

# EUROPEAN STATES IN THE FACE OF THE VULNERABILITY OF UNACCOMPANIED MIGRANT CHILDREN AND ADOLESCENTS

*Emilie DUVIVIER* \*  
*Cristina TEODORESCU* \*\*

## **Abstract**

In the context of an increasing complexity and amplification of international migration flows, the reception and care of unaccompanied foreign minors is a European problem currently affecting all the Member States. Despite homogenous legislative frameworks and EU regulations, the practice of policies is marked by wide disparities from one country to another. The aim of this article is to reflect on the impact of migration categories on the social and political treatment of the vulnerability of unaccompanied foreign minors in Europe. In a comparative approach, we focus on the situation in Romania, a country with little experience in the management of refugees and asylum seekers. Although frequently confronted with this phenomenon during recent years, the Romanian society is still insufficiently informed in the field, whereas public and media debates are intensifying as an echo of recent dramatic events in Western countries, generated by the conflicts and the crisis in the Middle East. In the matter of unaccompanied minors asylum seekers, Romania offers reception conditions and specific support for this category of vulnerable children. However, professional training, public awareness, the involvement of local institutions, and intensified international collaborations must still be viewed as priority areas of intervention and development in order to improve the life quality of these children and adolescents.

**Keywords:** unaccompanied foreign minors, vulnerability, child protection, asylum seekers, refugees, European Union, Romania.

## **Résumé**

Dans un contexte de complexification et d'amplification des flux migratoires internationaux, l'accueil et la prise en charge des mineurs étrangers non-accompagnés constituent une problématique européenne qui concerne aujourd'hui chacun des Etats membres. En dépit du cadre législatif et des réglementations communautaires homogènes, la mise en application des politiques associées est marquée par de grandes disparités d'un pays à l'autre. Le but de cet article est de réfléchir à l'impact des catégories migratoires sur le traitement social et politique de la vulnérabilité des enfants étrangers non-accompagnés en Europe. Dans un cadre comparatif, nous nous focalisons sur la situation de la Roumanie, un pays avec peu d'expérience dans la gestion des cas de demandeurs d'asile et de réfugiés. Bien que de plus en plus confrontée à ce phénomène durant les dernières années, la société roumaine n'est pas suffisamment informée à ce sujet, les débats publics et médiatiques

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\* PhD in sociology, Director of Studies. Social Institute of Lille. Catholic University of Lille; e-mail: emilie.duvivier@institut-social-lille.fr

\*\* PhD in sociology, Associate Lecturer. Social Institute of Lille. Catholic University of Lille; e-mail: Cristina.Teodorescu@institut-social-lille.fr

s'intensifiant récemment suite aux événements dramatiques vécus par des pays occidentaux générés par les conflits armés et la crise du Moyen Orient. S'agissant des mineurs non-accompagnés demandeurs d'asile, la Roumanie offre des conditions d'accueil et d'aide spécifiques pour cette catégorie d'enfants vulnérables. Cependant, la formation des professionnels, la sensibilisation de la population, l'engagement des institutions locales, l'intensification des collaborations internationales constituent des domaines prioritaires d'intervention et de développement en vue de l'amélioration de la qualité de vie de ces enfants et adolescents.

**Mots-clés:** mineurs étrangers non-accompagnés, vulnérabilité, protection de l'enfant, demandeurs d'asile, réfugiés, Union Européenne, Roumanie.

