

Department of Political Sciences

Bachelor Degree in Politics Philosophy and Economics

Migration and Refugee's Policies

Unaccompanied Minors Entering the European Union:

Migration Routes, Legal Frameworks, and Challenges in Italy and Norway.

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*“We should never forget that children on the move are, first
and foremost, children who bear no responsibility for their
plight and have every right to a better life.
These children have endured war, persecution,
deprivation, and terrible journeys.
Even when they have reached the relative safety of their
destination, they still need protection, education,
healthcare, and counselling.
We must stand by their side.”*

Marie-Pierre Poirier,
UNICEF’s Regional Director for West and Central Africa.

- To all the young individuals who have or will have to embark on journeys of hope and resilience, whom I aspire to meet and support in the years ahead.

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LIST OF ABBREVIATIONS:

art. = article;

D.L.: = Decreto Legislativo (legislative decree)

AMIF = Migration and Integration Asylum Fund

BIC = Best Interest of Children

CAS = Italian Extraordinary Reception Centers

CRC = Convention on the Rights of the Child

ECHR = European Convention on Human Rights

EMN = European Migration Network

EU = European Union

EUAA = European Union Agency for Asylum

EURODAC = European Asylum Dactyloscopy Database

FAMI = Italian First Reception Facilities

MS = Member States

NAOS = Norwegian Organization for Asylum Seekers

RCD = Reception Conditions Directive

SAI = Sistema di Accoglienza e Integrazione

SDI = Inter-Force Database

SIS = Schengen Information System

THB = Trafficking in Human Beings

UAMs = Unaccompanied Minors

UDI = Norwegian Directorate of Immigration

UNE = Immigration Appeals Board of Norway

UNCRC = UN Convention on the Rights of Child

UNHCR = United Nations High Commissioner for Refugees

UNICEF = United Nations Children's Fund

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Figure 1: Unaccompanied minor asylum applicants granted protection status in the EU by country

INTRODUCTION:

Each year, thousands of children cross international borders. While many undertake these journeys with family members, a significant share travel alone without trusted adults or in the hands of smugglers, exposing themselves to extreme dangers. They make this decision driven by a range of complex and overlapping motivations. Some try to escape armed conflicts, persecution, natural disasters, while others are in search of education and work possibilities of higher quality compared to the one in their origin countries. Many families make the decision of sending children ahead, in the hope of encountering safety and stability elsewhere, while others are compelled to flee their homes due to immediate dangers and threats they face within them. Unaccompanied minors are recognized as one of the most vulnerable groups undertaking migration as, lacking the protection of adults, they are more susceptible to exploitation and abuse throughout their journey and upon arrival. As of January 2025, 2,145 unaccompanied minors submitted first-time asylum applications in European Member States, with Egypt, Syria and Afghanistan among the most common countries of origin¹.

The purpose of this dissertation is to investigate the intricate voyage unaccompanied minors go through upon their arrival in Europe, from their entry into the destination country, through reception and asylum procedures to long-term inclusion into broader society. Particular attention is devoted to the legal, procedural and social challenges faced within each phase, while taking into consideration the principle of best interest of the child. The research adopts a comparative perspective, analyzing the shared challenges and structural differences between Italy and Norway to illustrate how a European Member State and a non-Member State that, nonetheless participate in key European migration agreements, approach the protection and integration of unaccompanied minors. Understanding how these experiences and outcomes are influenced by overarching European legal and policy frameworks, including recent developments brought by the New Pact on Migration and Asylum, is essential to gain insight into broader European approaches to child migration. To complement the legal and institutional analysis, interviews with former unaccompanied minors have been conducted, providing first-hand perspectives that enrich the empirical foundation of this study.

¹Eurostat. “66 800 Asylum Applications in January 2025.” @EU_Eurostat, Eurostat, 15 Apr. 2025, ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20250415-2.

CHAPTER I - Theoretical framework

1.1 Definitions:

Unaccompanied minors constitute a distinct category within migratory processes, requiring specific attention and tailored measures. Given their status as minors, foreign nationals and unaccompanied individuals, it is essential to establish clear criteria for recognizing and maintaining this designation throughout the reception, integration, and protection processes within the EU. Recognizing them primarily as children and secondarily as asylum-seekers is crucial, as their vulnerability arises from the intersection of these three factors.

The definition of unaccompanied minors is clearly articulated in the Reception Condition Directive (Directive 2013/33/EU) of 26 June 2013, which establishes standards for the reception of applicants for international protection within EU Member States. Specifically, art. 2(d) defines a 'minor' as “*a third-country national or stateless person below the age of 18 years*”. Building upon this, art. 2(e) defines an 'unaccompanied minor' as:

“A minor who arrives on the territory of the Member States unaccompanied by an adult responsible for them, whether by law or custom, and for as long as they are not effectively taken into the care of such a person; this includes a minor who is left unaccompanied after entering the territory of the Member States”².

The combination of these definitions in art. 2(d) and 2(e) establishes the criteria for identifying unaccompanied minors under European law.

Furthermore, according to the Reception Condition Directive the term “separated children” is involved within the definition of unaccompanied minors. Being defined as such does not change even if children arrive in the destination Member States accompanied by: (i) an underage adult or sibling; (ii) an underage or adult partner/spouse; and/or (iii) family members, relatives or unrelated adults who are not responsible for them whether by law or by the practice of the Member State concerned³.

²European Commission's Directorate-General for Migration and Home Affairs. “Directive - 2013/33 - EN - Reception Conditions Directive - EUR-Lex.” *Europa.eu*, 2016, eur-lex.europa.eu/eli/dir/2013/33/oj/eng.

³European Asylum Support Office. *European Asylum Support Office SUPPORT IS OUR MISSION: EASO Guidance on Reception Conditions for Unaccompanied Children: Operational Standards and Indicators*. EASO Practical Guides Series, 2018, <https://euaa.europa.eu/sites/default/files/Guidance-on%20reception-%20conditions-%20for-unaccompanied-children.pdf>.

It is important to highlight that, although the European Union has enacted various directives and regulations aimed at harmonizing migration and asylum procedures for unaccompanied minors across Member States, national governments have implemented additional laws and instruments to adapt and apply these standards within their specific legal and contextual frameworks.

Firstly, in the case of Italy, as of the 7th of April 2017, the Zampa Law (law. 47/17) has entered into force, making Italy the first EU country to create further legislation to actively protect unaccompanied minors. The law ensures that minors are granted the same kind of protection and rights as children under Italian law, affording them equal treatment as minors of Italian or European citizenship. Art. 2 defines an unaccompanied minor as:

“An unaccompanied foreign minor present in the territory of the State is a minor who has neither Italian nor EU citizenship, who is, for any reason, in the territory of the State or who is otherwise subject to the Italian jurisdiction, without any assistance and representation by his parents or other adults legally responsible for him according to the Italian laws in force”⁴.

Given the precarious situation in which unaccompanied minors find themselves, the law targets their needs, highlighting the necessity for specialized measures to safeguard their well-being.

Secondly, although Norway does not form part of the European Member States and the Directive 2013/33/EU is not applicable in its territory, it has incorporated many principles included within its national law and policies and applied the same Schengen visa rules as other Member States. The Norwegian Directorate of Immigration (UDI), is the central agency in the Norwegian immigration administration in charge of developing the government’s immigration and refugee policy. The UDI has defined ‘Unaccompanied Minor Asylum Seekers’ as any person *“under the age of 18, coming to Norway without parents or others with parental responsibility and apply for protection (asylum) in Norway”⁵*. The main Norwegian legislatures building on the rights and types of protections afforded to unaccompanied minors are the Norwegian Immigration Act and the Child Welfare Act acting in line with the international

⁴Council of Ministers. Law No. 47 of 7 April 2017 Provisions on Protective Measures for Unaccompanied Foreign Minors. 7 Apr. 2017, www.garanteinfanzia.org/sites/default/files/2020-03/law-no-47-of-2017-on-uams-en.pdf.

⁵“Unaccompanied Minor Asylum Seekers - UDI.” Wwww.udi.no, 2025, www.udi.no/en/word-definitions/unaccompanied-minor-asylum-seekers/.

obligation of the country including the United Nations Convention on the Right of Child and the European Convention of Human Rights.

Both countries are legally bound to apply the concept of the Best Interests of the Child when dealing with unaccompanied minors, which has been included both in the Norwegian Immigration Act and the Italian Zampa Law. The principle refers to a threefold concept which includes:

“A substantive right, a fundamental and interpretative legal principle and a rule of procedure that is aimed at ensuring the full and effective enjoyment of all the rights recognized in the UNCRC and of which the primary consideration is to ensure the holistic development of the child”⁶.

The United Nations Convention on the Right of Child is the main legal instrument on the protection of children, and as stated in art. 3, the Best Interest of the Child shall be of primary consideration in all actions affecting children, including unaccompanied minors. However, it should be taken into consideration that the application of the Best Interest of the Child is subjective, depending both on the legislation of the country in which the child finds themselves and the context of their personal situation.

⁶European Migration Network. “Best Interests of the Child (BIC).” *Home-Affairs.ec.europa.eu*, home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/best-interests-child-bic_en.

1.2 Legal concepts and Sociological classifications:

1.2.1 Principle of Non-Refoulement:

The principle of non-refoulement is a fundamental concept of international refugee law. It has been codified in art. 33 of the 1951 Refugee Convention, which both Italy and Norway have signed and are bound by, clearly outlining the principle:

“No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group, or political opinion”⁷.

The principle applies to all refugees, including unaccompanied minors. Under this international obligation, unaccompanied minors cannot be deported or sent back to their home country if they risk persecution or harm, regardless of their migration status. The application of this principle varies between the two countries. On the one hand, the case of Norway gave rise to notable legal and procedural debates. Residence permits are issued to unaccompanied minors until the age of 18. If a child claims to have no parents or guardians in their country of origin, Norwegian authorities are unable to deport the unaccompanied minors until they reach adulthood. However, once an individual turns 18, art. 74 of the Norwegian Immigration Act stipulates that unaccompanied minors must leave Norway unless granted a residence permit or an alternative form of protection⁸. In such cases, they may be unable to apply for a new residence permit, potentially leading to deportation upon reaching adulthood.

On the other hand, under Italy’s Zampa Law, the deportation of unaccompanied minors is prohibited except in the cases of family reunification or voluntary return following the Best Interest of the Child principle. Italy provides a vigorous protection framework, ensuring that unaccompanied minors are not automatically deported upon turning 18. In alignment with Law 47/2017 and the Italian Immigration Legislation (Legislative Decree 286/1998), there are three main avenues for continued legal residence. Under art. 19, if a minor fears persecution or risk harm upon return, they may apply for asylum at 18, however, if they don’t qualify for other residence permits, they may apply for *special protection* if returning to their origin countries

⁷United Nations. “Convention Relating to the Status of Refugees.” *OHCHR*, United Nations, 28 July 1951, www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees.

⁸Arbeidstilsynet. “Section 74. Residence Permit for a Foreign National Whose Protection against Removal under Section 73 Is the Sole Basis for Residence.” *Arbeidstilsynet.no*, 2019, www.arbeidstilsynet.no/en/laws-and-regulations/laws/immigration-act/9/section74/.

would put their life in danger. In addition, art. 31, allows unaccompanied minors to apply for residence of integration, therefore, if minors are in protection programs, they may be granted residence permits for study or work reasons. Furthermore, similar to the latter article, art. 32, involves a conversion permit which involves converting their minor protection permit into a work, study, or special permit before turning 18⁹.

1.2.2 Push and Pull Factors:

Unaccompanied minors migrate in search for better opportunities, especially related to living standards, education and chances for future employment. In 1966, sociologist Everet Spurgeon Lee introduced a conceptual model which included several factors influencing migration decisions, these were classified into four main categories: (1) conditions linked to the place of origin, (2) characteristics of the destination, (3) obstacles that may arise during migration, and (4) individual personal factors¹⁰. The basic concept states that “as the discrepancy in economic, political and safety conditions between the country of origin and the country of destination increases, then migration becomes more likely”¹¹.

The model distinguishes between classification push factors and pull factors. On the one hand, push factors are conditions that compel individuals to leave their origin countries due to unfavorable conditions that make life difficult or unsustainable. Economic hardship, political instability, and environmental challenges often drive migration, as people seek safety, stability, and better prospects elsewhere. Limited access to essential services, such as healthcare and education, further exacerbates the desire to relocate. On the other hand, pull factors create an appeal for certain destination countries offering improved living standards, economic security and opportunities for personal growth. A well-functioning welfare system, along with access to quality education and stable employment, makes migration an attractive option for those hoping to build a better future. Together, push and pull dynamics shape migration patterns, influencing individuals' decisions to leave one place in search of greater security and opportunity elsewhere.

Moreover, migration is not solely determined by push and pull factors. Additional influences play a crucial role in shaping migration patterns explaining why not everyone may

⁹Directorate-General for Migration and Home Affairs. “Legislative Decree 25.7.1998, No. 286 on “Consolidated Act of Provisions Concerning Immigration and the Condition of Third Country Nationals | European Website on Integration.” *Migrant-Integration.ec.europa.eu*, 1998, migrant-integration.ec.europa.eu/library-document/legislative-decree-2571998-no-286-consolidated-act-provisions-concerning_en.

¹⁰Lee, Everett S. “A Theory of Migration.” *Demography*, vol. 3, no. 1, 1966, pp. 47–57, <https://doi.org/10.2307/2060063>.

¹¹Brekke, Jan-Paul, and Monica Five. *Why Norway? Understanding Asylum Destinations*. 2009, https://www.udi.no/globalassets/global/forskning-fou_i/beskyttelse/why-norway.pdf.

have the possibility of moving between origin and destination countries. One such factor is personal characteristics that encompass individual thresholds that either facilitate or hinder migration. These thresholds may evolve over time, influenced by life stages and ages, personal circumstances, or socioeconomic status. Migration is therefore a selective process, as individuals differ in their capacity, willingness, and aspirations to move. At the same time, migration is not always rational, there are transient emotions and accidental occurrences, along with the awareness of the conditions in both origin and destination countries, which influence the decisions of unaccompanied minors when choosing their destination. Another critical aspect is the presence of intervening obstacles, acting as barriers to migration and preventing individuals from reaching their intended destinations. These obstacles may include legal restrictions, financial constraints, social and cultural ties, or geographic challenges.

1.2.3 Forced vs Voluntary migration:

Migration can be of two types: forced or voluntary migration. Between these there is a continuum, as most of the time migrant's decisions come from a combination of choice and coercion. Some may be motivated by threats and conflicts while others by opportunities and economic interests. Within the aspect of voluntary migration, migrants are willing and have the capabilities to take the decision of leaving their origin country and entering the destination country after meeting its requirements of admissions. Especially in the case of unaccompanied minors, voluntary migration involves instances of family reunification involving minors migrating to join family members in other countries and of the search for better opportunities including both labor and enhanced education (including either enrolling directly to institutions of higher, secondary or primary education and applying to cultural exchange programmes)¹².

