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## **Between a rock and a hard place: unaccompanied children seeking asylum in Ukraine**

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## Introduction

Despite continued efforts by the European Union (EU) to strengthen its borders against irregular migration and externalize its asylum system, evidence suggests that significant numbers of unaccompanied asylum seeking children in Ukraine continue to cross in to the EU. Little is known about how they move or the risks that they face in doing so. This research aims to understand the experiences and priorities of these children as they attempt to navigate Fortress Europe.

With its strategic geographical position at the eastern edge of the EU, Ukraine has experienced a progressive increase in numbers of unaccompanied asylum seeking children arriving in its borders since 2004. Between 2004 and July 2011, UNHCR and implementing partners had worked with a total of 404 unaccompanied children in Ukraine<sup>1</sup>. These children are predominantly of Afghan and Somali nationality, male, and aged between 15 and 17.

Recent returns from Slovakia and Hungary under bi-lateral readmission agreements have added to these numbers. Subsequently, Ukrainian Asylum Authorities have been supported to develop child-focused asylum and social welfare systems to address the specific care and protection needs of these children. Despite progressive improvements, by June 2010, social welfare agencies had lost track of 279 documented unaccompanied children, constituting 69% of the overall caseload. It is believed that the majority of these children may have crossed the border in to the EU with the assistance of organized smuggling rings.

According to the United States Department of State Trafficking in Persons Report 2010, Ukraine is a source, transit and destination country for trafficking, but efforts to address trafficking have focused predominantly on return of Ukrainians trafficked out of the country, rather than on non-nationals in transit through Ukraine. It can reasonably be assumed that through engaging with smuggling rings, unaccompanied children are exposed to a range of harms, including physical deprivation and trafficking.

The 2010 Human Rights Watch Report, *Buffeted in the Borderland*<sup>2</sup>, documents the extent to which the EU is investing in reinforcing Ukraine's border controls and boosting the country's capacity to detain and deport irregular migrants. At the same time, the systems for recognizing asylum seekers as refugees in Ukraine fail to offer coherent protection and are institutionally dysfunctional. The report also documents physical abuse and incidents of torture of returned asylum seekers, including children, at the hands of Ukrainian State Border Guard Services (SBGS).

Tensions therefore exist between the EU externalization agenda and investment in Ukraine, the lack of adequate care and protection for asylum seekers in Ukraine, including unaccompanied children, and their subsequent resistance to remaining in the country on more than a transitory basis. The result of this tension is that children face increasing risks as they engage with smugglers and/or when they are returned to Ukraine under readmission agreements.

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<sup>1</sup> Statistics are provided by UNHCR Regional Office for Ukraine, Moldova and Belarus

<sup>2</sup> Boland, K. (2010) *Children on the Move: A Report on Children of Afghan Origin Moving to Western Countries*, UNICEF

This research aims to document the experiences and aspirations of unaccompanied asylum seeking children in Ukraine, and understand how they navigate the risks they face. Their experiences will be contextualized within an analysis of political objectives and the relevant international legal framework. It is envisaged that the resulting paper will be used to advocate for more protective and realistic policies and programmes relating to unaccompanied asylum seeking children within Ukraine, and attempting to reach the EU.

## **History of migration and asylum in Ukraine**

Ukraine is the largest country in the geographical area of Europe and lies between the eastern-most states of the EU, and the western-most border of Russia. The country re-gained independence following the dissolution of the Soviet Republic in 1991, and began a transition to a democratic political structure and market-based economy. Since this time, the country's politics have been dominated by the search for an independent national identity, and have vacillated between political and economic alliance to Russia on the one hand, and the EU on the other. The country ranks 69th in the UN Human Development Index, gross domestic product per capita is US\$6,591, and it is classified as a high income country.

Whilst in the recent past Ukraine has predominantly been a country of emigration to both the EU and Russia, it has also experienced significant immigration, primarily from neighbouring Moldova. It has also become a transit country for mixed flows of migrants and asylum seekers from different parts of the world who are aiming to reach the EU. These have included a significant proportion of asylum seekers from Sri Lanka, Pakistan and India<sup>3</sup>. Since 2008, the number of South Asian asylum seekers has dropped, and the largest asylum seeking population is now from Afghanistan.

Afghan migrants and refugees first came to Ukraine during the 1980's and in significant numbers after the Soviet withdrawal from Afghanistan and the fall of the Najibullah-regime in 1992. Although asylum seekers continued to come, numbers diminished after the United States-led invasion of Afghanistan in 2001. An Afghan community leader in Kiev estimated the current Afghan population in Ukraine at around 15,000, with at least 1,200 in Kiev. Other sizeable communities exist in Kharkiv, Lviv and Donetsk, while the largest Afghan population – roughly 2,000 - live in the southern seaport town of Odessa. An estimated 40% of the population has now gained Ukrainian citizenship, while another 40% have refugee status. Others are either in the asylum process, on study visas, or in Ukraine illegally<sup>4</sup>.

Other research has documented the migration routes for unaccompanied Afghan children via Iran and Turkey, entering the EU in Greece, and travelling on where possible through Italy, France and beyond<sup>5</sup>. Ukraine constitutes an alternative, although less well travelled path to the EU heading north from Afghanistan, and through Central Asia east of the Caspian Sea, or through Iran and the Caucasus east of the Black Sea. As will be demonstrated below, many of the Somali

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<sup>3</sup> Based on statistics from the Ukrainian State Committee for Nationalities and Religions, February 2009

<sup>4</sup> Interview with Afghan community leader, Kiev.

<sup>5</sup> Boland, K. (2010) Children on the Move: A Report on Children of Afghan Origin Moving to Western Countries, UNICEF

and some of the Afghan asylum seekers and those of other nationalities met during this research transited through Moscow, and then headed south-west through Ukraine towards the EU.

Ukraine first passed legislation on asylum in 1993, and began implementing it in 1996. The law was considered largely ineffectual and was replaced in 2001 by new legislation ‘On Refugees’. Between 1996 and 2001, 5,100 asylum seekers were recognized as refugees – the majority of them from Afghanistan. The government acceded to the 1951 Convention Relating to the Status of Refugees in 2002. Ironically, numbers of asylum seekers recognized as refugees have dropped dramatically since 2001. Between this time and 2008, refugee recognition rates ranged between 0.4 and 5.9%, averaging at 3.4%<sup>6</sup>.

### **The asylum system in Ukraine**

The legal protection of unaccompanied asylum seeking children is directly influenced by the state of the asylum legislation and infrastructure within Ukraine, which is itself currently in a state of upheaval and reorganization. ‘On Refugees’ is aligned with the 1951 UN Convention Related to the Status of Refugees and its 1967 Protocol, recognizing as refugees those asylum seekers who leave their country of nationality “for fear of persecution for reasons of race, denomination, ethnic, citizenship (nationality), membership of a particular social group or political convictions.”<sup>7</sup>

Applications for asylum are lodged with the Migration Authorities at the regional, or ‘Oblast’, level. These are then assessed and a recommendation is made on whether or not to grant asylum, and sent to the central asylum authority in Kiev, who review the application and are solely authorized to take the final decision on whether to grant asylum.

Since the passing of the Ukrainian law ‘On Refugees’ and initiation of an asylum system in 2001, the system has been subjected to nine restructurings, each of which have suspended the ability of the government to recognize refugee status. Until 2011, protection of asylum seekers and refugees and the recognition of refugee status was the mandate of the State Committee on Nationalities and Religions (SCNR). The SCNR has been disbanded under the current restructuring, and is in the process of being reformed as the State Migration Service (SMS), now positioned within the Ministry of Internal Affairs. Until the SMS is explicitly designated as the central executive authority on issues of migration, no further decisions can be taken on asylum.

Statistics on the granting of asylum in Ukraine paint a bleak picture of how narrowly the law is interpreted. In 2009, 1,248 people applied for refugee status, including 72 unaccompanied children. In the same year, only 108 people – and no unaccompanied children - were granted refugee status. One thousand and fifty two were rejected on various grounds during that year<sup>8</sup>. During 2009, 39% of asylum applicants originated from Afghanistan and 7% from Somalia. Article 12 of ‘On Refugees’ allows the regional migration authorities to reject asylum claims that

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<sup>6</sup> Based on statistics from the Ukrainian SCNR, February 2009.

<sup>7</sup> On Refugees, Art 1.

<sup>8</sup> Based on statistics from the Ukrainian SCNR, 2011. Rejected cases are not necessarily the same cases that applied during the year, but may also include applicant from previous years whose cases were determined during 2009.

are manifestly unfounded or abusive. In 2009, in proportion to the number of applications made that year, 48% of asylum claimants were rejected on these grounds. Article 10 of ‘On Refugees’ outlines grounds for exclusion from asylum. In 2009, in proportion to the number of applications made that year, 31% of claims were rejected on these grounds.

Following rejection, asylum seekers have the right to appeal, and receive documents that confirm that they are in the appeals process. With regular disruption to the asylum system in Ukraine, the appeals process can extend for years, during which time asylum seekers are legally allowed to remain in Ukraine. Once rejected, the regional office for UNHCR in Ukraine, Belarus and Moldova UNHCR may consider whether the asylum applicant’s claim falls within their mandate, and if so, issues the asylum seeker with documentation to this end.

Such documentation offers the asylum seeker only precarious protection as it fails to carry legal weight in Ukraine and is frequently not recognized by police and other authorities. Deportation is then a possibility. However, in reality, the government does not have the budget to conduct routine deportation and the majority of asylum seekers therefore remain in Ukraine, in a legal limbo.