### **Rezumat**

În contextul complexificării și amplificării fluxurilor de migrație internațională, primirea și integrarea minorilor migranți neînsoțiți reprezintă o problemă europeană actuală, cu implicații pentru fiecare stat-membru. În ciuda cadrului legislativ și reglementărilor comunitare omogene, punerea în aplicare a politicilor variază considerabil de la o societate la alta. Scopul acestui articol este de a supune reflecției efectele categoriilor migratorii asupra tratamentului social și politic al vulnerabilității copiilor străini neînsoțiți în Europa. Într-un cadru comparativ, ne focalizăm pe situația României, o țară cu o experiență redusă din perspectiva gestiunii cazurilor solicitanților de azil și a refugiaților. Deși tot mai confruntată cu acest fenomen în ultimii ani, societatea românească nu este suficient informată, dezbaterile publice și mediatice intensificându-se recent ca ecou la evenimentele dramatice din țările occidentale, generate de conflictele armate și criza umanitară din Orientul Mijlociu. În privința minorilor neînsoțiți solicitanți de azil, România acordă condiții de primire și ajutor specifice acestei categorii vulnerabile. Cu toate acestea, formarea profesioniștilor, sensibilizarea populației, implicarea instituțiilor locale, intensificarea colaborărilor internaționale constituie domenii prioritare de intervenție și dezvoltare în scopul îmbunătățirii calității vieții acestor copii și adolescenți.

**Cuvinte cheie:** minori străini neînsoțiți, vulnerabilitate, protecția copilului, solicitanți de azil, refugiați, Uniunea Europeană, România.

The issue of the independent migration of unaccompanied children and adolescents in Europe emerged in the 1990s and has grown significantly over the past ten years. In 2013, several European countries (Belgium, France, Italy, and Spain) recorded between 5,000 and 10,000 migrant minors (Senovilla Hernandez 2013). According to Eurostat (Eurostat 2016), no less than 23,150 unaccompanied minors applied for asylum in Europe in 2014 (compared with 12,725 in 2013). Coming from sub-Saharan Africa, North Africa, the Middle East or Asia, these young people with very diverse profiles are crossing the borders of nation-states without their parents in search of protection and a better life, which, in their minds, can only be found by migrating. Even though the issue of hosting this special category of migrants is a present concern for all the Member States of the European Union, these young people receive a highly differentiated treatment from one country to another, despite international and EU standards. Without any doubt, not all

countries are affected by the issue of the independent migration of children and teenagers to the same extent. Likewise, as illustrated by the situation in Romania, traditionally a country of emigration, as a result of the humanitarian crisis in the Middle East, some states have now become host and/or transit countries for these young people coming from afar. How do European states understand child vulnerability when it comes to foreign children having entered their territory with no legal processing? Today, when migration is becoming more and more complex and widespread worldwide, how can the child's best interests be safeguarded throughout the various regions involved in the migration process?

These questions, which are now more urgent than ever in our European societies, were the starting point of this article. After showing how the children's social status is accounted for by various European countries, this contribution aims to reflect on the impact of migration categories on the social and political treatment of the vulnerability of unaccompanied foreign children in Europe. The situation of Romania, which has only recently become concerned with the reception and care of these youths, will be discussed in a separate section after this reflection.

## **1. The child: a vulnerable person and subject of law**

As shown by the various studies that have dealt with the changing status of the child, the ways of envisaging this stage of life have never ceased to transform over the last century, side by side with the democratization of societies and the affirmation of the rights to equality and freedom (Renaut 2002; Sirota 2006; Guenin 2008). As the image of children continued to change, an increased awareness of their suffering emerged as well. Their gradual separation from the 'world of adults', their education and protection by a set of laws, the setting up of institutions and specialized professionals – all these helped in normalizing childhood, seen as a specific age requiring the intervention of public authorities. During the 20<sup>th</sup> century, this recognition of child vulnerability was gradually followed by a series of international texts. The child, an innocent victim, was gradually given rights. While becoming a subject, he also made the object of public action.

