

# Afghan unaccompanied minors in the Netherlands: Far away from home and protected?

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# **Afghan Unaccompanied Minors in the Netherlands: Far away from home and protected?**

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## **Abstract**

This study aims to provide insights into the migration situation of Afghan unaccompanied minors (UAMs) in the Netherlands and the extent to which the UN Convention of the Rights of the Child (CRC) is respected. This paper contributes to the scarce literature on the largest group of UAMs in the Netherlands and in many European countries. On the basis of participant observation in a UAM campus and interviews with Afghan minors and various stakeholders involved with UAMs the following aspects were analysed in relation to the CRC: reception facilities, standard of living and care, possibilities of education, work and leisure, psychological difficulties and the legal situation. The study found that the Netherlands does well on the reception facilities, the standard of living and care, and the work conditions. Improvements can be made regarding educational opportunities, leisure, mental health care, integration and length of asylum procedure.

Key words: Afghanistan, unaccompanied minors, refugee, asylum seeker, migration

JEL Codes: F22, J13, J15

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## 1. Introduction

In the past few years Afghan unaccompanied minors (UAMs) have become the largest group of UAMs, as defined by the Council of the European Union in Europe. The Council provides the following definition of the term unaccompanied minors: “third-country nationals or stateless persons below the age of 18, who arrive 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 minors who are left unaccompanied after they have entered the territory of the Member States (Council Directive: 2001:55).” However, in the Netherlands the term “unaccompanied minor foreigners (alleenstaande minderjarige vreemdelingen) is used, which applies to those considered unaccompanied minors by the Council Directive, including those who have applied for asylum in the Netherlands. This is the definition used in this study.

Eurostat reports that in 2010 there were 4,035 Afghan unaccompanied minors in Europe out of a total of 10,845 non-EU unaccompanied minors. This is a large difference compared to minors from Somalia, which come second with 1,205 Somali children entering in 2010 (Eurostat, 2012). In the Netherlands, Afghan UAMs constitute the largest group of unaccompanied minors (COA, personal communication, 17 February, 2011). However, relatively little knowledge is available about these children. Therefore, the aim of this paper is to understand Afghan unaccompanied minor migration to the Netherlands and in how far the UN Convention on the Rights of the Child is respected.

Almost three decades of conflict in Afghanistan has forced many Afghans to seek refuge abroad (Kronenfeld, 2008). In the last few years the security situation in the country appears to have worsened. Furthermore, the socio-economic circumstances in the country are poor. This may explain at least partly the continuous and even increased number of Afghans and Afghan unaccompanied minors in Europe. In 2010 almost 39,000 Afghans were registered in the Netherlands. Between 16 and 23 per cent of the Afghan asylum seekers that entered the Netherlands were minors in the period between 2007 and 2010 (CBS, 2010; IND, personal communication, 28 February, 2011).

Through a review of previous studies, interviews with key stake holders in the Netherlands, interviews with unaccompanied minors and participant observations, this study was able to untangle the situation of Afghan unaccompanied minors in the Netherlands mainly with regard to their reception (including work and school), the psychological difficulties they experience, acculturation to Dutch society, and their legal situation. The main contribution of this study to previous literature concerns the experiences of Afghan minors in the Netherlands as previous studies (discussed in section 2) focused on the characteristics of these minors, their motivations for leaving and their journey to Europe, and only one (UNHCR, 2010a) briefly discussed the assistance provided in a number of European reception countries.

The United Nations Convention on the Rights of the Child (CRC) was adopted in November 1989 and entered into force on 2 September 1990. This Convention is based on the recognition stated in the Universal Declaration of Human Rights that a child is entitled to specific care and special safeguards. The Convention delineates the civil, economic, political, social, cultural and health needs and rights of children. The states that have ratified it are required to act in the best interests of the child and to protect a

child's basic rights as acknowledged by this Convention, such as the right to life, to education and to an adequate standard of living. Our study specifically looks at how well these rights are respected in the case of Afghan Unaccompanied minors in the Netherlands.

Section 2 expands on previous studies and the *Rights of the Child* framework. Section 3 explains the methodology of the study, while Section 4 elaborates on the characteristics of Afghan unaccompanied minors. Section 5 analyses the well-being of UAMs using the Rights of the Child framework including: reception, standard of living and care, education, work, leisure, psychological difficulties, integration, and the legal situation. Section 6 concludes.

