

Underage, undocumented and alone

A gap analysis of undocumented unaccompanied and separated children on the move in Jordan, Lebanon and Greece

Introduction

According to UNICEF, the number of registered unaccompanied children on the move globally has increased five-fold in the past six years. A staggering total of 300,000 unaccompanied minors were recorded crossing borders in pursuit of safety, protection and wellbeing from 2015-2016.¹ Despite the fact that family reunification often represents a primary driver for solo migration of children, a lack of specialised legal protection at borders often exposes them to various degrees of prolonged separation. Proof of documentation is largely at the crux of these complications.

This briefing paper examines the state of, and existing protection gaps in, the asylum process for undocumented, unaccompanied and separated children (UASC) on the move in Jordan, Lebanon and Greece. The paper seeks to underscore protection challenges inherent to the age assessment process and surrounding asylum framework in Greece, alongside the asylum policy response to mixed flows of undocumented UASC entering, and within, Lebanon and Jordan. By comparing existing frameworks and corresponding barriers to protection status, shelter, legal

protection, health, and education access, it seeks to inform a larger research study due in July on documentation vulnerabilities of UASC in these countries by identifying gaps in available data.² This will be further complemented by an upcoming Ground Truth study on unaccompanied minors' perceptions of the support they receive in Greece. In addition, the paper will analyse the impact of a lack of documentation on the provision of rights for UASC, including due process when applying for asylum, freedom from arbitrary detention, guardianship and freedom from exploitation. The three countries were selected due to the availability of primary data sources through MMP's implementing partner, INTERSOS, which has well-established operations in the field of child rights and protection in each country. Furthermore, and most significantly, there remains a gap in reporting on UASC on the move within the Middle East and Europe (and between both regions), particularly as regards legal barriers to protection incurred by missing documentation in the context of mass migration.

Produced by the Mixed Migration Platform (MMP), this briefing paper is the sixth in a series of studies examining specific issues pertinent to migration to, from and within the Middle East.

Key messages

While it appears that the bulk of initial protection challenges for undocumented UASC in Greece occur upon entry (at the border), the most acute documentation-based protection issues for children in Jordan and Lebanon seem to happen following entry. Often arriving with family members, children are frequently subjected to separation as a result of documentation complexities, during which they are categorised as UASC. The analysis of the Greek context, therefore, centres around the existing national age assessment framework and the protection gaps this continues to present, whereas the Lebanon- and Jordan-based analysis focuses on an interlinking web of factors that induce increased vulnerability to family separation, with little hope of reunification, largely as a result of documentation issues.

¹ UNICEF (2017) *A Child is a Child: Protecting children on the move from violence, abuse and exploitation*, May 2017.

² This study will be undertaken by INTERSOS in conjunction with MMP and the Migration Policy Centre (MPC).

Methodology

Experiences of undocumented UASC remain markedly underreported in several areas (false age assessment decisions and the implications of such, detention, reception and guardianship), thus efforts to broach these subjects have been made by way of primary data analysis where possible. The analysis is supplemented by a secondary data review comprised of humanitarian reports, policy briefs, research articles, quantitative trend analyses, international human rights legislation, academic studies and protection monitoring exercises.

Any primary data referenced has been extracted from interviews conducted with pre-identified protection cases receiving support from INTERSOS in the form of documentation and/or cash assistance as part of ongoing programming. Information was also referenced from key informant interviews conducted with relevant stakeholders working with vulnerable groups in the selected countries.

Definitions and the wider protection context

All three countries examined in this paper are signatories to the **Convention on the Rights of the Child (CRC)**, a UN treaty that provides explicit guidance on upholding the rights of children³ across a range of criteria. The convention maintains that children should be respected as individuals as opposed to “passive objects of care and charity”⁴, thereby promoting their agency in all considerations.