The opposite of voluntary is forced or compulsory migration. On the one hand, forced migration deals with people who migrate or who are displaced as they have little to no other alternative due to external circumstances which individuals have no power over such as persecutions, violation of human rights and armed conflicts. On the other hand, compulsory migration happens due to direct physical force in instances of capture, transport of slaves, forced deportation or return or constriction to leave home in the frame of armed conflicts. Involuntary migration may be caused by threats which endanger the lives of migrants brought by human agency or natural causes. Only refugees and individuals threatened by torture and persecution

¹²“Types of Movements | EMM2.” *Emm.iom.int*, International Organization for Migration, emm.iom.int/handbooks/global-context-international-migration/types-movements-0.

are the only forced migrants who are explicitly protected by international law against forced returns.

Under art. 1A (2) of the 1951 Refugee Convention, a refugee is defined as a person who:

*“Owing to a well-founded fear of being **persecuted** for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”¹³.*

Minors may be asserted both the status of unaccompanied minors and of refugees if under the provided definition they show that they have personally faced persecution. In the case of minors, forced migration involves mainly reasons due to wars and armed conflicts, violence and abuse, abduction for purposes of trafficking and sexual exploitation, of which young women tend to be more affected by. Persecution may also be because of ethnicity, religion or political beliefs.

1.2.4 Transit migration:

In order to reach the country of final destination, individuals have to cross or temporarily reside in one or more countries. Transit, within the migration context is considered as: “the passage through a country, of a third-country national travelling from their country of origin to EU Member States”¹⁴. Central to the idea of transit migration are the migrant’s intentions. People are labelled transit migrants before they reach a presumed final destination in the European Union.

Unaccompanied minors are even more vulnerable during transit migration. They may be targeted by criminal networks taking advantage of their naivety, lack of protection and limited knowledge of the migration process within the various transit countries. Unfortunately, regardless of the protections outlined in the Convention on the Right of Child, children who are victims of trafficking and exploitation may also find themselves included in irregular migration

¹³United Nations. “Convention Relating to the Status of Refugees.” *OHCHR*, United Nations, 28 July 1951, www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees.

¹⁴European Migration Network. “Transit.” *Home-Affairs.ec.europa.eu*, 2023, home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/transit_en.

pathways. This may be caused by unaccompanied minors being compelled to rely on irregular forms of travel through the help of smugglers, rendering them more exposed to violence and abuse.

Furthermore, transit migration may lead to legal protection gaps as implementation varies and may be inconsistent between countries. This may result in migrants being left in a limbo in the case that they become destitute or stranded or if they lack the legal protection of the country of transit. The phenomenon of “Refugees in Orbit” is a key driver of transit migration, it relates to the concept that refugees are unable to keep protection in the asylum system of a country and are obliged to transit to another¹⁵. Because of this, in the long term, individuals may become bound in a cycle of deportation and rejections without obtaining asylum.

However, transit migration faces challenges due to the Dublin Regulation: a law determining which country among the 32 “Dublin countries” is responsible for examining an individual’s request for asylum. There are specific circumstances under which individuals are granted the possibility to stay in the country of destination. In the case of unaccompanied minors, they are allowed to legally transfer to another country if they have or think to have a father, mother or another adult responsible for them, brother, sister, who is legally residing in another Dublin country or an aunt, uncle or grandparent who may take care of the child. This happens if the child would like to join this individual in that country¹⁶. During the procedure, if a child is under 18, authorities will assign a representative (such as in the case of Norway), a guardian or lawyer for assistance. For those who are over 14, fingerprints may be taken. Children have the right to seek aid from the UNHCR and authorities of the country in which the minor is present will request relevant information and documentation. During the procedure, unaccompanied minors have the right to reside in the country, be given accommodation, food and access to medical care. In addition, children under 18 have the right to continue education.

¹⁵Office of the United Nations High Commissioner for Human Rights. *Situation of Migrants in Transit*. 2016, <https://www.ohchr.org/sites/default/files/documents/issues/migration/studymigrants/ohchr-2016-report-migrants-transit-en.pdf>.

¹⁶United Nations United Nations High Commissioner for Refugees. *Information on the Dublin Regulation for Applicants Seeking International Protection*. 2018, <https://www.unhcr.org/be/wp-content/uploads/sites/46/2018/12/Dublin-regulation-English.pdf>.

1.3. Motivations for unaccompanied minors migrating alone:

The concept of mixed flows refers to the movement of people who travel together along the same routes and use similar means of transport but have different reasons for migrating. They may include people from different countries going into destination countries in the same way. The reasons for the migration of unaccompanied minors differ, there may be limits to the decision people make of where and how to go, especially in the case of children. Unaccompanied minors face *family separation* within their journeys. Transnationalism and separation may occur deliberately as either a choice of the family as a whole or as an individual choice of the child mostly - due to economic reasons - or it may occur accidentally, especially in the midst of fleeting conflict and violence¹⁷. This goes against the “*Principle of Family Unity*” under which children have the right to a family and families have the right to care for their children¹⁸. Family separation may also be due to obstacles such as gaps within the legislation of family migration, making it difficult for joining families abroad. The decision to migrate alone is not always the first choice, even if it occurs due to the search for better educational or professional opportunities.

Moreover, the migration of unaccompanied minors alone does not happen only in the direction to destination countries. Parents may also decide to send children back to the origin countries which may happen due to difficulties in accessing childcare, lack of extended family networks or economic crisis. Children may also be left behind at home while parents leave in the case of temporary migration or low-skilled migrant workers who may not have the possibility of bringing along their family.

In addition, remittances are a large part of the economic factors involved in the decisions of parents to send their children abroad, causing unaccompanied minors to travel alone. Remittances are funds or wages sent privately from unaccompanied minors abroad to their families in home countries¹⁹. These most of the time serve as a crucial source of income, especially if sent from developed to developing countries, as they help families sustain everyday expenses. Besides financial assistance, remittances also help maintain family connections, as

¹⁷International Organization for Migration. “Changing Family Migration Policies | EMM2.” *Emm.iom.int*, 2020, emm.iom.int/handbooks/family-and-migration/changing-family-migration-policies.

¹⁸International Committee of the Red Cross. *Inter-Agency Guiding Principles on UNACCOMPANIED and SEPARATED CHILDREN*. 2004, <https://www.unhcr.org/sites/default/files/legacy-pdf/4098b3172.pdf>.

¹⁹Lee, Stephen. “FAMILY SEPARATION as SLOW DEATH.” *Columbia Law Review*, vol. 119, no. 8, 2019, pp. 2319–2384, www.jstor.org/stable/26844592, <https://doi.org/10.2307/26844592>.

they allow children to stay in touch with their loved ones despite the physical distance²⁰. Minor's families give them the heavy responsibility of providing for their families, for example in Italy as the labor market is one of the major reasons why unaccompanied minors migrate alone is the search for job opportunities, the majority of Egyptian and Moroccan children travel abroad to support their families financially²¹.

²⁰UNICEF. "Remittances and Children." *Unicef.org*, 2023, www.unicef.org/innocenti/remittances-children.

²¹Rinaldi, Angela. "Subsidiary Cooperation for Development: A Worthy Ethical Model for Safeguarding Unaccompanied Minors in Italy." *Georgetown.edu*, 2024, globalchildren.georgetown.edu/responses/subsidiary-cooperation-for-development-a-worthy-ethical-model-for-safeguarding-unaccompanied-minors-in-italy.

Chapter II - *Modes of Entry in Destination Countries*

2.1 Entry pathways to Italy and Norway and the impact of the new European pact on Migration and Asylum:

Italy and Norway differ significantly in their roles within migration pathways and dynamics. On the one hand, Italy is one of the primary entry points into Europe. There are many ways in which migrants enter Italy, including both the Mediterranean Sea and the Balkan route. The former involves the Central Mediterranean route used as an entry point by migrants from Northern Africa especially from countries such as Libya, Tunisia and Egypt trying to cross the sea to reach landing points including Lampedusa, Sicily and Calabria. It also includes the Eastern Mediterranean route, serving as a pathway for migration from the Middle East and South Asia to Europe, with departures from Greece and Albania. Unaccompanied minors represented 12% of the people arriving in Italy by sea as of January 2024 (5,817 of 49.691)²². On the other hand, the Balkan route is one of the main migratory pathways via land. In this case, Italy may act as a destination country for people crossing multiple countries in the Balkans starting from Turkey and transiting through countries such as Bulgaria, Greece, North Macedonia and Serbia to reach Trieste. Between January and August 2024, around 9,800 people travelled through the Western Balkans as part of their migration journeys²³. Therefore, since Italy may serve both as a transit or as a destination country, because of this, the Italian Ministry of the Interior has put in place a National Resettlement Program, facilitating the safe transfer and integration of individuals in need of international protection. In this, the Italian government along with organizations such as Sant'Egidio and the Federation of Evangelical Churches, have established Humanitarian Corridors to offer legal and safe pathways to individuals reaching Italy.

In contrast, Norway is often thought of as a destination country for non-EU nationals transiting the EU. It has been used as a transit country also by migrants whose aim is to reach either the United States or the United Kingdom. Only recently has Norway become a popular

²²PROTECTION MONITORING REPORT MAP -IRC SITES in ITALY 5. International Rescue Committee, 2024, <https://www.rescue.org/sites/default/files/2024-10/IRC%20Italy%20-%20Protection%20Monitoring%20Report%20July%20-%20September%202024.pdf>

²³PROTECTION MONITORING REPORT MAP -IRC SITES in ITALY 5. International Rescue Committee, 2024, <https://www.rescue.org/sites/default/files/2024-10/IRC%20Italy%20-%20Protection%20Monitoring%20Report%20July%20-%20September%202024.pdf>

destination for immigration. This is mostly because of its wealth, labor market with high salaries, commitment to humanitarian protection and a high rank on the indexes of standards of living and quality of life. Norway has also promoted a cultural norm of egalitarianism through its devotion of equal distribution of social and economic benefits, attracting more migrants every year. Immigrants from Poland in 2024, comprised Norway's largest foreign-born group in search for better economic opportunities. In the case of unaccompanied minors, particularly from Afghanistan, Syria and Iraq, transit from Greece and the Balkan route to reach northern countries like Norway²⁴.

The distinct functions of Italy and Norway in migration are closely shaped by the broader European Migration Framework, including the New Pact on Migration and Asylum, seeking to regulate migration flows, distribute responsibilities among members and strengthen the border management while upholding fundamental rights²⁵. Although Norway is not a member of the European Union, it participates in the Schengen Area and the Dublin system. As a result, certain elements of the Pact, mainly sections 3, 5, 7 of the Asylum and Migration Management Regulation, which correspond to the parts of the previous Dublin III Regulation, are indeed applicable in Norway under its agreements with the European Union.

For the purposes of this dissertation, it is essential to acknowledge the significant changes introduced to various directives and regulations following the approval of the Migration and Asylum pact of 2024. However, since the new regulations approved by the European Parliament and Council will only come into effect in June 2026, it remains necessary to consider both the 2013 legislation and the recently adopted legal framework. This dual analysis enables the assessment of the impacts of the pact on the migrants' entry into the European Union and the procedures governing the right to asylum. The legislation which concerns this paper are the following:

- I. The Asylum and Migration Management Regulation (2024/1351/EU) which will replace current Dublin III Regulation in order to better determine which Member State is responsible for asylum procedures and establish a system of solidarity to aid Member States facing migratory adversities.

²⁴Grete Brochmann. "Norway: Rising Immigration in a Welfare State." *Migrationpolicy.org*, 12 Feb. 2025, www.migrationpolicy.org/article/norway-immigration-welfare-state.

²⁵European Commission. "Pact on Migration and Asylum." *Home-Affairs.ec.europa.eu*, 21 May 2024, home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en.

- II. The Asylum Procedure Regulation (2024/1348/EU) establishing the common procedures for international protection derived from the Asylum Procedure Directive (2013/32/EU).
- III. The EURODAC Regulation (2024/1358) legislating a new database for asylum and migration, further developing Regulation 603/2013/EU.
- IV. The Qualification Regulation (2024/1347/EU) replacing the Qualification Directive serving to establish common criteria to qualify individuals as beneficiaries of international protection.
- V. The Reception Conditions Directive (2024/1346/EU) revising the 2013/33/EU Directive setting standards for the reception of applicants for international protection²⁶.

²⁶Directorate-General for Migration and Home Affairs. "Legislative Files in a Nutshell." *Migration and Home Affairs*, 2024, home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum/legislative-files-nutshell_en#reception-conditions-directive.

2.2 Legal pathways for entry:

2.2.1 Legal migration and international protection:

Legal migration encompasses numerous channels through which individuals may enter the European Union such as work and education, offering a means for individuals to improve personal circumstances while also providing benefits for the Member States in terms of economic and social development. In the particular case of unaccompanied minors, regulated reasons for migration may include admission conditions, the rights of students and family reunification²⁷. Regular migration pathways, including the processes of regularization, are legal mechanisms resulting from regular travel allowing migrants to enter or stay in destination countries while ensuring the protection of their rights, especially in vulnerable situations of unaccompanied minors²⁸. Additionally, complementary pathways, established by the UNHCR, offer safe and legal migration routes for *refugees*, including unaccompanied minors under specific circumstances. These establish specific pathways through which individuals may obtain a more permanent status in third countries. These include also humanitarian routes which may facilitate accessing protection²⁹.

Once children enter the European Union, they are generally entitled to protection under international law. The protection of unaccompanied minors is ensured through various rights at international, regional and national levels. More precisely, protocols carried out by institutions and Member States when a child enters the European Union, should adhere to the United Nations Convention on the Rights of the Child, setting out the minimum standards which states must meet while carrying out practices for children in their territories³⁰. Furthermore, the EU Commission's Communication on the Protection of Children in Migration aims to enact coordinated and effective actions addressing the challenges faced by children when reaching the European territory³¹. There are a range of actions which should be implemented by the Union's Member States to ensure the protection of children in migration such as conducting gender and age-sensitive needs assessments upon arrival, ensuring access to healthcare,

²⁷Directorate-General for Migration and Home Affairs. "Legal Migration, Resettlement and Integration." *Migration and Home Affairs*, 30 Oct. 2024, home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-resettlement-and-integration_en.

²⁸UN Network on Migration. *Guidance Note - Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability*, https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/docs/guidance_note-regular_pathways_for_admission_and_stay_for_migrants_in_situations_of_vulnerability_final.pdf, 2021.

²⁹United Nations High Commissioner for Refugees. "Complementary Pathways for Admission to Third Countries | UNHCR." *UNHCR*, 2016, www.unhcr.org/what-we-do/build-better-futures/solutions/complementary-pathways-admission-third-countries.