In 1959, stipulating in its preamble that “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”, the Declaration of the Rights of the Child grants him rights and emphasizes his need of protection. Then the UN proclaims 1979 as the International Year of the Child. In 1989, the UN General Assembly adopts the International Convention on the Rights of the Child (CRC)<sup>1</sup>. Defining

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<sup>1</sup> The International Convention on the Rights of the Child was adopted unanimously by the UN General Assembly on 20 November 1989 in New York. It has been ratified by 191 States; the United States and Somalia were the only states that did not sign it.

the child as “every human being below the age of eighteen years” and stressing the parents’ crucial role, CRC insists on the state’s responsibility as a guarantor of the minor’s rights and recognizes his vulnerability. By ratifying the convention, nations undertake to provide him services, to protect him against any form of abuse or neglect, and to encourage his participation in the life of society. The text is underpinned by two principles: non-discrimination, which applies to all without exception, and the best interests of the child. Indeed, article 3-1 of the International Convention on the Rights of the Child states that “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” (CRC 1989, p. 2). The corpus of rights surrounding the person of the child – provided mainly but not exclusively by the convention – is gradually taken over by national legislation. Often, it is also under the commitments made by ratifying the text that states are scrutinized by national and international bodies whenever the safeguard of children’s rights is deemed insufficient or the implementation of national policies contrary to their best interests.<sup>2</sup>

Over the last twenty years, Romania has had to make considerable efforts in the area of child protection. After the fall of the Communist regime, providing support to the great number of institutionalized children – a consequence of the pro-life policies (prohibition of abortion and contraception) instituted by the former government – became a priority. The main measures taken back then aimed to reduce the number of children in placement centers, to prevent child abandonment and to create new services in the community (UNICEF 2016). Having signed the UN Convention on the Rights of the Child, Romania had to reconsider its legislative framework and establish administrative bodies able to prevent and act in situations that could pose a threat to the children’s rights, security and development. Currently, child protection services are provided jointly by public authorities, private organizations, and other bodies authorized and recognized countrywide. This sector benefits from considerable support from non-governmental organizations – of all the NGOs providing social services in Romania, 58% are active in the field of child protection (Spârleanu 2010).

Since the latter part of the last century, the social status of the child seems to have considerably changed. Indeed, with the advent of “children’s rights”, formalized by the UN International Convention, the way in which childhood is approached seems to have entered a new age, marked by the notion of the “child as subject”, having rights of his own. This view of the child as subject coexists with another image of the child, also based on contemporary definitions, that of the

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<sup>2</sup> On this topic see the proceedings of the colloquium “Mineurs isolés étrangers: vers une harmonisation des pratiques dans l’intérêt supérieur de l’enfant” [Foreign unaccompanied minors: towards a harmonization of practices in the best interests of the child], 20 June 2008, La défenseure des enfants, République française.

child as *person*, an adult in the making who has his own particular skills and features. Although there are still significant disparities between countries and without overlooking the fact that the rights of the child, as well as human rights, are normative social representations<sup>3</sup>, the perception that the child is a fully fledged person with rights of their own becomes thus universally proclaimed. Contrary to this “canonized” figure of the child as subject, benefiting from his own rights, from fully acknowledged needs and from what is now seen as good-care (Théry 1992), at the other end, there emerges as well the figure of child misfortune: the child who is abused, abandoned, exploited. In democracies where the respect for human rights and the rights of the child is constantly proclaimed, any behavior seen as potentially harmful to their physical or moral integrity is all the more intolerable. In the introduction to a report made by UNICEF in 2009, before France’s hearing at the UN Committee on the Rights of the Child, the observers took over the ideas expressed by C. Brisset, who up to 2006 had been the children’s Ombudsman<sup>4</sup>. She stated that “the children living on our soil, whether French or foreign, do not seem to be particularly unhappy. Everyone knows it: they enjoy one of the best systems of protective care, education, and social security in the world. Yes, but... we also know that too many children fall through the cracks and the system sometimes ends up crushing the most vulnerable” (UNICEF 2009, p. 7). If the notion of “child vulnerability”, highly recurrent in various reports, highlights the specificities of this stage of life and its specific needs, the adjectival noun “the vulnerable”, widely used by experts, participates in the construction of a specific category of children who require even more intervention by public authorities due to their overexposure to specific social risks. Currently, several subcategories of “vulnerable children” are mentioned explicitly in official communications: children victims of abuse, sexual exploitation or human trafficking and those living in poverty<sup>5</sup>. It should also be noted that two optional protocols were added to the CRC in 2000: the first deals with the sale of children, child prostitution and pornography; the second, with the children’s involvement in armed conflict.

