



Missing

Research into Separated Children gone Missing from State Care

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In a way we're all at risk. I didn't know where to go, what to do...
Fahmi, Somali Separated Child

Acknowledgements

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Abbreviations and Terminology

A&E	Accident and Emergency (Hospital Departments)
CWO	Community Welfare Officer
DJELR	Department of Justice, Equality and Law Reform
ECAHB	East Coast Area Health Board
FÁS	Irish National Training and Employment Authority (Public Body)
GP	General Practitioner (Medical Doctor)
GNIB	Garda National Immigration Bureau
HSE	Health Services Executive
IOM	International Organisation for Migration
ORAC	Office of the Refugee Applications Commissioner
SCU	Separated Children's Unit
SWA	Supplementary Welfare Allowance
VEC	Vocational Education Committee

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i Executive Summary

This research project was carried out over approximately four months using qualitative and quantitative research methods, literature and document review, investigative research and analysis of cases of Separated Children going missing from State care between 2000 to 2007. The work was carried out by two consultants and a research assistant. The five key questions asked of the work are: what happens to children who go missing from State care? Are these children trafficked into exploitative situations? Do these children make their way into exploitative situations? What are the outcomes for children that have gone missing? What are the main trends in relation to children that have gone missing?

i.1 What happens to children who go missing from State care?

The report finds that there is a huge variety of outcomes for Separated Children who go missing from state care. In any one year a high percentage of the children who go missing from their accommodation. From the information passed to the researchers from informants in the NGO sector, migrant communities, community sector, researchers and research bodies, the Gardaí, the HSE and the European migrant sectors, and from the information gathered by examining the case histories of missing children and missing children who returned to their accommodation or were located by authorities in Ireland or Europe the report asserts that the following are the main outcomes for the missing:

- Go into working in the black economy
- Suffer labour exploitation in the black economy
- Are forced into the sex industry
- Are brought into potentially sexual relationships normally with older males
- Are forced into domestic slavery
- Are trafficked or smuggled to the UK, Europe or further away
- Establish themselves in positive situations elsewhere in the world

i.2 Are these children trafficked into exploitative situations?

The report finds that there are a small number of missing Children who were trafficked to Ireland for sexual exploitation. These children are normally girls and often have suffered abuse, rape, brutality and imprisonment prior to arriving in Ireland. It is likely that when these children go missing they have been trafficked on into further exploitation. In some cases the children are contacted in their accommodation by traffickers or pimps before going missing.

i.3 Do these children make their way into exploitative situations?

The report finds that many of the children who disappear do so into exploitative situations. These situations are: exploitation in the workforce; exploitative relationships with older males that may lead to prostitution and domestic slavery. As will be discussed these outcomes are varied and highly dependent on the characteristics of individual cases. That said, the report finds that clearly the level of care a Separated Child receives in Ireland does not afford them protection and in some cases actually places the child at risk. Highly vulnerable children are placed in a hostel with inadequate supervision, inadequate facilities, inadequate security and with a social work team that has an inordinately high case load.

i.4 What are the outcomes for children who have gone missing?

The report finds that the outcomes for Separated Children who go missing are highly varied and where identified, depend on the characteristics of each case. The outcomes for many of the missing are unknown but as stated in answer to question one, there are seven key outcomes: go into working in the black economy; suffer labour exploitation in the black economy; be forced into the sex industry; be brought into potentially sexual relationships with older males; be forced into domestic slavery; be trafficked or smuggled to the UK, Europe or further away; establish themselves in positive situations elsewhere in the world.

i.5 What are the main trends in relation to children that have gone missing?

The report identifies a number of trends in relation to children that have gone missing, including:

Profile of the missing

The analysis of Separated Children gone missing from State Care between 2000 and 2007 presents a consistent number of children disappearing. In 2000, only four children are listed as going missing out of a total 406 separated children in care for the same year. These children, two 16 year olds (one from Ivory Coast and one from China), one 17 year old and one 18 year old both from Sierra Leone were all reported missing from their accommodation between 3 – 4 weeks after their last confirmed sighting. From 2002 to 2006 the numbers of missing Separated Children follow a consistent average despite differing numbers of Separated Children in Care for each of those years. In 2002 when 335 Separated Children were under State care, 55 went missing, in 2003 277 were under care and 47 went missing, in 2004 when 174 were under care 64 went missing, in 2005 when 180 were in care another 64 went missing and in 2006 when 202 were in care 53 Separated Children went missing. For the first six months of 2007 (up to and including June 30th) 16 have gone missing suggesting that the overall figure may drop by over half the average number of 57 missing Children per annum.

While there is a huge range of nationalities represented in the missing across the seven years, two nationalities are consistently high in number: Romanian and Nigerian. Both total 73 missing children each over the seven years. While data relating to ethnicity is not recorded in the HSE DISC system it is reasonable to suggest that many of the children identified as Romanian are likely to have been Roma.

Six Categories of missing

We identify the six patterns that have emerged in the course of the research into missing Separated Children. These patterns are relevant to how potential interventions to improve the outcomes for the relevant children should be designed. Consequently they inform the recommendations of this report. The six patterns or categories are:

- Placed at Risk
- Aged-Out and missing
- To Find Work
- missing But Well
- Trafficked. Invisible.
- Reunified with Family

Placed at Risk

This category of missing includes children who from the information contained in their case files and from information given to the researchers from key informants can be identified as having been made vulnerable or susceptible to risk due to a lack of appropriate care. This group is of children who are at a high risk of harm from individuals or factors **in Ireland**. These children are exposed to this risk by being placed in inadequate care. Of the 109 cases sampled over a period of 30 months from January 2005 to June 2007 a total of 13 cases fit solidly with this category of missing Child. Of these 13 cases 12 are girls and one is a boy.

Aged-Out and missing

This category of missing is numerous as arguably many of the Separated Children who go missing do so on the verge of ageing-out, often with disregard for their stage in the asylum process. It is as if there is no faith in the process and once a 1st instance refusal is received the child loses hope and assumes they will be deported. Of the missing, in the first six months of 2007 three girls and four boys were aged 17 and one girl and one boy were 18 years of age. In 2006 this number was fourteen girls aged 17, nineteen boys aged 17 years and two boys aged 18. In 2005 this number was eleven girls and twenty-four boys aged 17, and four girls and four boys aged 18.

To Find Work

This category of missing refers to those children who have declared that it is their intention to find work in Ireland and not to seek asylum. Through this study the researchers have found that over time there is great diversity in this group of children, both in terms of nationality and apparent ability to cope with working in the black economy.

Trafficked. Invisible

This category of missing includes those minors who were trafficked to Ireland, mainly for exploitation in the sex trade or as domestic workers. It also includes those who have been trafficked through Ireland (transited) for exploitation in other European countries. For this group only some of the Missing become visible, usually when they escape from their exploiters or are identified by Gardaí sometimes during a trafficking investigation or an investigation into the sex industry. It is reasonable to assume that a significant number of children are not detected in any way. Strictly, this group is not part of the remit of this study but it is important to draw attention to their existence here in Ireland.

missing but Well

This group of missing children are those who have left care and gone on to regularise their status in another country and establish a life for themselves there. This group does not include those children who leave care and enter the black economy where by virtue of being an undocumented migrant they are at greater risk of exploitation.

Reunited with Family

We include children who have been reunified with family in this section primarily because of concerns raised by Gardaí, the SCU and key informants in the NGO sector. Between 2000 and 2006 of the 4,615 Separated Children referred to the HSE 2,326 were reunited with family. The concerns around this process related primarily to the validity of the reunification and the potential for using the Family Reunification process as it applies to Separated Children to smuggle or traffic children into exploitative situations.

Chapter 1

Background, Terms of Reference and Methodology

1 Background, Terms of Reference and Methodology

1.1 Background to the Research

In a way we're all at risk. I didn't know where to go, what to do, I just went to another country. Lack of trust, feeling of loneliness: you just follow someone else to another country. When you first come to one country, by [the end of] that day you can't feel just safe and protected, you have all these loneliness feelings and [you're] scared, so you see for example, people going to another country and you go there.

There are five or six persons I know who went missing from my hostel. Only two I know said they would try elsewhere. One was coming from Malta and he was to be returned there, and he was afraid he would be returned to his county so he left.

But the other four people, I don't know where they would have gone. One day they just were gone.

Fahmi, Somali Separated Child (Interview)

The One Foundation commissioned this research to examine the phenomenon of Separated Children going missing from State care. The key objective of the research has been to identify the outcomes for children who have gone missing and so devise strategy recommendations for the One Foundation. This phenomenon is increasingly under the spotlight from regional and national news media. Since 2000, the Irish Times alone has run over one thousand articles referencing the situation of Separated Children in Ireland. Recently, Morning Ireland ran a feature on Separated Children going missing from State care and RTÉ Prime Time is currently considering a Primetime Special on missing Separated Children. Yet despite the growing intensity of the gaze of media and of researchers (independent and academic) there is a large number of uncertainties concerning data, systems and the cases of Separated Children in care. This area of research is complicated by the different themes it encompasses: child migration; trafficking; legislation; state care; prostitution; children's rights, undocumented circular migration. To address this, this report sets out key definitions of the target group, lays out the critical factors relating to a Separated Minor's life in Ireland and gives case examples of children who have gone missing.

Despite the lack of clarity surrounding Separated Children whether they are seeking asylum or not there are definitions and key statistics and facts which ground this discussion. Separated children are children:

...under 18 years of age who are outside their country of origin and separated from both parents or their previous legal/customary primary caregiver. Some children are totally alone while others may be living with extended family ... All such children are separated children and entitled to international protection under a broad range of international and regional instruments. Separated children may be seeking asylum because of fear of persecution or the lack of protection due to human rights violations, armed conflict or disturbances in their own country. They may be the victims of trafficking for sexual or other exploitation, or they may have travelled to Europe to escape conditions of serious deprivation.¹²

Trafficking and smuggling are two means by which Separated Children enter Ireland. Trafficking is:

¹ The use of this definition is complicated by the differing definition of "child" in legislation affecting Separated Minors Seeking Asylum in Ireland.

² Separated Children in Europe Programme, *Statement of Good Practice*, 2003: 2

The recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, or fraud, of deception, of the abuse of power or of a position of vulnerability...The recruitment, transportation, transfer, harbouring or receipt of a child [meaning any person under eighteen years of age] of the purpose of exploitation shall be considered "trafficking in persons".³

Smuggling is similar to trafficking but without the use of force:

Smuggling is the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.⁴

The difference between trafficking and smuggling is important when attempting to ascertain actual statistics for the numbers of children moved against their will into or through Ireland and the numbers smuggled. There are working differences between how official bodies such as the Garda Síochána estimate trafficking statistics and how some NGOs estimate the same figures, primarily based on whether or not the organisation makes a distinction between trafficking and smuggling.

Other reasonably concrete baseline information relates to the numbers of Separated Children that have been placed in HSE care over the last five years as reproduced in table 1 below.

Year	Under Care	Asylum Application	1 st Instance	Appeal
2003	271	271	38	43
2004	174	128	58	36
2005	180	132	56	20
2006	201	68	22	6
2007 (up to 30 th of April)	118	Not available	Not available	Not available

Table 1. Care and Asylum Figures 2003-2007

1.2 Objectives of the Research

The objectives of the research as per the Terms of Reference (TOR) are to answer (to the extent that it is possible) six questions regarding Separated Children that go missing from State care:

1. What happens to the children when they go missing?
2. To what extent are they trafficked into exploitative situations?
3. To what extent do they join family members or start work?
4. What are the outcomes for these children?
5. What trends can we identify in relation to missing Separated Children?
6. What are the potential intervention points for a funder or NGO?

The primary focus of the research as per the TOR was to establish how Separated Children go missing and what happens to them. This was to be a starting point for "identifying potential points of intervention both to prevent disappearance and to assist missing children who have been found in exploitative situations."

³ UN, *United Nations Convention Against Transnational Organized Crime: Protocol Against the Smuggling of Migrants by Land, Sea and Air, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Palermo, 2000), 2000: 1

⁴ *ibid*

1.3 Methodology

The methodology employed in this research is outlined in the following schema (figure 1). The nature of the work required a variety of skills and the ability to be highly flexible. Due to the challenging nature of the research the planning schema was adapted as the research progressed so that by the reporting stage some changes had been made to the order of tasks and the work undertaken. The core methodology of qualitative research, investigative research, literature review, and quantitative work has remained stable

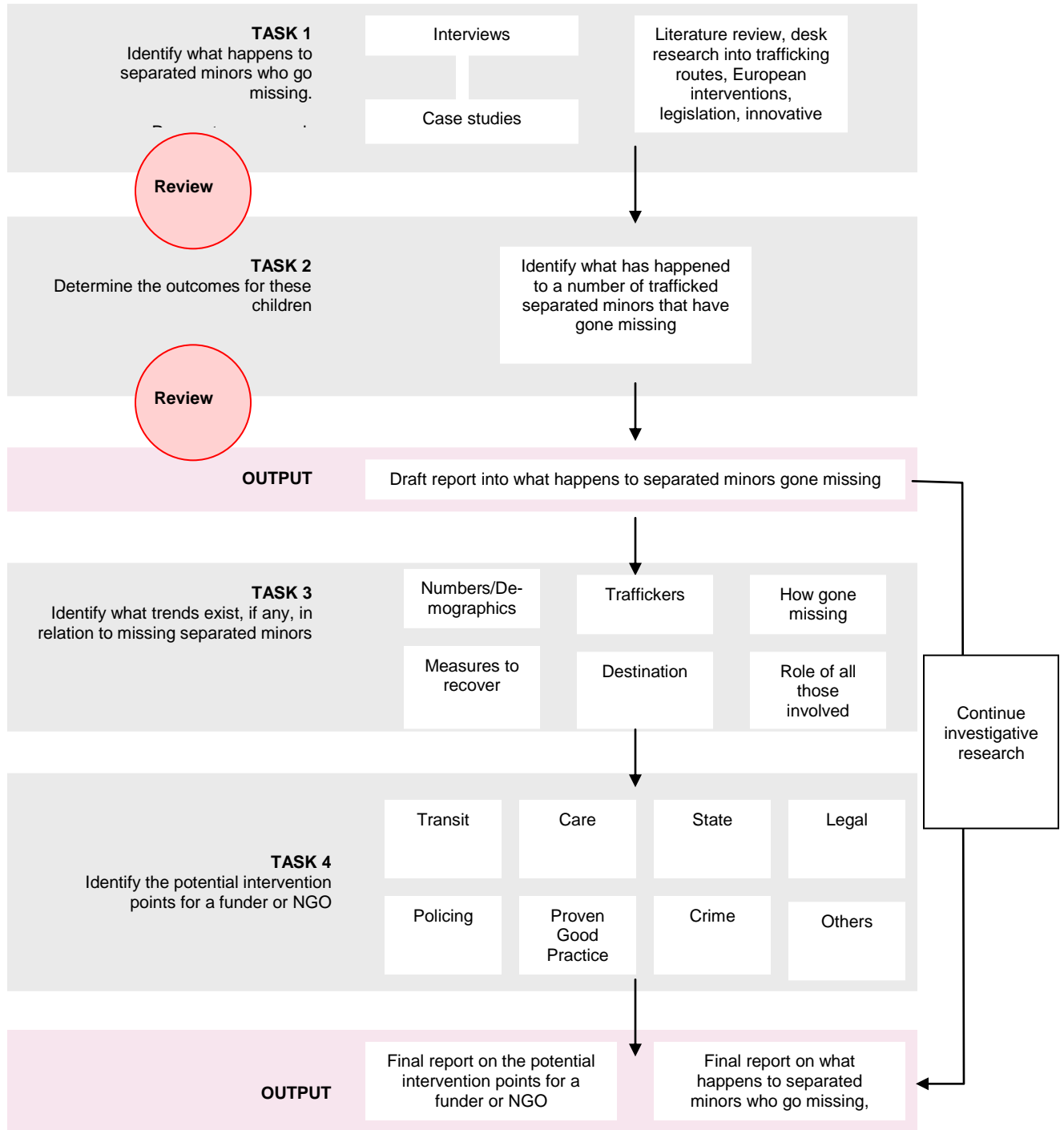


Figure 1. Task Breakdown as per ARD tender document

Task 1 work: Interviews, Case Studies, Investigative Research, Literature Review

Semi-structured interviews were conducted with a number of Non-Governmental Organisations (NGOs); Community Organisations (COs); State Agencies and International Organisations. In addition to these semi-structured interviews an extensive literature review was conducted examining the Irish, European and International context. Some of the information sourced for case studies has been anecdotal. That said, this is not necessarily an indicator of a lack of reliability. The researchers have been thorough in substantiating cases that were presented during the course of the research. In addition the researchers reviewed the Health Services Executive Separated Children Unit (HSE SCU) database on missing Separated Children and did a more detailed sample of 109 case records. A literature review was completed to set out the legislative context, identifiable trends and elements of best practice in relation to separated children seeking asylum in Ireland and the trafficking of young people. The review draws on Irish legislation, reports by Government agencies and NGOs, statistics, newspaper articles and press releases, together with international reports and guidelines.

Task 2 work: Interviews, Case Studies, Investigative Research, Comparative Research

Determining the outcomes for Separated Children who have gone missing from State care was a difficult task, particularly because of the fact that once the child has gone missing there is little recorded success in finding them. What success there has been in finding them is mainly through social networks (the locating usually done by local NGO or Community Organisation staff and volunteers) and by Garda Siochana, again through social networks or at border controls. Outcomes for those Separated Children traced during the research were assessed then through direct testimony from the children themselves, from testimony provided by friends and caseworkers which was examined and set against Irish and European research that examines outcomes for trafficked minors and Separated Minors including those who have aged-out. In addition all testimony was placed in the context of the information accessed through the SCU database and electronic case file systems.

Task 3 work: Collation and synthesis of material.

Identifying trends in relation to missing Separated Children was done during the course of the research and at write-up stage. Trends and patterns identified during the project were substantiated by discussing selected findings with HSE, NGO and State Agency informants.

Task 4: work: Analysis and recommendations

Identifying the potential intervention points for a funder or NGO has been carried out with regard to what are the ideal ways to intervene to improve the lives of and outcomes for Separated Children and Separated Children who have gone missing from Care. Care has been taken to identify international models of best practice, identify further important areas of research, identify preventative interventions, interventions based on current care, and interventions in the legal sphere. Some recommendations were discussed with NGO informants and HSE and State Agency informants to help assess their suitability and deliverability.

1.4 Interviews

During the course of the project the consultant carried out the following interviews (multiple interviews are not included)

Category	Contacts
NGO/CSO/CO	16
Government Agencies	9
Experts	3
International Experts	1
Media	7
Total	38

Table 2: Interviews Conducted

1.5 Risks and Risk Management

Risk

Access to information would be blocked (deliberately or not) by parties with a vested interest

Work in the area of Separated Children gone missing is at the best of times sensitive and at the worst of times controversial and dangerous. During the course of the work it has been difficult to access the information that is available. For a variety of reasons the agencies and public bodies holding information are reluctant to allow access to files the contents of which it could be argued, are in the public interest. There are striking inconsistencies in information held by different stakeholders, mainly the Gardaí and the HSE, about Separated Children gone missing that complicates any trawl of information. That said, through relationship building and comparative research the researchers have managed to create an accurate picture of the target group

Risk

Child protection issues when accessing Separated Children/general target group access problems

Given the urgency of the research and the limitations regarding accessing Separated Children (including child protection guidelines and the fact that the children are housed by the HSE) the researchers did not work with Separated Children. Instead, where relevant we worked with those who have aged-out.

Risk

We would be unable to find any of the Separated Children who have gone missing

There was a risk that we would be unable to trace any of the Separated Children who have gone missing from care in the last seven years. As one of the Garda informants told us:

The problem is you are looking for a ghost ... they have no history here, no family so there are a lot of dead ends. After a few months, you check in with social welfare, see have they signed on anywhere else but there is really nothing else you can do. You check with mobile phones – they are normally dead.

(Garda (Interview) June 13th, 2007)

The sentiments of this informant were echoed by informants in NGOs the Community Sector, migrant communities and in state agencies. This risk was managed in two ways: first, on a day-to-day level the researchers largely ignored the implication that we could not find missing Separated Children and proceeded with the work regardless of whether or not some stakeholders believed missing Separated Children could not be found. Second, the researchers followed trusted investigative research and qualitative research methodologies and compared outcomes and potential destinations with information in Irish, and European research. In total 6 of the missing were located by the researchers, reliable information relating to 6 other cases was obtained, and data relating to 52 other returned or "found" missing was made available to the researchers by the Separated Children's Unit of the HSE.

Chapter 2

Profile of the Missing

2 Profile of the Missing

2.1 General Profile of Separated Children in Ireland

Separated Children can present as either seeking asylum or not seeking asylum. The numbers of children presenting as young unaccompanied asylum seekers in Ireland over the past decade has fluctuated considerably, with applications peaking in 2001 (as shown in the table below). The legislation governing Separated Children, the statutory requirements and how they are dealt with is somewhat complicated. Children and young people who arrive in the country without parent or guardian and seek asylum are provided for under the Refugee Act, 1996. The same Act (section 8(5)) states that when this is the case, the immigration official shall inform the Health Board in whose functional area the child is and the Child Care Act 1991 shall apply.

The eastern area of the country receives the greatest proportion of Separated Children (the other key area being the southern area) and the East Coast Area Health Board (ECAHB) has taken responsibility for the care of Separated Children in the eastern region. It fulfils its responsibilities under Section 4 of the Child Care Act 1991 which allows them to take the children into care and says: "it is responsible for the total care needs of these children, involving appropriate immediate and ongoing care placements, social, medical and psychological services, liaison with educational and youth services as well as tracing of their immediate or extended families, assessment and reunification where it is safe and possible to do so. The board is also responsible for the decision to make an application for asylum if "this is considered to be in the child's best interests and to support the child through the asylum process".⁵

The other Health Boards around the country fulfil their duties under Section 5 of the Child Care Act which provides for care of these children under the 'homeless category' without them actually being taken formally into the care of the Board. They are therefore provided for in the homeless services for young people provided in their areas as distinct from the ECAHB where the child is taken into care and placed in services specific to asylum seekers.

Year	Numbers Presenting	Percentage In Care	Reunited with Family
1997/1998	25	Not available	Not available
1999	74	Not available	Not available
2000	520	15%	21%
2001	1085	7%	21%
2002	863	39%	59%
2003	789	35%	56%
2004	617	28%	68%
2005 (Jan – Mar)	224	21%	76%
TOTAL	4,197	24% (Avg.)	58% (Avg.)

Table 3. Presenting, In Care and Reunified With Family

The Separated Children come to the attention of the authorities in a number of different ways:

- they present to the immigration authorities at their port of entry, air or sea. The young person more often than not is accompanied by an adult who (i) either slips away when they reach the port of entry leaving the young person to present him or herself (ii) claims a relationship with the young person to get them through immigration and then leaves them to present themselves on land; claims a relationship with the young person but this claim is suspicious and requires further investigation by the authorities in which case the child is taken into care.
- they present to immigration officials on land e.g. ORAC in Dublin. This means that they have come through the port of entry undetected and present themselves to officials as an unaccompanied minor.