³⁰European Union Agency for Asylum. "Legal Framework and General Principles." *European Union Agency for Asylum*, euaa.europa.eu/guidance-reception-unaccompanied-children/legal-framework-and-general-principles.

³¹European Commission's Directorate-General for Migration and Home Affairs. "EUR-Lex - 52017DC0211 - EN - EUR-Lex." *Europa.eu*, 2017, eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52017DC0211.

psychological support and education. Additionally, care options such as foster or family-based care must be provided for unaccompanied minors and minoring systems should be put into place to ensure their well-being. All of the procedures related to unaccompanied minors are to be carried out prioritizing the Best Interest of the Child.

2.2.2 The right to asylum:

Unaccompanied minors have the right to seek asylum upon arrival in a European Member State if they cannot return to their origin country for fear of persecution or if such country does not grant them protection. According to art. 18 of the European Charter of Fundamental Rights, the right to asylum “shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty establishing the European Community”³². From the moment an individual arrives in the territory of the host country and expresses the need for international protection, whether verbally or in writing, they are considered an applicant. This instance involves a set of rights and obligations such as the right to remain in the territory of the member state during the examination procedures, the right to information in an accessible manner regarding the procedure, the obligation of Member States to provide basic necessities and the right to communicate with legal advisors.

An asylum seeker is someone who is in need of international protection and who has the intention or has applied for refugee or complementary protection status, whose request has not been yet granted to them³³. Individuals may not be refused entry due to the lack of identification documents. According to Directive 2013/32/EU, unaccompanied minors are seen as vulnerable applicants requiring special procedural safeguards and it focuses on individual assessment to determine the minor’s specific needs. Art. 7 of this directive establishes the right for minors to make an application for international protection and in the likelihood that they would not have the capabilities to do so themselves or in the absence of parents/guardians, appropriate bodies may place an application on their behalf³⁴. On the other hand, Regulation 2024/1348/EU, specifically legislated upon the application procedure of unaccompanied minors under art. 33, differentiating between the situation of accompanied versus

³²European Union. *Charter of Fundamental Rights of the European Union*. Official Journal of the European Communities, https://www.europarl.europa.eu/charter/pdf/text_en.pdf, 18 Dec. 2000.

³³UNHCR. “Asylum-Seekers.” *UNHCR*, 2024, www.unhcr.org/about-unhcr/who-we-protect/asylum-seekers.

³⁴European Commission's Directorate-General for Migration and Home Affairs. “EUR-Lex - 32013L0032 - EN - EUR-Lex.” *Europa.eu*, 2013, eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013L0032.

unaccompanied minors³⁵. In the latter case, it is a representative who shall place an application for the unaccompanied minor in the instance where they may not be able to do so themselves. The applications of unaccompanied minors are to be processed with priority and within a shorter time frame.

The beginning of the asylum process involves two essential procedural stages: registration and lodging. During the former, the individual formally has to express their desire to seek protection and authorities should gather key personal information about the child. This enables applications to access their entitlements and comply with related responsibilities. Following registration, the applicant must lodge their request to be officially reviewed. In the case of unaccompanied minors, the application may be presented either in person or may delegate their representative to take care of this step. Lodging should be done as soon as possible. In instances of invalid reasons for delay or refrains authorities may decide to discontinue the procedure. This is the last phase before advancing to the examination procedure³⁶.

In order for an individual to be a candidate for international protection, authorities determine whether they qualify as a refugee or not and if not, whether they are eligible for subsidiary protection. According to the Qualification Directive (2011/95) a person eligible for subsidiary protection is a third-country national or stateless individual who does not qualify as a refugee but faces a well-founded risk of serious harm if returned to their country of origin or, in the case of a stateless person, their former habitual residence. This status applies to individuals who, due to this risk, are either unable or unwilling to seek protection from their home country³⁷. This definition has not been altered in the Qualification Regulation (2024/1347/EU). However, under subsidiary protection, the residence permit is of a shorter duration and individuals benefit from fewer rights compared to refugees.

For unaccompanied minors, the process of entry into the European Union and requesting asylum also includes additional steps which may not apply for adults. During the process of identification, it is needed both for the authorities of the destination country to know who the child is but also for the process which allows children to receive identification documents. Children should be provided with the relevant information in a language with which they have

³⁵European Commission's Directorate-General for Migration and Home Affairs . "Regulation - EU - 2024/1348 - EN - EUR-Lex." *Europa.eu*, 2024, eur-lex.europa.eu/eli/reg/2024/1348/oj/eng.

³⁶European Union Agency for Asylum. *The Asylum Procedure Practical Tool for Guardians*. 2023, https://fra.europa.eu/sites/default/files/fra_uploads/fra-euaa-practical-tool-asylum-procedure_en.pdf.

³⁷European Commission's Directorate-General for Migration and Home Affairs . "Directive - 2011/95 - EN - Qualification Directive - EUR-Lex." *Europa.eu*, 2015, eur-lex.europa.eu/eli/dir/2011/95/oj/eng.

no issues in understanding and communicating in order to acquire clear knowledge about the situation they are in and the procedure they have to undergo to acquire asylum. The European Union Agency for Fundamental Rights established that the identification and selection procedure shall be carried out equally by all Member States without discrimination³⁸. To aid the identification process, the European Union has established a centralized biometric database which supports the union in the management of asylum applications³⁹. The system involves registering the individuals and taking their fingerprints, which are cross-checked with current records to determine if the individual has applied for asylum in another country and which member state is responsible for examining an application for international protection⁴⁰. This is known as the European Asylum Dactyloscopy Database (EURODAC) and is used to facilitate recognition across the Member States, including Norway. With the New European Pact, the updated EURODAC regulation (2024/1358) also aims to manage irregular migration, to aid return of illegal migrants. In the context of unaccompanied minors, the system assists Member States in the identification of family members in other Member States, facilitating family reunification. The reform of the EURODAC system also includes the “lowering of the age for obtaining fingerprints and facial images of minors from 14 to 6 years old”⁴¹.

One of the procedures which children possibly undergo during the process of identification is the age assessment, done in absence of clear evidence (such as birth certificates or lack of identification) and doubt of the age of the unaccompanied minor, a process which should be respectful at all times. For underage migrants, age is needed to benefit from special protection measures. Depending on the country where unaccompanied minors find themselves, the age assessment method may vary, the most common procedure is the medical examination. This type of technique includes either a dental examination or x-rays of the bones to determine their maturity, which would allow to define the approximate age of an individual⁴². The medical examination is not mandatory; however, refusal of such testing may not be in favor of the individual and damage their application. Moreover, a person who appears to be a child, should

³⁸Gerbeau, Yoan Molinero, et al. “The Reception and Hosting of Unaccompanied Migrant Minors in the EU: Towards a Unified and Child-Centred Model.” *ResearchGate*, Apr. 2023, www.researchgate.net/publication/370073138 2023 The reception and hosting of unaccompanied migrant minors in the EU towards a unified and child-centred model.

³⁹European Union Agency for the Operational Management of Large-Scale IT Systems. “Pages - Eurodac.” *Www.eulisa.europa.eu*, www.eulisa.europa.eu/Activities/Large-Scale-It-Systems/Eurodac.

⁴⁰European Commission. “Common European Asylum System.” *Home-Affairs.ec.europa.eu*, 2024, home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_en.

⁴¹VILLALBA, Jorge . “Legislative Train Schedule.” *European Parliament*, 2025, www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-jd-recast-eurodac-regulation.

⁴²Feltz, Vivien. *AGE ASSESSMENT for UNACCOMPANIED MINORS When European Countries Deny Children Their Childhood*, 2015, <https://infomie.net/IMG/pdf/age-determination-def.pdf>.

be presumed to be a minor and should be entitled to the rights and protection afforded to children, this is known as the *presumption of minority*⁴³. Individuals may file an appeal if they don't agree with the assessment decision about their age. The medical examination procedure is legislated within art. 25 of Directive 2013/32/EU regarding the guarantees for unaccompanied minors, while in the Regulation 2024/1348, art. 25 specifically refers to the age assessment method for minors, under which medical examinations are to be used as a last resort if in doubt of the applicant's age and shall be the least invasive as possible⁴⁴.

Furthermore, one of the guarantees for unaccompanied minors upon entry in the European Union, is the appointment of a representative. Art. 2(j) of the Directive 2013/33/EU, defines a representative as a:

*“a person or an organization appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary. Where an organization is appointed as a representative, it shall designate a person responsible for carrying out the duties of representative in respect of the unaccompanied minor”*⁴⁵.

There have been additions to the definition of a representative for unaccompanied minors within the new Directive 2024/1346/EU. The adjourned definition expands the role of the representative in safeguarding both the best interest and the general well-being of the minor, broadening their scope beyond just legal matters. Secondly, it specifies that a representative must have the necessary skills and expertise concerning the treatment and specific needs of minors. Therefore, a representative is a person who supports the minor within the asylum process and who makes sure that the child's rights are upheld. The representative should also ensure that the communication between the minor and the relevant authorities is facilitated and provide guidance for the minor to integrate into society while accessing education and healthcare or psychological support if needed. A representative is appointed as soon as possible, unaccompanied minors should not go through the asylum process alone. They are involved

⁴³Council of Europe. *AGE ASSESSMENT for CHILDREN in MIGRATION a Human Rights-Based Approach a Guide for Policy Makers Building a Europe for and with Children*, <https://rm.coe.int/ageassessmentchildrenmigration/168099529f>.

⁴⁴ European Commission's Directorate-General for Migration and Home Affairs. “Regulation - EU - 2024/1348 - EN - EUR-Lex.” *Europa.eu*, 2024, eur-lex.europa.eu/eli/reg/2024/1348/oj/eng.

⁴⁵European Commission's Directorate-General for Migration and Home Affairs. “Directive - 2013/33 - EN - Reception Conditions Directive - EUR-Lex.” *Europa.eu*, 2016, eur-lex.europa.eu/eli/dir/2013/33/oj/eng.

throughout the decision-making process about the minor's asylum application. Representatives are also present during the personal interview which children have to undergo for the scope of understanding the reasons for their application including why they left their origin country and what dangers they may face if they were to return there.

Moreover, another important aspect for unaccompanied minors during the process of asylum-seeking focuses on the family tracing. This involves the identification and location of family members, including relatives or former caregivers and separated children to restore family connections and ensure the right to family unity⁴⁶. Within the Qualification Regulation of 2024, art.33(7) states that family tracing should start as soon as possible after the grant of international protection, if not before this event where appropriate⁴⁷. In particular, siblings should always remain together, with minimal changes in residence to ensure their unity, even after being granted asylum protection. To the ends of family tracing, the Qualification Regulation and Directive of 2011 do not demonstrate differences.

The aforementioned regulation also focuses on the decision of the application procedure in case of acceptance of unaccompanied minors. Once unaccompanied minors are given refugee or subsidiary protection status, they are beneficiaries of international protection. They have the right to residence permits until the cessation of this status. However, in the new pact there have been slight changes to art. 24 regulating residence permits. Under the Directive of 2011, the validity period for refugee's residence permits was of at least three years and renewable, unless compelling reasons of national security. In this directive, family members of refugees could be granted a permit valid for less than three years. With regards to individuals under subsidiary protection, the length of the permit changed to having effectiveness for at least one year and renewable for at least two years⁴⁸. In contrast, the Regulation of 2024, reinforced the same initial validity periods, however, the renewal process changed granting permits that are renewed for at least three years for refugees and at least two years for subsidiary protection beneficiaries⁴⁹. Unlike Directive 2011, the new regulation eliminates exceptions based on national security or public order, providing a more structured and continuous legal status for

⁴⁶European Commission's Directorate-General for Migration and Home Affairs. "Family Tracing." *Migration and Home Affairs*, 2016, home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/family-tracing_en.

⁴⁷European Commission's Directorate-General for Migration and Home Affairs. "Regulation - EU - 2024/1347 - EN - EUR-Lex." *Europa.eu*, 2024, eur-lex.europa.eu/eli/reg/2024/1347/oj/eng.

⁴⁸European Commission's Directorate-General for Migration and Home Affairs. "Directive - 2011/95 - EN - Qualification Directive - EUR-Lex." *Europa.eu*, 2015, eur-lex.europa.eu/eli/dir/2011/95/oj/eng.

⁴⁹European Commission's Directorate-General for Migration and Home Affairs. "Regulation - EU - 2024/1347 - EN - EUR-Lex." *Europa.eu*, 2024, eur-lex.europa.eu/eli/reg/2024/1347/oj/eng.

unaccompanied minors under international protection. Moreover, with the benefits of being granted a residence permit, for unaccompanied minors also come several rights such as the right to access education and healthcare under the same conditions as nationals of the host country. In addition to these rights, unaccompanied minors should also be afforded an accommodation facility. Unaccompanied minors are placed either with adult relatives, foster families or accommodation centers with special provisions for minors or in other types of living arrangements suitable for minors. The habitations provided must be equipped with qualified personnel and facilities taking into account the needs of minors according to their degree maturity and age.

2.2.3 Family Reunification:

The concept of family reunification has been developed to bring family members who find themselves in different territories together. It is based on the legal right of family unity and preventing family separation. States have the legal responsibility to enforce frameworks granting the possibility to families to be reunited. It focuses on facilitating the integration of non-European nationals. In the case of refugee family reunification, at least one member of the family must have been recognized as a refugee by a member state. Under these circumstances, the refugee may apply on behalf of their family in order for the members to join them in the host country⁵⁰. Well-organized family reunification processes enable unaccompanied minors to be reunited with their families, thereby preventing the need for irregular migration and reducing the influence of human trafficking networks facilitating family reunions⁵¹.

The Directive 2003/86/EU legislates on the process of family reunification and gives directions on how non-European nationals can bring their family members into their host country. The application is consented to unaccompanied minors who are legally residing in a Member State as refugees or under another legal status, with the requisites of not having reached the age of 18 years old nor be married when filing the application. Under art. 10(3), family members eligible for reunification include, as part of the mandatory family reunification process include: the parents, specifically "first-degree relatives in the direct ascending line"⁵².

⁵⁰UNHCR. "Family Reunification - UNHCR Frequently Asked Questions." *UNHCR Frequently Asked Questions*, 2021, help.unhcr.org/faq/how-can-we-help-you/family-reunification.

⁵¹UNHCR. "Family Reunification | UNHCR." *UNHCR*, 2020, www.unhcr.org/what-we-do/build-better-futures/solutions/complementary-pathways/family-reunification.

⁵²European Commission's Directorate-General for Migration and Home Affairs. "EUR-Lex - 32003L0086 - EN - EUR-Lex." *Europa.eu*, 2023, eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32003L0086.

In cases where the minor has no living parents or is unable to trace any relatives in the direct ascending line, Member States may permit the reunification with a legal guardian or other family members, such as older siblings, uncles, aunts, or grandparents. However, the decision to include these additional family members is left to the discretion of each EU Member State.