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<sup>3</sup> In an article titled “L’endroit et l’envers des droits de l’homme” [The right and wrong side of human rights] W. Doise (2004) emphasizes the frequent ethnocentric use of human rights as far as these rights carry an egalitarian view of humanity that obscures its many underlying conflicts.

<sup>4</sup> The Children’s Ombudsman is an independent authority of the state, established by the French Parliament on 6 March 2000. Its role is to defend and promote children’s rights as they are defined by law and the Convention on the Rights of the Child, ratified by France in 1990.

<sup>5</sup> In particular, these categories were mentioned in the call to public consultation launched by the European Commission to establish a strategy and consider new possibilities for action in favor of children’s rights for 2011-2014. Communication available on the European communication website:

[http://ec.europa.eu/justice/policies/children/policies\\_children\\_intro\\_en.htm#](http://ec.europa.eu/justice/policies/children/policies_children_intro_en.htm#)

All these successive provisions attest to the changing nature of the general outlook on children, stressing the need to protect and assist the groups who are treated in an unacceptable manner today. Therefore, it is impossible not to notice the important headway made in the history of the acknowledgement of the child's "interests" and integrity. It is also impossible not to notice the states' growing attention in recognizing the children who are the most "fragile" and "vulnerable", whose dead bodies as a result of poverty, war, or exploitation have become an unbearable sight. As shown by P. Bourdelais and D. Fassin (2005), the transformations of modern societies, which transpire mainly in their changing values and sensibilities, led to a form of consecration of the body. What is perceived as intolerable changes; so do the possibilities to experience it as such. In this context where the culture of the body and the culture of feeling shape the moral order of society, it is now unacceptable to remain indifferent to the suffering of these children from all over the world whose ill-treatment is currently being uncovered. But what happens when these "vulnerable children" coming from *somewhere else* aspire to be granted *here* the rights they are entitled to? If "the liminality of the stranger challenges the moral divide of the western world" (Bourdelais and Fassin 2005, p. 44), in the case of these foreign minors designated by specific migration categories couldn't we also think that it is rather self protection, more than the potential risks they may represent, that seems to be prevailing in the moral space of our societies?

## **2. What social and political treatment for 'foreign unaccompanied minors' in Europe? Uses and paradoxes of migration categories**

In Article 1 of its resolution of 26 July 1997, the Council of the European Union defines "unaccompanied minors" as "third country nationals under the age of eighteen who arrive on the territory of Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively in the care of such a person" (97 / C 221/03). Besides France, which puts these young migrants in the category of "foreign isolated minor" (FIM), most European countries agree on this terminology. Alongside this "generic" name, various other sub-categories are also used to describe the situation of these children across the countries. Thus, the "foreign unaccompanied minor" (FUM) may be more specifically an "unaccompanied asylum-seeking minor", an "unaccompanied non asylum-seeking minor", or an "unaccompanied minor victim of trafficking". The child's inclusion in any of these categories leads to a specifically tailored treatment, in what regards his reception and socio-educational care, as well as the "durable solutions" that he may be offered. In recent years, whether in the form of "FIM" or "FUM", these terms have become recognized categories, progressively integrated into national legislation, and used by the various actors intervening during their stay on these territories. Far from being mere words used to describe a

“new reality”, these descriptions turn the young migrants into the subject of specific representations whose symbolic and practical connotations are not without consequence. Being instruments of control in a changing reality, legal categories, as S. Barbou Des Places (2010) reminds us, assign a place and an identity to migrants, confining them to a particular path. These categories make up a frame of reference and interpretation, a specific way of analyzing the reality they are supposed to describe. It is thus that, paradoxically, the reality of migration, inherently dynamic and all the more complex today, finds itself fixed and organized so that each person should be included in a category that is governed by a specific legal regime.