Within a legal context, children are frequently referred to as **minors**, defined consistently across European states and internationally as a person under the age of 18.⁵ For instance, **Presumption of Minority** is one of the key procedural safeguards in place within the CRC to ensure children are given the benefit of the doubt in cases of ambiguous age assessment conclusions.⁶

Another term commonly found in discussions of European legislation is **UASC**, defined by the Qualification Directive⁷ as a “non-EU national or stateless person below the age of 18 who arrives in the territory of an EU Member State unaccompanied by an adult responsible for him/her, for as long as s/he is not effectively taken into the care of such a person; including a minor who is left unaccompanied after s/he has entered the territory of a Member State.”⁸ There are some discrepancies in the usage of this acronym and a similar term employed in British asylum law, amongst other

states, defines UASC as “Unaccompanied Asylum Seeking Children”.⁹ The latter has found its way into popular reporting on these issues within the migration sector. For the purposes of this paper, UASC will be used to refer to unaccompanied and separated children residing in Jordan and Lebanon, in addition to EU member states. However, considering that not all unaccompanied and separated children are seeking asylum within the countries of focus, this report will make use of the former definition of UASC, focusing on protection needs of children on the move.

In consideration of these needs through a protection lens, the **Best Interests of the Child (BIC)** is indispensable. A primary component of the CRC, it is expressed in Article 3 as an essential consideration “in all actions [and decisions] concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.”¹⁰ The BIC is a key element of the human rights-based approach when analysing the impact of asylum law on the well-being of migrating UASC, and the responsibility of policy makers, and those conducting programming, towards this. UNHCR has published a set of guidelines to assist decision-makers in determining the BIC in these situations, namely the Best Interests of the Child Determination framework.¹¹

These concepts prove useful in the examination of the **age assessment process**, a mechanism employed by EU member states to verify the age of undocumented minors when brought into doubt during the asylum process. The outcome of this process bears significant weight on the protection status granted to the applicant in question, as to whether or not s/he is eligible to access state and civil society support afforded to minors in the form of shelter, legal guardianship, health and education services, psychosocial aid, family reunification and safeguards limiting detention length (according to the policy of the host country of application). Considering the pivotal nature of this process, criticism has been raised by both medical and humanitarian experts regarding both the inaccuracy and invasive nature of medical examinations broadly, yet inconsistently, employed across member states to verify these cases. Dental and bone examinations are commonplace in order to determine whether an applicant is under or over the age of 18, yet these assessments are limited by a range of accuracy of two to three years at best, effectively invalidating results in borderline cases.¹² Médecins du Monde have likewise highlighted socio-economic status as a determinant of bone and dental health, thereby stratifying the age of applicants on the basis of their geographic or ethnic origin. Using bone and

³ United Nations (1989) Convention on the Rights of the Child, A/RES/44/25, 20 November 1989.

⁴ Ibid.

⁵ Bundesarbeitsgemeinschaft Kinder-Und Jugendschutz (2017) Protection of Minors in the EU.

⁶ United Nations Convention on the Rights of the Child (2005) General Comment Number 6: Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005.; Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

⁷ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

⁸ Article 1, Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or

stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).

⁹ Unaccompanied Asylum Seeking Children (UASC) is defined as “a person under 18, or who, in the absence of documentary evidence establishing age, appears to be under that age, is applying for asylum in his or her own right and has no relative or guardian in the United Kingdom.” UK Home Office (2017) National Statistics: Asylum, 23 February to 24 May 2017.

¹⁰ United Nations (1989) Convention on the Rights of the Child.

¹¹ UNHCR (2008) UNHCR Guidelines on Determining the Best Interests of the Child, May 2008.