While applying for family reunification, minors should submit the request to the relevant authorities in the Member States in which they reside and should provide proof establishing family ties through documentation such as birth certificates, passports or DNA testing, if necessary, along with proof for their legal status. Throughout this process, the best interest of the child must be primarily considered and efforts should be made to use time effectively to reunite the child with their family as soon as possible. However, children may encounter challenges such as bureaucratic delays, strict documentation requirements and inconsistent implementation of the directive as Member States have some flexibility in applying it.

Following art. 12(1) of the directive, unaccompanied minors may benefit from certain exemptions, including no minimum residence period, meaning that the child does not have to demonstrate a specific length of stay in the EU before applying for family reunification. Additionally, there are no financial requirements imposed and the child is not obliged to prove financial independence or provide housing for family members. Unaccompanied minors' refugees are also entitled to family reunification even if they come of age during the application process⁵³.

2.2.4 Process of Asylum in Italy and Norway:

It is important to focus on the specific ways in which the two countries deal with the process of asylum for unaccompanied minors, which in some instances differs from the framework provided by the European Union's legislation.

Firstly, while Italy adheres to the general guidelines of the European Union for asylum, the implementation of the Zampa Law enhances EU legislation by establishing a structured national reception system organized in two stages. At first instance, unaccompanied minors are placed under the care of first reception facilities for minors in Italy known as '*Fondo Asilo Migrazione e integrazione*' (FAMI). They bear the responsibility of first aid and immediate assistance. Within these facilities children undergo identification and acquire knowledge of

⁵³Valletta, Barbara. "Unaccompanied Minor Refugees Entitled to Family Reunification Even If Come of Age during the Application Process." Arletti Partners, 6 Feb. 2024, arlettipartners.com/unaccompanied-minor-refugees-entitled-to-family-reunification/.

their rights. These institutions are headed by the Ministry of Interior's territorial representatives (Prefectures) and minors may reside there for up to thirty days. Secondly, unaccompanied minors are received in centers forming the system of accommodation and integration known in Italy as '*Sistema di accoglienza e integrazione*' (SAI), run by local councils. These systems provide basic services such as cultural mediation, legal support, medical and psychological assistance. They must follow the same care standards as other Italian child residential facilities. Additional to basic necessities they offer education, career guidance and job placement programs to help minors integrate within society and become independent⁵⁴.

However, as of October 6th 2023, a new decree has been introduced (D.L 133/2023), implementing significant changes to the reception and integration of unaccompanied minors which derive from the European standards. Following this Legislative Decree, in the case of frequent and continuous arrivals, minors may be placed in temporary structures managed by the Ministry of the Interior in addition to the SAI centers. Additionally, those over the age of 16 may, in cases where these facilities are unavailable, be housed in adult reception centers for up to ninety days. Alongside these adjustments, new age assessment procedures have been introduced. The decree replaced the multidisciplinary approach of the Zampa Law - involving trained professionals and cultural mediators - with a medical-only procedure based on radiological examinations conducted by authorities⁵⁵.

On the other hand, Norway has implemented its own legislation with regard to the process of asylum in addition to the European framework. When asylum seeking children, like all other children in Norway, have the right to services and measures under the Child Welfare Act⁵⁶. Once unaccompanied minors arrive in Norway, they must apply for protection and register as asylum seekers with the Norwegian police. During this process, their photographs and fingerprints are taken, and they undergo questioning about their identity and journey to the host country. The possession of identification documents may be crucial for facilitating the recognition of the child. The UDI is responsible for initiating the age assessment procedures in cases of uncertainties on the child's age. The age of 16 in Norway is an important legal threshold

⁵⁴Associazione Per Gli Studi Giuridici sull'Immigrazione . *UNACCOMPANIED MINORS CRITICAL CONDITIONS at ITALIAN EXTERNAL and INTERNAL BORDERS ASGI'S MONITORING REMARKS on the CURRENT SITUATION for UNACCOMPANIED MINORS at ITALIAN BORDER AREAS and the IMPACT of PROPOSALS RELATED to the EU PACT on ASYLUM and MIGRATION UNACCOMPANIED MINORS CRITICAL CONDITIONS at ITALIAN EXTERNAL and INTERNAL BORDERS CONTENTS, 2021*, https://www.asgi.it/wp-content/uploads/2021/07/ASGI_Unaccompanied-Minors_DEF.pdf.

⁵⁵European Commission's Directorate-General for Migration and Home Affairs. "Italy: New Law on Unaccompanied Minors." *European Website on Integration*, 6 Oct. 2023, migrant-integration.ec.europa.eu/news/italy-new-law-unaccompanied-minors_en.

⁵⁶Directorate of Children, Youth and Family Affairs. "Einslege Mindreårige Asylsøkjere." *Bufdir*, www.bufdir.no/fagstotte/barnevern-oppvekst/ema/.

influencing access to specific protection measures. The determination of age significantly affects the services and accommodations minors are entitled to, in Norway children under 16 years old are considered more vulnerable and are placed in more protective care settings. The Norwegian Organization for Asylum Seekers (NAOS) provides assistance throughout different stages of the asylum request, especially by informing the subjects of the procedures they will have to undergo. For unaccompanied minors, NOAS operates in dedicated centers located in Råde and Mysebu in Østfold, eastern Norway.

There are two types of centers in which unaccompanied minors may be placed during the process of asylum seeking, namely, the national arrival centers or transit centers. Initially, the national arrival centers are the primary location for temporary accommodations in which migrants reside until the completion of all the necessary processes of the protection application. Individuals who arrive at the center are expected to stay there for twenty-one days before being transferred to another type of housing. However, this duration may vary depending on processing times, availability of alternative accommodations, or individual needs. In addition to registering with the police authorities, individuals must enter the Norwegian Directorate of Immigration's reception system. They are also required to undergo mandatory medical examinations, including tuberculosis testing. Organizations such as Caritas provide information on the asylum procedure, and applicants may have the opportunity to conduct interviews and track the status of their applications while staying at the center. Following their stay at the national arrival centers, in the case of unaccompanied minors between the ages of 15 and 18, they may be provided with temporary housing while waiting to be transferred to an ordinary reception center, private housing or leave Norway, in the case of rejection⁵⁷.

In contrast, unaccompanied minors under the age of 15 years old, will be offered the possibility to stay in special care centers under the responsibility of the Norwegian Children, Youth and Family Affairs (Bufetat)⁵⁸. This arrangement remains in effect until the child is settled in a municipality or leaves the country. After the issue of the residence permit to the asylum-seeking minors, the Children Welfare Office is responsible for their integration, including the possibility of placing them in foster homes. The State Administrator in Norway follows up on the integration of minors and ensures that the child is receiving the appropriate treatment and care. This figure also appoints a representative to safeguard the child's rights and

⁵⁷Norwegian Directorate of Immigration. "Asylum Reception Centres: The Various Types of Facilities in Norway - UDI." *Www.udi.no*, 2025, www.udi.no/en/word-definitions/asylmottak-ulike typer/.

⁵⁸Norwegian Directorate for Children, Youth and Family Affairs. "Bufdir.no | Bufdir." *Bufdir.no*, 2024, www.bufdir.no/en/.

make decisions in their best interest, until they turn 18. In Norway, children are also provided with legal representation through the appointed lawyer⁵⁹. Eventually, Norway guarantees access to essential services for asylum seekers, refugees and immigrants, including healthcare provided by the Norwegian Directorate of Health and the Norwegian Institute of Public health, as well as educational support administered by the Directorate of Education. Regarding education, children under the age of 16 who are expected to remain in Norway for more than three months have both the right and the obligation to attend school. Meanwhile, minors between the ages of 16 and 19 have the right to attend school but are not required to do so⁶⁰.

Finally, in the likelihood that an application results in being rejected by the Norwegian Directorate of Immigration, the Norwegian Organization of Asylum may review the legal case and if deemed necessary, provide free legal aid while contacting the Immigration Appeals Board of Norway (UNE) on behalf of the applicant. On the other hand, if the individual has been granted a residence permit, they will be allocated to a specific municipality for settlement. In the case of a limited residence permit, they will be transferred to another reception center.

⁵⁹UNHCR. "How to Apply for Asylum If You Are under 18 and Unaccompanied - UNHCR Norway." *UNHCR Norway*, 2025, help.unhcr.org/norway/how-to-apply-for-asylum-in-norway/under-18/.

⁶⁰Norwegian Organisation for Asylum Seekers . *INFORMATION for UNACCOMPANIED MINOR ASYLUM SEEKERS for THOSE between 15 and 18 YEARS OLD : Engelsk Informasjon Til Enslige Mindreårige Asylsøkere*. 2013, https://www.noas.no/wp-content/uploads/2013/12/Brosjyre-EMA-Engelsk_web.pdf.

2.3 Vulnerability of Unaccompanied Minors and Irregular Pathways for Entry:

Irregular migration focuses on the movements of people to destination countries “taking place outside the norms of sending, transit and receiving countries”⁶¹. In 2024, the proportion of minors among irregular migrants rose to 16%, up from 13% in 2023⁶². Migrating through irregular pathways results in increased vulnerability for people and states. Due to misinformation and lack of guidance, children, especially unaccompanied and separated minors are one of the most vulnerable groups who undertake migration. Within their journeys there might be many challenges affecting them with regards to the integrity of their human rights. These children are at risk of sexual, economic or criminal exploitation, they may become victims of trafficking or face criminalization⁶³. Through the use of these mechanisms, individuals may remain undocumented and unrecognized by the state with the lack of official identity records. This occurs because irregular migrants bypass formal registration. As a result, they are not legally acknowledged under the country’s constitution, thus not being able to access government protection, identification documents, fundamental rights and essential services⁶⁴. In addition, unaccompanied minors are deemed to be staying in Europe irregularly not only when they cross the border unlawfully but also if they fail to obtain legal authorization to remain or stay beyond the expiration of their residence permit without renewal. Some of the decisions for which unaccompanied minors undertake these dangerous journeys involve the desire to rejoin their family members in other countries and flee from persecution.

Irregular migration involves the possibility of unaccompanied minors to be victims of trafficking, smuggling or gang recruitment. Smuggling is one of the primary methods through which irregular migrants enter the European Union. There are two forms of smuggling: migrant smuggling and trafficking in human beings (THB), these are often overlapped. The former refers to the illegal transportation of people across international borders for financial or material gain. It is a crime against the state as it violates immigration laws and territorial sovereignty. This type of smuggling involves the migrants giving their consent to the journey and paying smugglers to facilitate their illegal entry into another country. The latter, instead, is the

⁶¹Directorate-General for Migration and Home Affairs. “Irregular Migration.” *Home-Affairs.ec.europa.eu*, home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/irregular-migration_en.

⁶²Directorate-General for Migration and Home Affairs. “EU Sees 38% Drop in Irregular Border Crossings in 2024.” *Migration and Home Affairs*, 24 Jan. 2025, home-affairs.ec.europa.eu/news/eu-sees-38-drop-irregular-border-crossings-2024-2025-01-24_en.

⁶³Radjenovic, Anja. “Vulnerability of Unaccompanied and Separated Child Migrants.” *EPRS | European Parliamentary Research Service*, June 2024, [www.europarl.europa.eu/RegData/etudes/BRIE/2024/762339/EPRS_BRI\(2024\)762339_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762339/EPRS_BRI(2024)762339_EN.pdf).

⁶⁴“Irregular Migration and Identity: More than Just Documents | ONU Migración Americas.” *Iom.int*, 2018, lac.iom.int/en/blogs/irregular-migration-and-identity-more-just-documents.

exploitation of individuals through force or coercion for purposes of forced labor and sexual exploitation. Human trafficking is a crime against personal freedom and human rights. These methods are especially used during times of crisis. In the case of unaccompanied minors, there are many instances in which they find themselves lacking the financial resources demanded by the smugglers and to compensate this, they pay their debt through forced labor, sex work or forced criminality⁶⁵. The way smugglers operate depends on the type of traveled used, which itself depends on the destination, the route and the price that migrants want to pay⁶⁶. For example, especially to reach Italy, sea crossings are one of the most irregular routes used by migrants, which involve migrants crossing to the EU on various types of boats without the presence of the smuggler themselves or rescue equipment. Instead, the Balkan route is most likely used for irregular land crossing which happens through the use of vehicles in which migrants are placed in dark cargo compartments in inhumane conditions. Otherwise, smugglers provide migrants with maps with information about hiding places or points of entry at the borders.

Forged documents are one of the main instruments involved in smuggling. Usually, forged documents are hard to detect and pose a challenge for authorities at the border. Forged documents are used in the least used method of irregular migration: air travel. This tends to be less used by migrants as it is expensive and there are higher chances of being detected at controls. For this type of travel, migrants used forged documents to enter the EU by applying for asylum at the airport, these are also one of the most common facilitators of organized crime. They allow illegal migrants to travel to and within the EU by changing actual documents or creating them from scratch. Forged documents may be sold on networks of the dark web and social media.

⁶⁵Aerts, Stijn. "Unaccompanied Minors at Risk: Preventing Child Trafficking." *European Crime Prevention Network*, 2020, eucpn.org/sites/default/files/document/files/2004_THB_ENG_LR.pdf.

⁶⁶Luyten, Katrien, and Stephanie Smialowski. *BRIEFING EU Policies -Insights*, 2021, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659450/EPRS_BRI\(2021\)659450_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659450/EPRS_BRI(2021)659450_EN.pdf).

Chapter III - *Reception and challenges*

3.1 Challenges in Reception Centers for Unaccompanied Minors:

Unaccompanied minors face many challenges during their placement in reception facilities. One of the main legal frameworks to ensure proper care and accommodation standards for unaccompanied minors is the Reception Condition Directive. This document ensures that each Member State has implemented measures to set certain standards for the period of arrival and stay of the minor in the host country. Migrants should be granted access to essential medical services, provisional shelter and basic necessities including food and water. In the case of unaccompanied minors, the conditions to be ensured are even more rigorous and particular, they “should be adapted to the specific situation of minors and their special reception needs”⁶⁷; including safety guarantees in cases of violence and psychological exigencies. Although the European Union has adopted various legislative measures, there are significant gaps which persist between policy and practice.

A primary reason causing discrepancies in the standards of the reception facilities across the Member States is due to the inconsistent implementation of legislation and the lack of a unified and holistic system⁶⁸. Although the Reception Directive provides a foundational requirement of what ought to be the quality of the treatment of unaccompanied minors upon arrival, its implementation varies significantly within each Member State. Reception conditions differ significantly not only from one state to another but also between regions of the same country and even among reception centers following the same legislation. This fragmentation leads to an uncoordinated system, failing to ensure consistent care and protection. The absence of a unified system hinders the integration process and often prioritizes the immigration status of migrants over their vulnerability as children. In addition, the disparities result in unequal quality of accommodation, access to support services and application of minor’s rights. A critical differentiator within this matter lies in whether the unaccompanied minor has sought asylum or not. Unaccompanied minors who have not requested asylum, may be neglected by the state and in some instances certain Member States have afforded them less benefits and

⁶⁷European Commission's Directorate-General for Migration and Home Affairs. “Directive - EU - 2024/1346 - EN - EUR-Lex.” *Europa.eu*, 2024, eur-lex.europa.eu/eli/dir/2024/1346/oj/eng.