Host societies treat “unaccompanied minors” as a separate category, to which child protection measures seem to apply only partially, even though they are entitled, just as any minor, to all the rights set forth in the text of the Convention on the Rights of the Child. In recent years, various studies have denounced the unequal treatment of national and foreign minors. The experts have also revealed the disparities in the treatment of “unaccompanied minors” among European countries; significant differences have also been identified within the same country because of the different sub categories of minors whose rights to protection are conceived in different ways, or because of very heterogeneous local practices. As early as the late 1990s, a report on the reception of these young migrants in 16 European countries, commissioned by UNHCR and the alliance *Save the Children*, noted the poor attention paid to the “best interests of the child” when it came to protecting foreign children and adolescents. The study showed that there were deficiencies in the hosting system and great differences between countries and, in general, little interest in the vulnerability of children in the various countries of destination. A few years later, an analysis by D. Senovilla Hernandez (2007) on the situation of “unaccompanied minors” in Europe also emphasized the difficult recognition of the rights of these young people by European countries. His analysis, focusing on the treatment of these minors in six European countries (Germany, Belgium, Spain, France, Italy, and the UK), highlighted the variety of hosting systems and the different conceptions about the independent migration of young people. In Germany and the United Kingdom, the phenomenon is approached exclusively from the viewpoint of asylum; only minors seeking asylum can hope to regularize their situation. In most cases, Spain and Italy equate the migration of young people with migration for economic reasons. As for France and Belgium, the two countries differ insofar as they are mixed systems based on both these approaches.

Furthermore, in another contribution, after having examined the enforcement of the International Convention on the Rights of the Child (Senovilla Hernandez 2010), the author shows that different strategies are used by these countries to restrict the rights of “unaccompanied minors”. There seem to be three trends: the exclusion of certain categories of minors, practiced by Germany and the United

Kingdom, the restriction of access to the territory (France and Belgium) and the implementation of “arbitrary practices” (Italy, Spain) that end up by discouraging minors from registering permanently on those territories. The latter refer mainly to the issue of forced repatriation to the extent that – and this is precisely the case of Spain – family reunification or return are given priority among all the possible solutions, in the name of the child’s interests and of his right to reunite with his family. The only situation limiting this principle is the existence of a danger or risk to the integrity of the minor or his family if he is returned. This possibility of forced return, provided for in the Community law, is mentioned in the preamble to the resolution of the Council of the European Union of 26 June 1997 on “unaccompanied minors who are nationals of third countries” (EC 1997)<sup>6</sup>. According to this resolution, even though the state of vulnerability most of them find themselves in is still mentioned, the stay of these minors is approached primarily from the angle of immigration policies where the public interest of Member States to fight against immigration and the illegal stay of third-country nationals is explicit. In the absence of specific criteria to evaluate the “best interests of the child”, this principle, which lies at the crossroads of rights that may seem contradictory, between the “right to family life” and “the right to life and protection” (Rossi 2002), can thus be interpreted in narrow sense and used to discriminate against minors whose vulnerability is nevertheless recognized. On the sensitive issue of the children’s repatriation to their country of origin, in October 2002 France concluded a cooperation agreement with Romania that provided for the possibility of organizing the unaccompanied minors’ return to Romania. Concluded for a period of 3 years, the agreement was subsequently replaced by a