¹² Feltz, Vivien (2015) Age Assessment for Unaccompanied Minors: When European countries deny children their childhood, Médecins du Monde Euroblog, 28 August 2015.

dental records therefore proves counterproductive to scientific accuracy that could deprive an individual of their right to access necessary services. Further, reports have emerged of a widespread lack of specialised capacity amongst border enforcement officers employing ‘aesthetic assessments’ of physical maturity in such instances, a highly intrusive and likely traumatic experience for UASC, not to mention for those of culturally conservative orientation.¹³

The often-intrusive nature of the process, about which minor applicants tend to be poorly informed, brings into question how policy-makers can justify its usage when it directly violates the BIC. This contention continues to be highlighted by advocacy and humanitarian groups, as well as European human rights defenders, as a primary concern with regards to the proper reception of migrant children. For instance, the UN Special Representative of the Secretary General (SRSG) on Migration and Refugees, Tomáš Boček, recently underscored the need for a Europe-wide framework ensuring preservation of safeguards in the age assessment process.¹⁴

Despite sporadic evidence of the formalisation of these safeguards in Europe and the Middle East, accountability of individual border enforcement units in upholding the rule of law remains difficult. Furthermore, national interpretations of regional frameworks frequently violate BIC and presumption of minority.

Greece

International humanitarian actors and statisticians have struggled to coordinate reporting on the number of UASC registered among mixed migration flows to the EU. This lack of coordination manifests itself in figures and reports that are inconsistent across various countries. A Eurostat news release from May 2017 reported that 63,000 children ‘considered to be unaccompanied minors’ applied for asylum in Europe in 2016, 4% of whom (2,350) were registered in Greece. The three most common nationalities of UASC asylum applicants in Greece in 2016 were reportedly Syrians (32%), Pakistanis (27%) and Afghans (18%). More than two thirds of the Europe-wide figure were between 16 and 17 years of age, highlighting the importance of the age assessment process in such a narrow time window. According to the same brief, the number of UASC asylum applicants to Greece increased almost six-fold from 420 in 2015 to 2,350 in 2016, putting sudden pressure on already overburdened reception services and increasing the likelihood of poor implementation of safeguards. 88% of these children were reportedly aged 14 to 17, again demonstrating the heightened possibility that age assessments were implemented in these cases.¹⁵

¹³ Ibid.

¹⁴ Council of Europe (2017) Thematic report on migrant and refugee children prepared by the Special Representative of the Secretary General on migration and refugees, SG/Inf(2017)13.

¹⁵ Eurostat (2017) 63 300 unaccompanied minors among asylum seekers registered in the EU in 2016, newsrelease 80/2017, 11 May 2017.

¹⁶ UNHCR, UNICEF and IOM (2017) Refugee and Migrant Children - Including Unaccompanied and Separated Children - in the EU: Overview of Trends in 2016, April 2017.

An interagency brief published by UNHCR, IOM and UNICEF states that a total of 63,920 children arrived in Greece between 1 January and 31 December 2016. Contrary to Eurostat reports, the document estimates that UASC make up roughly 8% of this figure (5,192 individuals), though referral data from the National Centre for Solidarity (EKKA) admits that this is only an approximation. The report directly acknowledges the challenges present in accurately monitoring UASC flows due to backlogs in national asylum systems, mistrust of institutional mechanisms, and onward irregular movements.¹⁶ The distinct lack of cohesive disaggregated data at even the most basic level gives way to further ambiguity concerning the number of UASC applications rejected on the grounds of age assessments. Moreover, there is scarce understanding of the scale of erroneous rulings (either overestimation or underestimation of age) due to the inaccuracy of medical examinations or degree of specialist capacity, and the detrimental impact of such assessments on the well-being of an individual following the decision.

European Legal Framework

As outlined by the Asylum Information Database in their 2015 report on the detrimental effects of the age assessment process, the EU Asylum Directive stipulates that:

“Member States may use medical examinations to determine the age of unaccompanied minors...where...Member States have doubts concerning the applicant’s age. If, thereafter, Member States are still in doubt concerning the applicant’s age, they shall assume that the applicant is a minor.”¹⁷

However, the implementation of and motivations behind age assessments of child asylum seekers vary broadly across the EU, as demonstrated in Figure 1, which illustrates “when an age assessment must be taken” according to member states.¹⁸ The columns indicate at what stage of the asylum process the age assessment is conducted, in conjunction with the varying justifications. This lack of cohesion further complicates monitoring of child safeguard implementation, particularly in the context of the recent ‘de facto suspension’ of the Dublin Regulation following the near collapse of asylum systems of frontline countries, including Greece.¹⁹ Negotiations to reform the Dublin Regulation taking place within the European Parliament have explicitly emphasised the need for a “special focus on children”, and particularly UASC, by appointing legal guardians within a maximum of five days of arrival, improving BIC assessments and building capacity to combat trafficking networks.²⁰

Figure 1: When should age assessment be undertaken?