While 22.9% of Afghan applicants were recognized as refugees in 2010, only one Somali applicant was recognized out of a total of 215 applications. This can be compared to statistics from other asylum receiving countries in the EU: during 2010, Belgium extended international protection to 62.4% of Afghan applicants and 49.7% of Somali applicants; Germany extended protection to 17.8% of Afghan applicants and 89.4% of Somali applicants; and the United Kingdom extended protection to 9.7% of Afghan applicants and 48.2% of Somali applicants<sup>9</sup>. Given the serious threats to life and security due to insurgency, armed conflict, and poor rule of law in the two main source countries for asylum seekers – Afghanistan and Somalia - the low levels of recognition appear discordant.

Officials and NGO workers interviewed cited the urgent need for a complimentary form of protection in order to address the protection needs of asylum seekers - most particularly Somalis - which are not addressed in ‘On Refugees’. However, it is not clear why Somalis should have significantly lower rates of recognition as refugees than other nationalities in the first instance, and why their claims would fall more squarely within complimentary forms of protection.

A new asylum law was passed by Parliament in July 2011, and signed off by the President in August 2011. This new law establishes a complimentary or temporary form of protection. In line with Article 3 of the European Convention of Human Rights, it will prevent the return of persons who are at risk of execution, the death penalty, torture, or inhuman or degrading treatment or punishment in their country of origin<sup>10</sup>.

Although Ukraine is recognized as a source and transit country for trafficking, until recently, the country lacked a comprehensive legal framework for recognizing and addressing trafficking in persons. This meant that trafficking victims who were caught by SBGS while crossing the

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<sup>9</sup> Statistics are from the European Asylum Support Office: Statistics from Reception in 2010 of Applications asking for International Protection in the First Instance.

<sup>10</sup> On Refugees and Persons in Need of Complimentary or Temporary Protection in Ukraine (2011). Art 1.13.

border, whether child or adult, were treated as illegal migrants. The Law on Countering Trafficking in Human Beings was passed in 2011 to regulate the prevention of human trafficking in Ukraine, and to provide a protective response to victims of trafficking. It establishes procedures for granting legal status to victims of trafficking and a mechanism for providing assistance to them. Further work is needed to train border guards on the identification of victims of trafficking, and to actualize the assistance that should be provided to them.

### **Care and protection of unaccompanied children in Ukraine**

According to UNHCR statistics, as of July 2011, there are 43 unaccompanied children that fall within the mandate of UNHCR identified as living in Ukraine. There are a further 83 unaccompanied young people aged 18 and above who came to Ukraine as minors and are still present in Ukraine. Of the 43 unaccompanied children, there are 23 (53%) originating from Afghanistan and 19 (44%) originating from Somalia. Their ages range from 14 to 17. Thirty seven (86%) are boys and six (14%) are girls.

Under international law, unaccompanied children – persons under the age of 18 without a parent or adult with legal or customary responsibility for them – have the right to special measures for their care and protection. The Convention on the Rights of the Child (CRC), of which Ukraine is a signatory, stipulates that the State shall ensure special protection and assistance to children deprived of their family environment, including alternative care<sup>11</sup>. This and other rights are applicable to all children within a states jurisdiction, regardless of ethnic, national or social origin<sup>12</sup>, and decisions taken on their behalf shall be made ensuring that their best interests are a primary consideration<sup>13</sup>.

The law ‘On Ensuring Organizational and Legal Conditions for Social Protection of Orphans and Children Deprived of Parental Care’ was passed in 2005 and provides the framework for care and protection of such children in Ukraine. It stipulates that the government will provide full support to children deprived of parental care - including access to social housing - according to established minimum standards. Guardianship and care, and – within the limits of their competence – social protection, will be provided by executive bodies of the municipal or region, village and township councils.

In relation to the asylum process, ‘On Refugees’ stipulates that unaccompanied children should be referred to both migration services and guardianship bodies, who will then identify appropriate temporary accommodation. Once appointed, the legal guardian will support the unaccompanied child to make an application for asylum, and facilitate the enforcement of their rights.

The Children’s Services Department is therefore legally responsible for the allocation of guardianship to unaccompanied asylum seeking children at the regional and municipal level, and should prepare documents that confirm that the child is deprived of parental care. Until July

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<sup>11</sup> Convention on the Rights of the Child, Art 20

<sup>12</sup> Convention on the Rights of the Child, Art 2

<sup>13</sup> Convention on the Rights of the Child, Art 3

2011, Children's Services were administered through the Ministry of Family Youth and Sport (MFYS). However, at the time of writing the MFYS has been disbanded, and responsibilities for children deprived of parental care has been divided between the Ministries of Health, Education and Social Policy, further confusing lines of responsibility. In July 2011, at the request of the Parliament Commissioner for Human Rights, the President adopted a decree that placed the mandate for child protection within the Ministry of Social Affairs<sup>14</sup>.

Nothing in the law on Children Deprived of Parental Care excludes non-nationals from enjoying the same rights as Ukrainian children. However, nothing also explicitly includes them. In reality, unaccompanied asylum seeking children face a number of obstacles in accessing the care and protection that they require.

Firstly, such children rarely carry valid identity documents and have no concrete means of proving their age. In cases where officials dispute that an asylum seeker is under 18, there are no procedures in place for determining their age and moving forward in the asylum system as a child or an adult. The new law on complimentary and temporary protection refers to age determination "in accordance with established procedures"<sup>15</sup>.

However, no procedures currently exist. The law establishes the "specially authorized central executive health care authority"<sup>16</sup> as the body that should establish such procedures. Whilst this indicates a step forward towards ensuring that procedures are developed, it may also make it difficult to advocate for procedures that take account not only of biological development, but also of psychological and social indicators of age.

Further, the obligation of Children's Services towards unaccompanied asylum seeking children is not specifically stipulated, and a variety of bureaucratic and administrative hurdles are encountered when attempting to appoint legal guardians for such children. Without these guardians, children are unable to apply for refugee status or to access the social support that should be provided to children deprived of parental care or to vulnerable asylum seekers.

In the instances when children are appointed a guardian, the mandate of the guardian tends to be interpreted in its most narrow sense as supporting the child to apply for asylum, while other aspects of the child's care and protection are considered either to fall under the remit of migration services, or not to be addressed at all. Additionally, the lack of comprehensive trafficking legislation has meant that there are no procedures to routinely screen the relationship between child migrants and asylum seekers and the adults who accompany them, leaving children vulnerable to trafficking.

In the January 2011 Concluding Observations to Ukraine's 3<sup>rd</sup> and 4<sup>th</sup> Periodic Report, the Committee on the Rights of the Child stated that it is "...particularly concerned at restrictions in access to the asylum procedure of unaccompanied and undocumented asylum-seeking children due to the failure of the State party to appoint legal representatives to them."<sup>17</sup> In 2010, the

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<sup>14</sup> Interview with Commissioner for Human Rights, 27 July 2011

<sup>15</sup> On Refugees and Persons in Need of Complimentary or Temporary Protection in Ukraine (2011). Art 8.5.

<sup>16</sup> Ibid. Art 29.5

<sup>17</sup> Committee on the Rights of the Child (2011) Consideration of Reports Submitted by State Parties Under Article 44 of the Convention. CRC/2/C/UKR/CO/4



SCNR drafted instruction on cooperation between State authorities regarding unaccompanied asylum-seeking children, but these have yet to be finalized and incorporated in to procedure. With a lack of guidance at the national level on how to address these obstacles, they are negotiated - or not negotiated - at the regional level. This has led to the evolution of variable systems for the care and protection of unaccompanied asylum seeking children in different regions.

International human rights standards state that children should be detained only as a last resort, for the shortest possible time, and with a view towards the child's reintegration in to society<sup>18</sup>. Ukraine has a number of facilities for the detention of illegal migrants. The SBGS run Temporary Holding Facilities (THF) that are used when migrants are first detained. A court order is then required to transfer detainees to Migrant Accommodation Centres (MAC) run under the Ministry of the Interior.

People who are arrested by SBGS as illegal migrants and found to be under the age of 18 should be sent to a closed dormitory for women and children in Mukachevo run by the SBGS. This dormitory has been nicknamed the 'Baby Lager' by children who have stayed there. The 2010 Human Rights Watch report detailed allegations made by former residents of the Baby Lager of torture by Intelligence Officers. In addition, the report raised concerns that adults are mixed with children, and that girls and women are mixed with boys and men, and have been subject to harassment<sup>19</sup>.

Unaccompanied children who make a claim for asylum should be released from the Baby Lager or transferred to a Temporary Accommodation Centre (TAC), also located in Mukachevo. The TAC is an open facility run by the SCNR rather than then SBGS, and has 20 places available for unaccompanied children. Additional support is provided by the Danish Refugee Council (DRC), through NGO partners.

Principles developed by the Separated Children in Europe Programme state that asylum interviews of unaccompanied children should be conducted in a child-friendly manner, with a legal representative present, and that child-specific forms of human rights violations should be taken in to account when considering their application<sup>20</sup>. According to On Refugees, unaccompanied children should be accompanied by a legal representative.

However, there is nothing stated in law that upholds their right to a child-focused procedure. DRC has provided training and guidance to asylum officials at the regional level in order to promote child-focused procedures as good practice. This training brought migration officials and regional representatives of Children's Services together for the first time, to explore their interlinking mandate towards unaccompanied asylum seeking children.

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<sup>18</sup> UN Standard Minimum Rules for the Administration of Juvenile Justice; Convention on the Rights of the Child, Art 40

<sup>19</sup> Human Rights Watch (2010) *Buffeted in the Borderland: The Treatment of Asylum Seekers and Migrants in Ukraine*

<sup>20</sup> Separated Children in Europe Programme (2004) *Statement of Good Practice*

## **European Union externalization policy**

With the end of the Cold War, the EU initiated an agenda to strengthen its external borders in order to stem the flow of migrants and asylum seekers in to European countries. Western Ukraine borders four EU member states: Romania to the south-west, Hungary and Slovakia to the west, and Poland to the north-west. The EU is vested both in ensuring that Ukraine has strong border controls to prevent migration further west, and in being able to provide adequate protection for asylum seekers who are then unable to enter the EU.