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<sup>6</sup> “Having regard to the Treaty on European Union, and in particular Article K.1 thereof, Whereas, pursuant to Article K.1 (3) (a), (b) and (c) of the Treaty, the conditions of entry of, and residence by, nationals of third countries on the territory of Member States and measures to combat unauthorized immigration and residence by nationals of third countries on the territory of Member States constitute matters of common interest. Whereas Article K.1 (1) of the Treaty provides that asylum policy is to be regarded as a matter of common interest for the Member States. Whereas third-country minors sometimes enter and stay in the territory of Member States without being accompanied by a responsible person and without obtaining the necessary authorization. Whereas unaccompanied minors who are nationals of third countries can be the victims of facilitators, and it is important for Member States to cooperate in combating such form of facilitating. Whereas unaccompanied minors who are nationals of third countries generally are in a vulnerable situation requiring special safeguards and care; (...) Whereas the unauthorized presence in the territory of Member States of unaccompanied minors who are not regarded as refugees must be temporary, with Member States endeavouring to cooperate among themselves and with the third countries of origin to return the minor to his country of origin or to a third country prepared to accept him, without jeopardizing his safety, in order to find, whenever possible, the persons responsible for the minor, and to reunite him with such persons (...)” (Council Resolution on unaccompanied minors who are nationals of third countries, preamble).

new one on 1 February 2007. Authorization to return the minor was given, at the request of Romanian authorities, either by the juvenile prosecutor's office or by a judge of a juvenile court, if seized. However, this agreement, which violated Article 16 (every person's right to judicial remedy) of the Declaration of the Rights of Man and the Citizen of 1789, was censured by the Constitutional Council, as there was no specification of remedy against the decision of the prosecutor's office (Eba Nguema 2015).

Then, what is the impact of these returns on the social experience of these young people who have built their life project thinking about migration? What becomes of them after these forced repatriations that some European countries claim to carry the name of their "best interests" and the respect for their rights? Being neither completely deprived of child protective services nor benefiting from all the rights granted to minors, these young migrants are caught in-between. They seem to dwell in a fickle situation where, in the name of their interests and rights, they may be released to their country of origin but be actually unable to remain there. This issue that arises in the case of forced returns within the framework of bilateral agreements between countries of origin and receiving countries may also extend to other situations, such as when they are held in waiting areas in France or in other reception areas that are seen as extraterritorial. Regardless of whether they are repatriated in their country of origin after having resided on the territory in view of family reunification or after being kept apart in specific places, the treatment of these minors is not much different from the one that European states reserve for any involuntary migrant. And if having entered the country can allow them to benefit from a protection that they could not be denied as children, these transitional areas seem to keep some of them away from the provisions of common law as well.

These first analyses reveal the extreme nature of the tensions concealed by the category of "foreign unaccompanied minor" – a perspective that G. Frigoli and C. Immelé agree with when they state that these minors stand out by "the undecidable nature of the choices they seem to impose on policy makers" (Frigoli and Immelé 2010, p. 130). These young migrants who come "alone" to the territories are, in fact, a real challenge for the countries that defend the values of equality, justice and solidarity. As children, they benefit from the right to protection and assistance when they are received in the new territories; as foreigners with no papers, these specific rights are granted to them only in part, or, ironically, in the name of their "best interests", they may be used against them to make them return to their country of origin. What is more, when they are not yet officially present on the territory of a country, such as when they are held in extraterritorial areas, these minors are *de facto* excluded from child protective provisions. If these places aiming to keep them at a distance change national borders, they also seem to move the symbolic boundaries of what is seen as acceptable or not by society, and even the representation of the situation of

vulnerability or danger these foreign underage “unaccompanied” and “isolated” migrants find themselves in.

### **3. The situation of “foreign unaccompanied minors” in Romania**

Having been under a totalitarian communist regime for several decades, Romania has a relatively recent and limited experience concerning immigration, the management of the situation of asylum seekers, and the integration of persons granted a form of international protection on its territory. Understanding the situation of migrants in the country requires taking into account its socio-political environment as well as its location on the map of European migration.

