefore it

³⁷⁵ Taking example of Spanish legislative framework in Autonomous Community of Valencia for the reception and integration of unaccompanied minors, it evident that the protocol for action is in line with the Migration policies aimed at not just rejecting a child but also to dissuade others from coming to Spain. In this protocol we have excavated the points in question: (Protocolo de actuación interinstitucional para la atención en la comunidad valenciana, de menores extranjeros en situación irregular indocumentados o cuya documentación ofrezca dudas razonables sobre su autenticidad . El artículo 35 de la Ley Orgánica 4/2000, de 11 de enero, en la redacción dada por la Ley Orgánica 2/2009, de 11 de diciembre, rubricado como Menores no acompañados, se expresa de la siguiente manera en lo que afecta al presente Protocolo).

³⁷⁶ En aplicación de la Convención de los Derechos del Niño de 1989, la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social (BOE núm. 10, de 12 de enero de 2000), modificada por la Ley Orgánica 8/2000, de 22 de diciembre (BOE núm. 307, de 23 de diciembre de 2000), por la Ley Orgánica 11/2003, de 29 de septiembre (BOE núm. 234, de 30 de septiembre de 2003), por la Ley Orgánica 14/2003, de 20 de noviembre (BOE núm. 279, de 21 de noviembre de 2003), y por la Ley Orgánica 2/2009, de 11 de diciembre (BOE núm. 299, de 12 de diciembre de 2009), y el Reglamento de ejecución de la citada Ley Orgánica, aprobado por el Real Decreto 2393/2004, de 30 de diciembre (BOE núm. 6, de 7 de enero de 2005),

is necessary to ask: How do they implement this type of policy and how are unaccompanied minors intercepted and how are they brought into the system?

The procedure starts with the idea of reception and integration of *Unaccompanied Foreign Minors* in Spain whereby Spanish security forces (*fuerzas y cuerpos de seguridad del Estado*) locate and identify an unaccompanied foreign minor with doubtful documents or mean physical appearance.³⁷⁷ The security forces send the unaccompanied foreign minor to protection services for minors and report to the State Public Prosecutor (Ministerio Fiscal). The identification data of the child is entered into the Registry of Unaccompanied Foreign Minors of the General Directorate of the Police and Guardia Civil, known as (Registro de Menores Extranjeros No Acompañados de la Dirección General de la Policía y de la Guardia Civil, [MENAS Registry, RMENA]). Where the underage situation of the minor cannot be determined, State Security Forces gives the minor to the regional services for child protection.

From here the State Public Prosecutor (Ministerio Fiscal) determines the age with the recommendation of a hospital and a medical doctor. This is coordinated by the Secretariat of State for Immigration and Emigration in order to promote the adoption of a Framework Protocol for Unaccompanied Foreign Minors. On the other hand Government Sub Delegations carry out the formalities relating to repatriation of a child. If it is impossible to repatriate a child within nine months, the Government Sub Delegation grants a residence permit to the unaccompanied minor for one year.³⁷⁸

regulan determinados aspectos sobre los menores extranjeros, como su residencia, su atención por los servicios competentes de protección de menores, el procedimiento para determinar la edad de aquéllos que estén indocumentados, el registro de menores extranjeros no acompañados, el procedimiento para su reagrupación familiar y, en su caso, repatriación, y el procedimiento para su identificación.

³⁷⁷ An Unaccompanied Minors' detection, detention and reception work as an integrated action according to the contents of the law for example: En los supuestos en que los Cuerpos y Fuerzas de Seguridad del Estado localicen a un extranjero indocumentado cuya minoría de edad no pueda ser establecida con seguridad, se le dará, por los servicios competentes de protección de menores, la atención inmediata que precise, de acuerdo con lo establecido en la legislación de protección jurídica del menor, poniéndose el hecho en conocimiento inmediato del Ministerio Fiscal, que dispondrá la determinación de su edad, para lo que colaborarán las instituciones sanitarias oportunas que, con carácter prioritario, realizarán las pruebas necesarias. 4. Determinada la edad, si se tratase de un menor, el Ministerio Fiscal lo pondrá a disposición de los servicios competentes de protección de menores de la Comunidad Autónoma en la que se halle. 5. La Administración del Estado solicitará

³⁷⁸ (Article 35.7 of the Organic Law 4/2000 of 11 January).

If a child reaches 18 year without residence permit, but still under the provisional care, guardianship, custody and have participated properly in training that facilitate social integration, the child may be granted temporary residence permit for exceptional circumstances, *ceteres paribus*. It is in line with this that the Protocol for the reception and integration of *Unaccompanied Foreign Minors* approved on 14 November 2005 empowers Public Authorities and other Entities to assist in implementing general policies in four areas:

- Locating the minor, and identify that s/he is an unaccompanied minor in need of protection
- Offer of protection, detention and provision of food and shelter
- Investigating the personal circumstances,
- Integration into the society of reception and return to the country of origin.

4.2.2.1. Spain: procedure for detection, reception and integration of unaccompanied migrant minors at in reception centers.

Locating, identifying and arrest of an unaccompanied minor are critical activities carried out by the Security forces and other corps at airports and seaport or land borders, and this the intervention stage corresponds to a law which describes how a foreigner should be treated, *intra alia*:³⁷⁹ This also in compliance with Article 92.1 of the Aliens Regulations.³⁸⁰ Two groups of unaccompanied migrant minors are perceived in the rules: (a) minors who are captured and identified while moving on the way, or in the a vehicle or caught while selling something, or in the square or picking oranges or melon or crossing a border (b) minors who came on their own to solicit asylum and sometimes they are brought to seek asylum by *good Samaritans*.

The police assigns a Case officer or guardian social worker (at a center for custody of minors) who monitors and acts as point person who must record the

³⁷⁹ This refers to one of the Spanish laws known as: Ley de Extranjería, Artículo 35, apartados 1 y 2.

³⁸⁰ Swedish Aliens Regulations, Article, 92.1

day to day issues pertaining to the minor. One person can act as a case officer or guardian to monitor and record from eight to ten children at the same time.

This type of capturing, detaining and registering makes it possible for the foreign boy or girl to be given temporary chip identification number which is extracted from the ten *Fingerprint Identification System*. During this first phase unaccompanied minors, are kept in detention centers before they are finally granted residence permit or thrown out, or readmitted to another country where they have hitherto applied for asylum in consonance with Dublin III Regulation. The Public Prosecutor is ultimately responsible for determining the minority or majority of the age of the minor and the next process is also determined by the Prosecutor. Some of the centers where unaccompanied minors and other groups of immigrants are incarcerated in Spain include, for example: Internamiento de Extranjeros, Valencia (Centro de Zapadores) in use (2010) (Complejo policial de Zapadores).

In practice, nine detention centers are in Melilla and Cuenca known as 'centro de estancia temporal' and in Algeciras, Barcelona, Gran Canaria, Fuerteventura, Madrid, Málaga, Murcia, Santa Cruz de Tenerife, and Valencia (Fabre 2010). There are other centers known as 'habilitados.' The case officer or guardian who monitors the minor sends periodic reports on behavior, possible links with probable family and probable country of origin in order to make it easier to repatriate the minor because Spain conceptualizes *family regrouping* and the *best interest of the minor* as equal to returning the minor to their presumed parents.

Therefore, the institutions responsible adopts a skeletal Assessment process which involves (An X-Ray taken normally of the hand, collarbone (clavicle) and/or wrist and methods such as the Greulich-Pyle (GP), Tanner and Whitehouse (TW-2) and Radius, Ulman, Short bones (RUS) are used to determine bone or skeletal age. These methods do not take into account racial, ethnic, nutritional, environmental, psychological or cultural differences which directly influence a child's development and growth and the methods typically have a margin of error of (approximately 18 months or more).

Furthermore, Spain also adopts the process of interviewing unaccompanied migrant minors and requests documentation which is verified although the

content of the latest law relating to documentation of unaccompanied minors declares that Spanish authorities would no more recognize documents and age declaration issued outside Spain by third country nationals. If there is insufficient documentary evidence to establish age and country of origin of the minor, then the Prosecution Office can authorize medical tests to be carried out. The director of the center will have the obligation to apply normal protection rules to enable the minor apply for asylum.

Concretely, the Protocol for the Reception and Integration of unaccompanied foreign children, adopted on 14 November 2005, empowers public authorities and other entities to assist in the implementation of policies in four areas:

(A)

(I) Locate the child and identify whether he or she is an unaccompanied minor who needs protection. The report of the national police is important here. In practice, the police takes the photograph of the child within the parameters established by the Police Commission (Comisaría General de Policía Científica de CNP). This photograph of the suspected unaccompanied minor must conform to the established standard of: design JPG, with resolution 72ppp, 760X1.280 pixels. The same police assemble complete data which include name, age, age declaration, travel tickets, passport, nationality and the last residence of the minor. This type of documentation is important for those who have sought asylum in other countries like Greece or Italy because they are going to be returned to the first country of asylum application in consonance with Dublin II Regulation but against article three of the CRC.

(II) Reception for protection, detention and provision of food and shelter

(III) Investigate personal circumstances, which will place him or her under trafficked children, vulnerable or delinquents.

(IV) Arrangements with competent authorities for protection, further investigation and the application of initial integration factors. On the other hand where a minor does not meet the necessary

requirement arrangements are made in the direction for return of the minor to the country of origin.

(B)

The Research Stage: Watching and observing the child to determine their relationship to a family far and near and checking the child's behavior to convince the authorities whether the child is a victim of human trafficking or not. The Ministry of Justice prepares for victims' statements and timely evidence. The interview of the minor at this moment is dedicated to future actions to be carried out by the competent Administrations to further investigate the personal circumstances and level of knowledge of their native country.

(C)

The decision stage: This is related to the elaboration by the competent authority on child protection a report-proposal that will later be submitted to the government authority so that the same decides on the convenience of the child's stay in Spain or return to their parents or to anyone who accepts the child. This stage of decision coincides with the Aliens Act in article 35.3 which says: "The State Administration, in accordance with the principle of family reunification of the child and previous report of the child protection services, will resolve what is appropriate on the Return to their country of origin or where their relatives were or, failing that, their stay in Spain."

For unaccompanied minors who are victims of trafficking, a protocol is developed for the detection and reporting of trafficking and exploitation situations. This type of action falls on the competence of the Ministry of Health and Consumer Affairs; Ministry of Education, Social Policy and Sport.

(D) The Stage of Action: This includes the different actions designed to implement the previously adopted decision on the permanence or return of the child. The stage relates to victims of trafficking who are minors and coincides with the Protocol of Derivation and Coordination that also coincides with the Ministry of Interior; Ministry of Health and Social Policy; Ministry of Labor and Integration and joint Ministry of Equality with the Autonomous Communities. Therefore, the description of other stages and concrete actions taken at this point by care workers in Spain are as follows:

Specifically, the stage by stage concrete actions taken by social workers (in the case of Spain social workers are separate from child educators and care givers, child councilors, therapists, psychologists, translators, all for children) during their interventions in an effort to offer protection to unaccompanied minors while in Reception Centers are explained below:

(I) To grant subsidiary or complementary international protection in accordance with the law.³⁸¹ This situation can only be activated when it is considered that there is a real risk for the life of the unaccompanied minor.

(II) Grant international protection for humanitarian reasons.³⁸² This situation can happen only when it is considered that it is a case of trafficking in persons or a case of interest to the NGOs.

(III) Refusal to grant asylum to the applicant child with the consequent obligation to leave the Spanish territory within the period provided for in the notification, unless he or she has some type of residence authorization.

The right to minor's education is guaranteed by law. Article 9 in its first paragraph of the LODYLE establishes the access to education as a right and a duty of all foreigners less than 18 years of age on equal terms with Spaniards. This same article states that this right includes other compulsory teachings, as well as the obtaining of the corresponding academic qualification and the access to the public system of scholarships and aids.

(IV) The right for the child to be heard was already recognized in the Convention on the Rights of the Child in its article 12, and access to information in article 17 of the CRC and subsequently has been recognized by Spanish national legislation in article 9 of the LOPJM, and its legal residence.³⁸³

³⁸¹ It is interesting that Spanish authorities implement old laws when they have interest in a person or issue and this is one of them, for example. In accordance with Article 17.2 of the Spanish asylum law, the Law 5/1984 of 26 March, regulating the right to asylum and refugee status, as amended by Law 9/1994 of 19 May and Article 31.3 of its Regulations, approved by Royal Decree 203/1995 of 10 February.

³⁸² In accordance with Article 17.2 of the Spanish Law on Asylum Law 5/1984, of 26 March, regulating the right to asylum and refugee status, as amended by Law 9/1994 of 19 May and Article 31.4 of its Regulations, approved by Royal Decree 203/1995 of 10 February.

³⁸³ Article 35. Residency of minors (LODYLE)

(V) Unaccompanied foreign minors who are in Spain can regularize their situation: via regulations for aliens or via asylum.³⁸⁴

(VI) On the acquisition of Spanish nationality by Residence it is also available. With regard to the acquisition of nationality by residence, Article 22.1 of the Civil Code states that the applicant will be required to have resided in Spanish territory for at least ten years.³⁸⁵

However, in Spain, age assessment takes more than one and half years to get the result, therefore Government sub Delegation issues a temporary permit to stay. Investigating the personal circumstances go *pari pasu* with registration, documentation and family tracing process.

After nine months of detention and guardianship without possibility of return to their country of origin the residence of the unaccompanied foreign minor under the guardianship of Child Protection Services is considered to be legal therefore, the competent Child Protection Services or director of the reception center through Delegations and Sub-Delegations of Spanish Government grant a residence permit (without permission to work) to the minor with retroactive effect as of the date when the minor was referred to the Child Protection Services according to Article 92.5 of the Aliens Regulations.

However when the unaccompanied foreign minor reach legal age (18 years), the minor ceases to be under the protection of the legislation on foreigners specific to them. There are two important outcomes or results or consequences in relation to reaching legal age of 18 years and age assessment taking more than one and half years to get the result.

The first being that when a minor reaches the age of maturity, s/he is shoved into the abyss of “irregular” unaccompanied minors because the minor may not satisfy the economic and social requirements stipulated for the renewal of the temporary permit. While the second point is that since the result of the age assessment takes more than one and half years, a boy or girl who has been slated

³⁸⁴ Article 35.4 of the LODYLE and article 92.5 of the RELODYLE).

³⁸⁵ Article 22. Modified by Law 36/2002. 1. For the granting of nationality by residence it is required that it has lasted ten years. Five years shall be sufficient for those who have obtained refugee status and two years for nationals of Ibero-American, Andorra, Philippines, Equatorial Guinea or Portugal or Sephardic countries. 2. The length of stay of one year shall be sufficient for: (...) c) Any person who has been legally subject to the guardianship, custody or care of a Spanish citizen or institution for two consecutive years, even if he continues in this situation at the time of the application.

as 17 years will be 18 and half years when the result came out and therefore will not qualify for the protection program.

4.2.2.2. Sweden: procedure for detection, reception and integration of unaccompanied migrant minors in reception centers.

In Sweden, unaccompanied minors are detained in order to investigate and document them. Under normal circumstances, the official perception of Sweden is that the entry of all persons irrespective of their age is not denied and will never be ordered to return if entry conditions are not met. Some authors believe that human rights approach can ameliorate the suffering of unaccompanied minors. For this reason Bagaric and Morss (2006) suggested loosening migration controls to give humanistic benefits that may augment world hunger and poverty.

Authorities demand that all foreigners entering their territory must present a current international passport, a valid visa, and other traveling documents like the airline ticket and health certificates in some cases. Sweden believes that a large chunk of the unaccompanied minors that enter into Sweden through the Oresund Bridge have applied for asylum in another EU-27 Member states. It is estimated that since Sweden is not easily assessable due to its geographical location, the best policy adopted is return to the country of first asylum in obeisance to the dictates of Dublin III Regulation.

This has become a normal legislative instrument and the rigorous implementation of the Dublin III Regulation has drastically reduced the number of successful application in Sweden. In comparison, this conception of the Swedish Migration Board is different in Spain which suffers increased movements through the Mediterranean enclaves of Melilla and Ceuta while United Kingdom migration movements come through the France UK Eurotunnel.³⁸⁶ A minor may not be

³⁸⁶ In Eurotunnel, illegal Immigrants and would-be asylum seekers have used the tunnel to attempt to enter Britain. By 1997 the problem had attracted international press attention, and the French Red Cross opened a refugee centre at Sangatte in 1999. By 2002 it housed up to 1,500. In 2001, most came from Afghanistan, Iraq and Iran. On 4 August 2015, a Sudanese migrant walked nearly the entire length of one of the tunnels. In 2001 and 2002, several riots broke out at Sangatte and groups of refugees (up to 550 in a December 2001 incident) stormed the fences and attempted to enter en masse. Local authorities in both France and the UK called for the closure of Sangatte, and Eurotunnel twice sought an injunction against the centre. On 6 July 2015 a migrant died while attempting to climb onto a freight train while trying to reach Britain from the French side of the

separated from a legal guardian and if a minor has no legal guardian, the minor may be detained only if special reasons exist. Age assessment, is to determine whether a minor is to be treated as a child or an adult, potentially subject to dispersal, detention or destitution.

In Sweden the Government Social Head Officer from (Sociala Resursförvaltningen, Malmö Stad) is responsible for control and placement of unaccompanied minors to reception centers. According to the director and Center Manager I interviewed, for example: "If a new unaccompanied minor arrives, the Social Welfare Officer calls us at the center. We drive down to meet the Social Secretary and to sign the papers; take the boy or girl to the reception center; and later present the minor to the Migration Board for asylum application and documentation as the law permits and bring him back to the center. The center assigns an internal guardian to monitor and provide: accommodation, clothing, education, sports, games and preparation for interview, shopping, excursion." Onuoha, (2011).

Specifically, the stage by stage concrete actions taken by social workers during their interventions in an effort to offer protection to unaccompanied minors while in Reception Centers are explained below:

1. In Sweden, where an unaccompanied minor is detected, the Aliens Act permits detention for a maximum of 72 hours and an additional 72 hours may be extended to investigate and document the minor.
- 2) Different authorities are authorized to take part in dealing with the case of unaccompanied minors: the Immigration Council, the municipalities and the Council of professionals.
- 3) The Immigration Council is responsible for: receiving and examining asylum applications, appointing lawyers to handle cases, identifying the age of minors, seeking parents or family members of minors far and near, to help them return the minors to their country of origin in case of denial of their asylum claim.

Channel. According to the last official count in July 2015, about 3,000 migrants, mainly from Ethiopia, Eritrea, Sudan and Afghanistan, were living in the makeshift camps in Calais. It is estimated that about 5,000 refugees are waiting in the harbor town Calais to find a chance to get to England. Ten migrants have died near the Channel tunnel terminal since June 2015. https://en.wikipedia.org/wiki/Channel_Tunnel

4) The Municipalities are responsible for the accommodation, labor market orientation, maintenance and education of minors, as well as the assignment of monitors.

5) The Council of professionals consists of various specialists such as doctors, psychologists, lawyers, etc. The council is responsible for organizing medical care according to Migrationsverket, (2015, 2016, 2017).

6) Local council chooses a monitor or Goodman (Overformayndare in Swedish). The Immigration Council subsidizes each child with about 78.76 Euros per month (SEK 700). The monitor is responsible for the child's asylum claim process. The guardianship of a child ends as soon as the child turns 18. A monitor can take charge of up to 6 unaccompanied minors.

7) In Sweden, the minor is assigned a legal representative (baptized Goodman in the first few months) for the asylum process and another (baptized Guardian) when the minor gets a decision or a residence permit, until age 18 or more to assist the minor and to keep vigil on the minor.

8) In Sweden the Government Social Officer (Sociala Resursförvaltningen, Malmö Stad) is responsible and controls the placement and sends the unaccompanied minors to the reception centers.

9) Accommodation can be provided in a children's home (care home or residence, which may be special housing specifically established for the reception of unaccompanied or comparable children, existing housing for other children) or a foster family. Most municipalities have opted to operate homes for unaccompanied minor children, known as "HVB housing"

Description of this part is to fulfill my objective of pointing and describing but it is possible to learn something new in this. On the other hand, minors are entitled to receive emergency medical and dental care at the County Council (Lanstinget). The average time of handling of asylum seekers was 203 days in 2009 and reduced to 130 days in 2010 up till this 2017. When the application is favorable, a residence permit is given, which is the beginning of a better integration and towards citizenship. On the other hand, a minor who is rejected may, within 21 days, appeal to the Migration Board Court (Migrationsdomstolen), or may also appeal to the Migration Board (Migrationsoverdomstolen) Court of Appeal. The case officer

(handläggare) organizes escorts to deport the minor back to his or her homeland when all these appeals fail.

At this first phase, the Swedish Migration Board place unaccompanied minors seeking asylum in a designated reception Municipalities like Stockholm, Göteborg and Malmö. Two groups of unaccompanied minors are identified in this context: (a) minors captured and identified (b) minors who came on their own to solicit asylum and sometimes they are brought to seek asylum by *good Samaritans*. Some Municipalities are paid Financial Compensation in order to encourage them to accommodate unaccompanied minors and for their expenditures, because many Municipalities are not interested in taking unaccompanied minors. This is different in comparison with Spain where the Municipal Communities are eager, while the Central government is lukewarm about unaccompanied minors.

In United Kingdom, unaccompanied minors are to go straight to local councils, while the central government through UKBA meets them with the protocols for assessment and documentation. The municipal social welfare board is the authority that assesses the child's needs and decides on appropriate housing. Accommodation may be provided in a children's home ('home for care or residence', which may be special housing established specifically for reception of unaccompanied minors or comparable, existing housing for other children) or a foster family. Most municipalities have chosen to operate children's homes for unaccompanied minors, referred to as 'HVB housing.' In one of the thriving centers in the south of Sweden, the manager of the center for unaccompanied migrant minors explains thus:

During this reception, (the first phase) the manager invites a translator, a doctor and the internal guardian to interview the minor about the following: health matters, if anything is urgent, level of education, that is, if the minor can read and write. A week later, the minor is told his rights and obligation to learn Swedish language. Those who are waiting for the judgment day are kept at the center until Migration Board decides to find another place. At this point, the Migration Board informs the Social Secretary, the Social Secretary informs the center, specifying the nature and condition of the minor. Then we arrange a meeting with the minor and his internal guardian. The Internal guardian or contact person have the duty to write a report about the development and problem of the minor Onuoha, (2011).

In Sweden unaccompanied minors are to spend 3 to 8 weeks but they stay up to 4 to 7 months. On the other hand, minors are entitled to receive emergency medical and dental care *ceteres paribus*, in the County Council (Lanstinget)³⁸⁷. Average handling time for asylum seekers was 203 days in 2009 and reduced to 130 days in 2010.

4.2.2.3. United Kingdom: procedures for detection, reception and concrete actions for integration of unaccompanied migrant minors.

The Heathrow Airport and the Eurotunnel passage have served as migration point of entry into the United Kingdom and Ireland, although technocrats in British border control policies perceive these points as the Achilles hill of migration movements into Britain. When an unaccompanied migrant minor arrives or submits himself or herself to authorities, the United Kingdom Border Agency (UKBA) hands over the minor to a local council after interviewing them to establish only their identity, that is, where they came from and why they came.

Unaccompanied minors are defined as “unaccompanied asylum seeker children” (UASC) in United Kingdom. In the United Kingdom, if an unaccompanied asylum seeking minor is thought to be at risk and in need of protection,³⁸⁸ the minor would not be refused entry at the border and would be granted the appropriate care although all migrants regardless of their age are subject to the Immigration Act.

When an unaccompanied migrant minor is detected in United Kingdom, h/she is arrested and put into custody with the police and or customs, while documentation and plans are arranged for his or her acceptance or deportation. The United Kingdom Border Agency (UKBA) play a vital role and it is the absolute authority that detects and decide if the applicant is minor or not at the time of

³⁸⁷ This is the authority that decides if you will get the service or not County Council (Lanstinget) lag om hälsa –och sjukvård åt asylsökande m. fl. SFS 2008:344 (the Health and Medical care for Asylum Seekers and Others Act)

³⁸⁸Processing an asylum application for a child in the UK. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257469/process_asylum_application1.pdf

making the asylum application: in this direction, the United Kingdom Border Agency decides whether the minor:

- Is, or (if there is no documentary evidence) appears to be under 18;
- Is applying for asylum in his or her own right;
- Is fleeing persecution from his or her own country; and
- Has no adult relative or guardian to turn to in this country;

At this juncture, Children's Services within the jurisdiction of local council are allowed to present their proposal in order to provide support under two main provisions of the Children Act. Therefore, the description of other stages and concrete actions taken at this point by social workers in United Kingdom are as follows:

1. Protection of unaccompanied minors falls to the municipalities for integration and issues of their stay in the country, but the mandatory power resides at the central under United Kingdom Border Agency.
2. The discovery of an unaccompanied minor is handled at the same local authorities for ordinary social protection. The State grants the local authorities financial compensation for the care of unaccompanied minors. The level of protection varies according to the child's legal basis of reception, which may be based on two articles of the Juvenile Act.
3. An unaccompanied minor is covered by two laws: article 17 or article 20 of the Children's Law, based on the estimated degree of autonomy of youth.
4. Article 17, provides for a minimum level of protection that can involve financial support only for their accommodation and food.³⁸⁹ Reception in this case is based on infinitesimal care. This may also provide a reason for disappearance and it is good to note this to prove that this information we are giving now may fills the gap of information about the situation of these minors. Given that the protection regime is not unified, the unaccompanied minor may be protected under Article 20, which guarantees a higher level of protection, which means that the child is "cared for" by the United Kingdom. Disappearance of large number of unaccompanied minors has been rampant in United Kingdom. The most notorious are Croydon and Kent,

³⁸⁹ *Children Act, 1989, §17-1.*

which receives almost 80% of the applications submitted by unaccompanied minors.

5. The Ministry of Home Affairs takes responsibility for immigration and asylum policy while United Kingdom Agency (UKBA) regulates all entrances, stay or residence in the United Kingdom. The key legislation on the reception of unaccompanied minors is: the 1989 Children's Act; Article 22 of the United Nations; The Convention on the Rights of the Child; Section 55 of the Borders, Citizenship and the 2009 Immigration Act (Section 55 of The Borders, Citizenship and Immigration Act).

6. United Kingdom Border Agency implements five stages reception and application for asylum of an unaccompanied minor: 1) Selection; 2) first report event; 3) filling in the declaration form of evidence; 4) detailed interview; 5) final decision with possibility of appeal. Children under 12 are protected but not interviewed. The asylum process follows the following stages:

- Day one: fingerprinting, selection and interview. They deliver the minor to the council and a onetime legal representative. The minor is assigned to an officer who is in charge of the case. The child fills out a form that must be returned to the official who takes care of the case after 20 days.
- Day ten: the official explains to the minor the asylum application process, comments on his rights and obligations and gives him a letter of invitation for the interview.
- Day 31: grant or deny the child the refugee status. In case of refusal, the minor has a period of 41 to 45 days to appeal.

6. The reception of minors in the United Kingdom, including disabled persons and victims of child trafficking, is established by the United Nations Protocol 2000, and is supported by 140 municipalities under the Children's Act of 1989. These councils are funded by the United British border on services to children. The largest local council is Croydon Town Hall. The early stages of this process are taken from section 20 of the Children Act of

1989 which provides the child with the right to have a social worker who will be responsible in assessing their needs. Some children may be supported by the provisions of Section 17 of the Children Act 1989 which involves housing and support for the child's welfare.

7. However, as soon as the child is 18, he ceases to benefit from these supports and services. This is where they break the bonds of protection because the child who is to be protected before he or she reaches eighteenth year has been deliberately abandoned to "outgrow" beyond the limit where authorities can take responsibility. This is the crux of the matter, the deliberateness; the ignominy of childhood, that sense of "no one's child", that sense of abandonment; that concept of disbelief sums up their consequence.

8. If a child's asylum application is granted, the British Migration Board may decide to provide accommodation in accordance with the following possibilities:

- Placing the child in an adoptive family;
- Place the child in a residential house;
- Place the child in the accommodation of the town hall.

9. Unaccompanied minors do not have their own legal representative in the United Kingdom because they are not established to be so.

10. The local authorities of the communities hosting the children do not have parental authority but are fully responsible for their housing, health and guidance, while the exclusive powers remain with the UK Border Agency.

Unaccompanied asylum seeking children are interviewed without legal counsel and even without the minors' understanding. In UK Border Agency can also issue temporary residence authorization if return of the aforesaid minor is not possible; the British authorities can issue residence permit for 3 years or until 17½ years old.

In Sweden, the right of residence can be granted for 5 years just similar to the practice in United Kingdom, but there is also permanent residence based on the need for protection. Another type of right of residence is a temporary 2 year permanent residence based on humanitarian grounds. Similarly, in Spain, Sweden

and United Kingdom minors who are refused asylum or those who refuse to apply for asylum revert into irregular immigrants, but there is little opportunity to appeal successfully.³⁹⁰

The United Kingdom Border Agency (UKBA), give temporary residence card during this temporary period (Temporary leave to remain) and an asylum applicant's card (application registration card, [ARC]). Where the minor meets the criteria of the Geneva Convention or the 1967 Protocol, the minor is recognized and granted a five years status. Where the minor is not eligible, a temporary residence authorization called (discretionary leave) is granted, *ceteres paribus*.

According to United Kingdom Border Agency the reception and application for asylum of an unaccompanied migrant minor consists of five stages. These are: 1) Screening, 2) The first report event, 3) The completion of the statement of evidence form, (SEF) 4) The substantive asylum interview, 5).

In UK, two Social Workers accompany the preliminary age assessment process and adopt the following criteria: Physical presentation (pen picture, physical development, and clothing); Social presentation (observation on behavior, interactions/relations with others, self-care skills, level of coping); Family composition; Education - history and achievements; Health growth and development, findings from medical and dental checks) and child history and examinations.

If the minor is assessed as over 18 plus and claims to be under 18, a new assessment is done under Merton Compliant. After the screening by an Immigration Officer, Social worker and interpreter, they are given Application Registration Card (ARC). The Home Office is expected to make decision within 25 working days. All children are allocated a social worker. Education Services provided for the minors at this stage apply the following policies: age implications, resources needed, induction, placement, health, tutor groups, gaps in provision, achievement in schools and regular mental health monitoring.

³⁹⁰ In Sweden, interview at the migration board and the minister of migration confirmed that the Courts have helped to redeem certain decisions, but not too many.

4.2.3. Second phase of trajectory and migration: core factors of integration.

The second phase of this comparative research on implementation of policies towards enhanced integration of unaccompanied minors in Sweden, Spain, and United Kingdom relates to the period when the core integration factors are implemented and graciously which forms the better part of our specific objectives presented in chapter three, number (3.2.1). The main thrust of our objective is to show some of the integration factors that can, at least, provide a reliable integration scheme for unaccompanied minors if applied. The factors of integration we are showing may also have its drawbacks, but we believe that it will contribute to the amelioration of the situation of the unaccompanied minors

This phase relates to the situation which unaccompanied minors are admitted but they find themselves in an administrative lacuna without actually knowing that they have rights to international protection and that they can demand for those rights. This lack of knowledge of their rights appeared among other reports in the South African Report.³⁹¹ It is a time they must have waited for so long. It is a time they also apply what they denominate *administrative silence*, which could also mean that the minor is accepted but for logistic or jurisprudential conflict on his or her case, the institution responsible abstain from making an outright declaration of acceptance or rejection.

Many cases are lying down in great cupboards unprocessed and abandoned. Many Unaccompanied minors are found in this type of *limbo* which will need more investigation. The second phase of migration of unaccompanied minors in this research relates to the period to have and obtain residence permit in the host country that will facilitate enhanced the process of family reunion (where permissible); guarantee technical advance in education; possibility of better accommodation in a promoted housing scheme; long term residence permit that will guarantee continuity because if renewal of residence permit is not possible due to restrictive condition, the minor will fall back into the dungeon of 'irregular;' access to nationality and freedom from discrimination will fail, *ceteres paribus*.

³⁹¹ Global Commission on International Migrations (2003) The South African report. The Global Commission on International Migrations [GCIM], Population Differences, October 2005; p. 52.

It is also the time of confusion and uncertainty; a time when the minor prepares for two types of unseen wars: the first war to prepare how to defend himself or herself and the second to prepare how to escape from the jaws of the new terror of rejection and deportation which can take him or her back to sender country. Putting all these together, we postulate as we have indicated in chapter two, that the best method for social and economic integration of unaccompanied minors can be achieved by adopting the fourteen integration factors which I proposed and hereunder we are elaborating some of them presently.

Comparison of core administrative integration factors

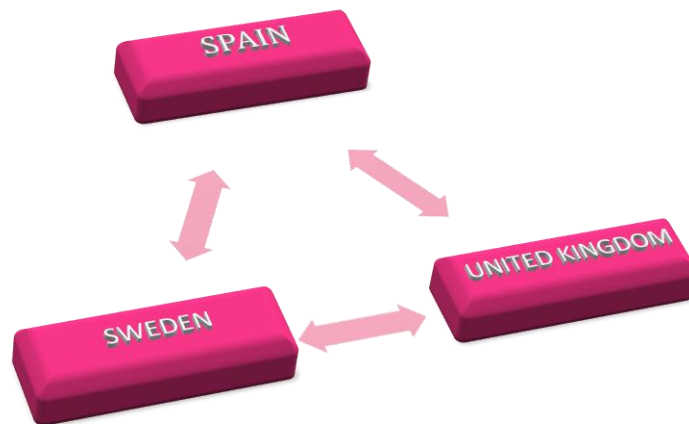


Illustration 2: comparison of other core administrative integration factors

4.2.3.1. Protection services for social and economic integration: a comparative analysis.

The integration factors are described, elaborated, and compared hereunder. We consider it necessary to emphasize these in view of the type of outcome which are provoked when attention is not paid to these factors. Our objectives in this study are to highlight this. We also believe that without first and foremost the acquisition of Resident Permit it will be impossible to continue the integration process. One of our general objectives in this work is to analyze the scope of protection services available to unaccompanied minors with the purpose of integrating them.

Specifically to elucidate the keys to core integration, that is, "Integration factors" necessary for a better social, economic and educational integration of unaccompanied minors as presented in chapter three, (3.2.1). Comparison of core integration factors which coincides with the rights and needs of unaccompanied minors and they compose a *sine qua non* for the implementation of protection policies towards enhanced integration of unaccompanied minors.

Therefore, after dealing with the primary issue of residence permit, hereunder I shall try to clarify the best outcomes for these core integration factors (Residence permit, Family reunification; Right to Legal representation; right to special Education; Employment; Health and sanitary services; Housing, Freedom from discrimination and prejudice and Long term/permanent residence linked to Nationality/Citizenship).

Other important factors of integration which are derived from policy implementation outcomes and have direct impact on the minor's integration; which is also indispensable are identified as age assessment, detention, disappearance and lumping unaccompanied minors with old immigrants together thereby creating a ghetto. In chapter one and two, I gave advance notice from historical point of view. This is also linked with the contribution of other institutions and authors on the subject. They are as follows:

4.2.3.2 Spain-residence permit: Core Factors of integration to Integration.

In Spain, at this second phase, minors are permitted to access the labor market in order to help them integrate into Spanish society, if they have attained the age of 16 years and if they have the authority of their guardians or foster parents to facilitate their social and economic integration. This simple clause 'if they have the authority of their guardians or foster parents' can also provoke frustration and procrastination. This clause provides that unaccompanied foreign minors must seek the permission of the "social worker" before going to hospital or before looking for work or going to school.

Through the social worker, the bureaucratic institutions takes a long time before it reacts. It may not take quick decision affecting the minor because the minor is in a legal vacuum which will not allow him or her to have all the rights to a

normal regimen of health, education or housing. This is informed by the *temporary permit* which nobody can circumvent because the permit is limited to short stay. Under this very uncommon helplessness and psychological paralysis, the minor is frustrated and may look for another escape.

On its own part, the public prosecutor, through regional sub-delegations mandates the minor to register with the social security and INEM, so as to engage in proper education, job search, family reunion and housing simultaneously. Legal and administrative protection of unaccompanied migrant minors starts when their underage is not yet known and when they have been accepted as minors. The next stage is to elaborate information on reasons adduced for migration, personal circumstances and family links that can facilitate return to his or her country of origin.

The Public prosecutor (Ministerio fiscal) of Spain insists that resident permit to an unaccompanied migrant minor does not preclude h/her deportation, LEX, Article 35, par. 8. while in Sweden residence permit is for work and study though not fully. It is not envisaged in United Kingdom. In most cases the one year temporal residence permit issued by government sub delegation expires at the same time the minor reaches 18 year (when protection ends). The next stage is that the competent Autonomous Community for the protection of unaccompanied minors can issue a report of helplessness (*desamparo*) of the unaccompanied migrant minor. On their part, the (*Dirección Territorial de la Conselleria de Bienestar Social*), e.g. In Autonomous Community of Valencia assumes the tutelage of the minor known, *ex lege*.

However, a new agreement between the national and autonomous community administrations established that NGOS, Foundations, etc. can also take ordinary tutelage of these minors. This has been criticized as inequality. The next stage, a guardian takes responsibility of tutelage through family reception by providing social services, vigilance, feeding and education (Art 173.CC).

In comparison with Sweden, the NGOS and foundations participate actively in implementation of protection policies but, in Spain they play a passive role in what I call '*praise singers*,' while United Kingdom enrolls the services of NGOS and foundations in the administration of limited areas of intervention, the UKBA sets the stop limit. This foster family model in Spain provides family life experience and

decongests the residential centers for minors. Other groups of minors are being taken care of until they are 18 years in shelters (*Centros de Acogida*). While some Autonomous Communities protect the minors provisionally but do not declare their helplessness (*desamparo*), other communities take tutelage but do not document them and that is what we denominate the Spanish conundrum.

Finally, to facilitate incorporation into labor market when they reach 18 years, the Autonomous Communities are to develop adequate policies to incorporate them. For this reason there are many arrays of programmes for integration for of immigrants which rise and disappear with the type of political party in power. In summary, the priority of the Spanish reformed model at this second phase is repatriation based on agreements with Morocco and other north African countries and integration in Spain is assumed only when return is impossible.

4.2.3.3 Sweden on residence permit: Core Factors of integration to Integration.

An important process that takes place at the second phase after obtaining residence permit is distribution of unaccompanied migrant minors. This process of dispersing unaccompanied minors involves sending them to different cities in different local councils to different centers and to different families who will be responsible in the area of vigilance, education, health, training and introduction to social services. The legal representative (where it exists), or 'Goodman' and followed by another internal process of pre-examining the age and migration experience of the child by the appropriate arm of the Swedish Migration Board and the Ministry of Justice.

The Swedish Migration Board grants residence permit to unaccompanied migrant minors as guaranteed in section 2A of the Swedish Act. In continuation the Municipal Councils provide resources for social and economic integration. But, the unaccompanied minors are not permitted to access the labor market until they get trained or educated. The context of Sweden is that nobody should work without studying first. It is believed that the social formation of Sweden does not permit illiteracy at work, business or other areas of human endeavor unlike other

countries. In the area of their daily upkeep, unaccompanied migrant minors live on their stipend, but the question of studies is not negotiable because it is also tied to their stipend. Family reunion provides a possibility of managing their stipend, getting and renewing residence permit based on family connections. They live on their own when they turn 18.

We corroborated other results of Swedish integration effort on Turkish youths in Sweden. The Turkish youths in Sweden reported better life satisfaction and school adjustment, and fewer psychological symptoms and behavioral problems than Swedish adolescents removing the stereotypes of the second generation on them. The males in general reported better life satisfaction but a poorer social adjustment than females. However, the male youths deviated from this trend with females reporting better life satisfaction but more problematic social adjustment than males.

A possible interpretation is that young members of the second generation in general do not question adult authority as at early an age as Swedish and Finnish adolescents. Many authors have found out that the youthful immigrants have an increased risk for severe psychiatric disorders compared to natives, but the highest risk were found in Finish youth immigrants, but the risk in second generation refugees is significantly higher than the natives. We have also noted from another research I did in Malmö that the concept of education in Sweden promotes individualism and self-reliance at youth age.

4.2.3.4 The United Kingdom: residence permit: Core Factors of integration to Integration.

At this second phase after obtaining residence permit, distribution of unaccompanied migrant minors to Local Councils Residence starts. It is a procedure that takes the minors by surprise whereby some minors are sent to foster homes to those that have been vetted by UKBA. They are not provided with legal representative and they are not permitted to reunite their families. UK Border Agency mandates UASCS to apply for further leave to remain 4 to 6 weeks before they reach 17.5 years. Social workers help them with this application letter if not they would not be entitled to UKBA support. If not granted they will be entitled to

UKBA support if they are agreeing to a voluntary return. Those who have had a determination of their application will no longer be entitled to support under UKBA guidance when they reach the age of 18. They may also be given housing and subsistence until 21. However, their access to employment, education and training will be restricted because deportation and readmission hang like the sword of Damocles on their heads.

Some surveys have shown that African Caribbean youths in London, felt that the label “British” (identity) was sufficient; they additionally defined themselves in terms of family history and origins (the Caribbean). Robinson (2003) found that ethnic identity scores were high for Indian, Pakistani and African Caribbean adolescents. Ethnic identity was measured with eight items assessing ethnic affirmation (e.g., sense of belonging, positive feelings about being a group member). Most British-born second-generation Indians are bilingual or multilingual with greater facility in English proficiency Robinson, (2003). After dealing with Residence Permit which we consider as a starting point, we subject Spain, Sweden and United Kingdom in a cross-comparison from now on.

4.2.3.5 Family reunification: Comparison of Spain, Sweden and United Kingdom on the factors of integration.

Family reunification is a stage that completes the circle of the unaccompanied minor and other immigrants. The Family Reunification Directive, 50 determines the conditions for the exercise of the right to family reunification by third-country nationals³⁹² residing lawfully in the territory of the member States of the European Union.³⁹³ Whilst a member state may require the sponsor to be of a minimum age, and at a maximum 21 years, this does not apply in the provisions

³⁹² “Third country nationals and refugee status are defined in the COUNCIL DIRECTIVE 2003/86/EC of 22 September 2003 on the right to family reunification. The Directive considers a third country national and a refugee as Article 2: For the purposes of this Directive: (a) ‘third country national’ means any person who is not a citizen of the Un (b) ‘refugee’ means any third country national or stateless person enjoying refugee status within the meaning of the Geneva Convention relating to the status of refugees of 28 July 1951, as amended by the Protocol signed in New York on 31 January 1967. Unaccompanied minors are in this group of refugees and unaccompanied as: (f) ‘unaccompanied minor’ means third country nationals or stateless persons below the age of eighteen, who arrive on the territory of the Member States unaccompanied by an adult responsible by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they entered the territory of the Member States.

³⁹³ Council Directive 2003/86/EC, family reunion Access at: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0086:EN:NOT>. Denmark, Ireland and the United Kingdom did not take part in the adoption of this Directive.

applicable to refugees. In the case of an unaccompanied minor who is a recognized refugee, member states are required to authorize the entry and residence of the minors' parents, and may authorize the entry and residence of minors legal guardian (where exists) or any other member of the family.

In the United Kingdom, unaccompanied minors are not permitted to exercise the right to family reunification. This is a failure on the part of United Kingdom in the process of implementation of protection policies for enhanced integration of unaccompanied minors. The United Kingdom opted out of Directive 2003/86/EC on Family Reunification primarily because it is not in line with the UK's border control policies. Despite this decision, this report has shown that overall the UK's family reunification policy is currently closely in line with many Articles of the Directive.

The United Kingdom's integration requirements for dependents applying to join a sponsor who is present and settled in the United Kingdom are outlined in Part 8 of the Immigration Rules. New rules for permanent settlement were introduced in April 2007 and applicants are now required to have sufficient knowledge of English, Welsh or Scottish Gaelic language and sufficient knowledge of life in the United Kingdom, unless s/he is under the age of 18 or aged 65 or over at the time that the application is made. The new requirements aim to aid integration of migrants into their new communities in the United Kingdom and bring the rights and obligations of those seeking settlement more closely in line with those for citizenship.

There are differences between family reunification rights under Community law for EEA nationals (Directive 2004/38/EC) and United Kingdom's immigration provisions: definitions of family members are different and the concept of 'extended' family members is present in the Directive only.

Another difference is that nationals of a Member State who go with their non-EEA family members to another Member State to exercise a treaty right in an economic capacity, will on return to their home state, be entitled to bring their non-EEA family members to join them under European Council law.

There are no immediate plans to change policy with reference to family reunification. There are, however, plans to redefine 'family members' for those looking to enter the United Kingdom temporarily under the 'sponsored family

visitors' route. It is not envisaged that this will have any impact on family reunification policy. However family unification laws of the European Union provide ample conditions for facilitating family reunification in Chapter II of Council Directive 2003/86/EC.³⁹⁴

In practice the implementation of protection policies for enhanced integration of unaccompanied minors we can see that United Kingdom opted out of Directive 2003/86/EC on Family Reunification, primarily because it is not in line

³⁹⁴ Chapter II of COUNCIL DIRECTIVE 2003/86/EC which stated that: Family members. Therefore Article 4. Stated that: 1. The Member States shall authorize the entry and residence, pursuant to this Directive and subject to compliance with the conditions laid down in Chapter IV, as well as in Article 16, of the following family members: (a) the sponsor's spouse; (b) the minor children of the sponsor and of his/her spouse, including children adopted in accordance with a decision taken by the competent authority in the Member State concerned or a decision which is automatically enforceable due to international obligations of that Member State or must be recognized in accordance with international obligations; (c) the minor children including adopted children of the sponsor where the sponsor has custody and the children are dependent on him or her. Member States may authorize the reunification of children of whom custody is shared, provided the other party sharing custody has given his or her agreement; (d) the minor children including adopted children of the spouse where the spouse has custody and the children are dependent on him or her. Member States may authorize the reunification of children of whom custody is shared, provided the other party sharing custody has given his or her agreement. The minor children referred to in this Article must be below the age of majority set by the law of the Member State concerned and must not be married. By way of derogation, where a child is aged over 12 years and arrives independently from the rest of his/her family, the Member State may, before authorizing entry and residence under this Directive, verify whether he or she meets a condition for integration provided for by its existing legislation on the date of implementation of this Directive. 2. The Member States may, by law or regulation, authorize the entry and residence, pursuant to this Directive and subject to compliance with the conditions laid down in Chapter IV, of the following family members: (a) first-degree relatives in the direct ascending line of the sponsor or his or her spouse, where they are dependent on them and do not enjoy proper family support in the country of origin; (b) the adult unmarried children of the sponsor or his or her spouse, where they are objectively unable to provide for their own needs on account of their state of health. 3. The Member States may, by law or regulation, authorize the entry and residence, pursuant to this Directive and subject to compliance with the conditions laid down in Chapter IV, of the unmarried partner, being a third country national, with whom the sponsor is in a duly attested stable long-term relationship, or of a third country national who is bound to the sponsor by a registered partnership in accordance with Article 5(2), and of the unmarried minor children, including adopted children, as well as the adult unmarried children who are objectively unable to provide for their own needs on account of their state of health, of such persons. Member States may decide that registered partners are to be treated equally as spouses with respect to family reunification. 4. In the event of a polygamous marriage, where the sponsor already has a spouse living with him in the territory of a Member State, the Member State concerned shall not authorize the family reunification of a further spouse. By way of derogation from paragraph 1(c), Member States may limit the family reunification of minor children of a further spouse and the sponsor. 5. In order to ensure better integration and to prevent forced marriages Member States may require the sponsor and his/her spouse to be of a minimum age, and at maximum 21 years, before the spouse is able to join him/her. 6. By way of derogation, Member States may request that the applications concerning family reunification of minor children have to be submitted before the age of 15, as provided for by its existing legislation on the date of the implementation of this Directive. If the application is submitted after the age of 15, the Member States which decide to apply this derogation shall authorize the entry and residence of such children on grounds other than family reunification.

with the United Kingdom's border control policies which is more specific.³⁹⁵ United Kingdom does generally follow the guidance of the Directive, but has chosen to opt out in order to avoid any possible clashes with current border control policies and any possible future changes. This report aims to clarify aspects of the United Kingdom's family reunification policies that relate to the Directive's articles to improve comparability with these policies in other member states.