⁶⁸Marcos, Eva , et al. “The Reception and Hosting of Unaccompanied Migrant Minors in the EU: Towards a Unified and Child-Centred Model.” *IMMERSE - INTEGRATION MAPPING of REFUGEE and MIGRANT CHILDREN*, 2020, www.immerse-h2020.eu/wp-content/uploads/2023/04/IMMERSE-Policy-Brief-3.pdf.

accommodation facilities of lower quality⁶⁹. Due to the lack of implementation of the aforementioned Directive, the central issue has revolved around the gaps in service provision as centers incur in limited access to essential services and absence of tailored programs designed according to the child's needs.

Eurostat statistics of 2024, indicate that the European Union recorded a total of 234,670 first-time asylum applicants under the age of 18, of which 15.9% were unaccompanied minors. Highlighting a substantial presence of children arriving in Europe without guardians. More specifically, during the same year, data from Norway shows that 1,020 minors applied for asylum for the first time, reflecting a slight decrease from 1,140 in 2023. However, of these, 38.2% were unaccompanied minors. On the other hand, in Italy, 12,215 first-time asylum applications were lodged with 16.6% of them being unaccompanied minors. This figure slightly exceeded the EU average and underscores Italy's major role as a country of first arrival⁷⁰.

The statistics emphasize the significant pressure placed on reception systems across Europe. The most prominent predicament within the reception centers is overcrowding; due to the number of unaccompanied minors reaching the European Union and limited infrastructure available, facilities have been pushed beyond their capacity. During these instances, many children have been left in temporary or emergency facilities for extended periods of time due to shortages of places designed for minors. Emergency facilities in extreme cases have also included the setting up of container units as ad hoc solutions to enlarge reception facilities, which however were not adequately equipped to suit children's needs, with unsuitable supervision. Minors have also been left in emergency facilities for far too long periods and they have been used as long-term accommodations, not allowing children to access proper services⁷¹. Moreover, unaccompanied minors have situated in general reception centers alongside unrelated adults, raising serious concerns about their safety and well-being. The failure of placing minors in appropriate centers may be considered a breach of the Reception Condition Directive and the European Union's Charter of Fundamental Rights. Overcrowded facilities compromise the quality of care conferred to children. They suffer from inadequate supervision, underqualified or overworked staff and lack of child protection personnel. Shortages of

⁶⁹Morgano, Francesca. *Unaccompanied Minors (UAMS) in the European Union*. July 2020, https://www.cespi.it/sites/default/files/osservatori/allegati/approf.4-uams_in_the_eu_0.pdf

⁷⁰Eurostat. "Children in Migration - Asylum Applicants." *Ec.europa.eu*, 10 Apr. 2025, ec.europa.eu/eurostat/statistics-explained/index.php?title=Children_in_migration_-_asylum_applicants.

⁷¹Associazione Per Gli Studi Giuridici Sull'Immigrazione. "Short Overview of the Reception System." *Asylum Information Database | European Council on Refugees and Exiles*, 10 July 2024, asylumineurope.org/reports/country/italy/reception-conditions/short-overview-italian-reception-system/.

essential standards, including sanitation, scarcity of food and water severely deteriorated the health of minors. On a psychological level, the placement of minors in overcrowded facilities has severe consequences. Minors may experience feelings of isolation and trauma⁷².

Administrative and structural inefficiencies in reception structures have often resulted in reception bottlenecks, delaying access to essential services and appropriate shelter. Delays have left children in limbo who sometimes end up in informal settlements or even cause them to experience periods of homelessness. During the possibility of transferring a minor in between infrastructures, there is a high risk of destitution, generated by the inadequate coordination between reception systems. The longer minors remain in unsuitable facilities, the more they are exposed to psychological and psychical harm, undermining both their safety and long-term development. Overall, within the reception framework, there has been a lack of funding and specialized resources. Member States have not allocated the adequate amount of investment in reception systems tailored for children.

⁷²European Union Agency For Asylum. “3.6.1.2. Adjusting Reception Capacity and Impact on Reception Conditions.” *European Union Agency for Asylum*, 2024, euaa.europa.eu/asylum-report-2024/3612-adjusting-reception-capacity-and-impact-reception-conditions.

3.2 Challenges in Reception systems of Italy and Norway:

3.2.1 Challenges in Italian reception systems:

As mentioned in the previous chapters, unaccompanied minors in Italy are accommodated in governmental first reception facilities (FAMI) upon arrival. These are the centers in charge of providing first aid and basic needs. At second instance, minors would be transferred into the SAI systems which should provide a more stable and supportive environment. However, during heightened inflows of migrants, the Italian law provides temporary structures specifically designed for minors. Unfortunately, these are often ill equipped to respond to the specific needs of unaccompanied children and highlight concerns about the quality and consistency of care in the Italian territory⁷³. Despite the regulatory framework established throughout the enactment of Law 47/2017, the implementation of reception measures for unaccompanied minors remains highly deficient. One of the main issues is the extensive bureaucracy needed to regulate and standardize the organization and management of government facilities. The Italian system in fact relies on other types of accommodation centers which are not provided by the government such as centers managed by the Ministry of Interior and financed by the Migration and Integration Asylum Fund (AMIF). The lack of operational guidelines within the facilities, has resulted in children being placed in temporary facilities such as the extraordinary reception centers (CAS) set up by the Prefects and managed by the Prefectures. Aiding this process are also family homes or socio-educational communities overseen by Municipalities⁷⁴.

The number of unaccompanied minors arriving in Italy continues to increase while the overall number of available reception placements has been insufficient to meet its demand, which can be especially seen in the reduced capacity of AMIF-funded centers. This shrinking availability has placed an enormous pressure on the Italian system, further leading and worsening the already present issue of overcrowding, exacerbating long waiting periods and the use of inappropriate housing solutions. These conditions have been threatening the quality-of-care minors receive and particularly in areas such as education, healthcare and the search for long-term accommodation. Placement in unsuitable structures undermines the commitment of upholding the best interest of the child which highlights the need of stronger regulation and

⁷³European Union Agency For Asylum . “4.6.5. Children in the Reception System.” *European Union Agency for Asylum*, 2024, euaa.europa.eu/asylum-report-2024/465-children-reception-system.

⁷⁴Associazione Per Gli Studi Giuridici Sull'Immigrazione. “Special Reception Needs of Vulnerable Groups - Asylum Information Database | European Council on Refugees and Exiles.” *Asylum Information Database | European Council on Refugees and Exiles*, July 2024, asylumineurope.org/reports/country/italy/reception-conditions/special-reception-needs-vulnerable-groups/.

more frequent but also more thorough quality controls mechanisms across the reception network in Italy.

The role played by temporary reception facilities (CAS systems for minors) has been activated by the Legislative Decree 142/2015, under art.19⁷⁵. These are especially resourceful in situations in which both first and second instance facilities are unavailable and there are a heightened number of concentrated arrivals. More recently, Legislative decree 133/2023, specifically art. 5, has expanded this provision by expanding the standard capacity of CAS systems by 50%⁷⁶. In addition, in the case in which no minor-appropriate facilities are available, the decree also permits minors aged 16 and above to be placed in specifically designed sections of adult reception centers. However, due to this implementation, the Italian Ministry of labor has depicted discrepancies with regards to the treatment of unaccompanied minors between first reception centers and adult CAS structures. In the former, minors are supposed to stay for no longer than 45 days before moving to SAI systems, while in the latter, children may remain for up to 90 days with the possibility of extension for another 60 days⁷⁷. Thus, the prolonged station of unaccompanied minors in these systems concerns particularly those who are reaching adulthood, as they risk losing access to protections reserved for minors. Lastly, one of the major problems depicted within adult centers has been the lack of qualified staff in the dealing of issues regarding minors.

Furthermore, Italy's reception system is marked by significant geographical imbalances. While the law foresees that CAS centers should only be intended as emergency accommodations, they have become a normalized feature of the system across the country. However, inconsistency between the quality of these centers is exemplified between northern and southern Italy. While in regions of the north, CAS facilities tend to be smaller and more dispersed among the territory, in the south, these tend to be large, overcrowded structures situated away from populated centers. This geographical and structural disparity places unaccompanied minors at greater risk of social marginalization, hindering access to services

⁷⁵Presidenza Del Consiglio Dei Ministri. *Decreto Legislativo 18 Agosto 2015, N. 142 – Attuazione Della Direttiva 2013/33/UE Recante Norme Relative All'accoglienza Dei Richiedenti Protezione Internazionale, Nonché Della Direttiva 2013/32/UE, Recante Procedure Comuni Ai Fini Del Riconoscimento E Della Revoca Dello Status Di Protezione Internazionale*. 2015, www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2015-08-18;142-art19.

⁷⁶Presidenza Del Consiglio Dei Ministri. *Decreto-Legge 5 Ottobre 2023, N. 133 – Disposizioni Urgenti in Materia Di Immigrazione E Protezione Internazionale, Nonché per Il Supporto Alle Politiche Di Sicurezza E La Funzionalità Del Ministero Dell'interno*. 3 Oct. 2023, www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2023-10-05;133.

⁷⁷ACCOGLIENZA al COLLASSO. 2024, s3.eu-central-1.amazonaws.com/minidossier.openpolis.it/Accoglienza/Centri+d%E2%80%99Italia+ACCOGLIENZA+AL+COLLASSO.pdf.

and community integration⁷⁸. Statistics from March 2025 highlight this imbalance, showing a higher concentration of unaccompanied minors in Sicily more than any other region, hosting 20.4% (3,160) of all unaccompanied minors present in Italy⁷⁹.

The systematic failures of the Italian reception systems are highlighted by the recent data provided. As of the 31st of December 2023, 740 unaccompanied minors were placed in adult facilities and by the end of August 2024, 284 of those minors remained in government centers not suited to their needs, showing the lack of suitable alternatives and capacity⁸⁰. Furthermore, data from the Servizio Centrale showed that despite the continuous arrivals of unaccompanied minors, between January and August 2024, an average of 150 places for children remained unoccupied, underscoring the lack of coordination and efficiency in the allocation of available resources⁸¹. The placement of minors in adult facilities doesn't conform with their needs as a result of their age and of their maturity. Apart from the mental and physical health degradation, children in unsuitable environments are at the increased risk of exploitation, abuse and involvement in organized crime networks, due to the lack of protective mechanisms and appropriate supervision.

3.2.2 Challenges in Norwegian reception systems and Transition to Adulthood:

The Norwegian reception system for unaccompanied minors is widely recognized for its high standards and has been regarded as one of the models worth replicating. The infrastructures in the Scandinavian country are known for adopting a structures and child-centered approach, emphasizing stability, integration and a tailored program for care adapted to every child's needs. One of the main achievements in Norway has been the integration of unaccompanied minors within the national education system, ensuring access to schooling and developmental pathways. Especially because of the many adversities minors have faced, particularly the need to assume adult responsibilities at early stages of their lives, A key feature of the centers is offering predictable daily routines and safeguarding the rights of minors during the process of the asylum application decision-making, to reduce psychological stress. The structures provide

⁷⁸Pepe, Claudia. "The Collapsing Migrants Reception and the Involvement of the Italian System: The ActionAid Report 2024." *Centro Di Ateneo per I Diritti Umani*, 15 Mar. 2025, unipd-centrodirittiumani.it/en/topics/the-collapsing-migrants-reception-and-the-involvement-of-the-italian-system-the-actionaid-report-2024.

⁷⁹"Presenza Dei Minori Stranieri Non Accompagnati in Italia." *Lavoro.gov.it*, 2025, analytics.lavoro.gov.it/t/PublicSIM/views/PresenzadeiMinoristranierinonaccompagnatiinItalia/PresenzadeiMinoristranierinonaccompagnatiinItalia?%3Aembed=y&%3Aiid=5&%3AisGuestRedirectFromVizportal=y.

⁸⁰ACCOGLIENZA al COLLASSO. 2024, s3.eu-central-1.amazonaws.com/minidossier.openpolis.it/Accoglienza/Centri+d%E2%80%99Italia+ACCOGLIENZA+AL+COLLASSO.pdf.

⁸¹ACCOGLIENZA al COLLASSO. 2024, s3.eu-central-1.amazonaws.com/minidossier.openpolis.it/Accoglienza/Centri+d%E2%80%99Italia+ACCOGLIENZA+AL+COLLASSO.pdf.

emotional and social support to help minors reestablish a sense of security and continuity but at the same time, build trust-worthy relationships⁸².

Even if the Norwegian model has been one worth looking up to, it also comprehends some significant shortcomings, building up challenges for the minors themselves and the staff of the reception centers. Firstly, while the Norwegian Directorate of Immigration provides adequate nutrition directions, the standards request is not consistently met across facilities. There are notable disparities regarding how centers support adolescents with food and nutrition, others neglect dietary needs. The directorate is also very keen on educating minors on how to sustain healthy diets while being in possession of restricted financial funds. However, children in the systems receive limited financial support and have little emotional readiness, making it challenging for children to manage and afford sufficient nutrition. Secondly, the guidelines regarding safety, especially the following of protocols on disappearances, abuse and risk of trafficking are strictly obeyed. On the other hand, severe challenges are faced while dealing with everyday interpersonal conflicts within the centers. The authoritative staff are often faced with obstacles in identifying, preventing and solving disputes among residents, particularly adolescents. Usually, tensions are understated yet persistent, including instances of social exclusion, passive aggression or peer intimidation, nevertheless these are considered negligible to activate formal intervention protocols. As a result, there is no coordinated method for handling such incidents, weakening the overall safety net for unaccompanied minors in reception centers. Lastly, another area of concern has been the limited access to specialized psychological assistance for asylum-seeking minors. Regional child psychiatric services, have on different occasions, refused to provide therapy to minors under the rationale that trauma treatment is ineffective if provided in contexts of continued instability and uncertainty. The denial of care left many gaps within the support system provided to minors and in response staff members have tried to overcome this pressing issue by providing emotional support or psychological advice to residents themselves, without being professionally trained. The well-intended yet inadequate replacements risk harming children even more and presents an urgent matter with which the Norwegian Directorate of Immigration must deal with⁸³.