First, the change of regime in the early 1990s corresponds to an ideological change. The new rules and values imposed by the elites provoked brutal transformations both at the institutional level and at the level of individual mindsets and standards. Over the last two decades numerous studies have highlighted the cultural trauma that characterized the transitions to democratization and the establishment of a market economy in post-communist countries. The severe economic decline – due to the closure of large enterprises, massive staff reductions, unemployment, and the rapid growth of the informal economy – was accompanied by profound political and social transformations. In the absence of references because of the isolation imposed during communism, the Romanian society tried to quickly replace the old structures following the cultural model of Western Europe, but this process did not synchronize with the pace and means of social and economic development. Government strategies for economic recovery proved to be ineffective, resulting in the degradation of the quality of life (very low incomes, unemployment, etc.) and in increasing levels of poverty within the Romanian society; improper social policies affected mainly the rural population, whose access to social protection programs and health and education services was significantly reduced. Statistics show that Romania continues to be on the last places in Europe as far as poverty risk, financial resources and purchasing power are concerned (Eurostat 2013). The economy is still fragile, although a turnaround is clearly visible now, especially after years of national and European crisis which strongly affected the industry. The development of social policies has slowed because of interdepartmental and interagency coordination problems, bureaucracy, political instability, insufficient collaboration between public and private sectors, etc. (Anghel *et al.* 2013). The population continues to face many difficulties in accessing work, education and medical care. Services and benefits are insufficient and allowances do not allow vulnerable people to have a decent standard of living.

The fall of the former political regime also brought about the opening of borders and the beginning of migration flows. With the exception of the waves of ethnic emigration taking place in the first years after the revolution, the unfavorable economic environment has subsequently been the main factor in the Romanians’

decision to leave their country to work abroad in better conditions. Romania is currently considered a country of emigration – with a rate of 12% according to national statistics, immigration being very low (0.8%) (NIS, 2012). If the Romanian society has indeed been ignorant about the phenomenon of asylum (Necula and Mircea 2009), the Syrian crisis and the armed conflict in the Middle East, as well as the management of the issue of asylum seekers by Western countries have contributed to the proliferation of media debates on this subject. Moreover, within its international agreements, Romania has been increasingly involved in the management of this new migrant crisis. In recent years, in line with EU policies, national legislation has undergone many changes and the country welcomes more and more asylum seekers. The annual reports of the Ministry of Internal Affairs (MAI) nevertheless highlight the difficulties relative to the implementation of national strategies (Necula and Mircea 2009) which remain formal, with no significant effects in the practice of integrating non-national across the Romanian territory (Voicu 2015). In addition, the key areas in the social inclusion of migrants – access to housing, education, and the labor market require considerable reforms.

Although frequently mentioned in various international reports on “unaccompanied minors”, until recently Romania has been seen exclusively as a country of origin for isolated young migrants moving across Europe. The issue of the Roma youth wandering in major European cities, their inclusion in underground economic networks, and the conditions for their repatriation to Romania has indeed been dealt with in various works (Bigot 2006, 2009; Mai 2007; Senovilla Hernandez 2013). Today, given the evolution of migration flows in recent years and the diversification of flows and routes in a now worldwide migration order, this country, which is also concerned with the reception of foreign populations, is being mentioned in several comparative approaches to the phenomenon of youth migration (France Land of Asylum 2010). Each year, 2-3% of asylum applications in the countries of Central and Eastern Europe come from unaccompanied or separated children (UNHCR 2016). Their number is considerably lower compared to the situation in the countries of Western Europe. As is the case with the Balkans in general, Romania is rather a transit country for asylum seekers heading towards the West (Middleton 2005). Although it has the resources and infrastructure that allow good conditions for asylum, “the number of unaccompanied minors who wish to stay there is difficult to estimate” (Smith 2005, p. 8).