Time frame

Grounds for age assessment

¹⁷ Article 25(5) Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013.

¹⁸ European Asylum Support Office (EASO) (2013) Age Assessment Practice in Europe, December 2013.

¹⁹ Sigona, Nando. (2017) The flop of relocation and the sinking of the Dublin Regulation, Open Migration, 24 January 2016.

²⁰ European Parliament (2017) Reform of the EU asylum rules - creating a new Dublin system that works, 6 March 2017.

18 countries at any stage	25 countries when the claim to be a child is in doubt
16 countries upon arrival	15 countries when the authenticity of documents are doubted
8 countries prior to interview	12 countries when the claim to be an adult is in doubt
4 countries within a week of application	2 countries when age needs to be determined for age of criminality
4 countries within a month of application	1 countries as routine practice
4 countries prior to initial decision	

Source: European Asylum Support Office (EASO) (2013), Age Assessment Practice in Europe.

National Legal Framework

Age Assessment

At the national level, specific procedural safeguards were drafted into the Greek asylum system in 2016, following a Joint Ministerial Decision (JMD) between the Ministry of Interior (Moi) and the Ministry of Health (MoH), requiring the consideration of “gender-specific characteristics and cultural particularities”²¹ in cases of UASC age assessment. Previous to this, the Ministerial Decision (MD) 92490/2013 taken in 2013 on age assessments in relation to first reception centres (FRCs) had explicitly outlined the use of medical examination as a last resort measure only.²² The JMD builds upon this with a series of explicit safeguards outlining the rights of UASC to: a legal guardian, prior information on the determination procedure and potential consequences, informed consent, right of refusal without impact on procedure results and presumption of minority.²³ The legal provisions also outline the sequence of the assessment process, which begins with referral to an MoH institution or entity under their control, followed by an evaluation of ‘macroscopic characteristics’,²⁴ in relation to existing ‘body metric data’.²⁵ Failing a substantive conclusion at this stage, the health or social worker then assesses “the cognitive, behavioural and psychological development of the individual”.²⁶ According to the JMD, X-rays of the left wrist and hand, in conjunction with dental examinations, represent

the final option should neither of the former stages result in a clear outcome.

It is notable that these two ministerial decisions have not specifically accounted for the monitoring of implementation by Hellenic Police on mainland Greece. Contrary to the last resort medical examination measures under these provisions, police are reportedly systematically reverting to X-rays on the mainland. With no legal recourse to challenge wrongful conclusions, there is a lack of institutional accountability for such detrimental errors in conclusions made, and no mechanism by which to correctly identify and provide for minors detained as adults.²⁷

The right to protection for UASC is continually challenged by institutional systems in Greece. The undocumented represent a particularly vulnerable demographic amongst them. Without paperwork to legitimate their claims to child protection, and due to the uncertainty of the age assessment outcome, they may face a range of hardships that act as multipliers of their existing vulnerability. A report from the UN Special Rapporteur on the Human Rights of Migrants, François Crépeau, following a visit to Greece, described the troubling conditions in which he witnessed UASC detained for 24 hours a day, without access to the outdoors, for up to a month.²⁸ This is just one of many reports underlining the daily hardships UASC face in either navigating the often-discriminatory complexities of asylum processes, or attempting to survive outside of the system, avoiding institutional abuse but risking a host of other dangers.