⁵ ECAHB. *Separated Children Seeking Asylum: Premises Audits*, (January 2005).

- Separated Children in Ireland who haven't presented at any immigration centre inadvertently come to the attention of officials in their everyday work (e.g ISPCC, Garda, health authorities) and are taken into care.

The Irish Refugee Council claims that the vast majority of Separated Children, less than 5% are identified at the port of entry⁶. The GNIB maintain that the figure is not quite as high but acknowledges that many come through without detection. It is fraught with difficulties, particularly when the child presents with an adult which is the case more often than not, and both have papers. The immigration official might only become suspicious if (a) there is something odd in the paper work (b) the interaction between the adult and child is unusual (c) the answers given to questions asked do not add up. If the immigration official is in any way suspicious, the child is taken into care (as is the adult) and the case investigated further. DNA tests have been carried out from time to time to determine family relationships.

It is a cause for concern that the statistics presented above represent the Separated Children that are officially in the system. If as claimed by the IRC, over 90% are undetected at port of entry, the conclusion can be drawn that there are many others who have come into the country undetected and who have not come to anyone's attention. Their fate is unknown.

Many of the children arrive in Ireland during 'out-of-hours' i.e. outside of 9am – 5pm and at weekends and for them the reception process is somewhat different. The out-of hours service run by the HSE is contacted by the immigration official and the child is brought to a hostel. The social work team then contact the child the following morning or after the week-end, depending on when he or she arrives. Both the guards and members of the social work team say that this 'out-of-hours' time is particularly prone to children going missing.

2.2 Profile of Hostels where Separated Children are Under Care

There are a total of 11 hostels as noted in section 2.4 above – ten are provided by the private sector contracted by the HSE; one is funded and staffed directly by the HSE. These hostels are either self catering or full board. Unlike the children residential centres operating throughout the state, these hostels for Separated Children are not subject to routine inspection by the Social Service Inspectorate.

Significant improvements have been made over the years as the Eastern Health Board have sought increased funding and improved standards in the hostels they contract with. But, it is acknowledged that there are still issues surrounding hostel accommodation.

In January 2005, an audit of premises were conducted by the Monitoring Officer of the East Coast Area Health Board. While the audits are now over 2 years old, some of the findings are worth noting:

- the decorative standard and structural report of the accommodation audited was found to vary considerably throughout the service.
- In the majority of premises, young people were not provided with sufficient bedroom furnishings
- All premises (save one) had sufficient showering and toileting arrangements although the standard of hygiene varied considerably;
- Numbers in bedrooms and premises have fallen considerably and the majority of young people now share with three or less persons. Efforts to reduce the numbers of young people sharing bedrooms should continue.
- Systems for recording information were poor among the hostels;
- All premises need to initiate a visitors log and all persons must be required to sign in and out when visiting the premises.

⁶ Angela Veale et al. *Separated Children Seeking Asylum*. 2003: 6

- The principals of fire safety, health and safety and environmental health that should be in place in all premises accommodating children/ young people in care are not.
- Health and safety hazards are not routinely identified with the hostel accommodation.
- Appropriate number of staff working in the premises are not trained in First Aid techniques.

Name	Address	Capacity	Occupants	Placement/Duration	Provision
Adamstown Apartments	Adamstown Road, Lucan	38	Mother and Baby Facility 16 – 18 yrs	Medium- long-term	Self-catering
Ashton House	190 Upper Drumcondra Road.	25	Female 16 – 18 yrs	Medium-long-term	Self-catering
Blessington House	5 Blessington Street,	30	Mixed 16 – 18 yrs	Medium– long-term	Self-catering
Brehon House	St. Richmond Street	36	Male 16 – 18 yrs	Medium-long-term	Full board
Chester House	314 – 316 North Circular Rd.	48	Female 16 – 18 yrs	Intake/Reception; medium- long-term	Full board
Glandore House	Mount-town, Dun-laoghaire	28	Female 16 – 18 yrs	Medium-long-term	Full board
Riversdale	Palmerstown	30	Mixed 12 – 16 yrs	Medium-long-term	Full board
Roylands	Tallaght	13	Mother and Baby 16 – 18 yrs	Medium –long-term	Full board
Sandford	54 Sandford Road, Ranelagh	28	Male 16 – 18 yrs	Medium- long-term	Full board
Staircase	21 Angier St.	35	Male 16 – 18 yrs	Intake/Reception; Medium- long term	Full board
Cluid Hsing (HSE run & registered)	Bellevue, Kiltipper Rd	6	Mixed 12 – 16	Medium-long term	Full board

Table 4. Summary of Accommodation Centres

The Monitoring Officer drew a number of conclusions following his visits including the following:

Considering the nature of the Separated Children seeking asylum accommodation service ie. the use of unqualified staff, relatively high numbers of young people in each premises, the vulnerability of young people emanating not only from their experiences at home but also coming to Ireland of a different race and culture, it is imperative in the [Monitoring Officer]'s opinion, that young people are empowered with the necessary knowledge, tools and training to protect themselves from exploitation and abuse. Proprietors, managers and staff have absorbed and can only realistically expected to absorb limited amounts of the learning imparted to them. Staff in the majority of premises are not Garda cleared and are still recruited by proprietors and managers insufficiently qualified and experienced to do so. Therefore, resident young people are best equipped to protect themselves if given the knowledge and tools to do so.

There were a number of consistent messages emerging about accommodation issues from our own interviewees:

- very little supervision in the evening;
- much of the hostel accommodation is not appropriate;

⁷ East Coast Area Health Board. *Separated Children Seeking Asylum Premises Audit* (January 2005).

- there is no one to check in on the young person to see where they are, what they are doing and with whom they are doing it;
- the companionship and networks between the children within the hostels is very important;
- turn-over of staff is a big problem;
- poorly trained staff in hostels;
- poor record keeping in hostels;
- inadequate protection in hostels;
- hostels can be very isolating and lead to integration problems;

2.3. Outcomes for Separated Children

Family Reunification

Family reunification remains an ongoing concern for Separated Children service providers. The statistics presented in Table 5 below show that on average over six years 58% of all Separated Children are reunited with family members here in Ireland. There has been a significant change in the figures for reunification from 2000 to 2005. In the year 2000, family reunification accounted for 21% of outcomes for Separated Children. In 2005, this trend had been reversed with 76% of these young people reunited with family members. This is a particularly high proportion for family reunification and is against the trend evident in other European countries, the reasons for which are inexplicable.⁸ Three quarters of those reunited were below 12 years of age.⁹

Year	Reunited with Family
1997/1998	Not available
1999	Not available
2000	21%
2001	21%
2002	59%
2003	56%
2004	68%
2005 (Jan – Mar)	76%
TOTAL (Avg.)	58%

Table 5. Reunited with Family

In a survey conducted with ECHA staff concerned with family reunification, they expressed a number of concerns with the family reunification process:

- only one interview takes place to decide if a child and adult are in fact 'family';
- the child and adult may have been separated for an extended time period hence making assessment problematic;
- the concept of family in some of the presenting cultures includes an extended network of adults that includes aunts, uncles, grandparents from both maternal and paternal sides of the family;
- the pressures of time with others waiting to be seen;
- previous addresses are not always checked and confirmed;
- previous service providers e.g. Community Welfare Officers are not always contacted to verify facts as presented;
- some children are coached to their answers;
- document verification is not easy due to the capacity to fraudulently develop/acquire such documentation;

⁸ Bruton (July 2005): 33.

⁹ Irish Refugee Council. *Making Separated Children Visible*. (2006).

- existing information systems are not robust enough to verify if the adult has every previously been involved in reunification;
- data-or lack of data regarding the child – that may/may not be on [official forms] is not always an accurate reflection of the child’s relationship;
- lack of placements.¹⁰

These views are backed up by the interviews conducted for the purposes of this research. Of particular concern is the lack of follow up once the minor is reunified with family. A standard letter is sent to the social work district where the minor and family is located but given time and resource scarcity, no follow up visit takes place.

The Asylum Process

The Separated Children who are not reunified with family are placed under HSE care and a decision taken as to whether he or she applies for refugee status. The Irish Refugee Council says that many children are never entered into the asylum system because of the restrictive interpretation of the term ‘refugee’ which disregards private forms of persecution.¹¹ The SCU has asserted that a five point criteria is used to determine whether or not it is in the best interest of a Separated Child to be entered in the Asylum Process. Each decision is taken on a case-by-case basis. The five point criteria is:

- Age (a child must be over 16 to have an application made on their behalf by the HSE) them)
- Cognitive awareness of the child
- If the child wants to be repatriated via IOM
- Potential for reunification with family
- Potential for child getting subsidiary protection¹²

A social worker conducts an initial assessment of the child’s social history and it is the social workers decision as to whether it in the best interest of the young person to apply for asylum. If a decision is taken to go ahead, the minor then registers with the Refugee Legal Service and will subsequently be allocated a solicitor or a case worker. He or she meets with the caseworker or solicitor accompanied by a HSE representative.

Once the various questionnaires are filled out and consultations held, an interview with ORAC to determine the persons’ asylum application is held. If refugee status is denied, the minor can then look to appeal the decision and finally seek subsidiary protection. This entire process from initial application through to appeals and final decision can take years to get through and one of the biggest criticism by stakeholders is the length of time and energy sapped by the asylum process.

	2003	2004	2005	2006	Total
Separated Children	271	128	132	68	599
Total Applications	7900	4766	4323	2128	19117
Percentage Rate	3.43%	2.69%	3.05%	3.2%	3.09%

Table 6. Separated Children Asylum Applications (up until 20th June 2006)¹³

It is evident that the number of child applicants actually granted refugee status is extremely low. In the last three and a half years, a total of 279 Separated Children were granted legal status. ORAC estimates that the number actually granted asylum status is as low as 4%.¹⁴

¹⁰ Bruton (July 2005): 40

¹¹ Irish Refugee Council (2006): 30

¹² HSE SCU Principle Social Worker and Dublin City and County Child Care Manager (Interview) 22 June 2007

¹³ Irish Refugee Council (2006): 30

¹⁴ Pg. 63, Bruton (July 2005)

The question then of what happens (a) to the children who do not enter into the asylum process (the majority according to the IRC) and (b) to the children whose application for refugee status has been refused, then arises. The children who do not enter the asylum process are in a legal limbo until they reach the age of 18 when they are faced with a number of options (i) make an asylum application as an adult but the fact that they didn't make one on arrival will go against them (b) seek leave to remain or (c) face a deportation order.

	2003	2004	2005	2006	Total
Granted at 1st instance	38	58	56	22	174
Refused at 1st instance	163	182	132	47	524
Granted at appeals stage	43	36	20	6	105
Refused at appeals stage	280	280	106	43	709

Table 7. Recommendations issued to Separated Children seeking asylum¹⁵

Family Tracing and Voluntary Return Programme

Family tracing is a difficult, time consuming and bureaucratic task, according to Separated Children social workers. Family tracing is the process of searching for family members or primary legal or customary care givers. It also refers to the search for children whose parents are looking for them. The Irish Red Cross handles family tracing but has limited resources.

The Voluntary Assisted Return and Reintegration Programme for Separated Children is run via IOM and funded by the DJELR. The key word in this process is 'voluntary'. When the child is looking to return home, IOM hire a social worker in the country of origin to gather facts about the country and the family situation which will allow them to assess the risk to the child if returned. If the decision to return the child home is positive, then a person accompanies the child on the return journey and remains with him or her for a period of time until they are settled in. Follow up checks are carried out from time to time. The IOM interviewee reported that they have 80 referrals at this point in time (June 2007) and 12 children have been returned home under the programme. It is worth noting the detailed process associated with this return programme along with the regular follow-ups compared with the relatively cursory process afforded to the family reunification system in this country.

Care and Services afforded to Young Accompanied Asylum Seekers

The complex legislative provision for Separated Children Seeking Asylum means that "they are only entitled to be cared for under the asylum processing arrangements as distinct from a child care basis in which their need for protection and safety are the principal drivers of how they are cared for".¹⁶ This focus essentially means that the Separated Children are treated as asylum seekers first with a corresponding focus on their applications as opposed to children first and asylum seekers second.

Assessment

Once a child presents to immigration authorities, the HSE is notified and the child taken into care. The young person is given an initial child intake assessment by a social worker and options for his or her immediate care is examined. If placement in foster care or with relatives is not an option, they are placed into hostel accommodation specifically for Separated Children.

Social Welfare

A social worker is assigned to each child placed with an alternative care family. Young people in hostel accommodation are linked with a project worker (there is one assigned to every hostel)

¹⁵ *ibid*

¹⁶ *Ibid*: 19

and a social worker is also assigned to an individual if he or she is perceived as particularly vulnerable.

The minors receive information about the asylum procedure and a full developmental medical and public health screening before being assigned to accommodation. For minors under the age of 14, foster care is sought as the first option.

While in the care of the HSE, the minors are entitled to avail of the Community Welfare Officer Service and certain social welfare payments:

- Weekly basis Supplementary Welfare Allowance (SWA): 16 – 18 years in self catering: €124.80
- Weekly basic SWA: 16 – 18 years in full board: €97
- Weekly basic SWA: under the age of 16 years and resident with sibling greater than 16: €16.80
- Exceptional Needs Payment – Clothing: €127
- Exceptional Needs Payment – Buggy: €127
- Travel: €14.50

Education

Under Irish law, any child under the age of 16 is required to attend school. When the child is in the care of the HSE and in hostel accommodation, the project worker or social worker often contacts the Separated Children's Education Unit in the Vocational Education Committee (VEC), though not necessarily all the time. The officer meets with the child to see what their education options are and what is most appropriate depending on the language fluency, their skills, their previous education history etc. The various options open to the children are first, mainstream school; second, language classes and third, VEC courses run under the Back to Education Initiative. The VEC unit runs additional courses: language classes, homework clubs, summer programmes, etc.

Some schools make great efforts and put supports in place, according to interviews with the Separated Children's Education Unit. But it is very much dependant on the good will of the school, the attitude of the Principal and resources. Generally, the young people are placed into transition year (if an appropriate age) in preparation for the leaving cert year. Staff in the Separated Children's Education Unit noted it is a big ask for young people to take on a state education exam in a foreign country so soon after their arrival and many of the UM's do not take the leaving cert exam for this reason.

There are some significant problems arising for Separated Children in the area of education:

- lack of vocational training options for these young people e.g. through FÁS. Because of their unresolved legal status, the FÁS training services are not open to them so any young person not academically minded or not able for the leaving certification has no options for apprenticeships or any other skills training courses.
- children having to move accommodation away from their schools and where they have settled in. This is of particular concern for the children who are ageing out of the 18 and under system, whose asylum application has not been resolved. Once they reach 18 years of aged they are re-housed in adult direct provision accommodation often far away from the school they were attending, and far from the social support networks they have built up over time
- Access to post leaving certificate training is difficult for separated children because of the high fees charged to non-EU students.

Medical Welfare and Health

Each child is entitled to a medical card and a medical examination and assessment is offered to all 16 and 17 year olds on arrival. Persons under the age of 16 require a court order (under the

Child Care Act) for the purposes of a medical examination. Follow up care may include some or all of the following:

- referral to medical services for immediate treatment needs (GP or A&E)
- ongoing one-to-one social work services
- psychology services
- ongoing social and emotional support
- financial support (supplementary Welfare Services) if living in hostel accommodation
- links with English language classes and schools, sport and social networks
- links with appropriate voluntary organisations
- supporting in linking with Gardai and Immigration authorities for those who have been trafficked for sexual exploitation or other criminal purposes or for those who have been abused
- advice and assistance for tracing family members
- voluntary return home.¹⁷

There is a dedicated psychological support service also available to young Separated Children.

2.4 Experiences of Separated Children Seeking Asylum

There is no significant research exploring the reasons why young people leave all that is familiar to them and so we are reliant, as is often the case with this subject, on anecdotal evidence: parents who send them abroad in the hopes of getting a better education and having a better life; church groups in local communities send children over for similar reasons; children flee countries rife with war, terror and persecution; children look to be reunified with family members; children who are being trafficked for exploitation.

Data relating to the mental health of Separated Children in Ireland contained in the internal HSE document *The Bruton Report* summarises research done both in Ireland and elsewhere on the mental and physical needs of Separated Children which often relate to their experience prior to arriving in Ireland: :

- many separated children have experienced considerable trauma and might have no memory of a period of stability;
- their school education, if any, is likely to have been disrupted;
- parental distress and general insecurity are common experiences
- they have minimal real contact or interaction outside their own ethnic peer group;
- they lack the security offered by their families and communities.

Many of the Separated Children who arrive here have experienced abuse .The Bruton report analysed data concerning abuse allegations and concludes that the number of allegations of abuse made by separated children seeking asylum/Separated Children has risen as has the number of confirmations of the veracity of the allegations.¹⁸ Of the 136 presenting allegations during that period, 59% were confirmed, 37% were inconclusive and 4% were unconfirmed. Two thirds of the allegations made by minors related to sexual abuse and almost one third related to physical abuse.

	2000	2001	2002	2003	2004	Total	Percentage
Physical	0	8	4	28	0	40	29.4
Sexual	3	15	26	46	1	91	66.9
Emotional	0	0	0	1	0	1	0.7
Neglect	0	1	3	0	0	4	2.9%
Total	3	24	33	75	1	136	100%

Table 8. Claims of suffering abuse prior to arriving in Ireland¹⁹

¹⁷ *ibid*: 32

¹⁸ *ibid*: 37

¹⁹ *ibid*: 38

After examining data concerning general child abuse allegations and comparing the figures for Separated Children and all other children, the report concludes that:

The comparison clearly shows that the rate of confirmation of all types of abuse is very substantially and significantly higher for those who are separated children seeking asylum/Separated Children compared to those children who are referred to the health services who are not separated children seeking asylum/ Separated Children²⁰

Research was recently undertaken with 32 separated minors over a period of 15 months by Muireann Ni Raghallaigh as part of her PhD thesis on the 'Experiences of Separated Children' and more particularly on their coping strategies. The research is as of yet unpublished but in an interview with the author, she had some interesting observations which differed somewhat from experiences that had been published to date:

- The children she engaged with over the 15 month period did not present themselves as traumatised victims but are in fact extremely positive and self-reliant. Ni Raghallaigh says that this may be a coping mechanism children use to deal with previously traumatic situations i.e. not dwelling on it, trying to look forward. She notes however that it would be a mistake to assume they are dependent victims – she calls them "survivors".
- The issue of trust was one of the most significant to emerge during her research. These children do not trust anyone. Many come from countries where government regimes breed mis-trust but the children also noted that Irish people do not seem to trust them so there is no reason for them to invest their trust in the Irish people.
- While hostel accommodation has come in from a lot of criticism, the research indicates that the social networks developed in these hostels between the young people are very important to them.
- The care and asylum system as it currently stands does not support the development of strong relationships between the children and wider Irish society. The turnover of staff in hostels, the turnover of staff in the SCU, the turnover of children in the hostels all contributes to this sense of instability and works against the development of strong relationships.
- Religion, religious belief and community based on a shared belief system is a key coping strategy for them and perhaps contributes in some way to their positive attitude. Many of them noted that they didn't feel alone because God was with them.

²⁰ Ibid: 39

Chapter 3

Quantitative Analysis and Key Trends

3.1 The missing: 2000 - 2007

Following is a detailed breakdown of Separated Children who have gone missing from state care 2000- 2007. The data is presented first, at a macro level as a seven year overview and second, at a micro-level for the first six months of 2007 and the twenty four months of 2006 and 2005. The analysis contained in this chapter and in chapter four is built around records held by the SCU in the HSE. In addition to reviewing case files for 2000 – 2007 the researchers conducted a more detailed analysis of 109 files from 2005 to 2007. This files were selected by purposive sampling.²¹

2000 to 2007

2000 – 2007 missing Separated Children by Year

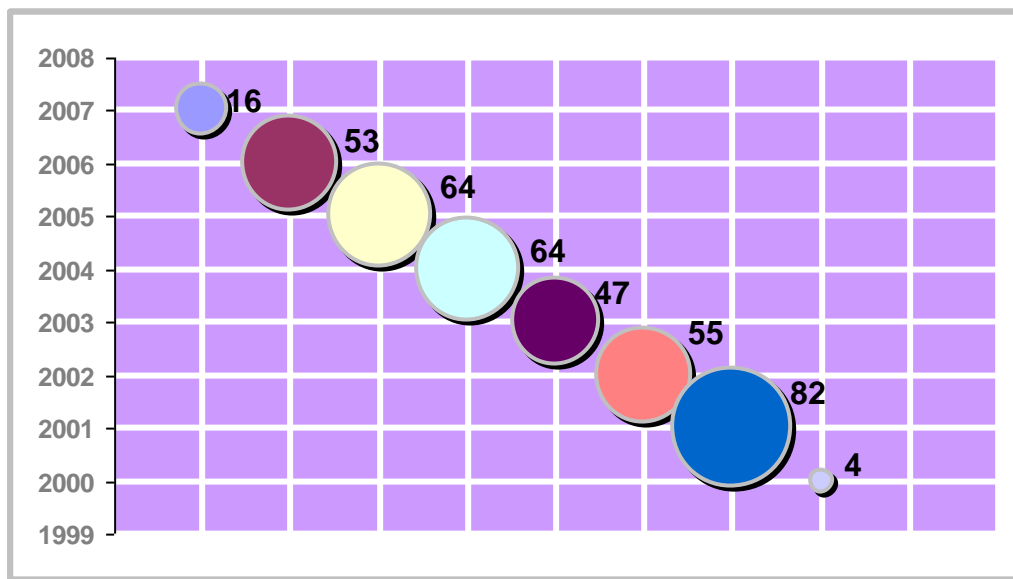


Figure 2. 2000 – 2007 missing Separated Children by Year

The analysis of Separated Children gone missing from State Care between 2000 and 2007 presents a consistent number of children disappearing . Prior to 2004 records are less detailed and less reliable. In 2000, only four children are listed as going missing out of a total 406 number in care for the same year. These children, two 16 year olds (one from Ivory Coast and one from China), one 17 year old and one 18 year old both from Sierra Leone, were all reported missing from their accommodation between 3 – 4 weeks after their last confirmed sighting. From 2002 to 2006 the numbers of missing Separated Children follows a consistent average despite differing numbers of Separated Children in Care for each of those years.

In...	...this number of Separated Children were placed in Care...	...and this number of Separated Children went Missing.
2000	406	4
2001	1085	82
2002	335	55
2003	277	47
2004	174	64
2005	180	64
2006	188	53
2007	44	16

Table 9. Historical Analysis: Placed in Care and Missing

²¹ Purposive Sampling is when one samples with a *purpose* in mind. Subjects are sampled due to a shared characteristic(s). In this study such characteristics were age, gender, whether or not they returned to accommodation and period of absence from accommodation.