A critical discourse which has been debated for long periods of time has been the issuing of temporary residence permits to unaccompanied minors who do not qualify for international

⁸² Staver, Anne, and Hilde Lidén. *Norwegian National Report to the European Migration Network*. 2014, https://home-affairs.ec.europa.eu/system/files/2020-09/29_norway_national_report_unaccompanied_minors_en.pdf

⁸³ Sonsterudbråten, Silje, et al. "A Safe Place to Wait. Care Practices in Reception Centres for Unaccompanied Minor Asylum Seekers." *Fafo.no*, 2018, www.fafo.no/zoo-publikasjoner/summaries/a-safe-place-to-wait.

or humanitarian protection, but who cannot be safely returned to their country of origin. These permits are only valid until the minor reaches' adulthood, after which they are expected to leave the country unless in possession of another legal basis granting them the possibility of remaining in Norway. The policy has been critically criticized for its cause of psychological impacts on minors, forced to live under uncertain circumstances and knowledge about what is in store for their future. The threat of deportation discourages them from fully engaging within Norwegian society and jeopardizes their long-term integration, especially under the possible circumstances of having to relocate once again, losing connections and sense of belonging that they began to build in the host country⁸⁴.

Regarding the overall treatment of unaccompanied minors as they are transitioning to adulthood, the European Migration Network (EMN) in 2022 has developed an Inform on how the EU legislation does not provide explicit rights or safeguards tailored to ease this transition. Nonetheless, some Member States have developed national policies that offer transitional agreements including the gradual phasing out of services or continued partial support beyond the age of 18. Their entry into the European Union as unaccompanied minors gives them the right to a residence permit bound to their legal status, this implies that they may lose the benefits attached to it and the right to remain in the territory once they reach adulthood. This is relevant both in Italy and Norway, where upon the turning of age, the minors are reclassified as adults in the asylum and migration process, impacting their access to housing, education and employment or other support mechanisms. In Norway, the approach is strictly strict. Norwegian policy does not provide renewal or extension of temporary permits granted solely on the basis of being a minor. In contrast, in Italy, unaccompanied minors may benefit from an extended support up to the age of 21 if they are engaged in a recognized integration process and Italian policies also include the possibility for some individuals to regularize their stay. Italy also allows the conversion of a minor's residence permit into one for work or study, provided that certain conditions are met⁸⁵.

⁸⁴Lidén, Hilde. "11. Asylum." *Children's Rights in Norway*, 4 Mar. 2019, www.scup.com/doi/10.18261/9788215031415-2019-12.

⁸⁵European Migration Network. *Transition of Unaccompanied Minors to Adulthood*. Nov. 2022.

3.3 The phenomenon of minors leaving reception centers:

Unaccompanied minors tend to fall into two categories: those who disappear from reception centers and those who choose to remain. Across the European Union, a persistent and alarming phenomenon is the one regarding the disappearances of unaccompanied minors from reception centers. In the European Commission's *Communication on the Protection of Children in Migration*, this has been addressed as a concerning issue, one in which there have been many difficulties in obtaining accurate statistics about the number of unaccompanied minors going missing or absconding from reception centers⁸⁶. Nevertheless, media investigations of various Member States including Italy, have estimated that between 2021 and 2023 at least 51,433 unaccompanied minors went missing across European Countries⁸⁷. Although there is no uniform definition for 'missing unaccompanied minor', common criteria have been established to initiate the disappearance protocols, including: 1) absence from reception center; 2) unknown whereabouts; 3) unreachability; 4) disappearance considered out of character⁸⁸.

There is a wide array of reasons linked with the complex decision unaccompanied minors take when fleeing from reception centers. Even if it is a subjective decision, there are several recurring themes. One of the most significant reasons that induces minors to take this precarious decision is due to social networks and the hope of being reunited with their families. In these instances, the individual's main desire is to reacquire themselves with familiar people from their country of origin, who provide them with emotional support and cultural continuity within unfamiliar environments. There have been cases of Somali children fleeing from centers, especially among young age groups such as those from 3 to 12 years old, in order to reconnect with their families. However, these networks may be ambiguous in nature, apart from providing care and protection to their own children, they may take advantage of the child's naivety and contribute to their exploitation. For example, Nigerian girls, psychologically influenced by their families and pressured by the need to provide help to their families by sending back remittances, have fled reception camps to find work. Children escape also because of the lengthy bureaucratic processes involved with legal family reunification, discouraging them to go

⁸⁶European Commission's Directorate-General for Migration and Home Affairs. "EUR-Lex - 52017DC0211 - EN - EUR-Lex." *Europa.eu*, 2017, eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52017DC0211.

⁸⁷SCHRANZ, John . "Investigation into Missing Migrant Children Wins 2024 Journalism Prize | News | European Parliament." *European Parliament News*, 23 Oct. 2024, www.europarl.europa.eu/news/en/press-room/20241018IPR24759/investigation-into-missing-migrant-children-wins-2024-journalism-prize.

⁸⁸"Missing Unaccompanied Minors in the EU, Norway and the UK (EMN Inform) | EMN." *Emnbelgium.be*, 8 Apr. 2020, emnbelgium.be/publication/missing-unaccompanied-minors-eu-norway-and-uk-emn-inform.

through the legal pathways. Moreover, a significant number of children who disappear from reception centers do so as a result of contacts with criminal networks due to coercion, manipulation or survival-based decisions. There may be instances in which minors have been introduced to these networks during their entry to Europe, relying on traffickers or smugglers to cross the Union's borders and later find themselves still entangled with criminal organizations out of debts and obligations. Minors may be tasked with the distribution of drugs, even within the reception facilities, while others may be part of the underground exploitative economy. It is also worth mentioning that children may be dissatisfied with the quality of care or may deem accommodation not appropriate to suit their needs. Especially due to the fact that reception facilities are designed around the Western European model, many children lack culturally tailored care resonating with minors from non-western societies, making them feel neglected or misunderstood and in need of seeking accommodation elsewhere. Lastly, unaccompanied minors may have the intention of continuing their migration journey to a country that they originally desired to reach. In these cases, the reception center may represent a place of transit rather than settlement. Minors may also face fear of being deported or returned to unsafe environments in cases of rejection of the asylum request, which encourages them to try to gain international protection in another Member State. For example, many Moroccan minors have left centers in Western Europe to reach Italy due to working reasons and Afghan children have been found to use methods of hiding in trucks to reach the United Kingdom and more recently Norway⁸⁹.

In principle, the disappearance of a third country national should be treated with the same procedures as that of national children. Both Italy and Norway have adopted protocols declaring a child to be missing after less than 24 hours. Cases should be entered into the Inter-Force Database (SDI), a system intended to categorize each case according to the presumed causes such as parental abduction, voluntary escape, institutional factors, involvement in organized crime or psychological conditions. Both Italy and Norway use broad categories to report on the missing child, namely: level of vulnerability (including the case of classifying a case under the label "*worrying disappearance*" used in the case that minors are deemed extremely vulnerable such as being predisposed to health risks and being victims of trafficking),

⁸⁹Hedjam, Sofia. "Disappearing, Departing, Running Away. A Surfeit of Children in Europe? | Save the Children's Resource Centre." *Save the Children's Resource Centre*, 2009, resourcecentre.savethechildren.net/pdf/4999.pdf.

repeated disappearance and other categories⁹⁰. The responsibility for reporting the absconding of a minor lies within the last person or institution which has been in contact with the individual. One of the key differences between Norway and Italy is that the former only allows the reception facility where the child last housed to inform the authorities about the situation, while the latter the legal responsibility may be shared by multiple parties, including the appointed child's guardian, the reception facility staff and other individuals connected to the child's care. The police play a central role in supporting the relevant institutions and launching the investigation.

With regards to the procedure to follow after the declaration of a missing child, both concerned countries follow structured guidelines grounded in national legislation. The process begins with a risk assessment and gathering as much information as possible about the child, including personal identification information, physical characteristics, knowledge about the circumstances of their disappearance and details about social networks and relationships⁹¹. These fields of information along with a written statement explaining the suspected reason for absconding and protocol to follow in case the child was found, are entered into the national information systems and the Schengen Information System (SIS). Both the local authorities and the child welfare services should be informed. In addition, in the case that the missing child is found in another member state, the country where the child is located is obliged to inform the Member State that initially issued the missing person alert. However, there have been instances where this cooperation has not been consistent. Once the child has been found, there are many pathways that Member States may pursue. One option regards the possibility of the state which has located the child to assume responsibility under its own child protection services. Alternatively, the child may be returned to the Member State which had initiated the procedure, which has to be done in consideration of the child's best interest. A third option involves the child voluntarily requesting to be returned to their country of origin, provided that they have suitable adults who are able to take care of them.

The extent to which this phenomenon has presented itself shows the urgent requirement of a structured and coordinated system of prevention in which all relevant institutions, ranging from authorities at the border and reception center personnel to child protection services, are

⁹⁰HOW DO EU MEMBER STATES TREAT CASES of MISSING UNACCOMPANIED MINORS?¹ EMN INFORM. 2020, https://home-affairs.ec.europa.eu/system/files/2020-04/inform_missing_uam_final_15042020_0.pdf.

⁹¹Barnebertføring. "Emergency Situation." *Government.no*, 6 Aug. 2013, www.regjeringen.no/en/topics/families-and-children/child-abduction/din-situasjon/emergency-situation/id733028/.

involved. The respect of the best interests of the child and the principle of non-discrimination ought to be central to any preventive system, especially when appointing the reception facility deemed appropriate for the child which reflects their needs and ensuring equity between the treatment of every foreign and national minors. Research has shown that children placed in foster care or within restricted family units are less likely to run away than those who find themselves in large reception facilities. Additional efforts must also focus on reducing the risks of minors becoming affiliated with criminal organizations by addressing the vulnerabilities that make them susceptible to exploitation. In severe cases in which children are under the influence of criminals and cannot extract themselves from such situations, specialized interventions such as the placement in “*safe or protective houses*”⁹² should be enacted in which children would be supervised by specially trained staff to support the recovery and reintegration process. These protective measures should be supported by a risk assessment and a judicial authorization. Further attention should be brought on the appointment of the guardian as they are responsible for establishing trust-worthy relationships with the child, especially by listening to them, keeping them informed of their rights and advocating for their needs. Lastly, the process of family reunification should be expedited rather than obstructed and delayed, in order to allow children to reconnect with family members in a safe and legal manner.

Lastly, the New Pact on Migration and Asylum has sparked significant concerns regarding its implication for the treatment of children especially in relation to the practice of immigration detention. One of the major criticisms of the pact has been the encouragement of using detention-like measures as means to ensure the availability of children; therefore, to prevent minors from leaving or disappearing during border procedures and to make sure they are physically present. The underlying logic of the Pact’s procedural mechanism in order to prevent absconding, does not fully prevent and still allows for the detention of unaccompanied minors under exceptional circumstances, such as if they are deemed to pose a threat to public order or national security. Children may be detained for a total of up to six months in which under crisis situations, may be extended even to nine. However, there are certain exemptions from detention such as in cases of applicants having special reception or procedural needs or medical implications which prevents them from being detained. An important aspect which

⁹²European Union Agency for Fundamental rights. *Background Note on Ways to Prevent Unaccompanied Migrant Children from Going Missing Based on a Speech Delivered by FRA to the European Parliament’s Civil Liberties, Justice and Home Affairs Committee in Brussels on 21 April. It Was Part of an Exchange of Views on Unaccompanied Children That Go Missing from Reception Facilities and Are at Risk of Trafficking*. 2016.

should be taken into consideration are the detention conditions, which should always be humane and respect the needs of the minors.

The Screening Regulation (2024/1356), plays a critical role within this framework. It will provide mandatory initial screening at EU borders of all individuals arriving to the territory to ensure rapid identification of the appropriate course of action of their specific circumstances. The regulation has addressed the question of detention, under art. 2(12) it has been defined as “the confinement of a person by a Member State within a particular place, where such a person is deprived of freedom of movement”⁹³. The legislation has clarified that detention should only be applied as a measure of last resort in accordance with the principles of necessity and proportionality. Within the context of unaccompanied minors’ detention measures must be assessed against the Best Interest of the Child.

International human rights standards have been clear on this issue: children, regardless of migration status, must first and foremost be treated as children. Their immigration status should never override the right to care and protection⁹⁴. In the context of family reunification, the principle of family unity must never be used to justify the detention of children alongside their parents; children should never be deprived of their liberty on the basis of their parents’ immigration status, as highlighted by both the Committee on the Right of the Child and the Committee on the Rights of Migrant Workers. In conclusion, when detention does occur, despite international prohibitions and widespread advocacy for alternatives, it must be treated as a measure of absolute last resort. In such cases, detention must be for the shortest period possible and under conditions tailored to specific needs of children, including having access to proper health, psychological services and education. The risk of children disappearing, paradoxically, may be heightened by such restrictive policies as minors may perceive detention as hostile, punitive or isolating environments from which they choose to abscond rather than remain⁹⁵.

⁹³European Parliament and the Council. *Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 Introducing the Screening of Third-Country Nationals at the External Borders and Amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817*. 2024, eur-lex.europa.eu/eli/reg/2024/1356/oj/eng.

⁹⁴Council Of Europe. “Protecting Children at Europe’s Borders – New Guidance for Border Officials and Other Authorities.” *Portal*, Council of Europe, 18 Dec. 2023, www.coe.int/en/web/portal/-/protecting-children-at-europe-s-borders-new-guidance-for-border-officials-and-other-authorities.

⁹⁵Hammarström, Elina. “Immigration Detention of Children in the New EU Pact on Migration and Asylum.” *Opinio Juris*, 6 Dec. 2024, opiniojuris.org/2024/12/06/immigration-detention-of-children-in-the-new-eu-pact-on-migration-and-asylum/.

Chapter 4 - Legal status and Integration

4.1 The aftermath of asylum requests and residency rights:

4.1.1 Outcomes of Asylum Decisions: Rights, Appeals, and Implications for Children:

Building on the procedures outlined in Chapter 2, for the purposes of this dissertation it is important to examine the legal outcomes of asylum requests and residency rights granted to unaccompanied children after their application has been examined, which will determine their future in the host country. Asylum decisions may result either in a decision at first instance or a final decision following an appeal, having distinct implications. The former begins with an initial evaluation by the competent authorities, dictating whether the applicant qualifies for refugee status under the definition provided by the 1951 Refugee Convention. If not, the decision has to be made about whether the unaccompanied minor is eligible for subsidiary protection. If one of the two status is afforded to the child, they are granted international protection, under which they are recognized various rights including medical care, education, accommodation and opportunities for integration. On the other hand, if the decision leads to a negative outcome, the denial of the protection may fall into one of three categories. Firstly, a rejection decision implies that authorities determine the lack of well-founded grounds during the recollection of the child's journey. Secondly, if the child is above the minimum age for criminal responsibility, a decision may be rejected based on the minor posing a threat to public security. Lastly, an application may be defined for inadmissibility such as in the case of a duplicate application or protection being afforded previously in another country⁹⁶.