The Human Rights Watch report 'Buffeted in the Borderland' breaks down the extent of EU investment in these twin objectives since 2004, providing a sobering indication of how far deterrence is prioritized over protection. As an example, within the framework of the European Neighbourhood and Partnership Instrument (ENPI), the EU allocated E61.9 million towards strengthening border control between 2007 and 2010, while E1,556,000 was allocated towards the development of child-focused asylum and social welfare systems and to combatting trafficking in children. Outside this funding framework, the EU allocated E4.9 million to UNHCR for 2009-10 for the protection and integration of refugees in Ukraine, Moldova and Belarus<sup>21</sup>.

The Hague Programme (2004-9) and the Stockholm Programme (2009-14) outline EU plans for the externalization of migration and asylum, which include refusal of entry to the EU for people coming from safe countries of origin or transit, and the return of people who enter the EU irregularly under readmission agreements. Ukraine has had bilateral readmission agreements with Hungary, Slovakia and Poland since 1994, and signed a broader EU Admission Agreement in 2007, which came in to force at the beginning of 2010. Although in theory readmission is not meant to apply to people seeking asylum, the use of 24-hour accelerated procedures for people who are identified close to the border and a lack of strong protective measures within the agreement has meant that screening for asylum seekers amongst those identified for readmission does not routinely take place<sup>22</sup>.

## **Methodology**

The research detailed in this report was conducted in July 2011 by an international child protection and asylum expert and a national research assistant. Following an initial literature review, the team spent two weeks in Ukraine, visiting five locations in four regions. These locations were Kiev, Mukachevo and Uzgorod in Zakarpattia Oblast, Vinnitsa in Vinnitsa Oblast, and Odessa in Odessa Oblast.

In each location, the team aimed to meet national partners working directly on the social and legal protection of unaccompanied asylum seeking children, migrant and refugee community representatives, and unaccompanied children and youth. While the team managed to meet representatives of the asylum authority in two locations, it was unfortunately not possible to meet with representatives of Children's Services in any location.

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<sup>21</sup> Human Rights Watch (2010) *Buffeted in the Borderland: The Treatment of Asylum Seekers and Migrants in Ukraine*

<sup>22</sup> Human Rights Watch (2010) *Buffeted in the Borderland: The Treatment of Asylum Seekers and Migrants in Ukraine*

In Kiev, the lead researcher also met with staff from UNHCR and the Danish Refugee Council. Because of the on-going re-organization of the Ukrainian government administration, it was not possible to meet with representatives of the out-going SCNR or the Ministry of Family, Youth and Sports. Instead, the researcher obtained verbal permission to conduct the research from the head of the new SMS Asylum Unit, and met with representatives of the Ukraine Parliament Commissioner for Human Rights, and with the All Ukrainian NGO Children's Protection Service. The research is further informed by analysis of statistics on unaccompanied children provided by UNHCR and DRC. Where it was not possible to meet specific children directly, additional case studies were provided by UNHCR.

The team conducted semi-structured interviews and focus group discussions with children and young people. Semi-structured interviews were used when meeting with one or two children, or when interviewing children on specific issues and experiences. Focus group discussions were used for groups of three or more girls and boys. Such discussions sometimes involved other children and young people who had come to Ukraine with family. The semi-structured interviews and focus group discussions aimed to find out where the children and young people had come from and why they had left, how they had come to Ukraine, their experiences of Ukraine, and their aspirations for the future.

Because of the sensitivity of the issues discussed and the vulnerability of the participants, confidentiality was a primary consideration in the research. The purpose of the research was explained to all participants and measures for protecting their identity and maintaining confidentiality explained before gaining their consent to participate.

It is recognized that different factors may have influenced the narrative of the experiences that children and young people gave: firstly their desire to gain asylum and qualify for resettlement in combination with information they may have been given as to what to say towards this end; and secondly the continued influence exerted over children and young people in Ukraine by smugglers, who are likely to have briefed participants not to talk about previous smuggling routes or plans for onward travel. The second issue was particularly evident upon commencing the research and it was suggested that some potential participants were prevented from engaging with the research by smugglers.

The following analysis of information from the participants is divided in to four sections; the first profiling who these children are and why they left their place of origin; the second examining how they came to Ukraine; the third describing their experience of living in Ukraine; and the fourth outlining their hopes and aspirations for the future.

### **Who the children are and why they came to Ukraine**

The researcher met with a total of 21 unaccompanied children and young people, aged between 15 and 20. Of these, 15 were under 18 at the time of interview, and six had arrived in Ukraine when they were under 18 but had since turned 18. Six of the participants had arrived in Ukraine in 2008, 4 in 2009, 7 in 2010 and 4 in 2011. The median age at the time of arrival was 15 years

and 9 months. Six were girls and 15 were boys. Eleven children and young people originated from Afghanistan, and eight from Somalia. The other two were from atypical countries of origin.

While 21 is too small a number from which to draw statistical conclusions, an analysis of the information that they provided can give useful indications and illustrations of the situation for unaccompanied asylum seeking children in Ukraine. In profiling these children, I will focus primarily on the Afghan and Somali children in relation to their reasons for leaving their country of origin and their journey to Ukraine, and will draw on the experiences of the other two children when illustrating the situation for children in Ukraine and their wishes for the future.

Five of the eleven participants who originated from Afghanistan were from Kabul, while three originated from Ghazni Province in Central East Afghanistan. Three of the five participants from Kabul were of Tajik ethnicity. Two of the three from Ghazni were of Hazara ethnicity, while the third was Tajik. Nine of the Afghani participants were boys and two were girls. Research on unaccompanied children from Afghanistan highlights how rare it is for young girls to leave Afghanistan on their own<sup>23</sup>. The two girls interviewed were sisters who had left Afghanistan with their mother, but had become separated from her when the smugglers who were escorting them split the larger group in two. Neither of them have had contact with her since. The girls were the only Afghans of purely Pushtun ethnicity amongst the participants, and had left when they were threatened with forced marriage by members of their own community.

Whilst it was difficult to accurately ascertain the relative socio-economic status of the families of the participants, the information that they gave about their situation and community of origin indicates that at least six of the eleven were from families of low socio-economic status, either because they were farmers from rural areas, or because they had lost one or both parents and were dependent on other relatives. Three of the participants were from professional families and indicated a higher socio-economic status.

*“The Taliban don’t like the Hazara – they wanted to kill me. They caught me and were going to kill me, but I escaped and ran back to my home. I could not leave the house and I couldn’t go to school, so my father sent me to Ukraine. My father sold the house to pay the smuggler.”*

(17-year-old boy, Odessa)

Of the eight participants from Somalia, four were female and four were male. Six originated from Mogadishu or villages close by, and the other two were also from towns in South Somalia currently under the control of the insurgent movement Al Shabaab. They represented a range of clans and sub-clans, and their families were from a variety of socio-economic backgrounds including farming and market trading. Some were also from displaced populations.

### **Why did they leave their place of origin?**

Somalia and Afghanistan are currently amongst the poorest and most conflict affected countries in the world, and subsequently represent a significant proportion of the asylum seeking and refugee population worldwide.

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<sup>23</sup> Boland, K. (2010) Children on the Move: A Report on Children of Afghan Origin Moving to Western Countries, UNICEF

Afghanistan is currently the lowest ranking country in the world in terms of human development. Decades of conflict culminated in the US-led invasion in 2001, under the auspices of the Global War on Terror. Ten years on, and Afghanistan is still at risk of failing as a state. In 2009, UNICEF reported it to be the most dangerous place in the world to live as a child<sup>24</sup>. Of the eleven Afghani children and young people interviewed, eight stated reasons for leaving that were linked to the Taliban.

Of these eight, three children claimed that the Taliban had killed their father; four claimed that the Taliban had directly threatened or harmed them personally; and one was prompted to leave because of the activities of the Taliban in their area. Three children, including the two girls previously mentioned, left Afghanistan because of threats made to them by their extended relatives or community members, and stated that they were unable to avail themselves of police protection.

The Transitional Federal Government (TFG) is internationally recognized as the legitimate government of Somalia. However, after 20 years of civil war, the country is regarded as a failed state. As such, it does not rank in the United Nations Human Development Index<sup>25</sup>. The Islamist insurgency group, Al Shabaab, has gained territorial control of large swaths of South Somalia, and was in control of most of the capital, Mogadishu, until they made a tactical withdrawal in August 2011. Since the end of 2010, widespread drought, rising food prices, food shortages and - in some areas - famine, have been exacerbated by a lack of humanitarian access to affected populations.

*“I come from Afgooye Town. Al Shabaab came to my home and tried to recruit me. My father resisted and they killed him and my brother. They broke both of my arms.”*

(17-year-old Somali boy, Vinnitsa)

Of the eight Somali children and young people interviewed, all eight stated reasons for leaving that were linked to Al Shabaab or “extremist groups”. Two claimed that family members had been killed by Al Shabaab, another two claimed that family members had been killed indiscriminately in fighting, three had been

directly harmed by members of Al Shabaab, and five stated that Al Shabaab or ‘extremists’ had threatened them if they refused to join their movement.

The UN Security Council’s Working Group on Children and Armed Conflict lists both the TFG and Al Shabaab – including the recently merged Hizbul Islam – as parties that recruit and use children, as well as parties that kill and maim children<sup>26</sup>. Amnesty International reports that armed groups – particularly Al Shabaab and Hizbul Islam - primarily target children aged between 12 and 18 for recruitment. However, reports exist of recruitment of children as young as eight years old. During 2010 in several towns in South Somalia, Al Shabaab obliged all boys of 15 years and older to fight or face death. The group also forcibly recruited girls as wives for militia leaders<sup>27</sup>.