In 2002 when 335 Separated Children were under State care, 55 went missing, in 2003 277 were under care and 47 went missing, in 2004 when 174 were under care 64 went missing, in 2005 when 180 were in care another 64 went missing and in 2006 when 188 number were in care 53 Separated Children went missing. For the first six months of 2007 (up to and including June 30th) 16 have gone missing suggesting that the overall figure may drop by over half the average number of 57 missing Children per anum (when 2001 and 2000 are removed from the computation).

2000 – 2007 missing by Nationality

While there is a huge range of nationalities represented in the missing across the seven years, two nationalities are consistently high in number: Romanian and Nigerian. Both total 73 missing children each over the seven years. While data relating to ethnicity is not recorded in the HSE DISC system it is reasonable to suggest that many of the children identified as Romanian are likely to have been Rroma. This along with the high numbers of Nigerian children gone missing reflects the push and pull factors of the large Romanian Rroma and Nigerian populations in Ireland. Romanian as a nationality over the course of the 6 years 2001 to 2007 inclusive, peaks in 2005 where 19 out of the 64 children who went missing that year were listed as Romanian. Of these 19, 11 children were referred by the Out of Hours service or GNIB and so were never seen by a Social Worker. These 11 children were mostly aged 17 years with only one being aged 18 and one 16. All bar one was male. This group would have arrived into Ireland at night and have been missing by early morning.

2000 - 2007 Missing by Nationality

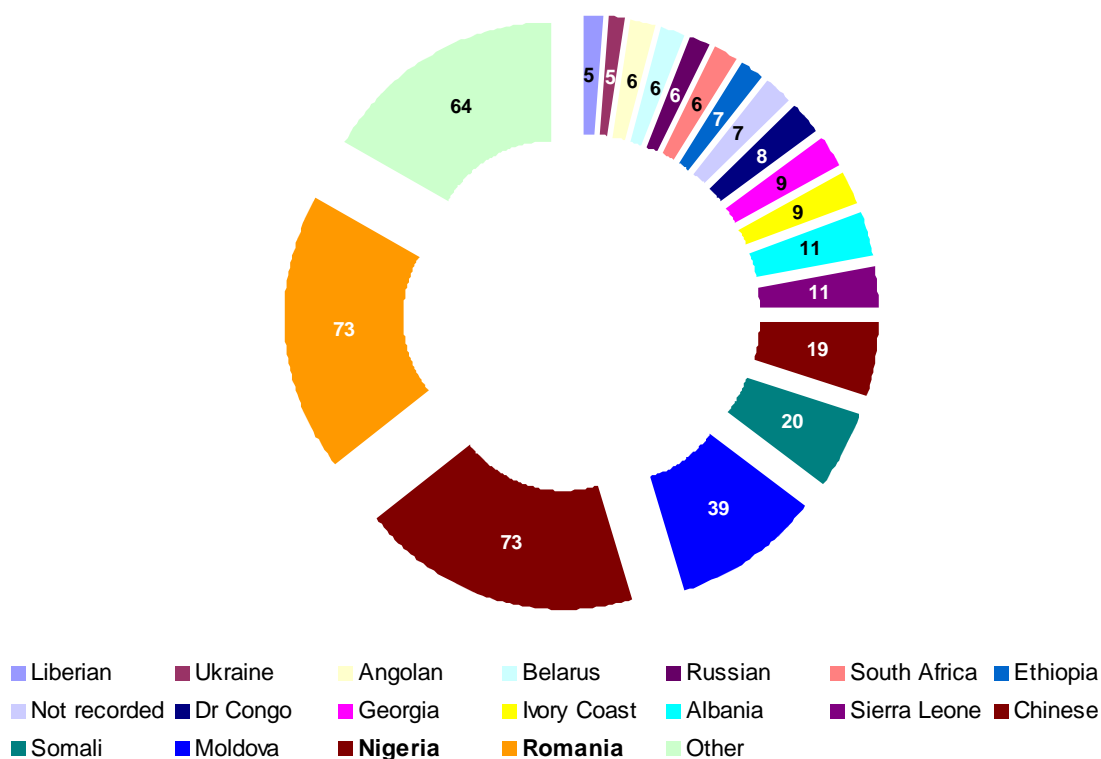


Figure 3. 2000-7 missing by Nationality (where over 4 individuals per nationality)

Apart from Romanian, other prominent nationalities over the seven years are Moldovan (39); Somali (20); Chinese (19); Sierra Leonean and Albanian (both 11); Georgian and Ivory Coast nationals (both 9); Democratic Republic of Congo (8); Ethiopia (7); Angolans, Belarusians, Russians and South Africans (6); and Ukrainian and Liberian (5). The high number of Moldovan nationals in figure 3 above is a reflection of the concentration of Moldovan migration into Ireland

witnessed 24 children go missing from each hostel. Riversdale which is located in Palmerstown catering for 12 to 16 year olds for medium to long term occupancy has had 14 children go missing, the most recent of which is a high-risk 15 year old Nigerian girl. She went in May of this year (2007). Blessington Lodge like Riversdale has been a mixed accommodation centre, catering for 12 to 16 year olds and has witnessed 13 children go missing. The last child to go missing there was a 15 year old Ethiopian girl who was reported missing in March 2004. Ashton follow's next with 10 recorded instances of children going missing, the most recent cases being a 16 year old Nigerian girl and two 17 year old Ethiopian girls, all of which have since returned to care. In the other hostels where less then 10 children have gone missing the most notable is Sandycove House saw 9 children go missing. The Out of Hours service in Parkview has had 7 children go missing. 2 children/youths have gone missing while placed in hospital care but both, one 18 year old Somali and a 17 year old Romanian have both returned to care.

2000 - 2007 Missing by Accommodation

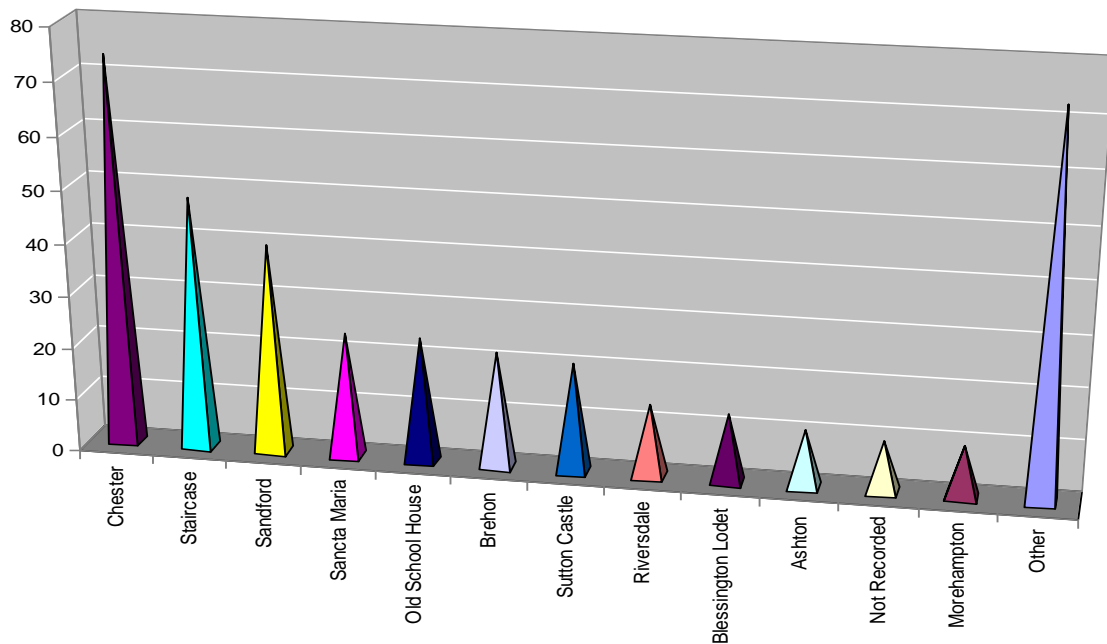


Figure 5. 2000 – 2007 missing by Accommodation (10 or over individuals per unit)

2000 - 2007 Missing by Accommodation (Other)

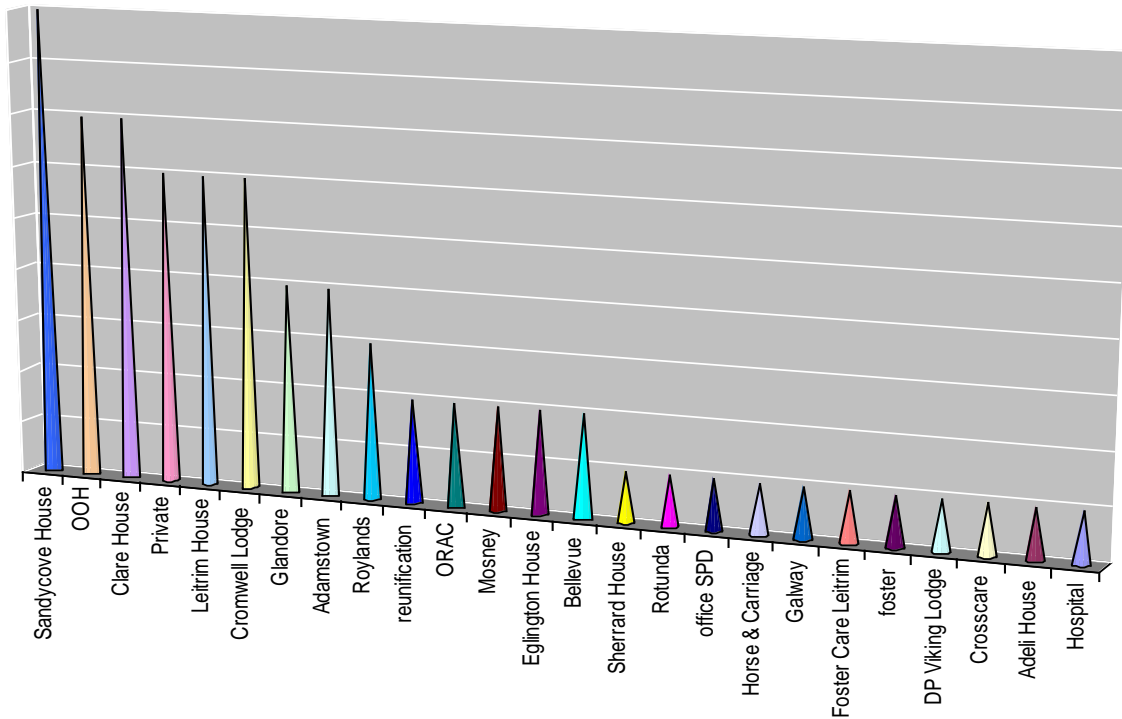


Figure 6. 2000 – 2007 missing by Accommodation (9 or under individuals per unit)

2004 - 2007 Separated Children Returned to Care and Located Elsewhere²²

The DISC records for those Separated Children who have gone missing and subsequently returned to care are available for the period 2004 – 2007. There are no central records for returnees prior to 2004. The researchers have not included those who were located overseas in this category. Because the Garda PULSE system fails to record returnees in any consistent manner (not all returnees are recorded, those who go missing again from care are entered as a new case and not as a second instance of the one individual going missing) the main repository of information is the HSE DISC system and individual hard case files.

2004 – 2007 Returned to Care

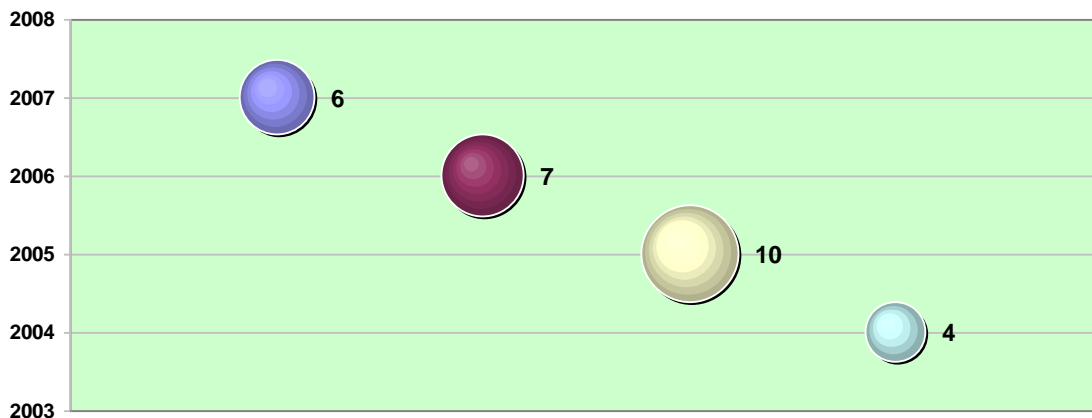


Figure 7. 2004 – 2007 Returned to Care

²² No centralised records of returnees before 2004

Between 2004 and 2007 a total of 27 Separated Children returned to Care either on their own initiative or after having been located by the SCU, the Gardaí or other, sometimes-UK based border control. The period of time the children who returned were away from their accommodation varies from as short a time as 4 or 5 days (as is the case with one boy and three girls who went missing from Staircase and Ashton respectively during 2007) to as long a time as 9 months as is the case with a Romanian girl who went missing from Chester House in May 2004.

The picture is different for children who do not return to care or are not located and returned to care by authorities. Between 2004 and 2007 in addition to the 27 Separated Children who were located by virtue of their return to care another 33 Separated Children who had gone missing were located without returning to care. Again, records are incomplete pre-2004 but the pattern of missing children located indicates that in 2004, 10 Separated Children gone missing were located. In 2005 11 were located, in 2006 11 were located and up to and including June 30th 1 Separated Child has been located. A number of the located children have been located outside of Ireland. In 2004 Alina, a Romanian child aged 14 was reported missing from Bellevue, the HSE run and registered facility in Kiltipper that houses only up to 6 children. Similarly 16 year old South African Blessing was located in the UK and 13 year old Faith from Nigeria was located in Lagos.

2004 -2007 Located Elsewhere

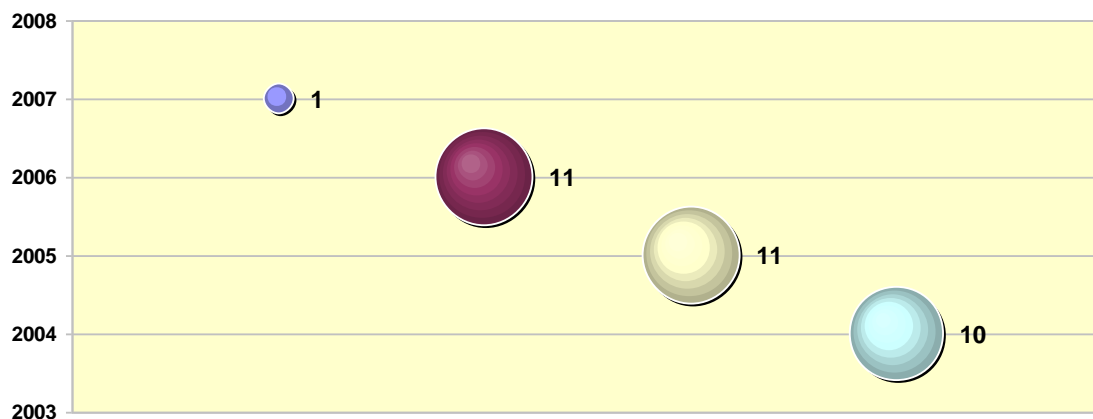


Figure 8. 2004 – 2007 Children located elsewhere

In 2005 none of the Separated Children located elsewhere were located outside of Ireland. In 2006 of the 11 children located elsewhere, two girls aged 17, one from Romania and the other from Georgia were identified living elsewhere in Ireland, one with her boyfriend and the other under another name in the West of Ireland.

3.2 Missing Children 2007

In the first six months of 2007 17 children went missing from State Care. Of these 17 children 3 went missing in January, 5 in February, 1 in March, 3 in April, 2 in May and 3 in June. Of the children who have gone missing two are Algerian, four are Chinese, two are Ethiopian, one is from Guinea, one is from Iran, one is Liberian, two are from Nigeria, one is from Romania, two are from Vietnam and one has not had her nationality identified.

2007 Missing by Nationality

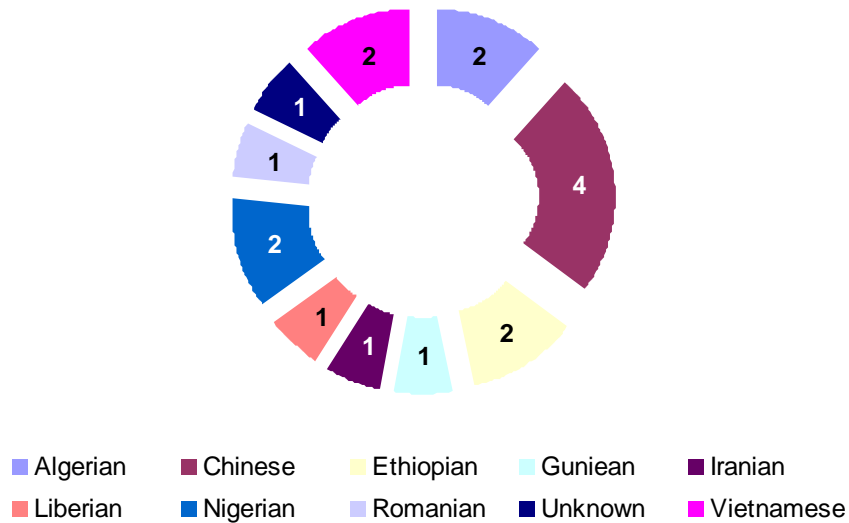


Figure 9. Missing Children by Nationality

Four of the seventeen children who have gone missing from Ashton House, one from Chester house, five from Brehon house, one from Riversdale, one from Sandford four from the Staircase and one from foster care. Of the seventeen, two were found or returned, one, a girl was identified returning from the UK and the other, a boy with a tendency to use alcohol in excess was located in Dublin.

2007 Missing by Accommodation

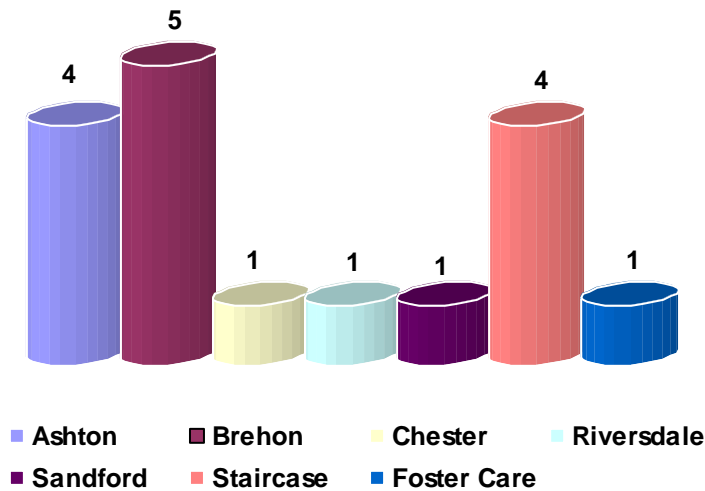


Figure 10. Missing Children by Accommodation²³

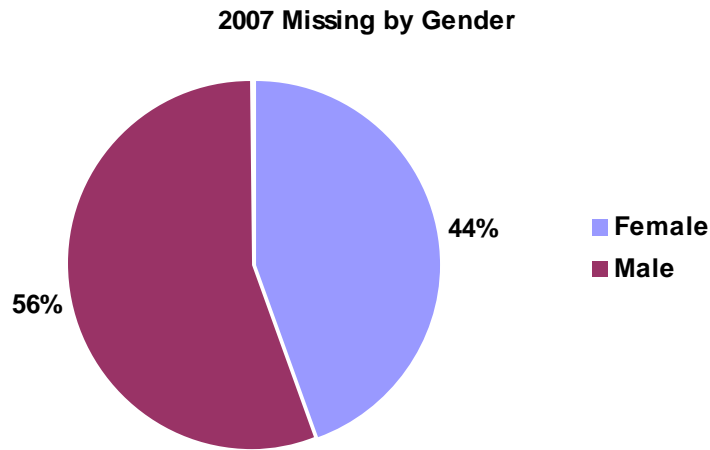


Figure 11. 2007 missing Children by Gender²⁴

The split between male and female children in 2007 continues the pattern of more male separated children arriving in Ireland than female. 44% or 89 missing Separated Children are girls and 56% or 11 are boys. This reflects the general split in favour of males in the overall numbers of Separated Children in Ireland in any one year.

2007 Missing Girls by Age

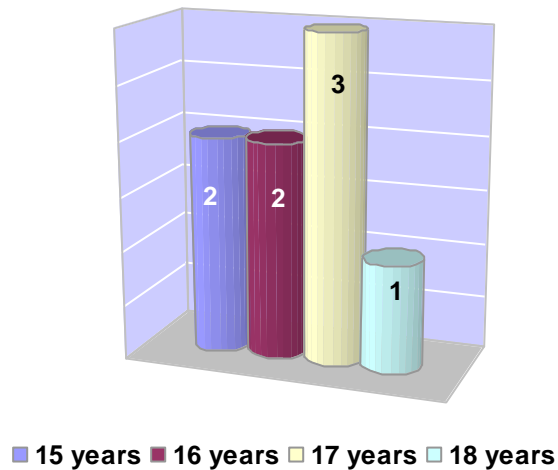


Figure 12. 2007, missing Girls by Age

Of the girls recorded missing in the first half of 2007, one was 18 years old, 3 were 17 years old, two were 16 years old and two were 15 years old.²⁵ Regarding the missing boys, one was 18

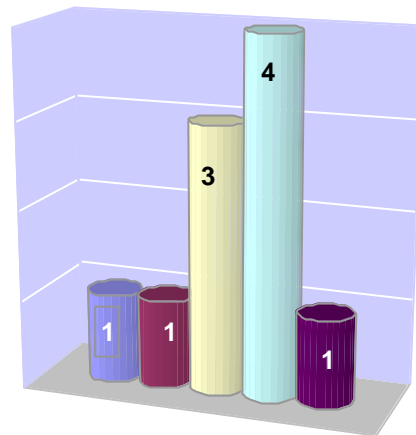
²³ Foster care address not recorded

²⁴ Figures for Gender are more recent than those relating to accommodation and nationality (17 July 2007)

²⁵ Age is calculate in all years as per the date the child goes missing

years old, four were 17 years old, three were 16 years old, one was 15 years old and 1 was 14 years old.

2007 Missing Boys by Age



■ 14 years ■ 15 years ■ 16 years ■ 17 years ■ 18 years

Figure 13. 2007 missing Boys by Age

Of the missing Children in 2007 seven returned or were located. Of those seven children, four were girls aged 15,16 and two 17 years old. Three were boys aged 18 years and two 17 year olds. Of the girls three were either detained in the UK or were found after returning from the UK and arriving back in their accommodation. One was found after absconding to Balbriggan in North County Dublin. Of the three boys there are no details of their return other than the dates but from the case file notes it is reasonable to assume that at least two of the boys (one Vietnamese and one Romanian) were living with friends or community members and probably working in the black economy.