## **2. Previous studies and the *Rights of the Child* framework**

The literature on Afghan unaccompanied minors in Europe mainly limits itself to three studies that were published in 2010. The UNHCR conducted a large study based on interviews with 150 Afghan unaccompanied minors in France, Greece, Italy, the Netherlands, Norway, and the UK. The focus is on the background of these Afghan children, their journey and the reception in each of the countries (UNHCR, 2010a). A second study by the UNHCR conducted in Sweden gives a more detailed insight into the background of the 42 Afghan children that were interviewed, their reasons for leaving Afghanistan and their journey to Sweden (UNHCR, 2010b). The third study is a smaller study of 10 Afghan unaccompanied asylum seeking children in the UK and 10 in Norway conducted by UNICEF. Furthermore, four families in Afghanistan with children that had been deported or had died on their journey to Europe, and three families with children who had reached their destination country were interviewed. These interviews in Afghanistan give an understanding of the experiences of those children that did not make it to their destination in Europe (UNICEF, 2010).

A study of the European Union Agency for Fundamental Rights (FRA) published in 2010 analyses the experiences of separated, asylum-seeking children in 12 European Union member states, including the Netherlands, and provides recommendations for States to protect the rights of the child (FRA, 2010).

This study differs in that it provides a detailed account of the reception of unaccompanied minors in the Netherlands that is based not only on interviews with the minors but also with persons involved in the care and protection of UAMs. Furthermore, it specifically analyses the situation of these Afghan minors in the Netherlands on the basis of the CRC. Although the FRA study investigated the rights of the child and the reception situation of asylum-seeking children, the focus of the present study is specifically on minors from Afghanistan and provides more detail on the reception provided in the Netherlands.

The United Nations Convention on the Rights of the Child discusses the responsibilities of States Parties in ensuring the best interests of the child. No reference is made to unaccompanied minors, except in article 22, that specifically focuses on asylum-seeking children and article 39 that emphasizes the responsibility of states to promote the recovery and social reintegration of children who are the victim of any kind of maltreatment. In order to ensure that the rights of this vulnerable group of children are guaranteed, a general comment of the Committee on the Rights of the Child was issued in

2005 on the ‘treatment of unaccompanied and separated children outside their country of origin’ (CRC/GC/2005/06). It discusses in detail how the specific articles in the CRC relate to the situation of unaccompanied minors and separated children.

In this article, the main focus will be on the following rights of the child: the right to an adequate standard of living (art. 27), to rest, leisure, play and recreational activities (art. 31), access to the mass media (art. 17), protection from economic exploitation and from any work that can be harmful to a child’s development (art. 32), education (art. 28), the highest attainable standard of health and to health care facilities (art. 39), the duty of States Parties to ensure a child’s survival and development (art. 6). Articles 3(2), 3(3) and 18(2) involve the duty of states to provide assistance to parents and legal guardians with child-rearing responsibilities and the creation of necessary facilities for the care of children. Furthermore, article 20 specifically concerns the care of children who are deprived of their family environment, which is the case with UAMs and article 22 concerns the appropriate protection and humanitarian assistance of children who seek refugee status (art. 22).

### 3. Methodology

In this study a combination of research methods was employed. The insights acquired through consulting a wide range of information resources were complemented by conducting interviews with stakeholders and Afghan unaccompanied minors and through participant observation conducted in the beginning of 2011.

Interviews were conducted with the following four organizations (including 14 individuals with various roles, see table below): Central Organization for the Reception of Asylum Seekers (COA), Xonar (works with COA to take care of small scale reception in Limburg province), Immigration and Naturalization Service (IND, decides on the asylum claim), and the International Organization for Migration (IOM).

In addition, 15 interviews were conducted with Afghan unaccompanied minors. The majority of minors who were interviewed were residing at a UAM campus. This centre was selected not only because the largest amount of Afghan unaccompanied children was living there, but also because the focus on one centre made it possible to establish more trust between the children and the researcher. In addition, three interviews were conducted with minors at Xonar.

*Table 1*

<b>Interviewed persons</b>	
<b>Organization</b>	<b>Persons interviewed</b>
Central Organization for the Reception of Asylum Seekers (COA)	1 project manager
	1 UAM coordinator at a campus
	6 mentors
Xonar	1 team leader
	2 mentors
Immigration and Naturalization Service (IND)	3 policy officers/advisors
	15 Afghan minors
<b>Total</b>	<b>29</b>

Finally, over 80 hours were spent at the UAM campus. During this time, the day-to-day situation of unaccompanied minors, who live in this campus, was observed and their experiences with this life were investigated. Furthermore, the contact that was established with the Afghan minors helped in developing a relationship of trust between the minors and the researcher, which increased the quality of the interviews.

The study was limited to a small number of Afghan children that applied for asylum and were living in two accommodation centres. Furthermore, only those who were interested in participating and could speak sufficient English or Dutch were included. This could indicate a selection bias and limits the generalizability of the findings. Language problems proved to be an issue not only in the selection of participants, but also during the interviews. The accuracy of the responses the Afghan minors gave during the interviews cannot be established, because these could have been influenced by relatives, smugglers and persons they came into contact with in the Netherlands. As most conversations and interviews were done during the participant observation in one campus and Afghan minors expressed the wish not to be recorded, notes were taken and elaborated immediately after each interview.