Under normal circumstances other types of family reunification, especially for adults who reside in United Kingdom takes the form of a 'leave to enter the United Kingdom' through the family reunification route and involves a sponsor who is present and settled in United Kingdom to apply. Dependents submit their application within their country of origin, or the country where they are living legally before coming to the United Kingdom. The granting of applications is ultimately dependent on the Secretary of State being satisfied that the applicant met the requirements. In order to implement this in practice, the main government actors within the application process are United Kingdom visas and Border and Immigration Agency (BIA).

Applicants are either granted Indefinite Leave to Enter (ILE, settlement on arrival) or leave to enter for a set probationary period (for example, a two year probationary period must be completed by an applicant granted limited leave to join a spouse or civil partner, unmarried or same sex partner).³⁹⁶

³⁹⁵ Family reunification: Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification: Article 10: 1. Article 4 shall apply to the definition of family members except that the third subparagraph of paragraph 1 thereof shall not apply to the children of refugees. 2. The Member States may authorize family reunification of other family members not referred to in Article 4, if they are dependent on the refugee. 3. If the refugee is an unaccompanied minor, the Member States: (a) shall authorize the entry and residence for the purposes of family reunification of his/her first-degree relatives in the direct ascending line without applying the conditions laid down in Article 4(2)(a); (b) may authorize the entry and residence for the purposes of family reunification of his/her legal guardian or any other member of the family, where the refugee has no relatives in the direct ascending line or such relatives cannot be traced.

³⁹⁶ Many laws recognize the possibility and permit unaccompanied minors, other children and adults to reunify their families or establish new ones which is one of the fundamental rights enshrined in many nation, regional, international covenants, charters and agreements for instance: Right to Family Life in International Human Rights Law and Universal instruments; Universal Declaration of Human Rights – Arts. 12 and 16; International Covenant on Civil and Political Rights – Arts. 17.1 23 and 24; International Covenant on Economic, Social and Cultural Rights – Art. 12; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Art. 44. Other regional treaties include: African Charter on Human and Peoples' Rights – Art. 18; American Convention on Human Rights – Art. 17 and European Convention for the Protection of Human Rights and Fundamental Rights Freedoms – Arts. 8 and 12

When Directive 2003/86/EC was put forward by the European Commission, the United Kingdom, on reflection, chose to opt out. This decision was taken as a result of the impact that the Directive would have on this route of legal migration, which would be incompatible with the United Kingdom's border control policies. In continental Europe and particularly in the 'Schengen' states, people can cross borders with relative ease. United Kingdom chooses to maintain tight border controls and is therefore protective of its current position.

The family reunification Directive requires Member States to admit the spouse and minor children of spouses. First degree relatives in the ascending line, adult unmarried children and unmarried registered partners may be admitted at the discretion of the member state. The United Kingdom for a long time chose not to opt into the Directive in order to retain domestic control over admissions policy in this area.

Customarily, United Kingdom keeps retightening the definition of what constitutes a family member, spouse or marriage as it affects specifically family reunification and family visitation. However, people who are refused entry clearance for the purpose of visiting family members may appeal to the Asylum and Immigration Tribunal (AIT).

Changes to immigration rules concerning unaccompanied asylum-seeking in October 4, 2013 came to update restrictive to more restrictive policies. Various changes have also taken place in the British immigration legislation especially in the area of the leave to remain granted to unaccompanied asylum-seeking minors. The length of leave is reduced from 36 to 30 months or until the minor reaches the age of 17 and a half. Leave to remain cease in the case of misrepresentation or omission of facts which led to the initial grant.

In Spain one of the outstanding Legislation for family reunification is coded in the law on foreigners, 4/2000 (LOEX) Article 31.³⁹⁷ Spain adjusted its legislation in order to allow the reunification of domestic partners, granting residence for relationships of affection analogous to matrimony, under the condition that they meet the requirements for recognition in Spain. There had been cases of denial

³⁹⁷ Regrouping of family member in Spain is related to, especially adult immigrants, via: Residence for parents of children who are Spanish nationals. The law on foreigners, 4/2000 (LOEX) Article 31.3 and Royal Decree 556/2000 regulated by LOEX Articles 123 to 130, foresees the possibility of obtaining temporary residence permits for the parents of children who have Spanish nationality under the framework of family settlement. Family reunification for domestic partners.

where the Supreme Court intervened on behalf of the applicant on family reunification³⁹⁸ and shows the dimension of age denial, destitution and blockages to core integration efforts.

4.2.3.6 Legal representation: Comparison of Spain, Sweden and United Kingdom on the factors of integration.

The legal representation of the unaccompanied minor has been seen from many angles and for that reason, some countries implement existing frameworks made to adjudicate case of delinquent or violent minors who are nationals while other countries of the European Union apply the norms as enshrined in the United Nation Convention on the rights of the child.

The outcome of complaints of the absence of legal representation in some countries of the EU show that unaccompanied minors in removal proceedings benefit from legal representation. As we have noted earlier in this research, United Kingdom and Spain denial of a legal Representative is increasing the denial and rejection of applications of unaccompanied minors in large numbers.

Studies suggest that the unaccompanied minor and other immigrants who have access to legal representation in immigration court, the system functions more efficiently. On the other hand, increased legal representation could save the government time and money by streamlining the administrative process and decreasing detention times.

To have someone to guide you when you are in a middle course is always a welcome moment. It is quiet excruciating when these minors could not find anybody to guide and counsel them through the stringent asylum process unknown to them or defend them against innumerable protocols and requirements that clog the documentation process like *the fifth wheel*, which ultimately block their integration and acculturation.

³⁹⁸ Court Ruling on family reunification: Spain Tribunal Supremo Español. Recurso de Casación 5348/2009. Regarding the consular practice of re-examining and revoking favorable resolutions for family reunification, the Spanish High Tribunal stated that: the resolution by which temporary residence for family reunification is authorized is independently valid (and the requirements are completed by the same resolution that grants it), even though its efficacy and effects are subject to a visa being issued and obtained.

Projecting these deficiencies from different angles, Bhabha and Crock (2007) in their comparative review of the United States, Australia and United Kingdom protection policies highlighted, “failures to collect data on separated children, deficient procedures for identifying such children, the lack of legal representative and low quality legal support in processing claims. Their research also noted failures in meeting their social needs, and the generalized hostility towards asylum seekers that is reflected in a ‘culture of disbelief’”. This is the operation model of immigration officials as well as social workers, according to (Jubani 2011). It is good to see that ‘*culture of disbelief*’ exists during implementation of migration policies and may not help the minor to integrate better. The perception of the social worker when it comes to the provision of one of the core needs of the minors in relation to a legal representative for the minor is not attended.

In practice a representative (guardianship or looking after someone) is appointed to asylum-seeking unaccompanied minor in Spain, if the minor is considered a trafficked child or suffers violence or ready for readmission. Sweden applies the same guardianship system also to non-asylum seeking unaccompanied minors. This representative is appointed to asylum-seeking minors in consonance with Art. 25 of the renamed recast Asylum Procedures Directive (Directive 2013/32/EU). The timing for the appointment of a representative, however, differs from country to country e.g. a representative may be appointed after asylum had been applied for; while some appoint before asylum.

However, since public policy can be changed or inferred to suit the aims and objectives of government officials. The minor is given a legal or ordinary guardian when his or her asylum application has been rejected so that before they finish the preparation of the defense, he will be singing his or her sorrow in another country, possibly h/her natal city. This can be added to the other findings we have presented.

On the other hand, deprivation of legal counsel for unaccompanied children retards the progress of the asylum process. In the event of total absence of a legal representative and added to the fact that *pro bono* legal assistance may not be available too, government’s reluctance to pay for direct legal representation for

unaccompanied minors represents an abdication of responsibility whereby unaccompanied minors appear in Migration Courts *pro se* (i.e. without a lawyer).

The lack of knowledge and inability of most unaccompanied migrant minors to represent themselves effectively in immigration courts is worrisome and above that we may not know the exact number of unaccompanied minors who are unable to appeal their negative decision before they are repatriated but there is a consensus that three quarters of unaccompanied minors do not know their rights and do not have an attorney to intercede on their behalf.

It is believed that members of the bar association can step into this matter and urge members of the house to establish a commission to investigate the issue as recognized by American Bar Association³⁹⁹ and American legislators.⁴⁰⁰ Another study from the United states which originally collected data from the Executive Office for Immigration Review (EOIR) from 1994 to 2005 whose office dedicates in adjudicate immigration cases⁴⁰¹ affirmed through its results that 34 percent of non-detained persons with legal representation were granted relief from removal, while only 23 percent of those without representation were granted relief. On the other hand, 24 percent of detained persons secured relief from removal when they had legal representation, as compared with 15 percent of those without representation. Data were collected from the Executive Office for Immigration Review (EOIR), in fiscal year 2005.

4.2.3.7 Long term/permanent residence permit: Comparison of Spain, Sweden and United Kingdom on the factors of integration.

The options for residence permit available for unaccompanied migrant minors in EU territory are fine-tuned by the issuing government or country. During their stay within the EU territory, unaccompanied migrant minors can be granted EU harmonized protection statuses (covered by the EU *acquis*) and non-EU

³⁹⁹ American Bar Association, *American Justice Through Immigrants' Eyes*, 2004, Access at: <http://www.abanet.org/publicserv/immigration/americanjusticethroughimmigeyes>

⁴⁰⁰ Transactional Records Access Clearinghouse, "Judges Show Disparities in Denying Asylum," (July 31, 2006), Access at: <http://trac.syr.edu/immigration/reports/>.

⁴⁰¹ Executive Office for Immigration Review (EOIR) is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings.

harmonized protection statuses (based on the Geneva Convention, on the principle of non-refoulement, or on other various grounds).

In Sweden, long term residence is granted to unaccompanied migrant minors and other immigrants who have hitherto obtained residence permit earlier through the providence of the Swedish Migration Board.

Different types of permits may be granted by member states, depending on whether the unaccompanied minor is applying for asylum or not. In general, member states can grant first residence permit to those who are qualified. Depending on the country, after five to ten years of residing continuously a permanent or long-term residence permit can be issued to asylum-seeking unaccompanied minors and temporary residence permits to non-asylum seeking unaccompanied minors, such as individual protection or permits based on humanitarian or compassionate grounds.

Long term or permanent residence permit is the guarantee for unaccompanied minors to reside long enough to absorb the orientation to integrate into society which conforms to the 'the best interest of the child' principle and is one of the factors we have chosen in the research for integrating the minors. Implementing policies that guarantee permanent residence permit after complying with conditions stipulated for third nationals.⁴⁰²

This has been the campaign of the UNHCR, while social workers impose debilitating obstacles rooted in nationalism or racism ideologies that hinder the complete implementation of protection policies. Delving into this issue Lorenz (2006) argued that the "migrant minor is a paradigmatic test case for social work and the unaccompanied minor is the torn on the flesh of social work. The encounter with displaced, dislocated people challenges social work to examine whether its values are rooted in or related to nationalism or racism ideologies which restrict the right to belong and to be cared for" (p. 78).

⁴⁰² Residence permit- entry clearance visas, if issued for six months or more to third country nationals given leave to enter the UK, act as authorizations to reside in the UK. Third country nationals subject to immigration control already in the UK, who successfully change or extend their immigration status, are issued a UK residence permit (as part of a vignette in their passport)... Third country nationals who are dependents of an EEA national are entitled to a residence card; however they are not required to have one. These are all categories in which residence permits or authorizations acting as residence permits are issued in the UK.

It is evident that social workers confront their bureaucratic responsibility with vigor and meticulousness. However, social workers have been accused of being slow and retarded in the provision of services. While implementing policies for the protection of unaccompanied migrant minors, this bureaucratic meticulousness is redoubled and used as excuse not only to deny minors their basic rights but also to remove them from the very system that should protect them.

Handling unaccompanied minors and other asylum seekers which specifically involve protection of unaccompanied minors, the attitude of social workers towards them has been on the debate. Contributing to this debate, Pierson (2010) declared that “refugees and asylum seekers and new arrivals from Eastern Europe and Africa are among the most groups in Britain that suffer - dislocation, powerlessness and discrimination while having fewer support systems to depend on” (p. 184).

One of the methods adopted by social workers that can lead to denial and deprivation is the use of framing language which leads to deterrent measures, discrimination, suspicion and hostility towards unaccompanied minors and other migrants, thereby adding more salt to the injury of the minor’s trauma. Permanent residence permit qualification is blocked by these deterrent measures and other administrative bottlenecks. As reported by Chase (2010) there had not been any investigation to find out why hostile surveillance is placed against children. On his part, Kohli (2006a) pointed out that unaccompanied minors manage their stories in a hostile asylum system through silence which may be a way of coping with post conflict trauma and loss.

On the other hand, denial of residence permit is the very foundation of deportation, reintegration, readmission and repatriation. The conflict and controversy surrounding some of the decision relating to residence permit for family reunification has witnesses many court rulings and which is able to explain why unaccompanied minors need more attention, e.g. a Denmark Court Ruling on residence permit for family reunification: European Court of Human Rights “Osman v. Denmark,” (Application No. 38058/9, 14 June 2011). In this case of denial of residence permit, the Court ruled that Danish authorities were in violation of Article 8 of the European Convention on Human Rights (the right to

respect for private and family life) by denying a residence permit to a non-resident child who had spent many years residing in Denmark and whose family members were still residents. The Court awarded damages as it found that the best interests of the child had not been sufficiently taken into account, and indicated that her residence status should be reinstated.

4.2.3.8. Education: Comparison of Spain, Sweden and United Kingdom on the factors of integration.

Education is life and the cornerstone of sustainable development to individuals, families and the social system in general. Education corresponds to one of the needs that sharpens the fundamental right of minors thereby enhancing their integration not only in these countries under study but all over the world. As we have noted adopting education as one of the best factors to measure integration is also confirmed by the work of Gimeno (2005 p. 419).

In the Spanish context the right of the minor to education includes the teaching of character and compulsory, as established by law in Article 9 in its first paragraph of the LODYLE and a duty of all foreigners less than 18 years of age on equal terms with Spaniards. They also have access to public system of scholarships and aids. However, under normal circumstances, the law makes education obligatory from 6th year to 16 years old and can benefit from scholarships and academic support but it is impossible for an unaccompanied minor to benefit from all these laudable provisions since h/his age is always under debate and his stay is not guaranteed. The question of education of unaccompanied minors and other minors which corresponds Article 9 of the LODYLE is not questionable but what is questionable is the stumbling block.

For this reason, the responsibility to educate the child is enshrined in the CRC of 1989 in Article 28: Right to education: All children have the right to a primary education, which should be free.⁴⁰³ “The Convention places a high value

⁴⁰³ Education and respect to parents: the society benefits, thus: Article 29 (Goals of education): Children’s education should develop each child’s personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights their parents, and education should aim to develop respect for the values and culture of their parents. The Convention does not address

on education. Young people should be encouraged to reach the highest level of education of which they are capable” (The Convention on the Rights of the Child, (Article 28, 1989).⁴⁰⁴ Furthermore, Article 10 of Council Directive 2003/9/EC of 27 January 2003 laid down minimum standards for the reception of asylum seekers on Schooling and education of minors.⁴⁰⁵

The need to educate unaccompanied minors could be a societal obligation in order to prepare them for future development (Lundberg (2011); Migration Integration Policy Evaluation Index MIPEX 2015, 2016;⁴⁰⁶ Newbigging, and Thomas 2011). This is because unaccompanied minors are vulnerable and in need of protection from violations (O’ Davidson and Farrow, 2007). Government institutions that have the obligation to protect them should be aware that if their education is not compulsory and specified,⁴⁰⁷ they will fall back to the unscrupulous businessmen (called Networks) to serve their whims and caprices.

Bringing all these together, the first thing to offer a child o be able to develop psychologically is education. To this end it is important to addressing

such issues as school uniforms, dress codes, the singing of the national anthem or prayer in schools. It is up to governments and school officials in each country to determine whether, in the context of their society and existing laws, such matters infringe upon other rights protected by the Convention.

⁴⁰⁴ Article 28 of Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49. 1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates. 2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention. 3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

⁴⁰⁵ Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers on Schooling and education of minors. The council of the EU: Official Journal of the European Union 6.2.2003

⁴⁰⁶ MIPEX, (2015, 2016) Migration Integration Policy Index for Sweden, assessment report. Access at: <http://www.mipex.eu/sweden>.

⁴⁰⁷ (1) Member States shall grant to minor children of asylum seekers and to asylum seekers who are minors access to the education system under similar conditions as nationals of the host Member State for so long as an expulsion measure against the more their parents is not actually enforced. Such education may be provided in accommodation centres.

young asylum seekers' needs in terms of access to education, improved knowledge of legal, health and social welfare provide an opportunity for personal development (Groark et al. 2010).

In Sweden, schooling for children who are to be deported is found in (SOU 2007:34).⁴⁰⁸ However, children who are considered to have a short stay will not be able to benefit from this provision and the administrators find it justified, according to the publication of Ministry of Justice (Children in the asylum process, Ministry of Justice 2010) while other reports declared that this short stay stigma is why there is no schooling for a minor who has a clear record to be deported.

4.2.3.9. Employment, orientation and job opportunities: Comparison of Spain, Sweden and United Kingdom on the factors of integration.

The capacity to have access to the labor market is one of the important factors in integration efforts, Migration Integration Policy Evaluation Index, (2011-2014). According to Stephen, Mark and Giuseppe (2005); Chiswick (2000) integration of immigrants is measured by employment because that is going to guarantee their economic survival and the possibility of forming a new family while meeting their tax obligations.

Swedish access to the labor market is guaranteed in the Swedish Act 3.7. This is the instrument that empowers local and state institutions to execute periodic orientation courses that facilitate integration.

Apart from rare occasions in many European Union 28 Member States labor migration is linked directly with adult migration although some have mischievously asserted that unaccompanied minors are also migrating for the same reasons as adults. In this research relating to implementation of migration policies for enhanced integration of unaccompanied minors we do not follow this overbeaten path, because it is not legally binding for unaccompanied minors to be employed until they reach 18 years.

⁴⁰⁸ The Swedish Ministry of Justice through this legal provision known as (SOU 2007:34) with the title "Schooling for children to be expelled" declared in the report that the Commission proposes that children of families who have been refused a residence permit in Sweden and who are denied the right to stay or in the process of a decision on expulsion shall have the right to education in the public school system. Children should also have the right to pre-school.

Unaccompanied minors are yearning for protection from adult exploitation. However, unaccompanied minors especially rejected ones fall into the second group into the irregular dungeon. Many of the unaccompanied minors lack work permit card thereby, it is also difficult for many of the minors to participate in labor orientation programs which target those at 16th year. This irregular and second group of minors work in underground occupations like prostitution, cleaning services, construction, hotel-tourism and farm work, which do not bring similar levels of well-being to the workers and do not create the avenue for integration and incorporation. They work in this exploitative situation for the fact that they want to fulfill the legal conditions that can enable them qualify for residence permit.

The possibility of unaccompanied minors to participate regularly in the labor market is one of the indicators of enhanced integration according to Migration Integration Policy Evaluation Index (MIPEX) and in the case of formal employment, which provides workers job stability/security (not just a three months contract), full benefits including holidays, not still-born job that suddenly stops after a while (*finiquito* or sudden death or sudden job loss) and Industrial Training not exploitation.

On the other hand, unaccompanied minors are exposed to informal employment jobs which are abusive and temporary in many parts of Spain especially in the Tomato and Orange plantations. They do not receive benefits when they enter the labor market and are offered lower wages with inhuman condition. This informal sector traps and exploits a large chunk of unaccompanied minors making them less protected. These are the survival strategies of unaccompanied minors when the welfare state fails. As the author witnessed, this precarious nature sometimes led to instant death in the work place or sickness that are not compensated in any form and incapacitation which the minors carry to the grave.

4.2.3.10. Housing or accommodation: Comparison of Spain, Sweden and United Kingdom on the factors of integration.

Housing or adequate accommodation makes it easy for a minor to settle down and do his or her work or schooling. Accommodation has the power of creating an air of security while the absence of accommodation of an unsuitable one may thwart any effort at integration.

In Spain housing for unaccompanied minors takes two forms. One is if there is a proof that a minor is a victim of human trafficking person and second if a minor cannot be returned after various attempts. After passing through various (centros de acogida), a home can be found for child by the local council. This in line with granting subsidiary or complementary international protection as established in the Asylum law 17.2 of 1984 and article 31.3 of royal decree of 1995.

In Sweden, asylum seekers are either provided housing or are responsible for finding housing by themselves with existing diaspora and must provide the address to the migration Board. However, unaccompanied minors have been accommodated in various centers of reception until they have their own residence permit and can live in local government planned housing. Unaccompanied minors can live in a special housing, care home, residence or foster family homes as well.

In United Kingdom, various surveys of the Greater London Authority showed that unaccompanied or separated children are not receiving adequate level of accommodation and support. Save the Children United Kingdom had been criticizing the consistent detention of children, while the Refugee Council reported that many unaccompanied or separated children are still not being provided with appropriate support of accommodation by their local authority even though they have gotten the money to do so.

Provision of accommodation under section 17 of the 1989 Act 2.54 where Children's services authorities have powers to accommodate children under section 17(6) of the 1989 Act. However a young person provided accommodation under this section would not be "looked after" and the local authority would not have the corresponding duties set out in sections 22, 23 and 24 of the 1989 Act. But it is clear that the provision of accommodation under section 17 will almost always concern children needing accommodation with their families.

Under section 20 also the provision of accommodation is guaranteed, but this is where UASC are cheated and discriminated because they do not know that they have the right to accommodation and are not informed. Furthermore section 17(10 and 11) of UK Children Act of 1989 defines a *child in need* as including all children with a disability. In the UK Children Act of 1989 section 31 “looked after” is caring for a child for a short term family support service. Some authors argue that it may be difficult to be a “looked after” UASC because the same Children act section cannot be activated if age dispute is not in favor of the UASC; if the unaccompanied minor is seen as accompanied and if the grounds to be a “looked after” is absent.

Many nongovernmental organizations including the Immigration Law Practitioners’ Association have argued that there are some inadequacies in the present asylum determination process for children whereby they are not guaranteed a home. It must be noted that right to adequate accommodation and freedom from detention are very important factors to measure integration in this research and also one of the areas which cause sufferings of unaccompanied minors that eventually reproduce psychological problems.

This was highlighted in some works for example Sourander (1998, p. 720) averred that their stressful life and lack denial of these core integration rights are responsible for their behavioral problems and traumatic events. He also added that adults and the family situation play important roles in providing an emotional buffer to unaccompanied minors which is what we are projecting and proposing.

4.2.3.11. Freedom from discrimination and prejudice: Comparison of Spain, Sweden and United Kingdom on the factors of integration.

Spanish efforts at establishing anti-discrimination laws which will help in granting freedom from discrimination and prejudice came to light with the establishment of a foundation called (*Ayuda a Niños y Adolescentes en Riesgo [ANAR]*) for prevention and intervention related to high risk situations involving minors. The Interior ministry and NGOs are involved but the impact on unaccompanied minors is yet to be felt. ANAR is an ‘over the bar policy’ because it

attempt to address issues that are transnational and which it cannot control, nor does it have the resources to fight networks or migration businesses.

Delving on this matter in their work, Bedmar and Caro (2013, p. 120) said that there had been efforts by the Spanish government in fighting racism for example the Spanish Monitoring Center on Racism and Xenophobia (OBERAXE). This is aimed at fighting racism and xenophobia which also supports the forums for exchanging strategies and good practices between autonomous communities and serves as interlocutor with the EU Monitoring Center on Racism and Xenophobia.

Migration policy implementation is shared between the central government in Madrid therefore; an autonomous community through its social worker can declare a situation of helplessness/abandonment that is (Desamparo) of a minor in order to facilitate and to assume tutelage. This is executed through the institution known as the *Dirección Territorial de la Conselleria de Bienestar Social*. From then a protocol of care for the minor is activated. In practice, a concrete freedom from discrimination and prejudice is still in the offing.

On the part of Sweden better anti - discrimination laws has been established for immigrants in Sweden. It is easier to interpret and apply anti-discrimination law just like in United Kingdom, France, Canada and United States. Sweden replaced 7 anti- discrimination laws with one and 4 Equality Bodies with one Equality Ombudsman. In court, NGOs can support victims and judges can award higher damages. Immigrants do not need language knowledge nor pass any tests on citizenship or cultural exams to obtain citizenship as is applicable in United Kingdom. This is a major difference. Swedish born children are not automatically recognized as Swedish, since their legal guardians may or may not notify authorities once conditions are met.

In United Kingdom, the New Equality Law (2011) came into force. It tackles the issue of multiple-discrimination. It harmonizes equality laws in a consistent coherent and easy to understand manner. With these changes non- governmental organizations can play a role in courts.

4.2.3.12. Nationality/citizenship: Comparison of Spain, Sweden and United Kingdom on the factors of integration.

Citizenship as a Factor for integration of unaccompanied minors should be well understood as indispensable. Citizenship is one of the most important factors used in this research for assessing the implementation of protection policies for enhance integration of unaccompanied minors in Spain, Sweden and United Kingdom. This is predicated on the view that potential minors will become permanently insecure if he or she cannot opt for nationality. In many occasions acquisition of citizenship is celebrated as a welcome event.

In Spain, those who want to obtain citizenship or Spanish nationality can only do so after residing in Spain for ten years. The exception to this rule belongs to those foreigners who come from countries with reciprocal agreements. Delving on this matter Bedmar and Caro (2013) claimed that the efforts by the Spanish government in the acquisition of citizenship and social cohesion can be found in the Second Strategic Plan for Citizenship and integration from 2011-2014 which aims to encourage cohesion and social integration of immigrants. This is based on the four fundamental principles of equality and non-discrimination, citizenship, inclusion and interculturality. However, foreign nationals from Spanish-American countries, Andorra, the Philippines, Equatorial Guinea, Portugal and those of Sephardic origin only have to wait for two years.

Spanish nationality via *Jus sanguinis* establishes two types of nationality-Spanish nationality by origin, that is, a natural-born Spaniard, and the Spanish nationality not by origin can be found in Article 17 of the Spanish civil code⁴⁰⁹

In relation to minors. Spanish legislation⁴¹⁰ establishes that foreign minors under the age of 18 acquire Spanish nationality by origin upon being adopted by a Spanish national on these conditions: If the adoptee is 18 years or older, he or she can apply for Spanish nationality by origin within two years after the adoption took place. On October 2015 two new laws⁴¹¹ modified the way Spanish

⁴⁰⁹ Though it has been in force till 23 de Julio de 2011, the Spanish legislation defines who is real Spanish by origin article 17 of the Spanish Civil Code, (Real Decreto de 24 de julio de 1889.

⁴¹⁰ These conditions can be found in Real Decreto de 24 de julio de 1889, texto de la edición del Código Civil mandada publicar en cumplimiento de la Ley de 26 de mayo.

⁴¹¹ With this legislation those who do not go to school and have not entered school are not going to find it easy in Law 19/2015 of 13 July, on administrative reform of the Civil Registry, which also

citizenship is acquired. One to incorporate former Jews and the rest immigrants but Hispanics are to take only the constitutional/cultural exams. Applicants are to take language and cultural exams offered as DELE A2 or higher for those who do not come from Spanish-speaking countries, and Constitutional and Sociocultural knowledge about Spain - the CCSE. This reflects the mood of the country and harmonization with the European Union.

Sweden on its part, citizenship is based on the *ius sanguinis* principle, which means children born in Sweden to non-Swedish parents are not automatically entitled to Swedish citizenship. However, immigrants and their children are encouraged to naturalize and the requirements are not restrictive. Requirements for naturalization are five years of permanent residence in Sweden. People from Nordic citizens need just two years while Unaccompanied minors need four years or five years.

In United Kingdom, British Nationality Act 1981, established the current system of multiple categories of British nationality, for British citizens, British Overseas Territories citizens, British Overseas citizens, British Nationals (Overseas), British subjects and British protected persons. Only British citizens and certain Commonwealth citizens have the automatic right of abode in the UK. As from July 20 2009, the Borders, Citizenship and Immigration Act 2009 provides that a person born outside the UK to a British mother can acquire British citizenship on other conditions. The 1981 Act ceased to recognize Commonwealth citizens as British subjects. There remain only two categories of people who are still British subjects: those (formerly known as British subjects without citizenship).

British Citizenship can be acquired in the following ways: -- children born before 1 July 2006, if only the father meets this requirement the parents must be married. *Lex soli*: By birth in the UK or a qualified British Overseas Territory. *Lex sanguinis*: By birth abroad, which constitutes "by descent" if one of the parents is a British citizen otherwise than by descent for example by birth, adoption, registration or naturalization in the UK, by naturalization, by registration and by adoption. As from January 2004, all new applicants for British citizenship by

regulates the procedures for obtaining Spanish nationality. Law 12/2015 of 24 June, granting Spanish nationality to Sephardic Jews.

naturalization or registration aged 18 or over if their application is successful must attend a citizenship ceremony and either make an affirmation or take an oath of allegiance to the monarch, and make a pledge to the UK.

In United Kingdom and now in Spain foreigners are required to take exams on language, culture and constitution, but in Sweden foreigner minors and other immigrants are not required to pass these citizenship tests. However, immigrants who have been sentenced to prison for a criminal offense are not allowed to take citizenship in Sweden.

4.2.3.13. Health and sanitary services: Comparison of Spain, Sweden and United Kingdom on the factors of integration.

In Sweden, all asylum seekers including unaccompanied minors have the same legal right to health care as Swedish citizens. The special Act on Care for Asylum Seekers also made provision for their dental care. In autumn 2012 the Government presented a memorandum containing proposals aimed at implementing the health and medical care proposals in the agreement between the parties. The basis for the proposals is the 2011 report by the Inquiry (in Swedish - *Vård efter behov och på lika villkor en mänsklig rättighet*) that is, Health care according to need and on human right equal terms.

In the case of Spain, unaccompanied migrant minors (MENAS) are subjected to medical checkup as soon as they enter a center of reception known as (centro de acogida). During this period the unaccompanied minor can utilize public sanitary services in the same way nationals can use it. But if an Unaccompanied minor shows any psychosomatic or psychological problems they are sent only for tests until they are either repatriated or they live with the problem. In Spain, unaccompanied minors are not expected to register at the local council or Ayuntamiento before medical attention, because the law in general recognizes that a child has a right to health services, *ceteres paribus*.

In United Kingdom, the Children Act, section 18 mandates all local councils to promote the welfare of children, "who are in need" within their area of jurisdiction.

However, as far back as 2011 the European Commission issued a new communication on the “Agenda for the Rights of the Child 2011-2014,”⁴¹²

4.3. Analyzing the Return Directive with deportation caveat.

As indicated earlier, a foreigner who arrives at any of the borders of the EU 28-Member States without adequate documentation will be detained for questioning and repatriation, if applicable. This is the idea behind the detention of unaccompanied minors within the context of Article 17 of Directive 2008/115/EC (Return Directive) (see also Section 3.2.6).⁴¹³

Further to this idea, the government of United Kingdom though did not participate in some portions of the adoption of extracts of the Directive. On the part of Spain, the Directive was wholesale exclusion, since unaccompanied minors are not given the first opportunity to enter and stay; they are not regarded as true refugees and they are regarded as unwanted foreign minors. Other countries with the harshest restrictive policies like Denmark, Ireland and the United Kingdom were required to transpose the provisions by 24th December 2010, except for Article 13(4), which must be transposed one year later. On their part, unaccompanied minors who enter Sweden would only be detained as a last resort as dictated by the Directive. But this is not all.

We can represent this case with the case before a judge in a court:

⁴¹²Agenda for the Rights of the Child 2011-2014, 6. which consisted of 11 actions aimed at making the justice systems within the EU more child-friendly and the protection of children in vulnerable situations. Action 6 of this Agenda aims at “supporting the exchange of best practices and the improvement of training for guardians, public authorities and other actors who are in close contact with unaccompanied children---which maybe in tandem with our idea. http://ec.europa.eu/justice/policies/children/docs/com_2011_60_en.pdf....

⁴¹³Return 3.2.6. The Return Directive on common standards and procedures in Member States for returning illegally staying third-country nationals, obliges a Member State, before deciding to issue a return decision, to grant unaccompanied minors assistance by appropriate bodies other than the authorities enforcing return. Furthermore, before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State have to be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the country of return. Where necessary, Member States are required to extend the period for voluntary departure by an appropriate period, taking into account the specific circumstances of the individual case, such as the length of stay, children attending school and the existence of other family and social links. During this period, it is incumbent on a Member State to ensure that the following principles are taken into account as far as possible in relation to third-country nationals: (a) family unity with family members present in their territory is maintained; (b) emergency health care and essential treatment of illness are provided; (c) minors are granted access to the basic education system subject to the length of their stay; and (d) special needs of vulnerable persons are taken into account.

Adjudicating a case whereby a woman brought her husband to court, accusing him of beating her always. At the time of questioning, the judge asked the woman "can you demonstrate how the beating goes" the woman said "yes." She kicked somebody tree times but the man she was kicking laughed. Then the judge asked her again. "Does he beat you out of anger or out of love?" The case ended when the judge declared that the kicking was out of romantic exuberance and not out of hatred. Case dismissed.

If we apply this same court case to the weight of detention of a minor, it is possible that the detention which Sweden does is to be able to register their profile in the asylum application process and document them, because we now know that the minors' documentation is linked with his or her relationship with the tax office, insurance, health and the labor market, therefore it is unavoidable. Therefore, it may be argued by the authorities that the detention of the minor is done out of the type of 'love' we witnessed above and for a special purpose and not in bad fate.

The argument above should sweeten the hearts of policy makers and social workers, but the practices and what transpire at the centers of reception and integration should worry social workers in the same way the cruelty of the Middle Ages societies became a terrible concern to humanists, teachers, pastors and philosophers. Policies that govern detention of unaccompanied minors provide that they must be afforded a new opportunity to participate in recreational activities appropriate to their age and maturity.

All detention centers shall have a number of officials and that minors should be accommodated in detention centers with access to staff and premises that provide for the needs of minors in their age group. I posit that these additional facilities may have been added as an idea to divert their attention from their suffering and uplift their recreational mentality.

Furthermore, though the United Kingdom did not subscribe to the Return Directive, the United Kingdom Border Agency's applies the current practices on detaining illegally staying unaccompanied minors with a view to their removal in line with this Directive and because it is the area that favor them and the fact that the readmission formula makes it imperative for UK to become involved.

4.3.1. Implication of Age assessment, the Law and unaccompanied minors.

It is necessary for us to establish the benefits of age assessment in this research, with the perspective that the best interest of the child is the primary consideration in all actions as prescribed in Article 3 of the CRC of 1989 and that there should not be any discrimination based on nationality, immigration status and statelessness. These declarations are reinforced in Article 2 while Article 6 laid down the fact that Children have the right to life and should be able to express themselves freely in matters concerning them Article 12.

In order to facilitate the protection of unaccompanied minors by government institutions and for a minor to be able to benefit from the forgoing rights there is need to know which age the minor is and this is why countries insist on the age assessment. Our problem and the problem of other researchers and pediatrics is the method of using antiquated instruments to measure the age of minors, for example the application of negative X-ray and the brazen evasion of privacy of minors.

The makers of the CRC should have known that Article 3 on discrimination based on nationality, immigration status and Article 12 on the right of the minors to express themselves freely is not attainable because this is the very area States have problem and they flout this part with impunity. If the minor has the right to express himself or herself, he or she will not permit h/his privacy to be evaded and may not accept to be detained for a long time or dispatched to a concentrated ghetto.

Unaccompanied minors will prefer a bustling city where there are job opportunities but they are dumped in a ghetto or semi ghetto. Their migration stories are not honored nor incorporated into their migration experiences. For this reason they become or remain silent because they don't know already that whatever they do or say will be used against them and that whatever they say will implicate them into deportation. The quantum of discrimination the minors receive on the bases of nationality and on the bases of migration stands face to face with the migration policies of UE member countries.

This is predicated on the view that a third country national from republic of Guinea, Eritrea, Uruguay, Nigeria or Congo cannot have any chance of being integrated. But he or she will have time to solicit asylum, but at the end he will be readmitted because he or she has been marked based on his or her nationality. If the child comes from Syria, Afghanistan, Iran, Iraq or Liberia, the excuse to return them will be that they are child soldiers or that their own city is not the city on fire and finally there is no proof of persecution beyond all reasonable doubts. The benefits of age assessment are also linked to Article 22 which mandates the states to provide measures of integration and psychological recovery in Article 39 and to preserve their identity in Article 8.

Many studies have demonstrated how unaccompanied minors may suffer psychological trauma and emotional distress provoked by their suffocating asylum process which sometime ends in technical jargon of rejection. Article 5 provides the right of parents, family or community to provide direction and guidance to the minors but did not say how since children of these days are more individualistic. The unaccompanied minors are yet to enter into this level of knowledge because the CRC has made a limit of what should be seen as a minor.

There is a clear line drawn between adult and minor at 18 years. On the other hand, sociological and anthropological construction (looking at the indigenous peoples) averred that the concept of childhood emphasizes that it is a social construction, which sees the child as capable of solving problems according to (Jenks, 2011). The question that I ask is: can unaccompanied minors be capable of solving psychological trauma and emotional distress?

As I have indicated in chapter two of this research, there are many conception of childhood and this is one of them. Some studies have also attempted to show the difference between adults and children just like the one that declared that "While all societies recognize a difference between childhood and adulthood, traditionally the distinction between the two life stages has varied considerably across cultures and societies by markedly different measures such as puberty, marriage and degrees of work and responsibility" (Brownlees and Smith 2011).

It will be necessary to add with our experience that many unaccompanied minors have worked as, messengers, collectors, diggers and hewers of wood in order to survive and that is why it is possible for some of them to pay lawyers to

defend their age in court, in some cases where government refuse to provide a legal representative.

4.3.2 Results for lumping unaccompanied minors and old immigrants together: Creating a ghetto.

In order to meet the content of our objectives presented in chapter three, number two of our specific objectives, I hereby indicate and explain the strengths and or weaknesses of integration of each country under this comparison. In this case all the countries under study are lumping unaccompanied minors and old immigrants together thereby creating a ghetto and ghettos. We like show some of the implementation methods used including housing and keeping unaccompanied minors in the country.

This is an area ignored freely by policy makers and researchers but it is applied because minors and other immigrants may not complain. It is a method of intervention which has led to many psychological problems of unaccompanied minors. This emanates from being put in a saturated city where the hope to get a job and accommodation is rare and very expensive and exploitative. Psychological problems of unaccompanied minors is also aggravated by lack of faith on the immigration protection policies; fear of victimization by neighbors, police and the insiders; having a sense of failure and insecurity. Focusing on these areas has enabled us to mirror the type of integration stress or racial discrimination in institutions or individuals or groups that have more impact on service delivery to the unaccompanied minors.

Integration stress also comes from lumping immigrants together. In practice, unaccompanied minors and other immigrants fight relentlessly for the few menial jobs available within their area of residence and this helps to accomplish the insinuation that they fight like dogs. Dogs are pretty smart, but when five dogs are hungry, the normal thing is to give them five bones or plates of food to eat, but if you give the five dogs one bone, they will dive with their ultimate strength to clinch the bone and whichever dog that gets the only bone will scam. This is the life scenario of unaccompanied minors in the cities where social workers claim that they are integrating them.

4.3.3. Professional Training and Intervention: Need for trained professionals in child care.

Training professionals who should be capable of managing the vulnerability of unaccompanied minors and other migrants took some European Countries by surprise and in effect surpassed them especially Spain. How can a person who has no training; not been able to organize a group or persons and has not been able to pass set exams and do not have good relation with his or her neighbors be capable of handling minors with traumatic experience? This is the situation in many shelters and places where refugees are kept.

I believe that anybody addressing the issue of integration of unaccompanied minors without stating clearly how their rights and needs to residence permit, education, family reunion and other rights is not addressing the issue or maybe not be qualified to handle a part of this issue concerning unaccompanied minors.

The beneficiaries of career positions in care center may be those political sympathizers who are compensated after election victory or loss. They may be those who are being paid by Local Councils and compensated by the welfare system because they were incapable of working elsewhere and because the care and management of immigrants, (those outsiders) can be managed by illiterates and other outcasts. This is predicated on the view that immigrants, first and foremost are perceived as part of a disorder and are lumped into a secluded place so that they (unaccompanied migrant minors) may not bring dirtiness to the clean state.

This view was also orchestrated in other works which lay credence that immigrants are far removed from cleanliness and orderliness. According to Bauman, (1997, 1998, p. 18) the perception of the state is that "immigrants or strangers were the waste of the state's ordering zeal. What the modern strangers did not fit was the vision of order. When you draw dividing lines and set apart so divided, everything that blurs the line and spurs the division undermines your work and mangles the product" (p. 18).

However, those who drafted the protection laws had thought about the training and proper education of caretakers and social workers who will be

responsible for unaccompanied minors and other minors. This responsibility is shifted to the states and its administrators. In Article 3 the core obligation of States parties is to guarantee the execution of actions, therefore mandates that: the best interests of the child shall be a primary consideration taking into account the rights and duties of his or her parents, legal guardians and ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities.⁴¹⁴

Other right that must be respected in the Convention, such as article 2 (the right to non-discrimination), article 6 (the right to life, survival and development) and, in particular, is interdependent with article 3 (primary consideration of the best interests of the child). The article is also closely linked with the articles related to civil rights and freedoms, particularly article 13 (the right to freedom of expression) and article 17 (the right to information).

Bearing the fact that courts are embed with human right perception they should be allowed to set standards with the participation of humanists, teachers, pastors and philosophers. This group, I envisage can contribute to institutional secularization instead of staying aloof through their inbuilt emphasis on universal principles of individual freedom of conscience and equality and pastors will not stay aloof and concentrate on recollection of immigrants when they become undocumented.

Teachers who teach them will not scare them anymore because the law prohibits closeness to them. It is sufficient to say that unaccompanied minors should be protected from being used for political ploys, debate or to attack political opponents. They should be given sufficient information on training opportunities and should have the capacity to pursue professional careers that can provide a buffer to benefit equal rights thereby making social cohesion possible.

⁴¹⁴ Article 3: 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. 3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

As we have indicated earlier that the best method for social and economic integration of unaccompanied minors can be achieved by adopting the fourteen integration factors which we proposed. Fortunately, this is in addition to the Migration Integration Policy Evaluation Index (MIPEX, 2016) seven factors of integration which we consider inadequate. Have considered other options, I project fourteen possible alternative factors of integration necessary for enhanced integration of unaccompanied minors.

These fourteen integration factors correspond to our specific objectives which are relevant academically, contextually and administratively favorable to the implementation of protection policies for enhance integration of unaccompanied minors in Spain, Sweden and United Kingdom. Therefore, I have decided to portray the seven addition factors of integration which are as follows: Technical training and substitution of religion in their classification and free from all forms of prejudice and racism; periodic training and labor market orientation including periodic reminders in order not to slid back to “irregular” (happening now) and economic resources exemption; freedom from “hot devolution” and premeditated deportation; freedom from short-gunpoint interview and medical age assessment; Right to have a legal representative, a psychologist and a physician; Compulsory language and civic knowledge competence as condition for residence and easy family regrouping; and Acquisition of citizenship within 5 years and free from two excruciating exams.

4.3.4. Spanish social care services for refugees and unaccompanied asylum seeking minors: a summary

The stay of an unaccompanied minor in Spain is determined by a condition that: if it is not possible to locate their family, and if in the country of origin nobody accepts to offer adequate protection or if there is evidence of crisis as we like the ongoing war in Iraq, Afghanistan and Syria. Government delegation or sub-delegation must take decision to allow a leave of stay; to facilitate regularization of their administrative situation in Spain.

According to the Spanish Ombudsman in 2005 the minor must apply for residence permit after nine months of investigation and stay through the

intervention of the protection agencies, which are expected to act on the best interest of the child principle. However, this waiting period causes a lot of psychological damage to the unaccompanied minor and to a greater extent the great uncertainty about life leads to hopelessness.

The residence permit should be issued to the unaccompanied minors without waiting for nine months because the pains and pangs of distress makes their life more miserable. In general, it is not understandable that a child should stay for nine months and later repatriated laying credence to the evidence that the grant of residence permit might be a trap to hold the minor until the ministry completes arrangement of deportation. It is incongruent to agree that an authorized residence permit is no impediment to repatriation.

Furthermore, the administrative authorities expect the minor to produce an identity and where this is not possible, the *Spanish Sub Delegación de Gobierno* demands an identification document from the diplomatic mission or consular post that corresponds to the minor and where that is not possible, the Ministry facilitates a card that will just be enough for one year so that repatriation process will be reactivated and effected in advance of the expiry of the permit so granted.

4.3.5. Concerns about the dangers of welfare destroying rather than promoting family responsibility in familiar terms.

Welfare services and the welfare state came into being in order to assist the less privileged in society especially family, youth, women and other vulnerable people. There had been lots of concerns about the dangers of welfare destroying rather than promoting family responsibility in familiar terms has gained momentum. Therefore, the arguments have gained potency because the strands of philanthropic, humanistic, liberal, and socialist argument that had previously provided a powerful and polyvalent support for the principles underlying child welfare, have come unwoven, or rather have woven themselves into a new pattern.

Far from representing an enlightened benevolence, the principles of welfare and the best interest of children are seen as representing and facilitating a coercive paternalism on the part of the state, and fermenting social exclusion of

unaccompanied minors, other immigrants and other vulnerable people, according to Rose, (1989, 1999, p. 209).

According to the libertarians, these paternalistic powers assumed by the state and its agencies amounted to illegitimate intrusions into the private realms of the family, incursions that should be prevented by the legal recognition of family privacy which can enable family pay more attention to children. Elevating the issue while citing other authors Rose (1989, 1999) citing the book of Morris, Giller, Szwed and Geach (1980, p. 209) claimed that the Civil liberties lawyers propounded these arguments from vociferous pressure groups under the general banner of family rights and children's rights.... They criticized the loose standard that guided the courts in their judgments concerning children. This enabled them to shape the decision in such a way as to conform to the 'welfare' while the best interest principle is relegated to the background.

4.4. Statistical population of unaccompanied minors... the necessity for implementation of legislations for protection.

The population of unaccompanied minors entering legally or surreptitiously into the territories of the Member States of the European Union is largely inadequately documented; therefore statistical reports vary from country to country, from local to national organizations. Each Member state of the European Union adapts a definition suitable for implementation of its own protection policy within the framework of the migration policies enacted.

Based on this reason, this doctoral research on implementation of policies towards integration and incorporation of unaccompanied minors in Spain, Sweden and United Kingdom adopts the generally accepted child centered definition as enunciated by this EU Directive: "A Minor who arrives on the territory of the Member States unaccompanied by an adult responsible for them by law or by the practice of the Member State concerned, and for as long as they are not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after they have entered the territory of the Member States."⁴¹⁵

⁴¹⁵ Art. 2(l) of Directive 2011/95/EU of 2012.

It is worthy to note that there are approximately 50 million uprooted people in the world, including refugees and displaced persons in their own countries. In the foregoing statistics, almost half of this population consists of children. Albertinelli, (2010) reported that, among 5 minors out of each 20 asylum seekers in the European Union, one is an unaccompanied minor. According to the United Nation Organization, UNHCR, in Western Europe alone there are over 100,000 children separated from their parents. Around 20,000 unaccompanied asylum children presented each year in Europe, North America and Oceania.⁴¹⁶

At the European Union 27 member states level, the number of applications for international protection (unaccompanied minors included) from 2010 to 2013 are as follows: 2010, 257 800; 2011-302 000 and 2012-332 000 Eurostat, (2013). On its own part, Eurostat declared that the number of **unaccompanied minors** in Europe who got residence permits issued were 4 968. In this way, Sweden gave 215 residence permits, Spain gave 579, Denmark 28, Belgium 65, Finland 166 etc. On the other hand, unaccompanied minors who did not apply for asylum were estimated at, 12, 770 based on the account of (Carlier et al. 2013).

Furthermore, countries of origin of unaccompanied minors (> more than 100 UMM) were: Afghanistan - 3 295, Ethiopia - 120, Guinea - 285, Iraq-200, Syria - 1 020, Eritrea - 710, Pakistan-330, Iran - 175, Bangladesh - 195, Vietnam - 100, Nigeria - 135, Democratic Republic of the Congo-205, Russia - 345, Morocco-525, Somalia - 1 580 and Algeria - 330. On gender characteristics, boys were 10600 while the girls were 2080. Those whose ages were less than 14 year were 1285. On the other hand, the age of 130 unaccompanied migrant minors were not ascertained⁴¹⁷.