From the analysis of those girls found certain commonalities emerge and these commonalities can be generalised across the files of missing girls not just those dating from 2007 but also those preceding this year. It is often the case that the child has a pattern of being absent over-night from their accommodation which develops into an absence over a number of days and nights. From the records available it is apparent that if the child is back in their accommodation between absences from the hostel then the social worker will remind the child of the hostel rules, file a notification that the child has been absent without permission and potentially impose a curfew on the child. The curfew is not enforceable in any way other than attempting to convince the child that it is in their best interests to adhere to the restrictions on their movement. During the period(s) when the child is absent from accommodation there may be contact via text or mobile phone with the social worker. When contact is broken the missing child process is initiated. It is difficult to generalise about the missing child process as it appears that in different cases different interventions may be made by the social worker. While we are unable to confirm whether it is part of the social worker brief, in some instances it appears that the social worker has taken on the role of the Gardai and attempted to locate the child (often successfully), sometimes elsewhere in Ireland. What it is possible to generalise about is that the missing child forms are normally completed and in 2007, handed to the local Garda station. Case file notes sometimes record the name of the receiving Garda and the time the notification was handed over by the Social Worker. Two of the missing girls travelled with the assistance of "a friend" and potentially together to Donegal and then by air to London.

Of those children who went missing in 2007 only one had an officially identified history of being trafficked although at least one other could be identified as a victim of trafficking. According to the

HSE the same child was the only child with a likely history of exploitation prior to arrival in Ireland. The same child was involved in prostitution in Ireland and traced by her exploiters to her State accommodation. She was subject to extortion and intimidation while in her accommodation. She has since been relocated into foster care. So far in 2007 of the children who have gone missing one is aged-out and seeking repatriation to an EU country or origin, three explicitly arrived in Ireland seeking work. The remainder were all declared seeking asylum. The three seeking work are composed of two Vietnamese males and one Chinese male. The two Vietnamese males arrived from the UK where they had been working illegally for three years. The Chinese male arrived from Malaga, Spain.

3.3 The missing: 2006

During 2006 a total of 53 young people went missing from state care. Of these missing one came from each of the following countries: Belarus, Congo, DR Congo, Eritrea, Ghana, Guinea, Iran, Kazakhstan, Lebanon, Libya and Morocco. Two came from each of the following: Afghanistan, Georgia, three from Moldova and Nigeria, five from Somalia, and fourteen from Romania. It is likely that the high number of Romanian's gone missing relates in some way to the accession of Romania to the EU and the attribution of freedom of movement to Romanian citizens in relation to travel within and between Ireland.

2006 Missing by Nationality

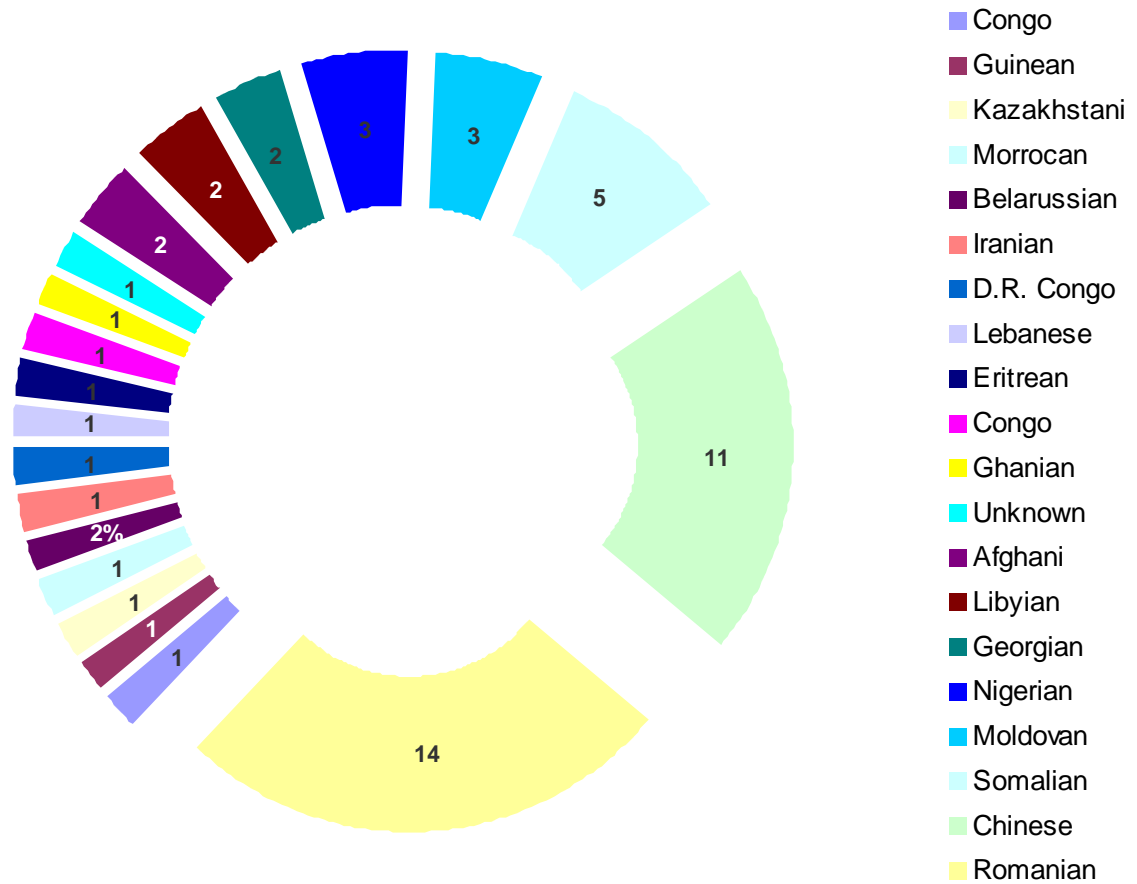


Figure 14. 2006 Missing by Nationality

The accommodation from which the children have gone missing includes nine centres. Chester House lost 16 children, Brehon House lost 10 children, the Staircase and Sandford Lodge both lost 9 children each. Three children went missing from their accommodation in Adamstown and one child went missing from Ashton, Riversdale, Roylands and Glandore.

2006 Missing by Accomodation

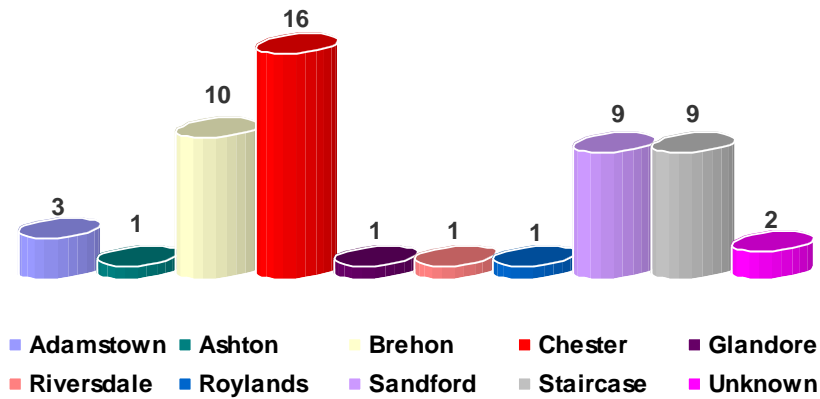


Figure 15. 2006 Missing by Accommodation

The Gender-split in 2006 keeps with the overall trend for more male than female Separated Children to arrive in Ireland. In 2006 22 girls went missing from their accommodation compared to 31 boys. Of the 22 girls who went missing two were 15 years of age, five were 16 years of age, fourteen were 17 years of age and one does not have her age recorded. Of the 30 boys who went missing, two were 15 years of age, 8 were 16 years of age, nineteen were 17 years of age and two were 18 years of age

2006 missing by Gender

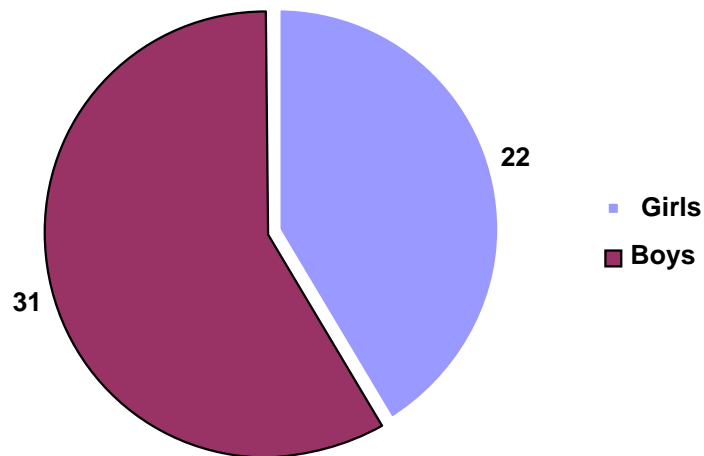
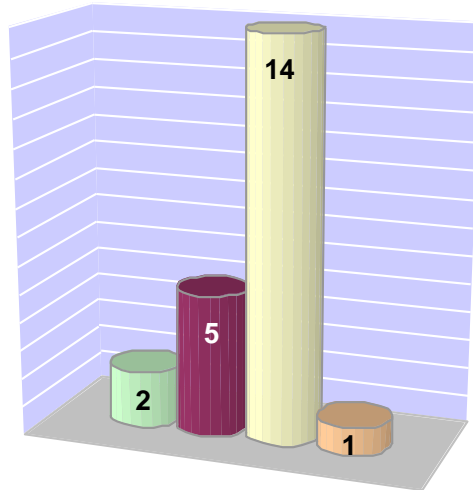


Figure 16. 2006 Missing by Gender

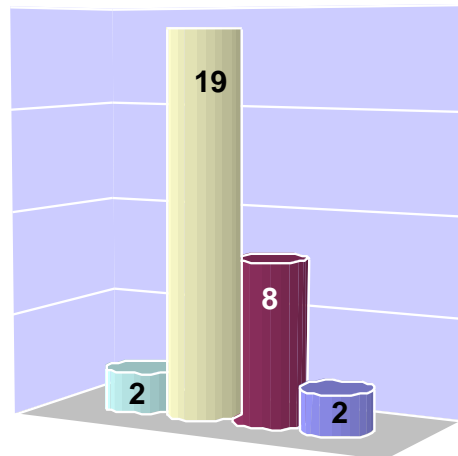
2006 Missing Girls by Age



■ 15 years ■ 16 years ■ 17 years ■ Unknown

Figure 17. 2006 Missing Girls by Age

2006 Missing Boys by Age



■ 15 years ■ 16 years ■ 17 years ■ 18 years

Figure 18. 2006 Missing Boys by Age

During 2006, of the 53 children who went missing 9 children were found or returned to their accommodation. One subsequently went missing again. Five of the missing children in 2006 were overnight referrals by the Out of Hours Service and so were never interviewed by Social Workers. Three children have possible/likely whereabouts in Ireland listed on their files. One other child has a recorded instance of attempting to contact her social worker one month after going missing. Of

the ones who have gone missing and returned most are missing for between 1 and 4 weeks, some however are missing for up to 6 months before returning to their accommodation. Five of the missing children in 2006 were overnight referrals by the Out of Hours Service.

On all the years on file there are few children who are listed as suspected having been trafficked. It appears that a strict definition of trafficked is used. Most children have either paid people smugglers for their transit or had their way paid for them by a relative. In 2006 one child is identified as likely to have been trafficked. That same child is the only one with a likelihood of having being involved in prostitution before arriving in Ireland.

Of the children who have gone missing at the end of 2006 and early in 2007 at least four arrived in Ireland specifically seeking work and were apparently already networked with Asian and Irish individuals. These individuals issued advice to a number of these children about how to avoid deportation, obtain hostel accommodation and what to say at Garda and HSE interviews. In the case of those arriving to work, they normally went missing within four weeks of being placed in their accommodation.

3.4 The Missing 2005

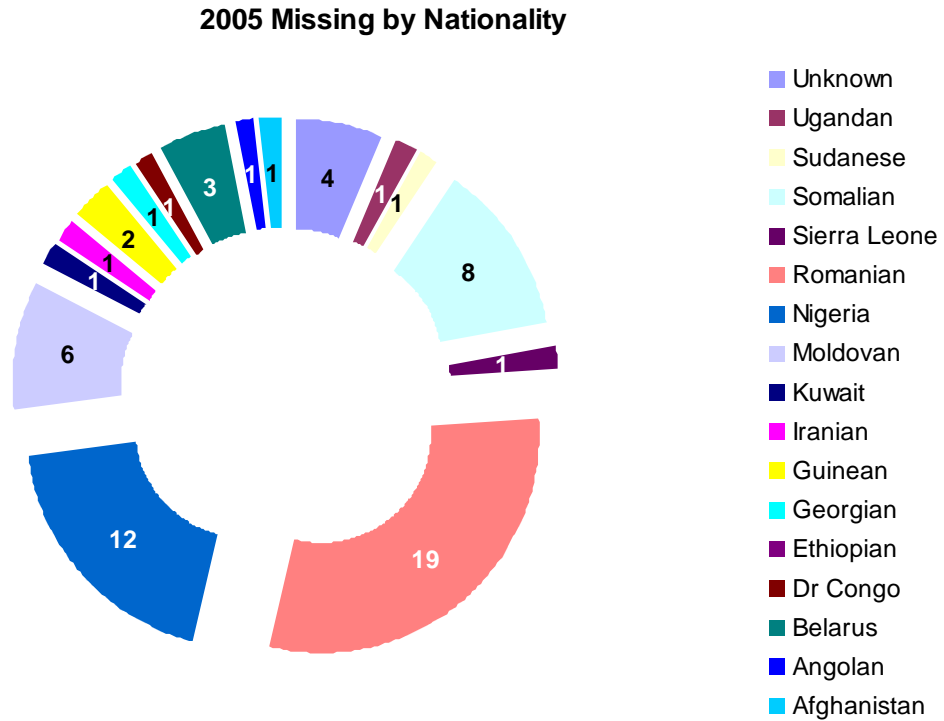


Figure 19. 2005 Missing by Nationality

In 2005 a total of 64 children went missing from their accommodation. Of the missing the overwhelming majority were Romanian (19 children) and Nigerian (12). After Romanians and Nigerians the most common nationality of missing children in Somali (8 children); Moldovan (6 children); and Belarusian (3 children). There was one child from each of the following nationalities: Ugandan, Sudanese, Sierra Leonean, Kuwaiti, Iranian, Georgina, DR Congolese, Angolan and Afghani. An addition 4 children are listed without nationality, two of which are of Eastern European background and are both male, one is African and female and the nationality of the other a male, is unclear.

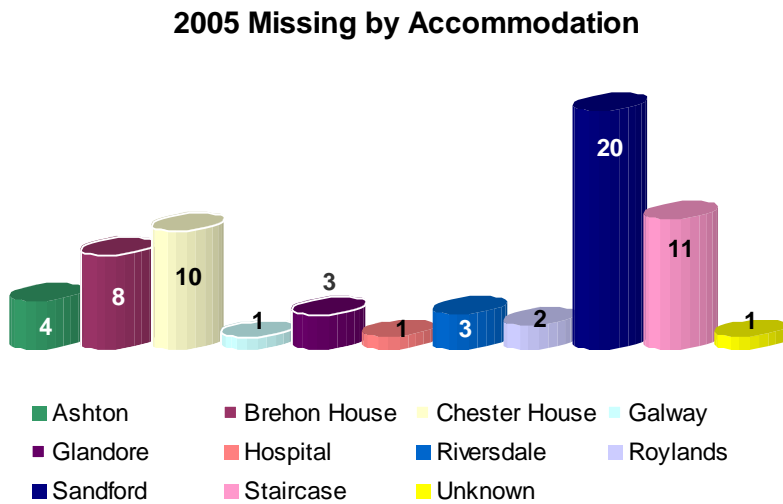


Figure 20. 2005 Missing by Accommodation

Of the missing in 2005 Sandford Lodge has by far the highest rate of disappearances with 20 children going missing from their accommodation. Next is the Staircase with 11 children going missing and Chester House with 10 children going missing. Brehon House witnessed 8 children going missing, Ashton 4, Glandore and Riversdale each witnessed 3 children going missing and Roylands 2. One child is listed as missing from Galway but infact went missing from Riversdale with his mother and one child went missing directly from hospital and another child does not have a recorded last place of accommodation.

2005 Missing by Gender

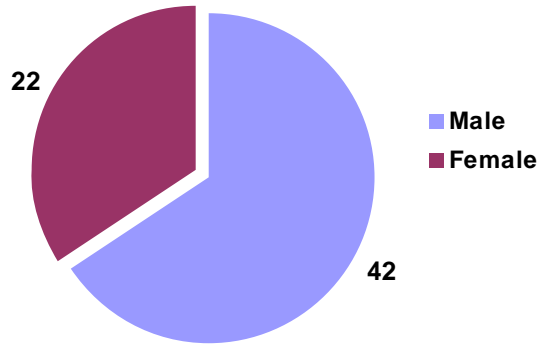


Figure 21. 2005 missing Children by Gender

Of the 64 children missing the familiar split of more boys than girls is reported in 2005. In total 22 girls went missing and 42 boys went missing from their accommodation. Of the girls who went missing the overwhelming majority were 17 years of age (11 children). The rest were 15 years of age (2 children), 16 years of age (3 children) and four girls had recently aged-out and were 18 years of age. One girl not listed in a unique entry is a new born who went missing with her mother. Of the boys who went missing in 2005 the overwhelming majority were 17 years of age (24 boys). The remainder of the boys were 18 years of age (4 boys), 16 years of age (13 children), 15 years of age (3 children) and one of the boys was an infant (4 years of age) who went missing from Riversdale with his 16 year old mother.

2005 Missing Girls by Age

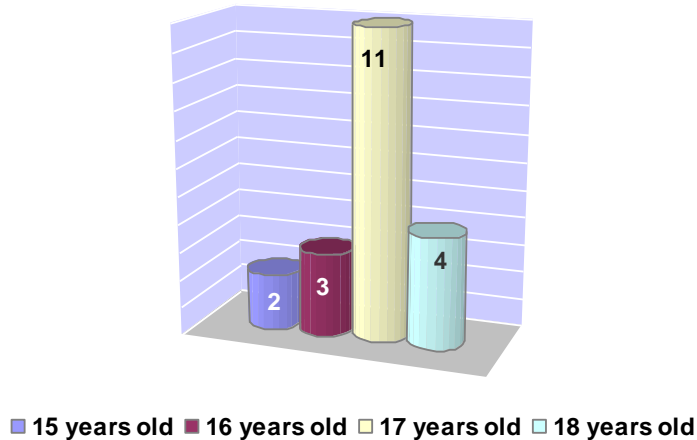
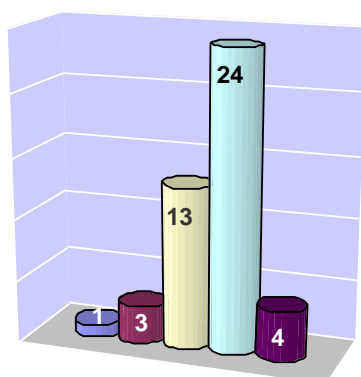


Figure 22. 2005, missing Girls by Age

2005 Missing Boys by Age



■ 4 years old ■ 15 years old ■ 16 years old ■ 17 years old ■ 18 years old

Figure 23. 2005 missing Boys by Age

Records for 2005 are less complete than 2006 and 2007 but of the children listed as missing none are identified as victims of trafficking but from evidence in the case files it is reasonable to assume that at least two of the girls who went missing were trafficked to Ireland for reasons of sexual exploitation. Of the 64 children, 17 returned or were located elsewhere in Ireland, 3 were reassessed as adults and were placed in adult accommodation and one returned only to go missing again two weeks later. The child who returned to care was categorised as at risk and was a likely victim of trafficking.

Of the missing in 2005 eight were referred by the Out of Hours Service or the GNIB and so were never interviewed.

Summary

The Missing are a highly diverse and heterogeneous group. However this in itself is a pattern. Against this background it is easier to identify commonalities such as when groups of children with similar nationalities arrive in Ireland or go missing in a suspiciously regular staggered pattern (for example, at intervals of our weeks spread over three or four months). From our quantitative and qualitative analysis a number of patterns emerge:

That between 2005 and 2007 at least four of the Separated Children who have gone missing have been trafficked for sexual exploitation or have been victims of prostitution or exploitation prior to arrival in Ireland.

That of these four children the two obviously most vulnerable and traumatised went missing within two days of being placed in care

That smugglers are operating dedicated people smuggling to Ireland from as far away as China and methods of transport range from by foot to truck and ship.

That Separated Children arrive through a variety of entry points but the most vulnerable appear to have arrived by land and sea

That of the Separated Children who have gone missing and returned many of the Children will not divulge details of their whereabouts. Of those who do, most claim to be staying in friends. Of

those who say they have been staying with friends, a small number have apparently been staying with older men.

That when analysing the numbers of the missing one hostel jumps out of the statistics: Chester House. Chester House which houses Separated Girls has seen 74 girls go missing. The hostel however does have a high occupancy of up to 48 girls. The pattern of high numbers missing matching with high occupancy level is repeated in the next two hostels that have seen high numbers of children go missing: Staircase and Sandford.

That over the 30 months of 2006 to June 2007, 13 of the missing were referred through the Out of Hours service and as such have no detailed record of their identities of their cases.

Chapter 4

Pattern Analysis

4. Patterns

In the following chapter we identify the six patterns that have emerged in the course of the research into missing Separated Children. These patterns are relevant to how potential interventions to improve the outcomes for the relevant children should be designed. Consequently they inform the recommendations of this report. The six patterns or categories are:

- Placed at Risk
- Aged-Out and missing
- To Find Work
- missing But Well
- Trafficked. Invisible.
- Reunited with Family

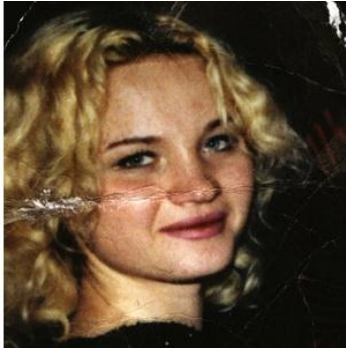
These categories of vulnerable children while based on solid foundations of quantitative information are descriptive in nature and so some of the cases assigned to these categories can sometimes fit into two categories. This is particularly the case regarding the "Placed at Risk" and "To Find Work" categories. Ultimately though we have divided the cases in this way so as to highlight the active placing of children at risk of at least: disappearing, and at worst: exploitation (and as the researchers were reminded by an expert informant, death). It is also to highlight the difficulties in working with such a diverse and often anonymous group of children.

By organising our analysis thus we focus on a thematic analysis based on the issues affecting each category of missing Separated Children, the main agencies responsible for impacting on lives of these young people, and "motivation". By "motivation" we mean the motivation of the children to travel to Ireland, the motivation of traffickers, smugglers, abusers, the parents of children who arrive unaccompanied in Ireland and the communities both at home and in Ireland to which these children appear to belong. In making our analysis we are drawing together the reasoning contained in the literature review of this report, insights and information imparted by key informants, information from a review of 109 cases at the SCU and information relating to the children located during the course of this research.