The framework that was used to integrate the analysis into one coherent story was achieved by comparing the data from the interviews with the children to those interviews conducted with mentors and other stakeholders as well as with the knowledge gained through participant observation and during the literature review. The triangulation of research methods helped to ensure the validity and reliability of the study.

#### 4. Characteristics of Afghan unaccompanied minors in the Netherlands

Afghans have been the largest group of UAMs since 2009. What is striking is the increase in the number of Afghans entering the Netherlands. In 2008 they had risen to the third position with 105 registered at COA and since 2009 over 300 entered each year (table 2).

*Table 2*

Top 5 of inflow of UAMs 2000-2010								
Year	1	2	3	4	5	Total	Sum others	Total sum
2000	Angola 903	China 818	Guinea 485	Sierra Leone 462	Somalia 311	2,979	1,575	4,554
2001	Angola 1,487	Sierra Leone 417	Guinea 401	China 296	Afghanistan 198	3,159	1,275	4,434
2002	Angola 824	Sierra Leone 298	China 162	-	-	1,284	1,438	2,722
2003	Iraq 121	Angola 106	China 97	Somalia 63	Sierra Leone 57	444	593	1,037
2004	India 63	China 55	Somalia 34	Iraq 27	Afghanistan 26	205	258	463
2005	India 93	China 74	Iraq 37	Somalia 32	Afghanistan 17	253	172	425



<b>2006</b>	Somalia 51	Iraq 50	India 46	Nigeria 38	China 20	205	118	323
<b>2007</b>	Somalia 107	Angola 101	Iraq 51	Nigeria 48	Guinea 43	350	319	669
<b>2008</b>	Somalia 195	Iraq 165	Afghanistan 105	China 58	Guinea 49	572	173	745
<b>2009</b>	Afghanistan 358	Somalia 334	Iraq 68	Guinea 50	Eritrea 38	848	192	1,040
<b>2010</b>	Afghanistan 321	Somalia 135	Guinea 67	Iraq 35	Eritrea 32	590	282	872

Source: COA, personal communication, 17 February, 2011

Table 3 illustrates the characteristics of the interviewed minors. Almost all of the interviewees were male, which was also the more general representation in the Netherlands (30 out of the 31 Afghan UAMs were male) and at Xonar (13 out of 15 Afghans were males). The reported age range lies between 15 and 18. However, mentors at the campus and at Xonar argued that the actual age of the unaccompanied asylum seekers is higher with most estimating the minors to be in their early twenties. Hazaras are also overrepresented compared to their representation in Afghanistan, but due to the nature of their underclass status and persecution, it is reasonable that they would have a higher representation in asylum seekers. Respondents also had a mix of educational attainment and generally did not come from the poorest families. The characteristics found in this study are in line with previous studies (UNHCR, 2010a; UNHCR, 2010b, UNICEF, 2010)

Table 3

Characteristics of interviewed Afghan minors						
Interviewee	Gender	Age	Ethnicity	Family size (nr. of children)	Economic situation in Afghanistan/Iran	Years of education
1	Male	17	Sadat	2	Iran: Child worked in a factory	1
2	Male	17	Hazara	5	Child worked as translator, dad owned a small shop	8
3	Male	17	Hazara	3	Father owned a shoe store	2
4	Male	17	Hazara	2	Family owned a small store (supermarket)	0
5	Male	15	Tajik	4	Child worked as a tailor	0
6	Male	16	Tajik	3	Iran: worked on the streets	3
7	Male	17	Hazara	2	Iran: worked on streets/in construction	0
8	Male	17	Pashtun	4	Dad owned a small store (supermarket)	7
9	Male	17	Pashtun	5	Family owned farm fields	10
10	Male	18	Sadat	7 (10 & 11 are brothers)	Farm	6
11	Male	16	Sadat	7	Farm	0
12	Male	16	Pashtun	4	Child worked as a translator	12
13	Female	16	Hazara	2 (12 & 13 are brother and sister)	Iran: Father worked as an electrician	0

14	Male	15	Hazara	2	See above	0
15	Male	17	Tajik	2	Father sells cars, has his own company	8

In terms of their motivation for leaving the country, this seemed related to the violence they experienced in Afghanistan, which is in accordance with previous studies. Although not every child was capable of discussing this, the children's answers concerned fear of being killed, kidnapped or recruited by the Taliban or other criminal groups, fear for retaliation, or the general situation of violence in the country. Moreover, the children hoped to find a better future in Europe with regard to work and education.

The children reached the Netherlands after a journey of at least several months. In general the route taken was on foot and by truck or car from Afghanistan to Iran, although in one case a child went from Afghanistan to Pakistan to Iran. Then by boat the journey would continue to Greece and then in or under a truck to Greece. In three cases children went in a container on a ship directly from Turkey to Italy. Once the children reached Italy, the rest of the journey seemed relatively uneventful with most of them going by train and ending up apprehended in the Netherlands. In exceptional cases part of the journey was done by plane.