After a decision at first instance, if the individual is unsatisfied with the outcome and they believe they were eligible for international protection, unaccompanied minors through their representative, have the right to challenge the negative decision. Appeals must be filed with the appropriate judicial body within a timeframe set by national legislation. Once the appeal is taken into consideration, the judge will issue a conclusive ruling known as the final decision which will definitely determine the child's status. Once issued, it may confirm whether the individual is granted protection or must leave the country which may be accompanied by a return order as they are considered a rejected applicant⁹⁷.

⁹⁶European Union. "Glossary: Asylum Decision." *Ec.europa.eu*, ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Asylum_decision.

⁹⁷European Commission. "Asylum in the EU." *Migration and Home Affairs*, 2024, home-affairs.ec.europa.eu/policies/migration-and-asylum/asylum-eu_en.

The integration process initiates with the issuing of residence permits. In Italy, once the individual has been bestowed protection, the permit will be valid for five years and has the opportunity to be renewed. In addition, the individual is allowed to enter and stay in other Member States for up to three months if they are in possession of travel documents in the case of refugees and travel permits for pupils under subsidiary protection. After the initial five years, applicants may apply for a European Union long-term residence permit which allows them to work and study abroad and have access to health care under the same conditions as Member States' citizens⁹⁸. Similarly in Norway, once the application has been approved, the Norwegian Directorate of Immigration will inform the individual with a letter outlining their rights and obligations as a refugee. A municipality will be assigned to each minor along with a residence card and a national identification number, valid for five years as well. Norwegian laws must be strictly respected by refugees as violations could negatively impact their possibility of renewing their residency status. On the other hand, those denied protection may be allowed to remain in Norway during the process of appeal until the final decision.

According to 2024 data published by *Eurostat*, there were 17,295 first instance decisions and 750 final rulings issued in asylum cases. Of these, 14,405 were positive first instance decisions granted to unaccompanied minors and 375 were definite conclusions after appeals were made. Overall, only in 2024 the European Union gave international protection to 14,780 unaccompanied minors seeking asylum, a 10.8% increase from 2023. Syrian unaccompanied minors constituted the largest portion of those granted protection with 7,320 individuals representing 49.5% of the total number of positive decisions lodged. Afghan minors followed accounting for 3,645 cases, 24.7% of all favorable decisions⁹⁹.

⁹⁸Ministero Dell'Interno. "PRACTICAL GUIDE for ASYLUM SEEKERS in ITALY." *Interno.gov.it*, 2021, www.interno.gov.it/sites/default/files/allegati/la_guida_in_inglese.pdf.

⁹⁹European Union. "Asylum Decisions - Annual Statistics - Statistics Explained - Eurostat." *Europa.eu*, 2025, ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_decisions_-_annual_statistics#Decisions_on_asylum_applications_from_unaccompanied_minors.

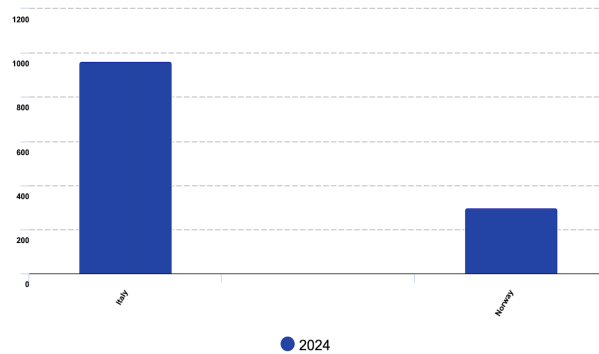


Figure 1: Unaccompanied minor asylum applicants granted protection status in the EU by country¹⁰⁰.

4.1.2 Family-Based and Alternative Care Options:

For unaccompanied minors, there are various care options available, with family reunification being usually the preferred approach whenever possible. Under these circumstances, children should be entrusted to relatives, even if family members themselves are also asylum seekers or refugees, provided they hold legal residency in the host country. In cases in which family reunification is either not possible due to parents being deceased, untraceable or inopportune, foster care may be considered as a long-term alternative for accommodating children according to their needs¹⁰¹. This aligns with art. 20(1) of the Convention on the Rights of the Child which mandated that children without adequate parental care are entitled to special state protection and support¹⁰². Regardless of the chosen alternative, authorities must systematically review the child's living conditions to ensure ongoing well-being and adapt support to the evolving needs, respecting the best interest of the child.

There are various types of substitute care systems in which unaccompanied minors may be placed. Firstly, kinship care involves extended family members, including family friends to provide assistance to children. Often this is seen as a way to preserve the child's connections to their background and identity. Secondly, especially in the case of older or adolescent unaccompanied minors, supervised independent living may be considered as a suitable

¹⁰⁰European Union. "Asylum Decisions - Annual Statistics - Statistics Explained - Eurostat." *Europa.eu*, 2025, ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_decisions_-_annual_statistics#Decisions_on_asylum_applications_from_unaccompanied_minors.

¹⁰¹ McMillan, Neil, et al. *Guidelines on Alternative Care for Children without Appropriate Care*. Ministry of Labour and Social Welfare and UNICEF, 2023, <https://www.unicef.org/laos/media/10186/file/Guidelines>.

¹⁰² United Nations. "Convention Relating to the Status of Refugees." *OHCHR*, United Nations, 28 July 1951, www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees.

arrangement, under which a group of children are placed in a residential setting tailored to their needs under regular monitoring by authorities. These settings may be favored by migrating children who prefer a larger degree of autonomy. Residential care instead, sees that children live without parents but with supervised adult caregivers, following fixed routes which however may be generalized and not focused on individual necessities¹⁰³. However, the most common type of alternative accommodation is foster care. This system involves the placement of children under carefully selected families who are neither their biological parents, relatives or guardians, who are in any instance willing and capable of providing care. This option is widely recognized as being more focused on the child's individual needs and growth while offering a stable and nurturing environment, often perceived as more suitable compared to institutional care. In addition, selecting the most appropriate foster family is a delicate and complex process, especially given the many challenges faced during the child's migratory journey and uniqueness of their background and personality. For these reasons, foster parents should be adequately trained in providing both practical and emotional support for the children¹⁰⁴. To ensure the quality of foster placements, continuous monitoring and support should be granted using follow-up evaluations considering the well-being of the child and the caregiving family.

4.1.3 Integration and Inclusion:

The New Pact on Migration and Asylum has underscored the importance of a cohesive and strong integration strategies to consolidate an effective migration and asylum policy, essential not only for managing migration flows but also for fostering social cohesion and ensuring the success of Member States. In alignment with this goal, building on the framework provided by the 2016 plans, the Action Plan on Integration and Inclusion 2021-2027, outlines specific measures designed to assist Member States in addressing persistent challenges associated with migrant integration. Even if national governments have the responsibility for incorporating policy into national legislation, the European Union supports Member States through funding and capacity-building. The action plan focuses on removing integration barriers in four main policy areas: housing, education, healthcare and employment. It promotes inclusive educational opportunities and training, from early childhood to higher education, emphasizing the

¹⁰³United Nations High Commissioner For Refugees. "Options Paper 2: Options for Governments on Open Reception and Alternatives to Detention (First Published 2015, Revised Version 2020) | Refworld." *UNCHR - Refworld*, 2020, www.refworld.org/policy/strategy/unhcr/2020/en/104606.

¹⁰⁴Red Cross EU Office. "Supporting Unaccompanied and Separated Children in Family Based Care." *Red Cross EU Office*, 2018, redcross.eu/projects/supporting-unaccompanied-and-separated-children-in-family-based-care.

importance of language acquisition and recognition of qualifications. Within the employment sector, it aims at improving the access to job opportunities and acknowledgement of skills. Furthermore, health equity is also seen as a core priority to ensure equal access to healthcare services for non-European nationals. Lastly, the plan commits to increasing the availability of adequate and affordable housing through the use of European funding such as the Asylum and Migration Fund and Invest while also addressing housing discrimination and segregation at local, regional and national levels¹⁰⁵.

Moreover, the European Union's integration framework places emphasis on fundamental rights, equality and the fight against discrimination, recognizing education and training as a central pillar for successful integration. Integration extends beyond language acquisition, employment or secure housing, it also involves active participation in society and building connections through social and cultural engagement. Investment in integration is not only a social imperative but an economic one; failing to integrate migrants will likely result in higher long-term costs than proactive support measures¹⁰⁶.

Education has been identified as one of the most powerful tools for social cohesion and long-term integration. Not only focusing on the education migrant children receive but also how learning may increase awareness and sensibility of native citizens about migrants in host societies and how to include them in society without making distinctions. It is a fundamental principle that all children regardless of gender, background, or legal status must have the right to access education, vital for personal and social development which should be ensured as early as possible¹⁰⁷. Education is needed to provide basic skills to access employment in the future and become socially included as individuals learn to live together in harmonious ways. Unaccompanied minors may have faced many challenges in pursuing education, including disrupted learning or no access to educational systems at all. Tailored scholastic programs should be created alongside support systems that recognize their unique experiences to ensure equal opportunities. Teachers and educators should be specifically trained to work in multicultural and multicultural environments, having the ability to foster inclusion, prevent early school leaving or segregation and tackle underachievement. Within education systems,

¹⁰⁵Directorate-General for Migration and Home Affairs. "Action Plan on Integration and Inclusion." *Migration and Home Affairs*, 2023, home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-resettlement-and-integration/integration/action-plan-integration-and-inclusion_en.

¹⁰⁶Orav, Anita. "Integration of Migrant Children." European Parliamentary Research Service, Nov. 2023, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/754601/EPRS_BRI\(2023\)754601_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/754601/EPRS_BRI(2023)754601_EN.pdf).

¹⁰⁷Directorate-General for Migration and Home Affairs. "EU Actions." *European Website on Integration*, 2021, migrant-integration.ec.europa.eu/eu-grid/eu-actions_en.

the importance of learning the host's country language should be promoted as a key aspect of not only learning but understanding society. Completing education enables minors to obtain qualifications to be recruited in high quality jobs and ensure better living opportunities such as access to stable housing. This interconnection contributes to mental well-being and reduces the possibilities of living in precarious conditions¹⁰⁸.

¹⁰⁸Abdullah, Mohammed. *The Integration Experiences of Unaccompanied Refugee Minors. What Difficulties and Opportunities Do Unaccompanied Minors with Different Legal Statuses Identify in Relation to Their Integration Process?* 14 Dec. 2024, <https://mau.diva-portal.org/smash/get/diva2:1934239/FULLTEXT02.pdf>.

4.2 Challenges to Integration in Education, Employment, Health systems and Society:

Unaccompanied minors encounter severe systemic obstacles regarding access to education, labor, housing and health care systems, hindering their full integration into host societies. Due to discrimination being rooted into host societies creating prejudice and stereotypes, many children struggle during resettlement and acculturation into an unfamiliar environment. These forms of chauvinism are especially highlighted because of the intersection of factors such as migration status, age and ethnic backgrounds which may present hardships for unaccompanied minors within school, work and social environments. Migrant children may also be targets of hate crimes and abuse, including verbal and physical assaults manifesting through hate speech, racist language, attacks of refugee shelter or religious institutions, heightening the risk of social isolation and reinforcement of societal divisions. Due to inequalities and poverty, children who live in suburban areas may have access to lower academic standards resulting in lower quality performance¹⁰⁹.

As mentioned in the previous subchapter education systems are considered to be a very important aspect of integration, yet many unaccompanied minors face obstacles in both policy and practice. Firstly, bureaucratic hurdles including the lack of recognition of prior education, incomplete requirements for undocumented qualifications pose practical problems for students who want to continue their education pathways, which may result in early school leaving. This is also aggravated by inflexible registration deadlines or the requirement of personal and residence documentation that unaccompanied minors may not possess at the moment of entry. In addition, transportation and educational material costs along with limited school placement may incentivize students to not attend schools with others and take vocational training with personnel from reception centers, excluded by society leading to school segregation. This phenomenon is one of the most pressing forms of discrimination. If not completely removed from educational institutions, migrant children may be taught often in groups separate to the classroom. Reasons for school segregation include language difficulties, neighborhood demographics and discriminatory preferences among parents of majority populations¹¹⁰.

¹⁰⁹OECD. *OECD Reviews of Migrant Education the Road to Integration EDUCATION and MIGRATION*. 2019, https://www.oecd.org/content/dam/oecd/en/publications/reports/2019/06/the-road-to-integration_cc693ded/d8ceec5d-en.pdf.

¹¹⁰Council of Europe Commissioner for Human Rights. *Fighting School Segregation in Europe through Inclusive Education*. 2017, https://migrant-integration.ec.europa.eu/sites/default/files/2017-09/FightingSchoolSegregation_CouncilOfEurope.pdf.

Moreover, one of the largest issues is the improper support in schools and the lack of both human and financial resources. Firstly, there is a lack of psychological and social support services for children who have suffered traumas and dealing with problems they may face within educational institutions due to peer interactions but also differences in school system or pending asylum decisions. Secondly, academic reinforcement programs are absent for migrants who may have missed important educational steps or interrupted schooling. This is especially alarming when dealing with linguistic barriers, as one of the main obstacles for foreign students is not having knowledge of the language of instruction. Without adequate linguistic support such as tailored and additional language courses, third-country nationals may struggle to remain academically aligned as they lack the linguistic knowledge to study on their own. This is especially the case in transit countries where motivation to learn the local language may be low. Thus, language may be used as a tool for both inclusion and exclusion. Thirdly, educators may lack adequate training to teach in classrooms with large cultural diversions or how to deal with past experiences undergone by unaccompanied children. Additionally, another concerning issue is school attendance as migrant and refugee children tend to make many absences at school or abandon school at an early age, especially experienced with older children undergoing the transition phase from education to work and in instances under which they are pressured by family members to send remittances back home. Particularly for unaccompanied minors, one of the inevitable challenges they are obliged to face is turning 18 years old, as with adulthood, many of the privileges and support afforded to minors are revoked¹¹¹.

Barriers are not only faced in education but also while trying to find work or within labor markets as many struggle to find stable and decent employment. A common misconception is that migrants enter host countries to take away jobs from the native population, fostering climates of resentment and creating an urgency to reserve scarce employment opportunities to nationals. In reality, migrants tend to find work in secondary labor markets, where jobs are usually labor-intensive, poorly paid and lacking protections, roles which are shunned by the native workforce. However, when work is indeed found, it is frequently under precarious conditions with risks of mistreatment especially during the period in which migrants are trying to renew their residence permits. Inhumane conditions within working environments affect particularly individuals with an irregular status, limited

¹¹¹United Nations High Commissioner for Refugees. *ACCESS to EDUCATION for REFUGEE and MIGRANT CHILDREN in EUROPE HIGHLIGHTS*. Sept. 2019, <https://www.unhcr.org/neu/wp-content/uploads/sites/15/2019/09/Access-to-education-europe-19.pdf>.

educational background or those living in poverty as they are often excluded from accessing secure, well-paying jobs. Due to these reasons, migrants may also resort to the informal economy. Within this sector, they are highly vulnerable to exploitation under different forms such as working excessive long hours for low wages and being exposed to verbal and physical violence by employers. These vulnerabilities are exacerbated by limited language proficiency, absence of social networks and unfamiliarity with local labor laws and systems, making it difficult for them to be aware of their rights or seek assistance, especially for unaccompanied minors who may have restricted knowledge of how a labor market functions¹¹². Unaccompanied minors may face hardships due to age-based and racial discrimination. Employers may perceive young migrants as unqualified or unsuitable for long-term employment. This not only has negative impacts on individual professional development but may also negatively impact emotional well-being and sense of inclusion¹¹³.