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<sup>24</sup> UNICEF (2009) State of the World’s Children

<sup>25</sup> <http://hdrstats.undp.org/en/countries/profiles/SOM.html>

<sup>26</sup> Report of the Secretary-General to the Security Council (23 April 2011) Children and Armed Conflict, (A/65/820-S/2011/250)

<sup>27</sup> Amnesty International (2011) In the Line of Fire, pg 24

## How they came to Ukraine

All the children and young people interviewed had engaged with smugglers to a greater or lesser extent in order to leave their country and travel to Ukraine. The decision to leave was either taken by a parent, or taken by themselves and discussed with family members and relatives who then supported them to leave by engaging with and paying smugglers.

While many of the children and young people had no idea how much money their family paid to smugglers, those who did know indicated costs of between \$1,500 - \$5,000 to travel from Somalia, \$5,000 to travel from Afghanistan, and between \$700 and \$1,500 to travel from Moscow to Ukraine. The five Afghans of lower socio-economic status and two of the Somalis stated that their family had had to sell homes, shops and jewelry in order to fund their travel. Most of the other Somalis spoke of relying on an extended network of relatives to raise the funds for their travel.

The difference in the cost of engaging smugglers may be linked to the way in which they are approached. The boy who paid \$700 to reach Ukraine stated that he was supported by the Afghan community in Moscow to raise this money, and it is possible that they were able to negotiate on his behalf with known contacts. The Somali girl who paid \$1,500 for her journey stated that she negotiated directly with a man who flew planes out of Mogadishu, potentially cutting out cost associated with middle-men.

Despite the wide divergence in geographical places of origin, fifteen participants - including all eight Somalis, six Afghans and one other participant - transited through Moscow, usually by air,

*“I spent two years and five months living in Moscow. No one helped me. I went to the national football stadium and worked there. I earned about 800 rubles a day, but Moscow is expensive. I heard that Ukraine is less expensive. I promised \$1,800 to smugglers for my friend to pay on confirmation that I had reached Odessa.”*

(17-year-old Afghan boy, Mukachevo)

and then travelled overland across the eastern border with Russia in order to enter Ukraine. This gives a strong indication of the significance of Moscow as a transit point for international smuggling, leading to flows of asylum seekers reaching Ukraine.

Although lying over 2,000 miles to its south-east, Afghanistan is accessible to Ukraine by land. Six of the Afghani children and young people had travelled to Ukraine solely across country. Five of these informants were unable to give definite information on countries of transit, stating that they travelled entirely under the control of smugglers, mainly by night, sleeping in different houses, and without interacting with strangers around them. The lengths of their overland journeys from Afghanistan to Ukraine ranged from 15-17 days non-stop.

One informant stated that he had travelled from Ghazni through Mazar-e-Sharif in northern Afghanistan on his way out of the country. Mazar-e-Sharif is proximate to Turkmenistan, Uzbekistan and Tajikistan. The sixth informant travelled overland for two days from Kabul to Kunduz in north-eastern Afghanistan, onward to Dushanbe in Tajikistan, and from there for another five days to Moscow via Kazakhstan. It is not possible to reach conclusions from this

limited information, but it indicates a route north from Afghanistan and through Central Asia to Russia.

The other five children and young people from Afghanistan had combined overland travel with air travel. Two flew directly from Kabul to Moscow, one flew from Kabul to Moscow via Astana in Kazakhstan, one flew from Kabul to Astana and continued to Moscow overland, and one flew from Peshawar to Baku in Azerbaijan. Four of these participants stated that they were escorted by smugglers who kept any documentation with them.

Whether travelling by air or across country, all of these informants travelled on to Moscow before continuing overland to Ukraine. All the children and young people from Afghanistan had travelled to Ukraine with the aid of smugglers. Seven of them remained under the control of the smugglers for the duration of the journey, while the other three travelled part of the way with smugglers and remained in a transit location for periods of time before raising the money to engage with smugglers again to travel onwards to Ukraine.

Lying almost 3,500 miles to the south of Ukraine on the Horn of Africa, Somalia is only accessible to Ukraine by sea and air as well as land. All eight of the children and young people from Somalia stated that they had flown to Moscow. Five of them had travelled overland to Addis Ababa in Ethiopia and flown directly to Moscow from there, indicating that Ethiopia is a

*“I went to Ukraine with a man who helped me cross the border on foot. But we got lost in the forest and were there for ten days. We only had food for five days. I was exhausted and hungry and ready to be caught. The smuggler told me not to approach any border guards as he didn’t want to get caught. Eventually we found our way out and came to Kiev.”*

(18-year-old Afghan who came to Ukraine aged 15, Odessa)

key transit country for Somalis aiming to reach Russia and/or the EU. One had travelled overland to Nairobi in Kenya and flown to Moscow from there, while two had flown from Mogadishu to Moscow, one via Dubai and the other via Cairo in Egypt. All of the Somali and Afghan children and young people who transited through Moscow travelled on to Ukraine across country by vehicle, bus or train. The majority of them stated that they were transported across the border, before continuing their journey onwards within Ukraine. However, the boy who paid the least amount to the smuggler to travel to Ukraine, crossed the border by foot. Informally, representatives of SBGS have informed UNHCR that some Somali children enter Ukraine legally, using fake student visas in Somali passports. Whilst none of the Somali participants reported this to the researchers, it is possible that they think that being in possession of a valid passport or visa would compromise their application to UNHCR for protection.

*“In Russia I was handed over to a man who told me I would go to Ukraine. I had not heard of Ukraine before. We went by car for about one and a half days, then he handed me over to a Ukrainian man. This man spoke English. He put me in a room for a few days. At 9.00 pm he told me we were going on another journey. We drove the whole day. He stopped for cigarettes and told me to wait in the car. I got out and asked someone where I was. They told me I was in Odessa. I didn’t want this journey anymore, so I escaped from him.”*

(18-year-old of atypical nationality, Odessa).

Upon arrival in urban centres, smugglers left the children to fend for themselves. Many of the children interviewed found this experience particularly frightening as they struggled to find people to communicate with, and to provide them with food and shelter.

Of the 21 children, only four had aimed to come to Ukraine. Two of these were children who originally went to Moscow and were then advised by community members of their nationality of origin that they would be better off in Ukraine. Another boy was aiming to join an uncle living in Odessa, and the fourth had his air transport organized so that he would land in Odessa. Of the other 17 children, two tried unsuccessfully to travel through Ukraine to the EU and were caught at Ukraine's western border, thereby ending up in Ukraine by default. One other felt unable to continue further with his journey to the EU and therefore remained in Ukraine. The other 14 children had also not specifically aimed to come to Ukraine; they had aimed to come to Europe and either did not know their specific destination, or had misunderstood the difference between Europe as a geographical region and the EU as a geopolitical entity.

*“When we arrived in Kiev, he (the smuggler) told me to wait for him, but he didn't come back. I didn't know where I was – I was alone in the street, crying. I saw an African man and asked him where I was. He was from Nigeria. He told me I was in Kiev in Ukraine. He helped me get in touch with some Somali people in Kiev”.*

(17-year-old Somali boy in Kiev, 14 years old at time of arrival).

## **Experiences of Ukraine**

The majority of children and young people interviewed were advised and guided by community members to contact the offices of UNHCR and implementing partners or the Migration Services in the location in which they arrived or relocated to. However, some children living within Afghan or Somali communities in Odessa and Vinnitsa, were not aware of the right to apply for asylum or the procedure for making an application and did not apply for asylum for a considerable period of time after arrival.

Of the 21 children and young people interviewed, one Somali girl and one Afghan boy have been recognized as refugees by the Government of Ukraine. The Somali girl is one of two unaccompanied girls and one young woman who are the first Somalis to have ever received asylum in Zakarpattia Region. The cases of seven children and young people were still in the process of being considered. One girl had only recently applied for asylum because of health issues.

*“I went to migration services six months ago but I was refused. My documents ran out three weeks ago. I haven't been stopped by the police yet.”*

(16-year-old Afghan boy, Odessa)

A further nine had applied for asylum and been rejected. Five of those rejected were Afghan, three were Somali and one was of an atypical nationality. Of these, two were still appealing their rejection and seven had either not appealed or had come to the end of their appeals process. One Afghan man who had applied for asylum as a child, stated that his application had been refused on the procedural grounds that he was a child without legal representation. Six of these seven as



well as the girl who had not yet applied for asylum had been recognized by UNHCR as having international protection issues and qualifying for assistance, and had received documentation to this end.

The children and young people interviewed consistently highlighted that a lack of documentation had caused them difficulties and led to harassment from police. Two issues appear salient. At the time that the research was conducted, new documents needed to be applied for at each stage of the refugee determination and appeals process, and documentation must be periodically renewed. Three Afghan boys indicated that they had experienced significant time gaps in the process of renewing this documentation.

However, with the passing of the new asylum law, asylum seekers will now receive one document that legitimizes their stay from their application for asylum, until their case is concluded. This should mitigate these issues. Secondly, seven children and young people had only the document from UNHCR with which to identify themselves and legitimize their stay in Ukraine. While this appears to offer them some degree of protection, it is not an official document that is recognized in Ukraine, and does not always prevent police from questioning, arresting and even detaining its holders.

### **Age determination**

The requirement that children be appointed a legal representative in order to apply for asylum combined with the obstacles encountered in realizing this requirement, has meant that a significant number of children state an adult age to the migration authorities. Five of the children interviewed had changed their age to present themselves as adults. Four of these were Somali children living in Vinnitsa, and one was an Afghan boy living in Odessa. Other children in Odessa reported that the practice was common there. Children, community members and migration authorities appear to be complicit in this practice: community members advise the children that if they want to legalize their stay by accessing the asylum process and receive permission to work in Ukraine, they should raise their age.