## 5. Results

In this section the findings from the interviews and the participant observation will be discussed. Each section intends to provide a complete picture of the situation of Afghan children in the sense that the answers given by the minors will be complemented with the knowledge gained through participant observation and the interviews with stakeholders. We frame the results in how they relate to the CRC. Moreover, these results are compared with the findings of previous research, so as to provide an indication of the extent to which the results match with, differ or complement previous studies.<sup>3</sup>

### *Reception*

Article 20 of the CRC deals with the care of children who are deprived of their family environment, as is the case with unaccompanied minors. This law stipulates that the state should provide special protection and assistance as well as alternative care for these children. This means that the state is obliged to care for unaccompanied minors. Moreover, article 18(2) establishes that "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."

In the Netherlands, the right to adequate care seems to be provided. Minors that are 13 years or older are placed with the Central Agency for the Reception of Asylum Seekers (Centrale Opvang Asielzoekers, COA). There are different options for the reception of unaccompanied minors, which depend on the age and the level of development of these minors. They can either be placed in a Child Residential Group

<sup>3</sup> As no recorder was used during the interviews with the minors and almost all interviews were conducted in Dutch, no literal quotations will be given.

(CRG), a Small Residential Unit (SRU), or in a campus. The first consists of a residence in which no more than 12 unaccompanied minors between the ages of 13 and 17.5 live. In a small residential unit there are at most four unaccompanied minors between the ages of 15 and 17.5. A campus is meant only for ages 15 to 18 and has a capacity for 100 minors. All three facilities have 24-hour supervision (EMN, 2010). COA has 53 campuses in the Netherlands spread around the country (COA, 2011a). The small scale reception in CRGs and SRUs is outsourced to other organizations, the majority of which are youth health organizations (COA, 2011b). Xonar is one of these organizations.

In terms of the experiences of the children in the reception locations, the CRG was preferred as it was smaller, which made them feel more comfortable. This is in accordance with the FRA (2010) study. Moreover, they had more opportunities to speak Dutch as there is more contact with the mentors and with people from other nationalities. In contrast, on the campus there are many people from Afghanistan with whom they can speak their own language. This is also what became clear during observations there, as people from the same country or at least those who can speak the same language tended to congregate. A final reason for the preference of the CRG was the fact that food was provided for them, especially because none of the Afghan children knew how to cook before their arrival. One advantage of the larger campus was that the children were given more freedom.

In the case a minor is below the age of 13, Nidos places them in foster families. Nidos is an independent agency, which appoints guardians for UAMs and is involved in arranging foster care for minors below the age of 13. When placing them into the care of foster families, particular attention is given to the cultural background of the minor and these families are screened by Nidos (Nidos, 2010). Research has observed positive reactions from unaccompanied minors about living with foster families and the care and support they receive there (FRA, 2010a). One of the children was in the process of arranging a foster family with the help of Nidos. He expressed happiness for being able to live with an actual family and that he could speak his language. The process of arranging a foster family seems to be done with care and attention is paid to whether the child appears to connect and is able to fit in by arranging meetings between the child and the foster family. At the CRG the minors can stay or go to a campus, SRU or a foster family depending on the age and level of independence of the child and their preferences.

The children that were interviewed were either residing in a UAM campus or in a CRG. Moreover, the number of transfers these children had experienced appeared limited. All of the children that were interviewed had resided in at least two different locations. The first location was normally Eindhoven (4 persons) or Oisterwijk (4 persons) as this is close to where the interviews with the IND concerning the asylum claim take place. Only the ones who entered under the old asylum procedure named other locations, such as Groningen and Deventer. After approximately three months they were transferred either to a child residential group or a campus. Transfers can significantly disrupt the lives of children regarding their education, social contacts and health (care) and therefore it is in the best interest of a child to limit the transfers.

In general, the children stay in a reception location until turning 18 as all of them claimed not to have contact with their family and/or did not know where their family was in Afghanistan and therefore cannot be sent back. Furthermore, in the decision-making about the locations family connections are taken into account. In one case two brothers

who had arrived separately, because they had lost each other on the way to Europe, were put in the same location after the IND found out that both brothers were in the Netherlands.

According to the IND, Afghan minors in general are not a vulnerable group<sup>4</sup> that needs protected reception. However, if there are indications that an Afghan minor is vulnerable the option exists for him/her to be transferred to a protected reception facility<sup>5</sup>. Thereby, the Dutch policies seem in line with article 19 of the CRC, which involves that the state has to take all suitable measures to protect children from all forms of maltreatment and exploitation and article 35 which deals with the prevention of “the abduction of, the sale of or traffic in children.”