4.4.1. Spain: Five years Comparison of Population of Unaccompanied Minors.

In our effort to present one of the core objectives of this research on assessing implementation of protection policies for enhanced integration of unaccompanied minors, we analyze and compare the difference and similarity in the number of unaccompanied migrant minors in Spain, Sweden and United

⁴¹⁶ UNHCR, Trends asylum, first half of 2014. www.unhcr.org/5423f9699.html

⁴¹⁷ Right to asylum for unaccompanied minors in the European Union: A comparative study of the 27 member states. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/uam/infographic_a4_en.pdf

Kingdom within the last five years, including different protection policies of government bodies. We are taking off with Spain but be aware that information is very scanty.

The number of unaccompanied minors in Spain has been on the increase but the collection of data relating to unaccompanied foreign minors is limited, inadequate and conflicting. To add salt to injury, undocumented unaccompanied minors are increasingly not ascertainable because social workers feign ignorance of their presence.

Table (6). Population of unaccompanied minors in Spain

YEARS	2009	2010	2011	2012	2013
Total number of unaccompanied minors	1,265	1,323	1,369	1,205	1,285

Source: EMN Focused Study 2013: The Organization of Reception Facilities for Asylum Seekers in different Member States.

On its own part, the Spanish National statistics office declared that the total number of applicants accommodated in reception facilities in Spain is as follows: In 2009 - 2,253, 2010 - 2,573, 2011-2,128 and 2012-1,837.⁴¹⁸ Therefore, we realized that the exact numbers are difficult to confirm when it comes to Spanish records as well as other countries. Although unaccompanied minors can only be detained as a last resort as stipulated by law, their protection is localized within the jurisdiction of the autonomous communities (Articles 35 and 62.bis-1). Therefore, unaccompanied foreign minors are accommodated in children's shelters (*centros de acogida de menores extranjeros no acompañados*). Government offices in charge of the minor in Spanish autonomous communities declared that they have 2,700 unaccompanied minors in Spain as of October 2011 (EMN, 2011, 2013).⁴¹⁹

4.4.2. Sweden: Five years Comparison of Population of Unaccompanied Minors.

⁴¹⁸Eurostat:<http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>

⁴¹⁹EMN Focused Study (2013): The Organization of Reception Facilities for Asylum Seekers in different Member States

In the case of Sweden, about 90 per cent of applicants for international protection do not present a passport at the time of their application and this complicates the documentation and processing the application requests of these people. However the Swedish Migration board assumes the responsibility of establishing the identity of applicants, *ceteres paribus*.

Table 7. Comparison: Total Population of unaccompanied minors in Sweden⁴²⁰

Years	2009	2010	2011	2012	2013	2014
Total number of unaccompanied minors	2250	2393	2107	1882	1955 accepted Applied 2942 435 rejected 65% granted	934 Jan to May record

Sources: EMN Focused Study (2012)⁴²¹ Establishing Identity for International Protection: Challenges and Practices

Table 8. Comparison of ages of boys and girls in Sweden in 2013

AGE	GIRLS	BOYS	TOTAL
0 to 6yrs	45	49	94
7-12	131	193	324
13-15	186	1038	1224
16-17	306	1904	3852
Total	668	3184	382

Source: Swedish Migrationsverket, 2013

Ages of unaccompanied minors received by Sweden, 2014

Table 9. Comparison of ages of boys and girls in Sweden in 2014

AGE	GIRLS	BOYS	TOTAL
0 to 6yrs	97	97	194
7-12	214	360	574
13-15	419	2161	2580
16-17	633	3068	3701
Total	1363	5686	7049

Source: Swedish Migrationsverket, 2014

⁴²⁰ UNHCR, Baltic and Nordic Headlines (2010) A summary of asylum and refugee-related stories in regional media, February 2010.

⁴²¹ EMN Focused Study (2012). Establishing Identity for International Protection: Challenges and Practices.

In this case of Sweden, in 2012 the total decisions made were 2915 which led to granting permit to 1, 882 unaccompanied minors (see above). With the same mode, 416 were rejected, 328 sent to another country under the Dublin II Regulation while 289 'others' fell to be accepted. According to the *Migrationsverket* the average time spent in processing their application was 98 days while the proportion of the decision taken reached 65%.

In 2013 total decisions made by the Migration Board on the application submitted by unaccompanied minors were 2942. The *Migrationsverket* granted 1955 and rejected 435. Dublin II Regulation affected 166 and was sent to other member states. 386 fell into the group known as "others" but in 2013 the average processing time came to 120 days. The proportion of the decision taken on the applications reached 66%.

Unaccompanied minors in the province of Skåne Malmö, Sweden

At the reception centers for unaccompanied minors of the Skåne Region where this questionnaire is applied, the Swedish Migration Board registered 397 unaccompanied minors in 2014. They were distributed as follows:

- Trelleborg 24,
- Orkelljunge 18,
- Svalov 20,
- Malmo 114,
- Lund 16,
- Helsingborg 30,
- Helsingholm 24 etc.

4.4.3. United Kingdom: Five years Comparison of Population of Unaccompanied Minors.

The statistics of unaccompanied minors relate to the United Kingdom (Great Britain and Northern Ireland). Unaccompanied asylum seeking children (UASC) have shown a mixed downward trend in the last four years but in 2013 the number started to increase again showing just fewer than 5% of all asylum applications compared with over 16% in 2008.

Table 10. Comparison: population of unaccompanied minors from 2009 – 2014 in UK

YEARS	2009	2010	2011	2012	2013	2014
Asylum applications by Unaccompanied Asylum Seeking Children	2 857	1 515	1 248	1 125	1 265	1283 Provisional
% change to the previous year	-28%	-45%	-18%	-10%	+12%	

Sources: the refugee Council, (2014)

[http://www.refugeecouncil.org.uk/assets/0003/3528/Children in the Asylum System Nov 2014.pdf](http://www.refugeecouncil.org.uk/assets/0003/3528/Children_in_the_Asylum_System_Nov_2014.pdf). Countries of origin of major applicants from 2009 to 2013 are: Albania, Afghanistan, Eritrea, Iran and Vietnam and in 2013, 86% of the unaccompanied minor applicants were males

The age distribution of unaccompanied minors in 2013 is:

- Aged 16 – 17 = 66%
- Aged 14 – 15 = 23%
- Aged under 14 = 6%
- Age unknown = 5% (This is not related to age disputes)

Source: The refugee Council, “Children in the Asylum System” (Nov, 2014)

Table (11). Asylum applications and initial decisions for main applicants in UK

Year	Total applications	Total initial decisions	Granted (1)	Granted as a % of initial decisions	Refused	Refused as a % of initial decisions
Year ending September 2011	19,225	18,238	5,584	31%	12,654	69%
Year ending September 2012	20,890	16,569	5,937	36%	10,632	64%
Year ending September 2013	23,805	18,728	6,975	37%	11,753	63%
Year ending September 2014	24,324	15,653	5,968	38%	9,685	62%
Year ending September 2015	29,024	29,246	12,011	41%	17,235	59%
Change: latest year	+4,700	+13,593	+6,043	-	+7,550	-
Percentage change	+19%	+87%	+101%	-	+78%	-

Source: Home Office, Immigration Statistics July to September 2015. (1) Granted includes grants of asylum, humanitarian protection, discretionary leave, leave to remain under family life or private life rules, leave outside the rules and UASC leave. The British Home Office, United Kingdom.

4.4.4. Explanation of linkages between of data collection and democratic seclusion.

It's also good to note that after various batches of interviews and collection of various types of office manuals and other types of relevant information my collaboration with other researchers at some stages accessed few data relating to unaccompanied migrant minors. Through this research, I beckon those who are interested in the restoration and protection of children to clamor for the documentation and provision of information relating to them.

We believe that through this doctoral study the urgent need for the harmonization of data collection, recognition and preservation could become clearer. It is good to point out that recognition of passports and other documents presented by unaccompanied minors can reduce the burden of institutions and their governments. In many cases, because of failure to recognize the documents of the minor, it is nearly impossible to determine the number of unaccompanied minors present within the territory of Sweden, Spain, United Kingdom or France and among other member states of the European Union.

This is predicated on the fact that some unaccompanied minors who have been victims of human trafficking who applied for asylum are not recorded in the data collection system established by the central government, especially in Italy, Spain and Sweden. Minors who are former child soldiers are also separated in a different statistics managed by a different organ. The issue of data collection for unaccompanied minors is also complicated when regional administrators make statistics about minors according to their whims and caprices.

This practice starts with the detection of a minor. Under normal circumstances, when a child is found or arrested a form is issued relating to the child's situation, nationality, age, family or no family. Under normal circumstances, social workers provide h/him with bed and breakfast and the process of asylum begins, *ceteres paribus*.

It is worthy to understand that as long as the regional governments and councils calculate minors based on their budget allocation, NGO's make their own statistics to impress donors, while names of child trafficked victims are in separate data files to boost their own work ego, there is bound to be disharmony and

inevitably calculating a child two times or omitting the child outright. I leave this matter to future researchers.

Take the case of highly acclaimed democratic states like Spain and France, where no reliable official record about unaccompanied minors can be established in order to know their census and their situation. On their part, NGOs, municipalities and other collaborators with local authorities in France and Spain have extended power on child protection issues, therefore information coming from the NGOs, local councils and the national statistics do not coincide according to (Delbos et al. 2010).

In my opinion it is important to continuously evaluate and compare the implementation of policies towards enhanced integration of unaccompanied minors in Spain, Sweden, and United Kingdom because of what we now know. To demonstrate how a regional administrator make statistics to suit their budget, whims and caprices, the Cataluña former president Autor Mas said in 2014, that “immigrants, especially unaccompanied minors who were admitted in reception centers (los centros de acogida de Cataluña) were socially better integrated and are also assimilated in (Cataluña) better than in other Spanish communities where Spanish is spoken. The argument is using unaccompanied minors and other immigrants to justify budgets spent on spreading the Catalan language and to justify that by speaking Catalan they also justify their ferocious separatist campaigns.

Based on our experience unaccompanied minors are used by ruling governments and the opposition parties for political debates and political advantage. I also say that minors, who are abandoned to partisan political intrigues, cannot benefit from these debates. I say also that the type of debates only assume that the minors lay ominous pressure on the infrastructural facilities of the state and this will help the minors to finally nurture a rebellion against the establishment because their rights are truncated. Some of them who survived will have families, bear children, but the excluded undocumented unaccompanied minors will not have their names in national register and may create a new generation that may topple the legitimate government.

4.4.4.1. Disappearance of unaccompanied minors: Reasons and concerns.

Many unaccompanied migrant minors have been found missing after staying for many days, months or years with local council. Reasons for disappearance are traceable to deluge of deportation notices in the asylum system, therefore minors have right to think that negative decision on their application for international protection is sure to come.⁴²² The same idea of removal from the country leads them to think that the administrators' second option will be to transfer them to another country in line with the Dublin III regulation. It must be noted here that my interview with some of these unaccompanied minors in Malmo, Sweden and Valencia, Spain reveal that they are genuinely afraid of being sent back to a country that has rejected them.

Two unaccompanied minors, (call them C(1) & H(2) to protect their names and from ethical reasons) after waiting for eight months in a camp for minors in Denmark were rejected for protection. They migrated again through the Oresund Bridge into Sweden; applied for asylum protection in Malmö, Sweden, only to be returned to Denmark after feeding them for another eight months. H(2) was sent to Italy because they saw his fingerprint in Italy and he had already spent one year in Italian refugee camp before escaping to Denmark.

When I asked them whether they have full knowledge of the impact of Dublin II Regulation which is Dublin III Regulation now. They said 'no' and they do not even know that they can be sent in exchange to another country like Ireland, Luxembourg, the Netherlands, Austria, Slovenia, Sweden, Norway, Belgium, Spain or Italy.⁴²³ I asked: Do you know about the convention on the rights of the child? They said no and that they apply the norms handed down by authorities above or the master. When I called on the Ministry of Justice⁴²⁴ and social welfare in Valencia, Spain, the Director General suggested that unaccompanied foreign

⁴²² It's possible that Unaccompanied minors under a removal order disappearing just before they turn 18

⁴²³ European Migration Network Synthesis Report for the EMN Focused Study 2014 Policies, practices and data on unaccompanied minors in the EU Member States and Norway Synthesis Report: May 2015

⁴²⁴ To avoid age assessment (Hungary, Spain) or for fear that the age assessment will not support the claim that they are children (Austria, Norway)

minors disappear for fear of negative age assessment result which ultimately leads to deportation or 'Back to Sender' ultimatum.

The two pertinent questions now are: Are they integrated fully into the EU family where they sought asylum? The answer is 'NO.' Where are C & H now? C(1) sent me WhatsApp message from Hamburg, Germany while H(2) called me on Viber from Belgium. This is the bitter potion of policy implementation of protection policies; the outcomes of protection according to the migration boards. This is the draconian law meted against innocent children whose only crime is crossing borders. It is the height of insensitivity and an aberration of justice.

Cases of disappearance children have not been given sufficient attention because of the same belief that the minors are no one's child and that the child had gone with the ethnic group. These cases has been recently highlighted by the European Parliament's 'motion for a resolution' on the 25th anniversary of the UN CRC, which stressed the need for a more coordinated approach to finding missing children in the European Union. Though there had been a call on member states to increase police and judicial cooperation in cross-border cases involving missing children; also to strengthen the use of hotlines for missing children and victims of child abuse.⁴²⁵ These calls are discarded and regarded by member states as unnecessary because the child is foreign. Who will look for the child and has there been anyone found?

In 2013, the European Council commissioned study on missing children in the European Union: Mapping, data collection and statistics identified unaccompanied migrant children as a specific category of missing children in the European Union. But these reports do not have any legal implication on the local councils or central government where the missing child is recorded. The study provided data on the numbers of missing unaccompanied migrant minors in 12 European Union Member States (Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, Italy, Luxembourg, Slovak Republic, Slovenia, Spain and Sweden), ranging from 1,754 in Italy to 1 in Cyprus (2012).⁴²⁶

⁴²⁵ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B8-2014-0285+0+DOC+XML+V0//EN>

⁴²⁶ http://ec.europa.eu/justice/fundamentalrights/files/missing_children_study_2013_en.pdf

4.4.4.2. The panorama of migration trajectory experience from Tangier to Europe via Spain: A do or die affair. Why?

Most of the unaccompanied Moroccan minors in Spain come from Tangier and its surrounding region. Tangier is a well-known source of immigrants in the 1990 but the pattern of migration has changed to a booming trend of unaccompanied minors from the Maghreb region. Though a provincial capital has a population of about 500,000 it has swollen beyond the calculation of population experts. Formed by (Tangier-Tetouan-Larache), has a population of 2.3 million.

At this modern time, many migration movements across borders are vehemently opposed by the authorities. Migration movements across Spanish borders were relaxed and casual before the 1990s. In the past years before 1990 historical ties with the Maghreb region were not as planned as in today's migration pattern. Hitherto, who will think of sending a minor to detention without weighing the moral and ethical implication of doing so? Who will ever dream of detaining a child? How would neighbors feel if they fail to take charge of a minor in need who entered into their territory?

Pseudo policy argumentations will reproduce zillions of nationalist oriented justifications against these questions but while the debate rages many unaccompanied minors are busy to leave Morocco through the port area of Tangier. In this area of migration bypass, the Maghreb neighborhood with the Mediterranean is their primary justification to move on while other reasons remain.

The logistics, the sea, the border, the transportation and the risks unaccompanied minors take to cross into Europe are already calculated by the minors as part of the human odyssey and this is where they have advantage over European Union policy makers. The evidence of this is that many of the unaccompanied migrant minors have been deported more than five times but they keep returning. The business of migration is thriving in many EU borders; those who have crossed are calling back home while EU policy makers are fortifying porous borders. The circle continues.

The first impression upon arriving in this area of Tangier (which I denote as Migrant's colony) is that of a border, a ghetto, a business hub with buzz and

bustling centers and all of the organization (formal and informal) around it. This area in Tangier is a graphic representation of the rest of the society, which is an enormous variety of people interacting in the same space, ranging from fishermen and tourists to port workers, police, street children, truck drivers and harraq. Though all occupy the same space, though for different purposes, often one group is invisible to the others, the harraq-the street boys which finally metamorphose to unaccompanied migrant minors in EU.

The majority of the boys that I met in an unaccompanied minors' reception centers in Malmo, Sweden, during my field work explained that they had started their migratory processes at about the age of 14 and 15 years old. The idea to migrate had been formed months or even years before having contact with a potential broker who link them with their peers.

In most cases, parents had been unaware of the first instance of their son's attempts to migrate. With some meager savings, they started the journey to Tangier. Their open university is in the streets and, the prison cells, and on the way and by the time they reach centers of reception or when they are caught by the police, they bamboozle them with so much experience. From Tangier, they headed for the port, where some of the most experienced boys explained to them the ways to survive (i.e., how to hide from the police, get food, where to sleep, how to try to get into a truck bound for Spain, etc.). The extremely severe conditions compel some of the boys to return and to abandon the idea of migrating to Europe while others preserver. While those who decide to remain in Morocco face many difficulties, only a small fraction of those who attempt to leave realize their dream of crossing to Europe.

Some of the rural children organize their lives into alternating periods in Tangier port where they make several attempts to cross to Spain. Through this research on implementation of policies towards enhanced integration of unaccompanied minors in Spain, Sweden, and United Kingdom we noticed a very important outcome which policy makers and other researchers have not noticed.

This research result is showing that many unaccompanied migrant minors deported return back to Europe or reenter the same country which is not incorporated into new laws that are actualized and implemented. The minors

spring back when they fail to enter but they keep trying until they succeed. Furthermore, a failed attempt to migrate is in itself a sign of gallantry.

In Morocco, anyone who is trying to migrate in an irregular way calls himself *harraq*, which means 'to burn,' as in to burn ties. When used to describe children, it implies that these children are in the street as a temporary position in time and space. Unaccompanied minors under this circumstance are seen as fighters, who want to make it earlier than their peers, (that is, become heroes of the moment). Though in a temporary street life situation they have a purpose to excel in future, come what may.

Through this research I posit that unaccompanied minors persecuted from above by failed governments of their country of origin are influenced below by the success of some of the unaccompanied migrant minors who had crossed over and remained in Spain, Sweden and United Kingdom. The little money they send back as home remittance; the phone calls to psych up their friends and what they say to them makes migration to Europe very impressive for the boys and girls at home. On the other hand, the Moroccan port security agencies, who are supposed to take these boys into custody or evict them from the port, often, turn a blind eye to them because as I said earlier policy makers have not taken this point into consideration.

No one identifies a boy who is serious about his migration as a 'street child,' in the sense of living an undisciplined, idle life of petty crime. His goal is not to live on the street but to leave the country and shine. For those boys who have not yet succeeded, however, life on the street may be necessary to survive.

From my result warehouse and experience in investigating these events, I propose that unaccompanied minors are exposed to integration stress danger and administrative discrimination which is caused by the absence of integration factors like; *residence permit, absence of legal regular guardian, absence of job orientation and lack of, absence of real accommodation and sanitary service, racial prejudice, discrimination, lack of family regrouping; psychological problem because of lack of asylum appeal success; continues age assessment debate and debilitating detention.*

4.4.4.3. Analysis of the detention provision and the principle of family unity

Spain launched a law which the architects consider lesser restrictive legislation. However, the implementation efforts of Migration Law in article 62.4 of Organic Law (2/2009) have been wanting because it focuses on squeezing out immigrants that existed through its return program. In Spain the detention of children is termed 'Protection of Minors' services and they may only be detained with their parents when a judicial authority, the attorney general's office and the detained parent(s) of the child in question request and agree to be accommodated together, always in a detention center with facilities appropriate for families. This depends if there is no margin to dispute the age of the minors and whether there is proof beyond all reasonable doubts that their lives are threatened or persecuted in their country of origin. What to do with a minor, without a family opens a vacuum.

Detention of children is a last resort as declared by article 37(b) of the CRC which specifically states that children should not be deprived of their liberty unlawfully or arbitrarily, with detention only in conformity with the law for the shortest appropriate period of time.⁴²⁷ The office of the United Nations high commissioner for refugees in Geneva launched Guidelines on policies and procedures in dealing with unaccompanied children seeking asylum February 1997.⁴²⁸

⁴²⁷ Detention should be used only as a measure of last resort and the child shall have the right to prompt access to legal and other appropriate assistance. The CRC stated in Article 37: States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age; (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances; (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

⁴²⁸ Guidelines on policies and procedures in dealing with unaccompanied children seeking asylum February 1997 from the office of the United Nations high commissioner for refugees Geneva declared *intra alia*: Detention 7: 7.6 Children seeking asylum should not be kept in detention. This is particularly important in the case of unaccompanied children. 7.7 States which, regrettably and contrary to the preceding recommendation, may keep children seeking asylum in detention, should, in any event, observe Article 37 of the Convention of the Rights of the Child, according to which detention shall be

Comparatively, the United Kingdom Practices pledged to end the detention of children for immigration law enforcement purposes by May 2011. Children, whether they are unaccompanied or with their families, would no longer be detained was the announcement. However, this has not been codified in law. Furthermore, many are concerned that the alternative pre-departure accommodation retains many of the defining features of detention and will be applied using the same justifications, and thus does not represent a real alternative to detention and will still have significant negative effects on children.

Spain Practices on non-deportation of children provides that children are only repatriated if it is in their best interest, which is for family reunification. However, civil society and United Nation monitoring bodies and mechanisms have questioned whether a full 'best interests of the child' determination procedure is conducted in practice. In this regard, the CRC Committee recommended that Spain: (a) takes all necessary measures to prevent irregular procedures in the expulsion of unaccompanied children; (b) coordinates with Governments of countries of origin, especially Morocco, to ensure that when children are repatriated they are returned to family members willing to care for them or to an appropriate social service agency; and (c) guarantees that following the identification of an unaccompanied child, an analysis of his/her individual circumstances is carried out, in light of the best interests of the child and the right of the child to be heard.

The Spanish conundrum which national legislation anticipates possible refusal of entry to accompanied minors make decisions on automatic Return Directive for the foreign accompanied minors also with the '*best interests of the child principle*' as assumed by Art. 5 of the Return Directive which is draconian in practice. There is no uniform practice and that is why other members of the EU

used only as a measure of last resort and for the shortest appropriate period of time. If children who are asylum seekers are detained in airports, immigration-holding centres or prisons, they must not be held under prison-like conditions. All efforts must be made to have them released from detention and, placed in other appropriate accommodation. If this proves impossible, special arrangements must be made for living quarters which are suitable for children and their families. The underlying approach to such a programme should be 'care' and not 'detention'. Facilities should not be located in isolated areas where culturally-appropriate community resources and legal access may be unavailable. (7.8) During detention, children have the right to education which should optimally take place outside the detention premises in order to facilitate the continuance of their education upon release. Under the UN Rules for Juveniles Deprived of their Liberty E-38, States are required to provide special education programmes to children of foreign origin with particular cultural or ethnic needs.

adopt the same practice with some little variations in Germany, Greece, Finland, France, Belgium, and Norway, etc.

Detention of unaccompanied minors has been justified in various countries as the only way to record their data but what happens next takes the form of age assessment which can disfavor the minor. Age documentation was used in the Middle Ages as I indicated in chapter two. In modern times, we only hope that it will not continue to be used as a punitive measure against the unaccompanied minors but for their proper registration.

Based on the outcomes in this area of unexpected detention and unsupervised age debate we encounter lots of differences in practices in various countries. Therefore when the results of the previous studies and this study are compared, we could agree that the test method of age assessment could be used technically by pediatricians and other clinicians, but it is even more important for ethically unacceptable errors to disappear, especially in cases involving possible criminal liability of the supposed minor.

The standard deviations at 12, 15 years of ages for girls and 12, 15, 18 years of ages for boys were more than one year. But it is not known whether other methods are more useful or not than this method. For the time being, unless any other methods will be proved more useful, we have to use this method cautiously for possible criminal liability cases in forensic age diagnosis.

Based on my experience, I declare that the itinerary and migration pattern of unaccompanied migrant minors may have changed, because unaccompanied minors are no more thinking about integration, assimilation and or acculturation, they are thinking now of survival in a society that claim to be protecting them. This may be the reason; some authors have insisted that despite the aspirations of the civil servants to take individual needs into consideration, a number of challenges often cause minor's rights to be neglected.

4.5. Social work efforts at intervention in the protection and integration.

In order to accomplish our number four specific objective we focus on social services care as personnel who implement protection policies for unaccompanied minors. In this way we point out to close the gap in knowledge, to understand and

to distinguish the different practices of Social work efforts at intervention in the protection and integration of minors.

The research of Bhabha and Finch, (2006, p. 11) revealed that legally, many immigration officers and case workers simply do not accept that child trafficking or the forcible recruitment of child soldiers can give rise to a right to international protection under the Refugee Convention .

The research also reported that in 2004, the Greater London Authority showed that unaccompanied or separated children are not receiving adequate levels of accommodation and support. On their part in this same research focusing on unaccompanied minors Save the Children criticized the detention of children wrongly while the Refugee Council reported that many unaccompanied or separated children are still not being provided with appropriate support by their local authority.

The Immigration Law Practitioners' Association commented that there are inadequacies in the present asylum determination process for children. It must be noted that right to adequate accommodation and freedom from detention are very important factors to measure integration in this research.

Although some authors are believed to have revolutionized the way social workers think about unaccompanied asylum seeking minors, their investigation ran short of institutional assessment of why social workers behave the way they do. By chronicling their day to day activities in an effort to provide social services to an unaccompanied minor, they apply subjective and discriminatory attitude that may truncate the process of protection or destroy the process of incorporating the minor into the social system.

For this reason we are conducting this research with less emphasis on the work of some authors who chronicle only what social workers and personnel workers do. The guidance of the Committee on the Rights of the Child in its General Comment No. 6 (2005) states, inter alia, 'When assessing refugee claims of unaccompanied or separated children, States (receiving countries) shall take into account the development of, and formative relationships between international human rights and refugee law....' There is need for improvement in order to take into account the development of the minors because social workers are still learning how to deal with their problems.

Furthermore, it has been revealed that a fundamental legal issue exists. Many immigration officers and case workers simply do not accept that child trafficking or child soldiers can give rise to a right to international protection under the Refugee Convention and therefore, an unaccompanied or separated child who applies for asylum is thus presumed to have done so at the instigation of an adult, to gain preference rather than because of a real need for protection.

Therefore, failure of many governments to create and develop an appropriate legal framework may be attributable to two factors. The first is not believing the minor (that is, minor's migration story and not accepting the age which the manor presented) or the 'culture of disbelief' as we indicated in chapter two (2.1.8.1). This notion is transmitted and shared at all institutional levels of the decision makers in relation to asylum seekers, particularly unaccompanied or separated children and secondly government's characterization of asylum seekers as a problem to be dealt with by seeking ways to minimize the flow of applicants rather than as a group of particularly vulnerable migrant children who apply for asylum.

It is clear now through this research that social workers share the notion of 'culture of disbelief' and conceive 'unaccompanied minors as problem to be solved as discovered in the research by Bhabha and Finch (2006). For this reason, we incorporated this line of thought in the questions during interviews and this has helped us to elicit responses on this issue of perception of social workers themselves and unaccompanied minors. (See chapter three and four on interviews and explanation).

According to Newbigging and Thomas (2011) who took the issue of unaccompanied minors from another angle and reported 'Good Practice in Social Care for Refugee and asylum-seeking Children' asserted that services to asylum-seeking children should also take account of Human Rights Treaties such as the United Nations Convention on the Rights of the Child (1989)⁴²⁹ (to which a long-standing reservation in relation to asylum and immigration was withdrawn in 2008) and the European Convention on Human Rights (formally incorporated into United Kingdom law by the Human Rights Act of 1998). Furthermore, we should be

⁴²⁹ United Nations Convention on the rights of the child CRC/C/GC/12 20/07/2009. Access at: <http://www.coe.int/t/dg3/children/participation>

able to share the idea that safeguarding is not confined to those engaged explicitly in child protection services, other actors should also take account of human rights treaties while dealing with children.⁴³⁰

In Sweden, the marginalization of the rights of unaccompanied minors attracted Lundberg (2011) who realized 102 oral examinations of cases of asylum seekers families and semi structured interviews with 35 handling officers at the Migration Board. The study focused on rights of asylum seeking unaccompanied minors who received decisions in 2007: in Gothenburg 44 decisions; in Stockholm 9 decisions and in Malmo in 49 decisions. This investigation established that despite the aspirations of social workers to take individual needs into consideration, a number of challenges often cause minor's rights to be neglected.⁴³¹

The author said that social workers are also afraid of reviving traumatic past experiences of unaccompanied minors. But the major problem remains the processing of their asylum cases, therefore the implementation of immigration policy relied more on guesswork and pre-meditated decisions.

It has been noted that there are micro and macro tensions at different levels of migration politics that affect the implementation of the convention based on the best interest of the minor. However at the end of the day, the paymaster wins and he must always win. The best interest clause in the legislation only legitimizes rejection of asylum applications. This is why it is inevitable to change the CRC and repeal some of the persecutory laws that are in operation now.

⁴³⁰ Safeguarding: The primary component identified is a clear commitment to seeing the wellbeing of children and young people as the primary focus of practice, rather than the demands of immigration policy. Others include provision of safe and appropriate accommodation, support for engagement in appropriate education and leisure pursuits, attention to emotional well-being, good support and information for families, and inclusion of families and communities in the safeguarding agenda.

⁴³¹ A comprehensive study made it possible for the government of Sweden and the Migration Board to the research of Lundberg' was published. Coincidentally I the author was also there at Malmo University, Sweden. Focusing on 'The Best Interests of the Child declares that: Despite the aspirations of civil servants to take individual children's needs and rights into account, a number of challenges often cause children's rights to be neglected. These include the officer's fear of reviving children's traumatic past experiences, mistrust regarding the grounds of asylum claims, and the lack of time caused by under-resourcing. The main finding drawn from the study is that, at the Migration Board, children's rights are treated as secondary to the national interest of keeping overall migration numbers down. A solution to this problem, presented in the article, would be to more clearly assess children's asylum claims in light of the Convention on the Rights of the Child (CRC). Such a rights-based approach to the best interests of the child would help officials to act within their discretion.

The macro level reveals that there had been several studies in the Scandinavia countries that attempt to understand the way public officials deal with asylum seeking refugees, showing that those potential migrants that apply for asylum are seen as a threat to the welfare state. At the same time, there is wide spread conception that refugee minors are vulnerable and in need of protection from violations (O' Davidson and Farrow, 2007).

The major finding of this research is that minor' s rights are treated as secondary to the national interest of keeping overall migration numbers down Brekke, (2004) and suggested more research into this problem of implementation of migration policies, which we have undertaken. These fundamental questions that are raised by the work of Lundberg (2011) which include lack of interviewing unaccompanied minors to understand their migration experience, fear of reviving traumatic past experiences; security threat theory, minor's rights and national interest; implementation of immigration policy is believed to rely more heavily on "guesswork" and state control. There are fewer alliances by state and nongovernmental organizations to alleviate the sufferings of unaccompanied minors which give the idea about the level by which social workers are provoking protection failures and lack of integration as suggested by the hypothesis of this research.

Moreover, the works of Lundberg (2011) did not include age as a factor for assessing the implementation of migration policies and did not contact the rejected unaccompanied minors therefore, the results only chronicle part of established organizational activities. It is good to emphasize that there is international legal recognition of the specific needs and vulnerability of unaccompanied migrant minors who are also refugees since the early 20th century. For example, 1924 Declaration of the Rights of the Child had been highlighted also in the works of (Bhabha and Crock, 2007).

The problem is having a good legal regime and refusing to implement it makes the law redundant and impotent. In this way, these laws have not given complete protection to unaccompanied minors. It is important to note that the situation of entry into European Union countries is not easy at present and in some cases prohibitive for the minor. Therefore, this thesis can become our intervention to bringing social workers back to their responsibility and to reunite the in-group

with unaccompanied minors of the out-group; to build a bridge of dual tolerance and to call government back to the house of equity, justice and fair play. This investigation which focuses on implementation of policies towards integration and incorporation of unaccompanied minors believes that there is no guarantee to control racial prejudice and discrimination at the group level and at the top level.

Therefore we suggest that racial prejudice among social workers may be hampering their responsibility to protecting children left in their hands, and ipso facto impinges on the oath and the very ethics of Social work practice. Over the years racial prejudice have increased in European Union and metamorphosed into subtle prejudice as the modern form; it is cool, distant and indirect in European countries Pettigrew and Merteens, (1995). This is predicated on the view that the 'in-group' have organized professionals like well-educated social workers and well-informed policy makers who know how to '*loose or lock the nut of migration*' and also have the intention of using discriminatory policies to gain recognition within the social strata.

This same in-group is aware of the Convention on the Right of the Child and other legal regimes made for the protection of unaccompanied minors. Critique of existing literature has enabled us acquire more information to be able to close the gap in information relating to implementation of immigration policies aimed at integrating unaccompanied minors. Through this review we are now aware that the rights of unaccompanied minors are more precarious and that services provided by the social work department are not supervised, nor assessed.

For this reason, we have asked these questions which are released in chapter four. Although much effort to accept and integrate unaccompanied minors existed in the past, in this investigation I believe that the situation of the unaccompanied minor has become too critical now, and there is no guarantee that social workers can change the manner of implementing immigration policy without drastic change in policies and attitudes. The implementation of public policies for the reception, integration and incorporation of the unaccompanied minor may also witness more discriminatory actions because of the economic crisis situation biting the European Union. But that notwithstanding, there is ample reason to reduce or eliminate the negative effects of prejudice and discrimination.

Some of these reasons are that: unaccompanied minors are underage and do not have the capacity like adults to take good care of themselves; they lack primary knowledge about European asylum process and are deaf and dumb about legal documentation. European Union member States are signatories to agreements to protect them as “unaccompanied minors,” for example, The Convention for the rights of the child (CRC); EU Directives, and the UNHCR. In many modern states, there are various National Alien Acts and other laws made to protect the refugee minor and should not be discarded. Furthermore, these minors are susceptible to exploitation by networks and underground companies who zigzag and force them to hard labor, transport drugs and also engage in prostitution.

Furthermore, it is worthy to emphasize that many authors have shown that sending minors to prison and abandoning them e.g. in Greece, Australia, United Kingdom and Spain have caused lots of psychological dislocations to these innocent children.⁴³² This was the verdict of many professional researchers like Montgomery et al (2001) who insisted that psychological problems are frequent in them, Groark, et al., (2010) and that being an unaccompanied minor is a risk factor for the emotional wellbeing of refugee minors especially when they lack a care giver, (Derluyn and Broekaert 2007 p. 173; Hodes et al. 2008; Rosener and Powel 2006, p. 190; Sourander, 1998) and are always fighting for survival (Raghallaigh and Gilligan 2010).

Many authors have also confirmed that despite these disorders, unaccompanied migrant minors have been traumatized in war fronts and have been in various jails. Other reasons why I think the European Union governments and their professional social workers should purge negative attitudes while implementing immigration policy towards integration of unaccompanied minors is because these minors can become a youthful human resources bank for their

⁴³² Among other authors, Derluyn and Broekaert also discovered that: Migration is a widely recognized risk factor for the development of different emotional and behavioural problems, especially in children and adolescents. Moreover, if the child is obliged to go through this migration process without the support and protection of a parent or primary caregiver, his/her emotional well-being is even more threatened. In this study of unaccompanied refugee children and adolescents in Belgium, the prevalence of internalizing problems anxiety, depression, emotional problems and post-traumatic stress symptoms is very high, with 1025% of the participants having severe symptoms and one-fifth to one-third having very severe symptoms of these internalizing problems. It is for this reason many are calling for the implementation of protection policies that can ameliorate their sufferings.

future labor market. The reader may agree with this assertion. I insist in this research that, unaccompanied minors could be the capable population to replace aging population, low birth rate and child adoption;⁴³³ for improving economic production and consumption and for socio-cultural diversity.

In Canada, the seriousness of the protection of unaccompanied minors attracted Montgomery, Rousseau, Shermarke (2001) therefore they conducted series of individual and group interviews with eighteen social practitioners working with unaccompanied minors in Montreal, including fifteen social workers and three program administrators who were respondents from four services and organisations, including SARIMM, YMCA. They also conducted interviews with Youth Centres, Ministry of Relations with Citizens and Immigration, and unaccompanied minors in Quebec. Their work focused on history of intervention, profiles and trajectories, conditions and limits of social practice with unaccompanied minors.

The conclusion was hidden discrimination, the complexity of the bureaucratic organization which limits information and produce only favourable data for themselves while the minor continues to suffer. According to the authors, this research provided a privileged voice for reflecting on the possibilities and

⁴³³ Foster family for children is to further protect them. This is the riding notion of the United Nations Standard Minimum Rules which declared added: Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration. Specifically Article 21 declared that States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall: (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counseling as may be necessary; (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin; (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption; (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it; (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavor, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

limits of social work intervention practices towards integrating unaccompanied minors. We are interested in showing how these services are offered believing that the welfare State has absolute power and capacity to intervene and still maintain a privileged position to act on behalf of the less privileged people and in consonance with the Convention on the rights of the child. Moreover, it seems that the EU governments and its administration have failed to recognize the individual skills, abilities and technical expertise of unaccompanied minors which can become important factors for their economic and social integration.

The author failed to include any critique on legal representation and assessment of age of unaccompanied minors which formed one of the fundamental objectives of this research and which I consider an oversight. Authors who have a more critical disposition include (Byrne 2008; Nugent 2006; Cemlyn and Nye 2012). The research of the authors laid credence to the speculation that social work has abandoned its duty in the area that concerns implementation of migration policies for integration of unaccompanied minors.⁴³⁴

4.6 Showing the responsibility of States and parents to protect and educate children about evil works (drug mafia, prostitution mafia and human trafficking)

Unaccompanied minors can escape if they are not guided and protected by the State and their parents. They can be easily recruited by underground labor mafia or drug mafia, prostitution mafia and human trafficking can only escalate with their innocent collaboration. It is for this reason that the Convention on the

⁴³⁴ The authors examined social work with young people (especially unaccompanied asylum seeking children) in the aftermath of forced migration following armed conflict, and focuses on specific ethical issues that affect social work when it becomes enmeshed in the tensions between core social work values and immigration control and concluded that: Age assessment can be seen as paradigmatic for the tensions facing social work with asylum seekers between a focus on the rights of service users and the demands of conformity to the restrictions of immigration law. It is an area in which broader political and moral issues crystallize at the level of individual practice, thus effectively privatizing the management of the powerful tensions within the treatment of asylum-seeking children. The study outlined in this article has demonstrated that the values of individual social workers can shape crucial areas of practice. These values are endorsed by the structures of the profession, at the international level in the statement of principles of the IFSW (2007). The current British regulatory code (General Social Care Council, 2011) is somewhat more circumscribed in referring to 'service users' rather than 'people'. As we have seen, whether asylum seekers in general, and children in particular, are defined as 'service users' is at the core of key political dilemmas in social work with asylum seekers.

Rights of the Child contemplated that unaccompanied minors will become unsafe if abandoned halfway, while on the minor's part the convention said that children also have responsibility to respect the rights of their parents,⁴³⁵ and that education should aim to develop respect for the values and culture of their parents.

All these assertions put together, point to the necessity to implement our core integration factors indicated in our specific objective in chapter three, 3. 2 (1) on educating the child with all vigour because to educate the child is enshrined in the CRC of 1989 in Article 28: Right to education:⁴³⁶ "All children have the right to a primary education, which should be free. Wealthy countries should help poorer countries achieve this right. Discipline in schools should respect children's dignity. For children to benefit from education, schools must be run in an orderly way – without the use of violence. Any form of school discipline should take into account the child's human dignity.

Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect. The Convention on the Rights of the Child, (1989) Article 28.⁴³⁷ Furthermore, Article 10 of Council Directive 2003/9/EC of 27

⁴³⁵ Children have a particular responsibility to respect the rights their parents, and education should aim to develop respect for the values and culture of their parents.

⁴³⁶ Education and respect to parents: the society benefits, thus: Article 29 (Goals of education): Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights their parents, and education should aim to develop respect for the values and culture of their parents. The Convention does not address such issues as school uniforms, dress codes, the singing of the national anthem or prayer in schools. It is up to governments and school officials in each country to determine whether, in the context of their society and existing laws, such matters infringe upon other rights protected by the Convention.

⁴³⁷ Article 28 of Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49. 1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates. 2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention. 3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of

January 2003 laid down minimum standards for the reception of asylum seekers on Schooling and education⁴³⁸ of minors. In this part the laws has been very generous although more is left undone.

Member States are mandated to endeavour to facilitated education to the minor⁴³⁹. On the other hand I hereby show that this provision was advancement because the 1951 Refugee Convention did not deal with procedures in general and did not guarantee special rights for children. International legal agreements based on practices that uphold the best interest of the child principles have granted children more autonomy from their families, and laws at national levels have undermined parental authority by affording children more power and responsibility for their own actions (Boyle, Smith and Guenther 2007).

Literature linking education of unaccompanied minors with integration is scarce o nearly nonexistent. In exceptional occasions, successful adaption is linked with education and school performance as well as balancing life adaption in the host country was reported in one of the studies relating to unaccompanied minors in United States of America (Luster et al. 2010).

Social work failure to create awareness to enable unaccompanied minors participates actively in education was reported in the work of Global Commission on International Migrations (GCIM 2005, p. 52). Taking the argument to a new direction, the Global Commission on International Migrations (GCIM)⁴⁴⁰ incorporated integration of unaccompanied minors and unaccompanied irregulars in its report and one of the pillars of Integration is education which we have also included as our core factor of integration and in the interview processes.

This research re-emphasized the best interest of the child and vulnerability of unaccompanied minors, especially unaccompanied irregulars. This 2005 report of GCIM claimed that unaccompanied migrant minors and women are vulnerable groups of migrants and therefore need more protection. While implementing

ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

⁴³⁸ Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers on Schooling and education of minors. The council of the EU: Official Journal of the European Union 6.2.2003

⁴³⁹ Minors shall be younger than the age of legal majority in the Member State in which the application for asylum was lodged or is being examined. Member States shall not withdraw secondary education for the sole reason that the minor has reached the age of majority.

⁴⁴⁰ Global Commission on International Migrations (GCIM) (October 2005; p. 52).

migration policies, social work services should create awareness to enable unaccompanied minors participate actively in education and respect should be given to their needs, rights and wellbeing. Reports have specifically pointed out that it is dangerous to assume that 'minors learn quicker than their grand fathers' which could lead to abandoning the minor to his/her fate. An example of this is having a strong program of social work and good legislation but neglecting the implementation and practice of same legislation. This appeared in one study in 2003 conducted in Johannesburg, South Africa.

This report of South Africa found that 70 percent of Somalia refugee minors were not educated though they have the legislation and the right to education. In its conclusions, this South African report asserted the following: "Minors are capable of suffering trauma for being abandoned by civil servants and their families. That an unaccompanied minor always have a flashback on the life lived before, the language, the culture and in turn, this will provoke tension in their lives and in their families and will be transmitted to societal violence. This will definitely affect their health, wellbeing and might lead to psychological problems and violence against society. The irregular migrant minor is the most vulnerable because she/e suffers arbitrary alienation; have doubts about identity and loyalty; are victims of discrimination and xenophobia" (GCIM 2005, p. 52).

One of the objectives of this study is to examine to what extent are social service providers respond to core integration needs of unaccompanied minors and youths and if these services provided are in consonance with the 'best interest of the child' principle and corresponds to integration Standard of Migration Integration Policy Evaluation Index published from 2013 to 2016. The level of racial prejudice in the process of public administration where social workers have the exclusive responsibility to implement migration policies towards care, integration and incorporation of unaccompanied minors should be in perpetual scrutiny.

Presenting the issue of Education and drawing on the perspectives of Sudanese unaccompanied minors living in the United States and of their foster parents, Luster et al. (2010) showed how successful adaption is linked with education and school performance as well as balancing life adaption in the host country with maintaining connections with Sudan. Reaffirming the objective of this

study, we insist that 'education is integration.' Delving into more explanation on education, Eide (2000) conducted a research on unaccompanied minors in Norway which emphasized school performance as the bedrock of integration, together with occupation, etc. In addition, his research also places emphasis on the significance of social bonds and relationships for unaccompanied minor' development, particularly with social workers. This social bond can be established with the regrouping of the unaccompanied minors and family. See more elaborated version of this topic on the sub title relating to 'core integration factors' in chapter four of this work.

4.7. Analysis of policy impact on family reunification and rights

Policies that provide for Family reunification guarantee the entry into, and residence in, a member state by family members of a third country national residing lawfully in that member state in order to preserve the family unit. Even when it is not spelt out by any law, family reunification or regrouping has been the inborn character of all types of migration. Some migration policies emerge as a fire brigade measure hatched by States to attack or accommodate a right.

Therefore, the rights of citizens, the rights of immigrants and unaccompanied minors are separated in different programs. Social workers and other personnel who implement these programs are thought these programs in classes as a special course. They learn the type of rights in the course contents of these protection or asylum programs. These have been experimented in Spain, Sweden and United Kingdom where laws made to accommodate first generation immigrants who intend to regroup their parents, families and spouses are officially recognized. Family regrouping provides a possibility of getting residence permit based on family connections and is regulated by the Aliens Act, Swedish Statute of 2005: 716, ch. 5, sec. 3-3a).

Whereas, article 10 of the Convention on the Rights of the Child established the principle of the family unit, articles 8 of the European Convention for the protection of Human Rights and Fundamental Freedoms have provisions on the rights of family members to live together therefore, unaccompanied minors can regroup their parents. Family regrouping for unaccompanied minors starts with

questions and interviews to determine whether or not the minor has a family member living in Sweden or in other European Member State.

This is tricky for the unaccompanied minors after passing through interrogative interview finds it difficult to accept that their parents are close or alive to avoid repatriation. Under this situation they prefer to keep silent which many authors have commented... From my experience with unaccompanied minors and through the semi structured questionnaires and interviews coupled with face to face discussion with principal managers of Swedish Migration Board and managers of reception, Blinkarp and Manager of Integration Centers in Malmo, We now know through our interviews that when the Migration Board satisfies itself that the child has no parents or family member he/she is assigned a family known as foster family.

The foster family works closely with local council, the Goodman or the Guardian during interviews and processing his or her residency at Swedish Migration Board. During this period, the guardian also brings in a lawyer assigned to the minor to enable the minor's legal interest presented and to really establish if the minor is qualified to stay. It is also a time for the waiting game, that is, if the biological mother will surface one day to reclaim the minor. Article 2f) of Directive 2003/86 / EC of 22 September 2003 on the right to family reunification provides the condition for unaccompanied minors to regroup their families based on the "best interest of the child principle"⁴⁴¹ which governs this concept.

Unaccompanied migrant minors are in high need of physical protection and emotional security that can only be offered by adults and a family and this necessity was amplified by the research of Sourander (1998) who claimed that the family appears to play an important role in providing an emotional buffer, both during migration and in the post migration period. In emergencies, adults are the most important source of physical protection and emotional security. Refugee children who remain with or one rapidly reunited with their families show less emotional problems.

This is only possible if the minor has satisfied other requirements including having five years uninterrupted residence permit, economic means of livelihood

⁴⁴¹ Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers on Schooling and education of minors. The Council of the European Union: Official Journal of the European Union 6.2.2003

and a country of origin which has reciprocal agreement. Spain on its part ratified The United Nations Convention on the Rights of the Child (CRC) of 20 November (1989), in November 1990 and it came into force 1991. States are advised to protect the interest of unaccompanied minors. That is why it said in art. 3 of the CRC that in all actions and decisions affecting the minors the interests of the child must prevail while Art. 2 of CRC⁴⁴² reflecting that they may be treated with disdain went further to instruct that they must have freedom from discrimination on grounds of nationality or because of administrative irregularity.

Family reunification which relates to the entry into and residence in a Member State by family members of a third country national residing lawfully in that member state in order to preserve the family unit is recognized in United Kingdom but not for unaccompanied asylum seeking children. The understanding is the same as enshrined in Directive 2003/86/EC, Article 2,⁴⁴³ and the ad-hoc query amongst European migration network national contact points relating to the definition of dependents.