In Romania, unaccompanied minors represent a vulnerable category of asylum seekers and refugees. The only legal provisions on their access to the territory relate to asylum and are protective. In fact, unaccompanied minors are exempted from asylum procedures at the border and are guaranteed immediate access to the territory. As part of the asylum procedure, their reception and care are thus subject to special treatment. Asylum applications from unaccompanied minors are “a precondition for automatic access to the territory” (GII 2016) and allow access to

the asylum procedure, which is processed as a priority. In collaboration with the General Inspectorate for Immigration (GII), the General Directorate for Social Work and Child Protection (DGSWCP) supports the minors who can benefit from specific social inclusion programs. The DGSWCP also handles the accompaniment of minors during the asylum procedure if their first application for asylum was refused. The DGSWCP can also delegate a legal representative for the minor and appoint a specialist to accompany the child and defend his rights throughout the asylum procedure. If the application is finally rejected, the DGSWCP takes the necessary measures for the repatriation of the minor, taking into account the principles of the identification of the family in the country of origin, non-return and the best interests of child. Even if the forced return of a minor is possible, subject to the prior identification of parents or family members who have agreed to it, in practice, no forced return is actually implemented (France Land of Asylum 2010). As far as educational care and schooling are concerned, the minors who have been granted a form of protection in Romania have the same rights to access compulsory education as the children with Romanian citizenship (Save the Children 2008); they can participate in a training program which facilitates their integration into the national education system.

Unaccompanied minors benefit from special attention from the Romanian state. In accordance with Community legislation, the regulations referring to their situation are constantly developed and improved. A recent national report analyzing the management of non-nationals in Romania – the “Barometer of Immigrant Integration” – has in fact shown that social services for migrants focus on minors (Lăzărescu 2015, p. 85). If in the case of other categories of migrants there are still many reforms to implement, as far as unaccompanied minors are concerned, the existing provisions and measures are more consistent and clearer. Through the combined efforts of international and local organizations such as UNHCR, IOM, UNICEF, GII... and of NGOs, several support programs have been specifically designed and put into practice. This active and close cooperation between various institutions has enabled the creation of a system of effective social services in line with the needs of minors. NGOs are indeed strongly involved in projects focusing on the inclusion and integration of unaccompanied minors in the country. Their mission concentrates on actions able to improve the children’s quality of life but also on the initiation and development of information and awareness-raising campaigns for the population at large and for professionals working with children – educators, teachers, physicians, social workers, civil servants, etc. One such national action began in 2008 and was initiated by the alliance Save the Children; the program has been implemented in 43 educational centers from the country and consists in supporting vulnerable children (including foreign unaccompanied minors) so that they can access and integrate into the school system and benefit from their right to medical care and social services.

#### 4. Conclusion

Romania has made remarkable progress in the implementation of social policies in the area of child protection. Thanks to international agreements, the country was able to design a legislative framework and manage projects that contributed to the acceleration of reforms and led to an increase in the quality of life throughout the country. The care provided to foreign unaccompanied minors is guided by the same coordinates that regulate social services for children, according to European goals. Categorized as vulnerable, these children benefit from a form of special protection and special programs for their social integration. However, the actions supported by NGOs in this sector remain invisible; little is known about this phenomenon in society and the topic is not a familiar one for professionals. If the underfunding of the national child protection sector is always offset by donations and external grants, the poor qualification of human resources is another weak point in the functioning of the system of assistance and support for underage non-nationals.

As a relatively recent phenomenon, the presence of unaccompanied minors seeking asylum or international protection in Romania has not been a subject of interest for analysts and researchers in the field of social intervention. Existing statistics are imprecise and vary according to different sources; we know very little about the profile of these children, their routes, their projects, and their difficulties. In-depth analyses are needed to identify specific problems and to see how the system of care for unaccompanied migrant minors works, as well as to make international comparisons that could help improve the welfare of these children in distress. Given the great disparities in the social and political management of the reception of these children and adolescents in Europe, these comparative approaches could also help us to reflect on the best solutions available so as to make these young people's journey in the countries they pass through or where they settle as safe as possible.

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