### *Standard of living and care*

Every child has the right to “a standard of living adequate for the child’s physical, mental, spiritual, moral and social development” according to article 27 of the CRC. Moreover, article 3(2) establishes that “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”. Article 3(3) emphasizes the responsibility of States Parties to ensure that all the facilities that relate to the care or protection of children have to fulfil certain standards established by competent authorities. The Netherlands appears to fulfil the right to an adequate standard of living by providing unaccompanied minors not only with accommodation, but also by providing them with a living allowance, a guardian and a mentor.

All unaccompanied minors receive 50 Euros per week on the campus (13 Euros pocket money and the rest for food). However, the children are allowed to spend this money as they wish. Someone’s pocket money can be withheld as a penalty if that person misbehaves or does not report him/herself. Every morning and night the children have to report themselves to a staff member and for every time they miss, one euro gets deducted from their pocket money. Extra money can be earned by cleaning the living room and the kitchen. At Xonar the 50 euro is split up in different parts, such as money for food, clothes, activities (e.g. cinema, SIM card) and pocket money (10 Euros). If they buy other things that can be reimbursed, such as clothes, they have to show receipts. This shows that the children are provided with the money to buy food and any personal items they need to have a decent living.

Article 27(2) mentions that “the parent(s) or others responsible for the child have the primary responsibility” of the right to an adequate standard of living. As unaccompanied minors do not have their parents in the Netherlands to ensure this right, the Netherlands provides every child with a guardian and mentor. Article 3(2) establishes the duty of the state towards legal guardians, although the actual duties of the legal guardians are not mentioned. Nidos is the organization who provides a guardian for all UAMs. Nidos represents an unaccompanied minor in court and has the authorization to

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<sup>4</sup> UAMs who have been (or are likely to be) victims of human trafficking/smuggling, mainly from Nigeria, India, China, Guinea, Sierra Leone and Angola (EMN, 2010).

<sup>5</sup> This involves that the children live in a small residential unit where they are supervised 24 hours a day. They are informed of human trafficking, exploitation and prostitution (and how to protect themselves from becoming victims (again)) and receive guidance on building an alternative plan for the future (EMN, 2010).

protect the interests of the minor during the application procedure of the residence permit, including the assistance of a lawyer. A legal guardian is crucial for unaccompanied minors, not only because they are vulnerable, but especially because they do not have the legal capacity necessary to defend their rights in front of a court.

In addition to a guardian, children are given a mentor at the reception location that provides them with daily guidance and prepares them for either return or integration. Minors for whom it is estimated that they will have to return receive guidance so they are better prepared to deal with a rejection of their asylum application. This guidance involves, for example, an exploration of the steps one needs to take to prepare the return and training courses that can give practical help regarding job opportunities in the country of origin. Nidos and COA together are responsible for the daily care of unaccompanied minors and for their education (EMN, 2010).

In this study it was found that the children tended to express satisfaction when asked about the contact with their guardian and mentor, which seems in accordance with previous research on separated asylum-seeking children (FRA, 2010). Only a few had complaints and these were related to requests being made to them that were not granted or not granted fast enough. For example, one boy complained that he had to wait half a year before he could go to see a doctor for his depression. Thus, the living allowances, guardian and mentor every unaccompanied minor receives seem to ensure that they have an adequate standard of living.

### *Education*

One fundamental right of the child is the right to education. The CRC establishes (in article 28) that primary education has to be obligatory and available for free to every child. In addition, different forms of secondary education should be available and accessible. These sub-articles seem to be satisfied. In the Netherlands, education is mandatory for all minors, irrespective of one's residence status, under the Compulsory Education Act 1969 (Ministry of Justice, 1969), except for those in protected reception or in detention (FRA, 2010). Although an unaccompanied minor is allowed to attend regular classes immediately, in practice this is often impossible as the minor first has to learn Dutch. Therefore, unaccompanied minors normally first learn Dutch in special classes before they attend a regular school (EMN, 2010). Research has shown that these minors enjoy the opportunity to go to school and are very keen to learn Dutch (FRA, 2010). Education is free until the age of 16, when one has to start paying tuition fees. However, COA pays for the tuition fees and school materials, which means that even when an unaccompanied minor turns 16, he/she still has free access to education. Since the school year 2009-2010, the government reimburses the money for the books directly to the schools (COA, personal communication, 12 April, 2011). The responsibility for the education of unaccompanied minors lies in the hands of the municipality where the minor resides, which means that the educational reception of minors can differ per municipality (EMN, 2010).

This study found that at both locations where the interviews were conducted there exist special school arrangements for UAMs. At the campus there was a school on site and at Xonar the children go to a regular school, but they attend 'international transition classes' (internationale schakelklassen). Children are tested to find out at which level they can enter school. After having attended these special classes and having achieved a

sufficient level of Dutch, unaccompanied minors are able to continue studying. This in general involves vocational higher education. These special arrangements ensure that UAMs are able to achieve their right to education.

