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NATIONAL WORKING GROUP FOR MIGRANT CHILDREN (GLNBM) ITALIAN SOCIETY OF PEDIATRICS (SIP)

“A child is first, foremost and only, a child. (...) . The issue of migratory status can only ever be a secondary consideration”.

*Report. Council of Europe Committee on Migration, Refugees and Population,
Doc. 12718, Strasbourg, 16 September 2011*

After more than three years, on March 29th, 2017, the bill n. 1658-B¹, "Provisions on measures to protect unaccompanied foreign minors", was finally approved by the Italian Parliament.

This is the first law in Europe, which provides the protection and reception systems for unaccompanied foreign minors whose number are growing year by year in our country, in 2016 more than 25.800 fleeing war, persecution, poverty and exploitation.

Many NGOs and voluntary associations, also involved in the CRC Group – Convention of the Right of Children Group in Italy², supported the law draft and denounced the denial of the most basic migrant children rights in Italy (reception, protection, health, school, etc.) and highlight the need to overcome the emergency management of migration flows, in particular the management of unaccompanied foreign minors' arrivals.

This law is a reply to most critical issues highlighted in the reception system of unaccompanied minors in Italy in the last years, for the purpose of guaranteeing protection and promotion of the equal dignity, always in the best interest of the child.

What is going to change?

Actually, among the main innovations about their reception³ we report on the following issues:

Principle of non-refoulement

- It sets out the prohibition of refoulement for unaccompanied minors at the borders and, actually, modify the Italian Consolidated Provisions on Immigration⁴.

¹ "Amendments to the consolidated text of the legislative decree 25 July 1998, n. 286, and other provisions concerning measures to protect unaccompanied minors" (1658). www.camera.it/leg17/126?idDocumento=1658

² www.gruppocrc.net

³ Amendments to the art. 19, 20, 21 Legislative Decree 142/2015 "Implementation of Directive 2013/33 / EU on standards for the reception of asylum applicants and the Directive 2013/32 / EU on common procedures for the recognition and revocation of the status of international protection."
www.gazzettaufficiale.it/eli/id/2015/09/15/15G00158/sg

⁴ Legislative Decree, July 25th 1998, n. 286 "Consolidated provisions on immigration and the status of foreigners"¹, published in the *Gazzetta Ufficiale* no. 191, August 18th 1998 - Ordinary Supplement no. 139
www.camera.it/parlam/leggi/deleghe/98286dl.htm

Reception of newly arrived unaccompanied migrant minors

- It provides a uniform reception system that regulates both the first-line and the second-line reception phase. All the unaccompanied minors, both asylum seekers and not, have to be accommodated within the SPRAR (System for the Protection of Refugees and Asylum Seekers). Among the unaccompanied minors, a specific attention has to be paid to both the so-called unreachable and on the move ones.

Legal Guardianship

- It is applied that the guardianship is granted to “volunteer guardians” and promotes the foster care for unaccompanied refugee and immigrant children. The legal guardian, as the foster care family, has to receive a special inter-disciplinary training and possesses expertise in the field of asylum.

Age assessment procedure

- It sets out a multidisciplinary approach and uniform procedure for age assessment of unaccompanied children. The aim is both to avoid invasive/unnecessary medical tests and to guarantee the rights of the child, including the cultural mediator, during the assessment.⁵

Cartella sociale

- It requires to organise a national database: all the information referring to the single child along his or her way are collected in a "social folder". The aim is to guarantee the right of the child to education and health, as well his or her rights during the administrative and judicial proceedings.

What has been recently approved should be applied!

Simona La Placa
Secretary of GLNBM SIP⁶

⁵ Conference of the Regions and Autonomous Provinces 16/30 / Cr09 / C7-C15. *Protocol for Identification and Multidisciplinary Age Assessment Procedures of Unaccompanied Minors.*
www.minori.gov.it/sites/.../protocollo_identificazione_msna.pdf

⁶ The National Working Group for Migrant Children of the Italian Society of Pediatrics (GLNBM – SIP) has been working for twenty five years for the right to migrant child’s health and healthcare, following the changes that have characterized the migrant pediatric population and its health needs. www.glnbi.org