Particularly in Vinnitsa however, children reported that migration officials also advise them to change their age. The migration official interviewed in Vinnitsa informed the researchers that there is a functional system for appointing legal representatives through the Children's Services, but that only one unaccompanied child was currently in the asylum process. This corresponds with the case of one young Somali girl who was appointed a legal representative after the intervention of the Parliament Ombudsman for Human Rights. The research team met five unaccompanied asylum-seeking children in Vinnitsa. The other four participants had all been advised to state their age as an adult, and of these four, one had been rejected while the claims of the other three were still in process.

Based on the experience of those children and young people interviewed, the primary systemic obstacle that currently prevents unaccompanied asylum seeking children from accessing protection and services as a child, is that they lack the support of a legal representative. Because of the difficulty that this creates in their application for asylum, they have an incentive to

overstate their age as adult in order to access the system. No children reported that their age had been disputed, although one young Afghan man who had been detained as a child clearly had his age ignored.

Children themselves stated that they did not perceive that there was any additional benefit in being officially recognized by Migration Services as a child. They are still able to access financial support as minors through UNHCR's implementing partners who accept a stated discrepancy in age, and they do not consider minor status to protect them from police harassment or detention. Children and young people demonstrated no understanding that the evaluation of their refugee status may be different if they are a child.

This means that the first obstacle to overcome in enabling unaccompanied children to access an asylum system appropriate to their age is the appointment of a legal representative. However, once this obstacle is overcome, it will create an incentive for adults to claim asylum as children in order to receive the additional benefits due to children, and it is likely that there will be a significant increase in disputes over age with asylum officials. It therefore remains vital that

*“They apply for asylum so that they can stay legally until they get the opportunity to go somewhere else.”*

(Regional Migration Official).

procedures for assessing the age of asylum seeking children are developed, both to assist State Border Guards to determine whether or not detention is appropriate, and for migration officials to determine how to handle their asylum applications.

Both migration officials interviewed were cognizant that the majority of asylum seekers are not aiming to stay in Ukraine, but are using Ukraine as a transit country from which to move in to the EU or be resettled to a third country. While this is a realistic evaluation, it is one that can lead to a complacency that weakens the asylum system, because of an associated belief that accuracy on issues such as age is not important and that the grant of asylum is ultimately irrelevant.

Issues of corruption within the asylum system and the problematic use of members of children's communities as official translators have been well documented elsewhere<sup>28</sup>. Children and young people interviewed routinely reported that they paid translators in order to ensure that they receive their documentation. One Afghan boy who was unable to pay the requested fee experienced significant delays in receiving his official documentation. The use of community

*“I paid \$800 to a translator to get my documents. My friend paid \$800. All Somalis pay \$800. If you don't pay, you don't get the documents.”*

(16-year-old Somali girl, Zakarpattia)

members as translators creates a power dynamic between the translator and asylum seeker that is easily exploited. It also introduces the potential for complicity between community members, smuggling rings and migration officials. Whilst the research team found no evidence that such complicity existed, it is clearly inadvisable to create a system where it is possible.

Linked to this, the differences that are apparent in the grant of asylum between applicants of different nationalities, and between applicants in different region also indicates that there are non-objective biases in the decision making process. NGO workers in the majority of regions

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<sup>28</sup> Human Rights Watch (2010) *Buffeted in the Borderland*

visited expressed concern about corruption in the system. Again, it should be noted that the research team found no direct evidence of corruption beyond these concerns.

In relation to the training for asylum officials on child-focused asylum criteria conducted by DRC in 2009, the two asylum officials interviewed were aware that special procedures should be followed and were able to elaborate the concepts. However, their experience of implementing the procedures was extremely limited.

One official stated that he had had little experience of interviewing children. The other stated that generally he had not needed to grant or deny asylum based on child rights violations. He also added that although he sometimes considers that an unaccompanied child should be granted asylum, his recommendations are frequently not approved by the SMS at the central level. A DRC representative expressed concern that with the initiation of the SMS, many of the personnel who were previously trained may be rotated to different positions.

### **Readmission, detention and deportation**

Of the 21 children and young people interviewed, three had crossed or attempted to cross the border in to the EU, and either been caught before they were able to cross, or caught after crossing and had been readmitted to Ukraine. One 16-year-old Afghan boy had been readmitted from Slovakia and detained for 43 days in Chop before he was released. He informed the researchers that he had been travelling with three others, two of whom were boys aged about 14 and 15, and all of whom were detained. He also claimed to have been beaten while in detention.

A 16-year-old Somali girl had been detained for several days with her 18 year-old sister at the Baby Lager in Mukachevo before she was released. As an adult, her sister was still in the Baby Lager at the time of interview. Another 18-year-old Afghan man described how he was repeatedly readmitted and detained after attempts to cross the border in 2008 and 2009, as detailed below.

In addition to these cases, a UNHCR representative in Kiev informed the research team of two additional cases that were currently of concern to the UNHCR office. A 15-year-old Afghan boy was currently being held in detention in the Zhuravychi MAC in Luts'k, Volyn Region, and had been there since April 2011 for purposes of deportation, under a court order that stated his age as 18. His claim to asylum, made while in detention, was rejected on the grounds that he is a minor and does not have a legal representative, yet he was registered and has been kept in detention as an adult.

The Embassy of Afghanistan in Ukraine has provided documentation stating that he is a minor, and Children's Services have agreed to appoint a legal representative. Despite these administrative processes, his release is dependent on the provision of a new court order, rectifying his stated age under law. Given a current backlog of cases in Ukraine's administrative courts, this may take some time, and at the time of writing, the boy remained in detention.

The other case involved a 17-year-old boy from Afghanistan who was part of a larger group of mainly adult Afghan males who were readmitted from Slovakia in September 2010. He and ten other adult men were detained in the THF in Chop, Zakarpattia Region, and after six months, deported back to Afghanistan. The deportation occurred despite the boys repeated attempts to inform State Border Guards and prison officials that he was a minor, and that he wanted to apply for asylum.

This boy has been reunited with his mother in Afghanistan, but is moving between different locations because of threats made to his life. The office of UNHCR in Kiev has reported his case and the case of three of the other men who were deported as cases of refoulement. An NGO lawyer has supported the boy and three of the men to bring his case before the European Court of Human Rights, against Slovakia for, amongst others, violations of articles 1 and 3 of the European Convention, and against Ukraine for, amongst others, violations of articles 3 and 5<sup>29</sup>.

In addition to these cases, another two participants had experienced periods of detention; one 19-year-old Somali man had been detained in Chernigiv, near Kiev for six months; and one 18-year-old reported that he had been detained “underground” after he presented himself to the police in Zakarpattia to ask for assistance. He was later transferred to the Baby Lager. Both these participants reported that they were under 18 at the time of detention.

### **Access to accommodation**

One of the most pressing concerns facing a significant number of unaccompanied asylum seeking children was access to adequate and stable accommodation. Of the 21 children and young people interviewed, five were living in state-supported accommodation: three who were living in the Latoritsa TAC in Mukachevo, one who was living in an orphanage for Ukrainian children without parental care in Odessa, and one who was receiving extensive in-patient treatment and care in the main hospital in Vinnitsa.

*“I spent two years living in a train carriage. Some Afghans had reconstructed it and made it in to a shop, and they let me sleep there because I had no-where to go...it was very cold – especially in winter. I had three or four blankets. It was very bad when I was alone – I felt so lonely.”*

(18-year-old Afghan boy who arrived aged 15, Odessa).

Of the other 16 children and young people, eleven lived in flats with groups of other asylum seeking children and youth of the same nationality. The research team visited flats in Uzgorod and Vinnitsa. They appeared overcrowded with as many as eight people reportedly living in two bedrooms. Two other young African boys lived with an older adult of their own nationality, and two Afghan girls were living with an Afghan family.

All of these living arrangements were sought out by the children and young people themselves, usually with the help of the refugee community. One Afghan boy in Kiev had not been able to find settled accommodation and reported that he was moving from flat to flat each night, trying to find a place to stay. Some of the other accommodation arrangements were precarious.

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<sup>29</sup> Article 1 stipulates that everyone within a states jurisdiction should have access to the rights in the ECHR; Article 3 prohibit torture, inhuman or degrading treatment or punishment; Article 5 establishes the right to liberty and security of person, and outlines the conditions under which detention is lawful (ECHR, 1950).

Of particular concern, two young Somali girls in Vinnitsa were temporarily in a flat with Somali and Ukrainian men. The reliance of girls like these on the good will of community members in order to find accommodation puts them at high risk of abuse and exploitation. More generally, leaving children to find their own accommodation in a context where smuggling and trafficking are known to be common, means that some children may remain under the control of their smugglers.

*“The biggest problem we have is with accommodation. Amal and I sleep on the balcony. Landlords won’t rent to us, so we live with some Ukrainians who let us stay. It’s very difficult – there’s not enough space, our clothes get wet in the rain, and we are woken by the light...The police don’t like the refugees – they came to the flat and told the owner that he had to get us out. Now we don’t know where we will go.”*

(16-year-old Somali girl living in Vinnitsa)

While social workers from responsible NGOs in each region follow up with the children in their accommodation and assess and monitor their living situation, recourse to alternative arrangements is limited, if non-existent.

NGO social workers in Kiev, Vinnitsa and Odessa expressed concern about specific cases where children were living in situations that they considered either inappropriate or exploitative, yet were unable to secure them alternatives. The particular children highlighted had all either had their asylum claims rejected by the migration authorities or were newly arrived and only recently in contact with migration authorities.

The two TACS, in Mukachevo and Odessa, are only available for asylum seekers whose claims are in process or those who have been recognized as refugees, and would not, therefore be available to the majority of them. Even if they are eligible, neither TAC is obliged to take them. No alternative is systematically available to children if their asylum claims are rejected on the basis of being children without parental care living in Ukraine.