During the interviews it was confirmed that Afghan children were attending school regularly and the majority expressed that they enjoyed going to school. The regular school attendance was confirmed by their mentors.

However, there are several factors that seem to indicate that the Dutch policies do not completely satisfy the unaccompanied minors' right to education. The first is the long waiting times. This was particularly the case for the children residing at Xonar, where several boys had not been able to go to school yet as there were not sufficient places at the school to accommodate them.

Secondly, difficulties were mentioned by mentors in making the arrangements for UAMs to do an internship. Some of the UAMs at the campus were doing an internship as part of their studies for which they could get paid. However, for this they need a permit (*tewerkstellingsvergunning*) and the IND does not tend to cooperate. In light of the UAMs right to education, it should be possible for the minors to complete their studies by doing an internship.

Thirdly, minors and mentors both complained that the classes at the school on campus were often very chaotic and that there is a lack of facilities for children to do their homework in a quiet place.

Another common problem is the effect of the asylum process on the children's motivation to attend school and the psychological problems it causes, which negatively affect their school performance. Mentors quite regularly encounter the problem that young people are not motivated to go to school and this lack of motivation is particularly apparent among those whose asylum claim has been rejected. The mentors try to get the children out of bed in the morning and convince them to go to school, thereby appearing to satisfy article 28e, which states that measures should be taken to "encourage regular attendance at schools and the reduction of drop-out rates." Nevertheless, these measures are not always effective. Most of the minors said that their mind was occupied with problems, making it hard to concentrate and learn. Therefore, it seems that the children's enjoyment of the right to education is prevented or at the least inhibited by the rejection of the asylum claim.

### *Work*

The CRC also addresses the work conditions for children. Article 32 stipulates that "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." Moreover, it states that minimum working age(s) should be provided for as well as regulation of the working conditions and hours of employment and measures to ensure the effective enforcement of article 32.

The Netherlands seems to satisfy this article. First of all, the possibilities minors have to work depend on the type of residence permit and status of the asylum process. In the case that the asylum claim is still pending an unaccompanied minor is only permitted to work for 24 weeks a year, whereas this restriction is not applicable to a minor who has been granted asylum. Moreover, if an unaccompanied minor asylum seeker is allowed to

work, the Dutch Factories Act (Arbeidswet) applies where the minimum working age is 14. The type of work a minor is permitted to do varies, dependent on age (EMN, 2010).

Although unaccompanied minors are able to work, this does not seem common among Afghan minors. None of the young people that I spoke to worked. A mentor clarified that as minors they are obliged to attend school and they are only allowed to work a limited number of weeks in a year. As COA is paying all the expenses for the UAMs, they have to give a percentage of what they earn to COA. However, this percentage depends on the amount of money UAMs earn. Sometimes mentors discover that minors are working, often illegally, in a supermarket or for a farmer. One boy, who has refugee status, expressed an interest in working. However, he believed he first needs to improve his Dutch before he can find work, because with English alone he will not find work. At Xonar, one Afghan boy was working in a restaurant.

### *Leisure*

Being able to play and have free time is important for the (social) development of a child. The importance of recreation and leisure is acknowledged in the CRC. Article 31 involves 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.” Furthermore, every child has the right to access to the mass media (art. 17). At both the campus and the CRG opportunities for the minors to engage in recreational activities are provided. In the CRG the children have access to a living room with a TV, sofas, table soccer, pool table and two computers, which is open the whole day. At the campus there are sofas and tables and they can play board games, pool, table tennis and table soccer. However, access to the living room was only open for 1.5 hours in the afternoon and two hours in the evening. Furthermore, the access to internet in a computer room is restricted to one hour every day from Monday to Friday. During that time often one of the mentors would play sports with the interested minors in the sports hall. This suggests that improvements can be made concerning children’s right to play and leisure activities and their access to mass media. Furthermore, the living room tended to be occupied by the same group of about 20 minors, most of whom were Afghan boys. Girls did not seem to use the living room. Therefore, it seems as if the possibilities the living room has for the minors to interact with people from different nationalities and with the mentors, are not used as extensively as they could be.

Another indication that the children’s right to play and recreational activities is not adequately met is the common complaint of the minors that life at a campus or CRG is quite boring. All of them that can go to school, tend to go there during the day. In the afternoon they come back from school and play games, talk with their friends or watch TV in their room until going to bed. There is not much else to do. After the carnival break the general response from the children was that they had spent their days sleeping. One complaint that was also expressed in previous studies (FRA, 2010) is that the campus is located outside of a city and it costs quite a lot of money to go by bus to the nearest city centre.