Guardianship

Greek Asylum Law provides for legal guardianship and representation of UASC at the inception of the asylum application process, which is also reflected within EU Asylum law through the Asylum Procedures Directive that stipulates a need for a guardian or “representative”.²⁹

In Greece, public prosecutors (usually the juvenile prosecutor, or prosecutor at court of first instance) are legally responsible for temporary/provisional guardianship of UASC arrivals, until a permanent guardian can be appointed.³⁰ In practice, guardianship for minors very rarely occurs.³¹ The adoption of Presidential Decree No. 220/2007³² foresees that the Public Prosecutor, “who acts as a temporary guardian of the minors [...] takes the necessary steps for the appointment of a guardian of the minor”. This has often been misinterpreted to mean that the only role of the temporary guardian is to find a permanent guardian. Reports have also

²¹ Greece: Joint Ministerial Decision 1982/2016 on age assessment of applicants for international protection, Gazette B/335/16-2-2016, via Asylum Information Database (AIDA) (2016) Country Report: Greece, 2016 Update.

²² Greece: Ministerial Decision 92490/2013 on the Programme for medical examination, psychosocial diagnosis and support and referral of third-country nationals entering without documentation to first reception facilities, Gazette 2745/B/29-10-2013, via AIDA (2016) Country Report: Greece.

²³ AIDA (2016) Country Report: Greece.

²⁴ Macroscopic characteristics here include, but are not exclusive to, height, weight, body mass index, voice and hair growth.

²⁵ Greece: Ministerial Decision 92490/2013 via AIDA (2016) Country Report: Greece.

²⁶ Ibid.

²⁷ Greek Council for Refugees (2017) Detention of Vulnerable Applicants: Greece, AIDA.

²⁸ Office of the United Nations High Commissioner for Human Rights (OHCHR) (2016) UN Special Rapporteur on the human rights of migrants concludes his follow up country visit to Greece, 16 May 2016.

²⁹ “The representative shall perform his or her duties in accordance with the principle of the best interests of the child and shall have the necessary expertise to do so...Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives.” Article 25(1)(a) Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013.

³⁰ Ibid; Greek Civil Code Articles 1589-1654, cited in KMOP et al (2014) Impact: Improving & Monitoring Protection Systems Against Child Trafficking and Exploitation, January 2014.

³¹ SafeGuard (2016) Safer with the Guardian: Transnational Report Europe, Association ‘I Girasoli’ and Defence for Children International – Italy, August 2016.

³² Greece: Presidential Decree No. 220/2007 on the transposition into the Greek legislation of Council Directive 2003/9/EC from January 27, 2003 laying down minimum standards for the reception of asylum seekers, 6 November 2007, accessed via UNHCR Refworld.

emerged of poorly informed public prosecutors with little understanding of the needs of the UASC in their charge, and who rarely meet them. Proposals submitted by the European Commission for the Common European Asylum System (CEAS) reform have outlined recommendations to relieve excessive caseloads of legally appointed guardians, and to ensure “continuity of guardianship” and necessary expertise. Some prosecutors are allegedly responsible for up to 1,000 individual cases at one time, illustrating the extent of pressure such systems are under. Suggestions made by SafeGuard Europe, a multi-organisational initiative led by Italian NGO, Defence for Children, examining the implementation of guardianship in Europe, included increased delegation of responsibility for overall care of the UASC to specialised NGOs and social workers, yet capacity in the face of high caseloads remains a concern.³³ This overburdened guardianship framework is quickly rendered ineffective on an individual level at such a stage of saturation, depriving UASC of the adequate support they are legally entitled to.