The exception to this was the young man - an 18-year-old of atypical nationality - who was living in an orphanage in Odessa. UNHCR and their NGO partner in Odessa successfully negotiated with Children’s Services to accommodate him in an orphanage for Ukrainian children as they considered him particularly vulnerable and without a community of his nationality of origin.

He was placed when he was 17, and has since turned 18. He was one of only two non-nationals in the orphanage. The other – a 15-year-old Somali boy – was later transferred to the TAC at Latoritsa. Now that this young man has turned 18, he remains vulnerable, but no longer has a legal right to be in the orphanage. At the time of interview, the young man was relying on his good relationship with the director of the orphanage in order to be able to stay, but expressed uncertainty about his future. Child protection standards prescribe the separation of children from adults in care. Yet according to a representative of the Organization

*“Children say they will go to Latoritsa, but then they don’t show up or pull out at the last minute. We sent a boy there recently, but his uncle was against it, and tried to stop him going.”*

(NGO Worker in Kiev).

of South Ukrainian Young Lawyers in Odessa, no support is available in Ukraine to assist children in institutional care to gain independence as they age out of the system.

At the time that the research took place, ten unaccompanied children were living in the TAC at Latoritsa. Unfortunately, due to the restructuring of the asylum authorities and the need to gain permission from the recently disbanded SMS, the research team was unable to gain permission to access the TAC. Instead, three children were interviewed outside. These three expressed ambivalence about their experience in the TAC; on the one hand, they were grateful to be safe and provided for; on the other, they felt under-stimulated and uncertain of their future.

*“The second jail is Latoritsa. It’s good for sleeping, eating and watching TV”*  
(18-year-old Afghan man, Latoritsa)

Children living independently and with asylum claims in process generally expressed interest and willingness to go to the TAC when the research team asked them. However, NGO workers have found that children often change their mind. Reasons suggested

include their desire to live in their own community particularly where this offers the opportunity of work, and the influence of smugglers over children. Additionally, some NGO workers expressed concern that there is discrimination against some children – particularly Somalis – in the entry procedure. Although no evidence was found to support this, researchers were informed that staff at Latoritsa have complained that Somali asylum seekers are more “difficult” to work with, and have lower hygiene standards than those of other nationalities.

*“There are 20 places for unaccompanied children in Latoritsa and only 13 or 14 children there, yet we tried for three months to get this boy accepted.”*  
(NGO Worker, Vinnitsa)

The second TAC, sometimes called ‘Harmony’, is run by Migration Services in Odessa and has space for up to 250 people, yet is not systematically used to accommodate unaccompanied children. Theoretically, anyone who is seeking asylum or has refugee status should be able to stay there for a period of three months. However, NGO workers expressed concern about the lack of transparency regarding who qualifies to stay at this TAC, and reported that many residents remain for far longer than three months. Access to this TAC is extremely limited, and must be negotiated with the Centre Director. It was not possible to access this centre or talk to current residents during the research trip to Odessa.

One 17-year-old boy of atypical nationality stated that he had gone to the centre when he first arrived in 2008 at the age of 14, but had not been assisted. Another 17-year-old Afghan boy said that he had stayed there for six months and had left of his own choice to come to Zakarpattia. An NGO worker in Odessa stated that while the asylum seeking and refugee population in Odessa is mainly Afghani, the residents of the Centre are mainly African.

The majority of unaccompanied children do not want to be there, and the Afghani children prefer to live amongst their community and support themselves through work. Staff from the Ukrainian Red Cross who work at the centre, informed the researchers that they were not sure whether there were unaccompanied children there, and that only the director would be able to say for certain. They also reiterated that it is not a comfortable place for unaccompanied children.

## Access to basic services

None of the unaccompanied children and young people that the research team met were attending school, yet many of them expressed their desire to study and to make something of their lives. In theory, they should be able to access education, but most are unable to because they lack a strong educational background and there are no catch-up education services available, and because they lack the language skills to be able to integrate in to classes in Ukrainian schools. In reality, the need to work, even on an ad hoc or part time basis, also creates a practical obstacle to their attendance.

Younger children in Latoritsa living with their families and who had developed adequate language skills were accessing local schools in Mukachevo. An NGO worker there reported that the Municipality used to run catch-up classes for children who had missed school and wanted to integrate in to the Ukrainian education system. She has requested that these classes be reinstated so that the unaccompanied children in Latoritsa may benefit.

*“We had many problems. From childhood I dreamed of going to school, but everywhere there were dead people. I have lost three years living in Ukraine. I want to use this time – I want to study and be a pilot. This is what I’ve always dreamed about.”*  
(18-year-old Afghan man, Odessa).

Upon application for asylum with the Migration Services, unaccompanied asylum seeking children are entitled to financial support from regional-level UNHCR/DRC partners. This amounts to \$80 per month paid to them every two months. Minors remain eligible for this support for an additional six months after they turn 18. Whilst this is not intended to cover all costs, it should be measured against the cost of living in Ukraine: rent for the most basic apartment in Kiev is roughly \$300 per month, and perhaps \$100 less in Odessa and Vinnitsa. On the other hand, it is also a significant contribution towards rental payments in group living arrangements. NGO workers in Vinnitsa in particular expressed concern that unaccompanied children are valuable to their community because of these payments, and that community members may therefore put pressure on them to remain there rather than go to the TAC.

*“\$160 just gets you food”*  
(17-year-old Somali girl, Vinnitsa)

UNHCR/DRC partners also support unaccompanied asylum seeking children to access health and psychological counseling. Upon registering with the NGO, children routinely receive a health check at the regional hospital. No participants in the research expressed concerns about access to health care. Two participants in particular had required health assistance: one 17-year-old Somali boy whose arms had both been broken by Al Shabaab soldiers; and one 17-year-old Somali girl who had contracted tuberculosis while in Ukraine.

This girl had spent the last four months as an in-patient at a regional hospital in Vinnitsa. When the researchers visited her there she was about to undergo a third operation on her lymphatic nodes. She was living in a basic but comfortable communal ward for girls and informed the researchers that she had been very well treated by the hospital staff and provided with food and all her basic needs. Given the very limited communication possible between this young girl and

the hospital staff, the care and support that was extended to her is commendable. However, enabling her to access the treatment that she needed was not so straightforward, and eventually required the intervention of the office of the Commissioner for Human Rights.

It was not clear through this research, whether participants valued the psychological services on offer through NGOs. Psychological counseling is complicated by a lack of direct communication for those children and young people who do not speak Ukrainian or Russian. One NGO psychologist informed the researchers that she uses colour therapy techniques during individual sessions and general observation to try to gain a sense of whether children are having psychological problems. However, if she and other psychologists feel that they are, they are limited in their ability to respond because of a lack of communication or the need to involve informal interpreters from the child's community to discuss sensitive topics.

On the other hand, many participants in the research expressed their appreciation of NGO staff, saying that they were the only people they could rely on for guidance and support with the problems that they experience. Their presence as a social support, enabling the children to understand and master their environment and navigate the legal system to the best extent possible, appears to bring them a sense of being heard, understood and cared for that is of considerable psychosocial benefit.

### **Hopes and aspirations**

The research team asked participants what their hopes and aims were for the future. Fourteen of the participants explicitly stated that they wanted to be resettled to a third country. A further two participants stated that they wanted to go the EU, but did not state whether they were planning on attempting the crossing themselves or were hoping to be resettled to the EU. Of these sixteen participants, six are in the process of being considered for resettlement, and one has been approved and is waiting to leave Ukraine and go to the USA. Six of these seven had their asylum claims rejected, and the seventh is in the process of applying. Three are Somali, three are Afghan, and one is of atypical nationality. For exactly one third of the participants therefore, their hopes for resettlement in a third country may be realized.

*“Life in Ukraine is difficult. I want to go somewhere else with UNHCR. I’d be happy to stay if I could just go to school. I want to be a doctor so that I can help other orphans.”*

(17-year-old boy of atypical nationality in Odessa)



When questioned further, the other nine participants who are hoping for resettlement could not think of a feasible alternative should this not happen. Two of them expressed hope for reunification with their mother. Among the five participants who did not express hopes for resettlement, one Afghan boy had been reunified with family members who later arrived in Ukraine and had received asylum in Ukraine as a family; another Somali girl had arrived recently and was still finding her feet in Ukraine; one Afghan boy was unable to express his hopes for the future during the interview with researchers; one boy of atypical nationality focused on his desire to study in which ever country he is in; and the last Afghan boy was philosophical about his options and positive about his ability to look after himself, as he had been for the past several years.

*“I want to have a good life, to study, to help people. I would like to stay in Ukraine, but not in this situation. My life is not good – it’s very difficult”*  
(16-year-old Somali girl, Vinnitsa).

### **Return to countries of origin**

*“Sometimes I call home and once I talked to my mother about coming back to Afghanistan. She said to me ‘The bodies are still in the street. If you want to die, come back home. If you want to help people and make us proud of you, you stay.’ I want to see my mother and father. There is a dream to go back, but the reality is no dream.”*

(18-year-old Afghan man, Odessa).

No participants stated that they hoped to return to their country of origin. Only one Afghan boy spoke of a wish to return home, but acknowledged that it wasn’t possible. Should they want to, support to return is available: staff at the Red Cross in Odessa informed the researchers of the case of a 17-year-old boy who had decided to return to his country of origin in Africa in 2010 with the support of IOM. The Red Cross wrote letters to find out more about his relatives, and he was eventually reunified with his uncle.

For reasons already detailed in the country summaries in the introduction to this research, Somalia is not a country considered appropriate for voluntary returns of children or adults. Returns of unaccompanied asylum seeking children who have not qualified for refugee status are planned to Afghanistan by some European countries<sup>30</sup>, and Ukraine has deported failed asylum seekers and illegal migrants to Afghanistan. There is therefore a very real potential that unaccompanied Afghan children who fail in their asylum claims may be returned to Afghanistan. This is a possibility for seven, and potentially more, of the Afghans who have not received asylum and are not in process for resettlement.