It is not the brief of this research to look at internal HSE structures or to look at the work of the SCU. However it is apparent to the researchers that the staff of the SCU are working with commitment and persistence to support these young people, often in an environment that is neither supported by appropriate legislation or by appropriate investment by the HSE. From an examination of the files referenced in this section it is obvious that the work of the SCU has changed, certainly over the last three years and better records are in place that help with gathering information on these cases. In the following sections we make reference to the work of the HSE and the GNIB/Local Garda purely to highlight their role working with and around Separated Minors who eventually go missing and to draw attention to instances where each body has offered conflicting information to the researchers.

It is important to note that we do not attempt to claim that any one child is more vulnerable than another but from research and from direct contact it is clear that some children have more advanced coping capabilities than others. Many while vulnerable do not disappear, some who appear vulnerable have gone on to establish themselves quite well here in Ireland or after repatriation. The following analysis is comprehensive but does not include all Separated Children who have gone missing: for example, there is no solid analysis to be drawn from the number of children who go missing after only one night in care. That said these unmentioned groups are included in our recommendations.

The group of Separated Children in Ireland is highly diverse. It is a heterogeneous group and consequently it is difficult to draw out common factors across cases. The following analysis is an attempt to put some shape on the groups of children who have gone missing, the factors that have contributed to their disappearance and how best an intervention could support these children and improve their lives.



Placed at Risk.

My name is Izabella and I'm 16 years old. This is the story I feel I can tell. I arrived in Dublin on the 10th of April 2007. It had taken me just a day to get here. I'm from a small village in Ukraine where I grew up with my grandparents. My father left my mother when he found out she was pregnant and my mother died giving birth to me. My grandparents died when I was 14 and I was placed in an orphanage.

At the orphanage I was forced to beg and hand the money I got to the men working at the orphanage. One day I was grabbed on the street along with another girl who was also from the orphanage. I was bound, and put in a truck. We travelled for hours. After a night I was handed over to a group of men – they said they had bought me. I was forced into the back of another truck and taken to Greece. I arrived in the heat when it's normally winter back home. They made me have sex with other men. I don't know how many times I had to do it but I know I hated every second. I was terrified. I must have been there for four months at least.

In February I was forced into the back of another truck with five other girls. We were all bound hand and foot. Some were younger than me, maybe 10 years old. The truck drove for maybe 28 hours. We arrived in Northern Spain. There I was kept in captivity and forced to dance topless in a bar. The owner of the bar raped me. Over and over again. He made me pregnant.

One night after the bar had closed the owner was drinking with the other men who lived there. I was thinking of the baby. I knew when they found out I was pregnant they'd make me have a miscarriage. It was the first chance I had to escape. Maria and I escaped out a window and made our way to a petrol station near the highway. The first truck we saw we climbed in. The truck drove for nearly two days. We didn't eat. When the truck stopped for petrol we went to the toilet or caught a drink from an outside tap in the petrol station. After nearly two days and a crossing by boat I saw the lights of a city and jumped out. I don't know where Maria went. I walked to the centre of the city and hid there for the night. Next day I heard two people speaking Russian and told them I needed help. They told me where to go.

I've been here two days now and I'm in the centre of the city. I'm afraid of staying in my accommodation. I keep remembering the men, their skin and what they did to me. I feel alone. Tonight I'm going to stay with the two Russians I met. And I'm not coming back.

Maybe I didn't stow away on a truck. Maybe I was brought here. Maybe someone is waiting for me. Maybe they're the two Russians. Or maybe there is more than two. Maybe I'm going to be bound, brutalised and held in captivity here in Ireland. Maybe they'll make me lose my baby. Maybe they'll abuse me and force me to work as a prostitute again. And no one will know.

*

There is a strong likelihood that Izabella did not escape into a truck in Spain. The real possibility is that she was trafficked to Ireland either to be based here potentially as a prostitute or to be trafficked on to somewhere else in Europe. One month after disappearing Izabella did try to contact her social worker but quickly disappeared before they could meet. In this situation the hypothesis is that something has gone wrong in the trafficking process and girls like Izabella are temporarily housed in state care before being moved on by their traffickers.

This category of missing children includes children who from the information contained in their case files and from information given to the researchers from key informants can be identified as having been made vulnerable or susceptible to risk due to a lack of appropriate care. This group is children who are at a high risk of harm from individuals or factors *in Ireland*. These children are exposed to this risk by being placed in inadequate care. Of the 109 cases sampled over a period of 30 months from January 2005 to June 2007 a total of 13 cases fit solidly with this category of missing Child. Of these 13 cases 12 are girls and one is a boy. Four of the cases involve young people who were located by authorities, one was located by Gardaí likely involved in prostitution, one child was located in Dublin and was removed to foster care (a measure that the SCU employs where possible to protect Separated Children are rescued from risk situations or identified as living in risk situations (for example, being resident with an older adult male), two of the girls had been detected by UK immigration while missing. One case of the 13 is a repeat case where the child first came to the attention of the SCU when she was 12 years of age. She had been rescued from a forced marriage, went missing from care but was located in Romania. Four years later she was back in the care of the HSE before going missing again. In the majority of cases there is evidence or reasonable suspicion of sexual exploitation. There is limited evidence of domestic slavery.

In some instances this exploitation is supported by hard evidence of trafficking for sexual exploitation, or by locating the child in sex work. In other instances (three of the cases identified in the sample) the evidence is less apparent to an external reader but is obvious to care workers and authorities. In these cases the child may have a large number of male names in her phone even though she may only be in Ireland a short time. The conclusion from this is that a girl, with large numbers of male names in her phone and diary, who is exhibiting observable symptoms of being engaged in sex work while resident in care, is potentially being forced or manipulated to work as a prostitute or engage in a relationship with an older male. These cases fit with at least four cases highlighted to the researchers by informants in the voluntary sector. In some cases the child may have travelled to Ireland with what they describe as "a friend", usually an older male who either has a sexual relationship with them or later forces them into sex work.

Answering the question: how does a child fall into these risk situations key informants identified a number of scenarios:

- The child is trafficked or smuggled specifically for sexual exploitation. She comes to the attention of the authorities at border control or she presents herself to ORAC/GNIB/SCU in order to be accommodation prior to being moved on. In some cases the child will have contact numbers in Ireland and Europe, in others they will not. The child then enters into some contact with a third party and goes missing.
- The child is identified by a male who becomes their "friend". Eventually this friend and the child have a sexual relationship. The child is then either forced into further exploitation by their "friend" or the child is trafficked on to another part of Ireland or Europe and exploited further.
- The child is groomed by other children or young people in their accommodation before being disappeared into exploitation

From the timelines in the cases examined and from those suggested to the researchers by key informants there is an apparent correlation between children who go missing soon after entering care and the likelihood of being trafficked for sexual exploitation. There is also narrative evidence of children being "befriended" by an older male and then going missing completely or for extended periods.

In two cases of Separated Children in care and gone missing there is testimony from the child that they were smuggled into Ireland by a male, in one case for sexual and domestic exploitation and in the other case after suffering repeat rape by the male trafficker. In both of these cases the men were white but the researchers have come across cases where the men were of the same nationality/ethnicity as the child. Where any of these children have gone missing they have

obviously been disappeared as a consequence of their vulnerability; that is, had they been safe in care they would be far less likely to have been disappeared by another person or persons. Worryingly, for those in care who have similar stories but who have not gone missing there is nothing to stop them being victims of the same consequence. In these cases the male who trafficked or smuggled the child to Ireland is still at large in Ireland and the risk factor is that the child will come in contact with that individual either while out of or in their accommodation.

The question of who is responsible for placing these children at risk is difficult to answer. In some cases it is difficult to identify within the current care structures what else a child's social worker could have done to prevent the child going missing.

For Separated Children the standard of accommodation is a factor in their misery when they arrive in Ireland. A number of the cases under this heading have testimony from the child who is obviously traumatised and in distress being distraught about being placed in a hostel without immediate supports when they have presented in some cases after having been trafficked, raped and physically abused. Social workers work fast to organise medical and psychological support but the fact remains that these highly vulnerable children are placed in a hostel with inadequate supervision, inadequate facilities, inadequate security and with a social work team which has an inordinately high case load and which must work with an inappropriately high social-worker to child ratio.

It is extremely worrying to observe that in at least one of the 13 cases a child who suffered sexual exploitation was visited by individuals who prostituted her while she was in care after having being rescued from prostitution. These individuals attempted extortion and intimidation of the girl while she was in her accommodation

That children become exposed to adults who "befriend" them and enter into a sexual relationship with them has legal implications in the context of age of consent. In situations where this relationship develops into the sexual exploitation of the child by a number of adults there are clear criminal implications. Again it is impossible to think of these possibilities without immediately considering the level of care and supervision the child gets in their accommodation and how the levels of autonomy they experience enables them to spend long periods out of their accommodation during the day and then effectively to be absent overnight for extended periods. It is entirely reasonable to assume that this contributes to the likelihood of exposure to risk situations, and militates against the timely detection of disappearances.

There are two fundamental underlying structures influencing the exploitation of minors in the ways outlined above:

- Care system which exposes these children to unnecessary risk and exploitation
- Demand by men in Ireland for children to sexually exploit under the guise of the sex industry
- Trafficking



Aged-out and Missing.

Ali left Afghanistan during the summer of 2003. His older brother brought him to the agent that specialised in getting people to Ireland. He left his village in a truck along with three boys his age and two older men. It took seven months to make it to Ireland. He stayed in different European countries before arriving in England in December. He and the other asylum seekers stayed in a flat near London for three days before he left on a truck for Ireland.

Ali travelled to Ireland as he had witnessed his father being killed by local militia. His brother and his mother stayed in Afghanistan.

Ali has lived for three years in hostel accommodation in Dublin. He has attended school and gained a good leaving certificate. His asylum application failed in the first instance and at appeal and he is now seeking leave to remain. Ali has suffered severe panic attacks and insecurity since arriving in Ireland and the uncertainty around his leave to remain application exaggerates the effects. His social network, his friends both in school and in the hostel make it easier for him to cope. He wants to go on to college but is aware that as an asylum seeker now that he has finished school he has few education options.

Ali turned 18 and received his deportation order two days later. That night he left his accommodation and left all his belongings behind and has been missing for two months now

This category of missing is numerous as arguably many of the Separated Children who go missing do so on the verge of ageing-out, often with disregard for where they are in the asylum process. It is as if there is no faith in the process and once a first instance refusal is received the child loses hope and assumes they will be deported. Of the missing, in the first six months of 2007 three girls and four boys were aged 17 and one girl and one boy were 18 years of age. In 2006 this number was fourteen girls aged 17, 19 boys aged seventeen and two boys aged 18. In 2005 this number was eleven girls and twenty-four boys aged 17 and four girls and four boys aged 18 and 4 boys aged 18 years of age. This age group is identified by key informants in the NGO, Psychology Services and HSE as a high-risk group. These children and young people are often highly vulnerable and when carrying on in the asylum system past the age of 18 can find the adjustment to adult accommodation difficult. In some cases those who transition to the adult process are placed in accommodation where no-one is close in age to them. Often aged-out minors experience bullying and exploitation by adults in adult accommodation centres. In some instances young people who may have originally sought asylum on the basis of being persecuted because of their sexuality or their minority status within their own country are placed in accommodation with adults who will continue that persecution here in Ireland.

There are three processes affecting this group of children and youth:

- The asylum process and the length of time some cases have been in consideration
- The lack of education or training a child might receive before being issued a deportation order once they turn 18 years of age
- Transition supports for those transitioning into the adult asylum process



Mei arrived in Dublin on the 18th of November 2006. She was aged 17. She was placed in accommodation in Dublin and immediately placed in school. A number of other Asian girls had arrived into Ireland over the preceding months and most were now based together in the one location. A week after arriving Mei stayed out all night. She had moved some of her belongings out of her accommodation.. Two weeks after arriving in care Mei went missing

Mei telephoned one of the other Asian girls to tell her that she had gone to her cousin who had found her work in a restaurant outside of Dublin. She said that all had been well for a week or two but then the owner of the restaurant had been treating her very badly. This information was passed to Mei's social worker who in turn contacted the local social work team near the restaurant and the local Garda in charge of the missing Person's case and who is based in Dublin as well as the Gardaí based locally near the restaurant.

It took two weeks over Christmas before anyone called to the house where Mei was supposed to be living. Equally Gardaí in Dublin claimed that Mei's social worker had told them she had no fears for Mei's safety. From written notes it is clear that Mei's social worker was increasingly concerned for the girl's safety and had communicated this to the Dublin Gardaí.

The local social work team reported that the house Mei had been living in appeared deserted but when they knocked on the door an Asian girl answered and said she thought Mei was living at the house also and working in the restaurant.

Mei's social worker called the local Gardaí who agreed to call to the house. When they did three Chinese men answered and said no girls lived there. They all said all three of them worked in the local Chinese restaurant.

In May of 2007, 6 months after Mei had gone missing her social worker took it upon herself to travel to the house where Mei had lived and try to locate her. Local Gardaí accompanied her to the house where an Irish woman told her the Chinese had been evicted because of the condition in which they kept the premises. Mei's social worker then went to the local Chinese restaurant where they discovered six undocumented workers living upstairs from the dining area. Mei was there.

Mei was returned to Dublin where she told how she was earning under the minimum wage in the restaurant and working long days, without breaks or holidays.

This category of missing refers to those children who have declared that it is their intention to find work in Ireland and not to seek asylum. The reasons for this are well known. In this category of child there is little information about where the children might go or how they enter into the black economy. To some of the Gardaí involved in tracing Separated Children gone missing this group of young people is considered homogenous and unlikely to be found. In one instance the researchers were told by a Garda that in his opinion most of the children who go missing are street-hardened and are involved in crime, working illegally and are well able to take care of themselves. The implicit argument of such a statement is that it is not worth putting too much effort into finding the missing child. Through this study the researchers have found that over time there is great diversity in this group of children, both in terms of nationality and apparent ability to

cope with working in the black economy. In the sample cases for 2006 and 2007 there is a prominence of Asian nationals either Vietnamese or Chinese arriving seeking work. There are a variety of backgrounds represented in files and it is reasonable to assume that a large number of the children who have come through the Out of Hours service over the last three years, who are male and around 17 years of age are likely to be travelling to Ireland to work.

Recently in the case files of the Asian youth there is a rough split between a group of Asian children and youth who travelled together probably from Shenzhen to find work in Ireland and two Vietnamese nationals who travelled by foot, horse and truck for up to three years to get to Ireland. Those who were identified as adult were placed in detention awaiting deportation and those identified as children were placed in Separated Children accommodation. The Shenzhen group arrived reasonably well prepared with instructions about what stories to present at immigration and to the HSE. Some of the children had mobile phones with messages from Irish numbers instructing them on how to deal with the HSE and what to say. Of this group of four the two girls who were placed in care went missing within a month of arriving in Ireland.

For the Vietnamese nationals one had travelled on foot, truck and boat to get from Vietnam through China and eventually to Europe. He had travelled under the stewardship of a gang of Chinese people smugglers and told that he had lost his mother in the woods in China.

This category of child is particularly vulnerable to exploitation in the labour market as an undocumented worker. In many of the cases it is true that the child has travelled long distances and lived illegally in a number of European and non-European countries on the way. Some the children are orphans from Asia or Eastern Europe, some are not.

The processes that affect these children are

- Immigration and border control
- Traffickers
- Black economy
- Work exploitation



Anuda is from Kalimani in Kenya. At 15 years of age she fled her village because of a family feud and ended-up in Nlarobi. There she was destitute and was introduced to working as a prostitute in order to stay alive. While working as a child prostitute one of her clients was a "white man" who promised her a job in Europe. The man told her that he could arrange domestic work for her in Ireland. After a while the man arranged a visa for her to visit Ireland. In Ireland she was brought to a house in Dublin where the man, a woman and a child lived. She worked unpaid minding the child and was not allowed to leave the house. One night she was told she would have to start working as a prostitute for the man. That night she escaped from the house and made herself known to Gardaí. Anuda is now 16 and her case is under investigation by the Gardaí. The risk of going missing for Anuda is that if she meets the white man again she is likely to be snatched and forced back into domestic slavery or be forced to engage in prostitution

This category of missing includes those minors who were trafficked to Ireland, mainly for exploitation in the sex trade or as domestic workers. It also includes those who have been trafficked through Ireland (transited) for exploitation in other European countries. For this group only some of the missing become visible, usually when the escape from their exploiters or are identified by Gardaí sometimes during a trafficking investigation or an investigation of the sex industry. It is reasonable to assume that a significant number of children are not detected in any way. Strictly, this group is not part of the remit of this study but it is important to draw attention to their existence here in Ireland. The only time the researchers came in contact with this group of children was when as in the case study above, the child had been rescued by Gardaí or when key informants discussed the existence of this group of practically invisible children. GNIB informants informed the researchers that at present this category of child, particularly those imprisoned in domestic slavery is the primary group being investigated in the context of people trafficking and child exploitation in Ireland. A concern of Gardaí and HSE staff is that the family reunification process is being used to facilitate the trafficking of children for the purposes of domestic slavery.

The processes affecting this group

- Family reunification
- Trafficking
- Smuggling
- Sexual exploitation
- Domestic slavery



Mahmud is from Aybak in Afghanistan. He left his village in Afghanistan during the Spring of 2005 and travelled by foot, truck and boat to Ireland. It took six months to get to Dublin and to get her his brother paid people smugglers all he and his family could afford. Mahmud was placed in hostel accommodation in Dublin. He told social workers how he had left Afghanistan after his father and mother had been killed and how he feared for his life were he to return. Consequently Mahmud had an asylum application lodged on his behalf. After two frustrating years in the asylum process and with little indication of when a decision would be made on his application Mahmud met some friends who were planning to leave Ireland and try to make a better life elsewhere. He decided to travel with them and so one night Mahmud left his accommodation. He travelled on false papers to Canda where he is now resident. He reports that he has obtained "status" in Canada, is working, has somewhere good to live and is happy.

This group of missing children are those who have left care and gone on to regularise their status in another country and establish a life for themselves there. This group does not include those children who leave care and enter the black economy where by virtue of being an undocumented migrant they are at greater risk of exploitation. There is evidence of children travelling to Ireland after leaving other European countries where they had sought asylum and become frustrated and disenfranchised. In those instances the children are striving to find a better life sometimes with a case for asylum, sometimes not. Then there is evidence of missing Separated such as Mahmud leaving Ireland to find a better life elsewhere. This group of children who are often close to ageing out are worth highlighting if only to identify that not all Separated Minors who go missing from their accommodation necessarily have dire outcomes or experience exploitation. From the research for this project the researchers identified three children who had gone missing and to varying degrees were well in their new country: two Moldovan who had moved to the UK and one Afghani who had moved to Canada.

The processes that affect this group are:

- Irish and non-Irish immigration
- People Smugglers
- Irish and non-Irish Asylum processes



Reunified with Family.

At the age of 12 Alina was reunited with a woman who claimed to be her mother. The woman had brought Alina to ORAC to initiate the reunification. In fact the woman was not Alina's mother, she was a fellow Romanian facilitating a sexual relationship between her 12 year old boy and Alina. Alina had in fact been smuggled to Ireland with the consent of her parents in Romania to be "married" to the son of the woman pretending to be her mother. It was only after over a year as the woman's child that it was confirmed through DNA testing that there was no family link. Alina was placed in HSE accommodation where after 10 months in care she went missing. She was located arriving in Romania three months after leaving care in Ireland. Four years later Alina now 16 has presented herself to HSE staff after travelling from Spain to marry the child she was introduced to six years previously. While in care again Alina was told that marriage of under 16s is not allowed in Ireland. She went missing again

We include children who have been reunited with family in this section primarily because of concerns raised by Gardaí, the SCU and key informants in the NGO sector. Between 2000 and 2006 of the 4,615 Separated Children referred to the HSE 2,326 were reunited with family. The concerns around this process related primarily to the validity of the reunification. Many of the reunifications take place away from the East Coast where the SCU is based and by are overseen by local social work teams. This and the fact that there is little follow-up of the welfare of the children is worrying the SCU. As mentioned above the main reasons there is concern in the HSE are that in addition to poor supervision and follow-up relate to capacity and the quality of the family reunification process including:

- only one interview takes place to decide if a child and adult are in fact 'family';
- the child and adult may have been separated for an extended time period hence making assessment problematic;
- the concept of family in some of the presenting cultures includes an extended network of adults that includes aunts, uncles, grandparents from both maternal and paternal sides of the family;
- the pressures of time with others waiting to be seen;
- previous addresses are not always checked and confirmed;
- previous service providers e.g. CWO are not always contacted to verify facts as presented;
- some children are coached to their answers;
- document verification is not easy due to the capacity to fraudulently develop/acquire such documentation;
- existing information systems are not robust enough to verify if the adult has every previously been involved in reunification;
- data-or lack of data regarding the child²⁶

²⁶ Bruton, 40

While unable to provide figures Gardaí assured the researchers that they regarding the trafficking of people into Ireland they are most concerned with the use of family reunification to smuggle children into domestic slavery

Processes which affect these children are

- Family reunification
- People trafficking and smuggling

Chapter 5

Recommendations

5. Recommendations

The One Foundation should consider how to approach the issue of Separated Children going missing from State care. The researchers believe that in the first instance consideration should be given to how best to work with the HSE to intervene to improve the outcomes for Separated Children both missing (and not missing). Interactions with the HSE may be aided by the One Foundation convening a Chatham House Rules style session with key stakeholders to discuss this report and other relevant research. That said, the researchers believe that the One Foundation should act on the more direct intervention recommendations (policy, service development, direct support) sooner rather than later. Also consideration should also be given to the timely resourcing of legal action via Portfolio Organisations, Coalitions or NGOs where relevant regardless of the level of engagement of the HSE. In other words, the issue of Separated Children going missing from State care is an urgent one, the HSE moves slowly. If the state isn't moving fast enough then all means necessary should be considered to force change.

Issue

The system of care whereby Separated Children are not given an equitable level of care, security or support directly places vulnerable children at risk

Recommendation 1. One Foundation should investigate working with the HSE to improve care/accommodation for Separated Children,

Although this recommendation appears to have the risk of not having an exit strategy it is important to tackle the risk points where they occur, that is, in the accommodation in which Separated Children are placed. Undoubtedly the ideal situation is for Separated Children to be fostered but while this is currently unfeasible other solutions guided by best practice guidelines should be explored

Recommendation 2. One Foundation should explore resourcing legal action against the State

One Foundation should explore resourcing an existing Portfolio Organisation or Coalition akin to CADIC to take legal action against the HSE or the State to ensure an appropriate level of care for Separated Children

Issue

There is insufficient policy and legislation either to ensure Separated Children get the same level of care as Irish children or to ensure that Ireland adheres to best practice in the care of Separated Children and works to combat trafficking of minors.