### *Psychological difficulties*

Previous research has found that psychological distress is common among unaccompanied (refugee) minors and tends to be higher than for accompanied children

(see e.g. Anderson, 2001; Bean, et al., 2007a; Kohli and Mather, 2003; Sourander, 1998; Wiese and Burhorst, 2007). Furthermore, psychological difficulties have been found particularly among Afghan unaccompanied minors (UNHCR, 2010b; UNICEF, 2010). Moreover, in a study that compared unaccompanied refugee minors with young immigrants/refugees and natives that had parental caregivers, it was found that a significantly higher level of internalizing problems and traumatic stress reactions were reported among the unaccompanied minors compared to the other two groups (Bean, et al., 2007a). Other studies have found that the separation from relatives when migrating to a new country is a critical threat to minors' well-being (e.g. McKelvey and Webb, 1995).

In this study these psychological problems have also been observed. The lives of the children seemed to be filled with worries, especially about the well-being of their families, the (long) asylum process and the chronic uncertainty that comes with it. In addition, children mentioned missing their family and having experienced difficulties or even traumatic events in Afghanistan (or Iran), during their journey to Europe and in the Netherlands. With regard to the latter, these events related to racism, and difficulties with the Dutch language which prevents them from fully participating in the Dutch society. These findings have been confirmed in previous studies that have found that unaccompanied minors suffer from multiple losses and their migration entails uprooting. They lose their social and cultural environment, including their home, their family, friends, and enter a country with a different way of living. Moreover, unaccompanied minors often experience traumatic events either pre-departure, during departure and/or post-departure (Derluyn and Broekaert, 2008) and the severity level of traumatic stress is high (Bean, Eurelings-Bontekoe and Spinhoven, 2007b).

As a result of stress, almost all of the minors and in particular those without an accepted asylum claim reported various somatic complaints, the most common being headaches and sleeping and concentration problems. Many of these somatic complaints together with the depressed mood that was mentioned by several boys appear to indicate the presence of symptoms related to depression. As a result, several were using sleeping pills and some were visiting a psychologist.

Psychological difficulties disrupt the development of a child, whereas the States Parties are responsible to ensure a child's development (art. 6). Therefore, it is important that a high level of health care and support is available to prevent further harm to the well-being of unaccompanied minors. Article 24(1) of the CRC mentions that "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." Moreover, article 39 mentions that "States Parties shall take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration is to take place in an environment which fosters the health, self-respect and dignity of the child." Afghan unaccompanied minors tend to have experienced at least one of these in their country of origin and/or on their way to the Netherlands, therefore it is important that they receive adequate mental health care that is culturally appropriate and gender-sensitive provided by qualified personnel.

In the Netherlands, access to medical care is free and in the case of serious psychiatric and/or behavioural problems the possibility exists of special care services for



these minors (EMN, 2010). Furthermore, one mentor at Xonar mentioned how it is relatively easy to have a UAM visit a psychologist, although one boy at the campus reported that it took half a year before he could finally visit a doctor and receive medication and it took another two months before he was able to visit a psychologist.

In practice, it appears to be a very lengthy and complicated process to have an unaccompanied minor admitted to a mental clinic if this minor is suffering from serious psychological disorders. In fact, a mentor at Xonar mentioned that they had never been able to get a child admitted, which is not beneficial for the child or for the atmosphere at the reception location.

Furthermore, it is important that the mentors and other adults that are involved in the lives of unaccompanied minors are aware of the psychological problems (Afghan) minors tend to experience and the need for mental health care. A large study conducted on the need and utilization of mental health services among unaccompanied refugee minors in the Netherlands found that of the 60 per cent of the minors who expressed a need for mental health services, less than 12 per cent actually received help (Bean, Eurelings-Bontekoe, Mooijaart and Spinhoven, 2006). These findings suggest that access to health care for unaccompanied minors should be improved.

#### *Integration into Dutch society*

Among unaccompanied minors the acculturation process can cause stress as they often have to find a balance between participating in the country of destination and retaining one's own culture, which are the two aspects of integration (Derluyn and Broekaert, 2008). The Afghan children demonstrated both aspects of integration. They had adapted their clothing to the Dutch culture although one boy would also sometimes wear a traditional Afghan outfit. Moreover, most of them expressed an interest in going to school and learning Dutch. At the same time, the Afghan minors held on to their culture in several aspects. This is particularly clear when entering a room in a reception centre where Afghans live, where all the Afghans have put either blankets or actual carpets on the floor as they were used to in Afghanistan and play Afghan music. They take off their shoes before walking on these blankets or carpets.