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<sup>30</sup> Building on the 2010 EU Action Plan on Unaccompanied Minors (2010-2014), in February 2010 the UK government circulated a policy paper at a Brussels workshop calling for an ‘EU-wide presumption that a child’s best interest is to return to their country of origin’. Subsequently, the UK put out a tender to construct a ‘reintegration centre’ in Kabul to facilitate the return of both adults and unaccompanied minors. Norway, Sweden, Denmark and the Netherlands are also on board with this position. (sourced from The Guardian, 07 June 2010, ‘UK to Deport Child Asylum Seekers to Afghanistan’).

## Integration in Ukraine

For two thirds of participants, as well as those who are rejected during the resettlement process, integration in Ukraine could offer a realistic option. Integration in Ukraine is dependent on gaining legal status, and is therefore an option that is not open to the five participants who are not in the resettlement process and who have had their asylum claims refused. It is only an option for the two participants who have been granted asylum, and potentially for some of the seven whose asylum claims are in process.

*“The main challenges for the unaccompanied minors here are getting them in to education, and keeping them busy”.*

No services are specifically targeted at supporting migrants and

(NGO Worker, Mukachevo).

refugees to integrate in to Ukrainian society. Participants routinely stated their desire to access education and to earn a living in order to get on and settle in Ukraine. Asylum seekers have a right to work in Ukraine, and the minimum age for employment is 17, meaning that many of the unaccompanied children would be able to work if they could find employment. That most do not is sometimes interpreted as indicating that they do not wish to remain in Ukraine, but are waiting to move on.

However, opportunities to work are limited. Out of the 21 participants, six reported that they sometimes work. Of these, five were Afghan and one was of atypical nationality. All were male. Three of the Afghans and the boy of atypical nationality lived in Odessa and all had found work independently through contacts of their nationality of origin. The Afghan boys were accessing ad hoc employment through the Afghan community there, who operate a large market in a suburb of the city.

The situation is quite different for children living within the Somali community in Vinnitsa. The community as a whole has not achieved integration in the same way that the Afghans have in other parts of the country. It is smaller, newer, more transient, and significantly more marginalized. None of the Somali participants reported that they had found jobs.

Opportunities for economic or social integration are complicated by a lack of legal status and documentation combined with widespread social discrimination against Somalis. An NGO psychologist informed the researchers that the Somali children know that they are not liked in Ukraine. One 16-year-old Somali boy living in Kiev, described how he and his flatmate had been verbally and then physically attacked by a group of young Ukrainian men in the street near where they live. He now remains constantly on alert. Both NGO workers and Somali participants in Vinnitsa recounted incidents in which the Somali community had been harassed by police and other community members. Given these conditions, it is not surprising that the majority of Somalis wish to move onwards from Ukraine.

An NGO worker in Mukachevo expressed concern at the lack of livelihood opportunities available to unaccompanied children. She tries to identify opportunities for them such as fruit picking and working in small businesses, but these are rare and tend to be ad hoc. The one boy in Mukachevo who reported that he did sometimes work had been supported to do so through this NGO worker.

According to Red Cross staff, the TAC in Odessa does support asylum seekers and refugees to find education and employment opportunities. They report that there are language classes and opportunities to learn skills such as hairdressing in the centre. Some residents attend courses at the international university in Odessa, and some children attend school close to the centre. The head of the centre is also reported to write letters on behalf of residents, recommending them for employment opportunities, and there is also a scheme whereby refugees are provided with flats if they agree to work in the agricultural sector.

However, other informants indicated that the agricultural settlement scheme, although discussed, has not yet materialized. It was not possible for the researchers to meet with the head of the centre or to access this TAC, and NGO workers consistently reported concerns about the admission process to this TAC and its lack of transparency. The potential presence of some of the support outlined above makes it even more necessary to properly understand the criteria upon which asylum seekers are able to access this TAC and its services.

Many of the nine participants living in Kiev, Vinnitsa and Odessa whose refugee status had been rejected, requested that they be provided with some form of documentation to prevent arrest and detention. However, this continues to appear unlikely, unless they can apply for complimentary status under the new asylum law.

### **Onward travel to the EU**

During interviews, no participants explicitly outlined plans to travel on to the EU independently of UNHCR resettlement, although two expressed a specific desire to go to the EU. Several informants interviewed referred to the case of a woman and her children who had died attempting to cross the border in to Poland some years previously.

*“These days you have a 50:50 chance of getting across. It costs \$4-5,000”*  
(Somali youth, Vinnitsa).

Information from a Polish news forum indicates that this was the case of Kamisa Jamaldinov, a Chechen refugee who crossed the border in 2007 with her three young daughters and son. The three girls died of hypothermia when she left them in order to try to find help. A former Ukrainian State Border Guard has recently been charged for smuggling them across the border<sup>31</sup>. The same forum reports that an Afghan family-of-seven was found in the Bieszczady Mountains in Poland in June 2011, having crossed the border from Ukraine. They are currently being treated for dehydration and exhaustion. Unlike Ms Jamaldinov, if they do not lodge an application for asylum in Poland, this family risk being returned to Ukraine under the EU Readmission agreement now in place.

Somali community members also referred to the case of some Somali women who had died when trying to cross the border to Slovakia in 2010. This corresponds to news reports of the

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<sup>31</sup> Polish Forums, downloaded from the World Wide Web on 29 July 2011, <http://www.polishforums.com/society-culture-38/human-trafficking-poland-52080/>

discovery of the bodies of two dead African women in Poloniny National Park, Snina Region, Slovakia in September 2010<sup>32</sup>.

In addition to the dangers of risking the border crossing illegally, participants repeatedly stated that the risk of a prolonged jail sentence was a deterrent, particularly for those who have or are about to turn 18. There was little evidence that children are working in Ukraine to raise the money to move on in to the EU. Employment opportunities in Ukraine appear too limited to support such a plan, and informants indicated that the majority of people who do attempt to cross the border do so using money provided by relatives and extended networks.

### **The dilemma**

NGO partners continue to lose touch with unaccompanied asylum seeking children: a total of 73 since the beginning of 2010 alone. By examining the situation for the 21 participants in this research, it is evident that they are left with hard options. One will be resettled, and another five may be so. One has been reunified with his family and received asylum. For the other 14 – two thirds of the participants - if they are still in the asylum process they can wait and see if they are recognized as refugees.

Given the lengthy appeals process, many will turn 18 while they wait. Statistics indicate that none are likely to be recognized as refugees. Instead, they will eventually lose their legal status in Ukraine and become illegal migrants, either child or adult, vulnerable to arrest and deportation. Even if programmes were available to support their integration, including access to education and livelihoods opportunities, these programmes would not be available to these 14 participants if they become illegal.

In this situation, the seven Afghan participants and two of atypical nationality risk deportation to their homelands – for the Afghans, whether they are children or adults. Given the lack of choice, one or two may perhaps chose a coerced form of “voluntary” return. The Somali participants cannot be deported meaning that in theory they should not be held in administrative detention pending deportation. Yet they are likely to continue to be targeted for harassment and detention. The choice for the majority of participants, is therefore one between evolving illegal status in and possible deportation from Ukraine, or to accept both the expense of and risks involved in crossing the border in to the EU.

*“I want to study. I don’t know what I will do if they reject me. I can’t go back and I can’t afford to move on to somewhere else.”*

(18-year-old man of atypical nationality, Odessa)

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<sup>32</sup> Bordermonitoring Ukraine, downloaded from the World Wide Web on 29 July 2011, <http://bordermonitoring-ukraine.eu/2011/02/20/september-2010-two-migrants-died-in-slovakia/>

## Conclusion

The fears that Ukraine could become a major smuggling route for migrants and asylum seekers, including unaccompanied asylum seeking children, have not been realized. The numbers of children identified as arriving in Ukraine have in fact reduced, although they do continue to arrive. The reduction testifies to the effectiveness of EU deterrent measures: strengthened border controls and the common use of arrest and detention, and in some cases – deportation – have made Ukraine a difficult option for those seeking entry to the EU. It is likely that organized smuggling rings have responded to these measures and focused efforts elsewhere. However, Moscow remains a major transit point for the smuggling of migrants and asylum seekers, and Ukraine remains the geographical link between it and the EU. It is therefore unlikely that Ukraine will stop receiving these children in the foreseeable future.

Despite the relatively small scale of the issue, it remains significant because it demonstrates the lack of consistent adherence to basic human rights principles by the EU when it comes to the politicized issues of migration and asylum. Unaccompanied children are the most visible, emotive and difficult aspect of this issue to address.

The EU has strengthened its borders and formed readmission agreements with Ukraine on the premise that Ukraine has the capacity and the political will necessary to uphold the basic human rights of migrants and asylum seekers. The EU has also invested, albeit in a limited way, in developing the systems and capacity to uphold these rights. These include the right to seek and enjoy asylum<sup>33</sup>, the right of all children to enjoy the privileges entitled to children under Ukrainian law regardless of nationality - including access to education and health, the right of unaccompanied children to special measures of care and protection - including guardianship, housing and social protection, and freedom from torture and ill-treatment and arbitrary arrest and detention<sup>34</sup>.

As demonstrated by this research and other research that has gone before, this premise simply does not hold water. While Ukraine has enjoyed a relatively smooth transition to democracy and the free market, this has not meant that the architecture of government institutions has had the flexibility to keep pace with these changes. Twenty years since independence, in the midst of a global economic crisis, with limited resources, and still negotiating its position between two economic giants, the wheels of Ukrainian government turn slowly.