Recommendation 3. One Foundation should fund campaigning and lobbying for Policy and Legislation Reform

There are a number of policy/legislative reforms for which existing Portfolio Organisations both in the Migrant and Child sectors should lobby. One Foundation should resource existing Portfolio Organisations to lobby for relevant legislation and ratification to counter Trafficking, support the victims of Trafficking and provide quality of care to Separated Children that is equal to that provided to Irish Children. Where necessary One Foundation should resource either a single or a coalition of organisations from the migrant and child sectors (for examples, CRA, ISPCC, Barnardos, IRC, MRCI) to investigate using litigation to force the relevant issues, particularly those that could limit exposure to risk situations, for example, reduction in social worker to child ratio and the availability for supervised care 24 hours a day, 7 days a week. Other areas that should be worked on are:

- Reform the asylum process for Separated Children: Separated Children should be viewed as children first and asylum seekers second. For Separated Children the process is long-drawn out and is not child friendly. The asylum process for Separated Children

should move to a single step process and should be integrated with a enacted long-term care plan for the relevant child.

- Reform the trafficking legislation. There are two principal gaps in current trafficking legislation, which have a significant impact on the detection of cases of trafficking. The immigration status of trafficking victims is generally irregular and Irish legislation provides no protection or temporary status for victims of trafficking, in effect preventing them from seeking the protection of the Gardaí. Irish law does not provide for witness protection. There is no specific programme for trafficking victim witnesses, though they can be granted temporary residency.
- The Out of Hours service is badly resourced and so a significant number of Separated Children pass through this service and go missing without seeing a Social Worker or even being included on an appropriate record. This service operates at one of the two flashpoints where kids disappear. There is only a skeleton service available and resources are required to shore up this referral point. This is a State service and so should be resourced through public monies. One Foundation should endeavour to ensure that relevant Portfolio Organisations and NGOs consider this area for lobbying and policy work
- Family Reunification (see Recommendation 4)

One Foundation should also consider providing increased funding to enable a legal challenge to the state and in particular the HSE to provide appropriate care for Separated Children

Issue

The Family Reunification process is plagued by a low standard of follow-up and is suspected to be means for the trafficking and smuggling of children into exploitation

Recommendation 4. One Foundation should work with HSE and ORAC to ensure appropriate monitoring of Family Reunification and adherence to best practice

Given that half of Separated Children in the country are reunified with family members with no follow up or no thorough check, it is an area that requires huge support and investment, particularly with the high rate of family placement that is unique to Ireland (71%) and the growing concern by the GNIB about the exploitation of children in domestic servitude. One Foundation should consider investing via it's existing children's Portfolio Organisations to work with the HSE and ORAC on monitoring Family Reunification of Separated Children.

This should also be a policy lobby point for relevant Portfolio Organisations

Issue

Ageing out is a key risk time for children/youth to go missing

Recommendation 5. One Foundation should consider funding an Independent Drop-in and Support Service for Aged-Out and Ageing-Out Separated Children

One Foundation should consider funding an independent drop-in and support service for aged out minors.

Issue

There is a continued likelihood that either older aged-out minors or those about to aged-out will be moved to Galway where there is no external support network

Recommendation 6. Resource a new position in an existing portfolio organisation or in a new portfolio organisation. Resource the creation or expansion of a support project for aged-out minors in Galway

Issue

Separated children rely on normalisation structures and formal and informal support networks, particularly those obtained through the education system. Particular risk points for children who go missing are when second level education ceases (and third level education is unavailable) or when the anomie of the asylum system and the ensuing hopelessness experienced by Separated Children forces them to disappear. The possibility of continuing education and the real benefits of doing so would significantly reduce the risk of Separated Children going missing. The training of Separated Children in vocational or enterprise-related skills increases the potential for voluntary returnees and those who are deported to avoid falling into risk situations in their country of origin.

Recommendation 7. One Foundation should investigate investing around education and training for Separated Children

The intervention can take a number of forms, for example the establishment of a trust fund for Separated Minors to enter continued education. Some aspects of this intervention should include vocational or business training along best practice in development. An example of best practice is the World Bank CEP scheme where the target population are trained and supported in developing micro-enterprises

Issue

Separated Children are bereft of a variety of key supports that can militate against them going missing from Care

Recommendation 8. One Foundation should invest in Supports for Separated Children

One Foundation through either the existing portfolio or through a new investment should resource a variety of supports for separated children particularly Mentorship/Adult Role Models (potentially via BBBS), education, social integration and "best friend" which ideally should be delivered through a single agency or NGO. This service should also be an advocate for Separated Children. This role as advocate is necessary because the social workers within the HSE have a legislative and welfare role with regard to Separated Children which is not the same as advocating on some-ones behalf.

Issue

Victims of Trafficking for exploitation (usually sexual exploitation) require high levels of integrated specialist support in appropriate, safe facilities. Also, the exact extent of this form of trafficking is unknown. There are no measures for the recovery and social reintegration of victims of trafficking, such as shelter, counselling and medical care

Recommendation 9. One Foundation should invest in specialist support for the Victims of Trafficking, using international best practice including in outreach to trafficked sex workers

One Foundation should examine the possibility of existing portfolio organisations providing specialist outreach to the victims of trafficking. European best practice should be consulted in the development of any initiative. This outreach should include the identification of victims of trafficking as well as the rehabilitation of the victims of trafficking. This intervention should be undertaken along with the recommendation 3.²⁷

Issue

Separated Children are disempowered when they first arrive in Ireland.

Recommendation 10. One Foundation should explore resourcing an intervention at the point of entry into the accommodation system

The aim of this intervention should be to get at children before they enter the system in a bid to empower them as much as possible so that if they disappear within 24 hours or even later and they are under threat, they will know where to turn to for support. This is not only important if they fall into risk situations but also important if they fall into work exploitation given their illegal status. Suggestions include: information packs; helpline number, helpline service, sexual education, numbers of support organisations such as the Migrants Rights Centre. This can be done in conjunction with NGO service providers.

Issue

Separated Children need to quickly develop significant coping mechanisms

Recommendation 11. One Foundation should explore resourcing a Portfolio Organisation to help Separated Children develop their coping mechanisms

Recent research indicate that Separated Children must develop significant coping mechanisms. These normally include: (a) links with churches and mosques (b) valuing and keeping their own culture. A programme could be introduced that would strengthen their coping mechanisms and in this way create stronger networks and relationships locally – all of which are proven to be key in ensuring kids feel connected to where they are at, prevents their disappearance and ensures that if they do disappear, they keep in contact with some people just to make sure they are well

Issue

There is a knowledge deficit about the extent of trafficking in Children and the details of the cases.

Recommendation 12. One Foundation should fund relevant research

The research should be carried-out in line with current European research into trafficking and should involve the relevant stakeholders, not just the NGO sector; that is, the Gardaí and the State.

Issue

Data collection and data sharing is inadequate between all providers – statutory and NGO alike. This increases the risk of children go missing but also impedes any efforts that may be made to find them and ensure their safety.

Recommendation 13: The One Foundation should investing in a data sharing system in collaboration and with buy-in from all service providers.

²⁷ Research from Samah re: forming outreach for trafficked youth is being translated from Dutch to English and will be made available to One Foundation before the end of September 2007

6

Appendix

6. Appendix

Appendix 1: Literature Review

This literature review sets out the legislative context, identifiable trends and elements of best practice in relation to separated children seeking asylum in Ireland and the trafficking of young people. The review draws on Irish legislation, reports by Government agencies and NGOs, statistics, newspaper articles and press releases, together with international reports and guidelines. It provides an overview of statistics, reception and provision for separated children, and issues of concern, focusing particularly on separated children who go missing from State care in Ireland. It is divided into four parts, examining the legislative context, the situation of separated children in Ireland, child trafficking in Ireland and international best practice.

The literature review also reveals the striking inconsistencies in information in the public domain that relates to Separated Children.

2.1 Legislative Context

Child law is characterised in Ireland, as in other jurisdictions, by the tension between protection and autonomy (Law Society of Ireland, 2006: 29). In what follows, Irish legislation relevant to separated children in Ireland and the trafficking of young people into Ireland is set out. The **Child Care Act, 1991** provides for the care of children who are not receiving adequate care and protection. The Health Boards – now the Health Services Executive – are responsible for identifying and caring for these children. The act also established a guardian *ad litem* service for the representation of the child's interest and as an independent voice in care proceedings (King, 2001: 7-8). Guardians *ad litem* will be described in more detail below.

The **Child Trafficking and Pornography Act 1998 (amended by the Child Trafficking and Pornography (Amendment) Act 2004)** provides for a penalty of life imprisonment for trafficking a child for the purposes of sexual exploitation. Section 3 of the 1998 Act provides for the offence of arranging for a child's arrival to, transit through or departure from Ireland, for sexual exploitation. It is also an offence to provide accommodation for a child for that purpose. The Irish Society for the Prevention of Cruelty to Children (ISPCC) and the Irish Refugee Council (IRC) consider that legislation to prosecute traffickers is 'ineffective and does not act as a deterrent' (ISPCC, 25.05.2006). However, Ireland's penalties for child trafficking are considered severe by international standards (Candappa, 2003: 9). The **Illegal Immigrants (Trafficking) Act, 2000** makes no specific reference to children. As of July 2007, there has been one successful prosecutions of human traffickers under this act, and none under the Child Trafficking and Pornography Act, outlined above.

There are two principal gaps in current trafficking legislation, which have a significant impact on the detection of cases of trafficking. The immigration status of trafficking victims is generally irregular. Irish legislation provides no protection or temporary status for victims of trafficking, in effect preventing them from seeking the protection of the Gardaí. Irish law does not provide for witness protection. There is no specific programme for trafficking victim witnesses, though they can be granted temporary residency (Candappa, 2003: 8). A service-provider working with young people seeking asylum in Galway specifically mentioned the case of a girl who was a victim of trafficking for prostitution, but who was afraid to come forward. The service-provider in turn could provide no guarantee for her safety if she did.

The other difficulty is that, under current legislation, trafficking for sexual exploitation is illegal, but trafficking for labour exploitation is not. The Child Trafficking and Pornography Act is considered weakened by the fact that it does not criminalise trafficking for labour exploitation (Law Society of Ireland, 2006: 33). It is also complicated by the fact that under the Act, a child is a person under 17 and not under 18. Neither this Act nor the proposed Trafficking in Persons and Sexual Offences Bill provide specific care provisions for children who are victims of trafficking or

abduction. There are no measures for the recovery and social reintegration of victims of trafficking, such as shelter, counselling and medical care (UNCRC, 2006: 15).

The **General Scheme of Criminal Law (Trafficking in Persons and Sexual Offences) Bill 2006** was released by the Department of Justice in 2006, and has not yet been passed by parliament. Heads 4, 5, 6 and 8 cover the sale, purchase and organisation of the sexual exploitation of children, and sexual grooming, listing the penalties for these offences. There are specific provisions in Head 7 that relate to 17-year-old children. It is an offence to engage in sexual activity with 17-year-olds in return for money or other remuneration, or where it is an abuse of trust, authority or influence. However, the 'honest mistake' defence is provided for, where the defendant can claim that they had reasons for believing that the child was aged over 18 (General Scheme of Criminal Law (Trafficking in Persons and Sexual Offences) Bill, 2006).

The **1990 Dublin Convention** became law in Ireland in September 1997 and provides for the transfer of asylum applications to the first convention country to which an applicant has arrived. The **Immigration Act, 1999** provides for the deportation of non-Irish people. The Minister is to consider a number of factors including age in issuing the deportation order. The main provisions of the **Immigration Act, 2003** relate to the liability of airlines and shipping companies for the arrival in Ireland of people without proper travel documents.

Dublin II (Council Regulation (EC) No 343/2003 of 18 February 2003) establishes the method of determining the member state responsible for examining an asylum application (SCEP, 2004: 4). Article 6 states that the country responsible for examining a child's asylum application will be the country where a member of the child's family is legally present, provided that this is in the child's best interest. If there is no family member resident in the European Union, the country where the child has made the application is responsible (Council Regulation (EC) No 343/2003 of 18 February 2003: Art. 6).

The **Refugee Act 1996** set out Ireland's asylum and refugee system. The provisions of the act as they relate to children under 18 are re-stated in the Immigration, Residence and Protection Bill 2007. The **Immigration, Residence and Protection Bill 2007** was published by the Department of Justice, Equality and Law Reform on 27 April 2007, but has not yet been passed by parliament. The Bill is therefore still subject to amendments. With regard to the arrival of foreign children in Ireland, Section 23.1-2 of the Bill provides for the notification of the Health Services Executive (HSE) of the arrival in the State of unaccompanied children, or children who are accompanied by an adult who is verified not to be their proper custodian.

Section 58.4(b) provides for an immigration officer to require an adult accompanying a child to verify that they are 'taking parental responsibility' for the child. If the officer is not satisfied that this is the case, the child will be considered unaccompanied for the purposes of the Child Care Act 1991, mentioned above. If a person applies for asylum within Ireland, rather than at the borders, and it 'appears to the officer concerned' that they are under 18, the HSE is informed and the provisions of the Child Care Act apply. Similarly to the case of the arrival of a child in the State, the immigration officer or Garda may take steps to verify if the adult accompanying the child who is seeking asylum is the proper custodian, and act accordingly.

In the case of the arrival of a child in Ireland, or of a child seeking the protection of the Irish Government, if the child is not accompanied, or if the accompanying adult is considered not to be the proper custodian, the HSE will appoint a responsible adult to accompany the child to interviews (Scheme for an Immigration, Residence and Protection Bill, 2006: 44.2(a)-(c)). After notification of the HSE, the provisions of the 1991 Child Care Act relating to the care of children apply (IRP Bill, 2007: 23.4).

In relation to asylum applications, Section 23.6 of the Bill provides for the HSE to decide that an application for protection should be made by or on behalf of a child. Section 58.4(c) provides for the HSE to appoint an employee or another person to make the application on the child's behalf.

The application will not be made unless the HSE is satisfied that it is in the best interest of the child. Any costs incurred by that person are paid by the HSE, other than legal costs arising from the application for protection. However, the precise role of the HSE is not clearly set out in law in relation to separated children (Mooten, 2006: 40).

Section 23.3 provides for the case where a child has already entered the State without the HSE being notified, and for a subsequent notification to be made. The Refugee Act had referred to placing the child concerned in the charge of the health board responsible for the area to which the child arrived (Refugee Act, 1996: 8.5(a)). Before the coming into operation of the HSE in 2005, this meant in effect that the vast majority of separated children were in the care of the Eastern Health Board, as they arrived in Dublin City.

According to the Immigration, Residence and Protection Bill, anyone considered by the immigration officers or Gardaí to be under the age of 18 years cannot be detained. The Garda or immigration officer decides whether the person is aged under 18 on the basis of 'reasonable grounds.' If an unmarried child under 18 is in the custody of a person who is detained, the HSE will be notified (Immigration, Residence and Protection Bill, 2007: 53.1-3).

The **1989 UN Convention on the Rights of the Child**, ratified by Ireland in 1992, refers specifically in Article 22 to the right to appropriate protection and humanitarian assistance for refugee and asylum-seeking children, whether unaccompanied or accompanied. The Article also provides for international co-operation in tracing the family members of the child, or caring for the child if the family cannot be traced. Articles 32, 34, 35 and 36 cover the protection of children from economic, labour or sexual exploitation and from child trafficking, while article 39 provides for the physical and psychological recovery and social reintegration of child victims of exploitation or armed conflicts (UNCRC, 1989). The **Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography 2000** criminalises the sexual exploitation and trafficking of children and the protection of the best interests of child victims of sexual exploitation and trafficking (Optional Protocol on the Sale of Children, 2000). The Protocol has been signed by Ireland, but not yet ratified (UNCRC, 2006: 16).

Articles 3-5 of the **1997 Council of Europe Resolution on Separated Children who are nationals of third countries (97/C/221/03)** sets out rights and establishes guidelines for the reception, accommodation and return of separated children from outside the European Union (Council of Europe Resolution, 1997). Ireland has not ratified the Council of Europe Convention on Action against Trafficking in Human Beings (Mooten, 2006: 68). The SCEP *Statement of Good Practice* provides a comprehensive list of relevant EU and international law, policy and guidelines relating to separated children (SCEP, 2004: 34-6).

2.2 Separated Children in Ireland

Prior to this report much of the research on separated children in Ireland is now out of date, as it is between four and eight years old. In 2001, the Dublin Institute of Technology and Barnardos produced an information booklet on Separated Children in Ireland, which it seems has not been updated since (King, 2001). In 1999, the Irish Refugee Council (IRC) published one of the first Ireland-specific reports on the issue, at a time when the numbers of children involved were under 50 (MacNeice & Almirall, 1999). This was updated in 2003 with a report by Angela Veale, Laila Palaudaries and Cabrini Gibbons for the IRC, focusing on guardianship, child trafficking and complementary protection (Veale *et al*, 2003). Krizan Vekić's *Unsettled Hope* documents the experiences of eighteen separated children in Ireland, nine boys and nine girls from eleven different countries. It is one of the few reports that documents the personal experiences of these children (Vekić, 2003).

In 2004 the IRC produced a further report on separated children in Ireland for Save the Children (IRC for Save the Children, 2004), and the Vocational Educational Committees in Dublin city and county commissioned a report on the education and language needs of separated children (Ward, 2004). In 2005, the HSE and the Crisis Pregnancy Agency published a report on the health and social education needs of separated children (Conroy & FitzGerald, 2005). This review draws largely on the most recent comprehensive report on separated children in Ireland by Nalinie Mooten for the Irish Refugee Council, which approaches the issue from a needs-based and child-centred perspective (Mooten, 2006).

In the area of child trafficking in the Irish context, considerably less research has been undertaken, though Pauline Conroy has produced some valuable research for the International Organization for Migration (Conroy, 2003b). The Government working group on trafficking produced a report in 2006 (Working Group on Trafficking in Human Beings, 2006), but in all, little attention has been paid to the trafficking of children.

An increasing number of reports and policy documents call for separated children to be considered as children first, and for immigration policy considerations to be secondary, in a legislative and policy sense (Rosenstock-Armie, 2006b: 3; Cosgrave, 2006: 55). This is in line with Article 3(1) of the UN Convention on the Rights of the Child, and is supported by references to children as children first in international literature on the subject (Smith, 2006: 26; Crawley, 2006: 64; SCEP, 2004: 7). The 1991 Child Care Act explicitly states that the child's welfare is the paramount consideration, though this can be overridden by a competing criminal law provision (Conroy, 2003b: 16). The best interests of the child are also to be the primary consideration in legislation and welfare, and specifically in children's applications for asylum (NCO, 2005: 63-4). The principal of the best interests of the child is one of the First Principles of the *Statement of Good Practice* published by the Separated Children in Europe Programme in 2004 (SCEP, 2004). The separated child's status as a child should take precedence over their immigration status, and therefore all decisions should be made in the best interests of the child (Mooten, 2006: 9)

Commentators and researchers have also called for children to be given the right to participate in decisions concerning them, and for their opinion to be taken into account (Mooten, 2006: 4, 17). Nevertheless, policy-makers, immigration officers, Gardaí and Government agency representatives have been criticised for treating separated children – who often seem more mature because of their life experiences – as adults (Mooten, 2006: 24; Conroy & FitzGerald, 2005: 47).

Reception

Separated children have successively been the responsibility of the Department of the Environment, the Department of Justice, Equality and Law Reform, and the Department of Health and Children (Mooten, 2006: 22). In 2002, a seminar on separated children was held, attended by the health boards, the Departments of Health and Children, and Justice, Equality and Law Reform, the United Nations High Commission for Refugees (UNHCR), the Office of the Refugee

Applications Commissioner (ORAC), the Refugee Appeals Tribunal (RAT), the Refugee Legal Service (RLS) and the Garda National Immigration Bureau (GNIB) (NCO, 2005: 153).

Separated children are referred to the HSE by immigration officials, the Department of Justice or ORAC. A social worker conducts an initial assessment of the child's social history (for guidelines on such assessments, see: SCEP, 2004: 33). The children are supposed to receive information about the asylum procedure, and a full developmental medical and public health screening, before being assigned to emergency accommodation (but in practice this chronology is rarely adhered to). A social worker from the HSE social work team for separated children who are seeking asylum then decides if it is in the child's best interest to apply for asylum. If so, the child is referred to the Refugee Legal Service to be appointed a solicitor or caseworker (IRC for Save the Children, 2004: 8, 13).

It is unclear as to whether the immigration officers and members of the Garda Síochána, who make decisions on age assessment, verification of accompanying adults and entitlement to or necessity for protection applications, are trained to do so. The Garda National Immigration Bureau has received training in dealing with victims of trafficking, but no mention was found of Garda training specific to the needs of separated children. Investigations of cases of separated children arriving in Ireland are conducted by the Gardaí in accordance with the 'Children First Guidelines' (Working Group on Trafficking in Human Beings, 2006: 16-17). However there are formal structures for age re-assessment

There are few professionally trained interviewers and interpreters qualified to deal with initial age assessment and asylum interviews with separated children (Mooten, 2006: 35). The Law Reform Commission has explicitly stated that 'a legal qualification does not necessarily imply suitability for interviewing children (Law Reform Commission cited in: Law Society of Ireland, 2006: 36). A staff member of ORAC determines age if there is any doubt. Where it is determined that the person concerned is over 18, the Refugee Legal Service may request that ORAC reconsider and ORAC in turn may invite the person for another interview (IRC for Save the Children, 2004: 7).

There are reports by solicitors and HSE staff that there is a varying degree of technique among those interviewing separated children (IRC for Save the Children, 2004: 20). This is corroborated by a service-provider in the area in Galway, who mentioned that there is a similar variety in standards of age assessment. For this reason, an inter-agency age assessment group was formed in Galway, which monitored people whose age had been disputed for three months and made submissions to the Department of Justice on their behalf. UNICEF has stressed that particularly in cases of trafficking where age is in doubt, the presumption shall be that the victim is a child (UNICEF, 2006: 15).

The National Children's Strategy has committed to appointing an independent guardian *ad litem* – an adult who legally represents the best interests of the child - for children involved in legal proceedings (NCO, 2005: 8). This was extended to separated children as a result of the controversy surrounding forty Afghani people seeking asylum, who staged a hunger strike in St. Patrick's Cathedral in Dublin city in summer 2006. Some of the group were minors (Rosenstock-Armie, 2006b: 5).

The Law Society of Ireland considers guardians *ad litem* as a more appropriate method of representing the best interests of a child than a solicitor, stating that the 'importance of an independent person who is there for the child alone cannot be overstressed.' Guardians *ad litem* investigate the child's circumstances and decide on the best course of action, while a solicitor simply follows the child's instructions (Law Society of Ireland, 2006: 37-9). The Children's Rights Alliance therefore recommend the establishment of a national independent guardian *ad litem* service for all children (Children's Rights Alliance, 2006: 71). Perhaps if a guardian was mandated to represent the child even after they had gone missing, the outcomes of such cases would be improved.

The Refugee Legal Service has a specialised children's unit for separated children, and takes charge of legally representing separated children applying for asylum. Separated children have a HSE social worker appointed to them (Mooten, 2006: 29). The UN Committee on the Rights of the Child commented that separated children in Ireland are not receiving adequate independent representation (UNCRC, 2006: 13-14). The ratio of social workers to separated children has been inadequate, and in some cases is as low as 42 to one (IRC for Save the Children, 2004: 8). Problems have also arisen because social workers are generally not available outside office hours (O'Brien, 20.06.2005). Children often end up in the care of unqualified or untrained hostel staff (O'Brien, 07.06.2006a).