In a paper on the rights of all children in the context of international migration UNICEF made a submission in 2012 day of general discussion committee on the rights of the child claiming that children have right to reunification. They argued that Human rights treaties, in particular the Convention on the Rights of the Child (CRC), grant unequivocal importance, recognition and protection to the right to family life and emphasizing that the core principles of the Convention are the best interest of the child, non-discrimination, the right to life and development, and the right to participation and being heard. Right from the preambles⁴⁴⁴ of the

⁴⁴² Article 2 (1) States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. (2) States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

⁴⁴³ Family Reunification – according to the Directive this means the entry into, and residence in, a Member State by family members of a third country national residing lawfully in that Member State in order to preserve the family unit, whether the family relationship arose before or after the resident's entry. The UK's definition of family reunification matches this description.

⁴⁴⁴ The CRC 1989 Preamble: "convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community." Similarly, States Parties recognize that "the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding."

Convention on the rights of the child (CRC of 1989) the issue of family is entrenched as *prima facie* case for integration into society and that is why it is good for us to assess the policies that permit or not the issue of family reunification.

The CRC had this perspective and given legal effect in relevant domestic legislation and policies (art. 4).⁴⁴⁵ The best interests of the child (art. 3),⁴⁴⁶ the right to life, survival, and development (art. 6),⁴⁴⁷ and the right of the child to express views on all matters affecting him or her and to have these opinions taken into consideration (art. 12).⁴⁴⁸ It is important to surmise that the family also needs children while the child needs a family.

It seems that the whole idea is to produce a symmetry for continuity and that is why Forgeau (1986) added that “the ultimate purpose of the family is to have children, and this lay at the center of the moral preoccupations; their rights were affirmed as vigorously as their duties, to such a point that a scribe with no children was not only brought into disrepute because of the barrenness of his marriages-assumed to be deliberate- but denounced for not having had recourse to adoption” (p. 152). In this research based on implementation of protection policies for enhanced integration of unaccompanied minors, I consider entry into and residence in Spain, Sweden and United Kingdom by family members of

⁴⁴⁵ Article 4 States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

⁴⁴⁶ Article 3 (1) In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. (2) States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. (3) States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

⁴⁴⁷ Article 6 (1) States Parties recognize that every child has the inherent right to life. (2) States Parties shall ensure to the maximum extent possible the survival and development of the child

⁴⁴⁸ Article 12 (1) States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. (2) For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

unaccompanied minors residing lawfully in any of these countries as indispensable and that is why it became one of the best integration factors for this our research.

4.8. Rights to protection and integration through guidance, Legal orientation and representation.

Protection which could lead to integration involves using legal means and recognized personnel. It has been observed and published that unaccompanied minors are represented and also receive orientation from people who have no license, no recognition and no qualification to do so. It is for this reason that many judges in Sweden have rejected uncertified translators and health personnel.

Legal representation of unaccompanied minors had been a debate; therefore it is good to know through this research if the countries under study provide legal representative that could bridge the gap between the institutional weaknesses and the interest of the minor principle. The legal representative can guide the minor through the audios task of application for asylum and integration. It can also bridge the 'culture of disbelief' that exists during implementation of migration policies and this can help the minor to integrate.

There had been comparative reviews where failures to collect data on unaccompanied and separated children, were well pronounce and deficient procedures for identifying such children, the lack of a legal representatives or guardian and of quality legal support in processing claims, failures in meeting their social needs (Bhabha and Crock 2007). The generalized hostility towards asylum seekers that is reflected in a 'culture of disbelief and no one's child' amongst immigration officials seems to bring the integration process to a halt.

The problem of collection of data and political hypocrisy limits investigations on comparative research especially when it involves foreign minors who enter a country without valid documents. It is for lack of sufficient information and data scarcity that led Garrido (1996) to suggest that the problem of objectivity, that of nomothetic efficiency and that of normativity are always limiting the success of many research works. It is worthy to add that by limiting the collecting of data on their migration experience, children's issues are riddled

by political hypocrisy as rights and core needs of unaccompanied minors are neglected.

Another aspect of rights to protection and integration through guidance, Legal orientation and representation is the availability of a legal framework for biological or adopted family reunification. For this reason foreigners legally resident in Spain can apply for their relatives in the country to meet with them once a year of permanence in Spanish territory, and having authorization to reside for at least another year.

A migrant minor can request regrouping of: spouse or children (biological and, or adopted, or parents, or represented legally. It is necessary for the applicant to ascertain that he or she has the resources to take care of people regrouped. The authorization must be in the Foreign Office corresponding to the applicant's address and locality. Those foreigners, who have been previously regrouped, are also eligible to request an independent reunification in their favour, as economic solvency, resources, etc. This law governs the procedures according to the Organic Laws 8/2000 and 14/2003, Articles 16 to 19 which clearly state the following:

1. Foreign residents are entitled to family life and family privacy as provided in this Organic Law and in accordance with the provisions of international treaties signed by Spain.
2. Foreigners resident in Spain have the right to reunite with their relatives who are determined in Article 17 (Prepared under the Organic Law 8/2000)
3. The spouse who has acquired residence in Spain for family reasons and their families grouped with him, keep the residence although the marriage that resulted in the acquisition break.

Regulations may be determined prior time living in Spain who have to prove in these cases. (Prepared under the Organic Law 8/2000).

Article 17. Family members concerned. (Prepared under the Organic Laws 8/2000 and 14/2003)

1. The foreign resident is entitled to regroup with him in Spain the following family members:
 - a) The resident's spouse, if that is not separated in fact or law or that the marriage has been concluded in fraud of law. In no event may

regroup more than one spouse, although the foreign personal law supports this marriage mode. The foreign resident who is separated from his spouse and married in second or subsequent marriage can only reunite with the new spouse and family if it proves that the separation from their previous marriages took place after a legal procedure that sets the status of spouse previous and their families in terms of the common housing, spousal support and food for dependent children.

b) Children of the resident and spouse, including adopted children, provided they are under eighteen or are incapacitated, under Spanish law or personal law and are not married. In the case of children of only one of the spouses it will usually require that he exercises alone or custody has been granted custody and are actually responsible. In the case of adopted children it must demonstrate that the resolution was agreed that the adoption meets the necessary elements to produce effect in Spain.

c) Under eighteen or incapacitated resident's legal representative.

d) Ascendants of the sponsor or spouse when they are dependent and there are reasons that justify the need to authorize their residence in Spain.

2. Foreigners who acquired the residence by a prior reunification may, in turn, exercise the right to family reunification of its own, provided that already have a residence permit and work independently obtained the authorization of the applicant and evidencing eligible under this Act.

3. In the case of ascending regrouped, they may exercise only, in turn, the right to family reunification after having obtained the status of permanent residents and accredited financial solvency.

Exceptionally, the ascendancy that has regrouped in charge of a minor child or disabled, may exercise the right to reunification in the terms provided in the second paragraph of this article.

4. Regulations shall define the conditions for exercising the right to reunification will be developed.

Article 18. Procedure for family reunification. (Prepared under the Organic Laws 8/2000 and 14/2003)

1. Foreigners wishing to exercise this right must apply for a residence permit for family reunification in favour of family members who wish to regroup. At the same time, they must provide proof that they have suitable accommodation and sufficient means of subsistence to meet the needs of his reunified family.

2. Without prejudice to Article 17.3, first paragraph, may exercise the right to reunification with their families in Spain when they have legally resided one year and have authorization to reside for at least another year.

3. When the application for family reunification is accepted, the competent authority shall issue in favour of family members who will regroup residence permit, whose duration is equal to the period of validity of the residence permit of the person requesting regrouping.

Article 19. Effects of family reunification in special circumstances. (Prepared under the Organic Law 14/2003)

1. The regrouped spouse may obtain a residence permit independent when you get a work permit. If the spouse was a victim of domestic violence, you can obtain independent residence permit from the time that he had issued an order of protection in favour of it.

2. The regrouped children will get a residence permit independent when they reach the age of majority and obtain a work permit.

3. Grandparents regrouped may obtain a separate residence permit when they obtain a work permit whose effects shall be subject to the provisions of Article 17.3.

4.9. Interpretation of the question and answers to two Social Work Directors and Human Resources for Unaccompanied Minors in Sweden.

Generally, the views of a Director of centers of reception and integration is very interesting because the director is the decision maker when it comes to

implementation of policies that affect the day to day life of unaccompanied minors and he or she occupies a strategic position and directors are very useful as interlocutors to government and Migration Boards.

One of them is Luisa, the director of Social Work and Human Resources for Attendo Mariesten Asyl och PUT-Boende in Teckomatorp, Sweden. While answering my question during the interview in her office regarding what her duties to government and to the unaccompanied minors involves, she declared: *"I write reports about the unaccompanied minors one by one and these reports sometimes influence the decision of the law makers and those from above react."* The declaration of the director corresponds with the policy implementation formula of The Migration Board which depends on the reports of social workers in implementing restrictive or protective policies that affect the decision to reject a minor or accept to integrate the unaccompanied minor.

According to Luisa T. in answer to another question, said:

I have also discovered that only persons that work with enormous love and compassion can do this job because it means being a mother or father to them all the time. It is like a role model to the mother, to the child and to my own son as well. Unaccompanied minors appreciate it also and I am encouraged to do it. But it's a network problem. There are organized network that tell them false information about sensational life here, flashy cars, good house and much money. They get high impression that swells their tiny heads." She continued, "They now know that they have to go to school and study which they find burdensome; wash their cloths learn the Swedish language and take school seriously in order to receive money. Many of them have lived in streets or ghettos and lost their routines or do not know about it. They have rich food culture but they have lack of knowledge of how to mix the ingredients for example one boy mixed beef, banana, tuna fish and milk and latter complain of stomach ache. We called the doctor, the doctor called the dietician to help resolve the matter. On the other hand, we are not allowed to influence their asylum process, but can indirectly through reports make comments.

In order to form a base with my questions I ordered the questions in this way and after a coffee break I continued the interview process, thus the first question is: "many say that Legal representative is very important for the minors to process their petition for asylum. How do you guarantee the right of the unaccompanied minor who come to you without a family member to have a legal representative while passing through this asylum process as indicated in the CRC of 1989? In answer to this question, the director said that the Migration Board provides a legal representative for the minors but the Goodman is brought in first and later the legal representative. The director also said that their center allocates 7 to 10 minors to a Goodman, Interpreter and Psychologist to see them through until 21 years.

In question number two which relates to residence permit the question is.: How do you guarantee that a minor acquire a residence permit in Sweden and how long does it take? The director responded, saying that "residence permit or not is absolutely the prerogative of the Migration Board and the Ministry to decide but like I said earlier, our reports also matter". On question number three regarding health we asked: On health, do you give them health coverage especially when they become sick? The director said: We have a group of doctors for them, but if any have a strange sickness as happened very often, they are sent to Stockholm for thorough analysis and they stay there.

On question number four we asked: Is family regrouping a problem? How do you implement it for the minors? The answer of the director was: This is a matter that has many sides. Unaccompanied minors can live with a foster family, parents if latter discovered (you never know). They can regroup their own parents when the time comes and if they meet the requirements. They child gets an allowance of 300 hundred Euros from the Migration Board. We pay the family who takes one of them if they get approved by the MB as a foster family so that they can give the child his or her allowance. The law provides that an investigation is carried out about the family for 2 to 4 months thereafter; money can be given to the Goodman to hold for the minor or to the minor directly.

In question number five we asked: How many children can a 'Goodman' handle? On issues of the unaccompanied minor? Has there been a disappearance here? She answered and said that: The Goodman is the person in charge of the

asylum process and the affairs of the minor but he is closer and acts as a street or cultural protector to the minor. He or she comes in immediately the minor comes in. The Goodman is involved in all processes affecting the wellbeing of the minor and has the final say and must serve as guardian to the minor until the minor reaches 18 years. We don't comment on disappearance here the director said.

On question number six is: How do you determine which place or locality to send them and who control the minor and the foster families? The director said that this is determined by the migration board.

On question number seven on how they enter the centers, we asked: Unaccompanied migrant minors come in from time to time to this center. What is the peak time of the year or month do they come here mostly, e.g. Christmas, New Year or any other time or seasons? In answer to this question the director said: *The immigration calls us and says: come and take this child or children! Then we go and pick them up. But we do not talk about when they come. Thereafter, they can go back to office of the Migration Board after 4 months or three months. Their peak times are Easter, Christmas, and New Year.*

The next question is number eight which asked: Is discrimination a concern with the minors here? They need to be aware what is happening to them. How does your center communicate with them and how does Migration Board communicate with them? The director made an important narration which can serve as a testimony:

We communicate to them through periodic meetings every Thursday evening. We also teach them not to talk when anybody is talking because they are not used to that so they also learn from us. They receive mails from the Migration Board. They also make contacts to their people. The mails they receive deals with their health reports and asylum reports or stipends they will receive. Their report is complicated and detailed but they are allowed to read it. Furthermore, a particular inspector comes twice every year to inspect them to find out the type of services they need: food, health, hygiene and interview them on how they live in this center. They know their needs and which activities they like to participate, their free time games, sports, Saturday wishes, restaurant they like

to go; how they feel about food from another culture; whether they like concerts, cinema and like to sing like a singer from Afghanistan. The recommendations of these supervisors help us to assess the impact of our services and make changes if possible. We pay 200 Euros per outing which is not part of the original plan, but it is our duty to add a little fun to their lives. Sometimes they say they have lack of interest to participate. But we live it for fear of misinterpreting their mood. And again some of them come back to thank us for the services we render to them. They also feel very happy if we meet them on the way while coming back from an event. It looks like mother son relationship. To me I feel like I give hope to somebody. Since we started parking and redistributing them, some of them came to me to say that they are going to follow me wherever I go. Nobody talk about discrimination in our center. On one or two occasions, but they seem to like what we are doing, for instance they say they are going to the new center in Svalov big Center for minors which is divided into two (as I have mentioned) and the two centers will accommodate more unaccompanied minors.

In summary, from the foregoing, we have identifies three new practices worth reckoning for those who want to implement policies for enhance integration of unaccompanied minors. (1) Unaccompanied minors feel dejected and frustrated with their lives. In order to ameliorate their suffering while seeking asylum the center manager and social worker pays 200 Euros to take them out to a restaurant or cinema or theater.

The director averred that after such outings some of the unaccompanied minors come to thank the manager and social worker for facilitating the possibility of eating their local food and listening to their local music, even though they have complained that they lack interest. (2) Another point to note is that when these unaccompanied minors go out as a group, the social workers go to meet them at the railway/bus station making them feel so elated as if they are the real biological children of the social and care workers. (3) Another new point we discovered from this research is that the bad or good report of the social workers influence policy

implementation and that the supervision of the centers every six months creates an aura of responsibility to the social workers and the entire system.

4.9.1. Special interview in Swedish UNDP center for Integration Center for Trafficked unaccompanied minors: Hoganäs, Sweden.

At Hoganäs unaccompanied center, I interviewed manager Boogan S. This was arranged by the Governor of the Local Council with the director of welfare services. The questions today started with two social workers and later two legal representatives joined with another two managers of the center where unaccompanied minors who have spent more than one year are located. I was driven to the center by the director who explained the rules for the interview before we started.

I received their house manual which explains many issues. They have just gotten permission from the UNDP and UNHCR to take 200 unaccompanied minors from United Nation Refugee Centers in Kenya for their two centers.

The first question to manager BooganS is: What arrangements do you make in respect of legal representative for unaccompanied minors as enshrined in the convention for the rights of the child (1989). The manager said: We provide the unaccompanied minors with a Goodman who serve as parent and takes them to the bank and to migration Board to process asylum process. They organize themselves and buy cloths, bicycle, etc. We give 6 - 7 unaccompanied minors to one Goodman.

The next question: How do you communicate with them to make sure that they follow the process and their rights? He answered: We talk extensively to 2 unaccompanied minors every week. On Tuesdays we have House meeting. We bring in all the translators to talk to them in their own language. If they wish a change center, they can make a change from then, especially in their schooling, training and sports. At this meeting we make a rule that nobody talks when someone is talking. They are also given time to learn and do their homework. If they are sick, they get health exams and they are not allowed to cook food until they are examined.

The next question: How do they seek asylum, appeal for rejection? How do they feed? Who buys the food items? If they want to eat their local food, who decides? He said: Their petition for asylum is handled by Migration Board. They make their own food. Every child has the chance to cook two days a week and may wish to make his own food. Therefore, we normally go to the grocery to teach them how to shop. They also learn the signs and the names of fruits.

The next question: Age assessment of unaccompanied migrant minors has been a great debate. For example, in United Kingdom they assess with interview and documents, in Spain de apply skeletal assessment, interview and documentation while in Sweden skeletal assessment, interview and documentation is applied. Based on your experience, what is your opinion and how do you influence the age assessment decision? He answered and said: We have nothing to do with the age of unaccompanied minors. We are here only to help them.

All papers are processed by the Migration Board where decisions are taken. Because of the issue of this age assessment, they are allowed to stay up to 21 years, depending on how far the unaccompanied minor learns the MB cannot put them in apartment if they have not learnt anything. Under this situation, if a parent comes up, they are handed over to them or managed by Goodman before they reach 18. After 18 years they need a legal representative in order to survive.

In continuation, we present the interpretation of the Semi-Structured questionnaire and interview questions administered on unaccompanied minors in Sweden; unaccompanied minors (MENAs) in Spain; Social workers and personnel in Spain and social worker in Sweden. Questions and answers are also included for clarity.

4.9.2. Interpretation of the Semi-Structured questionnaire and interview questions administered on unaccompanied minors: Questions and answers.

Through this interpretation, we hope to deepen our knowledge which also corresponds to the objective number eleven which has the aim to relate our core integration factors with the interview responses from unaccompanied minors and social workers and compare them with policy implementation outcomes which

affect unaccompanied minors positively or negatively. Some of these factors include: integration factors like; residence permit, absence of legal regular guardian, education, absence of job orientation and lack of, absence of real accommodation and sanitary service, racial prejudice, discrimination, lack of family regrouping; psychological problem because of lack of asylum appeal success; continued age assessment debate and debilitating detention.

4.9.3. Interpretation of the semi-structured questionnaire and interview questions administered to Unaccompanied Migrant Minors in Malmo, Sweden.

During the interviews for this doctoral research we asked many questions in order to deepen our knowledge about the situation of the unaccompanied minor while in the hands of institutions that protect the minor. In question number one they were asked: "What do you think about Sweden?" 80% claimed that Sweden is a good country for the protection of unaccompanied minors while 20% said that they do not feel comfortable. This group added that the country is terribly cold for them and their health. When asked "if the country is normal" for them, another set of unaccompanied minors reaching 80% claimed that it is normal for their survival. This group also explained that they have interacted with other immigrants who have passed through the asylum system in Sweden and were accepted some four or five years ago.

It has been noted that once an unaccompanied migrant minor is received by the Migration Board through the police or through self-declaration, the prosecutor general is contacted for the determination of age, registration and investigation which is handled by the ministry of Justice. Thereafter, the local council receives financial allocation for their day to day maintenance at the centers of reception where social services and other activities are provided for their social and economic integration.

Number two question is related to these protection and social services that can facilitate social and economic integration of the unaccompanied minor, therefore we asked thus: "What type of protection and social services do the authorities provide that can facilitate your protection and integration into the

Swedish society? In order to give advance notice of the core factors of integration which we are interested to know, we listed housing, language, education, documentation, orientation, food and sheltering provisions like money stipend and clothing? All the unaccompanied minors responded, "We are provided with housing, education, documentation, language, food, money and clothing, etc." It is notable that within the centers there is a proactive effort to make them integrate into society. However their legal position which is determined by the migration board thwarts all the good intentions.

Number three question sought to find out if all the minors participate in indoor and outdoor activities for their physical and mental development. Therefore we asked: "What type of indoor and outdoor activities and services do they give you here?" In this area 80% claimed that: "we do football, gymnasium and indoor games." The most indicated were football, boxing, excursion, gymnasium and games. On the other hand, we attempted to know if some of them do not participate for one reason or the other. About 20% do not participate much in football, gymnasium and indoor games. Hitherto, the social worker took us round the center to see the apparatuses and we can confirm that they play different types of indoor and outdoor games.

Number four question seeks to verify if they like education and if they have good impression of the type of education they get in the country, therefore we asked: "Is this country good for your future education? 70% noted that the country is good for their education, while 30% claimed that the country is not good for them. In this way we become aware of their perception for future preparation and integration through education. It must be noted that education is one of the factors in assessing the implementation of protection policies for enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom.

The social workers and other personnel averred that "it is very difficult to educate them; that it is very difficult to convince them that they have to go to school and prepare before they can work." On the contrary to the wishes of the unaccompanied minors, the personnel workers are just interested in implementing the type of protection policies available for them and do not want to waste their time explaining the policies. They are not interested in listening to them and may not consider their views as stipulated in article 12 of the CRC on respect of the

views of the child⁴⁴⁹ and do not consider reviewing the treatment in care as stipulated in article 25⁴⁵⁰ of the CRC of 1989.

In question number five, our specific population for this study on implementation of protection policies for enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom were asked: "Was it what you expected when you arrived here? Those who said that "I don't know" to the first question were 25%. This means that they are permanently confused about their status in the country and what exactly they wanted. On the other hand 75% of the unaccompanied minors claimed that: "I saw what I hope and expect in this country."

On question number six we asked: "Do you know how many you are here?" On the question of the population of unaccompanied minors residing in the center, 90 % said they are more than sixty unaccompanied migrant minors at the center but the number varies. This is predictable since some of them arrive while others are removed. Based on the responses of some personnel worker, the centers have accommodated from 60 to 100 unaccompanied migrant minors at a given time. However, the social workers told me that they have had two hundred and that the total capacity is two hundred and thirty people. Based on the interview responses from the personnel workers who provide social services and activities, the desire of unaccompanied migrant minors is to start working and build their own family immediately. The other group that do not know how many they are were 10% and it would seem they are not paying attention-

⁴⁴⁹ This is one of the strong arguments we have presented in this research. This article 12 is not applicable. It is the most abused and should be jettisoned. Article 12. 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

⁴⁵⁰ This article 25 is not applicable because competent authorities implement the norms to protect national interest therefore periodic review of their treatment has not been given sufficient attention. EU institutions do not respect this article 25. It is the most abused and should be jettisoned. Article 25. States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Number seven question to the unaccompanied minors focused on age assessment which is one of the greatest disagreements militating against their reception and integration. For this reason we asked: "Do you think there is a disagreement over your correct age? 35% of the unaccompanied minors responded: "I don't know," while 65% said "yes too much disagreement over my age" agreeing that there is a disagreement over their correct age.

Number eight question is: "Do you feel any bad treatment?" This question seeks to know how the minor feels about the implementation of the age assessment norms. 60% said that they got "bad treatment" while another 40% said they got no "bad treatment." We observe here that when a young boy or girl fails in the age assessment process the whole gamut of his or her identity changes for the worse, but those who passed the age assessment exams do not need any other contest.

We have provided options of age assessment models prevalent in Spain, Sweden and United Kingdom in order to allow flexibility of choices. This helped us to deepen our knowledge about the age assessment from the point of view of the unaccompanied minor.

Number nine question asked: "How did Personnel examine your Age?" Our entire unaccompanied minors in this research accepted that they have been assessed through X-ray method; 80% noted hand wrist method; another 85% noted teeth and body examination respectively, while 65% claimed the influence of their documents and guesswork in deciding their age allocation and we also realize that there are overlapping actions in the age assessment process.

Question number ten is to enable us know the type of guardian or protector, (if any) therefore we provided advanced optional answers and asked: "They interviewed me in the presence of the following". 65% of the unaccompanied minors claimed that they were represented by a "legal representative." On the other hand 35% mentioned Goodman and or social worker was present when they were interviewed. I realized during observations for this interview that there are overlapping representations in each case of the interview. This made it possible to allocate either a Goodman, a guardian and or a legal representative to the minor. But the issue is not yet settled because our point of departure is for the child to have a full representation throughout the process of uncertainty.

As we have indicated, state institutions have the obligation to provide a legal representative to the minor in order to facilitate their ordered integration. This focus is predicated on the view that the protection of their identity⁴⁵¹ of minors as stipulated in article 8 of the CRC and assistance to them is important; not only that they are ignorant of their rights, but also because they are vulnerable and may not understand the questions in other languages different from their mother's tongue. However, this consideration has not been given sufficient attention because a minor is still at risk of rejection or being misunderstood without interpreter, psychologist, lawyer and or pastor.

On number eleven question we asked: "What motivated you to come to this country?" During the interview for this doctoral research which focused on evaluation of the implementation of protection policies for enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom it is sufficient to argue that many of them were motivated from single to multiple factors. Therefore we provided motivation options containing war and conflict; hunger and suffering for one part and persecution and crisis or the desire to make a better life or to survive the crucibles of destitution on the other part. In response, 65% of the unaccompanied migrant minors noted that they were motivated to leave their traditional home by war, persecution and conflict while 35% noted that they were motivated by hunger and suffering. Secondly they were asked about persecution and crisis or the desire to make their life better. 40% said that they were motivated by persecution and crisis while another 60% said they were motivated to abandon their country because of the desire to make their life better.

Question number twelve is to help us know if they have been properly trained by agents and families who send them to go and solicit for asylum. This question helps us to know how much knowledge they have relating to how and where to seek asylum. Therefore we asked: "How did you enter here at the reception center? 80% of the unaccompanied migrant minors claimed that they

⁴⁵¹ Article 8. 1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. 2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

entered through police and Migration Board Order while 20% claimed that they entered alone.

In view of the fact that a lot of unaccompanied minors receive a lot of social service and do lots of activities but still suffer psychological trauma, stress and other health related problems which may block their integration, the question they were asked in number thirteen is: "You think that psychological distress and stress overshadows your chance for integration?" In this regard, 35% said that "I don't know" while a larger number reaching up to 65% said "yes, very much." When we asked the personnel workers about the psychological situation of the unaccompanied minors, they claimed that minors in general have psychological problems. This may also mean that the need for pediatrics, psychologists or psychiatrists to evaluate their 'state of life' has not been given attention.

During the interview, I observed that the minors maintain very quiet attitude and are also evasive to some questions and less tolerant to closeness when a visitor comes calling, especially the first time. After three visits to the center, the unaccompanied minors changed their withdrawal attitude and started to confide in me by accepting to fill my questions. Since I do not mean any harm, I asked them more questions about their situation. They mentioned some good things they have benefited and their concerns.

Some of the unaccompanied minors complained that they have hallucinations in the nights and wake up in midnights. It may be that some these unaccompanied minors suffer psychological problems and other sicknesses which may be hereditary or sickness transmitted by their migration experience. However the question for their full education is yet to be resolved, but it is a good development that some unaccompanied minors from developing countries also recognize the importance of education programs as core needs and core right for their social and economic integration.

In question number fourteen, our interest is to explore the extent unaccompanied migrant minors are prepared to have close contact and relationship with nationals when they become adults, therefore we asked: "Are you disposed to marry a social worker or recommend to a friend in this country?" In this question 75% of the unaccompanied minors claimed "No, not me" while 25% said "yes I can and can recommend."

The practical application of protection policies have lots of impact on minors, therefore based on the type of relationship they have had and based on how they perceive their future, the minor could respond positively or negatively to a proposal for marriage. This may be one of the ways to know how far an outsider can go while relating with an insider. We are attempting to go further and deeper even beyond the normal to excavate some of the reasons behind their responses.

According to some authors on cross cultural psychology, human beings behave and are always influenced by cultural factors (Berry, Poortinga, Segall, & Dasen 1992 as cited in Berry, 1997). This is applicable to the interaction between unaccompanied immigrant minors who are affected directly by cultural influence and behavior of social workers. The level of separation, contact and relation with the autochthonous person determines the level of integration, assimilation and acculturation. In practice it is believed that when there is an interest in both maintaining ones' original culture, while in daily interactions with other groups, integration is encouraged especially when two people abandon their cultural differences and marries as husband and wife.

The number fifteen question which we asked the unaccompanied minors during the various interviews is: **"Have they given you residence permit?"** In this question, 37% claimed that: "I have not received residence permit," while 63% claimed: "I have gotten residence permit." With the values of these responses, we could understand that the question of issuing residence permit in Sweden is not as controversial as other countries like Spain and United Kingdom. Residence permit is one of the factors to measure integration of unaccompanied minors in the European Union and elsewhere and it's the bases for stay or removal of a foreign minor. However, as a rule, this type of residence permit may be subject to withdrawal or expiration because of the conditions on which the issuance is based.

On question number sixteen which is also about integration, we asked: "Can you live comfortably with a social worker like a proper son/daughter?" and also living as a son or daughter of a national. 75% of the unaccompanied minors said: "No, not me," while 25% said "Yes, I can and even recommend this to others."

On question number seventeen we asked: "Do you feel different when you relate with social workers?" The question relates to question number seven but this time concentrates on the level of perception of the social worker and the

public that can facilitate social and economic integration of unaccompanied minors. In response, 60% said: "Yes, I feel like hiding myself," while 40% claimed that: "No I feel like accepted person." The indication here is that despite the protection services and activities offered these unaccompanied minors a larger majority of them feel dissatisfied with their situation.

On question number eighteen we asked: "Because you are a foreign minor, do they expect you to behave two times better than a minor of this country?" The unaccompanied minors who responded in this way: 55% said "We behave equally like them and can relate with them," while 45% said that: "sometimes we behave badly and they call the police. But that is how I am."

Number nineteen question focused on family regrouping which is one of the fundamental factors of our research objective and forms one of the basic needs and rights and also the foundation for social and economic integration of unaccompanied minors. The question is: "Would you like to regroup or bring your parents to this country in future when you are ready?" 85% of the unaccompanied minors said "Yes, my parents and my spouse," while 15% claimed: "Not in my plan." This means that they have no plan for now.

This indicates that a greater part of these unaccompanied minors are prepared to regroup their families. This supports the original motivation to migrate as indicated in chapter two and also confirms that family regrouping serves a second migration and a theory which can be linked to unaccompanied minors as well as other migrants. Family regrouping is applicable and facilitated in Sweden, but in United Kingdom and Spain it is not permitted and not facilitated.

On question number twenty we asked: "Which country (here or where) would you like to live and study when you have your papers?" In response 75% of the unaccompanied minors said: "I like to stay here in this country," while another 25% said: "I like to go to another country." From the response in number twelve, it means that those who are willing to move to another country to consolidate their migration motives are equal to those who intend to stay in Sweden to consolidate their migration motive in the country that accepted them.

In an attempt to fashion out interrelationships between the nationals and foreigners Berry (1997) emphasized four acculturation strategies with different names, which depends on the behavior of the dominant group on one side and the

non-dominant on the other hand. According to this postulation, from the point of view of non-dominant groups, “when individuals do not wish to maintain their cultural identity and seek daily interaction with other cultures, the *assimilation* strategy is defined. In contrast, when individuals place a value on holding on to their original culture, and at the same time wish to avoid interaction with others, then the *Separation* alternative is defined.

When there is an interest in both maintaining one’s original culture, while in daily interactions with other groups, *Integration* is the option; here, there is some degree of cultural integrity maintained, while at the same time seeking to participate as an integral part of the larger social network. Finally, when there is little possibility or interest in cultural maintenance (often for reasons of enforced cultural loss), and little interest in having relations with others (often for reasons of exclusion or discrimination) then *Marginalization* is defined.” (p. 9).

In this research focusing on implementation of protection policies for enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom, there is need to extend Berry’s definition of *Integration* in order to reach a justified position for unaccompanied minors. For this reason I posit that if the unaccompanied minor who is foreign maintains some degree of cultural integrity, while at the same time seeking to participate as an integral part of the larger social network of a given country but could not get permanent residence permit, could not effect family regrouping and could not enjoy his or her rights, it would be impossible to achieve a sort of integration, assimilation or acculturation proposed by (Berry1997).

4.9.4. Interpretation of the semi-structured questionnaire and interview questions administered to Unaccompanied Minors in Valencia, Spain.

We are attempting to deepen our knowledge by responding to the objective number eleven which has the aim to relate our core integration factors with the interview responses from unaccompanied minors and social workers and compare them with policy implementation outcomes which affect unaccompanied minors positively or negatively. Some of these factors include: integration factors like; residence permit, absence of legal regular guardian, absence of job orientation and

lack of, absence of real accommodation and sanitary service, racial prejudice, discrimination, lack of family regrouping; psychological problem because of lack of asylum appeal success; continues age assessment debate and debilitating detention.

Conducting these interviews has helped us to come face to face with the realities of life which children who are protected in Spain live. This part of the interpretation of the response of the children we interviewed will help us establish the link with our research objectives and also reaffirm linkages with the policies made for the protection of children. It is worthwhile to note that many of the minors have a lot of things they like to say about their situation but they do not want to put them in paper. In some instances they make their migration account very simple and general. In some cases they are reluctant to talk until they are assured that their privacy is protected and the information is not going to be used against them.

Many of the interview questions we asked are transcribed hereunder. These questions provide a link to the objective of this research and specifically linkages to our core factors of integration. This interpretation of the responses of unaccompanied migrant minors can also help to reveal what we consider as hindrances or blockages to enhanced social and economic integration of unaccompanied minors in Spain, Sweden and United Kingdom.

We asked them the first question on the topic of knowledge of the particular country or migration plan by agents or family, thus: "*What do you think about Spain?*" This helps us to know if they have received high or low orientation about the country by migration networks or families before migrating and to sample their feelings about the country.

In this number one question, 33% claimed that Spain is a good country for the protection of unaccompanied minors while 63% said that they do not think it is good for them and one added that the country is good but lack justice. The sunny weather did not appeal to them. When asked "if the country is just normal" 16 % said yes.

This specific question helps us to know the new motivations for migration and helps us to describe old methods of motivation and to show the migration trajectory of the minor from home to Europe as figured in number eighth of the

specific objective of this study. Another specific objective in number seven attempts to analyze and compare the difference and similarity not only the children's population but the previous knowledge the minors have about Spain, Sweden and United Kingdom which helped them to decide to migrate to these countries.

In the same way as Sweden and United Kingdom, once the unaccompanied migrant minor is received or intercepted the prosecutor general takes charge and issues the modalities for the determination of age and investigation which is handled by the ministry of Justice. Thereafter, the local council receives financial allocation for their day to day maintenance at the centers of reception where social services and other activities are provided for their social and economic integration.

Question number two: "Does the authorities provide indoor and outdoor activities like football, gymnasium and indoor games." In this area 63% claimed that: "we do football, gymnasium and indoor games." About 33% of the minors we interviewed do not participate much in football, gymnasium and indoor games because of lack of interest and sickness.

Article 31, of the Convention on the rights of the child CRC of 1989, provides that children have the right to relax and play and to join wider cultural, artistic and other recreational activities.⁴⁵² This also supports article 6 which advocated for healthy survival and development of the child through government efforts.⁴⁵³

In question number three is related to the protection and social services provided by the centers and the local councils; outdoor and indoor activities the question came in these two versions, thus: "Does the authorities provide social services housing, health, language, education, food and sheltering provisions like money stipend and clothing? All the unaccompanied minors responded that they receive all these including therapy but complained that the services are not sufficient which corroborates the declaration of their care personnel. The minors said: "we are provided with housing, language and civic education, food money stipend and clothing but they are not good enough" they contended.

⁴⁵² Article 31. 1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

⁴⁵³ Article 6. 1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

We have attempted to link our interview question to Articles 24, 26, 27 and 28 of the CRC which made specific provision in these areas and mandated states to provide protection and social services for the benefit of children. For this reason, article 24 of the CRC entrenched the right of children to Health and health services of good quality.⁴⁵⁴ Article 26, of the CRC entrenched their right to social security.⁴⁵⁵

The Convention on the rights of the child, envisaged that they are poor and in need but some states insist that if they do not work they should not qualify for social security. Article 27, entrenched their right to adequate standard of living that is good enough to meet their physical and mental needs⁴⁵⁶ while article 28 of the CRC entrenched their right to Education which should be free and accessible, and should be encouraged to reach the highest level of education. From a global perspective, this article 28 involves the combined action both developing and developed nations.

Two of the minors, one from Pakistan and the other from Mali were reluctant and strict on their comments until the workers assured them that they are not interrogated by the police. Another young girl who claimed to be partly Spanish but the Sub Delegación de Gobierno for two years insisted that she is a Sahrawi o Stateless person since they refused to recognize her documentation. She found herself in a legal limbo. These three minors are so worried that they claim to have psychological problems and other psychosomatic symptoms. This burden of proof of their stories still lie on their heads and the fact that they have grown in to the final age of childhood makes their case even worrisome.

The entire minors agreed that they are receiving one type of education or the other. A promising unaccompanied minor from Pakistan who had never cooked before wants to be cook. In Pakistani culture only women have the dominance of cooking therefore the minor had no idea about cooking. After receiving many

⁴⁵⁴ Article 24. 1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

⁴⁵⁵ Article 26. 1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law. 2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

⁴⁵⁶ Article 27. 1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

instructions, and through persuasion of one of the center personnel, the Pakistani boy started a course on cooking and may become one of the future Afghan cooks in future, *ceteris paribus*. In Sweden I encountered another Pakistani boy who mixed many vegetables (from banana, spaghetti to melon including other leaves) in a bid to attempt his own cooking. The boy got stomach upset and was rushed and attended to in hospital for days. The interview question on cooking their own traditional food and of their country of origin and watching the local news in radio or television provides a link to the level of integration efforts a minor makes.

Considering their development we advocate for a special technical school for unaccompanied minors in this research and because education is one of the factors in assessing the implementation of protection policies for enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom. As we have noted earlier in this research the question for their full technical education need more attention because they are being prepared to be removed. As the same personnel lamented that the police can pick any of them in the street and send them back with the same dress they are wearing and without any intervention. Therefore their education becomes interrupted.

In number four question, we asked "Do you consider this country very good to live and for your education?" In response 63% noted that they can have their education in Spain while 33% do not accept that they can finish their career in Spain and also live permanently.

Question number five sought to compare the idea of arriving into an El Dorado which they have in mind, therefore we attempted to know what they got, saw and think, thus: "Was it what you expected when you arrived here? This is the second question to the minors. And do you know how many you are here?" Those who said that they don't know what to expect were 50% which means that this group are permanently confused about their status in the country and what they wanted exactly. On the other hand, the other 50% claimed that they saw in Spain what they had expected. This may give the idea that about fifty percent of the unaccompanied minors may have been well informed about the intricacies of their journey and how to navigate the task.

What is still a mystery is whether they have been informed by agents, families or friend. Some of the unaccompanied minors whose age is under contest

are detained though article 37 on detention and punishment declared that no one is allowed to detain and punish a child in a cruel manner. When a child is kept in different types of prison for a long time, it becomes a breach of the contents of article 37 of the CRC of 1989.⁴⁵⁷We have also noted that unaccompanied minors have many motivations to migration apart from the unexpected provocations or influences.

Number six question affects the population figure of a particular area or center which the minors know. This helps us to know if the minor have spent more than one year in the country. This is because their number varies, that is some minors are sent out to another center or to deportation while some are brought inside and the longer a minor stays, the more experience he or she acquires on the events around the center. On the population of unaccompanied minors residing in the center, 50% claimed knowledge of their number while 33% said they do not know and 16% did not like to respond to that question. This question on population figure is an answer to article 7, on registration, name nationality and care provisions.

The number seven question focused on one of the most controversial issues relating to age assessment which is also one of the greatest disagreements militating against their reception and integration. For this reason we asked: "Do you think there is a disagreement over your correct age? 50% responded: "I don't know," which means that they are not aware of the influence of age disagreement in the process of their integration while the other 50% said "yes very much" agreeing that there is a disagreement over their correct age.

Full compliance to the best interest of the child principle in chapter three of the CRC⁴⁵⁸ is relevant to this question number seven. If this chapter three is adhered to, there will be no need to put all the paraphernalia of sophisticated instruments for the simple measurement of the age of a vulnerable child who

⁴⁵⁷ Article 37. States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age; (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time...

⁴⁵⁸ 3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

needs urgent attention. In this same regard, article one declared that a child is a person below the age of 18, unless by laws of a particular country set the legal age for adulthood younger. This is the area that should be expunged in this CRC.

On question number eight: "Do you feel any bad treatment?" which seeks to know how they feel within the center. 83% said that "bad treatment, no" while only 16% said "bad treatment, yes." However, those who are affected by this age assessment exams do not need any other contest but to go back to sender. However the surreptitious nature of administrative discrimination makes it even more difficult for a minor to fathom when he or she is being discriminated or being badly treated, this is because subtle racism does not show its face and it is not violent but mild and secrete but more effective.

In number nine question, we provided various options of age assessment models implemented in Spain, Sweden and United Kingdom. This allows the respondent to choose from the list of options and helps to deepen our knowledge about the age assessment from the point of view of unaccompanied minors. Therefore number nine question asked: "How did personnel examine your exact Age?" 63% of this group of minors accepted that they have been assessed through X-ray method. 63% noted hand wrist radiography method. On teeth, 33% noted teeth and body examination, while 63% claimed that they were examined with their documents, social workers and guesswork in deciding their exact age.

It must be noted that during our comparison of Spain with United Kingdom, we showed that Spain applies all the methods in its age assessment process. Therefore, the minors are not able to escape the process. This particular question helps us to elucidate our specific objective in number five which attempts to indicate, to close the gap in knowledge, understand and distinguish the impact to integration or non-integration when implementing policies for measuring age, detention, permit, asylum and readmission that cause that cause destructible psychological problems. (See also 2, 4 and 5). As we have indicated, this helps to extrapolate the meaning and definition of a "child" less than 18 years. However, whereby the child is subjected to excessive evasion of privacy, arbitrary or

unlawful interference, it becomes the antithesis of article 16 on the right to privacy⁴⁵⁹.

Question number ten on unaccompanied minors is: "They interviewed me in the presence of the following: (legal representative, social worker good person or a person of credibility)". In this question 16% of the unaccompanied minors claimed that they were represented by a "legal representative;" 63% mentioned social workers while another 16% claimed "person of credibility" was present when they were interviewed. However, article 18 envisaged that parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child, but in the case of unaccompanied minors, there are no parents, therefore the position of a representative becomes imperative.

Article three of the CRC on the best interest of the child and article four on the protection of the rights of the child is undermined by the absence of a professional who should help to interpret the laws to the minor. It is impossible for a child who has never been to court and do not know the language of law to stand before the court of law to speak about his or her migration story, especially when there is an appeal. It is also unsupportable for a young lad to be able to make argument that can convince migration professionals about his or her health problem. At this juncture we shall recommend the presence of a pastor, psychologist, child physician, lawyer or humanist as the case may be.

Question number eleven relates to motivations to migrate and we asked: "What motivated you to come to this country? In this question, 16 % mentioned loss of parents, 33% responded that they were forced to escape by war and conflict. A 16% noted hunger and suffering while 50% were motivated by the need to secure a better life. There are interrelated and overlapping themes on this question. As we realized during the interview for this doctoral research on implementation of protection policies for enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom, some of the minors have two to five types of motivations and some of their motivation change according to circumstances on the way through their migration trajectory.

⁴⁵⁹ Article 16. 1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honor and reputation. 2. The child has the right to the protection of the law against such interference or attacks.

The question number eleven on motivations to migrate can be a challenge to both receiving countries and sending countries. This is what the convention on the rights of the child envisaged in article 18⁴⁶⁰, which mandated states and parents from developed and developing countries to take full responsibilities for the upbringing and development of the child.

Question number twelve asked: "How did you enter here at the center?" Responding on how they entered the centers of integration and how they were brought inside reception centers, 16% noted that they found the centers while 83% claimed that they were roped inside by the *Sub Delegación de Gobierno*.

This question helps us to know if the minors have been told to go straight to the Migration Board or if they were suspected and arrested by the police at the center or border control or in a house. We have noted that many of the minors are arrested and brought to the reception centers and are arrested again and sent out of the country. We have established that the general prosecutor takes charge of their distribution and assessment but the police have the duty of arrest and prosecution.

We observed that many of the answers submitted by these minors are overlapping because there are children that were pushed by one motivation and in the process they were also affected by another impact. For example, there are children who lost their parents while escaping from conflict areas where there is also great hunger and suffering. This is why we decided to deepen our knowledge through the interview and to close the gap of knowledge about the situation of these young people under discussion in his doctoral research which focused on evaluation of the implementation of protection policies for enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom.

The number thirteen question deals with the psychological problems associated with unaccompanied minors, therefore they were asked: "You think that

⁴⁶⁰ Article 18. 1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. 2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children. 3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

psychological distress and trauma overshadow your chance for integration?" In this regard, 50% said that they don't know while another 50% said that psychological distress and trauma overshadows their chance for integration into the society. When we asked the personnel workers about the psychological situation of unaccompanied minors, they claimed that minors in general have psychological problems.

On the other hand, the need for pediatrics, psychologists or psychiatrists to evaluate their 'state of life' has not been given sufficient attention. This question corresponds to psychological problems, trauma, social exclusion and or better integration which form part of our number five specific objectives. (See chapter three (3.2) two and five). Chapter two of the CRC of 1989 on non-discrimination⁴⁶¹ is an attempt to ameliorate the sufferings of millions of minors who are discriminated because of their color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Although the list is longer, these are the exact areas where unaccompanied minors are discriminated, prejudiced and nailed to the cross.

In question number fourteen, we believe that if a national who is an insider marries an unaccompanied minor who is an outsider there will be a closer contact and more effort to integrate on the part of the unaccompanied minor, therefore we asked: "Are you disposed to marry a social worker or recommend this type of marriage to a friend in this country?" In this question on integration and possibility of contact, 63% of the minors claimed "No, not me" while 33% said "yes, I can and can recommend." A larger number of the minors are not willing to marry a national even though they have received social services and interacted closely with them. This question can be a channel to implement part of Article 10 on family formation and article 21 on adoption.

However, there may be a stumbling block. In some of the investigations we have encountered they do not explain the length and breadth of possibility of

⁴⁶¹ Article 2. 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.. 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

contact, therefore our face to face interview questions serves as a closer attempt to go further and deeper even beyond the normal to close the gap of knowledge. The idea behind this is that this face to face interview questions relating to integration and contact allowed us to satisfy our number eight specific objective which aims to show contact and integration efforts or separation tendencies and to describe policy implementation outcomes relating to core integration factors which affect unaccompanied minors positively or negatively.

Furthermore, based on the enormous inductive theoretical foundations and researches which we earlier presented, we now know that integration of unaccompanied minors can be possible when an effort is made by the social worker on one hand and unaccompanied minor on the other hand. Putting these ideas together, many authors in cross-cultural psychology have noted that human beings behave and are always influenced by cultural factors and expectations just like the unaccompanied immigrant minors who are affected by the behavior of social workers (Berry, Poortinga, Segall, and Dasen, 1992 as cited in Berry, 1997, p. 6). It is believed therefore, that the level of separation, contact and relation with the autochthonous person may determine the level of integration, assimilation and acculturation a person intends to adopt. In practice it is believed that when there is an interest in both maintaining one's original culture, while in daily interactions with other groups, integration is encouraged especially when two people abandon their cultural differences and marry as husband and wife.

On question number fifteen we asked: "Have they given you **residence permit?**" **In this question, 33% claimed that: "I have not received residence permit," while 63% claimed: "I have gotten residence permit."** **It is now known that** in order to benefit from other types of protection services and participate in the integration process, the unaccompanied minors must have a residence permit issued.

This residence permit for minors may be for one year or more years depending on the circumstance of acceptance and the decision made. Residence permit is one of the factors to measure integration of unaccompanied minors in the European Union and elsewhere and is the bases for stay or removal of a foreign minor. However, as a rule, this type of residence permit may be subject to withdrawal or expiration because of the conditions on which the issuance is based.

Lack of residence permit means lack of protection and that is why we gave an advance notice in our specific objective number nine to lay reasons for the abrogation and repeal of Dublin III Regulation and the improvement of the Convention on the Rights of the Child.

The right to Residence permit coincides with the provisions in article eight of CRC of 1989. Article seven emphasized the necessity for registration of the minor which will definitely give the child the right to nationality and to belong to the country while article eight entrenched the preservation of identity.⁴⁶²

On question number sixteen we asked: "Can you live comfortably with a social worker like a proper son/daughter in this country?" this question is also about integration and deals with the possibility of an unaccompanied minor living together in a home as a son or daughter of a national? 63% of the unaccompanied minors said "No, not me," which indicates that this number noted that they cannot live with the national; while 33% said "Yes, I can and even recommend this to others," which means a preparation to interact and have a more serious contact with nationals.