Exploitation

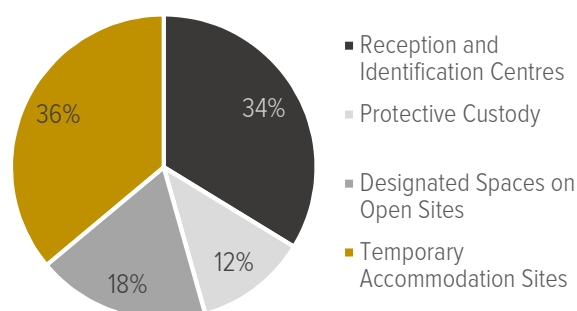
Limited reception spaces in hotspots³⁴ that are said to have inappropriate conditions, also leave children vulnerable to trafficking, labour exploitation, child abuse, rape and smuggling.³⁵ In light of this, ‘survival sex’ has become a common coping mechanism for minors living outside of the state child care system.³⁶ For those that do attempt to navigate this complex system, they are faced with the likelihood of extended administrative detention, in some cases lasting up to a year, along with long delays in relocation and family reunification procedures.³⁷ Furthermore, there have been allegations that 20% of unaccompanied minors disappear from reception centres within 24 hours of their placement, when the average stay is 60 days, raising questions about the role reception centres are playing in providing safe spaces for UASC.³⁸ These premature departures are also attributable to a sense of distrust of regular asylum channels, fear of deportation and impatience with lengthy resettlement processes, rather than uniquely linked to abductions or exploitation, although a lack of adequate accommodation facilities does exacerbate this risk.

Reception

According to the most recent figures from EKKA, as of 15 May 2017 there were 2,150 unaccompanied children in Greece, yet only 1,294 available spaces in specialised shelters. This lack of capacity has left 1,013 UASC on the waiting list, 173 of whom reside in reception and identification centres, 61 in protective custody (i.e. held in police stations), 94 in

designated spaces on open sites and 185 in temporary accommodation sites. The remaining 500 cases likely face extremely precarious protection circumstances, partially supported by civil society organisations and volunteers working to fill the national capacity gap.³⁹ A prevailing lack of consistent and accurate data, both quantitative and qualitative, exacerbates the particular risks faced by undocumented UASC at such a juncture; as a result, UASC are often excluded from support planning, from local needs assessments up to deliberations taken at the policy level.

Figure 2: Accommodation for UASC on Shelter Waiting List in Greece (May 2017)



Source: EKKA (National Centre for Solidarity) May 2017 Situational Update on Unaccompanied Children in Greece.

Detention

During the asylum assessment period, detention of UASC frequently occurs, due to a lack of available, appropriate reception facilities, as well as a lack of legal representation to support them in effectively challenging detention decisions against them. In a joint statement submitted to the UN Human Rights Council in 2017, Terre des Hommes and Save the Children highlighted the destructive impact of the EU-Turkey Agreement on soaring rates of UASC detention in Greece, given that all arrivals from Turkey were placed in closed centres.⁴⁰ Despite the fast track procedures that were established for processing of “vulnerable” groups on the Greek islands, under which legislation for UASC is explicitly listed, an absence of institutional capacity means that they continue to languish, effectively detained, in increasingly militarised camps.⁴¹ The Asylum in Europe Database states

³³ SafeGuard (2016) Safer with the Guardian.

³⁴ “The “hotspot approach” has been envisaged as a model of operational support by the EU agencies to Member States faced with disproportionate migratory pressure, with the aim to help them swiftly identify, register and fingerprint migrants, support the implementation of relocation and returns.” European Council for Refugees and Exiles (ECRE) et al (2016) The implementation of the hotspots in Italy and Greece: A study.

³⁵ Ibid.

³⁶ Vasileia Digidik (2016) A Harsh New Reality: Transactional Sex Among Refugee Minors As a Means of Survival in Greece, FXB Center for Health & Human Rights.

³⁷ Human Rights Watch (HRW) (2016) “Why Are You Keeping Me Here?” Unaccompanied children detained in Greece, 8 September 2016.

³⁸ Missing Children Europe (2016) Missing unaccompanied migrant children.

³⁹ EKKA (National Centre for Solidarity) (2017) Situation Update: Unaccompanied Children (UAC) in Greece, 15 May 2017.

⁴⁰ Save the Children International, International Detention Coalition Inc., Terre Des Hommes Federation Internationale (2016) Unaccompanied and separated children (UASC) stranded and detained in the Western Balkans, Joint written statement, A/HRC/32/NGO/70.