The child's own participation in the decision-making process is central to both their wellbeing and their willingness to co-operate and keep in touch with the authorities (Mooten, 2006: 36).

The Office of the Refugee Applications Commissioner has developed guidelines for dealing with claims from separated children, and notifies the HSE or the GNIB if there are concerns relating to children (Conroy, 2003b: 32). UNHCR and EU Children First Programme guidelines are in place for determining applications for asylum and appeals. Where possible, children's appeals to the Refugee Appeals Tribunal take priority over other appeals, and certain factors such as age, 'gender, cultural background, mental development, ability to recall, level of education and past experiences are taken into account' (NCO, 2005: 68, 152).

Family reunification should be carefully assessed and discussed with the child concerned so as not to endanger their wellbeing. It has also been suggested that there is a legal obligation to consult the parents on a child's asylum application (Mooten, 2006: 52). In 2001, there were cases of separated children who applied to live with families they had established connections with and each case was assessed on an individual basis (King, 2001: 20). In 2005, most of the children referred to the HSE's Separated Children Seeking Asylum Unit were reunited with families – 442 of a total of 653 children referred (Mooten, 2006: 55). Overall, since 1999, over 4,500 separated children have arrived in Ireland and about 2,250 have been reunited with people living in the State.

The Irish Red Cross provides an international tracing service for those who have been separated by armed conflict, political upheaval, or natural disasters (www.redcross.ie). The Red Cross deals with tracing requests by minors, but is unable to provide an interpreting service. The HSE commissioned an independent review of the reunification process which stated that it was 'rushed', 'inadequately validated' and 'undeveloped.' A senior barrister at the Refugee Appeals Tribunal cited in the report mentioned cases of children who were reunited with 'unsatisfactory' and 'unsuitable' adults. These cases include that of a 15-year-old boy who was forced to work and prevented from going to school, a four-year-old boy who was reunited with a man who produced a false birth certificate and school report, and a child placed with her 18-year-old sister – who was herself fleeing alleged sexual abuse - as a guardian. HSE staff are reported as having 'concerns about the quality of information they had to verify' (O'Brien, 27.03.2006).

Many reports criticise the lack or inadequacy of follow-up of children who have been reunited with a family member to monitor whether this was in the best interests of the child (Veale *et al*, 2003: 82). The Children's Rights Alliance suggests that children be visited by a social worker shortly after they have been reunified with family members, and again within three months (Children's Rights Alliance, 2006: 72).

Provision

A ten-year National Children's Strategy was published by the Irish Government in 2000, entitled *Our Children – Their Lives*, and based on the UN Convention on the Rights of the Child (NCO, 2005: 4). In 2001, the National Children's Office (NCO) was established and in 2004, an Ombudsman for Children was appointed. The following year, the NCO was subsumed into the new Office of the Minister for Children. The Office is represented in Government by a junior minister for children. Two new posts of Child Protection Special Rapporteurs have been created

in Ireland and should contribute to the improvement of standards in the care of separated children as well as other children in Ireland (Rosenstock-Armie, 2006b: 4). A consortium on separated children in Ireland was formed in 2006 by the Irish Refugee Council (IRC), Barnardos, the Children's Rights Alliance (CRA) and the Irish Society for the Prevention of Cruelty to Children (ISPCC) (Mooten, 2006: 25).

A number of services are provided by the State to separated children, including a social work assessment, accommodation, weekly welfare payments, education, a medical card (for free medical care), visits from a HSE employee, assistance with the asylum process and support in repatriation where appropriate (Conroy & FitzGerald, 2005: 10). The majority of separated children, who are not in direct provision accommodation, receive a supplementary welfare allowance, child benefit payments if they are attending school, and other exceptional needs payments (Ward, 2004: 45).

A special group was formed among welfare staff in 2002, trained to work with cases involving separated children, with regard to issues such as psychological needs, the asylum process and the role of the social worker (NCO, 2005: 70). Separated children do not come under the Reception and Integration Agency's dispersal and direct provision system and therefore, the majority remain in the Dublin area.

In 2004, Social Work Team for Separated Children had staff members from eleven different countries in Western and Eastern Europe, Australasia, South America and sub-Saharan Africa. The HSE is responsible for the care of separated children, but in institutional correspondence, the HSE chief executive accused the Department of Health and Children of failing to respond to the HSE's requests for additional funding to meet their needs (O'Brien, 21.11.2005a). The HSE had sought an additional €7.3 million to reduce the risk of separated children going missing (O'Brien, 21.11.2005b). The HSE was forced to move staff from other areas in order to provide 'a minimum standard of care' for separated children seeking asylum (O'Brien, 07.06.2006b).

The hostels in which most separated children live often do not have appropriate cooking, study, recreation and storage facilities (Ward, 2004: 107). In 2005, the HSE ceased placing separated children in accommodation with adults seeking asylum and a new facility was opened for 12 to 16-year-olds (O'Brien, 20.06.2005). There are still issues around diet, education, mental health needs and vulnerability to criminality and sexual exploitation (IRC for Save the Children, 2004: 11). A report by the Irish Refugee Council for the Separated Children in Europe Programme pinpointed further gaps in provision for separated children in Ireland in the areas of guardianship, accommodation and interim care, access to education, identification, and implementation of durable solutions (IRC for Save the Children, 2004: 1).

Separated children surveyed in 2004 reported cramped conditions, no study or recreation facilities and poor treatment by some hostel managers (Ward, 2004: 48). Small residential group homes are preferred by many commentators to hostel accommodation (Rosenstock-Armie, 2006b: 7). King's report in 2001 recommended the development of a register of volunteer families suitable and willing to befriend and support separated children (King, 2001: 13).

The Irish Ombudsman for Children considers Ireland to be in breach of the Convention on the Rights of the Child, because it discriminates in care for separated children (Mooten, 2006: 44). She considers the care provided to separated children seeking asylum to be unacceptable (O'Brien, 10.06.2006). In 2006, the Children's Rights Alliance called for an end to 'discriminatory practices' in standards of care of separated children seeking asylum (Children's Rights Alliance, vi). The UN Committee on the Rights of the Child also highlighted their concern that separated children may not be receiving adequate guidance, support and protection during the asylum process (UNCRC, 2006: 13-14).

The hostels and residential centres in which separated children are accommodated in Ireland are not subject to inspection by the Social Services Inspectorate (SSI) (Mooten, 2006: 43). The sub-

standard accommodation directly contravenes article 3(3) of the UN Convention on the Rights of the Child (UNCRC, 1989). The fact that the SSI was not established on a statutory basis and does not protect all children in care was criticised by the UN Committee on the Rights of the Child. The UN Committee further recommends that the Government strengthen its efforts to provide follow-up and after-care to young people who leave care centres (UNCRC, 2006: 7).

An audit was undertaken by the HSE of these hostels in Dublin and although only one of the two was deemed to fit to be registered, the other unregistered centre remained open (Mooten, 2006: 43). In 2005, there were nine residential services for separated children seeking asylum, all in the functional area of the former East Coast Area Health Board. Two were specifically for children aged 16 or younger, and one centre provides accommodation for young mothers and their children. The other six centres provide hostel accommodation for seventeen-year-olds for a maximum period of one year. In late 2005, the HSE submitted a proposal to the Department of Health and Children to develop services for separated children to the same standards as those for Irish children in care (O'Brien, 29.10.2005). Since December 2005, all of these accommodation centres are required to be inspected and registered under Section 8 of the Childcare Act 1991 and all of the centres will be included in the SSI's October 2006 census (Social Services Inspectorate, 2006: 32).

There are few integration services or initiatives in place that are specifically targeted at separated children. The Dún Laoghaire Refugee Project in south Dublin provides support and advice to separated children (O'Brien, 29.10.2005). The Project supports the Please Let Us Stay (PLUS) campaign for residence status for separated children who have turned 18. The Support Project for Adolescent Refugee Kids (SPARK) run by the Galway Youth Federation provides activities and support for separated and accompanied asylum-seeking and refugee children in Galway city.

The Transition Supports Project also provides support for separated children. It is an EQUAL Community Initiative funded by the European Social Fund and the Department of Education and Science, which co-ordinates and provides services for separated children and 'aged-out' minors aged 17-21. The TSP carries out an ongoing needs analysis, co-ordinates service delivery, provides an outreach service, selects and trains mentors and provides grants for support programmes. The Project also develops evidence based recommendations for policy makers. The TSP is currently inviting a tender for the development of a training manual for working with separated children seeking asylum and aged-out minors (www.activelink.ie/ce/active.php?id=2781, cited 28.04.07).

One of the few publications on the integration of separated children into Irish society was published by Youth Action against Racism and Discrimination in 2003. It outlines the contribution that youth organisations can make to welcoming and assisting separated children and examined whether targeted or mainstream programmes were more suitable. The research identified an integrated approach as more suitable due to their diverse needs, the necessity for interaction with other young people and the tendency of targeted services to stigmatise the group (McCrea, 2003: iv, vii). The report also outlined potential barriers and challenges to youth work with separated children (McCrea, 2003: ix-xi).

The particular psychological needs of separated children should also be considered in State provision (Mooten, 2006: 47-9). The asylum process in particular can cause trauma, as it requires children to recall past events. Receiving a negative decision can also be highly distressing (IRC for Save the Children, 2004: 14). Separated children have psychological needs in the areas of belonging, esteem, safety and belief in the future (Ward, 2004: 109). If these needs are not recognised and addressed, children may be at a higher risk of going missing and may be more vulnerable. Though it is now a little out of date, King provides an excellent summary of the psychological needs of separated children (King, 2001: 11-13). Avril Rea also undertook doctoral research in this area at Queens University Belfast. It is unclear whether the Psychology Service for Refugees and Asylum Seekers is still in operation.

Because of inadequate psychological support, separated children are particularly at risk of sexual exploitation, drug and alcohol abuse and engaging in unsafe sexual behaviour (Children's Rights Alliance, 2006: 73). These are factors which may lead these young people to end up on the wrong side of the law, and perhaps to go missing. It was found that, in contrast to other jurisdictions, there was little support for separated children from existing ethnic networks in Ireland (Conroy & FitzGerald, 2005: 37, 48).

As noted above, there is a very low ratio of social workers to separated children, preventing individual care plans from being developed for these children, as is the case for Irish children in care (Conroy & FitzGerald, 2005: 10; Rosenstock-Armie, 2006b: 5). Care planning for individual children is considered best practice for children in care, though inspections for all children in care during the period 2000-2005 showed the standards of care plans to be disappointing (NCO, 2005: 68). Separated children are considered to require a designated social worker and care plan (Veale *et al*, 2003: 10).

Subsequent to their arrival in Ireland, separated children have to enrol themselves in schools and are often placed in inappropriate programmes (Ward, 2004: 42). The education system should provide a potential method of keeping in touch with separated children, but there are no data on how many fail to attend schools (Mooten, 2006: 45). Separated children are entitled to secondary schooling in Ireland and often first attend transition year in order to adapt to the schooling system. Those who have had little formal education qualify for Back to Education Initiative (BTEI) funding from the Department of Education and Science, such as the VEC Separated Children Education Service Access Programme (Mooten, 2006: 45). Those with limited education may also access Youthreach programmes (King, 2001: 23). Separated children do not generally receive educational guidance or information on education entitlements (Ward, 2004: 107).

Separated children at school who are granted refugee status and reach 18 years of age must be looking for work in order to qualify for unemployment assistance and must therefore leave school, if teachers do not intervene (Mooten, 2006: 46). There is a gap in financial support for children between the ages of 18 and 21 who want to progress from secondary to higher education. Most 'aged-out' minors and young refugees are unable to access further or higher education (Local Development Social Inclusion Programme, 2006: 52). This situation has recently been slightly improved by the decision to allow time spent in Ireland awaiting an asylum decision to count towards qualifying for Back to Education Allowance or the Vocational Training Opportunities Scheme. However, the young refugees concerned must be out of formal education for two years and in receipt of welfare for one year (Local Development Social Inclusion Programme, 2006: 51).

The City of Dublin Vocational Education Committee set up the Separated Children Education Service in 2003. For the purposes of this new service, a comprehensive assessment of the language and educational needs of separated children was undertaken by Tanya Ward and published at the end of 2004 (Ward, 2004). Young people still in the asylum process have no entitlement to study beyond second level, and even those with leave to remain are not eligible for free fees or grants education (Local Development Social Inclusion Programme, 2006: 51). In spite of these restrictions, Ward found in her survey of separated children in Dublin in 2004 that many teenagers had aspirations towards higher education and intended to go to university (Ward, 2004: 43).

The East Coast Area and Northern Area Health Boards funded research into the needs of separated children in Ireland who were mothers in 2004, highlighting the necessity for a holistic and co-operative approach across agencies and organisations (Robins & Rylands, 2004). In 2005, the HSE and the Crisis Pregnancy Agency published research on the health and social educational needs of separated children seeking asylum. The research was undertaken by conducting interviews with service providers, experts and stakeholders, as well as young mothers, girls who were pregnant and teenage boys among these separated children (Conroy & FitzGerald, 2005). The researchers found conflicting views among those consulted as to whether there should be separate services for separated children, or whether they should be integrated

into mainstream services (Conroy & FitzGerald, 2005: 27). General Practitioners (GPs) were identified as central sources of support and information by separated children (Conroy & FitzGerald, 2005: 41). The researchers recommended some formal structure for co-operation between agencies involved in providing health, sexual, reproductive and educational supports to separated children (Conroy & FitzGerald, 2005: 44),

A significant proportion of separated minors who seek the protection of the Irish State 'age out' during the process by turning 18. In 2005 the number of teenagers who had undergone this change in status and were consequently living in direct provision was about 150. In 2003 the education of 32 teenagers was in question because on turning eighteen, they were moved from their accommodation to an adults' direct provision centre some distance from their schools (Reid, 15.12.2003; Ward, 2004: 106). Permission must be sought if a young adult living in direct provision wants to spend a night away from the centre (O'Brien, 19.12.2006). One 'aged-out' minor commented that: 'If an Irish person asks you out to go to a cinema, to share a pint or go to a birthday, there is money involved. We get €19 a week, so it's really difficult to make friends or to go out (O'Brien, 29.10.2005).

After turning 18, as young adults, it is accepted practice to allow them to remain in Dublin and to continue to avail of various social services (Conroy & FitzGerald, 2005: 9-10, 23). The Separated Children in Europe Programme recommends that these young people continue to benefit from the same special procedures as those under-18, and that unnecessary delays resulting in children turning 18 during the asylum process should be eliminated. 'Aged-out' people should also be offered a special after-care programme to facilitate their transition into living independently (SCEP, 2004: 27, 29).

2.3 missing

There was a significant response from the media and NGOs to the announcement by the Office of the Minister for Children in 2006 that 316 foreign children had gone missing from State care since 2001. However, this was qualified by the mention of the fact that the phenomenon of separated children going missing is not unique to Ireland (O'Brien, 27.03.2006). The media articles and press releases on the subject from 2006 are further examined below.

Communication between the agencies involved is crucially important for tracking and locating children who have gone missing from State care (Mooten, 2006: 23). Approximately five separated children have gone missing from Galway during the last four years, and there are likely to be similar reports from Ennis and Limerick. There is a distinct lack of research and information on the small number of separated children who are accommodated outside of Dublin.

Out of a total of 68 children who went missing and were posted on the Garda Síochána missing children website during the last three years, 65 were non-Irish. At the time at which they went missing, roughly half were aged 17, the other half were aged 14-16 and just four were aged 13 or younger. The nationalities of these children are also given on the missing posters (www.missingkids.ie). In mid-2006 a discrepancy was noted between the numbers of separated children recorded as missing from care and those actually on the Garda missing persons list (ISPCC, 25.05.2006).

From the experience of service-providers, it is possible that other separated children, who had lived with missing children, possess a certain amount of information regarding the disappearance. However, because of a lack of trust of authorities and other people they come into contact with, the children can be very reluctant to come forward with information. This has been documented by Ní Raghallaigh through participant observation and in-depth interviews (Ní Raghallaigh, 2006). UNICEF has also highlighted this phenomenon in relation to trafficked children, stating that 'it must be recognised that not telling the truth is but one of many coping strategies that girls and boys rely on for survival in precarious situations' (UNICEF, 2006: 37).

The Separated Children's Officer for the Irish Refugee Council cites the excuse put forward by some that separated children go missing because they have made a conscious choice to do so (Rosenstock-Armie, 2006b: 2). Siobhán O'Hegarty of the IOM is cited in an *Irish Times* article as saying that 'young children don't tend to have the resources to disappear on their own, and if a child does disappear, it's hard to believe they're moving on themselves' (O'Brien, 22.11.2005). Some separated children may drop out of the process because they have been informally reunited with their families in Ireland, or because they have been forced into domestic labour, criminal activity or sexual exploitation (Veale *et al*, 2003: 86). A HSE review of services in the east coast considered that some girls were brought to Ireland for arranged marriages, while others are trafficked for prostitution (O'Brien, 21.11.2005a). Some Roma girls are considered to go missing because they are subject to an arranged marriage within their community (Gartland, 02.01.2006).

There is little empirical research available on the reasons why separated children go missing, or what their fate is once they do. Similarly, there is very little information on separated children who never come to the attention of the authorities. By 2003, 160, or 11%, of separated children who had applied for asylum did not appear for their interview and were withdrawn from the process (Veale *et al*, 2003: 85). It is not clear whether these children remained in the care of the HSE or went missing.

Newsprint Articles

Newspaper articles provide perhaps the best source in tracing individual cases, and an indication of the presence of many more children who are neither identified by the authorities nor the media. Newspaper reports are not always fully reliable, but they do point to trends and anecdotal evidence. Concerns were raised particularly in relation to anecdotal reports that traffickers were coming to the accommodation centres posing as family members of the separated children (Downes in *The Irish Times*, 02.08.2006; 'Better protection promised for asylum seekers' in *The Irish Examiner*, 08.10.2006).

In February 2007 a Congolese man was convicted of the rape of a then 15-year-old Zambian girl in Wexford in 2002. He had also been accused of raping another 13-year-old Zambian girl. The 15-year-old girl had been brought to Ireland by the man and his wife 'to help rear [their] children.' The man had by his own testimony previously been arrested in Zambia on allegations of sexual assault and child trafficking to Europe. He had offered the two girls a good education in Ireland in return for looking after his children, and they and their families had agreed. After finally escaping to a Garda station in Wexford, the girls were placed in foster care ('Man who raped teenage girl jailed for 15 years', 06.02.2007).

In 2006, *The Irish Times* ran a series of articles by the newspaper's Social Affairs Correspondent Carl O'Brien on the issue of separated children. O'Brien highlighted a number of cases where separated children went missing from care or were being trafficked or exploited. In March of that year, O'Brien stated quite starkly that 'the failure of health authorities to guarantee the protection of separated children seeking asylum has echoes of failures involving clerical child sex abuse' (O'Brien, 27.03.2006).

In June 2006, social workers at a residential centre for 24 separated children seeking asylum expressed concern about children going missing, rape allegations and violence. The HSE-funded centre had been operating illegally for a year as it did not meet basic care standards. One case cited at the centre was that of a 15-year-old Somali girl who had been rescued from a brothel after being trafficked into the country. Staff requests for an extra childcare worker for the girl were refused and the girl went missing a day later. Local Gardaí also expressed concern about children going missing from the centre (O'Brien, 07.06.2006b). It emerged that in fact eight of the nine centres for separated children in Dublin were not registered to provide accommodation for children in mid-2006 (O'Brien, 10.06.2006).

The story of an African girl is mentioned in an article in the *Irish Times* in early 2006; she was allegedly deported on turning 18 and has since gone into prostitution (Gartland, 02.01.2006). In November 2005, the IOM stated that it knew of cases of separated children who went missing from care in Ireland and subsequently suffered sexual and labour exploitation. Internal HSE documents obtained by Carl O'Brien further showed that the HSE had taken children back into care after they had been rescued from desperate situations by Gardaí (O'Brien, 22.11.2005).

In September 2005 a 16-year-old Burundian girl was taken into care in Drogheda, County Louth, after being subjected to abuse. She had been taken from her home village at the age of 12 and had spent time in various different countries before arriving in Ireland a month previously. Both her parents had died before she had left and she did not know exactly what countries she had spent time in (Cullen, 12.09.2005).

In March 2005 a 16-year-old Georgian girl who went missing from her accommodation in Ronanstown in west Dublin was the 58th separated child to disappear from State care in just one year. Just 15 of the 58 were subsequently located with the help of Gardaí (O'Brien, 18.03.2005). In October 2004, five months earlier, similar investigations were underway to try to locate three Moldovan boys, two aged 15 and one aged 13, and a 16-year-old girl from South Africa, all of whom had gone missing from the same residence in Ronanstown. There were indications that the Moldovan boys had left as a group and travelled to Britain (Holland, 26.10.2004).

In May 2004 an 18-year-old Romanian teenager went to the Gardaí after escaping from serious sexual abuse, violence and a two-year imprisonment. She was six months pregnant at the time, and had been brought to Ireland by a Romanian man when she was 15. She also knew of other young women in the same situation (Holland, 14.05.2004). During 2004, Gardaí were investigating at least eight cases of girls aged 12-16 who had gone missing from care (O'Keeffe & O'Sullivan, 05.01.2005).

In April 2003 a 12-year-old Romanian Roma girl went missing less than a week after she had been taken into care by the Gardaí in Tallaght in Dublin (Haughey, 05.04.2003). She was suspected to have been subject to an arranged marriage to an 18-year-old, and was under an emergency care order. The teenager concerned was also missing (Haughey, 11.04.2003). Two weeks later, a Nigerian woman was arrested for smuggling a three-year-old girl into the country, using the identity on her passport of a four-year-old boy (Haughey, 26.04.2003). In 2002, *The Irish Examiner* reported that Gardaí feared that 'African children as young as six years of age are being smuggled into Ireland to be kept as household slaves or used as prostitutes.' The author of the article does not elaborate on concrete cases (Cahill, 19.04.2002).

There may be a significant number of children who arrive to Ireland and are not accompanied by their proper guardian, but who are not identified and are neither referred to the HSE nor apply for asylum. They only appear in statistics if they come into contact with the law (Mooten, 2006: 33-4). There is no mechanism in place to identify children who are not referred to the HSE (Mooten, 2006: 67). Among those who are identified by the authorities, many children, including victims of trafficking, are not asylum seekers, and would not qualify for refugee status or subsidiary protection (Conroy, 2003b: 47). There are indications, according to research on the issue in Ireland, that the age composition is more dispersed among those who do not apply for asylum (Conroy, 2003b: 25).

During 2005 and 2006 there was a decrease in separated children seeking asylum, but this may simply mean that they are not coming to the attention of ORAC or the HSE (Mooten, 2006: 69). One trend highlighted by researchers is that less than 5% of separated children who do come to the attention of the authorities are identified at the port of entry (Veale *et al*, 2003: 7). In the Galway area, a number of cases were found by service-providers of children who had been reunified with families, where there was a suspicion that trafficking was involved.