Article 21 of the CRC on Adoption provides that children have the right to care and protection if they are adopted or in foster care⁴⁶³. This is what is practiced in Spain, Sweden and United Kingdom with varying degree of results when they are distributed or sent around to different parts of the city or state.

⁴⁶² Article 8. 1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. 2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

⁴⁶³ Article 21. States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall: (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counseling as may be necessary; (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin; (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption; (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it; (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavor, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

The question number seventeen is: "Do you feel different when you relate with social workers?" The question relates to question number seven but this time concentrates on the level of perception of the social worker and the public in general that can facilitate social and economic integration of unaccompanied minors. In response, 63% of the minors said: "Yes, I feel like hiding myself," while 33% claimed that: "No, I feel like an accepted person in this place." The indication here is that despite the protection services and activities offered these unaccompanied minors a larger majority of them feel separated and at a distance with the people who protect them and may be dissatisfied with their situation.

In question number eighteen we asked: "Because you are a foreign minor, do they expect you to behave two times better than a minor of this country?" 50% of the minors said that they their behavior is the same as others while the other 50% said that their own type of behavior is not to be supported by everybody. However life goes on. This helps us to know if the minor is accepted or not which also has a link to number seventeen and number fourteen which are attempts to emphasize integration, assimilation and the possibility to have contact and friendship relationship with the nationals. We believe that in a society where there is prejudice, discrimination and racism, the unaccompanied minor and other immigrants would be expected to behave two times better than the nationals. This brings back the need to implement article two on Non-discrimination to the letter.

The number nineteen question focused on family regrouping which is one of the fundamental integration factors of our research objective (number one) and forms one of the basic needs and rights. Family regrouping is also the foundation for social and economic integration, assimilation and acculturation of unaccompanied minors. The question we asked is: "Would you like to regroup or bring your parents to this country in future when you are ready?" 63% of the unaccompanied minors said "Yes, I would like to bring my parents and my spouse," while 16% claimed: "Not in my plan to bring anybody in here." Although a larger number of these minors are prepared to regroup their families, the circle of integration may not be completed without family regrouping but the revelation we have now is that many of these minors who lost their parents on the way or were picked by UNHCR may not have anybody to regroup and may adopt alternative plans.

This supports the original motivation to migrate as indicated in chapter two and also confirms that family regrouping serves as a second motivation and can also be an added theory of migration and a theory which can be linked to unaccompanied minors as well as other immigrants. Article number ten of the CRC guarantees the right of the minor to family reunification.⁴⁶⁴ When we compare the implementation of the core integration factors in Spain, Sweden and United Kingdom, we realized that Spain and United Kingdom do not permit unaccompanied minors to enjoy this right while Sweden permits them to enjoy the right to family regrouping.

In question number twenty we asked: "Which country (here or where) would you like to live and for your education when you have your papers?" In response 50% of the unaccompanied minors preferred Spain saying: "I like to stay here in this country," while another 50% preferred to go out of Spain said: "I like to go to another country." From the response in number twenty, it means that those who are willing to move to another country to consolidate their migration motives are equal to those who intend to stay in Spain to consolidate their migration motive in the country that accepted them.

If the guiding principles of article 3 are not implemented to the letter, the boomerang effect of restrictive policies and migration stress results that unaccompanied minors and other immigrant's would first, be subjected to social exclusion and second they will encounter dejection and exasperation and lastly would be ejected from the country.

⁴⁶⁴ Article 10. 1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family. 2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order, public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

4.9.5. Interpretation and explanation of the semi structured questionnaire and interview questions administered to Social Workers for MENAS in Valencia, Spain.

In order to deepen our knowledge about the situation of the unaccompanied minors during the interview for this doctoral research we asked personnel workers questions relating to the implementation of protection policies for integration of unaccompanied minors who are in their care. Implementation of protection policies for outsiders or insiders show a clear recognition, acceptance and defense of rights of individuals living within a territorial boundary. This recognition formed the bases for the creation of a state. In this same way the protection of vulnerable people formed the bases for the establishment of the welfare regimes.

From this point the ministries, institutions, migration boards and other departments were created in order to execute the core application of protection norms and practices as exemplified in article 7 of the 2014 regulation for the MENA.⁴⁶⁵ At this level social service departments collaborate with other departments to provide the necessities of minors and also protect the rights of unaccompanied minors. This is where unaccompanied minors come in. Therefore,

⁴⁶⁵ In pursuant to the protection of MENAS Chapter VII: Guard and guardianship of (MENA). It shall be ensured that the Territorial Protocols contain uniform rules in accordance with the following guidelines: First paragraph. Action of the Public Entity for the protection of minors. The Public Entity for the protection of minors will provide the immediate attention and the care that MENA requires. For the purposes of the formal assumption of urgent protection, and as soon as possible, the public Entity for the protection of minors must: (1). To inform the CNP and the Prosecutor's Office of the data available or available for registration and constant updating of the RMENA. To this end, information regarding leaks, readmissions in the centers, changes in the Center for the Protection of Minors or in the Autonomous Community or any other information that affects or modifies the situation of the MENA will be sent without delay. (2). Make inquiries about the circumstances of the MENA in order to verify if there is a real situation of helplessness, if it is possible to regroup MENA with their family in their country of origin or where it resides and, if necessary, if there is a need to International protection that had not been previously detected. Experts in the culture and customs of MENA's country of origin will be involved in this research. Within a maximum period of three months, the Public Entity for the Protection of Minors, once established the situation of destitution of the MENA, will issue an administrative decision in that sense, assuming custody of the same. (3). Each month, the Public Entity for the Protection of Minors shall send to the Public Prosecutor's Office, as well as to the corresponding Delegation or Sub-Delegation of the Government, a list of MENA that are under its protection area in which any relevant information related thereto, Meaningfully if there is a decree determining the age, date of admission to the Child Protection Center, date of application and, where appropriate, granting of residence authorization.

we believe that the social services offered to immigrants and especially unaccompanied, minors are aimed at ameliorating their vulnerability. For this reason, we asked personnel workers questions relating to the implementation of protection policies for integration of unaccompanied minors.

Therefore in question number one they were asked: "What type of services do you provide for them that can facilitate their integration? How many unaccompanied minors do you have?" All the social services personnel who filled our questionnaire claimed that they offer them many services in when they come to their care. They said: "We offer the (in Spanish: Menores Extranjeros No Acompañados, *aca* [MENAS]) meaning unaccompanied foreign minors are given accommodation, short workshop training, language training, cooking, therapy and coaching".

When the personnel workers were interviewed, they admitted that the services they offer to the minors remain insufficient because their budget is very lean. They also insisted that there is not much to do about the issue because everything that is done by them is regulated from above. From the point of view of this law, 2015 the framework protocol on certain actions relating to unaccompanied foreign children. In this very legal framework for protection of MENAs, the thrust of the implementation is to: "Make inquiries about the circumstances of the MENA in order to verify if there is a real situation of helplessness, if it is possible to regroup MENA with their family in their country of origin". Another highlight is that the constant updating of all information relating to the minors, thus to periodically inform the center for data collection (CNP) and "the Prosecutor's Office of the data available or available for registration and constant updating".

Number two question we asked: how many minors do you normally have in this center?" They all concurred that they have between fifteen to twenty five unaccompanied minors at a given time.

Number three question we asked: "Do you give them Legal representative to facilitate their quick integration as instructed by the Convention on the Rights of the Minors?" In this question, 33% claimed that a delegate or good person is assigned to the minor in the process of asking for asylum while 55% offered a different version claiming that the minor is followed by a social worker or

personnel. From this same legal framework of 2014 for the protection of unaccompanied minors in Spain chapter seven made provision that local council will take care of the minors when they are accepted. The clause of taking care of the child coincides with what is established in Article 3.1 of the Convention on the Rights of the Child⁴⁶⁶ which stipulates that: "In all measures concerning children taken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, the interest of the child should be addressed based on "the best interests of the child" and contained in the General Comments No 6 and No 14 of the Committee on the Rights of the Child, adopted respectively on 1 September 2005 and 1 February 2013, and which highlight the particularly vulnerable situation of Unaccompanied minors' and states that "the concept of the best interests of the child is complex and must be determined on a case-by-case basis".

Furthermore, Protection of minors in Spain based on this very legal framework coincides with Article 35 of Organic Law 4/2000, dated January 11, which hitherto established the regime applicable to unaccompanied minors, and Chapter III of Title XI of its Regulations improves the requirements, procedures and criteria for the treatment of Unaccompanied foreign minors therefore referred to in (Articles 189 to 198). It is anticipated that the minor will be protected in Spanish territory until the family is found in order to facilitate the "integration" of the minor back to sender.

Question number four seeks to know the bases for their acceptance or not base on the fact that we have the assumption that a child's country might be an obstacle for his or her acceptance. Therefore we asked: "You think their country of origin is a problem in order to receive asylum in this country?" In this question, 86% of the personnel declared "that the country of the unaccompanied minors is a problem for accepting them" while 16 percent claimed that "the law is the problem for accepting them".

⁴⁶⁶ It should be noted that this is the basic provision for all member states of the European Union. Article 31(1). States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts. (2). States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Number five question asked: "Do you think there is a disagreement over their correct age and can evaluation of age?" In this question about their age debate, 66% agreed that that there is a debate about their age debate which is affecting them seriously while on the other hand 33% said that there is no debate about their age.

In question number six we asked: "Do you think that the evaluation of age and official discrimination be eradication?" 86% of the social workers claimed that the evaluation of age and official discrimination influence the integration process and can be eradicated while 33% said that they do not know and that the decision from above decides.

Because the mass media had been responsible for claiming that the minors who were running for their dear lives were ex-soldiers and if they are not ex-soldiers they insist that they are exploiters and saboteurs, they published and defended. Reflecting on the perilous publication of media framing and their overzealous onslaught on the lives of unaccompanied minors we asked in number seven question, thus: "Do you invite the media or the legal representative when you interview them when they you when they entered the center?" In this question, claimed that they only invite the social worker and that the members of the mass media are not invited when they conduct interviews on the minors while 16% claimed that a legal representative is invited. At this epoch when politicians make up their voting misfortunes with migration issues, the ubiquitous haunting mass media is everywhere and will be unfair to claim that they do not know.

Number eight question asked" What do you think are their motivations for abandoning their country of origin?" We provided answer options where respondents can select which are war and conflict, persecution, to have a good or dignified life, famine and extreme life situation. The personnel of the centers made answer choices from the list above. 16% chose war and conflicts as prime motivation for abandoning their land; none of them pointed at persecution; 66% opted for the option to have a good and dignified life; and 16 percent said they were motivated to migrate by famine and extreme life situation.

The issue of long term residence is a seriously matter which ultimately indicates the inclusion of a person into a social and economic system of a country with full guarantees, therefore the question in number nine is: How do you

guarantee that they get long term residence and nationality of this country? In this question, 16% claimed that they have the competence to facilitate long term residence permit while 83% claimed that they do not have the competence to facilitate long term residence permit to the minors and that it depends on the laws and the Migration Board or (Subdelegación de Gobierno) that manages migration affairs.

In number ten question we went further on the issue of contact with a foreign minor and integration, therefore we asked: Do you feel different when you relate with unaccompanied minor? In this question, the social workers divided themselves into three groups. 33% said they feel different when they relate with an unaccompanied minor; another 33% said they feel normal when they relate while another 33% claimed that it depends on the behavior of the minors.

In question number eleven we asked: As a social worker intervening on the affairs of these unaccompanied minors, are you disposed to marry an unaccompanied minor or recommend to a friend in this country? In this question, all the social workers, that is, 100% of them said they will not be able to marry an unaccompanied minor and may not recommend the issue to their friends.

In question number twelve we asked: What type of housing? Are they cheap, costly, economical, small or big? 50% said their accommodation is basic and cheap while 50% said their accommodation is costly and big. So it looks as if all these depend on the type of local council using old cathedrals or abandoned or reformed buildings far removed from city. In UK and Sweden they use old reformed school dormitories or semi camping houses to accommodate unaccompanied minors.

Number thirteen question asked: Do you think you could live comfortably with an unaccompanied minor like a proper son/daughter? In this question, 63% said that they cannot live comfortably with an unaccompanied minor like a proper son/daughter while 33% claimed that they can. The explanation of this situation is that many of the social workers believe that many of the unaccompanied minors they attend to in Spain are inflexible when they do things. The minors on their part are also suspicious. Majority of the minors in Spain and Sweden are not prepared to live comfortably with an unaccompanied minor like a proper son/daughter and are not prepared to marry them

On the issue of expectation and perception of the foreign minor, in question number fourteen we asked: Because they are foreign minors, you expect them to behave two times better than a minor of this country? In this question, 16% said they expect them to behave well while 83% said they behave just like other children.

A psychological problem that has been noticed on unaccompanied minors was asked in the fifteenth question as: You think that they have psychological distress and that the stress can overshadow their chance for integration? In this question, 83 percent claimed that they suffer psychological problems and can overshadow their chance for integration while 16 percent do not know about their psychological problem.

On the sixteenth question we asked: Are satisfied with the type of protection you give them? Can you stop their deportation? In this question, 33% said they are satisfied with the type of protection they are given and that they cannot stop their deportation while 66% claimed that they are not satisfied with their protection and that the process of their protection comes from the law.

The seventeenth question is: How is their age decided here and what instruments do they use? (you can explain with my example, Wrist radiography, X-Ray of the teeth, Dental analysis, Recommendation by a medical doctor, Recommendation by a social worker, Depends on my documents and Appearance, Psychological tests, Others (write here). We have provided option here to enable them select their choice. In this question, 85% said radiography of the wrist; 100% claimed radiography of the teeth; 16% declared recommendation by the police; 50% claimed recommendation social worker while another 50% claimed documents and appearance.

On the eighteenth question, we asked: Are unaccompanied minors permitted to regroup or bring their parents to this country in future? In this question 66% claimed that it is impossible and that there they don't even talk about it while 33% said that they do not know.

On the nineteenth question, they were asked: What type of education system do you give them here and do they like to go to school? All of them agreed that they are given formal and basic education that applies to every child in Spain.

The twentieth question is: What do you do when an unaccompanied minor disappear from your custody? In this question 83% claimed that they have no responsibility and that they do nothing, while 16% said they disappear to move on, therefore they leave them to go their way. Behind this question lie the big issues of policy implementation aimed to protect the unaccompanied minor whereas we can understand now that it is unfeasible when there are: lack of implementation of the factors of integration which we launched in this research; perception and culture of unbelief; racism, profiling, framing that debase the status and identity of the minor; age assessment and the whole gamut of conception of childhood discussed earlier.

4.9.6. Interpretation of the Semi-structured questionnaire and interview for social workers in Sweden (Code: Manager2217-SE) Blinkarp, Rostånga Skåne, Sweden.

In Sweden there are many agreements of the Swedish Migration Board (*Migrationsverket*), the Ministry of Justice, and United Nation organizations just like other countries but there is an understanding that both the UNO and Sweden are collaborating especially in area of migration. Therefore, the interpretation of the Semi-structured interview questions for social workers in Sweden is an abridged interview because of a very wide range of interviews and filling of forms which we have done which may not contain one research.

The activities of protection of unaccompanied minors in Sweden coincided with what is obtainable in this Mariesten Reception centers and Attendo Individ och Familj Blinkarp Rostånga. Among others our questions focused on the rights and needs of unaccompanied minors which are the core ingredients of integration, which are: residence permit-long and permanent, housing, health, discrimination, nationality, contact, education, psychological problems including suicide attempts, age assessment, labor market and how they manage communication and discrimination.

In question number one we asked: Sweden is Scandinavian. What type of protection and social services do you provide for them that can facilitate their integration? How many unaccompanied minors do you have? All of them, which is

100% of the social workers, declared that they offer such activities as: We give them money through the Migration Board for Transport and dresses. We give them money to buy their own Mobile. We call the doctor when one is seriously sick, medical and dental check-up, language education, asylum and Labor orientation Classes on obligations. We also have gymnasium, sports, TV, and games and sometimes eating out for them. They were 80 until now but they move 6 girls away. Our center is for 100 people but the second building there is not furnished.

In question number two we asked: Do you give them Legal representative to facilitate their quick integration as instructed by the Convention on the Rights of the Minors? For this question, all of the twenty, which is 100% of the social workers claimed that they give the unaccompanied minors Legal representative to facilitate their quick integration as instructed by the Convention on the Rights of the Minors. They added that, their house rule permits them to give them a Goodman first and when the minor gets residence permit the Legal representative is given to facilitate their quick integration

In question number three we asked: You think their country of origin is a problem in order to receive asylum in this country? In answer to this question, 63% claimed that it is so but added that it is not their duty to talk about this, while the other 33% claimed that it their country of origin is not a problem in order to receive asylum in this country

In question number four we asked: Do you think there is a disagreement over their correct age and can evaluation of age and official discrimination be eradication? In this type of question, 83% claimed that they are must know their correct age so as to register them. Only 16 percent claimed that it is official discrimination. During discussion many of them claimed that it is a big talk in the whole country and a big concern to government.

When it comes to number five question, we asked: Do you invite the media or the legal representative when you interview them when they you when they entered the center? 83% percent claimed that they invite the legal representative and not the media when they interview them when they you when they entered the center but 16 percent said they use the Goodman and the social worker.

In question number six we asked: What do you think are their motivations for abandoning their country of origin? They discussed this question for a long

time and 50% took hunger and strong desire to help their families as primary motivations for abandoning their country of origin while another 50% claimed that war and sufferings push them out and added that they make other stories and sometimes are angry and do not talk.

In question number seven we asked: How do you guarantee that they get long term residence and nationality of this country? In this question all the social workers claimed that they get the first asylum card and schooling and getting job and living for five years, behaving well and have the language and pay tax and after they can. The rider answer came. If a minor is lazy or caught trading or fail nothing is done for them.

When it comes to number eight question, we asked: Do you feel different when you relate with unaccompanied minor? In answer to this question 65% claimed that sometimes they feel uncomfortable. But recover latter while 33% said that their feeling is the same for all children in Sweden.

When it comes to number nine question, we asked: As a social worker are you disposed to marry an unaccompanied minor or recommend to a friend in this country? In answer to this question 50% said they are willing to go into marriage with them while another 50% said they are not willing to marry them and may not recommend them to their friends. Many of the social workers who work in these reception centers where minors are kept are not married and may not marry not like to marry but there is a little hope of better contact with the minors which can encourage better integration than the results we got in Spain.

When it comes to number ten question, we asked: What type of housing? Are they cheap, costly, economical, small or big? Do you think you could live comfortably with an unaccompanied minor like a proper son/daughter? In this question, 83% of the social workers claimed that don't access the accommodation because it is guaranteed and free for them while 16 percent claimed that their accommodation are sufficient but far removed from the city. When I supervised their household appurtenances, I saw lots of double deck beds, studios and complete sports gymnasium halls which I tried.

When it comes to number eleven question, we asked: Because they are foreign minors, you expect them to behave two times better than a minor of this country? In answer to this question, 50% said, they lack cleanliness and some of them behave badly and sometimes they called in the police. Another fifty said they are like any

other minor and do not expect them to behave two times better than a minor of this country.

In question number twelve, we asked: You think that they have psychological distress and that the stress can overshadow their chances for integration? In the question, 33% percent agreed that they always have stress but there nothing they can do because there is no psychologist to attend to them while 66% claimed that it is normal for them to have psychological distress.

In question number thirteen question, we asked: Are you satisfied with the type of protection you give them? Can you stop their deportation? While answering this question, 83 % claimed that they are satisfied and the minors are also satisfied and that once they are to be deported, they just stop their service and cannot do anything.

While the other 16% claimed that they are not satisfied and that their deportation depends on Migration Board. The explanation given here is that the police informs them and when the time comes the police takes over. On further questioning, they a larger number of them said that one can't please them and that their protection is ok for them, but not perfect.

In question number fourteen question, we asked: How is their age decided here and what instruments do they use? (you can explain with my example, Wrist radiography, X-Ray of the teeth, Dental analysis, Recommendation by a medical doctor, Recommendation by a social worker, Depends on my documents, Guesswork and (Appearance), Psychological tests, Others (write here). In answer to this question, 40% claimed that they don't know because a special hospital handles that. Another 60% that they adopt age assessment by the Skeleton assessment, X-rays of the minor's left hand and wrist, Documentation, Interviews, Dental analysis and Appearance.

In question number fifteen question, we asked: Are unaccompanied minors permitted to regroup or bring their parents to this country in future? In this question, all the social workers, that is 100% said that they are allowed at the time they mature and if they have the means.

In question number sixteen question, we asked: What type of education system here and do they like to go to school? The entire respondent averred that they have the right to all levels of education. During the explanation period they said that some like but some do not. Some have not entered school before. Maybe afraid and know nothing. But the law gives them the possibilities of primary and secondary

education and we send them. Some refuse, but when we say, no school, no stipend and no drink; they join for this reason we have general meeting every Thursday.

In question number seventeen question, we asked: At the height of any psychological problem and discrimination have you had any case of attempted suicide? In answer to this question, 16 percent said they have witnessed one case while 83% said they have not had any case of attempted suicide in their centers.

In question number eighteen, we asked: How do unaccompanied minors enter into this center? Nobody enters through any other means except through the Migration Board. Therefore, all the social workers that is, 100% claimed that the socials Secretary calls and the center collects them from the point. However we also discovered that some good Samaritans present children while some come on their own but the centers refer them back to the Migration Board and the Migration Board contacts the Local Council which collects the minor and send to the center through the socials Secretary.

In question number nineteen, we asked: Do you have any program or special training to prepare them for the labor market? In this question, all the social workers, which is 100% claimed that they follow a general method but if any of them decides to have a special training, the insurance company and the school will arrange that.

In question number twenty, we asked: Are you entitled to a special training and continuous training while dealing with these children? In answer to this question, 80% averred that there is no special or continuous training made in order to work with children while 20% said they have bachelor's degree before taking up employment at the center. In this center, some of them stated as voluntary workers while doing their studies but latter they were hired. Some of them entered because they belong to an ethnic group in the majority at that point in time, for example the Afghan lady who had lived very long work there.

4.9.7. Analysis of latest interview responses from unaccompanied minors and social workers: what are new - strengths and weaknesses?

Whereas the major conclusion for this doctoral research takes place later we would be drawing our some general conclusions right from this moment

because we have gone so far in elucidating the objectives of this research. We have also described, interpreted, compared and analyzed various patterns of implementation of migration policies and their positive and negative impacts on unaccompanied minors and other immigrants. This department attempts to respond to the general and specific objectives of this doctoral investigation focusing on the implementation of protection policies for integration of unaccompanied minors in Spain, Sweden and United Kingdom.

It is obvious that social workers endeavor to provide social services and developmental activities to unaccompanied minors and also intervene in other precarious areas in their quest to contribute to the application of the universal agreements made to protect unaccompanied minors. Therefore, on our part through this research we present our unalloyed contribution to close the gap of knowledge through the description and analysis of latest interview responses from unaccompanied minors and personnel workers.

The description and analysis also have link to their arrival, trajectory migration and core factors of social and economic integration. The arrival and trajectory migration of unaccompanied minors is notoriously influenced by The Network theory, World system theory, Dual market theory, Push-pull theoretical framework and national laws of various countries.

During the interviews, the unaccompanied minors were asked: What do you think about Sweden? And, what type of activities do they give you here? The UMM responded that: 'I think they are good. It's a democratic state with lots of opportunities for children and for trained people. I do karate and boxing. For others there is football, gymnasium and games.' Among the fourteen UMMs interviewed, eighty percent of them said that counties in northern Europe like Sweden have better protection programs than the southern European countries.

On the other hand, the nine personnel or social workers whom we interviewed agree with the assertion of the majority of unaccompanied minors but those in the southern Europe like Spain have reasons to believe that they are justified too. However, the conflicting difference is that while Sweden provides legal representative and family reunion, both Spain which is in the south and United Kingdom which is the north do not provide legal representative and do not allow family reunification. However, it should be noted that legal representative is

in consonance with Art. 25 of the renamed recast Asylum Procedures Directive (Directive 2013/32/EU)

This first question is asked in order to get a new idea about their migration pattern and to know if they know the country they are going already. This also helps us to know if the network theory works here or to know if the family unification process is behind their movement. Many of them do not have the idea of where they are going and this discounts the network theory of migration but the family reunification and the diaspora concept helps them in information gathering.

However, it is good to signal that minors who migrated to United Kingdom and Sweden learn how to beat the system and how to navigate on the 'way' and this may serve as additional new information to migration studies and to policy makers. They were told about the situation of countries while in prison or custody by their fellow prison inmates. They also learn on the way that in northern Europe unaccompanied minors and other migrants are received and integrated with a higher level of social services.

They also learn that the rate of rejection of asylum application is lower than southern Europe according to the minors I interviewed. This serves as spur engine to keep migrating north. Information about better northern European welfare system is obtained from inmates who were rejected in the northern countries and sent back to the southern countries of Europe because they have applied for asylum earlier in Greece, Spain or Italy. This is based on the Dublin III regulation and the readmission program of the EU.

All these are new tendencies which this research is portraying and also an unexpected consequence because information about the north is spread all over the world at this moment through viral communication systems. Both social workers and care workers were in agreement that unaccompanied minors are also attracted from the south to the north of Europe.

Opposed to this development is the migration of unaccompanied minors from the Mediterranean region. Through land, sea or by air, minors entering from the south only have the idea that they are moving into Spain or Italy.

Through these discoveries above the objective of this research is accomplished as presented in chapter three on the general objectives (C) to signify the experience of distinctive migration of unaccompanied minor (their migratory

trajectory) and know the policy of protection and accompaniment of a minor in Spain, Sweden and the United Kingdom.

Another objective accomplished is in line with knowing the population movement in the specific objective number seven which predicts to analyze and compare the difference and similarity of the population of unaccompanied migrant minors and the knowledge they have about Spain, Sweden and United Kingdom within the last five years including different protection policies of government bodies (see also chapters 2, and 4).

The fascination of entering and living in Europe is always overpowering and interesting for unaccompanied minors therefore, the number two question is: Was it what you expect when you arrived here? Do you know how many you are here? Majority of the answers we got show that they have been dreaming and fascinated, but do not really know what else to expect and how. "Sweden may be ok for me but the delay is too much" they said. While others do not know what to expect, another group of minors showed no interest whether they have gotten what they were looking for. We take it on its face value and it coincides with number two of our specific objective which seeks to indicate the strengths or weaknesses of integration of each country under this comparison this helps to know if the minor whether they have gotten what they were looking for.

At this juncture the interview questions concentrated on the most controversial issue of age assessment and how. They were asked: 'Do you think there is a disagreement over your correct age? Do you feel any bad treatment? How did they examine your age?' The responses of the unaccompanied minors were just the same but the most repeated response was: 'I don't know why they ask me more than ten times. It's a bad treatment. I hate x-ray so much so much. They make me x-ray on the wrist and teeth. There I waited for many hours without eating on that day. We went the next day to hospital. They undressed me at the other lab.'

On their part, Social Workers of the center coincided and also said that minors are expected to behave well. This has helped us to accomplish our specific objective number five on 'Indicate, to close the gap in knowledge, understand and distinguish the impact to integration or non-integration when implementing policies for measuring age, detention, permit, asylum and readmission that cause

trauma, social exclusion and better integration.' Age assessment has been seen as a clash of Article 3 of the CRC of 1989 which said that there should not be any discrimination based on nationality, immigration status and statelessness and Article 12 on the right of the minors to express themselves freely.

Another objective covered is number 11 which is to show and describe policy implementation outcomes of core integration factors which affect unaccompanied minors positively or negatively. Responding to these questions the personnel workers, all agreed that age assessment is linked to documentation and may not be interrupted. They also added that their deportations lie in the hands of the ministry of justice.

In order to know the application of the CRC and the implementation of the core factors of integration we have asked: "They interviewed me in the presence of a lawyer, Legal representative, social worker, Goodman, etc." The pattern was clear in Sweden where a Goodman and latter a legal representative is provided. However in United Kingdom and Spain, a guardian is provided at the discretion and for another purpose. This coincides with number one of our objectives which seeks to elucidate the keys to core integration: Legal representative, residence permit, family regrouping, etc." necessary for a better social, economic and educational integration of unaccompanied minors. This part coincides with the response of the personnel workers who claimed that in general, they provide what the house rule says and not what the CRC or any other law says.

In the area of motivation: "What motivated you to come to this country? How did you enter here at the center?" To many of the minors the response was endless: "I lost my parents in the war. The Red Cross brought me out and we escaped from their camp because we want to survive. Just to survive. The police asked me for papers at the train station because we were four or three and we came ... They arrested me, took us to prison. From there to Migration Board and from there they carried us in another bus to this place since one year. I'm not sure but I hope."

These assertions by children coincides with our specific objective number 8 for the minors which seeks to show and to project new motivations for migration; to describe old methods of motivation and to show the migration trajectory of the minor from home to Europe in order to stimulate interest in research and develop

critical human rights posture. The personnel of the centers added that their motivation is economic and that they are always migrating in large numbers during the Christmas period and the new year when security of borders are relaxed. This is new to us and might be useful to policy makers.

When the unaccompanied minors were asked: "Do you think that psychological distress and stress overshadows your chance for integration? Their answer was in the majority "Yes, I am badly affected. Sometimes I don't sleep and sometimes I hear noise." This coincides with the various researches as described in chapter two of this research which has asserted that unaccompanied minors suffer trauma and other psychological problems.

We indicated this in the specific objective number five which seeks to: indicate, to close the gap in knowledge, understand and distinguish the impact to integration or non-integration when implementing policies for measuring age, detention, permit, asylum and readmission that cause psychological problems, trauma, social exclusion and better integration. It is these types of psychological sufferings, detentions and disappearances that makes it imperative to justify our call for the abrogation of certain laws made for these children found in number nine of the specific objective which had provided sufficient arguments to repeal and or improve Dublin III Regulation, Convention on the Rights of the Child and to repeal the thought for reintegration of unaccompanied minors to their country of origin.

We round up with where we encountered a terse response to the psychological problems of the minors. Social workers responded in unison that minors are always having psychological problems. This response quickly reminds us about the Middle Ages cruel treatment of children because of they have no concept of childhood and children are maltreated as if they do not belong to the social system or that they should fight to survive on the own making as with the unaccompanied minors. Our number three specific objectives coincides with the hope to link and 'to recognize, relate the level of recognition of childhood and protection of children during the Middle Ages with the level of recognition of childhood and child protection of unaccompanied minors in this century.'

This also reminds us about the concept of 'no one's child' and the 'culture of unbelief.' This attitude also reminds us that children's rights are treated on the bases of dual market and push/pull economic theories of migration.

In order to measure the level integration and the effort of separation, and exclusion social we asked eight and ten questions. Number eight is: Are you disposed to marry a social worker or recommend to a friend in this country? And number ten question is: Do you feel different when you relate with social workers? Because you are a foreign minor, do they expect you to behave two times better than a minor of this country? The responses of the unaccompanied minors were nearly unanimous, 'No.' Only about ten percent ventured to say yes and maybe. During the interview, the strength of lack of interest to marry was exhibited with vehemence even though marrying a national could afford new opportunities.

Those minors, who think they can marry a social worker or on the other hand feel close or different, claimed that it does not matter. But those who had already made up their mind complain of too much legality that may follow them throughout life which they abhor. This number eight seeks to answer and represents our specific objective number eleven which seeks to 'show contact, integration efforts or separation tendencies and describe policy implementation outcomes of core integration factors which affect unaccompanied minors positively or negatively.'

Number nine deals with the core right of the minor and one of the core integration factors for the study which asked: Have they given you residence permit? Can you live comfortably with a social worker or another person from Europe like a proper son? The minors who were accommodated in Spain, Sweden and United Kingdom said that got asylum cards (these cards expire for three months, six months and one year depending on reason for protection and country of issue).

The major response was from the unaccompanied minors is that: 'They gave us asyl card. They say residence comes after you have everything. I can't live with any of them, man or woman.' Residence permit of short and long duration depends on the circumstance of the minors as we have explained in chapter four of on the phases of trajectory and migration of unaccompanied minors. It is sufficient to show that in Spain, the authorities ask unaccompanied minors to produce a job

contract in order to get a residence permit though this is contestable because the CRC and other laws for their protection do not envisage this condition.

Furthermore the question to live with a national as a son was also rejected by nearly all the minors and it is linked to question number ten question. The idea of contact, integration efforts and social exclusion was reflected in the questions for personnel of the unaccompanied minors. Majority of the personnel have no problem in keeping them as their own children although they have to qualify to foster a child.

It is good to point out here that the foster program of the governments of Spain, Sweden and United Kingdom adopt a nearly uniform method in adoption processes but with minor retouches. Governments of these countries under study envisage fostering a child as a solution to integration of unaccompanied minors, but this practice has provided more challenges. In effect, a minor may not be put into a permanent fostering if the minor will definitely leave. In the same breath, minors are kept so that when they are needed for deportation, they can be easily be presented, this is the conundrum.

This number eleven question asked: Would you like to regroup or bring your parents to this country in future when you are ready? 'Sure, I will' was the answer to many of them who have families or who think they can still relay back home. But many of the minors claim that they have no families or they have lost contact. Though the unaccompanied minors have interest to family regrouping, there are no guarantees to that in Spain and United Kingdom. It is possible in Sweden. On their part, the personnel that care for unaccompanied migrant minors simply repeated the position of their respective governments. In Spain one of the outstanding Legislation for family reunification is coded in the law on foreigners, 4/2000 (LOEX) Article 31 while Sweden has it in Aliens Act, Swedish Statute of 2005: 716, ch. 5, sec. 3-3a). The EU has it in Chapter II of Council Directive 2003/86/EC but The United Kingdom opted out.

Question number twelve for the unaccompanied minors asked: Which country (here or where) would you like to live when you have your papers and what level of education? A larger number want to stay where they are provided they get residence permit. But the new phenomenon is that many of the children was to go to London to study in the University there. They admire the free

education system and claimed that their difficulty is the Swedish and Spanish languages. Education is one of our core integration factors in this research for the evaluation of enhanced integration of unaccompanied minors in Spain Sweden and United Kingdom.

Education of unaccompanied minors is presented as number one specific objective which has attempted to elucidate the keys to core integration, that is, integration factors e.g. Legal representative, Education residence permit, family regrouping, etc." necessary for a better social, economic and educational integration of unaccompanied minors. (See also, two and four and five of this research).

On their part, the personnel of the centers who take care of the minors, there is unanimity that education is important and free for them. The question asked to personnel or social workers appeared in number sixteen which asked: 'What type of education system is here and do they like to go to school? The answer which a larger majority gave is: 'Some like but some do not. CRC of 1989 in Article 28: Right to education. Specifically, article 49 and in Spain education of unaccompanied minors and other minors which corresponds to Article 9 of the LODYLE. Article 10 of Council Directive 2003/9/EC of 27 January 2003 laid down minimum standards for the reception of asylum seekers on Schooling and education of minors.

In this research, one could imagine that some minors have not entered school before and this may be an obstacle to their integration and even to managing their affairs. Maybe afraid and know nothing. But the law gives them the possibilities of primary and secondary education and we send them. Some refuse, but when we say, no school, no stipend and no drink; they join. We have general meeting every Thursday.' However, the fact remains that any unaccompanied minor who is to be returned is denied full education because nobody knows when the police will come to carry him or her to the airport.

4.9.8. Illustrations of the testimony of an Unaccompanied minor while seeking protection.

(1) LarryDa (UMM from Liberia)

LarryDa put his age at 16 years when he arrived Spain three years ago. He was told that there is good life in Europe, therefore he decided to escape from his war ravaged country in West Africa in order to enhance his life and also benefit from the good life in Europe as he was told. Larry was born into a rural family that lives in the Rubber production area of Liberia. His father fought in the Liberia second civil war which ravaged the country where more than 300,000 were killed, while thousands more were mutilated and raped, often by armies of drugged child soldiers. One day the neighboring ethnic group evaded their rubber plantation and his father was taken. He lost his mother and two of his sisters too. Thereafter, LarryDa escaped to Monrovia through the help of an uncle.

He sold anything, cigarettes and fried plantain and made some money as a street hawker. He was a cheerful and bright boy, but he was sleeping in the batches but watching the movement of people until he got the whiff of those who came from abroad. He was told about the good things, about cars and women. With his little savings, he succumbed and moved to Morocco and from there with the money he had saved he move to the seaport waiting center where he was finally moved to Ceuta. He joined the street boys and later he moved to Murcia and from there to Valencia. LarryDa was disappointed that the Spanish he had learned in Morocco could not take him to anywhere.

He had been told on the way that he is an unaccompanied minor and that he could apply and be protected. He solicited asylum in Murcia, they threw him away. He was waiting for the reply but the other boys hinted to him that he is about to be deported, therefore he ran away. On reaching *Estación de Autobuses* in Valencia, the police asked him for papers. It was like a routine check, he has one but they did not believe him, therefore, he was taken to the police station for further investigation and documentation.

In the Spanish context, based on the 2007, 2013 and 2015 protocols relating to unaccompanied minors, the Security forces are empowered to locate, apprehend

and remand the unaccompanied minor and from there they transfer the minor to a competent institution for the determination of age. According to these laws this procedures really mean first to notify the Public Prosecutor, the inclusion of his name in the Registry of Unaccompanied Foreign Minors.

LarryDa, a 16 year old Liberian gave a graphic super coordination for his arrest by four policemen and transferred to the police station and from there he was moved to hand, wrist and fingerprinting and what they called carpal radiography which is regulated by article 35 of the Ley Orgánica 4/2000 and also (L.E.), apartados 1 a 3 del artículo 92 del Reglamento de Extranjería y Circular 2/2006 de la Fiscalía General del Estado).

“I was so hungry and they did not even ask me if I want to eat. They kept me there as if I am a criminal until very late in the night. I don’t hear them, LarryDa said”.

In this case they applied Orthopantomography which is a dental radiographic technique. They documented his profile, conducted his age assessment before he was allowed to be admitted into a center they called a juvenile center, and in his case a first evaluation of the corresponding doctor was available. LarryDa said he was not told about the age assessment and did not get any information about where he was and was not aware that there are protocols for minors’ rights and responsibilities before he set out to this dangerous journey.

Since his arrest two years ago, LarryDa has moved to independent living and again had been a tenant in Alboraya La Palmera and Buñol and finally he was told that he has no *locus standi* to ask for protection and that his documents are false and that he is 18 years old. Then what motivated him to abandon his place of origin? LarryDa said he was motivated by three things: (1) to work and build a family. (2) That he had seen others succeed in Europe therefore he hope to succeed. (3) Because of loss of family members and persecution and cannot go back to his country.

The administrator of Immigration referred him to Social Services where he was attended. After living for a while in a young people’s home he was diagnosed as suffering from post-traumatic stress disorder for which he received effective help from the local Child and Adolescent Mental Health Services. Described as a humorous and friendly young man, he still suffers from the trauma of his pre-flight

experiences. According to LarryDa, “they accused me of giving false document for my age and that the way has ended and that I could go back. Many of their questions were so hard and they were so rude. My heart was beating very fast, I nearly collapsed.”

Because of the dispute over his age assessment, LarryDa was not able to enroll into school or college though it is free. After a solicitor challenged the age assessment carried out by the local authority, it was in the end established that LarryDa age stands at 17 and not 18. By this time, he had already been in Spain for nine months and had missed a whole academic year. In this time, he had nothing to do and resorted to hanging out in local parks and playing video games in his room.

LarryDa was unable to attend school and having nothing to do led to a deterioration of his mental health and LarryDa became very depressed. He also experienced severe anxiety at having to explain himself again and again and go over all the events in his history. Based on the deterioration of his mental health and through the appeal of his lawyer he was moved into protection regime which is regulated by Artículos 5, 9 y 10 de la Ley Orgánica 1/96, de protección jurídica del menor y artículo 17 de la Ley 3/2005, de atención y protección a la infancia y adolescencia.

This may have been possible because of the availability of subsidiary or complementary international protection in accordance with the law. This situation can happen only when it is considered that there is a real risk for the life of the unaccompanied minor. However the minor continues in his health and life uncertainty. Moreover, unaccompanied foreign minors who are in Spain can regularize their situation via regulations for aliens or via asylum.⁴⁶⁷

(2) Nuda (UMM from Afghanistan)

This unaccompanied minor came with the name Nuda and year 16.5 and has lots of documents like birth certificate and other travel documents. Having travelled by bus, train and bike he has many types of experiences. Nuda left Afghanistan three months earlier and travelled over land through Iran, Greece,

⁴⁶⁷ Article 35.4 of the LODYLE and article 92.5 of the RELODYLE.

Italy and France. His parents had been killed when they travelled to their farm, and he had been living with his uncle who had subjected him to regular beatings, breaking his arm on one occasion.

While searching for escape, he stole some money and escaped to Kabul. He joined two other boys on a mission to escape Afghanistan and they paid to be taken out from Kabul to the border and from there they moved on but they missed each other according to Nuda who has a very long name but for security we do not have to use their proper names. In the case of Sweden, where an unaccompanied minor migrant is detected, the Aliens Act permits detention for a maximum of 72 hours and an additional 72 hours may be extended to investigate and document

Nuda claimed asylum and repeatedly told the Migration Board that the assessment of his age was incorrect. He explained to the Migration Board that he had often considered killing himself whilst in Afghanistan, and that he had hoped that since arriving in Sweden his life would be better. When asked what he feared would happen if he were returned to Afghanistan, Nuda simply replied "I'd kill myself". His asylum claim was refused again by the Migration Board and was given a paper to appeal to the Migration Board appeal court. His appeal was heard two months later and the Immigration Judge accepted the assessment of local authority working with the Migration Board.

Two months after being dispersed, local authority received a referral from a Community Psychiatric Nurse requesting a new age assessment because of her concerns regarding his emotional welfare, and firm belief that he was younger than 18 years old. She was worried about Nuda sharing a house with adults and that his basic needs were not being met – for example, he was unable to play like other boys and cannot cook for himself.

The Malmo Local Authority conducted a second age assessment and also concluded that: 'his physical looks strongly indicate that he is over 18 years of age. According to the Local Authority, "There was nothing about Nuda's demeanor and responses to questions, or his account of day to day life that lead us to conclude that he is a child. He is not a child" they wrote. While the social workers acknowledged Nuda vulnerabilities and anxieties, concerns regarding his being housed with adults were dismissed. Another lawyer took up the matter for a

judicial review of local authority age assessment age decision and that is still hanging till today.

During the age assessment Nuda said: "I arrived at the screening center in the morning and I left around 9 o'clock at night. They gave me nothing to eat and nobody to talk to. I was absolutely starving. You are at someone's mercy. I will never forget how they treated me when I went there." He also added: I was subjected to rude or aggressive questioning by immigration officers. Nuda was not very sure how to respond to the accusation that he is a child soldier when he claimed that his father was killed. He said: *"They first accused me of being a Taliban soldier. The next time they accused me of giving false document for my age and that I came from an area where there is no war"*

Although Local council chooses a monitor or Goodman (Overformayndare in Swedish) the choice of age assessment formula affects the whole system. The guardianship of a child ends as soon as the child turns 18.

Under normal circumstance if a new unaccompanied minor arrives, a center assigns an internal guardian to supervise and provide: accommodation, clothing, education, sports, games and interview preparation and shopping. In Sweden a minor is given an asylum bill and an asylum seekers card (LMA-Kort) a temporary work permit known as (AT-UND) and can also receive money through an assigned bank account, ceteres paribus. On the other hand, a minor who is rejected may, within 21 days, appeal to the Migration Board Court (Migrationsdomstolen), or may also appeal to the Migration Board (Migrationsoverdomstolen) Court of Appeal. The case officer (handläggare) organizes escorts to deport the minor back to his or her homeland when all these appeals fail.

4.10. Final Contributions to knowledge on issues relating to the protection of unaccompanied minors.

The implementation of integration policies for the protection of unaccompanied migrant minors has changed the face of social work, thereby adding intractable challenges to existing social and economic challenges over care the foreign and autochthonous children. From our experience in this research we have noted that the protection of unaccompanied minors emerged from the

shadows of campaigns by humanists, human right campaigns, family and education policies of government institutions. Implementation of these protection policies have also received rejection, resistance and outright sabotage to the extent that social workers device surreptitious methods in order to show that they are implementing the conventions according to their own national circumstances, even though these unaccompanied minors suffers destitution, deprivation and discrimination.

In practice, a representative is appointed to asylum-seeking unaccompanied minor in Spain, Sweden and they apply the same guardianship system also to non-asylum seeking unaccompanied minors. This representative is appointed to asylum-seeking minors in consonance with Art. 25 of the renamed recast asylum procedures Directive (Directive 2013/32/EU). The timing for the appointment of a representative, however, differs from country to country e.g. a representative may be appointed after asylum had been applied for; while some appoint before asylum; or there is no hope of return, all in a bid to frustrate the minor because if the minor gets a full legal representative before applying for asylum, all humanitarian protection laws will be invoked by the legal representative to make sure the minor is protected.

However, since public policy can be modified or inferred to suit the aims and objectives of government officials, the minor is given a legal or ordinary guardian when his or her asylum application has been rejected so that before they finish the preparation of the defense, he will be singing his or her sorrow in another country, possibly h/her natal city. This is my new finding added to the other findings we have gotten.

Our new discovery is that, going by the outcomes we now know that dispersing foreigners, unaccompanied minors to join their ethnic groups, thereby lumping together refugees and other groups with their families or countrymen and people from other countries is inappropriate and does not produce any integration.

The crucial point of departure is provoked through the implementation a dispersal mandate of executive secretaries of central governments. Through the implementation of this type of dispersal policies, unaccompanied minors are

dispersed to different local councils in different communities; in some cases outside “no man’s land” or places that are difficult to reach.

According to Hagstrom (2009) “only a few municipalities strive to make themselves attractive to draw refugees and encourage them to stay in the municipality, or plan to carry out related marketing work. The municipalities visited within the context of this article have not had any problems in attracting refugees for some years now, which is why they have not had the time nor need to market themselves” (p. 186). While on the other hand, the local councils through their professional social workers device methods to supply necessary maintenance materials including feeding, housing, clothing and sports.

Taking more adamant posture against migrants, some Local Councils refuse to accept unaccompanied minors for example; the only three councils that accept them in Sweden are Malmö, Stockholm and Göteborg. The government of Sweden launched three bills to argue the lapses in lumping unaccompanied minors and other immigrants in order to encourage newly arrived refugees to move to communities with job opportunities and housing with the hope that this will contribute to increased dispersal in the settlement pattern through Government Bill 2007/08:1; Government Bill 2008/09:1 and Communication 2008/09:24⁴⁶⁸ which exemplifies the secrete of the whole concept of the dispersal system. It must be emphasized that implementing this type of dispersal system generates ghettos which we have presented in chapter two of this research.

Results of the studies by Hagstrom (2009) in Sweden on dispersal of unaccompanied minors to promote economic integration of refugees contended that unaccompanied minors are placed in poorer locations in relation to their labor market. The author stressed that: “Immigrant reception in a small community is constantly being compared to the reception in the suburbs of metropolitan areas, which is perceived in a negative light. The suburbs in metropolitan areas are described as being beset with problems and the introduction departments there as being overburdened with work, which is considered to entail a risk that the individual refugee will be neglected” (p. 186). The results of these studies and this

⁴⁶⁸ Communication 2008/09:24, The Swedish Government Official Report (2008:114) Försörjningskrav vid anhoriginvandring are based on financial support requirements in connection with the immigration of close relatives] proposes the implementation of financial support requirements in connection with the immigration of close relatives.

very study justify the need to reeducate unaccompanied minors in order to relocate to job attractive arrears of the country.

They can also take advantage of taking jobs outside their municipality and outside the country. I posit that our concern is not concentrated on only one country. I believe in this research that immigrants, especially unaccompanied minors can also take jobs in other countries if their core needs relating to education, permanent residence and other rights are implemented to the letter. Further to this, where immigrants are lumped together like bags of cement, they should be empowered technological skill training to relocate to better zones.

This is a surreptitious practice done under the auspices of helping the minors and their country of origin. Therefore, it is clear that the implementation of this type of protection policy is borne out of The Network theory, World system theory, Dual market theory and other economic concept of migration theories.

The aim of the Migration Boards in collaboration with United Nation Agencies is not to protect *per se*, but to push the minors back to their closest natives. However, in practice, social workers lump migrants into one city, one local council, and one housing unit like 'crass people' in this way creating a ghetto of ethnic groups.