⁴¹ Amnesty International (2017) A Blueprint for Despair: Human Rights Impact of the EU-Turkey Deal.

that one detention facility in Amygdaleza was being used to hold unaccompanied minors in 2016. This facility was reportedly deemed “totally unacceptable” for the detention of UASC by the European Committee on the Prevention of Torture. UASC are also reportedly being held in police stations under the pretense of protective custody in the Illegal Immigration Prosecution Department of Mygdonia.⁴² According to Greek law, unaccompanied children should be detained “only in very exceptional cases...as a last resort solution, only to ensure that they are safely referred to appropriate accommodation facilities for minors.” In direct contravention of these laws, arbitrary detention of UASC is becoming the norm in an environment where existing services are stretched to breaking point.⁴³

Despite positive developments towards a more comprehensive age assessment framework in Greece, there is an evident need for greater monitoring and reporting of implementation of safeguards. This data would serve to inform improvements to the existing legislation to ensure children’s rights are upheld in the context of mass influx at a time of a shifting European migration policy. The lack of documentation for UASC exacerbates their vulnerability by creating an additional obstacle to access services to which they are rightfully entitled. Further research should focus on potential mechanisms for quantifying the rates of wrongful age conclusions and the effect this has on UASC.

Lebanon

The situation in Lebanon poses very different protection challenges for UASC. There is no existing framework for age assessment in the country or evidence to suggest that one is being used. However, the 2015 shifts in policy towards greater restrictions to obtaining residency and work permits have directly impacted the safety and well-being of UASC in the country. To illustrate the scale of these protection challenges, UNHCR data states that children represented 55% of registered Persons of Concern (PoC) residing in Lebanon by the end of 2016.⁴⁴ Bearing in mind that over five million Syrians had fled their country in search of refuge by March 2017, of which Lebanon has absorbed an estimated 1.14 million, considerable numbers of refugees are caught in situations of acute vulnerability, in what is becoming a norm for this demographic within the country.⁴⁵ Reasons for initial flight of UASC from the Middle East without their families differ across cases and genders, but for boys these may include evasion of forced conscription and the intention to support families back home through remittances, and for

girls, escape from sexual violence or further protection risks back home.⁴⁶

National Legal Framework

Lebanon is a founding member of the UN and is a member of the Arab League.⁴⁷ It ratified the Convention on the Rights of the Child in 1991⁴⁸ and the Universal Declaration of Human Rights,⁴⁹ but has yet to become a signatory to the 1951 Refugee Convention or the 1967 protocol.⁵⁰ In essence, this denies refugees in the country a particular legal status that accounts for the sensitivity of their circumstances, requiring them to jump through a series of complex legal hoops to obtain the documentation necessary to regular entry and stay and access to services. As a result, refugees, including minors, are frequently criminalised, arrested and detained.

Entry Documentation and Legal Status

Legal status represents the central protection issue that is key to understanding all other protection challenges faced by UASC in Lebanon. Alongside an annual residency fee of US\$200, Syrians entering the country are also required to prove place of residence, as well as provide valid ID, an official document of entry obtained at the border and two photographs stamped by a Lebanese Mukhtar⁵¹ (an official).⁵² Further to this, a specific set of humanitarian exception criteria were formulated by the government to provide for admittance of Syrians. The only alternative legal pathways to entry require applicants to acquire tourist, business or transit visas, or via a sponsor. A more recent amendment to this policy in April 2017 led to a fee waiver that exempts refugees who renew residency through their UNHCR certificate from the US\$200 fee.

Criteria for exceptions to these new entry documentation requirements were released in April 2015, which explicitly listed UASC as exempt, however only in the instance of having a parent already legally residing in Lebanon.⁵³ Moreover, minors over the age of 15 can only legally reside in the country in the presence of an adult, despite the fact that they must have separate official residency documents to those of their parents or other legal guardians. Another option is to obtain a proxy document via an adult relative residing outside of the country, to allow a relative in Lebanon to validate the minor’s regularisation, clearly an unlikely scenario for UASC in this instance. Hence, UASC are void of any opportunities for regularisation under the current framework. Due to a widespread lack of documentation as a result of these residency permit criteria, many families cannot

⁴² AIDA (2016) Country Report: Greece.