The children's charity Barnardos has recommended increased security at residential centres for separated children, such as video-monitoring of entrances and 24-hour care and supervision by trained staff, and has also recommended that a national database of all separated children be compiled (Downes, 03.08.2006). The UN Committee on the Rights of the Child had also recommended a 24-hour service for children at risk in its 2006 concluding observations on Ireland (UNCRC, 2006: 7). Separated children do need to sign in and out of their accommodation and reporting mechanisms exist between the hostels, the HSE and the GNIB (Veale *et al*, 2003: 87). Registration of all migrant children at their point of entry into the country and tracking through official documentation may contribute to the information available for investigations of missing children (Children's Rights Alliance, 2006: 38).

Durable Solutions

'When you don't know what status you have, you have no direction. You have no sense of happiness.'

Rilwon Jaiyeola cited in: O'Brien, 19.12.2006.

All durable solutions for the separated child should be considered from the first notification of the HSE (Veale *et al*, 2003: 80). Separated children may remain in Ireland legally by being reunited with their families already in the country, or being granted refugee status or leave to remain. Those granted leave to remain only have temporary status and may not apply to have their family join them (Veale *et al*, 2003: 75-6). The asylum process is the only stable option and so HSE resources are directed into this process (Veale *et al*, 2003: 90). Those separated children who do not apply for asylum, or are refused refugee status, remain in a legal limbo in Ireland (Children's Rights Alliance, 2006: 72).

If children are granted refugee status, they are entitled to family reunification, however many of them have turned 18 by the time this has happened and no longer have a right to have their parents join them in Ireland. This is the case even if they have been separated from them since they were under 18. The Office of the Refugee Applications Commissioner claims that family reunification applications by separated children are prioritised in the Family Reunification Unit (IRC for Save the Children, 2004: 23).

Research by the Immigrant Council of Ireland cites the case of a boy who had been separated from his parents since he was 15, but had turned 18 by the time refugee status was granted. Twenty-two months after he applied for family reunification with his mother and brothers and sisters, the application was refused, as was the appeal of the decision on the basis that the boy was on social welfare (Cosgrave, 2006: 28). In another case, where family reunification with her mother was eventually granted to a separated refugee child, it took almost three years from the time at which the application was made until her mother was granted a visa (Cosgrave, 2006: 40). These delays and refusals may have an impact on separated children's perceptions of the asylum and immigration process, and consequently perhaps on their levels of co-operation with the system.

In cases where the children are to be returned to their country of origin, the Department of Justice co-operates with the International Organization for Migration in administering 'Voluntary Assisted Return Programmes,' mostly for Romanian and Nigerian children (Veale *et al*, 2003: 78-9; IRC for Save the Children, 2004: 23). As of December 2002, 15 separated children who had applied for asylum had been deported, nine of whom had been returned to their countries of origin (IRC for Save the Children, 2004: 4). The IOM facilitated the return of about 70 separated children from Ireland to their countries of origin during 2005 (O'Brien, 22.11.2005). No statistics or information were found to verify whether any returns that took place were in accordance with child protection guidelines. Under the 'Dublin II' Convention, children may also be reunited with family who may be living in another country (Veale *et al*, 2003: 79).

Educational provisions and other social services are central to the achievement of durable solutions for separated children who remain in Ireland. The case of Armel Ntwari from Burundi is

cited by Carl O'Brien in an October 2005 article on separated children. He had just turned 17 when he arrived from Burundi, and two years later was studying for his leaving certificate and planning his future: 'I would really like to go to college and a computer science course, and get a job and a place of my own' (O'Brien, 29.10.2005).

2.4 Child Trafficking in Ireland

'Child trafficking is the act of recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation regardless of the use of illicit means, either within or outside a country.' (UNICEF, 2006: 9).

International research has shown the links between separated children who go missing and child trafficking (Downes, 03.08.2006). The extent of trafficking in or through Ireland, particularly for labour exploitation, is still not known (Candappa, 2003: 9). The first case of a woman trafficked into Ireland for sexual exploitation came to the attention of Ruhama, a support organisation for women in prostitution, in 2000. Since then, the staff know of over 200 women who have been trafficked, eight of whom were minors. Many people who are trafficked into Ireland for the purposes of prostitution and sexual exploitation may also be refugees (Ruhama, 2006: 16). In 2004, the Eastern Region Health Area ran an outreach service to women in prostitution through the Women's Health Project, and identified 69 women from outside the European Union (Holland, 14.05.2004).

The US Department of State report on Trafficking in Persons considers Separated Children to be inherently vulnerable to trafficking, both for the purposes of forced labour and exploitation. The report considers the Irish Government to be fully compliant with minimum standards for the elimination of trafficking, though there is concern that current law does not clearly define trafficking but treats it together with smuggling (US Department of State, 2006). The US report also recommends continued training for the Gardaí and immigration officers in trafficking victim identification techniques. Ireland lacks a formal referral mechanism and dedicated anti-trafficking protections and services. For this reason, the US Department of State considers unaccompanied children to be particularly at risk of being trafficked (US Department of State, 2006). A comprehensive report on child sex tourism by the Protection Project at Johns Hopkins University makes no mention of Ireland as a destination country (The Protection Project, 2007). However, it is clear that Ireland is both a transit and a destination country for trafficking (Candappa, 2003: 7).

Conroy's report in 2003 is the most up-to-date research on trafficking in separated children in Ireland. It was supported by the STOP programme and co-funded by the Department of Justice and the International Organization for Migration. The report examined the legal framework for trafficking in minors, institutions and services, and policy responses. It found that about 10% of separated children arriving in Ireland are the subject of investigation in relation to trafficking or smuggling (Conroy, 2003b: 9). The report also found that many children arrived in the care of adults, but later ran away due to sexual abuse or forced labour. Many had been trained to give false names and origins (Conroy, 2003a). In 2005, there were 30-40 investigations by the Gardaí and psychological services into child trafficking (Kelleher, 13.06.2005).

The necessity to act fast in identifying victims of trafficking is clear in view of the fact that some victims may only remain in one country for around three months (Candappa, 2003: 7). It is relevant to studies on separated children in Ireland that victims of such trafficking are generally young; either minors or in their late teens or early twenties. These young women are generally coerced or enticed from their homes and have experienced systematic violence (Fahy, 2006: 2-3). The SCEP Statement of Good Practice stresses the need for care workers in accommodation centres to be made aware of the increased risk of trafficking and sexual exploitation for separated children (SCEP, 2004: 20).

A potential model of good practice in the contraction of the market for trafficked women exists in Sweden, where buyers of 'sexual services' are criminalised and the women and girls are treated as victims of violence (Fahy, 2006: 5). The status of separated children in Ireland renders them

doubly vulnerable to such criminal activity, in that they are both young and outside their country of origin. Mooten's report for the Irish Refugee Council provides a list of four case studies of separated children trafficked into Ireland. They included three girls, two from Africa and two from Europe, and detail abuse and violence (Mooten, 2006: 83).

In the experience of Ruhama, many women are eager to return to their country of origin, despite the danger of being trafficked again and difficulties of stigmatisation and post-traumatic stress (Fahy, 2006: 4). Internationally, there is a need to identify the root causes of trafficking (Mooten, 2006: 69).

Separated children and the trafficking of children are increasingly seen not as isolated problems in receiving countries, but as a development concern, focusing on the prevention of trafficking of children, and assistance with reintegration following a return (See: Ruhama, 2006: 3). Conroy's 2003 report on trafficking cites sixteen cases of trafficked children from newspaper and first-hand sources. The children originated from Nigeria, 'West Africa,' Romania, Albania and Iraq and many had not been located by the authorities at the time the research was conducted (Conroy, 2003b: 26-9).

A HSE report compiled in February 2005 states that: 'Both boys and girls have arrived here with histories of being placed in prostitution or other forms of illegal employment in their countries of origin, transit countries or here in Ireland.' HSE correspondence obtained by the *Irish Times* showed that the authorities believe that all separated children were either trafficked or smuggled into the country: "It is [...] a matter of fact that the vast majority of children coming into care have been trafficked into the country..." (O'Brien, 21.11.2005b). It is clear, therefore, that these children are exceptionally vulnerable to exploitation, as they have already been in contact with networks of smugglers and traffickers.

Russian, Albanian and Baltic mafias are considered to be involved in trafficking (The Protection Project, 2004: 1). People from Bulgaria, Romania and Lithuania have been identified in Garda operations to combat trafficking. The victims of trafficking often originate from the same region as the perpetrators (Working Group on Trafficking in Human Beings, 2006: 6-7). In May 2006 a case was brought to light of the alleged trafficking of a Chinese migrant to Derry in Northern Ireland in 2002. The alleged traffickers were two young Nigerian men then aged 21 and 25, and the PSNI detective involved claimed that they were involved in a trafficking network spanning China, Germany, South Africa, Nigeria and Ireland (Jackson, 29.05.2006).

Article 3 of the UN protocol to prevent, suppress and punish trafficking in persons, especially women and children states that '(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons." [...] (d) "Child" shall mean any person under eighteen years of age.' (Working Group on Trafficking in Human Beings, 2006: 2-3).

In January 2007, the UN Special Rapporteur on human trafficking, Sigma Huda, spoke at a seminar on the abolition of slavery in Dublin, stating that the Government's approach to trafficking was disappointing. She pointed out that the Government addressed the problem as an immigration issue rather than a human rights issue. At the seminar, the Department of Justice spokesperson stated that victims' rights would form part of the new Immigration, Residence and Protection Bill (O'Brien, 25.01.2007). This has not proved to be the case.

Two months previously, in November 2006, a Law Society conference addressed the issue of human trafficking. John O'Driscoll of the GNIB mentioned 10-15 cases during recent years of children who were brought to Ireland by people who said they were their parents, but that the Gardaí passed into the care of the HSE. DNA evidence was used to prove that they were not the parents in some cases. He also spoke about the particular difficulties in reporting by trafficking victims: 'The victims themselves are often illegally in the State and are in fear of the authorities, so will not come forward. There's the language barrier and we have very limited sources of

information from among immigrant communities' (Holland, 27.11.2006). Ireland has no safe houses for young victims of trafficking, as is the case for example in Italy (O'Brien, 07.06.2006a).

The GNIB set up a special Counter Trafficking Unit in 2002 to focus on trafficking for exploitation (Candappa, 2003:10). The Gardaí participate in the Interpol Working Group on Trafficking in Women and Children (Working Group on Trafficking in Human Beings, 2006: 15). In 2005, the GNIB convened a conference, together with UK and Hungarian authorities, entitled "Forum to improve best practice in the prevention, detection, and investigation of trafficking in human beings and examine best practice in fighting and preventing corruption of public figures in the administration of immigration regulations" (Working Group on Trafficking in Human Beings, 2006: 16).

A forum for co-operation between governmental and non-governmental organisations and academic researchers on the issue of trafficking of women and children for sexual exploitation was created in 2000. It is called Ireland en Route (IeR) and seeks to facilitate the organisations involved in sharing information, ideas and experiences with a view to developing Best Practice (Working Group on Trafficking in Human Beings, 2006: 17). It was initiated by Ruhama, academics from COPINE at the Department of Applied Psychology at University College Cork, the IOM and Women's Aid (Candappa, 2003: 9). Ruhama was instrumental in the creation of the forum in late 2002, the organisation held a conference on trafficking.

Ireland's response to the issue of trafficking of separated children may be coloured by its social history, as suggested by Conroy, who has conducted in-depth research on the issue: 'Societal tolerance of sexual abuse of children, non-disclosure, disbelief of child victims and harassment or isolation of those who denounced paedophiles, has been widespread' (Conroy, 2003a).

2.5 Best Practice

In September 2006, UNICEF published guidelines on the protection of victims of trafficking, which outline general principles, together with issues such as identification, guardianship, care and durable solutions (UNICEF, 2006). The UNHCR is currently mapping guardianship standards across Europe with a view to publishing guidelines (Mooten, 2006: 42). The Committee on the Rights of the Child issued a general comment in June 2005 on separated children, addressing issues such as general principles, protection needs, the asylum process and durable solutions (Committee on the Rights of the Child, 2005).

In 2004, the *Inter-agency Guiding Principles on Unaccompanied and Separated Children* were published by the International Committee of the Red Cross, UNHCR, UNICEF, World Vision International, Save the Children UK and the International Rescue Committee. While the guidelines mostly focus on crisis situations where children have remained in regions of conflict and child-specific persecution, chapter 6 provides some useful guidelines on separated refugee and asylum-seeking children. It is recommended that a guardian be appointed to promote the child's best interests, and that the child should be given the benefit of the doubt where there are issues around the credibility of their story. If children are placed with foster families from the host community, their situation should be closely monitored, and in preference, placement within their own refugee community should be promoted (ICRC *et al*, 2004: 60-63).

The *Guiding Principles* also stress the necessity for family tracing to take place at the earliest possible time (ICRC *et al*, 2004: 35). Institutional care for separated children is considered a last resort, and community-based solutions are recommended, among families from the country of origin of the child. When children are placed in institutions, they should be organised in small, family-like units (ICRC *et al*, 2004: 46).

The European Commission's STOP project, 1997-2000, aimed at developing a coordinated, multidisciplinary approach to preventing and combating trade in human beings and the sexual exploitation of children at European Union level. The report of the project was published in 2001

(Jyrkinen & Karjalainen, 2001). The European Council on Refugees and Exiles has also published research and data on the subject of separated children.

The Separated Children in Europe Programme (SCEP, see: www.separated-children-europe-programme.org) involves 28 European countries and was founded in 1997. The organisation has a website and newsletter, has organised a number of events and has published a Statement of Good Practice on separated children in Europe. It works together with the UNHCR and Save the Children. The SCEP's Irish focal point is the Irish Refugee Council.

The Statement of Good Practice provides an account of the policies and practices required to implement and protect the rights of separated children in Europe. The first principles in relation to separated children include the best interests of the child, the right to participate, respect for cultural identity and confidentiality. The Statement outlines thirteen main areas of good practice for separated children, from access to the territory to durable or long-term solutions (SCEP, 2004). It is a seminal and useful document in relation to policy on separated children in Europe.

In May 2006, a seminar on children in migration was held by the Separated Children in Europe programme and Save the Children Sweden, focusing on separated children as well as child migrants and asylum seekers in the company of their parents (Smith, 2006). In March 2003, the SCEP held a seminar in Bucharest on age assessment and identification, which concluded that age assessment was not an exact science and that there was no existing practice that complied with international standards (Halvorsen, 2003). The specialised reception centre for separated children in Bekescsaba in Hungary was highlighted as a model of best practice in accommodation provision, considered to contribute to the prevention of disappearance and trafficking (Halvorsen, 2003: 15-16).

A number of comparative studies on child trafficking were published between 2000 and 2002 both specifically in the Western European context and at an international level (Social Alert, 2000; IOM, 2002). The ECPAT Europe Law Enforcement Group and Terres des Hommes has also produced a number of general and country-specific studies of child trafficking (Wolthuis & Blaak, 2001; Somerset, 2004; Van Reisen & Stefanovic, 2003; Dottridge, 2004).

Belgium

During 2005, there was an increase in the number of missing Separated Children registered with the organisation Child Focus in Belgium by more than double. The organisation received 611 new cases concerning 617 separated children in 2005. During that year, a further 931 cases were still under investigation. (Child Focus, 2006: 17). Since May 2004, the Belgian Government's Guardianship Service has appointed a guardian for each separated child, before they are referred to short-term reception facilities or longer-term accommodation (Child Focus, 2006: 17). Most separated children in Belgium originate from Eastern Europe, and lesser numbers from the Middle East and Africa (Child Focus, 2006: 18).

In Belgium, the nationwide 'Mineurs en Exil' (Minors in Exile) platform produces newsletters on separated children (SCEP, 2003: 3). One reception centre in Belgium is particularly dedicated to child victims of trafficking (SCEP, 2003: 3). Belgium adopted a draft law on guardianship in 2003. The Belgian NGO service Droits des Jeunes (Young People's Rights) has created a pool of lawyers who are trained to represent separated children (SCEP, 2003: 8). Child Focus, the European Centre for missing and Sexually Exploited Children, was founded in 1998 to actively support the investigation of the disappearance, abduction or sexual exploitation of children, and to combat these practices. The centre runs a call centre, case management, research, an international development unit and a documentation centre on the issue of missing and sexually exploited children. The Child Focus working model is considered an example for many other European countries (Child Focus, 2006: 6).

Separated children represent over 40% of the cases dealt with by Child Focus (Child Focus, 2006: 12). Child Focus is developing an international network of operational centres in Europe, an

aim that appropriately addresses child trafficking and missing children as an international phenomenon (Child Focus, 2006: 36). In 2003, a research project was undertaken by Child Focus on the profile and experiences of 683 separated children who applied for asylum in Belgium. Seventy-five reception centres and 16 foster families were consulted during the research and it was found that one in four separated children seeking asylum went missing (De Smet, 2005).

Separated children should be consulted on their needs, and on possible reasons for going missing. In November 2003, the Belgian Senate invited separated children to describe their situation and to make recommendations for better protection. They spoke about their daily lives and problems with their situation. This was facilitated by a working group within the senate focusing on Separated Children, the formation of which was motivated by the lack of statistics on separated children. The group was in contact with Child Focus with regard to the issue of children who went missing (Groupe de travail "Droits de l'enfant", 2003).

United Kingdom

Despite the Irish Government's frequent recourse to UK immigration policy as a model, there are few British models of best practice in this area. There are currently around 6,000 separated children being accommodated by local authorities in the UK, and for the past three years, about 3,000 new cases are identified per annum. This contrasts with the decline in overall asylum applications (Home Office, IND, 2007: 7). The IND keeps a National Register for Unaccompanied Children in order to share information with local authorities (Home Office, IND, 2007: 8). In the United Kingdom, 44% of age claims are disputed and the applicants are treated as adults (Crawley, 2006: 13).

Under the New Asylum Model, separated children are each allocated a 'Case Owner.' Discretionary leave to remain (DL) – the status of most of those refused asylum - expires when the child reaches the age of 17½ years, to provide for speedy returns on the child turning eighteen. The child must attend an asylum interview twenty-five working days after they have made the application (Home Office, IND. Unpublished correspondence). The IND consultation paper on separated children, published in February 2007, has been criticised for not placing the child's welfare before immigration policy (Reisenberger, 1 March 2007).

Save the Children England has published a series of guides for professionals working with separated children on rights and entitlements, working at ports, youth groups, mentoring schemes and emotional support (SCEP, 2003: 13). The Immigration Law Practitioners' Association (ILPA) in the UK has undertaken some research in the area of separated children. In 2004, the association published guidelines for best practice in working with children in immigration (ILPA, 2004) and in 2006, they published a policy paper entitled *Child First, Migrant Second* which looked at the tension between law and policy designed to protect children in the UK (Crawley, 2006). Amongst other recommendations, it was suggested that additional child protection officers be stationed at major ports of entry, and that the Home Office's Trafficking Toolkit be circulated widely and used for training (Crawley, 2006: 69).

In 2000 and 2001, Save the Children UK undertook research with 125 young people seeking asylum or with refugee status and 125 professionals who worked with them. This resulted in the 2001 publication *Cold Comfort: Young Separated Refugees in England* (Save the Children UK, 2001). A similar study was carried out in Wales in 2005 (Save the Children Wales, 2005).

Other EU countries

In 2001 in Sweden there was a dramatic increase in the numbers of children who went missing from reception centres, a total of 47 children (Candappa, 2003: 11). In 2002, Sweden put in place specific anti-trafficking legislation, and a special group was appointed by the Government to collect information on sexually exploited children (Candappa, 2003: 12-13). At an international level, the Swedish Government co-ordinates the Nordic-Baltic Campaign Against Trafficking in Women (Candappa, 2003: 13). The Finnish Directorate of Immigration produced guidelines, also

available in English, on interviewing separated children (Directorate of Immigration Finland, 2001).

With support from the Separated Children in Europe Programme, a handbook for dealing with unaccompanied refugee children was published in Austria in 2002. (Fronek & Messinger, 2002). The non-governmental organisation Asylkoordination has a working group on unaccompanied minor refugees and has produced research material since 1998 and a newsletter in German. The organisation provides a number of publications exploring the personal experiences of separated children (www.asyl.at/umf). Asylkoordination also runs a guardianship project called Connecting People, in association with UNICEF.

2.6 Conclusion

Irish legislation on immigration, asylum seeking and trafficking has been significantly developed and amended in recent years, yet a number of issues remain problematic. The Child Care Act provides for standards of care, but has not always been applied equally to separated children. There are fundamental problems with trafficking legislation for children with regard to labour exploitation and protection for trafficking victims. The new Immigration, Residence and Protection Bill fails to further clarify the precise role of the HSE in relation to separated children, particularly those who do not seek asylum.²⁸ European and international conventions assist in the development of a co-ordinated policy on separated children.

The past eight years has seen an increase in the number of separated children arriving in Ireland, some of whom seek asylum in the State, while others are reunited with families. Other children do not seek asylum, and many more never come to the attention of the authorities. Some research has been undertaken on the profile and needs of separated children in Ireland, though much remains to be examined in relation to child trafficking in the country. There are concerns about legal representation for separated children, the provision of safe and secure accommodation and the dangers of a less than rigorous system of family reunification. While the extension of the powers of the Social Services Inspectorate to include hostels for separated children is a favourable development, little attention has been paid to the psychological and integration needs of the group.

Newspaper articles provide some evidence of separated children who have not been identified by the authorities, or who have gone missing from State care. Journalists have highlighted the sub-standard care and security in hostels for separated children. The lack of adequate and durable solutions for separated children in terms of family reunification, education and health provision, and safe, sustainable and voluntary returns increases the risk of children going missing. Despite the relative complacency in Ireland on the issue of child trafficking, newspaper articles and Garda reports suggest that it is an increasing problem. The issue is directly related to the situation of vulnerable separated children, who may already be, or are in danger of becoming, victims of trafficking and exploitation.

An examination of best practice in relation to separated children and child trafficking in Europe was constrained by the scale of this review. UN organisations have produced useful guidelines, while the Separated Children in Europe Programme's *Statement of Good Practice* is indispensable in this area. Belgium stands out as having put in place a number of safeguards, and provides a forum for separated children's needs to be aired. In contrast, the United Kingdom has recently taken steps within the New Asylum Model to cause further difficulties and complications for an already vulnerable group. Sweden and Austria provide more positive examples of good practice. This literature review has set out state-of-play with regard to separated children seeking asylum and the trafficking of young people in Ireland. It is hoped that

²⁸ The problem of the role of the HSE in relation to children in State care is a broader issue, as evidenced by the current 'Miss D' case. See: Carolan, Mary. 'State lawyers insist Miss D does not require HSE permission or court order to travel.' *The Irish Times*, 08.05.2007.

this will contribute to further research on how and why separated children go missing from State care, with a view to improving the precarious situation of these young migrants.



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