The migration Boards of Spain; Sweden and United Kingdom, shake their hands and concur that this is a *fait accompli* to implementation of hard policies against unwanted people. The formation of Ghettos which we introduced in chapter two (2.1.9.8) can be witnessed in the City of Gordon in United Kingdom; Rosengård in Sweden, Bijlmermeer in Holland, Barrio de la Coma in Valencia, Spain, and the infamous enclave of Ceuta in Spain along Morocco's Mediterranean coast where even the Spanish police ever venture into the Príncipe Alfonso district of Ceuta.

The concept of perception of the minor expressed through the 'culture of unbelief' work in tandem to destroy any tendency to integrate unaccompanied minors. This same culture of disbelief may have led to the dispersal of unaccompanied minors to a particular neighborhood to join their ethnic groups. In this way they discover who they are and make easier judgments on their return or readmission. They are the cankerworm that has eaten deep into the main fabrics of administrative organs. This may be why Spain is attempting to bring in certain

good practices to fight this cankerworm. In Spain, an Agreement approving the Framework Protocol for Unaccompanied Foreign Minors was signed in July 2014. This protocol lays the foundations for coordination among the various institutions and authorities in actions with unaccompanied minors from identification of the minor to age determination which is done with collaboration with the local council or *Ayuntamiento*.

In this department it is worthy for us to elucidate some aspects of this investigation on implementation of protection policies for enhanced integration of unaccompanied minors. We believe if we have gained experience through this research we also have the obligation to show some things which we consider new to the normal phenomenon which we have tackled. Some of the aspect we would engage include the description of new discoveries on motivation to emigrate by unaccompanied minors, then we move on to the dialectics of migration of unaccompanied minors which can also help us understand if receiving countries benefit from migration.

From there we are joined by the result of a projected court decision on the implementation of age assessment policy on unaccompanied minor which we called the Spanish conundrum: Age assessment policies, High Court decisions and administrative intransigence in Europe. This is followed by analysis of the dilemma when an unaccompanied minor reach 18, legally and followed by policy actualization and to be followed by our attempt to justify the repeal of Dublin III regulation.

4.10.1. Description of New contribution to knowledge on new motivations to Emigrate.

To describe the *NEW MOTIVATIONS* for migration in consonance with the objectives of this research and to describe old methods of motivation provides more information on the migration trajectory of unaccompanied minors from the traditional home of the minor to a country in Europe. This is aimed at stimulating more interest in research and develops critical human rights posture. We fulfill our promise to describe, compare and show new and old motivations of migration as listed in chapter three number eight of our specific objectives

After analyzing the interviews based on the semi structure questionnaires we adopted for this comparative investigation we realized that apart from what we know about motivation of people to migrate, unaccompanied minors have adapted to other ways of migration. It is interesting to describe the *NEW MOTIVATIONS* or added incentives to emigrate. This is in consonance with one of our specific objectives in this research positioned in chapter three, (3.2 number 8). I show here the evolution of new motivations and patterns of Migration of unaccompanied minors and other movements provoked through four new patterns that are specific to unaccompanied migrant minors:

(1) 'New historic ties and industrial collaborations' with a particular country generates enormous interest in migration movements to those countries, e.g. The East African Ethiopians are moving to Israel in doves and are accepted, children and adults; Scandinavians accept children from Middle East, Asia Minor who are descendants of Old Jews, etc.

(2) One of the patterns of *NEW MOTIVATION* for Migration of unaccompanied minors and adults are provoked through military intervention like the case of Nigeria intervention in Ghana and Liberia brought a surge of children and adult Liberians and Ghanaians into Nigeria. In the same vein, the intervention of United States in Iraq and Afghanistan provokes the collection of many unaccompanied minors into USA and Europe. Another *NEW MOTIVATION* for Migration of unaccompanied minors and adults is linked to destruction of cities and persecution by rebel soldiers and armed groups like the cases of Syria, Eritrea and Afghanistan which is the largest supplier of unaccompanied minors. Therefore, we must take this into account as a new cause of migration which has not been incorporated into the antiquated theories of migration.

(3) Another *NEW MOTIVATION* for migration in consonance with the specific objective of this research include rescue and humanitarian operation during natural or man mad disasters. Many NGOs enter into countries while some unaccompanied minors escape during disaster. Some organizations provide a range of airlifting services including disaster relief, health and social programmes to rescue children and civilian population and support the army medical services where appropriate. UNDP programs, The Red Cross rescue and distribution, UNHCR rescue and distribution and Save the Children have facilitated the

movement of many vulnerable unaccompanied children to safe countries from, Iran, Iraq, Sudan, Somalia, Middle East, Asia, Africa and Latin America. Thereafter, a relocation of unaccompanied minors occurs and latter a new motivation for migration of unaccompanied minors ensues.

(4) The latest type of migration of minors is linked to *NEW MOTIVATION* which occurs after huge financial investments by a foreign country in an emerging economic. This also serve as stepping stone for further entry into other countries with better conditions e.g. India, Dubai, China and Brazil. Unaccompanied minors join in and make their way from that point and this helps to explain our specific objective of this research takes

(5) *NEW MOTIVATIONS* for migration of unaccompanied minors starts during and after investment in oil exploration (multinationals like Shell, Mobil and Chevron keep this secret) or had invested in telecommunication, petroleum exploration, natural gas and textiles attract subsequent regrouping and the chicken effect theory applies here. We recognize the massive asylum seekers from Former Yugoslavia and other eastern Europeans to Western Europe; the massive migration of east African to the Scandinavian countries. Apart from all these we have shown unaccompanied minors have devised other means of crossing board unnoticed by crossing on foot in porous borders without fear, let or hindrance, then take a bike, bus and train. Other mean they have devised is paying money in group to local cross border drivers who cross them in their vehicle boots in groups.

Based on these permanent and semi-permanent global migration phenomena, we encounter the migration of minors during the first batch of migration or first generation migrants, we encounter children who were accompanied when they were on transit, but when they reach the country of settlement, their guardians or parents release them to go and seek asylum as unaccompanied minors. On the other hand, another group of minors migrate later in order to join the first group that had hitherto migrated. The first children who migrated were in effect following their parents, while the second group of children were pursuing their parents and relations. In this way a Chicken Theory pattern emerges. It is interesting to view the old and new motivations for migration which we have compiled.

Table (3). Old & New Global Factors that tend to Motivate Migration of UMMS (A conclusion)

	OLD MOTIVATIONS TO MIGRATE	NEW MOTIVATIONS TO MIGRATE
1	Pushed by impoverishment	UN & International displacement program
2	Provoked by climate disasters and destruction of farmlands and means of livelihood	Protection from harm, health and disease
3	civil violence and catastrophes	Nutrition, education and invitations
4	Economic advantage between countries and regions	The presence of a Diaspora in country of reception and industrial collaborations
5	War and Conflict between states and ethnic groups	Military intervention
6	Persecution by war mongers, debtors, ethnic groups and racial issues.	Disaster relief funds for health and social programmes to rescue children
7	Invasion, Occupation and ejection from contested homelands	Huge financial agreements and investments by a country like Dubai, China and Brazil
8	Colonial manipulations	Mmultinationals like Shell, Mobil and Chevron making huge capital investments in telecommunication, petroleum exploration, natural gas and textiles
9	Labour migration	Constant displacement and crossing nearby porous frontiers.
10	Quota systems	To improve their living conditions
11	Demographic and socio-economic disparities	Encouraged by Family regrouping
12	Developmental gap between the North and South	Survival of extreme poverty
13	Differences in wages	Encouraged by Supersonic communication networks around the world. Facilitated by beams of economic havens through Google, mobile networks, WhatsApp, Viber and Facebook

Elaborated by author (2017)

4.10.2. The dialectics of migration of unaccompanied minors: Do receiving countries benefit from migration?

Many member countries of the European Union that receive unaccompanied migrant minors want the world to believe that they are receiving them in order to alleviate their penury and in order to, not only help them economically but to also help their poor countries of origin which is incapable of supporting their children during war and peace time. Based on this premise, restrictive migration policies of Spain, Sweden and United Kingdom are launched to control the necessities of immigrants; to tame the immigrants who are inside; to discourage potential immigrants on the way and those who are still in their countries of origin.

Based on these precepts, from 1990 the British asylum regime focused on restrictive policies towards asylum seekers and illegal migrants but part of this

policy favoured high skilled migrants. The evidence is that policy makers progressively passed many legislations aimed at updating the existing migration policy in 1993, 1996, 1999, 2002, 2004, 2006, 2008 and 2009 according to (Cerna, and Wiethiltz 2011, p.199). These changes led to confusion on the part of social workers who cashed in on the opportunity to reject many applications submitted by unaccompanied asylum seeking minors.

These migration policies also specifically made the status of unaccompanied minors illegal since they enter the country without permit and do not possess sufficient documents to justify their identity. For this reason and others, social workers conveniently block the asylum application of unaccompanied minors. Based on our findings, we have experienced lots of cogs on the wheels for enhanced integration of minors. From our findings also, we have learnt that there is a clear legal distinction between asylum seekers (Unaccompanied minors) and recognised refugees, which has undeniable consequences for their rights and treatment, for instance the National law prohibits asylum seekers from taking up paid employment.

According to Meyers, (2004) in the case of United Kingdom, large scale asylum application provoked the changes in various policies, making it possible to link immigrant numbers with asylum policies as we have stated earlier (p. 79) On the other side of the fence, he saw the success made so far by the British Government Cerna, and Wiethiltz (2011, p.199) through the publications of (Spencer, 2002, p. 10). There was a claim that the British Government saw the benefits of migration through management of skilled migration in the works of Spencer (2002) and averred that the UK recognised that migration will be central feature of the global economy and that it brings economic benefits. This view has led to a shift in governments approach from that of migration control to migration management in the interest of United Kingdom.

All these policies which I have indicated earlier are aimed at bringing the number of migrants down whether they are minors, adults or women group. Furthermore to these assertions, there had been many publications which claimed that the then British immigration Minister Roche confirmed in a research finding that the numerous areas of British sectors that are benefiting from the skilled

labour managed migration are education, engineering, IT, health and financial services according to (Flynn 2003).

Despite the problems associated with migration of unaccompanied minors, their protection by government institutions can yield positive results. However, as had been written by Geddes (2005), within government circles there is an idea that the issue of immigration has become salient campaign issues in United Kingdom to the extent that the conservatives declared that if elected, they will withdraw United Kingdom from the Geneva Convention on refugees.

In United Kingdom from 2015 to 2016 the same migration campaign issues were repeated and were so heated over not just for asylum seeking refugees and labour migrants but far beyond the abolition of welfare benefits offered to immigrants who are members of the rest European Union 27-Member States who entered into United Kingdom for labour purpose.⁴⁶⁹ The political fallout is BRITEXIT. Through a referendum, United Kingdom finally pulled out of the European Union and the resigning of the Prime Minister Cameron.⁴⁷⁰ We leave this part for other researchers, but it is sufficient to declare that the immigration of unaccompanied minors has become a heated political debate.

⁴⁶⁹ The main points of the deal are: (1) Child benefit - Migrant workers will still be able to send child benefit payments back to their home country - Mr Cameron had wanted to end this practice - but the payments will be set at a level reflecting the cost of living in their home country rather than the full UK rate (2) Migrant welfare payments - Mr Cameron says cutting the amount of benefits low paid workers from other EU nations can claim when they take a job in the UK will remove one of the reasons people come to Britain in such large numbers (critics say it will make little difference). He did not get the blanket ban he wanted. (3) New arrivals will not be able to claim tax credits and other welfare payments straight away - but will gradually gain the right to more benefits the longer they stay, at a rate yet to be decided. (4) Keeping the pound - Mr Cameron has said Britain will never join the euro. He secured assurances that the eurozone countries will not discriminate against Britain for having a different currency. Any British money spent on bailing out Eurozone nations that get into trouble will also be reimbursed. (5) Protection for the City of London - Safeguards for Britain's large financial services industry to prevent eurozone regulations being imposed on it. Running our own affairs - For the first time, there will be a clear commitment that Britain is not part of a move towards "ever closer union" with other EU member states - one of the core principles of the EU. This will be incorporated in an EU treaty change. Mr Cameron also secured a "red card" system for national parliaments. It will be easier for governments to band together to block unwanted legislation. If 55% of national EU parliaments object to a piece of EU legislation it will be rethought. Critics say it is not clear if this would ever be used in practice.

⁴⁷⁰ Prime Minister David Cameron promised to hold one if he wins the 2015 general election, in response to growing calls from his own Conservative MPs and the UK Independence Party (UKIP), who argued that Britain had not had a say since 1975, when it voted to stay in the EU in a referendum. The EU has changed a lot since then, gaining more control over our daily lives, they argued. Mr Cameron said: "It is time for the British people to have their say. It is time to settle this European question in British politics." <http://www.bbc.com/news/uk-politics-32810887>.

It must be noted that this very attempt by the British government to take away welfare benefits from asylum applicants in 2003 is the same attempt that is being pursued in 2016. However, Statham and Geddes (2006, p. 255) claimed that “restrictive laws can backfire, can be immoral and can be against the very principles of protection” (p.255) the laws were proved immoral and this was confirmed by the Court of Appeal ruling which kicked against taking away welfare benefits from asylum applicants and declared that it is inhuman and contrary to law.

In comparison of United Kingdom with Sweden and Spain, the same (3R) policy of refusal, rejection and return are implemented. For example, healthcare coverage for unaccompanied and undocumented immigrants was taken away from immigrants in Spain based on Royal Decree Law 16/2012. By virtue of these overriding laws, many unaccompanied minors died, many of them and other immigrant’s accumulated sicknesses that will follow them to the grave because of this law.⁴⁷¹

On the other hand, the Swedish government extended health and translation services to unaccompanied minors who are documented or undocumented. From the forgoing contradictions, United Kingdom Border Agency and the Spanish Subdelegación de Gobierno have called into question the homogeneity of the European Union in the area of protection of unaccompanied minors in their territories. While the Spanish government were busy flushing the right to health of unaccompanied minors who applied for protection, the Swedish government extended special attention to undocumented unaccompanied minors.

Another crucial point of departure is provoked through the implementation of the return regime which carries a bandwagon of effects on the innocent child. EU Government’s deportation of unaccompanied minors may be in consonance with their national interests but I declare that, it is obviously antithetical to the avowed declaration of membership of the League of Nations for the defense and

⁴⁷¹ Under the health reform of 2012, free access to all public health services was taken away from undocumented immigrants. Political wrangling and hiding behind the economic crisis has prompted the debate on how to regulate health coverage of undocumented migrants in publicly funded healthcare systems. In 2012 the Spanish Government issued a Royal Decree Law (RDL 16/2012) which revoked their previous full right to public healthcare coverage, now limited for some exceptions. Access 21/08/2015 at: http://elpais.com/elpais/2015/08/21/inenglish/1440161666_795419.html

protection of vulnerable unaccompanied minors when they are in their territory. From the forgoing contradictions, Migration has called into question the homogeneity of the European Union.

4.10.2.1 The Spanish conundrum: Age assessment policies, High Court decisions and administrative intransigence in Europe.

Divergent High Court decisions expedited on the implementation of policies for enhanced protection of unaccompanied minors is a veritable instrument for assessment of the result of protection practically applied by migration board institutions in Spain, Sweden and United Kingdom. It is worthy to note that international and transnational laws have changed children's rights for the better after the Second World War. This new effort to protect children can be found in the first draft of the Declaration of 1924 on the Rights of the Child of the League of Nations, and from there the 1989 Convention on the Rights of the Child was born. These new forms of child protection are in response to refugee orphans under 16 years. From there those under 16 were recognized under the 1946 Constitution of the International Refugee Organization (IRO) as one of the four categories of people who are defined as refugees (Bhabha 2004).

It should be noted, not just by Spanish authorities but also child exporting countries that the welfare of children is the central concern of many organizations trying to recognize the vulnerability and the experience of many children as migrants at risk. This coincides with the largest influx of unaccompanied migrant children in EU countries and pushed the international community to accelerate the legislation of protection for minors. In this regard, in 1999 the UN adopted the 1989 Convention on the Rights of the Child (CRC). The CRC revolutionized the way children are perceived according to Bhabha and Young, (1999).

In many countries today well crafted immigration laws have emerged to broaden the scope of intervention and to extend cooperation and international with migrant's countries of origin. Many countries have also committed themselves to protection of unaccompanied children etched in human-rights codes. In 2012, on the other hand, I interviewed five Swedish Migration Officers for this doctoral research, some of them averred that though there are new protection laws, a large

number of unaccompanied minors are rejected in many European Union Member States for policy reasons, consequently denying them access to asylum protection, accommodation and education, even when they present valuable documents because, age assessment officers believe that their documents are forged and that they are older than what they claim. This is the conundrum.

However, the result and evidence in this research has shown that reception and social integration of unaccompanied foreign minors in Spain is now very difficult, to the extent that social workers do not know what to do while the child does not know how to stay. The Maghreb's unaccompanied foreign minors, who by historical precedents dominate the prison centers and are not aware of provisions for social integration do not appreciate the development of the Spanish environment.

When the child has no family, the need to find a caregiver or a foster home arises. Through court judgments and other publications, we can show that the unaccompanied minor who migrated to Spain for integration is blocked and unprotected. The evidence can be found in the report of European Press of 16th April, 2015 about the case of Rafik, a Moroccan unaccompanied minor who migrated to Spain alone. In this judgment, a Madrid Court of Appeal (El Tribunal Superior de Justicia Madrid, TSJM) modified the decree for age determination and declared that Rafik is really an unaccompanied minor exactly as written in the official Birth Certificate issued in Morocco. Actually, the Madrid Supreme Court did not modify the law; it invoked the law to establish the boy's rights in response to an appeal made by an NGO called Raices Foundation. This may be one case in a thousand of cases in point.

In practice, when an unaccompanied minor presents a document, the Case Officer exhibited a "culture of disbelief" as demonstrated in the case of Rafik as we have noted in chapter two of this thesis, which also affect thousands of unaccompanied migrant minors. The Spanish care workers and their collaborators derisively defend this conception of "culture of disbelief" as (*no constituyen prueba plena*). In practice, Rafik was subjected by Spanish authorities to various forms of age assessment including medical examination of hairs, ankles and bones, X-Ray of fingers and teeth, etc. and dictated that Rafik is 19 years old, which is above the

legal age of protection, therefore Rafik must be expelled from Spanish territory to Morocco.

The decision to recognize Rafik as a minor by the learned Judge seating at Children's Court in Madrid, led to his rescue from the jaws of destitution, deprivation and oppression by the very institution that is charged by national and international laws to protect unaccompanied minors in their territory. By this decision the dispute about his age is put in the cooler. The question I ask is: How many unaccompanied migrant minors out there are not able to appeal to court (Tribunal Superior de Justicia de Madrid, TSJM) and have this same luck? An NGO, Raices Foundation appealed for him. There are hundreds of thousands of unaccompanied migrant minors who are exploited, denied, dejected and deported for the same reason that they are unfortunate to seek protection in Europe. According to Bhabha and Crock, (2007), only a minority of young people achieve this luck and recognition and through this abnormality of age disputing children lose credibility in relation to their asylum claim, (Giner, 2007; Kvittingen, 2010). This is the Spanish conundrum.

Before the emergence of the Convention on the rights of the child (CRC), children's rights were treated as secondary, because children were mainly regarded as quasi-products or secondary assets and in some communities can be abandoned or sacrificed for a higher order. I ask: Shall we continue this way? However, this reminds us about the middle ages when children were treated with cruelty, caged and abandoned for the same reason that they are perceived as harbingers of the original sin. Therefore, we can correlate this analysis with the original sin, even though some of my readers will differ from me.

In my opinion, I strongly believe that the relationship between the perception of childhood in the Middle Ages and the perception of childhood in the twenty-first century are closely the same in relation to the treatment of unaccompanied minors. My assertion through this research is that the practice of protection of unaccompanied minors in the European Union of today is a metamorphosis of childhood practices in the Middle Ages.

This assertion is based on the fact that the unaccompanied minors' 'original sin' relates to the fact that they came the EU uninvited just like the children who came uninvited; the womb is their original place, but they decided to come into

this world just like the unaccompanied minors who came without visas and authenticated documents. Maybe that is why it is difficult to protect them. They need to be registered just like new born babies and be treated as delicate and vulnerable just like new born babies. Unaccompanied minors, just like other babies need education, residence documents, bed and breakfast; they also need housing, feeding, clothing including warmth of love and extra care. Unaccompanied minors need to be integrated just like babies.

To this end, the League of Nations Declaration of 1924 set the ball rolling by making its preamble a child protection formula. The League of Nations declaration specifically declared that “special safeguards and care, including appropriate legal protection, before as well as after birth,” should be given to the child. This 1924 Declaration further emphasized that “mankind owes to the child the best it has to give,” therefore it calls on voluntary organizations and local authorities to fight for the application of children’s rights as a birthright. Experts believe that it’s so easy for adults to wrongly classify children as adults in order to deny them their legitimate rights, Seales (2012) and in order to serve their whims and caprices.

However, looking at the high number of rejected applications for asylum since 2009 to date, Onuoha (2011) one can understand the minds of those who decide the fate of foreign children which confirms that even local councils perceive foreign children as threat to the state welfare system, (Brekke 2004). In Madrid, Valencia, Barcelona and many parts of the EU, perceiving foreign minors as threat has created an unending crisis leading to denial of protection Geddes (2003), an economic threat, (Observer 30 September 2001).

Child welfare units in Granada and Melilla rightly registered Rafik as a 17 years old minor worthy of national protection but failed to facilitate his integration. This abandonment also demonstrates, as I indicated above, that abandonment leads to oppression and abuse of the CRC, thereby permeating injustice against children. This perception may have changed the construction of an innocent migrant minor from vulnerable to abandonable. Undoubtedly, the authorities in Madrid have access to the National database where Melilla and Granada registered all data and finger prints of Rafik. Why did Madrid authorities subject Rafik to a new barrel of X-Ray age reassessment?

Rafik's case raises three questions: (1) Why was it not possible for authorities to respect his birth certificate issued in Morocco? (2) Why do social workers exhibit a "culture of disbelief" against the valued fact that Rafik has been certified to be 17 years old when he was captured in Melilla and Granada where his data and finger prints were documented as unaccompanied minor below 18 years? (3) Are the barrel of medical examinations in the "best interest of the child" and is it a good practice?

In Melilla, a Spanish community pegged north-east border with Morocco, the Purisma center for minors accepted him as a 17 years old unaccompanied minor, that is, within EU legal framework of maturity as enshrined in international and transnational laws, e.g. section 8(5) of the 1996 Refugee Act as amended, declared that an unaccompanied minor is: A child under 18 years, who has arrived at the frontier of a state or entered the state and who is not in anyone's custody.

Article one of the Convention on the Rights of the Child (CRC) defined an unaccompanied minor as: A person who is under the age of 18... is separated from both parents, and is not with and being cared for by a guardian or adult who, by law or custom, is responsible to do so. (Article [f] of Council Directive 2001/55/EC 4) declares that an unaccompanied child refers to: A third country national or stateless person below the age of eighteen, who arrives on the territory of the member states unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or a child who is left unaccompanied after they have entered the territory of the member states, (Council Directive 2001/55/EC 4).

The (CRC) of 1989 advocates even more concrete rights for unaccompanied children, stating that "special protection" as well as "opportunities and facilities, by law and by other means," for healthy and normal physical, mental, moral, spiritual, and social development "in conditions of freedom and dignity." The ultimate consideration for enshrining these rights for children is to implement laws for "the best interests of the child." The principle of protection of children goes beyond this. It also includes protection against age discrimination, neglect by social workers, cruelty and exploitation by labor hunters, trafficking by migration networks.

However, there is enormous effort in some countries of the European Union Member States to provide protection, according to their exigencies, but the desire

to keep the migration number of immigrants low has dictated low pace of admission. On the other hand rejection of unaccompanied migrant minors has been on the increase.

It is surprising that at this 21 century Spain, a high court has to declare void an administrative discrimination, in order to implement an inalienable right of a foreign child even though so glaring and ethically pervasive. A high court considers it unfavorable to the best interest of the child principle. I believe that social workers including the police should have respected Rafik's document; give him a benefit of doubt if need be, in order to respect the national and international laws which Spain is a signatory. The decision made by the learned Judge of Madrid High Court redeems the violation of the very principles of "special protection for the child" as well as "opportunities and facilities, by law and by other means," thereby guaranteeing the principle for "the best interest of the child."

In reality, being an unaccompanied minor is a risk factor for the emotional wellbeing of refugee minors and adolescents according to Derluyn and Broekaert (2007) therefore, Sub-Delegación de Gobierno should take account of human rights treaties.⁴⁷²

In reality and unaccompanied minor who has no means of livelihood and has no family is denied access to protection. It is for this reason that progressive advocates of child protection proclaim that these children suffer discrimination, destitution and oppression. These progressive advocates of child protection are of the opinion that denying a child protection for being an 'outsider' corresponds to administrative racism that is subtle and covert, as demonstrated clearly in the works of (Kinder and Sanders 1996; Sears, 1998; Sniderman and Piazza, 1995).

As part of our objective as noted in chapter three (3.2) the types of laws introduced for implementation of policies for integration of unaccompanied minors has been shown. This research can provide more opportunity for policy makers to see the differences and similarities in areas of concern especially in the areas of assessing the age of an unaccompanied minor. From the experience gathered during the field work for this investigation, we consider any medical age assessment inappropriate since it is one of the reasons for the denial of protection.

⁴⁷² Child Abuse Review vol. 20: 374-390 2011.

Through this research, we think the present methods of age assessment need to be reconsidered because of the following inadequacies:

1. It is very intrusive because a girl's first menstrual period, public hair and breast development are explored. A boy's penile length, testicular volume and public hairs are exploited. All these activities violate human dignity and rights.
2. Officers show more interest in reduction of number of migrants than vulnerability of the child while radiologists make more bucks.
3. Results are not accurate and causes lower esteem that may never be regained
4. X-rays damage the brains after a space of time
5. The traumatized child would become more traumatized
6. Medical assessment apparatus from 2nd World War cannot guarantee exact age and it's unethical.
7. Decision officers are not sufficiently trained on cultural, educational and social differences.
8. Age assessment decision takes 1½ - 2 years to come out and by then the boy is pushed to overgrown list for deportation, jeopardizing h/her future.
9. Medical assessment has a margin of error of up to 5 years either side.
10. Age assessment is prejudicial to the psychological and physiological wellbeing of the child, if not accompanied by consideration of his trauma, migration experience, life experiences, cultural background, educational history, every document produced and family composition. X-rays in children is banned in United Kingdom.

In the case of Spain, on the other hand, the Madrid court decision may be a way to tell social workers that maybe some of them perceive foreign minors and refugees as 'manipulative imposters' or 'people out of place' (Bhabha 2001, p. 294). This type of thinking elevates the Spanish conundrum to a new level. Little attention is given to why these innocent and vulnerable children escape their

traditional homes. It has been advised that more effort must be focused on studying their experiences and background. It is good to agree with pediatricians who insisted that “determining chronological age through bone density x-rays, especially for older teenagers, is virtually impossible’ and should not be attempted” as highlighted by (Levenson and Sharma 1999, p. 13).

There are also results that claim that asylum seekers whose ages are disputed are able to access a formal social service age assessment and that the outcome is taken into account. This is supported by Crawley (2007) who examined age assessment and declared that there is great “conflict of interest that arise with the implication of social workers at screening units and ports,” (p. 63)

Through this our research on implementation of protection policies for enhanced integration of unaccompanied minors we have identified widespread anomalies and confusion about procedures and processes for dealing with children whose age is disputed. Many of the problems facing children and those tasked with providing services for them arise from the failure to implement current policy. There is evidence of a significant gap between what Migration Boards practice and the implementation of the Migration Integration Policy Evaluation Index (MIPEX, (2016).

Through our experience with unaccompanied minors in integration and reception centers, many children described how they had been required to wait for many hours at the screening unit with no information about the process and nothing to eat or drink. Some unaccompanied minors were then subjected to rude and aggressive questioning by immigration officers, for instance, an unaccompanied minor (17.5 yrs.) whom I call Mac to protect his full name said during interview:

‘I arrived at the screening center in the morning and I left around 9 o’clock at night. There was nothing to eat and nobody to talk to. I was absolutely starving but that’s how every poor person has been treated here. I have no choice. You are at someone’s mercy. I will never forget how they treated me when I went there.

Another unaccompanied minor whom I call Abdula, (16.5 yrs) from Afghanistan said:

‘They first accused me of being a Taliban soldier. The next time they accused me of giving false document for my age and that I came from an area where there is no war. I nearly collapsed because my heart was beating very fast. I remembered that all my family members are killed. I have nowhere to go and no more family. I felt very hurt at the first screening but I have no alternative. Many of their questions were so hard and they were so rude. They want me to just say yes or no. I felt very very bad. They just make me feel bad. When I say something, the person who interviewed me does not listen to me. He has already my answer. He is rude and I will always hate him.’

Declarations above by unaccompanied minors during interview are evidenced results which in my opinion show the impact of implementation of a restrictive migration policy which blocks the integration of unaccompanied minors. Based on the forgoing, it is sufficient to say that there is the most eloquent declaration of war against unaccompanied minors even though unintentional. While supporting the idea, Bauman (1998), declared that: “Order-building was a war of attrition waged against the strangers and the strange” (p.18).

As noted earlier in this study there is another concrete research by Lundberg (2011) which dealt with the case of unaccompanied minors who were granted asylum in 2007: 44 minors received in Gothenburg, 9 in Stockholm and 49 in Malmö and reinforced the issue of protection of unaccompanied minors and the Convention on the Rights of the Child. Substantiating this idea relating granting asylum, children’s rights and the CRC of 1989, Freeman stated that "for a better understanding of children's rights, we cannot talk about the welfare of children without reference to the Convention on the Rights of the Child” according to (Freeman 2007, p. 9).

Lundberg research ended with the distinction between two types of voltage (micro and macro) at various levels of migration policy, which affect the

implementation of the convention. In the case of micro voltage, the Migration Board officials claimed that they are afraid to hurt or traumatize children again. Moreover, Lundberg insists that despite the efforts of officials of the Migration Board, the large number of existing challenges often makes children's rights not to be respected. In the case of macro stress, there were several studies in the countries of Scandinavia who tried to understand the way in which public officials treat unaccompanied minors seeking asylum, showing that they are considered a threat to the welfare state of the host country (Brekke 2004).

At the same time, these children are vulnerable and need protection from abuse and violations of their rights (O'Davidson and Farrow 2007). The main finding of the research is that the Swedish Migration Board, applies its policies in such a way that the rights of minors are considered secondary to the national interest (Bhabha 2006). This research suggested that a part of solution to this problem clearly lies in assessing asylum claims of unaccompanied minors based on the Convention on the Rights of the Child (CRC).

As we discuss the implementation of migration policies we also deal with the implications of these policies and recommendations based on what we know. This research implementation of migration policies towards enhanced integration of unaccompanied minors in Spain, Sweden and United Kingdom has identified considerable evidence of an overreliance upon physical appearance as a proxy or indicator for chronological age, even though this is notoriously unreliable given the varied ethnic and social backgrounds of unaccompanied minors.

This is predicated on the view that many unaccompanied minors seeking children have been brought up in a culture where age determination is absent; where welfare services are absent; where maturity is measured by number of achievements within a social group and where poverty conditions menace their daily lives. Some unaccompanied minors have been involved in hunting, farming, orange plucking and other types of manual labor. Others have effectively been forced to maturity by their experiences before coming to Europe.

At the same time physical appearance is clearly important in the assessment of age but may not and should not be the only indicator to be applied. An enhanced protection and integration of unaccompanied minors is only possible through a holistic, wholesome and humanistic approach to their migration experience during

documentation of their data. The perceived credibility of an asylum application, as well as errors and misunderstandings over stated dates of birth, may also lead to a child's age being disputed at the screening stage from time to time.

4.10.2.2. Analysis of the dilemma: when unaccompanied minors reach 18 years of age legally.

This research have contributed many new ideas to the issue of unaccompanied minors and we add here that at the maturity of 18 years, the minor has nothing to celebrate as his or her counterparts who are nationals will celebrate their liberation. Rather than celebrate, he or she will agonize, cry, morn and even would wish to die because it's a period of state official abandonment, hopelessness and removal from the social services.

Unaccompanied migrant minors grow very fast like other children and this makes their case even worrisome. If the bureaucratic organization takes this into consideration, they will expedite action on matters relating to their integration. When an unaccompanied migrant minor reaches eighteen years of age however, the migration status of the minor takes precedence because the law places him or her as overgrown person and does not meet the requirement for protection and care.

This is the end-point of departure used against unaccompanied minors by social workers and this very type of delay tactics works out the discrimination regime. This is where the bubble bursts. This has implications in terms of access to rights such as accommodation, education and/ or employment. Further to this, his or her illegality or lack of documents to reside, the minor may experience no change in residence permit provisions if they have been granted international protection in the respective European Union Country.

Access to rights for these former unaccompanied migrant minors will be the same as adult refugees or other migrants benefiting from international protection. On the contrary, non-asylum seeking unaccompanied migrant minors turning 18 years of age may be treated as adult migrants with irregular status and may be returned to their country of origin without a valid reason to remain in a country in Europe e.g. completing education or recovering the money spent on aviation

journey. The Study found that at present there are few measures available in some EU countries to support unaccompanied migrant minors preparing for this transition. After-care services, in several EU countries this may include health, accommodation, contact with others and/ or related support provided until an unaccompanied migrant minor is of a certain age, i.e. 21-25 years old.

We think that age should be considered at 3 levels of interaction. The first consideration of the age of an unaccompanied minor should be based on background conditions of his or her country of origin. People of different backgrounds assess age differently. In this way a person may be judged older in one culture, but in another culture the same person may be assessed as a young person.

In some cultures a boy or girl may be trading and making advance business and may also involve in politics at age 16 while in other cultures they may see a person of 20 years as too young to participate. The second consideration should be the minor's cultural background that plays a part in their tiny brains and that will be the same brain for developing a new profile for him or her. Social workers should have the capacity to acquire knowledge relating to divergent cultures. The third consideration should focus on holistic methods, not just for assessing the age but also assessing all the rights/needs for a sustainable development of a future generation expected to fit into future labor force.

The situation of a child immigrant offers a challenging task to social workers, child advocates and policy makers. Many things can influence the child having been exposed to different types of environment e.g. hard wind, high tense sun, low density weather, weakness of the body strength due to long hard trekking or climbing mountains and walls. Therefore we may have to accept that the minor is influenced by childhood experiences, where parents and protectors are absent. h/she has just survived and need protection more than ever.

Therefore when a minor migrate to a new country e.g. United Kingdom, he carries with him or her childhood experiences of encounters with dangers, bombings, killings, catastrophes and thereafter of detention cells passed and which h/she has seen without even knowing how to recount all these events, but these events are silhouetted at the back of the mind of the minor and only time will tell when these experiences will come out.

In most cases, they seem to regress to these awful experiences and that is why they will always complain of lack of interest in going out or participating in activities which children are always excited to do when they are told to go for outing. In times of crises of their identity; in times of dispute about their age, life becomes frustrating, conflicting, traumatic and sometimes there is no adjective strong enough to qualify what they suffer, (Erikson, 1976; Bowlby 1969). Their suffering is multiplied when they face discrimination, helplessness, denial and rejection, (Fairbairn 1943; Fenichel 1946; Freud 1917; Jacobson, 1943; Klien 1932).

Through this research, we join in the call for the restoration of their rights for children in order to provide a reminder to social workers that the main pillar of the rights for children is enshrined in paragraph one of Article 3 which states, *inter alia*: "In all actions concerning the child, whether undertaken by the public or private social welfare institution, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration." This is why Hammarberg, (1990, p. 99) asserted that the most fundamental idea of human right for children is embedded in Article 3.

However, another view from Alston, (1994, p. 11) reminded us that the rights derived from Article 3 of the CRC does not give any special rights to children nor does it give a specific responsibility to the state. He argued that the chapter is meant to be applied in a wide spectrum. So when we look at the application of Chapter 3 it is necessary to link it with the expressions in Committee on the Rights of the child's General Comment Number 5⁴⁷³ which deals with measures and modes of implementation of the CRC of 1989.

Contributing to the debate on the child's best interest, Freeman, (2007, p. 60) proposed that the child's interest may sometimes be ignored in favor of other interests, that is to say, not assumed to be of primary or urgent interest and there is no mandatory responsibility to take the interest of the child into account. To an unaccompanied minor, the worst scenario is that the residence permit which s/he needs to use to be recognized by providers of social services is not guaranteed.

⁴⁷³ UN, Committee on the Rights of the Child. (2003). General Comment No. 5: General Measures of Implementation of the Convention on the Rights of the Child (Articles 4, 42 and 44, para. 6). CRC/GC/ 2003/5. 27 November.

In the processes of applying this best interest principle in Article 3, Freeman (2007, p.59) averred that there is bound to be several constitutional tensions. These tension which oscillate between the child's own experiences and perceptions and their guardians or parents or foster family, who may have their own vested interest or ulterior motives. Others may include social context and cultural values including the perception of what exactly constitutes the child's best interest by social workers and other professionals. This is why there is always conflict.

One of the major changes in Swedish migration law came in on March 30, 2006 whereby a new Aliens Act was introduced and the Migration Board was given more powers in matters of international Migrations and this means that the migration board expands its horizon of power in this new Act in the Government of Sweden, Proposition (2004/05: 153 ff). This deals with matters affecting the examination of asylum cases without the interference of other institutions although the tax office (Skatteverket)⁴⁷⁴ and the labor office (Arbetsförmedlingen) has a coordinating responsibility for labor market integration for certain newly arriving immigrants and plays relevant part in the confluence of admitting immigrants.⁴⁷⁵ It is for this reason that in most cases, the Migration Board revises its decisions before it answers an appeal in the Migration appeal court. It must be noted that all asylum decision made by the Migration Board can be appealed in the Migration Courts in Malmo, Gothenburg and Stockholm whether they are favorable or unfavorable to the applicant.

⁴⁷⁴ (Skatteverket) can register members of the European Union, the Scandinavian countries, the USA or countries that has agreements with Sweden. The Swedish Tax Agency manages civil registration of private individuals and collects taxes such as personal income tax, corporate tax, VAT and excise tax. You can apply for an ID card (identity card) from the Swedish Tax Agency. The Tax Agency ID card is an approved form of identification within Sweden. You can use the ID card as proof of your age and identity at places such as the pharmacy, bank or in shops.

⁴⁷⁵ Arbetsförmedlingen is a national public agency spanning across the whole country.

Our overall goal is to facilitate matching between jobseekers and employers, with special priority given to jobseekers that, for various reasons, experience extra challenges in being able to find employment. It is also our responsibility to ensure that unemployment insurance scheme is effectively used as transition insurance between jobs. Arbetsförmedlingen has a coordinating responsibility for labor market integration for certain newly arriving immigrants. The task is to give these newly arriving individuals the support they need in order to learn Swedish, find work and become self-sufficient as quickly as possible. Arbetsförmedlingen's tasks also includes vocational rehabilitation, in collaboration with Försäkringskassan, the Swedish Social Insurance Agency. This aims to help individuals with limited work capacity due to disability or illness to be able to start to work again.

4.10.2.3. Policy actualization: From restrictive Policy to more and most restrictive Policy: The Danish conundrum.

The Danish government complained that there was high rate of marriage among the Turks in Denmark and this means more foreign people are born in Denmark. The migration Board analyzed the reasons, and stated that the high migration movement of new labor migrants and reunification started in 1970 when the country opened its doors for labor migration which permitted the entrance of a large number of unskilled labor.

For this reason in 1973 Denmark stopped labor migration but family regrouping was allowed to go on (another type of migration). This took place during the 1980 to 1990. By the year 2000 Danish authorities introduced the policy of 'rules tightening' especially for new wives arriving Danish territory. The new restrictive law added the idea of 'attachment' as bases for denial of entry into Denmark. However, in 2002 the rule added more conditions. It included economic and housing demands on the immigrants who intend to bring their spouses.

When Danish authorities realized that the numbers of foreigners who marry their cousins increased tremendously, the authorities hatched the "Cousin Rule" in 2004 which prohibited immigrants from marrying their cousins. Within the restrictive policy, some of the new requirements include: Education, economic resources; the factor 'love' is not recognized as criteria for marriage, wives or married women can only visit for three months and go back to their country of origin.

By the year 2010 when Danish authorities realized that many immigrants have contracted more marriages in neighboring Sweden with Danish female partners and returned to Denmark, another rule was hatched codenamed 'Commuter Marriage Law' to prohibit those who married in Sweden from residing in Denmark. The patterns of these marriages relates to some unaccompanied minors who were rejected by the Migration Boards but who contracted marriages to regulate their situation by marrying an autochthonous person. All these new rules adjusted and renamed have produced expected and unexpected consequences.

I am hopeful to conclude that we have shown through this investigation, especially in chapter two and four of this work that the historical recognition of childhood can be traced to the Middle Ages through the works of (Ariès 1962; Stone 1979; DeMause 1976; Pollock 1983; Borderies-Guerña 1996). This confirms that there is a good justification to believe that there is a fundamental link between the recognition of childhood in the middle ages and the type of recognition of childhood for UMMs in the European Union in this twenty – first century. Our firm belief on this gives us the possibility to stand by this conclusion.

Some writers have even said that in this epoch of youthful exuberance one should be mindful of children. This is exemplified when we read other works relating to the notion of ‘youth and culture and sub-culture.’

According to some authors, this youthful exuberance tend to create a constant source of bewilderment, fear and possibly envy for the adult society. One of the authors asked: “why is it that, once young people form themselves into high visible groups, they are suddenly seen to be problematic?” (Garratt 1997, p. 143). The author found media manipulation and commercial exploitation responsible for the adult’s fear of childhood.

On their part, if those in charge of implementing policies for the protection of unaccompanied minors have this perception in government institutions, there is bound to be pervasive and offensive approach to the demands of the minors. If there is a belief that childhood sub-culture is an anomaly, and a risk to the existing norms of coexistence there is bound to be discrimination and disregard to the convention on the rights of the child and other directives.

Accordingly, some social workers believe that there is need to make the migration laws even more restrictive and more deterrent for unaccompanied minors. This type assertion, fear and envy of the adult society may be affecting how adults protect documentation of unaccompanied minors. But if social workers have the perception that the unaccompanied minors are virulent and may become out of control in future after getting their papers, there can be no justice, no liberty and their rights in the CRC will be a faux par.

On the other hand, there had been new development worth mention. Researches done by Migration, Integration Policy Evaluation Index (MIPEX) and

others have shown that in all the countries of the European Union between 2010 and 2015, there had been major legal reforms passed on all the core areas of protection, like: residency, health, labor, citizenship and voting, targeted employment support or welfare support. Based on these policy changes, there were imposition of license and accreditation before employment in laborers' jobs in agriculture, logistics and construction sectors. Anti-discrimination laws and access to education and training were all reformed.

Since 2009, European Union has been working towards improving its Common European Asylum System (CEAS) and the recast of the asylum procedures, reception conditions and Qualification Directives, as well as the Dublin III Regulation have as a result strengthened the legally ensured protection of children and the rights of unaccompanied minors in particular. In addition, the EU has recognized as essential the extension of its intervention to the borderline or beyond the member state frontiers. However, the major considerations are now based on fight against terrorism and human trafficking thereby sidelining the protection programs.

4.10.3. Repealing the persecution laws: Dublin III Regulation; reformation of the CRC and removal of the concept of readmission: A moment of truth

In consonance with the objective of this research on implementation of protection policies for enhanced integration of unaccompanied minors in Spain, Sweden and United kingdom as presented in chapter three, (3.2. number nine). At this number we aim at providing arguments to repeal Dublin III Regulation, and reform The Convention on the Rights of the Child and to repeal readmission of unaccompanied minors to their country of origin.

Through this dissertation we have noticed the paradigms of migration and specifically issues relating to needs and rights of unaccompanied minors' protection is extracted from laws made to cover the protection of minors who are nationals or insiders. In order to suit unaccompanied minors, an extension or appendage is applied to facilitate the protection of minors and this may have

provided a leeway ignorance of their rights. It is therefore good to analyze and comment on the some portions from sections of the Convention on the rights of the child.

Section 2: In this Act 'child' means a person less than 18 years of age. This section does not take into cognizance the fact that unaccompanied minors reach the country where they can apply for asylum confused, stressed and close to reaching 18 years. They arrive without knowing that age calculation and certificate is indispensable in the European Union and they did not have their childhood in the country of reception. They have arrived as children at risk escaping from horrendous situations therefore; section 2, should be purged to reflect their true situation.

Section 10: In cases involving a child, particular attention must be given to what is required with regard to the child's health and development and the best interests of the child in general. In this section, the best interest is used against the child. In Spanish and United Kingdom cases they consider readmitting the child as part and parcel of the best interest principle. Children are sent back, readmitted, that is deported based on the best interest of the child.

Section 11: In assessing questions of permits under this Act when a child will be affected by a decision in the case, the child must be heard, unless this is inappropriate. Account must be taken of what the child has said to the extent warranted by the age and maturity of the child. In this case children's decisions are taken by adults working in government institutions and do not have time to hear what the child has said. This was repeatedly complained by our subjects who are unaccompanied minors during the interview presented in chapters three and four.

Section 12: An application for a residence permit that is based on circumstances. We believe in this research on evaluation of implementation of policies for integration of unaccompanied minors in Spain, Sweden and United Kingdom that a residence permit that is based on circumstances is not a good residence permit. It must be noted that such circumstances must be proved beyond all reasonable doubts, which in most cases is impossible. The child who does not know the implication of what he says may not be capable to understand what the meaning of "well-founded fear of suffering the death penalty or being subjected to corporal punishment, torture or other inhuman or degrading

treatment or punishment". Therefore instead of adjusting and remodeling the Convention, the need to enact a new law that will cover the core needs and rights of unaccompanied minors is imperative and should be seen as urgent.

Basically, a generation of children protected could be an asset to incoming generation and this may be why it is important to maintain our objective in showing that both unaccompanied minors and governments with benefit in the repeal of Dublin III regulation, other EU Directives, the rewriting of the CRC and repealing of the concept of readmission. In addition, a transit measure is necessary which will involve building a safe-haven for children denied asylum in some countries. Minors are not free to choose the country they like to stay and do not decide on the type of mandatory education training they need for their integration, therefore the EU government should act.

Specifically, having valued and reevaluated the factors that enhance or block the implementation of protection policies for enhanced integration of unaccompanied minors, I move join the call for making a new protective laws for our children.

Through this research we have shown that Dublin III Regulation and other EU Directives constitute anathemas to the implementation of protection policies for integration of UMMs and should be repealed. In practice, the laws are etched on the concept of "*tolerating unaccompanied minors*" not protecting them because they are foreigners; they have no parents; the policies deny them legal protection and they are continually vulnerably abandoned. This could mean that the law has a problem.

Furthermore, the latitude of freedom of "*no admission*" which EU member states possess on this matter seem to me as if they are asked to allow "an animal" to come in or chase it away. There are no supervisors of this implementation process; there is no responsibility on the states that disobey the protection instruments and there is total lack of uniformity on the part of member states. For these reasons and others unaccompanied minors are rejected, returned and readmitted with ease based on the same laws that are supposed to protect them. The CRC must be repealed or rewritten to reflect the very notion of international human right protection and enhance integration. From the forgoing arguments, it is clear that a total *repeal* of Dublin III Regulation is the best for everyone. I also

call for the rewriting of the Convention on the rights of the child and a *repeal* of the policies and thoughts or reintegrating the minor to the country of origin.