Thus while a patchy legal asylum framework exists, in reality it is barely functional. Children are routinely unable to access the system or are told to present themselves as adults, thereby lessening the protection that should be there's by right and increasing their chances of detention and deportation. A legal framework also exists for children deprived of parental care, but unaccompanied asylum seeking children are not recognized within this framework because they are not of Ukrainian nationality.

The participants to this study provide a snapshot of the options available to unaccompanied asylum-seeking children in Ukraine. While few participants explicitly stated their intention to

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<sup>33</sup> Convention Relating to the Status of Refugees (1951)

<sup>34</sup> Convention on the Rights of the Child (1989)

take this risk, the statistics speak for themselves: the 69% of children who UNHCR and implementing partners have lost touch with over the last few years echo the findings in this research.

Unable, or unwilling to go back, without asylum and illegal in Ukraine, and with limited chance of resettlement to a third country, two-thirds of the 21 participants involved in this piece of research are likely to face a choice between life as an illegal immigrant in Ukraine, subject to harassment and detention and with the risk of deportation, or to continue their journey to the EU. Fortified borders, perilous crossings, the cost of smugglers, and the risk of detention and abuse only make this option more dangerous for children; they do not force them towards alternative options – because, in both perception and – on the most part - reality, there simply are no other options.

Addressing this issue requires a number of conceptual shifts. Firstly, it requires a shift away from the paradigm of border control and security, to re-focus on ensuring that the human rights of migrants and asylum seekers - and most particularly those of unaccompanied children - are upheld. It requires a recognition by the Government of Ukraine that a robust asylum system is an essential function of a government that is committed to human rights, and that Ukraine can and should be a country fit for asylum, and not simply a stepping stone on the way to the EU. It requires a systematic internalization of the recognition that unaccompanied children who seek asylum, are first and foremost owed a duty of care as children, whether or not they access the asylum system, or have their status recognized within it.

Finally, building upon the principle that these children are children first, it requires the recognition that the extension of protective systems is not premised on whether or not children are recognized as refugees, or are even recognized as entitled to secondary forms of protection. A spectrum of reasons may motivate children to move, yet all children need protection.

To mirror this shift, NGOs and civil society actors need to expand their focus in the recognition that this group of children are not only refugees or children in need of complimentary protection, but are children on the move, who encompass a spectrum of experiences and motivations, and who have a range of protection needs. Addressing the reality of each child's situation requires a broadening of focus from promoting children's access to asylum and social welfare in Ukraine, to directly engaging with their ambitions and choices.

The idea of protecting children on the move is a relatively recent one in the field of international child protection. Yet, research is beginning to identify areas of good practice and to elaborate basic programming principles. The following general approach was developed by a consortium of agencies working with children on the move in West Africa<sup>35</sup>. They advocate “supporting children by working alongside them, being able to trace them or track their movements and enabling them to survive, keep themselves safe, develop and be empowered”.

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<sup>35</sup> Feneyrol, O. (2011) *Projet régional commun d'étude sur les mobilités des enfants et des jeunes en Afrique de l'Ouest et du Centre*. Organisations involved in the project were: PLAN International (West Africa Regional Office), ENDA Jeunesse Action (Youth Action), the African Movement of Child and Youth Workers (MAEJT), the International Labour Office (ILO), The Terre des Hommes Foundation, the International Organization for Migration (IOM), Save the Children Sweden and UNICEF (West and Central Africa Regional Office).

Achieving this involves assisting children in their decision-making and efforts to survive and access rights; making it safer for children to travel and settle elsewhere safely; ensuring a rapid and effective response for children who need special protection; and maximizing the opportunities that children have as a result of moving<sup>36</sup>. Steps that can be taken to realize this in the context of children on the move within Ukraine will be further explored in the recommendations below.

## **Recommendations**

### *To the European Union*

- Re-consider the balance between the dual objectives of deterrence of migrants and asylum seekers on the one hand, and the development of protective alternatives on the other, to ensure that viable alternatives exist for all migrant and asylum-seeking children before deterrent measures are put in to effect.
- Work with the Ukrainian government, UNHCR and UNICEF to develop indicators of a functional asylum system and child welfare system that is inclusive of children of other nationalities. Analyse the costs and time-period associated with achieving these indicators and commit to funding a strategy towards their achievement. Support UN, NGO and civil society actors on the ground to advocate with the government for change towards the achievement of these indicators.
- Call for an independent investigation in to incidents of re-admission of individuals from EU states to the Ukraine, in which the individual states that their claim to asylum was not heard by the relevant member state. Based on the findings and recommendations of such an investigation, elaborate steps that should be taken to ensure that claims to asylum are heard. Halt all returns of migrants under re-admission agreements until these steps are in place and functional. Halt returns of any migrants and asylum seekers who are or claim to be under the age of 18 until the Ukrainian government has put in place appropriate age determination procedures and achieved the basic indicators of a functional social welfare system that includes children of other nationalities.
- Invest in projects that promote the social and economic integration of refugees in Ukraine, with a specific focus on adolescents and youth. Projects such as accelerated education classes should be open to all asylum seeking children and youth as well as those who have been recognized as refugees.
- Invest in the development of networks of NGOs within EU member states, major countries of transit (including Ukraine), and major smuggling hubs (such as Addis Ababa and Moscow), who can conduct outreach to children on the move towards the EU, to reduce their

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<sup>36</sup> Dottridge, M. (2011) Exploring Methods to Protect Children on the Move. Terres des Hommes International Federation. A Handbook for Organisations Wanting to Prevent Child Trafficking, Exploitation, and the Worst Forms of Child Labour.

vulnerability by providing information, assisting them in their decision making, and providing social welfare assistance and protection while they are in these locations. At the same time, advocate for reform in the legal and policy frameworks in these countries to promote protection for and address criminalization of children on the move in their jurisdiction.

#### *To the government of Ukraine*

- Put in place strong mechanisms to prevent the detention of anyone who may be a minor. Adequate age determination procedures are vital to achieving this and relevant ministries should be re-engaged to develop procedures that are appropriate for use with migrants and asylum seekers, and that take account of physical, developmental, psychological and cultural factors<sup>37</sup>.
- Pass instructions on cooperation between state authorities regarding unaccompanied asylum-seeking children, including a commitment to providing legal representation and accommodation options for all unaccompanied children in co-ordination with Children's Services at the regional level. Cost the implications of these instructions and ensure that adequate resources are allocated to build the capacity of Children's Services to fulfill their responsibilities.
- Take further steps to ensure that unaccompanied asylum seeking children are interviewed for refugee status determination in a child-friendly environment, with legal representation, and that child-specific forms of persecution are taken in to consideration.
- In light of the new law on complimentary and temporary forms of protection, analyse the implications of the law in terms of increased resources for the protection, social welfare and integration of those granted humanitarian status, including unaccompanied children. Develop a strategy to address these needs, and ensure that the resources are allocated.
- Commit to ensuring that no child is considered illegal in Ukraine by extending humanitarian status to all unaccompanied children, at a minimum until they turn 18.

#### *To UNHCR*

- Analyse the outcomes of asylum status determination against statistics from other asylum receiving countries to identify and advocate against discriminatory practice in the recognition of refugee status.
- Work with the Government of Ukraine to ensure that recognized standards are upheld for meeting the protection, social welfare and integration needs of unaccompanied children. In particular, UNHCR must work with the Government of Ukraine to ensure that all

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<sup>37</sup> Separated Children in Europe Programme (2004) Statement of Good Practice



unaccompanied children have access to appropriate and safe accommodation, prioritizing the needs of adolescent girls. While residential care centres are currently a viable option, accommodation options should never be limited only to residential care, but should enable older adolescents to choose to remain amongst their community of origin and to develop positive coping mechanisms and social supports, if this is considered safe and in their best interest.

### *To NGOs and civil society in Ukraine*

- To address gaps in the protection of unaccompanied asylum seeking children, develop independent indicators of functional asylum and child welfare systems, measure progress made against these indicators, and advocate to the EU and Government of Ukraine for policies and resources to address identified gaps.
- Source increased funding for programmes that address discrimination based on race and nationality, and promote the integration of refugees and the development of unaccompanied asylum seeking children. Education and livelihoods programmes are key to integration and should be conceptualized as interlinked in order to ensure that older adolescents are able to access both.
- Reconceptualising programme strategies from a focus on unaccompanied asylum seeking children to the protection of unaccompanied children on the move of whom some are seeking asylum in Ukraine. Under this expanded focus, consider how to implement the following broad initiatives.:
- Network with NGOs working with children on the move within asylum and migration sending countries, smuggling hubs, and countries of destination, for the exchange of information that may be relevant for unaccompanied children on the move, and the creation of support and outreach networks across migration routes.
- Conduct outreach to all children on the move in order to provide them with the information necessary to help them make an informed choice. This can be done by building upon existing contacts with unaccompanied asylum seeking children and their communities, and encouraging these children to reach out to peers who are not known to agencies and authorities. Children should be provided with information on what to do if they are at risk of harm, what to do if they want to stop their journey and return home, services available to them in Ukraine, risks involved in onward movement, and who to contact for support in Ukraine and in neighbouring countries<sup>38</sup>. Such information should also be provided through national protection hotlines.
- Support children to take decisions that realistically take account of and mitigate the risks that they may face. The Council of Europe Life Projects Initiative is a useful tool to apply to

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<sup>38</sup> Some of these messages are adapted from Boland, K. (2010) Children on the Move.

support this decision making process<sup>39</sup>. Such work should be undertaken in confidence, with the understanding that it will not be shared with SMS or UNHCR and that it will have no bearing on protection or assistance provided to children.

- Drawing on an understanding of the decisions that children are taking, develop lifeskills training that aims at building children's ability to problem solve and mitigate/address the potential harm that they face.

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<sup>39</sup> Drammeh, L. (2011) Life Projects for Unaccompanied Migrant Minors: A Handbook for Front-line Professionals.

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