Furthermore, health related issues represent one of the most impactful setbacks for integration. Without adequate health, physical, mental well-being and access to healthcare services, unaccompanied minors' ability to work, study and build social connections becomes nearly impossible. Although Member States are obliged to safeguard the health of migrant children, many national health systems remain restrictive and unwelcoming. Health providers may have implicit or explicit biases reducing their willingness to treat migrants with high quality of care equal to the one reserved to national citizens, lowering the standards of treatment. Instances of delayed care or outright denial of services have been reported often due to rooted structural racism¹¹⁴. Additionally, language barriers further compromise care quality during instances when professional interpretation is unavailable, increasing the risks of misdiagnosis or ineffective treatments. Unpleasant experiences may discourage minors from seeking future medical assistance, in turn affecting their school attendance, psychological well-being and social inclusion¹¹⁵.

Aside from general obstacles to long-term integration pathways faced commonly throughout the European Union, Member States have perceived individual constraints and have

¹¹²Nwabuzo, Ojeaku, and Lisa Schaefer. *RACISM and DISCRIMINATION in the CONTEXT of MIGRATION in EUROPE*. European Network against Racism, 2016, https://migrant-integration.ec.europa.eu/sites/default/files/2017-05/shadowreport_2015x2016_long_low_res.pdf.

¹¹³MANSUR, EBTEHAL. *EDUCATION as an INSTRUMENT of INTEGRATION for REFUGEE MILLENNIALS in the EUROPEAN UNION*. European Council on Refugees and Exiles, 2019, <https://ecre.org/wp-content/uploads/2019/07/Working-Paper-03.pdf>.

¹¹⁴Stevens, Amy J. , et al. "Discriminatory, Racist and Xenophobic Policies and Practice against Child Refugees, Asylum Seekers and Undocumented Migrants in European Health Systems." 28 May 2024, <https://www.thelancet.com/action/showPdf?pii=S2666-7762%2823%2900253-3>.

¹¹⁵Directorate-General for Migration and Home Affairs. "EU Actions." *European Website on Integration*, 2021, migrant-integration.ec.europa.eu/eu-grid/eu-actions_en.

exerted considerable efforts to overcome these challenges. Firstly, in Italy, the approval of the Legislative Decree 20/2023 has led to significant changes in the Italian reception system, resulting in a reduction of crucial migrant support services such as legal guidance and psychological assistance. Cuts have severely impacted the integration process of unaccompanied minors¹¹⁶. In contrast, as of July 2024, Italy has introduced new measures to promote linguistic integration for migrants within the education system. Beginning with the 2025-2026 school year, the Ministry of Education has proposed to allocate dedicated Italian language teachers to classes where at least 20% of the students have migratory backgrounds. This support is designed for newcomers to the national education system or who have below an A2 level of proficiency in the Italian language. Subsequently, extracurricular reinforcement activities will be introduced to schools with high concentration of foreign students with limited fluency. These initiatives have been designed as part of the broader national program “PN Schools and Skills 2021-2027”, designed to enhance the educational integration of migrant children¹¹⁷.

Secondly, Norway has prioritized the integration of unaccompanied minors by facilitating their entry into the labor market as employment is seen as a means to achieve economic independence and social inclusion. This is complemented by a strong emphasis on education as a base to gain the relevant knowledge for specific jobs. Upon arrival into the Norwegian territory, unaccompanied minors are enrolled in local schools and their educational backgrounds are evaluated to assign appropriate learning paths, including language acquisition and preparatory introduction classes, adequate to their ages and taking into account the experiences lived¹¹⁸. Tailored programs and support systems begin within early childhood and continue until the completion of education. Even if being a part of the labor market is deemed as fundamental, there are age restrictions limiting employment for those under 15. However, minors are allowed to take part in part time jobs between the ages of 13-15 if these imply special

¹¹⁶Pepe, Claudia. “The Collapsing Migrants Reception and the Involvement of the Italian System: The ActionAid Report 2024.” *Centro Di Ateneo per I Diritti Umani*, 15 Mar. 2025, unipd-centrodirittiumani.it/en/topics/the-collapsing-migrants-reception-and-the-involvement-of-the-italian-system-the-actionaid-report-2024.

¹¹⁷Directorate-General for Migration and Home Affairs. “Italy: New Measures Promote Linguistic Integration of Immigrant Students.” *Migration and Home Affairs*, 23 Aug. 2024, home-affairs.ec.europa.eu/news/italy-new-measures-promote-linguistic-integration-immigrant-students-2024-08-23_en.

¹¹⁸The Ministry of Education and Research. *The Ministry of Education and Research Strategy Integration through Knowledge*, <https://www.regjeringen.no/contentassets/519f5492da984d1083e8047011a311bd/norway-integration-strategy.pdf>.

rules for protections and if individuals have consent from the person legally responsible for them¹¹⁹.

¹¹⁹Staver, Anne, and Hilde Lidén. *UNACCOMPANIED MINORS in NORWAY: POLICIES, PRACTICES and DATA in 2014 NORWEGIAN NATIONAL REPORT to the EUROPEAN MIGRATION NETWORK*. 2014, https://www.udi.no/globalassets/global/european-migration-network_i/studies-reports/emn-final-report-unaccompanied-minors-2014.pdf.

4.3 Interviews with Former Unaccompanied Minors:

For purposes of this dissertation, two interviews have been conducted with former unaccompanied minors who have shared their experiences of leaving their home countries and rebuilding their lives in Italy. Aurel and Emad's story give a human dimension to the theoretical frameworks explored. Their deeply moving accounts illustrate how listening to real-life experiences is essential to truly understand the complex realities behind migration.

On the one hand, Aurel migrated from Albania at the age of 17, in 2015, arriving in Rome by plane with valid travel documents. Lacking awareness of his rights as an unaccompanied minor, he initially feared deportation. After many frightful nights spent alone, he eventually sought assistance from the Italian authorities. He was placed within reception centers, progressing through initial and secondary care facilities and later on, adult accommodations upon reaching majority age. His experience within the system, particularly the possibility of accessing education and being given structured support, enabled him to pursue studies in social services. He managed to reach his aim of giving back to the community that once helped him and since 2017, he has worked with vulnerable populations, including minors and the homeless. Currently he holds a permanent position with the INTEGRA Programme in Rome.

On the other hand, Emad's journey began at the age of 14, involving high levels of risk associated with irregular migration. After leaving Egypt on a tourist visa to Turkey, he reached Greece on an overcrowded inflatable raft with 70 others, including children and families. The smugglers provided minimal guidance, abandoning the group after starting the engine without instructions of how to reach their destination. This traumatic experience left a lasting psychological impact. Upon reaching Greece, Emad briefly stayed in a reception center before running away to Athens in search of work. He travelled the Balkan route on foot, enduring multiple pushbacks and hiding away from authorities due to the fear of deportation. Once he reached Italy, in poor health conditions, he received medical care and was placed in a foster home for three years. During that time, he studied for a short period and learned Italian before beginning working at 17. Now Emad works as a pizza chef, to provide for himself and his family.

Despite the difficult nature of their journeys, both young men succeeded in establishing stable lives in Italy highlighting that support, time and resilience shape minor's journeys.

CONCLUSION:

Today, the Mediterranean continues to be a vast open-air cemetery with thousands of downed children's bodies, a silent witness to the ongoing failure to protect the most vulnerable in their search for safety and dignity. April 18th 2025, marked the ten-year commemoration of one of the most devastating disasters of the twenty-first century, which took place in 2015, when a boat carrying over a thousand people from West Africa capsized near Lampedusa, one of the largest entry ports in Italy. Only 28 survived. Among the victims was a child whose jacket held a sewn school report card, a poignant testament to the dreams and future he was seeking but never reached¹²⁰. However, this event was not an isolated one. Still today children remain the protagonists of such catastrophes. Among countless stories, in May 2025, two more children, aged 3 and 4, disappeared after the engine of the rubber boat they were travelling in ceased to work shortly after departing from Western Libya¹²¹. Despite the numerous agreements made aiming at preventing the deaths of individuals, in the last decade, roughly 20,803 people have lost their lives during their journeys across the Central Mediterranean while trying to reach European territory; of these, around 3,500 children¹²². This proportionately accounts to one child losing their life every day for a decade. 7 out of 10 children were unaccompanied minors, travelling alone and possibly disappearing without their parents ever knowing¹²³. However, the statistics don't reflect the reality of the numbers as many shipwrecks remain undocumented and unknown. Stories like the ones of Emad, who successfully managed to reach land in safety are only a small percent of the rest.

Crossing the Mediterranean to reach European territory is only one of the complex challenges that unaccompanied minors have to face during their adverse journeys fleeing conflict and economic hardships. In both Norway and Italy, as well as the rest of the European Union, these minors face continued legal, procedural and social obstacles that begin long before arrival and often continue for years after. Unaccompanied minors, already vulnerable due to their legal status, young age and the fact that they undertake this journey alone, face extreme

¹²⁰Di Giacomo, Flavio. "Dieci Anni Fa La Tragedia Più Grave Mai Registrata Nel Mediterraneo." *Iom.int*, 17 Apr. 2025, italy.iom.int/it/news/dieci-anni-fa-la-tragedia-piu-grave-mai-registrata-nel-mediterraneo.

¹²¹John Silk. "Mediterranean Crossing: At Least 3 Die, Including 2 Children." InfoMigrants, Infomigrants, 12 May 2025, www.infomigrants.net/en/post/64489/mediterranean-crossing-at-least-3-die-including-2-children.

¹²²UNICEF. "Approximately 3,500 Children Have Died in the Central Mediterranean over the Past 10 Years – UNICEF." Unicef.org, 15 Apr. 2025, www.unicef.org/eca/press-releases/approximately-3500-children-have-died-central-mediterranean-over-past-10-years.

¹²³UNICEF. "Approximately 3,500 Children Have Died in the Central Mediterranean over the Past 10 Years – UNICEF." Unicef.org, 15 Apr. 2025, www.unicef.org/eca/press-releases/approximately-3500-children-have-died-central-mediterranean-over-past-10-years.

dangers, including exploitation, abuse and the overlapping traumas which may accompany them for the rest of their lives.

The comparative analysis between Italy and Norway reveals significant contrasts shaped by their distinct socio-economic, cultural and political contexts, influencing the implementation of migration policies and integration of unaccompanied minors. Italy, follows common European legislation on migration and asylum, yet faces internal challenges due to regional disparities and administrative complexities. As a country of first arrival, it experiences immediate migratory pressures and has responded by strengthening its protective framework, mainly through the Zampa Law, which specifically addresses the legal protections for unaccompanied minors, ensuring equal treatment as Italian and European children. In contrast, Norway functions mainly as a secondary country of destination, encountering different migration dynamics. Although not an EU Member State, Norway closely aligns with European policies, applying the same Schengen visa rules and incorporating many EU principles into national legislation. These differences illustrate how both countries navigate their roles within the broader European migration landscape, adopting context-specific approaches while striving to uphold shared humanitarian standards and, crucially, the principle of the best interest of the child in their legal and policy frameworks.

Furthermore, the future treatment of unaccompanied minors in the European Union will be impacted by the New Pact on Migration and Asylum, entering into force in 2026. The pact highlights a broad restructuring of migration governance aimed at creating cohesive procedures and enhancing solidarity among Member States. For unaccompanied minors, the pact introduces a number of provisions suggesting greater emphasis on protection, even if there have been serious concerns persisting regarding their practical application and long-term impact. Building on already existing national legislations, aspects of European Union and international human rights law, the pact specifically aims to enhance the protection of children. These range from appointing legal representatives, the use of multidisciplinary age assessment for determination processes, free legal advice, the right to education and safeguards against unnecessary detentions¹²⁴.

In addition to child specific interests, the pact takes on a shared responsibility approach among the Member States in order to introduce a solidarity mechanism. States will be able to

¹²⁴Avsec, Klara. "JOINT ANALYSIS: The Rights of Unaccompanied Children at EU Borders under the EU Pact on Migration and Asylum - European Network against Racism." *European Network against Racism*, 18 Nov. 2024, www.enar-eu.org/joint-analysis-the-rights-of-unaccompanied-children-at-eu-borders-under-the-eu-pact-on-migration-and-asylum/.

choose how they wish to contribute, either through financial resources, relocation of migrants or logistical support. Moreover, one of the major changes will be seen within the entry procedures and the transformation of the EURODAC system into a data registry mechanism, aimed at recording and tracking individuals at different stages of migration from initial entry to possible return. Even if this has been framed as a way to improve security and cooperation between countries in Europe, there have been many ethical criticisms regarding data protection concerns of young children. However, despite the formal recognition of child-specific protections, there have been many uncertainties revolving around the practical implementation of the future legislation at national level. Many are the reports signaling unaccompanied minors being subjected to detention, inadequate age assessments, denial of asylum access or violent pushbacks at the borders¹²⁵.

Therefore, for the pact to meaningfully improve the situation of unaccompanied minors, its implementation must be funded based on the principle of the Best Interest of the Child, along with granting children the access to the territory and asylum procedures regardless of their legal status and ensuring their treatment as children in need of help first and foremost through child-sensitive and supportive mechanisms. To ensure effective protection of unaccompanied minors, there should be provided professionally trained personnel both for reception and asylum processes, including age assessments by qualified professionals and appropriate individuals responsible for taking care of the child in the long-term. These mechanisms should account for the needs of minors along with consistent monitoring to oversee how unaccompanied children are treated throughout all stages, from arrival to potential return¹²⁶. No child should be treated as just a number or a security concern, each unaccompanied minor must be seen, heard and protected as a human being with rights, dignity and a future worth safeguarding.

¹²⁵European Commission. "Pact on Migration and Asylum." *Home-Affairs.ec.europa.eu*, 21 May 2024, home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en.

¹²⁶Avsec, Klara. "JOINT ANALYSIS: The Rights of Unaccompanied Children at EU Borders under the EU Pact on Migration and Asylum - European Network against Racism." European Network against Racism, 18 Nov. 2024, www.enar-eu.org/joint-analysis-the-rights-of-unaccompanied-children-at-eu-borders-under-the-eu-pact-on-migration-and-asylum/.

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