Summary of Arrival, Acceptance and Rejection Scheme

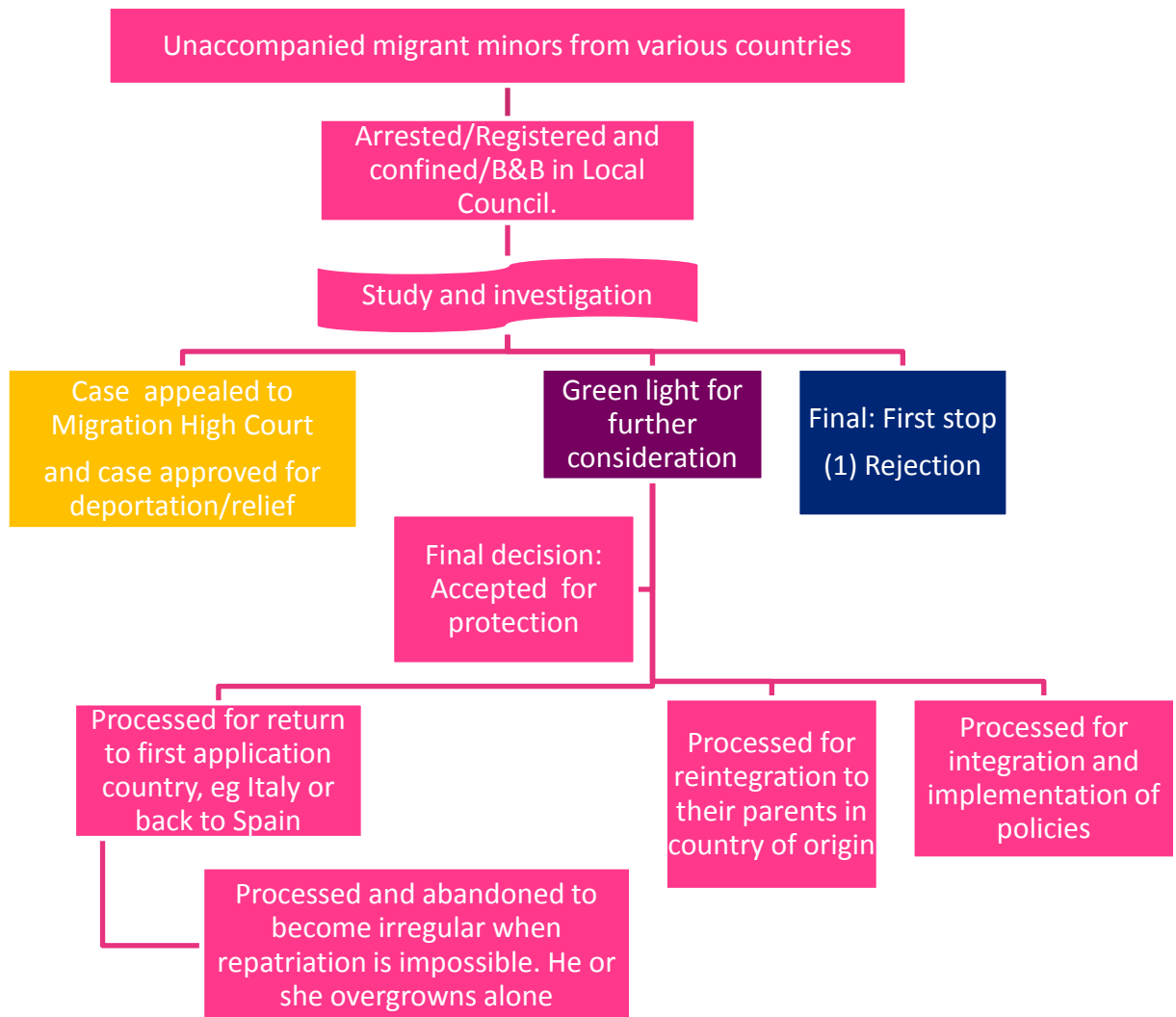


Illustration (3) Arrival to acceptance or rejection
 Source: Elaborated by author to represent institutional collaborations

CAPITULO CINCO: CONCLUSIONES y SUGERENCIAS

5. CONCLUSIONES Y SUGERENCIAS PARA LA INVESTIGACIÓN FUTURA

En esta parte, presentamos las conclusiones generales y específicas en relación con los objetivos generales y específicos de esta investigación con el fin de reafirmar los resultados de esta investigación.

5.1. Conclusiones para esta investigación doctoral

En esta investigación comparada centrada sobre la implementación de las políticas de protección para una mejor integración de menores no acompañados en España, Suecia y Reino Unido llegamos a la conclusión de que la contribución más importante del trabajo social en la mejora de las prácticas de protección de la infancia depende del reentrenamiento del personal de atención y trabajadores sociales para que sean respetados y estén bien capacitados. Creemos que el establecimiento de leyes de protección de la infancia indica el reconocimiento y el redescubrimiento de la protección de la infancia por las instituciones gubernamentales en Europa. Esto puede galvanizar el redescubrimiento de la intervención del trabajo social, no sólo para los menores locales, sino también en la protección de gitanos, discapacitados o personas con movilidad reducida y en la atención a los niños, en especial a las niñas.

Sin embargo, es doloroso que la protección de los menores sea el área en que muchos trabajadores sociales han sido fuertemente criticados durante los últimos diez años. Indudablemente este es el área que dio origen a la creación del trabajo social. Específicamente, el estado del bienestar y su abanico de servicios de protección tienen como objetivo proporcionar cobertura de protección a la población vulnerable que incluye menores no acompañados.

De manera general hemos cubierto muchas áreas de interés en esta investigación sobre la implementación de las políticas de protección para una mejor integración de menores no acompañados en España, Suecia y Reino Unido. Hemos descubierto que hay muchas nuevas políticas migratorias y por lo tanto nuevos modelos de implementación que extienden las diferencias que hemos interpretado hasta este momento. Nuestro enfoque comparativo de esta investigación nos ha permitido encontrar más o más amplias diferencias y nuevas similitudes de lo que esperábamos.

La aplicación de políticas de protección para la integración de menores no acompañados en España, Suecia y Reino Unido y otros países ha cambiado radicalmente. Las diferencias en la aplicación de la Convención sobre los derechos del niño, el Reglamento de Dublín III y otros instrumentos jurídicos se han convertido en un debate diario. En la concepción de la infancia nos encontramos con lagunas que se remontan a la concepción de la infancia en la Edad Media.

Estas conclusiones comparativas nos ayudan a hacer una exposición de algunos hallazgos claros y precisos relacionados con el objetivo del estudio sobre la implementación de políticas de protección para una mejor integración de los menores no acompañados. Trataremos de recordar las diferencias y similitudes de las experiencias y la trayectoria de migración de menores no acompañados que se encuentran en la fórmula de aplicación de España, Suecia y Reino Unido. Esto nos llevará a valorar también los resultados, el impacto o las consecuencias.

Antes de este punto hemos presentado pequeñas conclusiones en varios capítulos en forma de tablas e ilustraciones para dar un vistazo resumen de los apartados o los eventos discutidos y esperamos que estos hayan ayudado al lector. Según García Garrido (1986, p. 147), "las conclusiones analíticas deben ser un término completo de las conclusiones que se estima pertinentes para cada unidad de análisis, aunque no tengan un vínculo claro con los objetivos". Éstas se refieren a las conclusiones descriptivas y explicativas que presentamos a continuación, que entendemos que son claras e inequívocas.

5.2. CONCLUSIONES GENERALES

5.2.1. Mostrar las similitudes y diferencias en la aplicación de las políticas de protección de los MENAS en España, Suecia y el Reino Unido.

(Véase: 2.2.2, 223, 2.2.3.3, 2.5, 4.2, 4.2.3.1.1, 4.1.1.3, 4.2.3.1, Tabla 13^a & Tabla 13B)

Las similitudes y diferencias en la aplicación de las políticas de protección han generado muchos debates sobre la migración y la integración de los menores no acompañados. La discusión está vinculada con la aversión para algunos a pesar de que ven, sienten y tratan con inmigrantes. Aquellos que intentaron evitar la discusión debido a su incomodidad han minimizado la discusión o se han desviado a asuntos ordinarios de presentaciones de medios masivos y a la percepción social sin aventurarse a una opinión personal.

Planteamos nuestros argumentos sobre puntos de vista optimistas de la migración y opuestos a la visión pesimista de la migración porque no queremos volver a las ideas relativas a la migración de adultos. La recolección de datos es difícil en los centros de acogida, ministerios gubernamentales y consejos locales de España, Suecia y Reino Unido en general por razones éticas. Sin embargo, Suecia y el Reino Unido están en condiciones y están dispuestos a proporcionar información a petición, pero esto es diferente en España, donde es más difícil de obtener información o datos.

Las jergas jurídicas y técnicas se utilizan para tratar con menores que no saben y no pueden entender y finalmente en muchos casos son rechazados y expulsados en todos los países de nuestra investigación, aunque Suecia fue más abierta debido a la posibilidad para los menores de disponer de un representante legal que los asesore. La desaparición de menores no acompañados era la misma en todos los contextos estudiados. Gran Bretaña publica datos sobre menores desaparecidos, pero en Suecia no lo hacen, mientras que en España las instituciones no hablan de ello.

EUROPOL, EUROSTAT, ECPAT, ACNUR, OIM y Save the Children colaboran con todos los países estudiados. En Suecia participan en la gestión directa de las cuestiones de protección, mientras que en España las ONG y las organizaciones supranacionales desempeñan funciones de observador. En el Reino Unido deben

tomar medidas cuando son invitados oficialmente por UKBA. La cuestión relativa al permiso de residencia es el núcleo de la discusión. Todos los países otorgan un tipo de permiso de residencia según sus propios criterios (edad, situación y agencia) y lo que es bueno en un país puede no ser aceptable en el otro.

Se proporcionan tutores legales a los menores que son objeto de trata, si hay prueba, pero en Suecia un representante legal asume el control. La orientación laboral, el alojamiento y el servicio sanitario están disponibles en todos los países estudiados. Sin embargo, las tarjetas sanitarias les han sido retiradas en algunos períodos por el gobierno español. Aunque algunas comunidades autónomas en España se niegan a aplicar esto, hay conversaciones para volver a emitir nuevas tarjetas sanitarias o permisos para ellos. El prejuicio racial, la discriminación y los prejuicios son un tema global y no sólo resurgen su cara fea en todos los países estudiados, sino también en otros países del mundo. La falta de reagrupación familiar para menores no acompañados se observa en España y Reino Unido, pero en Suecia se permite.

La detención de menores no acompañados se ha universalizado bajo diversos pretextos dentro de los marcos jurídicos de los países estudiados y dentro del nuevo reglamento de Dublín III reacondicionado. No hay país sin un programa de detención o prisión para ellos. La diferencia está en los servicios y accesorios dentro de la celda de la prisión. Se ofrecen educación y estudios de idiomas, pero cuando el menor está a punto de ser repatriado, no participa. Los cursos de sueco no están descentralizados. A diferencia de España y Reino Unido, Suecia eliminó la implementación de políticas de protección de las comunidades locales, por lo tanto muchos menores no acompañados que quieren estudiar idioma u otras cursos están esperando y esperan muchos meses en un registro antes de la inscripción o antes de ser transferidos o deportados.

La descentralización del gobierno de España hace que sea legal transferir el poder a las comunidades autónomas para la gestión y aplicación de las políticas de protección de menores no acompañados y otros inmigrantes. En Suecia es diferente. Suecia concentra el poder en el Consejo Sueco de Migración que tiene su cabeza con el Ministerio de Justicia. En Reino Unido, el poder depende de la Agencia de Fronteras del Reino Unido, que decide lo que quiere que hagan los ayuntamientos en relación con los menores no acompañados.

5.2.2. Analizar el alcance de los servicios de protección para la integración a disposición de los menores no acompañados en España, Suecia y el Reino Unido.

(Véase: 2.2, 2.4, 2.2.5, 2.4, 2.5.5, 2.2.5.2, 2.5.5.3, 4.2.3.1, 4.2.3.4)

Es bueno concluir que los servicios de protección a disposición de los menores no acompañados con el propósito de integrarlos no tienen en consideración que son menores no acompañados procedentes de zonas de guerra o de hambruna, sino que los consideran niños que son menos privilegiados y que vinieron a explotar el sistema de bienestar de los niños de la UE. Esta es la posición oficial adoptada durante la aplicación de las políticas de protección para la integración de menores no acompañados en España, Suecia y Reino Unido. Este es el error oficial y se muestra en la dura discriminación de los menores por parte de algunos trabajadores sociales, a pesar de que son conscientes de que un niño que sufrió la negación, la indigencia y la privación se ve demacrado, hambriento, fatigado, más viejo y ofensivo.

También es bueno mencionar una conclusión que tiene una conexión con los tribunales de los que los menores no acompañados esperan que se atienda su solicitud de asilo, aunque haya sido rechazada por otras instancias. La supresión para los menores no acompañados de la exigencia de procedimientos de valoración largos y aburridos en los Tribunales Superiores puede ayudar a reflejar la protección legal y plena de los menores no acompañados con el fin de integrarlos en España, Suecia y el Reino Unido.

En muchos casos los niños se sienten engañados y castigados con jergas técnicas legales que no pueden entender y finalmente son rechazados y expulsados. El proceso judicial es contradictorio, opuesto a los fundamentos mismos de la protección de la infancia consagrados en el artículo tercero de la CDN, porque la muy alta corte no fue establecida para ese propósito de juicio de la edad de menores migrantes no acompañados.

Por otra parte, los niños son extranjeros y no saben lo que tienen que decir o hacer. La posibilidad de repetir su historia a los funcionarios sordos durante la entrevista, durante el proceso judicial y todo el tiempo proporcionan un espacio

para el desarrollo de estrés psicológico y socava la integridad y la personalidad del niño.

5.2.3 Significar, describir y comparar la migración de trayectoria experimentada en base a los Hitos. Migración distintiva del menor no acompañado (su trayectoria migratoria) y describir la política de protección y acompañamiento de un menor en España, Suecia y el Reino Unido.

(Véase: 2.2.1.1, 2.2.2.3, 4.2, 4.2.1, 4.2.1.2, 4.2.2, 4.2.2.3, Tabla 4A - 4i & 5A-5F).

Es sabido que el incremento en la afluencia de menores no acompañados va a continuar. Es bueno concluir que la trayectoria migratoria de los menores es distinta, diferente, peligrosa y desafiante en comparación con la migración de adultos. A partir de nuestra investigación, ahora sabemos que muchos de estos menores migrantes no acompañados son varones de edades comprendidas entre los 14 y los 17 años. Por otro lado, las niñas también están involucradas, pero son fácilmente capturadas y ocultadas por algunas organizaciones involucradas en la trata de personas y prostitución. A través de esta investigación concluimos que una gran parte de los menores no acompañados se están moviendo ampliamente desde Siria, Afganistán, Kosovo, Albania, Irak, Liberia, Serbia, Federación de Rusia, Eritrea, Somalia, etc.

Afganistán sigue siendo el país de origen más presente, con características especiales que los responsables políticos deben conocer, pero esta afirmación no excluye al otro grupo de menores no acompañados que provienen de otros países. Estos menores no acompañados afganos parecen ser lo suficientemente inteligentes como para no ser identificados como niños no acompañados o separados, lo que también significa que evitan deliberadamente el registro en las fronteras o cuando son atrapados o pretenden ser adultos que simplemente se están moviendo con otros refugiados hasta que llegue el momento para escapar y porque tienen miedo de la burocracia oficial y la detención que definitivamente va a retrasar su viaje. Estos menores migrantes no acompañados se desplazan en grupos seleccionados de otros adolescentes, o con un adulto que les puede mostrar el camino, pero el movimiento hacia la Tierra Prometida no puede detenerse hasta que estén seguros de que han llegado a su El Dorado.

Por esta razón es importante leer atentamente las tablas (4A, 4B-4i & 5A-5F) de los hitos que hemos establecido ya que cada etapa de la intervención exige el registro, aunque en muchas ocasiones se evita y parece alterar el proceso migratorio. Sin embargo, todavía es bueno atender las necesidades básicas de los menores no acompañados por parte de las naciones receptoras para asegurar que se reduzca su vulnerabilidad y se garantice su protección.

También debemos concluir que la forma de dispersión es cuestionable porque los niños son enviados a lugares donde las oportunidades laborales y otros servicios son escasos simplemente porque sus grupos étnicos se concentran allí. Este tipo de dispersión dificulta su integración. Los menores migrantes no acompañados se han enfrentado a sus traficantes y han estado expuestos a nuevas explotaciones, abusos sexuales, despojo de sus pertenencias, retraso y persecución. Personalmente considero que hay pruebas claras de que los refugiados y solicitantes de asilo y los recién llegados de Europa oriental y de África, especialmente los menores no acompañados, sufren dislocación, impotencia y discriminación mientras tienen menos sistemas de apoyo.

Concluimos que hay en esta investigación doctoral más de cinco nuevas motivaciones para la migración de menores no acompañados (véase: 4.10.1, 2.2.2.2 tabla 12). También se verían reforzadas por otro tipo de migración denominado régimen de reagrupación familiar. Las consecuencias esperadas e inesperadas se derivan del hecho de que el primer grupo de menores u otros migrantes que emigraron fueron atendidos y admitidos bien, lo que nos lleva a concluir que el segundo lote de migrantes lo son por cómo fueron tratados antes.

5.3 Revisión de los objetivos específicos de la investigación.

Presentamos a continuación las conclusiones específicas de esta investigación, de acuerdo con los objetivos que se plantearon inicialmente.

5.3.1 Conclusión (I). Elucidar y describir los principales factores de integración que son: permisos de residencia permanente, reunión familiar, educación técnica, vivienda y salud, nacionalidad y libre de discriminación racial. (Véase: 2.5.2, 4.2.3.2, 4.2.3.3, 4.2.3.4-4.2.3.8).

Hemos dilucidado los factores fundamentales de la integración que nos plantemos en el primer objetivo específico (ver cap. 3). Concluimos que estos factores de integración son indispensables para una mayor integración social y económica de los menores no acompañados. También mostramos un análisis comparativo relacionando estos factores de integración con las leyes que los apoyan. La investigación concluye que los trabajadores sociales no respetan todos los derechos y necesidades fundamentales, en cambio se concentran en más documentación para el menor y su repatriación.

Además, hemos encontrado nuevas lagunas con las reacciones de entrevistas de menores no acompañados. Los servicios de protección para la integración social y económica se han convertido en un referente familiar y muchas empresas han empleado a muchos trabajadores para proporcionar servicios de bienestar para los menores no acompañados, pero consideramos estos esfuerzos estériles porque los menores todavía están desamparados y sufriendo. Mientras una nueva ley fue aprobada por Suecia para permitir a los menores no acompañados acceder a los servicios sanitarios y de salud, España anuló sus tarjetas de hospital, mientras que Gran Bretaña dio una condición intermedia a los consejos locales.

Se espera que las políticas de acogida adoptadas por estos países para su integración e incorporación respondan a sus necesidades básicas y derechos fundamentales en materia de permiso de residencia, educación, reagrupación familiar, nacionalidad, vivienda, salud, empleo y no discriminación. Nos hemos

encontrado con muchos esfuerzos de estos gobiernos, especialmente en el pasado, para intervenir sobre la vulnerabilidad de estos menores y crear muchos centros de recepción e integración. Muchos de los servicios y actividades sociales para estos menores se realizan en estos centros a través del dictado de los consejos de migración y sus respectivos ministerios de justicia en cada país. Muchas leyes extranjeras, tanto locales como nacionales, se actualizan y algunas establecen nuevos protocolos para su integración.

A través de esta conclusión también cubrimos nuestro objetivo número dos, que pretende indicar las fortalezas o debilidades de la integración de menores no acompañados en cada país bajo esta comparación.

5.3.2 Conclusión (II): Describir el nivel de reconocimiento de la infancia y la protección de los niños durante el Edad Media y relacionarlo con el nivel de reconocimiento de la infancia y la protección de la infancia de los menores no acompañados en este siglo. (Véase: 2.1.1, 2.1.3, 214, 215-218)

En nuestro esfuerzo por satisfacer el tercer objetivo específico, nos dimos cuenta de que en la Edad Media el desamparo y el abandono de los niños condujeron a muchas privaciones y muertes. Este tipo de prácticas continúa presente en los principales tejidos de la Unión Europea a la hora de tratar a los menores migrantes no acompañados, aunque se considera intolerable al pensar en los menores nacionales. Como en los comienzos del Siglo XV al XVI, continúa sin haber nadie para supervisar las prácticas de adopción que se aplican para estos niños.

En la actualidad todavía hay un profundo interés por investigar administrativamente el caso de cada uno de los menores, aunque no siempre se haga en su interés. Pueden ser abusados, explotados y maltratados porque los menores pertenecen al grupo de "nadie". Podemos concluir que existe un vínculo en el nivel de reconocimiento de la infancia y protección de los niños existente en la Edad Media con el nivel de reconocimiento de la infancia y la protección infantil de los menores no acompañados en este siglo.

Si las instituciones gubernamentales no pueden apoyar una educación más sana para los niños que son miembros de nacionales de terceros países, se puede

decir que hay un pernicioso daño a la infancia por abandono. Los menores no acompañados que por su situación son extremadamente vulnerables se encontrarán con que el sistema de bienestar que originalmente está diseñado para las personas vulnerables excluye sistemáticamente el interés de estos niños.

Concluyo que este tipo de abandono ha obligado a los menores no acompañados a desplazarse de un Estado miembro a otro en busca de protección, aunque que las instituciones de España, Suecia y Reino Unido pretenden garantizar que el principio del "interés superior del niño" aplicados en los protocolos de protección de los menores no acompañados. Este tipo de abandono se refiere a la exposición al riesgo que es exactamente el carácter adoptado por la sociedad de Edad Media.

En la consideración de los niños que se tenía en la Edad Media se toleró este tipo de abandono de los niños. Según Burguière et al. (1986) esta tolerancia al abandono y al desamparo de los niños equivale al infanticidio legal. Poniendo todo esto en conjunto, es adecuado que esta investigación vincule este tipo de implementación de políticas con las prácticas modernas. De esta forma, se puede concluir en las siguientes consideraciones:

- Existe un desajuste entre los esfuerzos de los menores no acompañados por la integración y los procedimientos previstos en los países de acogida para favorecer esta integración.
- Existe una minusvaloración de los derechos y necesidades y aspiraciones de los menores no acompañados respecto a la carga, el riesgo y la seguridad.
- En ocasiones parece que algunas prácticas de las instituciones que atienden a los menores no acompañados, el racismo, la discriminación y los prejuicios sobre los menores están presentes y constituyen un caldo de cultivo para el odio en el que nadie parece ser responsable.
- Hay una serie de servicios sociales ofrecidos para la integración de menores no acompañados, que en algún caso sugieren posibles negligencias en sus prácticas.

5.3.3 Conclusión III: Indicar, describir e interpretar el impacto a la integración o no integración en la implementación de políticas de medición de edad, detención, permisos, asilo y readmisión que provocan estrés y trauma psicológico, exclusión social y mejor integración.

(Véase: 2.4.2, 2.2.3.2, 2.2.3.4, 2.2.2.6, 2.2.2.7, 4.2.2, 4.3, 4.3.1, 4.9.1-4.9.7)

Muchas investigaciones han alertado sobre el estrés psicológico y el trauma de los menores no acompañados que hemos indicado, descrito e interpretado para abordar nuestro objetivo específico número cinco presentado en el apartado 3.2. Podemos concluir que se han hecho muchos esfuerzos por parte de los gobiernos pero el obstáculo sigue siendo el abandono de sus necesidades. Las consecuencias y los impactos se han vuelto recurrentes. Una de las graves consecuencias es la desaparición de menores no acompañados.

Lo sabemos ahora después de comparar los modelos de aplicación de España, Suecia y Reino Unido, así como mediante protocolos actualizados, directivos y leyes restrictivas contradictorias que desafortunadamente son contrarias al artículo 3, de la Convención sobre los Derechos del Niño de 1989. Es importante señalar en esta investigación que muchos de los menores no acompañados en Europa desaparecen para sufrir la sufrir la miseria perpetua y la privación.

Se han hecho muchas leyes Kohli (2007), pero algunas de las leyes son persecutorias, como he señalado anteriormente, lo que conduce a la discriminación y actitudes que no mejoran la discriminación y los prejuicios que sufren (Wallin y Ahlström 2006; Chase 2010; Bagaric y Morss 2006). La conexión principal entre el gobierno y los menores no acompañados se expresa a través de normas, actitudes institucionales y mediante la aplicación de políticas migratorias restrictivas (Mulvey 2010; Valenta, M. 2010).

Otros componentes que bloquean la integración se pueden encontrar con la cantidad de rasgos del racismo exhibidos que conduce al montaje ya la discriminación. Estos rasgos de racismo han sido vistos como un estresar crónico que puede influir directamente en la salud o exacerbar el impacto potencial de

otros factores estresantes sobre la salud y el contacto social (Allport 1954; Dovidio y Gaertner 1986). Sin embargo, ahora sabemos a través de nuestro contacto en la entrevista y contacto cara a cara con menores no acompañados que ser menor no acompañado es un factor de riesgo creciente para el bienestar emocional de menores no acompañados y refugiados (Broekaert 2007; Sourander 1998).

Los argumentos que se presentaron dieron crédito al hecho de que los efectos de la negación, la indigencia y la privación de las necesidades básicas y los derechos de los menores no acompañados están causando los problemas de salud más debilitantes y los afectan psicológicamente. Siguiendo estas afirmaciones uno podría imaginar que la Unión Europea está alimentando una generación de desorden social inimaginable.

También es digno de mención que debido a estas anomalías han hecho que los menores no acompañados desarrollan estrategias de supervivencia, pero esto no ha resuelto sus problemas psicológicos y la vida estresante provocada por su experiencia migratoria y la falta de atención (Anderson 2001; Ayotte, 2001; Papadopoulos 2002; Melzak 1992). Por lo tanto, el trabajo social con todas sus postulaciones éticas no ha resuelto estos problemas porque están obsesionados por las rígidas políticas migratorias.

5.3.4. Conclusión IV: Conocer y distinguir diferentes teorías de la migración, aclarando metodología, conceptos y enfoques. Diferenciar estos conceptos y enfoques. (Véase: 2.2.1, 2.2.2.1, 2.2.2, 4.10.2).

Es bueno señalar que el propósito del estudio determina el tipo de metodología, los conceptos y el tipo de teoría o teorías que son adecuados para la investigación comparativa sobre la implementación de políticas de integración para una mayor integración de los menores no acompañados. Por lo tanto, el método estadístico no habría sido adecuado para esta investigación debido a la falta de fiabilidad de los datos estadísticos sobre los menores migrantes no acompañados procedentes de distintos países, en particular la inexactitud del registro local, que son compilados por funcionarios que pueden exagerar cifras para ocultar cualquier deficiencia.

También se plantea el problema de la viabilidad de la interpretación de los datos sin tener debidamente en cuenta el impacto sobre los inmigrantes y los menores no acompañados. Esto significa que, a través del método estadístico, podemos no entender las verdaderas características que podrían ser como resultado de la cultura de la incredulidad u otras situaciones sociales, culturales, económicas, políticas y psicológicas que influyen en las políticas de un país en el tema que nos ocupa. La verificación de los datos en los estudios de migración internacional no siempre es posible debido a la falta de voluntad, el costo y las limitaciones relacionadas.

Hemos adoptado teorías que consideramos adecuadas, mejores que las teorías clásicas de migración. La ideología política, el marxismo, la religión, la xenofobia, el patriotismo y el paganismo pueden influir en nuestras investigaciones y por esta razón nos mantenemos neutrales. Es mejor controlar nuestras opciones personales. Es por esta visión subjetiva que siempre tenemos, conscientemente o inconscientemente, que el profesor García Garrido (1986, p.131) nos recordó un sabio adagio que dice: "Casi todos los hombres tienen razón en lo que afirman y están equivocados en lo que niegan". Se pueden sugerir aplicaciones concretas y hacer pronósticos prospectivos.

Por otra parte, esta investigación se alejó de la sugerencia del uso de la Teoría de la Red de Actor para identificar las redes que construyeron la infancia propagadas por Prout (2005, p.3) que presentan un enfoque integral que documenta la indecisión entre la infancia y la adultez para proporcionar un retrato más preciso del enfoque medio. A través de esta investigación nos hemos concentrado en identificar el carácter cambiante de la infancia y revelar las nuevas formas de representación, visión y comprensión de los niños y la infancia que nos ayudaron a comprender las condiciones y prácticas políticas como señalamos: hemos enfatizado el conocimiento sobre el impacto de las políticas públicas cuando se les niega la protección. Hemos resaltado que estas negaciones van más allá de su vulnerabilidad al nivel de trastorno psicológico y psicosomático llegando incluso hasta el riesgo de muerte súbita.

Como conclusión, que la decisión de las instituciones divergentes de emplear una concepción particular de la infancia en el trato con niños inocentes ha legitimado un cierto entendimiento y también instrumentalizado la legislación.

Hay muchos esfuerzos en los que el Parlamento Europeo describe con exactitud la infancia como sexualmente acosada, traficada, comercializada y expulsada no por la persecución, no por la guerra o por el hambre, sino simplemente por ser utilizada por las redes como una estratagema de marketing. Esta es la mayor inhumanidad para la humanidad. Creemos que la actitud de los legisladores de la UE pone en duda el fundamento mismo de la vida y el nacimiento, cómo el niño y la niñez realmente nacen. Esto se basa en mi opinión en que es lamentable que las vidas de la infancia sean hoy en día moldeadas por el materialismo y las tecnologías que están más allá de su control e incluso más allá del control de sus padres es lamentable.

5.3.5. Conclusión (V): Relacionar nuestros factores de integración básicos con las respuestas de entrevistas de menores no acompañados y trabajadores sociales y vincularlos con resultados de implementación de políticas que afectan negativa o positivamente a menores no acompañados. (Véase: 2.2.3, 2.2.3.4, 2.2.2.3, 2.2.3.4, 4.9, 4.9.1, 4.9.2-4.9.7)

En esta investigación hemos llegado a una etapa en la que también relacionamos las similitudes y diferencias con los resultados. Lo que significa que nuestros principales factores de integración combinados con las respuestas a las entrevistas de los menores no acompañados y los trabajadores sociales están vinculados a los resultados de la implementación de políticas que afectan negativamente o positivamente a los menores no acompañados.

Por lo tanto, la investigación concluye que la desaparición de menores no acompañados está vinculada a resultados de implementación de políticas que afectan negativamente a estos menores. Son vistos como impostores por aquellos que se supone que están para protegerlos y está causado por la negación de la miseria y la privación. Los menores no acompañados desaparecen de la custodia del gobierno local para correr de un país a otro en busca de seguridad. Me parece que a nadie le importa. A través de esta investigación, creamos que Europol, EUROSTAT y los organismos de vigilancia de la UE conocen los movimientos de miseria y saltando arriba y abajo de estos niños vulnerables en todos los países de la UE, pero se mantienen mudos.

Nuestra perspectiva global para la supervivencia e integración de los menores no acompañados está relacionada con los factores de integración que indicamos en los capítulos 1, 2 y 4. En este contexto, debemos señalar a los Estados miembros de la Unión Europea que ninguna persona puede integrarse en la sociedad cuando: falta el permiso de residencia permanente, hay una ausencia del representante legal, hay una falta de orientación laboral y de orientación técnica, hay una ausencia de alojamiento real y de servicio sanitario, existe el prejuicio racial y la discriminación, la falta de reagrupamiento familiar. Existen problemas psicológicos debido a la falta de éxito de apelación de asilo y continúa el debate sobre la evaluación de la edad y la detención.

Las habilidades, las expectativas y las responsabilidades ignoradas de los niños y las responsabilidades para ellos son algunas veces rediseñadas y recreadas por los trabajadores sociales para significar que los ayudan. Su necesidad de agrupamiento familiar, educación, permiso de residencia en el proceso de asilo y autodesarrollo son vistos algunas veces como fuera de lugar.

Nuestras reflexiones se han derivado de las preguntas de las entrevistas y las respuestas de los menores no acompañados que cubren las áreas transnacional e información relativa al país de origen, las actividades en las que participó el menor no acompañado y los tipos de protección y los servicios sociales que benefician al menor; la vida en el centro de recepción e integración; los modelos de implementación de políticas y cómo se perciben; los modelos de evaluación de la edad y cómo se siente el menor; el conocimiento de España, Suecia y Reino Unido; la ayuda recibida de las redes, familiares y amigos para migrar; su motivación para migrar y cuántos intentos de migración a Europa han tenido; el permiso de residencia y sus vínculos con la detención y la solicitud de asilo; la asistencia recibida de los trabajadores sociales; el nivel de interacción y contacto con personas autóctonas y la capacidad o interés del menor extranjero para entrar en relación con un hombre o una mujer local; la calidad de vida y la satisfacción con el proceso de integración; el sufrimiento por el racismo, la discriminación ocurridos en cualquier momento del proceso; la reagrupación familiar y las cuestiones educativas; el nivel de aspiración y de expectativa de los menores. Todo ello implica que hemos cubierto nuestro objetivo número ocho, que busca estimular más interés y mostrar las nuevas motivaciones para la migración, describir los

viejos y los nuevos métodos de motivación y mostrar la trayectoria migratoria del menor desde su origen hasta su entrada en las instituciones Europeas.

A través de nuestros contactos y numerosas entrevistas con menores no acompañados y trabajadores sociales al implementar las políticas, nos dimos cuenta de que hay un alto nivel de secretismo de las instituciones burocráticas que trabajan juntos para ejecutar esta impresionante tarea.

5.3.6 Conclusión (VI): Señalar la necesidad de una nueva iniciativa en las Naciones Unidas que elimine actores no operativos y establezca nuevos actores que puedan luchar contra la explotación del adolescencia y que puedan proporcionarles educación especializada. (Véase: 2.2.3.1, 2.4.3, 2.5.4, 2.5.2, 2.5.1, 2.2.3.4, 2.2.3.5)

Nuestro interés ha sido obtener más conocimiento y ser capaces de comparar las nuevas y antiguas tendencias. En el capítulo dos (2.4.3, 2.3.3) tratamos el tema global de las políticas de los niños con otros actores globales. Tras el análisis de las obras de Mandela y Graça que encabezaron el Movimiento Mundial para la protección de la infancia, concluimos que el mundo necesita más. Los esfuerzos del Movimiento Mundial por la Infancia y otros a nivel global nos proporcionan un mayor conocimiento que nos ayuda a comparar las nuevas y las antiguas tendencias. Los participantes de la Campaña "Di sí a los niños" ayudaron a sensibilizar a las personas de todo el mundo para que abogaran por la protección de los niños y niñas ante el público, según lo señalado por Beigbeder (2007).

Las organizaciones globales y las instituciones nacionales no han prestado suficiente atención a la protección de los niños porque prefieren tratar con empresas mundiales cuyo interés es la maximización de los beneficios. Los informes de los medios producen noticias arbitrarias que no reflejan los problemas en algunas regiones y países. Algunos de los informes que se pueden utilizar para determinar los movimientos de población o situación económica de los niños y su sufrimiento a menudo están realizados por personas inexpertas y estar sesgados por la simple razón de que el reportero pertenece a las Naciones Unidas o sus órganos.

El uso de estos informes inexpertos y sesgados es como la adopción de una medición no fiable. Es como usar el informe de un hombre fuerte de la calle. No existe un programa mundial tangible para hacer frente a los más de 1.500 millones de niños privados de sus derechos fundamentales. Se enfrentan a la pobreza, la mala salud, la pérdida de educación y otras privaciones. Los menores son vulnerables y propensos al daño y a la muerte. Ellos sufren discriminación, privación y destitución que hacen que las intervenciones de las Naciones Unidas sean más difíciles. Por lo tanto, es urgente la necesidad de iniciativas de nuevos actores que puedan extender las fronteras desde el nivel de Naciones Unidas a un nuevo nivel de desarrollo sostenible para menores.

En concreto, considero que las necesidades de protección de los menores no acompañados deben centrarse en la lucha contra la trata de seres humanos y las empresas explotadoras, la promoción de la educación técnica, combatir las causas de las enfermedades infecciosas, especialmente la contaminación química del agua, la vegetación y la degradación de los recursos de la tierra por parte de empresas locales y multinacionales, establecer tiendas comerciales para empoderar a las mujeres y los jóvenes, disuadir a los países para que dejen de armar a los grupos rebeldes que inevitablemente reclutan niños para trabajos forzados y guerra... Estos tipos de acciones pueden reducir la tentación de los menores migrantes a escapar a otro país y pueden quitar los obstáculos, trincheras y minas que están provocando el éxodo de menores no acompañados a países de la Unión Europea.

La contribución de Mandela y Macheal (2006) es un reflejo del alto estándar moral de puritanos, pastores, maestros y humanistas en su esfuerzo por liberar a la infancia de los crisoles de la crueldad de la sociedad. Su programa para la protección de los niños fue capaz de movilizar más de 95 millones de promesas, lo que confirma que cuando las personas que son moralmente fuertes se levantan para la protección de los menores respaldados por buenas leyes existe la posibilidad de aplicar las leyes al interés superior del niño. Si esto sucede, seríamos capaces de superar los caprichos que militan en contra de una mayor integración e incorporación adecuada de menores no acompañados y jóvenes en muchas sociedades.

Otras conclusiones

Esta investigación pretende también proporcionar argumentos para derogar el Reglamento de Dublín III, justificar, reformular la Convención sobre los Derechos del Niño y derogar las normas de reintegración de los menores no acompañados a su país de origen. (Véase: 2.2.2.7, 4.3, 4.3.1, 4.10.2.3, 4.10.3, 4.4.4,). Esto se basaba en el punto de vista de que se trata de una persecución y no ha detenido la migración; no ha mejorado su integración y no ha justificado su existencia. Según muchos autores y mi experiencia con menores no acompañados, mi conclusión es que la readmisión de menores no acompañados crea problemas psicológicos en la dignidad y la identidad del menor y provoca la destitución social y económica. La readmisión de menores no acompañados sigue siendo en muchos casos el "segundo desarraigo del niño".

En el lado más positivo, los menores no acompañados son atendidos con ropa, alimentación y refugio en los primeros tres meses de su captura en España, Suecia y el Reino Unido. Sin embargo, estos menores siguen sufriendo exclusión social, indigencia, privación y discriminación. Dado que inconscientemente se consideran saboteadores económicos de la economía de la Unión Europea, el Reglamento Dublín III fue promulgado y aplicado para facilitar su retorno de los menores por medio de la reintegración, la indigencia y la deportación a su país de origen o enviarlos a los tercer país que acepta dinero para aceptar su devolución.

El número siete de nuestros objetivos específicos, analizar y comparar la diferencia y similitud en la población de menores migrantes no acompañados en España, Suecia y Reino Unido en los últimos cinco años, incluyendo diferentes políticas de protección de los organismos gubernamentales (lo hemos logrado en los capítulos 1, 2 y 4).

Nuestra investigación muestra que hubo un gran aumento en el número de participantes y un mayor aumento en el número de solicitudes de asilo. Los datos recogidos también muestran que hay un número menor de decisiones positivas y que los afectados tenían entre 16 y 18 años de edad y en su mayoría niños. Las diferencias y similitudes respecto al número de los menores migrantes no acompañados en España no eran muy claros debido a la sequía de los datos. Por su

parte en Suecia hay más menores no acompañados aceptados, pero muchos expedientes se resolver, muchos siguen sin atender y muchos siguen desaparecidos y muchos/as siguen readmitidos en amparo de Dublín III.

Sobre la base de los resultados de esta investigación documental, y a través de nuestras entrevistas a los trabajadores y a los menores no acompañados, cabe señalar que se han atendido nuestros objetivos de esta investigación. Estas respuestas de los menores se corresponden con los factores centrales de integración que hemos elegido en nuestra metodología y coinciden con nuestros objetivos generales y específicos. En consecuencia, se puede afirmar que:

- Descubrimos que las consecuencias de la discriminación, el rechazo del permiso de residencia y de la readmisión conducen a problemas psicológicos y al abandono de los centros.
- La estrategia para esta discriminación, y la privación por la aplicación de las políticas de evaluación de edad, las políticas de detención, la falta de permiso de residencia, todo esto conduce a que los servicios ofrecidos a los menores no acompañados en algunos casos se hayan convertido en una gran aventura política y comercial para los que ahora gestionan estos centros.
- En general la formación de profesionales en el área de mediación, trabajadores sociales, psicólogos, abogados que los cuidan en ocasiones a muy escasa.
- Muchas teorías que postulaban políticas restrictivas en el control de la inmigración no han logrado detener la migración de menores no acompañados. Estas políticas tampoco han podido reducir su movimiento. Esto desacredita la tesis Push/Pull⁴⁷⁶ de la migración, ya que afecta a los menores.

⁴⁷⁶ Hay factores que empujar las migraciones y sirve desde punto de vista Push/Pull como un concepto aceptado: una elevada presión por la falta de libertades políticas o dictaduras, problemas demográficas, falta de acceso a la tierra, bajos salarios, bajos niveles de vida. Los seguidores de Ravenstein, autor de este teoría insisten de que estos desventaja son elementos que empujan (*PUSH*) las inmigrantes desde su lugar de origen. Por otra parte, las ventajas en otros países son condiciones que sirve como atracción a los inmigrantes PULL.

- Los menores no acompañados son más audaces y determinados en su intento de emigrar. Su motivación actual para la migración se reduce a "mejorar sus vidas".
- La desaparición de menores no acompañados está vinculada al miedo a la prisión y al miedo a la evaluación de edad. Esta es su propia voz para decir "no" a las políticas restrictivas.

Finalmente, nuestra conclusión comparativa de referencia sobre semejanzas y diferencias en la implementación de políticas en España, Suecia y Reino Unido se puede ver en la tabla 13B:

Tabla 13A Semejanzas y diferencias en la implementación de políticas en España, Suecia y Reino Unido			
Conclusión de referencia	España	SWEDEN	UNITED KINGDOM
Implementación centralizada de las políticas de protección para MENAS	0	√	√
Dificultad en la recolección de datos	√	√	√
Uso de jergas jurídicas y técnicas	√	0	√
Representante Legal.	0	√	0
Desaparición de menores no acompañados	√	√	√
Intervención de ONGs	0	√	0
Permiso de residencia de largo plazo	0	√	0
Orientación laboral	0	√	0
Permiso de residencia de corta duración	√	√	√
La reagrupación familiar	0	√	0
Servicio sanitario	√	√	√
Lucha contra los prejuicios raciales y la discriminación	0	√	√
Lucha contra los prejuicios raciales y la discriminación	0	0	0
Evaluación de la edad	√	√	√
Largas y exhaustivas entrevistas	√	0	√

Elaborado por Onuoha, (2007)

Notas:

√..... Significa que el país "sí" se hace

0.....Significa que el país "no" se hace

Tabla (13B) Semejanzas y diferencias en la implementación de políticas en España, Suecia y Reino Unido			
Conclusiones de referencia	España	SUECIA	REINO UNIDO
Repartición de MENAS a mismo sitio/localidad urbano	√	√	√
Percepción de vulnerabilidad de MENA	√	√	√
Posibilidad de Foster familia	0	√	0
Centros de acogida fuera de la ciudad	√	√	√
Contrato de trabajo como requisito para da permiso	√	0	0
Nacionalidad/Ciudadanía	0	√	0
País criticado por ONU, Human Rights Watch, ACNU, y Save the Children.	√	√	√
Dar Alimentación, vestidos, alojamiento y actividades de deporte	√	√	√
Excursión y guía	0	√	0
Acuerdos Internacionales de protección y con ONU	√	√	√
Acuerdos bilaterales para repatriación de MENA	√	0	√
La lucha contra la trata de personas, la prostitución, el contrabando y el tráfico de drogas.	√	√	√
Educación y lengua formal para MENAS en general	√	√	√
Educación y formación para MENAS en vía de repatriación y deportación	0	√	0
Percepción de MENAS como riesgo, problema y ex soldados	0	0	√
Percepción de MENAS como vulnerable	√	√	√
Percepción de MENAS como pobre y necesitada	√	√	0

Elaborado por Onuoha, (2007)

Notas:

√..... Significa que el país "sí" se hace
 0.....Significa que (No) el país "no" se hace

5.4. Limitaciones: alcance y limitaciones de la investigación

En algunos casos la recopilación de datos es difícil en las administraciones públicas, centros de acogida, consejos locales. Por otra parte, los menores no acompañados son muy escépticos acerca de la investigación en su vida privada, haciendo las cuestiones éticas más fuertes que cualquier tipo de enfoque de la investigación. Nuestra investigación por tanto se hace estrecha, delicada y lenta. Hemos experimentado algunas limitaciones porque no tenemos control sobre este tipo de situación. En algunos casos, los encargados de la formulación de políticas y los cuidadores tienen conceptos erróneos sobre nuestro motivo de investigación; y por ello proporcionan una respuesta deficiente a una entrevista que nos obliga a visitar muchas veces los centros para reparte los cuestionarios y para entrevistarlos/las. Su colaboración se limita al control del número de inmigrantes.

Los menores no acompañados en este estudio se limitan al rango entre 14 a 18 años que solicitaron protección en España, Suecia y Reino Unido. En el proceso de análisis exploraríamos también algunos fenómenos de migración en otros Estados miembros de la UE. Hemos adoptado unas estadísticas actualizadas de los menores migrantes no acompañados de 2012 a 2016 pero la limitación es que los datos disponibles son crónicas de los acontecimientos que el gobierno de estos países quiere publicar. Para que podamos tener una mejor comprensión gráfica de su población, este estudio está delimitado a estos tres países de la Unión Europea que toman una gran parte de los menores migrantes no acompañados, desde varias medidas muy diferentes

Este estudio se limita a los enfoques de derechos humanos y a los convenios de las Naciones Unidas, lo que hizo que Suecia fuera muy interesante estudiar; Reino Unido es importante debido a su conflicto único de bienestar y derechos humanos, mientras que España es comparativamente importante debido a la tendencia de la entrada masiva a través de sus fronteras porosas en Ceuta y Melilla y avalancha de barcos que transportan jóvenes migrantes a través del mar Mediterráneo de forma que el caso español en parte es sinónimo de la experiencia migratoria que Estados Unidos tiene con México-América Latina.

Además, muchos países adoptan diferentes métodos de recolección de datos estadísticos y también tienen muchas formas de entenderlos e interpretarlos. Por

lo tanto, la disparidad, la falta de uniformidad y la abstinencia total de la recolección de la fecha porque los datos no se perciben como muy importante hace que algunos datos estadísticos no sean fiables. La limitación aquí es que al adoptar, incluso parcialmente, el método estadístico, no podemos entender las características exactas de los menores no acompañados que se ven afectados por las decisiones tomadas debido a la situación social, cultural, económica y política del país de acogida.

Los estudios comparativos tienen sus propias limitaciones que reducen e impiden la investigación apropiada de este tipo. García Garrido (1996) señala tres problemas que instalan la "quinta rueda" o "límites" a la comparación: el problema de la objetividad, el de la eficiencia nomotética y el de la normatividad.

- (1) El concepto de un menor libre e independiente de este siglo no se hace caso para los menores no acompañados. Por lo tanto, el concepto de seguridad y alta vigilancia hace que se limita nuestro contacto con los menores. Algunos directores rechazan nuestra petición para entrevista.
- (2) En este estudio, la limitación en la recogida de los datos y la diferencias en las políticas entre países afecta al propio estudio comparado

Desde el punto de Aries (1962) la infancia no siempre ha existido como una categoría social y sociológica, sino que fue inventada entre los siglos XV y XVIII. Los cambios ocurridos desde el período de industrialización formaron el trasfondo sobre el que se basa la construcción socioeconómica de la infancia. Los niños han sido ignorados como personalidades autónomas desde finales del Siglo XIX. Según Daskalakis (2015, p. 166), las intervenciones estatales en la vida de los niños son el concepto y la necesidad de construir la infancia de tal manera que sirvan al propósito para el cual se han destinado las intervenciones, es decir, no habrá alteración de la existente.

Esta es la noción misma en la que el teorías funcionalistas de socialización que prevalecieron hasta mediados del Siglo XX, (Parsons, 1951). Por su parte,

Daskalakis (2015) afirmó que en este contexto las teorías tradicionales de la socialización se convirtieron en la principal preocupación de la sociología con la niñez hasta principios de 1980, cuando los primeros papeles comenzaron a tratar la infancia de una manera muy diferente (Jenks 1982). El desarrollo del concepto de infancia fue un largo camino (Fasoulis, 2012, p.426).

También de acuerdo con Daskalakis (2015, p.167) y con otros autores que el desarrollo y el concepto de autonomía altera y pierde su significado único. El problema que los menores no acompañados han encontrado no es que los derechos de los niños no estén disponibles, sino que los menores no acompañados no tienen intercesores por lo tanto no tienen acceso a esos derechos. Incluso cuando sus derechos son insuficientes como he indicado anteriormente en esta investigación; y aunque las políticas restrictivas dificultan que los trabajadores apliquen las normas y las políticas de protección, sigue habiendo un gran muro de defensa por parte de las instituciones gubernamentales que los menores sienten que no pueden penetrar.

5.5. Sugerencias para nuevas investigaciones futuras

Realizar un estudio del enfoque holístico para evaluar edad de los niños. Debe estar orientado a los niños y ajustarse a las exigencias de género.