However, Afghan unaccompanied minors face several obstacles with respect to their integration. Their lack of Dutch and/or English language skills, the location of the campus outside of a city, and the racism the children reported limits the possibilities of interaction with people in the Netherlands. Moreover, the large presence of Afghans in the centres provides the children with fewer opportunities to practice Dutch. Another important obstacle is the uncertainty about their asylum situation. This uncertainty does not only result in stress among the Afghans interviewed, but it also makes it difficult for them to plan their future. These obstacles to integration have also been found in previous research on the integration of refugees (Mestheneos and Ioannidi, 2002) and indicate the violation of articles 27 (concerning the right to a standard of living that is adequate for the child's physical, mental, spiritual, moral and social development), 29(d) (i.e. education of children has to prepare them for responsible life in a free society), 31 (i.e. the right to participate fully in cultural life and the arts) and articles 2 and 19 (relating to the prohibition of any type of discrimination and maltreatment).

### *Legal situation*

Article 22 emphasizes that states should give children “appropriate protection and humanitarian assistance.” The asylum procedure falls under “protection and humanitarian assistance”. Furthermore, article 3(3) deals with procedural safeguards and specifically mentions that the care and protection of children should be ensured by competent authorities. In the Netherlands a separate department of the IND, called the Unit for national unaccompanied asylum seekers tasks (Unit Landelijke AMA-taken), is specifically trained in the hearing of minors and is the unit involved in interviewing UAMs and deciding on their asylum claim. This ensures that the hearing of children is conducted in a child-sensitive manner.

One aspect of the asylum procedure that has profound effects on the well-being of unaccompanied minors is the length of the procedure. The explanation given by the IND for the lengthy asylum procedure is that minors can appeal the decision of the IND. This happens quite often according to a mentor. Moreover, investigations into the possibilities for reception in the country of origin are time consuming. Other aspects of the procedure can also take time. For example, one boy received news in January that his asylum claim was accepted, but in March he had not received his residence documents. In one of the discussions that minors were having in the living room they mentioned how it could take a long time to find housing after the minors with asylum status turns 18.

Fortunately, although only a limited number of people were interviewed, the new asylum law seems to have decreased the time of the asylum procedure, especially for those who have been granted asylum. Five of the six children that received asylum or the UAM residence permit entered the country after the new law was implemented. The fastest time mentioned was one week (two cases) and in the other three it took between two and four months. For those who entered the asylum system before the new procedure, it was estimated by the mentors at Xonar that the asylum procedure takes approximately one year or one-and-a half years. It is beneficial for the child if the asylum procedure is dealt with as quickly as possible, as living with uncertainty means increased stress for these children and makes it impossible for them to plan their lives. Furthermore, it is more in line with article 22.

## **6. Conclusion**

This study aimed at providing insights into the migration situation of Afghan unaccompanied minors in the Netherlands and the extent to which the UN Convention of the Rights of the Child (CRC) is respected. The CRC and general comment 6 on the CRC regarding the treatment of unaccompanied and separated children established the responsibility of States Parties to ensure the rights of these children. With regard to the reception of unaccompanied minors, the State should provide special protection, assistance and alternative care to children who are deprived of their family environment (art. 20), ensure the creation of facilities for the care of children (art. 18(2)), and ensure an adequate standard of living. The Netherlands seems to fulfil these articles by offering different types of reception facilities depending on the age, development and background of the child. Furthermore, every child is provided with a guardian and a mentor, which is in accordance with articles 3(2) and 3(3) regarding the guardians and other authorities involved in the care and protection of children.

Minors have the right to go to school and are provided with special school arrangements, thereby fulfilling article 28. Nevertheless, Afghan minors sometimes have to wait a considerable time before being able to attend school, the classes at the school on campus were sometimes considered chaotic, and difficulties were reported arranging the permit for those interested in doing an internship. The Netherlands also stipulates the conditions under which a minor asylum seeker is allowed to work, which prevents children from being economically exploited and prevents the work from interfering with their education (art. 32). The right to rest, leisure, play and recreational activities, as stated in article 31, and to the mass media (art. 17) are guaranteed in the Netherlands. A living room with games is present in every type of reception and children have access to the internet. However, especially during the weekend and school holidays children are bored, which may partly relate to the location of the campus outside of a city.

States Parties should ensure a child's development (art. 6) and recognize the child's right to the highest attainable standard of health and to health care facilities (art. 39). This study found that it is common for Afghan minors to have psychological difficulties. Although access to medical care is free, it can take a long time before Afghan minors are given mental care. It is especially a long and complicated process to have an UAM admitted to mental clinic in severe cases. In previous studies it has been found that many minors express the need for mental health services but only a small percentage actually received it. Children's participation and integration in Dutch society is hindered mainly by the language problems they often face, the isolated location of the campus and the discrimination children mentioned.

With regard to the asylum procedure, article 22 indicates that appropriate protection and humanitarian assistance has to be provided and article 3(3) discusses the procedural safeguards. The IND has a special department specialized in the hearing of children that deals with the asylum applications of minors. Furthermore, improvements have made to shorten the asylum procedure, as the uncertainty is very stressful for the children and makes it impossible for them to plan their lives.

Thus, while the CRC seems to be upheld in many circumstances, there is still room for improvement in the Dutch case.

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