Emprender un estudio sobre las consecuencias de la concentración de los inmigrantes en un lugar, un barrio o provincia porque afecta la infraestructura, la urbanización y a la relación con el entorno.

Realizar una nueva investigación sobre las condiciones de los niños en centros de acogida.

Iniciar una investigación para encontrar mejores formas de implementar los catorce factores de mejor integración social y económica que hemos recomendado.

Realizar nuevas investigaciones que avalen la reforma de la Convención sobre los Derechos del Niño, especialmente sobre los artículos 11, 12, 13, 14, 34, mientras que otros artículos pueden ser reemplazados para hacer frente a la peligrosa situación de los menores no acompañados.

5.6 Ultima Propuesta y Deseos para Los Políticos y Administradores

Como consejo general, no se puede comparar a menores no acompañados procedentes de zonas de guerra o de hambruna con niños de la UE. La aplicación de las políticas de protección para la integración de menores no acompañados en España, Suecia y Reino Unido necesita revisión.

Sugiero evitar a menores no acompañados exámenes largos y aburridos en los Tribunales Superiores. El resultado de este proceso lo hace inútil. Los niños son engañados y castigados en un lenguaje técnico que no entienden y finalmente son rechazados y expulsados.

Es bueno pensar también que este tedioso examen cruzado no puede ser en el mejor interés del niño. El proceso judicial es contradictorio, opuesto a los fundamentos mismos de la protección de la infancia porque la muy alta corte no se estableció para ese propósito de juicio de la edad de menores migrantes no acompañados. Además, los niños son extranjeros y no saben qué decir o hacer. La posibilidad de repetir su historia a los funcionarios sordos durante la entrevista, durante el proceso judicial y todo el tiempo proporcionan un espacio para el desarrollo de estrés psicológico y socava la integridad y la personalidad del niño que lo seguirá a la tumba.

En ocasiones se encuentran en las instituciones gubernamentales funcionarios inexpertos y/o personas no suficientemente preparadas para llevar a cabo la evaluación de la edad de los menores no acompañados por el hecho de que carecen de voz y no pueden cuestionar la calidad de los funcionarios que los asisten. Esto es evidente porque no están involucrados pediatras, representantes legales, humanistas y otros profesionales. Los que participan en la evaluación de la edad de los menores no acompañados carecen de la formación básica y esto ha sido criticado por muchos autores, el ACNUR, el UNICEF, el SCEP y los grupos de derechos humanos.

También es evidente que los funcionarios de bienestar infantil que se encuentran en los centros de recepción e integración son meras personas que abandonan la escuela, pícaros políticos que son compensados por el trabajo

infantil, no por su experiencia, sino por su inclinación política hacia el partido gobernante o por lo que un profesor llama "apoyo social alienado".

Otra sugerencia es tener en cuenta la apariencia física del niño y la madurez psicológica. Por un lado, la apariencia física se ha utilizado contra menores no acompañados. Muchos niños que pasaron por un túnel de terror y tratan de la muerte y la persecución pueden parecer mayores de lo que realmente son. Son seres humanos que son susceptibles al hambre, al sufrimiento y a la lucha por la supervivencia. El personal gubernamental, al evaluar la edad de los menores no acompañados no lo tiene en consideración. Los informes de desnutrición, hambruna y niños y familias enteras que mueren por hambre se eliminan de sus archivos. Un niño que sufrió desnutrición, hambre y persecución no puede parecer fresco, alegre y juvenil como un niño en un hogar europeo.

Por parte de España y otros países, sugiero el reconocimiento, sin excepción, de los certificados de nacimiento y de los pasaportes expedidos por los países de origen de los menores no acompañados en los casos en que existan. Es irónico que un gobierno democrático de la UE discrimine deliberadamente a otros países fuera de la Unión Europea debido a su país de origen. Pienso que si los papeles de Australia e Island pueden ser aceptados como válidos, los demás deben ser tratados con igualdad. Esta es la base de la equidad, la justicia, la libertad y la verdad. Si los administradores del gobierno no dan crédito a los documentos de otro país, no tienen legitimidad para pedir a otro país que acepte sus documentos.

Sugerimos que el Reino Unido proporcione un instrumento jurídico que permita a los menores no acompañados reagrupar a sus familias y también les proporcionará representación legal e intérpretes en todos los niveles de intervención.

Cabe señalar que la imposición de la licencia y la acreditación antes de empleo en los trabajos de construcción, la agricultura, la logística y los sectores de manipulación de alimentos. Esto puede ayudar a controlar el abuso y la explotación de los trabajadores extranjeros, especialmente los menores no acompañados. Propongo que esta adquisición debería ser menos engorrosa y subvencionada, debería orientarse como parte de la primera preparación de recursos humanos para el progreso y no como una herramienta para reducir el número de entradas en el mercado de trabajo.

La evaluación de la edad de los menores no acompañados debe ser manejada por humanistas y profesionales que estén familiarizados con diferentes culturas extranjeras y que por su formación y experiencia sean conscientes del impacto de la invasión de la privacidad del niño y la consecuencia psicológica de los errores de evaluación. La evaluación de la edad de los menores no acompañados debe llevarse a cabo en un entorno científico seguro. Debe respetar las opiniones del niño y respetar la dignidad humana y debe ser capaz de proporcionar una brecha para el beneficio de la duda.

Por lo tanto, sugiero que al tratar con el niño, uno de los ojos conscientes del oficial de intervención debe centrarse en la cara del niño para reconocer sus necesidades, mientras que el otro ojo concienzudo debe centrarse en la futura familia y el sistema de creencias en su país de origen. Esto se basa en la opinión de que muchos autores y organizaciones no gubernamentales han enfatizado la aplicación de un enfoque cada vez más holístico, pero ningún organismo gubernamental sabe cómo aplicar el enfoque holístico porque es vago.

Sugerimos que esta evaluación médica sólo debe proporcionar una pauta relacionada con el rango de edad dentro del cual un solicitante cae y debe tratarse como sólo una de una serie de herramientas posibles para evaluar la edad. Más importante aún, deben proporcionarse intérpretes capacitados en cada proceso de detección, evaluación de la edad, procedimientos judiciales y otros procesos.

En Suecia, se debería emprender un esfuerzo concertado para reconocer las cualificaciones (títulos, certificados de edad, etc.) extranjeras y descentralizar los cursos de lengua sueca. Suecia debería eliminar la aplicación de las políticas de protección de las comunidades locales y eliminar a las ONG de las actividades de los menores no acompañados.

Sugiero que las autoridades de toda Unión Europea deban revitalizar la educación de estos niños. Proporcionar suficientes becas para menores no acompañados. En lugar de enviarlos de regreso a sus padres en tierras extranjeras, la enorme asignación presupuestaria a los detectives para la búsqueda, la identificación y los costos de la aviación se pueden emplear para entrenar al niño. Este es el enigma español.

Los menores no acompañados tienen un alto grado de impotencia debido a las diferencias en las leyes y la doble obediencia en las comunidades autónomas.

Esto infunde una sensación de miedo e incertidumbre sobre el niño. El legislador español debe promulgar una ley que haga más uniforme la aplicación de leyes de protección o al menos imponga sanciones por incumplimiento de las leyes de protección. Esto se basa en la visión de que los municipios son el primer nivel de atención a la integración de menores no acompañados y otros inmigrantes. Debe haber un ministerio de coordinación capaz de cumplir con la aplicación de las políticas de integración para una mayor protección de los menores no acompañados. Es necesaria una investigación específica en este ámbito de la dispersión de menores no acompañados y su implicación en la urbanización.

Con el fin de racionalizar la formación de los menores no acompañados en el mercado de trabajo, propongo que el gobierno español disponga de medios eficaces para reconocer certificados extranjeros sin discriminación a nivel local y nacional.

La oferta educativa debe ampliarse para dar cabida a la diversidad de la sociedad. Los maestros y los trabajadores sociales deben ser entrenados para trabajar con este tipo de colectivos. Para ello sería interesante el establecimiento de escuelas internacionales para mejorar la integración de los menores no acompañados. Los Estados deberían desarrollar específicamente una formación complementaria a nivel de la formación básica, así como medidas que simplifiquen el progreso de los alumnos en el marco de la formación profesional. Por lo tanto, pido más investigación en estas áreas.

Los menores no acompañados no constituyen el núcleo del concepto político de las leyes de migración de Tampere, Lisboa, Dublín y la Convención sobre los Derechos del Niño de 1989. Creo que es injusto implementar leyes hechas para los adultos sobre los niños y, al mismo tiempo, pasar por alto el impacto negativo de estas leyes. Lo peor es asumir que "los estamos ayudando". Dejo esta parte a otros investigadores.

Además, abogo por la provisión de un refugio seguro para los menores no acompañados a quienes se les niega el asilo. Los menores no acompañados deben tener la oportunidad de elegir el país y el lugar que les gusta desarrollar. La formación obligatoria necesaria para su integración debe explicarse a ellos, mientras que un representante legal en espera debe seguirlos hasta que hayan cumplido veinte años para reflexionar sobre el objetivo de esta investigación.

Y finalmente:

Que el viajero recuerde que está llamado a no importar los principios o hábitos de las naciones extranjeras, sino a exportar a esos países menos favorecidos los principios y las prácticas que ha aprendido en casa.

"Precauciones para los viajeros continentales",

Cunningham (1818, p.94)

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ANEXOS

(7) ANEXO (1): ACRÓNIMOS Y ABREVIATURAS

BIA Border and Immigration Agency

CEAS Common European Asylum System

CECLR Centre for Equal Opportunities and Opposition to Racism (Belgium)

CRC Convention on the Rights of the Child

ECHR European Convention on Human Rights

ECPAT End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes

ECRE European Council on Refugees and Exiles

EEA European Economic Area

ENOC European Network of Children's Ombudsmen
EU European Union
ICRC International Committee of the Red Cross
ILE Indefinite Leave to Enter
ILO International Labor Organization
INS Immigration and Naturalization Service (USA)
IOM International Organization for Migration
IPEC International Programme on the Elimination of Child Labor
NGO non-governmental organization
SCEP Separated Children in Europe Programme
SOU Swedish Government Official Reports (Statensoffentligutredningar)
TSJM Tribunal Superior de Justicia de Madrid
UK United Kingdom
UNO United Nations Organization
UNDP United Nations Development Programme
UNESCO United Nations Educational, Scientific and Cultural Organization
UNHCR United Nations High Commissioner for Refugees
UNICEF United Nations Children's Fund
USA United States of America

ANEXO (2): Enlaces de interés

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[http://www.refugeecouncil.org.uk/what we do/childrens services](http://www.refugeecouncil.org.uk/what_we_do/childrens_services)

<http://www.reuters.com/article/us-nobel-peace-idUSBRE89A1N820121012>

<http://www.thesundaytimes.co.uk/sto/news/Politics/article1022177.ece>

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http://www.unicef.org/crc/index_understanding.html

y

http://www.crin.org/docs/ngo_group_reporting_ed3_sp.pdf

<http://www.unicef.org/gmfc/what.htm>

[http://www.unicef.org/socialpolicy/files/UNICEF Written Submission 2012 CR C DGD Children in the Context of Migration and the Right to Family Life \(12 October 2012\).pdf](http://www.unicef.org/socialpolicy/files/UNICEF_Written_Submission_2012_CR_C_DGD_Children_in_the_Context_of_Migration_and_the_Right_to_Family_Life_(12_October_2012).pdf)

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<http://www.unhcr.org/statistics>.

ANEXO (3): ESPAÑA: Marco legislativo - Leyes de Estado para protección de menores

1. Código Civil de 1889.
2. Constitución Española de 1978.
3. Ley 5/1984, de 26 de marzo, reguladora de los Derechos de Asilo y Condición del Refugiado.
4. Ley Orgánica 1/1996, de 15 de enero, de protección Jurídica del menor.
5. Real Decreto 864/2001, de 10 de febrero, que aprueba el Reglamento de aplicación de la Ley 5/1984, reguladora del derecho de asilo y la condición de refugiado.
6. Ley Orgánica 5/2000, de 12 de enero, reguladora de la responsabilidad del menor.
7. Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social.
8. Real Decreto 8565/2001, de 20 de Julio, de Reglamento de Apátridas.
9. Real Decreto 2393/2004, de 30 de diciembre, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000.

10. Real Decreto 178/2003, de 14 de febrero, sobre entrada y permanencia en España de nacionales de Estados miembros de la Unión Europea y de otros Estados partes en el Acuerdo sobre el Espacio Económico Europeo.
11. Real Decreto 1162/2009, de 10 de julio (BOE núm. 177, 23 julio de 2009) Real Decreto 1162/2009, de 10 de julio (BOE núm. 177, 23 julio de 2009).
12. Reglamento (UE) nº 604/2013 del Parlamento Europeo y del Consejo, de 26 de junio de 2013 (Reglamento Dublín III) por el que se establecen los criterios y mecanismos para determinar el Estado miembro responsable del examen de una solicitud de protección internacional presentada en uno de los Estados miembros Por un nacional de un tercer país o por un apátrida.
13. Reglamento de Inmigración, artículo 190.2, vigente a partir de 2011. Lanzado por la Ministra, Fátima Ibañez, centrado en localización, identificación, determinación de edad y documentación), para el correcto funcionamiento del Registro MENAS

(A) Marco legislativo Autonómicas para protección de menores

1. Comunidad de Andalucía: Ley 1/98, de 20 de abril, de los derechos y la atención al menor
2. Comunidad Valenciana: Ley 12/08, de 3 de julio, de protección integral de la infancia y la adolescencia.⁴⁷⁷

⁴⁷⁷Diari Oficial de la Comunitat Valenciana, número 5.803, de 10 de julio de 2008. Artículo 1. Objeto. La presente Ley tiene como objeto: (a) El reconocimiento y la protección de los derechos básicos del menor, especialmente los contenidos en la Carta de Derechos del Menor de la Comunitat Valenciana, concibiendo a los menores como sujetos activos de derechos. (b) El establecimiento del conjunto de medidas, estructuras, recursos y procedimientos para la efectividad de la protección social y jurídica del menor en situación de riesgo o de desamparo y para la efectividad de la aplicación de la Ley reguladora de la responsabilidad penal de los menores. (c) Las medidas de coordinación y colaboración de las distintas Administraciones Públicas y entidades colaboradoras, en el ámbito de la protección integral del menor y la familia. (d) La creación del Observatorio Permanente de la Familia e Infancia de la Comunitat Valenciana. (e) La creación del Comisionado del Menor de la Comunitat Valenciana, con la denominación de «Comisionado del Menor-Pare d'Òrfens». (f) El régimen sancionador en las materias reguladas en esta Ley.

⁴⁷⁷ Ley Orgánica 8/2015, de 22 de julio, de modificación del sistema de protección a la infancia y a la adolescencia. En el artículo primero se establecen las modificaciones de la Ley Orgánica de Protección Jurídica del Menor; en el artículo segundo se determinan las modificaciones que afectan a la Ley 1/2000, de 7 de enero, de Enjuiciamiento Civil, en lo sucesivo Ley de Enjuiciamiento Civil; en la disposición final primera se recogen las modificaciones correspondientes a la Ley Orgánica 6/1985, de 1 de julio, del Poder Judicial, en adelante Ley Orgánica del Poder Judicial; en la disposición final segunda se modifica la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social y en la disposición final tercera se

(B) Convenios internacionales suscritos por España en materia de menores extranjeros no acompañados

1. Memorando de entendimiento entre el Reino de Marruecos y el Reino de España “sobre repatriación asistida de menores no acompañados”, firmado en Madrid el 23 de diciembre de 2003.
2. Acuerdo entre la República de Senegal y el Reino de España “sobre cooperación en el ámbito de la prevención de la emigración de menores de edad senegaleses no acompañados, su protección, repatriación y reinserción”, hecho ad referendum en Dakar el 5 de diciembre de 2006.
3. Acuerdo entre el Reino de España y el Reino de Marruecos “sobre cooperación en el ámbito de la prevención de la emigración ilegal de menores no acompañados, su protección y su retorno concertado”, hecho en Rabat el 6 de marzo de 2007.

ANEXO (4) SUECIA: Marco legislativo - Leyes de Estado para protección de menores

1. Sweden had admitted many immigrants from Nordic countries between 1950 and 1960. And Sweden had already signed the 1951 United Nation Convention relating to the status of refugees and the 1967 Protocol and adopts them as its proper laws.
2. Aliens Act in December (1989) helped to impose restrictions and to penalize airlines that carry illegal passengers.
3. Aliens Act (1989:529) entered into force on 1 July 1989 and was amended for the period of 15 November 2005 to 31 March 2006 via the so called “temporary law”.

modifica la Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género. Con objetivo principal: Los menores han sido una prioridad en la Agenda Social de este Gobierno. La reforma de la legislación de la infancia garantiza un marco jurídico de protección uniforme, lucha contra la violencia hacia los menores, agiliza el acogimiento y la adopción y, atiende de manera especial a los más vulnerables

4. Care of Young Persons (Special Provisions) Act (1990:52)
5. (Act (2005:762) Amending the Aliens Act (1989:529).
6. Act (2005:762) Amending the Aliens Act (1989:529).
7. Swedish Aliens Act, 2005:716, issued: 29 September 2005. Council Directive 2001/55/EC is implemented in Chapter 21 of the Aliens Act.
8. Aliens Act of 2006.
9. Act amending the Aliens Act (2005:716) issued on 17 December 2009. This Act enters into force on 1 January 2010.
10. Communicable Diseases Act as from 1 July 2013 provided for, Unaccompanied minors residing in Sweden with or a permit will be offered full health and medical care, including regular dental care.
11. Swedish Government Bill 2004/05:170 "Nyinstans- och processordning i utlännings - och medborgarskapsärenden."

ANEXO (5) REINO UNIDO: Marco legislativo - Leyes de Estado para protección de menores.

1. The Immigration Act of 1971:
2. The Children Act, 1989 (1) Local authorities have a duty to assess children who are in need. 2) Local authorities have a duty to investigate when they are informed of a child who is likely to suffer significant harm.
3. Equality Act 2010, public authorities have a responsibility to have due regard to the need to eliminate discrimination and promote equality of opportunity
4. Children (Leaving Care) (England) Act 2000 and the Children Act 2004
5. Home Office Grant instructions to local authorities financial year 2013/14 Home Office grant: unaccompanied asylum-seeking children.
6. Home Office Asylum Process Guidance, Part 6.4. Processing an asylum application from a child.
7. Working Together to Safeguard Children: A guide to interagency working to safeguard and promote the welfare of children, page 26.

8. Working Together to Safeguard Children (2010), 'The Framework for the Assessment of Children in Need and their Families' (2000) and 'Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 (2007).
9. The Immigration Act of 1971: Specifies how United Kingdom immigration systems for can protect Unaccompanied Minors. Specifically in paragraph 349 of the Immigration Rules relating to persons under 18 years of age who, in the absence of documentary evidence establishing age with due consideration to age and maturity including documentary evidence, country evidence, evidence of risk and evidence of people who know him or her.
10. Children's Act for England and Wales, Scotland and Northern Ireland of 1989, mandates **local authorities to provide care and accommodation** for unaccompanied migrant minors. Our main objective is to show the involvement of local councils located in chapter two.
11. The Children's Act 2004 Act Section 11, places a duty on institutions and other bodies in England to safeguard and promote the welfare of children.
12. Comparatively with EU law, UK implements directly in consonance with Council Directive 2003/9/EC of 27 January 2003 laying down minimum standard for the reception of asylum seekers, Art 2h; Council Regulation (EC) n^o 343/2003 Of 18 February 2003 establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application (...), Art. 2h. Council Directive 2004/83/EC Of 29 April 2004 on minimum standards for the qualification and status of third country nationals (...), art 2i. (See my chapter 2)
13. Borders, Citizenship and Immigration Act 2009: Act section 55 which took effect on 2 November 2009 is fundamental in ameliorating the suffering of unaccompanied asylum seeking children in United Kingdom. To prevent and combat human trafficking; identify and protect victims of trafficking and to safeguard their rights; promote international co-operation against trafficking. In comparative terms, this laws implements the return regime directives of the EU.
14. Voluntary Assisted Return and Reintegration Program (VARRP) and Assisted Voluntary Return for Irregular Migrants scheme (AVRIM). In

comparative terms these are equally applied in UK just like Spain and Sweden.

15. UK Borders Act 2007: Section 48 of created a Border and Immigration Inspectorate

ANEXO (6) UNIÓN EUROPEA: Marco legislativo - Leyes de Estado para protección de menores.

1. Resolution C148 / 37, the European Parliament on European Charter of Hospitalized children, of June 16, 1986.
2. Resolución del Parlamento Europeo sobre la Convención de los Derechos del Niño, de 1990.
3. Recommendation of the European Council of 1 February 1990 on the rights of the child.
4. Resolution A3-314 / 91 of 13 December 1991 on the problems of children in the European Community.
5. Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.
6. European Union Constitution: section 2, Article III-266 (1, a, b) on "Policies on border checks, asylum and immigration", referred to the policies on border checks and declared that any third country national requiring international protection and ensuring compliance with the principle of non-refoulement
7. European Union Charter on fundamental social rights of workers, of 9 December 1989 laying down working conditions to be met when minors are involved at work.
8. Council of Europe Recommendation no. 1121, 1990 on rights of the kids.
9. Resolución del Parlamento Europeo por la que se aprueba una Carta Europea de Derechos del Niño, de 1992.
10. Convención europea sobre el ejercicio de los derechos del niño, aprobada el 25 de enero de 1996 en Estrasburgo.
11. Resolución del Parlamento Europeo sobre medidas de protección de menores en la Unión Europea, de 1997.

12. Tratado de la Unión Europea relativo a la lucha contra la trata de seres humanos y la explotación sexual de los niños, de 1997
13. Resolution A3-0172 / 92 of the European Parliament amending the Charter, was adopted European Child Rights, an instrument that reflects the normative texts previous regarding the recognition of rights, but adds guarantees as the establishment of the Ombudsman or advocates for the protection of girls and children and the establishment of obligations and responsibilities of parents and public powers. In this letter the interests principle is also recognized of minor "any family, administrative or judicial decision, as concerning the child, it must be intended priority upholding and safeguarding their interests."
14. EU Resolution on Minimum Guarantees for Asylum Procedures, 1995. There is also the council of Europe which confirms that there are many project about the protection of minors established by many governments in Europe which, to our chagrin remain dormant or forgotten. Therefore it is good to mention also the Council of Europe:
15. The Tampere program (1999 to 2004) which set the groundwork for migration policies was signed in Finland and established common rules for family migrants, access to **long-term residence** as a base for a Common European Asylum System.
16. Charter of Fundamental Rights of the European Union, Nice (2000). Another important European legislation on the subject:
17. Directiva 2001/55/CE, de 20 de Julio, relativa a las normas mínimas para la concesión de protección temporal en caso de afluencia masiva de personas desplazadas y a medidas de fomento de un esfuerzo equitativo entre los Estados miembros para acoger a dichas personas y asumir las consecuencias de su acogida.
18. Council Regulation No 2201/2003 of 27 November 2003 on the jurisdiction and the recognition and enforcement of judgments in matters matrimonial and parental responsibility.
19. Directiva del Consejo 2003/9/CE, de 27 de enero, por la que se aprueban normas mínimas para la acogida de los solicitantes de asilo en los Estados miembros.

20. Directiva 2004/81/CE, de 29 de abril, relativa a la expedición de un permiso de residencia a nacionales de terceros países que sean víctimas de la trata de seres humanos o hayan sido objeto de una acción de ayuda a la inmigración ilegal, que cooperen con las autoridades competentes.
21. Directiva 2004/83/CE, de 29 de abril, por la que se establecen normas mínimas relativas a los requisitos para el reconocimiento y el estatuto de nacionales de terceros países o apátridas como refugiados o personas que necesitan otro tipo de protección internacional y al contenido de la protección concedida.
22. Directiva 2005/85/CE, de 1 de diciembre, sobre normas mínimas para los procedimientos que deben aplicar los Estados miembros para conceder o retirar la condición de refugiado.
23. Directiva del Parlamento Europeo y del Consejo relativa a procedimientos y normas comunes en los Estados miembros para el retorno de los nacionales de terceros países que se encuentren ilegalmente en su territorio, de 18 de junio de 2008.
24. The Stockholm Program (2009 to 2014) and the amended Stockholm Program (2010-2014) and are updated to replace the Tampere Accord. The Stockholm Program, which replaces the Tampere and Hague Programs, was adopted by the European Council (Brussels, 10-11 December 2009
25. Comité para la Eliminación de la discriminación contra la mujer, General Recomendación nº 21 (13th sesión, 1994).
26. CRC General Comentó nº 6, Trato de los menores no acompañados y separados de su familia fuera de su país de origen (2005).
27. Dublin II & III Regulations and Agreements
28. Dublin II & III Regulations and Agreements
29. Directiva 2013/33 / UE, que coincide con la protección internacional
30. Directiva 2011/36 / UE), el Acervo de asilo de la UE,
31. Directiva 2012/29 / UE) la Directiva de la UE sobre las víctimas.
32. Directiva 2011/92 / UE) directiva sobre la explotación sexual de los niños
33. Council Regulation (EC) N° 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for

examining an asylum application lodged in one of the member states by a third-country national.

34. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 (Dublin III Regulation) establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.
35. EU No 604/2013 Dublin III Regulation for the return of unaccompanied minors to countries of first application. Dublin III Regulation (EU) No 604/2013 of the European parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.


**ANEXO (7) INTERNATIONAL, Organización de las Naciones Unidas (ONU),
Marco legislativo - Leyes Internacionales para protección de menores.**

1. Declaración Universal de los Derechos Humanos de Nueva York, 1948.
2. Convenio de Ginebra de 1951 sobre el Estatuto de Refugiados.
3. Convención sobre el Estatuto de los apátridas, de 28 de septiembre de 1954.
4. Declaración de los Derechos del Niño, de 1959.
5. Convenio sobre los aspectos civiles de las sustracciones internacionales de menores, La Haya de 1980.
6. Convenio nº182 de la Organización Internacional del Trabajo sobre la prohibición de las peores formas de trabajo infantil y la acción inmediata para su eliminación. Convención de las Naciones Unidas para la administración de la justicia de menores (reglas de Beijing), 1985.
7. Convenio nº182 de la Organización Internacional del Trabajo sobre la prohibición de las peores formas de trabajo infantil y la acción inmediata para su eliminación.

8. El Protocolo Facultativo 1 de la CDN, relativo a la venta de niños, la prostitución infantil y la utilización de niños en la pornografía, 2000.
9. Protocolo de Nueva York Protocolo sobre el Estatuto de los Refugiados, firmado en Nueva York el 31 de enero de 1967. La legislación español prevé conforme con esta ley.
10. Directrices del ACNUR de 1994 sobre protección y cuidado a los niños refugiados, Declaración de Buenas Prácticas del Programa conjunto ACNUR y Save the Children.
11. Comité de los Derechos del Niño, 39º periodo de sesiones 17 de mayo a 3 de junio de 2005. Sobre Trato de los menores no acompañados y separados de su familia fuera de su país de origen y se encuentran las recomendaciones del Comité de Derechos del Niño de las Naciones Unidas que tiene influencia en el momento de implementación de las políticas para integración de los menores no acompañados.
12. UNHCR Guidelines on the Application in Mass Influx Situations of the Exclusion Clauses of Article 1F of the 1951. Status of Refugees, (febrero, 2006).

ANEXO: (8) Semi-structured questionnaire and Interview questions for unaccompanied minors in Sweden

New model 20 questions in interviews with unaccompanied minors in Sweden. (MASS3317) The Researcher, The Doctorate School.



Since your center is in charge of implementation of protection policies for the Swedish Government, we consider your participation very appropriate Below you will have some questions about immigration and integration experiences. We want to know your opinion and we promise that your name will not be revealed.

It is therefore very important to be honest. No right or wrong answers, all are valid.
The information you provide will remain confidential and anonymous.

[Interviewer Note: Encourage the child. Make h/him feel comfortable, "feel free and show a feeling that their responses are important" (He or She is the Protagonist)]

(I) PERSONAL INFORMATION. Remember that all data are treated confidentially
Name Sex: Male Female Birth place.....
Country.....City/Province.....

QUESTIONS AND OPTIONS	UNACCOMPANIED MINORS ARE PARTICIPANTS																								TOTAL UMMs= 24 & %
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
1) Question: What do you think about Sweden?																									
It is good for my safety and education	X	X	X	X	X	X	X	X	X	X	X	X	X	X					X	X	X	X	X	X	80%
It is very cold															X	X	X	X							20%
It is normal for survival than	X	X	X	X	X		X	X	X	X	X	X	X	X					X	X	X	X	X	X	80%


other places																											
2) Question: What type of protection and assistance services do they give you here?																											
Housing, Education, language, health, documentation, Food and Shelter.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	100%
Only the necessary things																											nil
3) Question: What type of indoor and outdoor activities and services do they give you here?																											
We engage football, boxing, excursion, gymnasium and games	X	X	X	X	X	X	X	X	X	X	X	X	X	X					X	X	X	X	X	X	X	80%	
I do not do much, because I am sick and frustrated														X	X	X	X									20%	
4) Question: Is this your dream country and good for your future education?																											
This country is my dream and good for my future education?		X	X	X	X				X	X	X	X	X	X	X				X	X	X	X	X			70%	
It is not my dream and not good for my future education?	X					X	X	X							X	X	X									30%	
5) Questions: Was it what you expected when you arrived here?																											
I don't know													X	X	X											25%	
I saw what I hope expect in this country their I don't care because I'm hopeless		X	X	X	X				X	X	X	X	X			X	X	X	X	X						75%	
6) Question: Do you know how many you are here?																											
I don't know how many															X	X										10%	
I guess we are more than 60	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X	X	X	X	X	X	X	90%	
7) Question: Do																											

you think there is a disagreement over your correct age?																									
Answer: No, I don't know	X							X	X	X	X									X	X	X			35%
Answer: Yes, too much disagreement. Over my age		X	X	X	X		X					X	X	X	X	X	X	X					X	X	65%
8) Question: Do you feel any bad treatment?																									
Answer: Yes, I receive bad treatment.		X		X	X		X	X				X	X	X					X	X	X	X	X	X	60%
No, I don't receive bad treatment, No.	X		X						X	X	X				X	X	X	X							30%
9) Question: How did Personnel examine your Age?																									
Through X-ray	X	X	X	X	X		X	X	X		X	X	X	X	X	X	X	X	X	X			X		80%
Hand wrist				X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	85%
Teeth and body examination				X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	85%
Through my Documents and Appearance and guesswork		X	X	X	X		X				X	X	X	X					X	X	X	X		X	65%
Medical examination	X	X																							10%
10) Question: They interviewed me in the presence of the following?																									
Legal representative		X	X	X	X						X	X	X	X	X	X	X		X	X	X			X	65%
Goodman & Social Worker	X						X	X	X						X	X	X		X						35%
11) Questions: What motivated you to come to this country?																									
War and conflict & persecution and I also lost my parents	X	X	X	X			X			X	X		X	X	X	X	X					X	X	X	65%
Hunger and suffering	X					X							X	X	X				X		X			X	35%
Persecution and crisis	X			X			X	X		X	X	X						X						X	40%
To make a better life		X			X	X		X				X	X	X			X	X	X			X	X	X	60%
12) Question: How did you enter here at the center and the asylum system?																									
I entered by myself								X	X									X				X			20%
Entered through police and Migration Board Order	X	X	X	X	X	X	X			X	X	X	X	X	X	X		X	X	X			X	X	80%

behave badly and they call the police. But that is how I am.																												
19) Question: Would you like to regroup or bring your parents to this country in future when you are ready?																												
Yes, my parents or my Spouse	X	X	X	X	X	X	X	X	X	X		X	X	X			X	X		X	X	X	X	X	X	X	X	
Not in my plan										X				X	X			X										15%
20) Question: Which country (here or where) would you like to live and study when you have your papers?																												
I like to stay in this country		X	X	X	X	X	X	X	X	X	X	X					X		X	X	X	X	X	X	X	X	X	
I like to go to another country	X											X	X	X	X		X											

Thank you for participating: The end
Elaborated by Author, 2017

ANEXO: (9) Interview questions for the unaccompanied minors (MENAS) in Valencia, Spain

LAS PREGUNTAS PARA LA ENTREVISTA A MENAS EN VALENCIA Código (MA3317) Investigador de Escola de Doctorat							
 <p>Tendrás unas preguntas sobre tu experiencia migratoria e integración. Prometemos que tu nombre no será revelado. Seas sincero y no hay respuestas buenas ni malas. Toda información será totalmente confidencial y anónima. Gracias antemano por su sinceridad y colaboración. E. Onuoha.</p>							
1) Pregunta:	Respuestas de MENAS						Total
¿Qué opinas sobre España?	1A	2B	3C	4D	5E	6F	6 MENAS
Sí, tengo gusto		X		X			2
No tengo gusto	X		X		X	X	4
Está normal				X			1
2). Pregunta: ¿Qué tipo de ayudas de protección te dan aquí?							
Alojamiento, Documentación, Educación, Sanidad, Lengua, y comida, etc.	X	X	X	X	X	X	6
3). Pregunta: ¿Qué tipo de actividades de ocio te dan aquí?							
Jugo futbol, gimnasio, juegos, tutorial y terapia, etc.	X	X		X	X		4
No hace nada porque estoy enfermo y frustrado.			X		X		2
4). Pregunta: Este país está bien para mí							

futuro y educación							
Está bien para mi futuro y educación	X	X			X	X	4
No está bien para mi futuro			X	X			

5). Pregunta: ¿Era lo que esperabas cuando llegaste aquí? ¿Sabes cuantos Menas están aquí?	Respuestas de MENAS						Total
So, pienso así	1A	2B	3C	4D	5E	6F	6 MENAS
No era lo que esperaba	X	X	X				3
6). Pregunta: ¿Sabes cuantos Menas están aquí?							
No sé cuántos somos	X				X		2
Somos más de 6 personas aquí		X		X		X	3

7). Pregunta: ¿Crees que hay un desacuerdo sobre su edad correcta?	Respuestas de MENAS						Total
No lo se	1A	2B	3C	4D	5E	6F	6 MENAS
Sí, hay mucho debate			X	X	X		3
8). Pregunta: ¿Sientes algún maltrato?							
Sí, hay maltrato.					X		1
No hay maltrato.	X	X	X	X		X	5

9). Pregunta: ¿Cómo se examiné tu edad?	Respuestas de MENAS						Total
A través de X-rayo	1A	2B	3C	4D	5E	6F	6 MENAS
Radiografía del muñecas		X	X	X	X		4
Rayo-X de los Dientes		X			X		2
Examinación de cuerpo y recomendación de la policía	X	X			X	X	4
Mis Documentos y Apariencia	X					X	2

10) Pregunta: Se te entrevistó en presencia de...:	Respuestas de MENAS						Total
Un Representante legal	1A	2B	3C	4D	5E	6F	6 MENAS
Un trabajador social	X		X		X	X	4
Buena persona de credibilidad social		X					1

11) ¿Cuáles fueron tus motivos para dejar tu país de origen?	Respuestas de MENAS						Total
Perdió mis padres	1A	2B	3C	4D	5E	6F	6 MENAS
Guerra y conflicto			X		X		2
Hambruna y sufrimiento		X					1
Persecución			X		X	X	1
Para mejora la vida	X	X		X			3
12) ¿Cómo llegaste aquí o al centro de acogida?							
Entro a través de orden de sub-delegación de gobierno...	X		X	X	X	X	5
Yo entro solo.		X					1

13) Pregunta: ¿Piensas que la angustia y el estrés psicológico eclipsan tu oportunidad de integración?	Respuestas de MENAS						Total
No se	1A	2B	3C	4D	5E	6F	6 MENAS
Sí, he sufrido mucho	X	X		X			3
			X		X	X	3

14) Pregunta: ¿Estás dispuesto a casarte con un trabajador social o recomendar a un amigo en este país?	Respuestas de MENAS						Total
No, yo no	1A	2B	3C	4D	5E	6F	6 MENAS
Sí, Puedo y podría recomendar	X	X	X	X			4
					X	X	2

15) Pregunta: ¿Te han dado permiso de residencia	Respuestas de MENAS						Total
	1A	2B	3C	4D	5E	6F	6 MENAS
No tengo				X	X		2
Ya tengo el permiso	X	X	X			X	4

16) Pregunta: ¿Puedes vivir cómodamente con un trabajador social u otra persona de Europa como un hijo/a adecuado/a?	Respuestas de MENAS						Total
	1A	2B	3C	4D	5E	6F	6 MENAS
No puedo vivir con ellos		X	X	X	X		4
Sí, puedo vivir con ellos	X					X	2

17) Pregunta: ¿Te sientes diferente cuando te relaciona con trabajadores sociales?	Respuestas de MENAS						Total
	1A	2B	3C	4D	5E	6F	6 MENAS
Sí, tengo sentimiento de escondí		X	X	X	X		4
No, siento aceptado en este sitio	X					X	2

18) Pregunta: ¿Debido a que usted eres un menor de edad extranjera, esperan que te comportes dos veces mejor que un menor de este país?	Respuestas de MENAS						Total
	1A	2B	3C	4D	5E	6F	6 MENAS
No, mi comportamiento es igual	X				X	X	3
Sí, mi comportamiento no se suporta bien		X	X	X			3

19) Pregunta: ¿Te gustaría reagruparte o traer a tus padres a este país en el futuro cuando esté listo?	Respuestas de MENAS						Total
	1A	2B	3C	4D	5E	6F	6 MENAS
Sí, mis padres o mi mujer o marido	X	X	X	X			4
No tengo ningún plan					X	X	2

20) Pregunta: ¿En qué país (aquí o dónde) te gustaría vivir y estudiar cuando tengas sus papeles?	Respuestas de MENAS						Total
	1A	2B	3C	4D	5E	6F	6 MENAS
Me gustaría quedarme en este país		X	X		X		3
Me gustaría mudarme a otro país	X			X		X	3

Finalizado: Muchas Gracias

ANEXO: (10) PREGUNSTAS A PERSONALES DE MENAS (Código: Manager2217-ES),**Valencia, España**

Preguntas	Respuestas de Personales						Total
	NT	NK	NZ	MS	MR	MP	6 Personales
1) Pregunta: ¿Qué tipo de servicios y actividades proporcionan este centro para MENAS que pueden facilitar su integración?							
Respuesta: Se da Alojamiento, talleres, salud, lengua, terapia, ocio, cocina y coaching	X	X	X	X	X	X	
2) Pregunta: ¿Cuántos menores no acompañados tenéis?							
Respuesta: Tenemos desde 5 a 15	X	X	X	X	X	X	
3) Pregunta: ¿Le da usted representante							

legal para facilitar su rápida integración según lo dispuesto por la CDN? Se da...							
Una "buena persona" o Delegado					X	X	
Representante legal							
Un abogado o notario							
Un trabajador social	X	X	X	X			
4) Pregunta: ¿Crees que su país de origen un problema para recibir asilo en este país?							
El país de origen es un problema	X	X	X	X	X		
El problema es la ley							X
5) Pregunta: ¿Cree usted que existe mucho desacuerdo sobre su edad correcta?							
Existe mucho desacuerdo	X	X		X	X		
No hay desacuerdo			X				X

Preguntas	Respuestas de Personales						Total 6 Personales
	NT	NK	NZ	MS	MR	MP	
6) Pregunta: ¿Cree usted que la evaluación de la edad y la discriminación oficial pueden ser erradicadas?							
Si, se influir y se puede erradicarla	X	X		X	X		
No, No lo se			X			X	

7) Pregunta: ¿Invitas a los medios de comunicación o al representante legal cuando hacéis entrevistas o cuando entraron en el centro?							
Invitamos siempre a los medios de comunicación							
Invitamos siempre al representante legal		X					
No invitamos a nadie	X		X	X	X	X	
8) Pregunta: ¿Cuáles cree que son sus motivaciones para abandonar su país de origen?							
Guerra y conflictos				X			
Persecución							
Tener una vida buena o digna	X		X		X	X	
Hambruna y situación extremo		X					
9) Pregunta: ¿Cómo garantiza que obtengan la residencia a largo plazo y la nacionalidad de este país?							
Tenemos la competencia para daros la residencia a largo plazo	X						
No tenemos la competencia. Depende de la legislación		X	X	X	X	X	
10) Pregunta: ¿Se siente diferente cuando se relaciona con un menor no acompañado?							
Siento diferente cuando relaciona con un menor no acompañado				X	X		
Siento normal como cualquiera hijo/hoja de pueblo		X	X				
Depende carácter del menor	X					X	
11) Pregunta: ¿Cómo personal de trabajo está dispuesto a casarse con un menor acompañado o recomendarle a un amigo este país?							
No puedo casar con ellos	X	X	X	X	X	X	
Sí, estoy dispuesto a casarse con ellos o recomendarle a un amigo							



Preguntas	Respuestas de Personales						Total 6 Personales
	NT	NK	NZ	MS	MR	MP	
12) Pregunta: ¿Qué tipo de vivienda? ¿Podría valora si es barato, costoso, económico, pequeño o grande?							
Son básicas viviendas y baratas		X	X			X	
Son grandes viviendas y costosos	X			X	X		
13) Pregunta: ¿Crees que podrías vivir cómodamente con un menor no acompañado como un hijo / hija adecuado?							
No puedo vivir con ellos		X	X	X		X	
Sí, yo puedo vivir cómodamente con ellos.	X				X		
14) Pregunta: ¿Por ser menores extranjeros, esperan que se comporten dos veces mejor que un menor de este país?							
Esperan que se comportan bien			X				
Se comporta igual que todos	X	X		X	X	X	
15) Pregunta: ¿Crees que tienen sufrimiento psicológico y que el estrés puede ensombrecer su oportunidad de integración y su vida?							
Tienen sufrimiento psicológico que puede afectarlos	X	X	X	X		X	
No lo se					X		
16). Pregunta: ¿Están satisfechos con el tipo de protección que les da? ¿Se puede detener su deportación?							
Sí, estamos satisfechos y no podemos detener su deportación, viene por ley	X			X			
No, No estamos satisfechos pero no podemos detener su deportación, viene por ley		X	X		X	X	
17). Pregunta: ¿Cómo se examiné edad de un menor? (Puedes usar las opciones)							
Radiografía del muñecas	X	X	X	X		X	
Rayo-X de los Dientes	X	X	X	X	X	X	
Recomendación de la policía local					X		
Recomendación de un trabajador social		X		X	X		
Los Documentos y Apariencia	X	X			X		

Preguntas	Respuestas de Personales						Total 6 Personales
	NT	NK	NZ	MS	MR	MP	
18). Pregunta: ¿Se permite a los menores no acompañados hacer reagrupación familiar?							
Si el menor podría reagrupar							
No, el menor no puede reagrupar			X	X	X	X	
No lo se	X	X					
19). Pregunta: ¿Qué tipo de sistema de educación les dan aquí y muestran mucho interés?							
Se da educación formal básica de estado y gratuita para todos	X	X	X	X	X	X	
Se da educación especial diseñada para							

su perfil.							
20) ¿Qué haces cuando un niño desaparece de tu custodia?							
Los menores desaparecen para seguir adelante, por lo tanto los dejamos ir.	X						
No tenemos ninguna responsabilidad y que no hacemos nada.		X	X	X	X	X	

Elaborado por Autor, (2017)

Anexo (11) Semi-Structured questionnaires and interview questions for social workers in Sweden

<p>Interviews questions (20) with Social Workers in Sweden. Code (MAS3317) The Researcher, The Doctorate</p>							
 <p>School.</p>							
<p>Since your center is in charge of implementation of protection policies for the Swedish Government, we consider your participation very appropriate Below you will have some questions about immigration and integration experiences. We want to know your opinion and we promise that your name will not be revealed. It is therefore very important to be honest. No right or wrong answers, all are valid. The information you provide will remain confidential and anonymous.</p>							
<p>(I) PERSONAL INFORMATION. Remember that all data are treated confidentially Name Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female Birth place..... Country.....City/Province.....</p>							
6 SOCIL WORKERS.		PARTICIPANT SOCIAL WORKERS AND ANSWERS					
QUESTIONS AND OPTIONS	1	2	3	4	5	6	6- S. Workers
1. Question: What type of protection services do you provide for them that can facilitate their integration?							
Provision of Medical and dental check-up, language education, Asylum and Labor Orientation Classes on obligations. Sports, gymnasium, TV, and games and sometimes eating out for them.	X	X	X	X	X	X	
Only the necessary things							
2. Question: Do you give them Legal representative to facilitate their quick integration as instructed by the Convention on the Rights of the Minors?							
Legal representative to facilitate integration	X	X	X	X	X	X	
Social Worker							
3. Question: You think their country of origin is a problem in order to receive asylum in this country?							
Their country is a problem	X	X		X	X	X	
Their country is not a problem			X				
4. Question: Do you think there is a disagreement over their correct age and can evaluation of age and official discrimination be eradication?							
There is a disagreement over their correct age and can be eradicated	X	X	X	X	X		
It came from the law and we do						X	

nothing							
5. Question: Do you invite the media or the legal representative when you interview them when they entered the center.							
We invite the Media							
We invite the legal representative when you interview	X		X	X	X	X	
We invite Goodman	X						
6. Question: What do you think are their motivations for abandoning their country of origin?							
Hunger and strong desire to help their family	X	X		X			
War and persecution and suffering	X				X	X	
Because of good information about the country							
7. Question: How do you guarantee that they get long term residence and nationality of this country when they mature?							
We have limited help	X	X	X	X	X	X	
We can help fully							
8. Question: Do you feel different when you relate with unaccompanied minor?							
I feel like attending to any other child			X	X	X	X	
I feel different	X	X					
9. Question: As a social worker are you disposed to marry an unaccompanied minor or recommend to a friend in this country?							
I will not marry them and cannot recommend to my friends			X	X	X		
I can marry them and can recommend to my friends	X	X				X	
10. Question: What type of housing? Are they cheap, costly, economical, small or big? Do you think you could live comfortably with an unaccompanied minor like a proper son/daughter?							
I have access to their housing. They are costly, and big	X		X	X	X	X	
Some are free, cheap, costly, economical, small					X		
I can live comfortably with an unaccompanied minor like a proper son/daughter		X	X	X			
I cannot live comfortably with an unaccompanied minor like a proper son/daughter	X				X	X	
11. Question: Because they are foreign minors, you expect them to behave two times better than a minor of this							

country?							
expect them to behave normal like other	X				X	X	
They should behave two times better			X	X	X		
12. Question: You think that they have psychological distress and that the stress can overshadow their chance for social integration?							
They have psychological distress and that the stress can overshadow their chance for social integration?	X		X				
I don't know but children always have psychological distress		X		X	X	X	
13. Question: Are satisfied with the type of protection you give them? Can you stop their deportation?							
Yes , I am satisfied with the type of protection and can be stopped	X		X	X	X	X	
I am not satisfied with the type of protection but it is by law		X					
14. Question: How is their age decided here and what instruments do they use? (examples)							
Radiography, X-Ray of the teeth and , Wrist, Dental analysis or documents, and Appearance	X	X				X	
Do not know and may be by Law			X	X	X		
15. Question: Are unaccompanied minors permitted to regroup or bring their parents to this country in future?							
They are permitted to regroup or bring their parents to this country in future when they have the necessary profile.	X	X	X	X	X	X	
They are not permitted to regroup their family							
16. Question: What type of education system do you offer them here and do they like to go to school?							
Specially tailored education for them							
General basic education like nationals at all levels	X	X	X	X	X	X	
17. Question: At the height of any psychological problem and discrimination, have you encountered any case of attempted suicide?							
A case at one time		X					
We have not have any case like that	X		X	X	X	X	
18. Question: How do unaccompanied minors enter							

into this center?							
Through the Migration Board	X	X	X	X	X	X	
Through the Police or by the unaccompanied minors coming on his or her own							
19. Question: Do you have any program or special training to prepare them for a later but inevitable labor market if they survive the asylum process?							
We give them labor market training program with local council and institutes	X	X	X	X	X	X	
It depends on the minors							
20. Question: Are you entitled to a special training and continuous training while dealing with these children?							
We have non but I have bachelors certificate						X	
We do not need special training and continuous training	X	X	X	X	X		

You have finished

Thank you for your participation. The author, (2017)

Ekeoma Onuoha Abrahams

Contact: Mob: 631870822.

Email: onuoha@alumni.uv.es