⁴³ Article 46(10)(c) L 4375/2016 cited in Greek Council for Refugees (2017) Detention of Vulnerable Applicants: Greece.

⁴⁴ UNHCR (2016) Syria Regional Refugee Response: Inter-agency Information Sharing Portal, 31 December 2016.

⁴⁵ Amare, Sama (2017) Exploitation of Syrian Women and Children: Refugee Law in Lebanon and Jordan, *summa amare*, 5 April 2017; UN OCHA (2017) Syria Crisis: Regional Overview.

⁴⁶ UNHCR (2014) Protection of Refugee Children in the Middle East and North Africa, October 2014.

⁴⁷ OHCHR (2017) Human Rights by Country: Lebanon.

⁴⁸ United Nations (1989) Convention on the Rights of the Child.

⁴⁹ United Nations (1948) Universal Declaration of Human Rights, A/RES/217(III), 10 December 1948.

⁵⁰ UNHCR (2017) The 1951 Refugee Convention.

⁵¹ A Mukhtar is a person elected by the region; the people elect him during municipal elections in a separate ballot. He/she grants documents required to issue official papers like identification cards and passports in addition to providing approval of signatures and photographs. This role provides a form of direct representation for local citizens, serving as a link between them and the authorities (INTERSOS Lebanon, 2017).

⁵² Refugees registered with UNHCR must also provide evidence of such in order to renew residency, despite the fact that the government ordered UNHCR to cease registration of all Syrians in May 2015. The outcome of such policies means that approximately 70% of Syrians are forced to reside illegally, unable to obtain work permits, access to state-provided or private education, healthcare, psychosocial support or justice mechanisms to appeal their situations. HRW (2016) Human Rights Watch Submission to the Committee on the Rights of the Child on Lebanon, 6 September 2016; HRW (2016) Lebanon: Events of 2016.

⁵³ Amnesty International (2015) Lebanon: Pushed to the Edge: Syrians Facing Increased Restrictions in Lebanon, 15 June 2015.

register births or marriages, contributing to a rise in statelessness amongst Syrians, and resulting in deportations and pushbacks at airports, according to Amnesty International. Palestinians arriving from Syria face added discrimination due to exclusion from this residency permit policy.⁵⁴ In 2014, 72% of all Syrian children born in Lebanon were reportedly born without birth certificates, due to a lack of family documentation, a reality that leaves children vulnerable to family separation should they face arrest or detention as a result.⁵⁵ These residency renewal policies indiscriminately apply to applicants of 15 years and older without consideration for BIC, last resort measures for child detention or prevention of child labour.

Guardianship

Contrary to a general comment provided by the Committee on the Rights of the Child that outlines explicit guidance on treatment of UASC outside of their country of origin, Lebanon continues to leave them at risk by not providing for their guardianship or legal representation.⁵⁶ The only existing legal reference to guardianship is found in Lebanese 'personal status laws', which deem the father the responsible guardian first and foremost.⁵⁷ A lack of documentation amongst parents can also lead to complications regarding guardianship in the event of a parental death, even regarding return of the child to Syria. This gap in legislation leaves UASC at risk of abduction by members of trafficking networks posing as family members who specifically target the undocumented en route or upon arrival, for which there are next to no safeguards in place.

Exploitation

Such common, and growing, instances of irregularity have led to a notable prevalence of exploitative child labour, as families struggle to survive on the margins of the legal system. *Terres des Hommes* have previously stressed the importance of the distinction between 'child labour' and 'child work'.⁵⁸ While child work indeed exists within such environments, estimations of child labour prevalence in the country have been put as high as 60% or 70%, particularly in the Beka'a Valley.⁵⁹ Threatened with arrest and deportation, labour and sexual exploitation of minors continues unabated and underreported. UASC are reverting to 'survival sex' or 'transactional sex' as a coping mechanism, which UNHCR describes as "a direct consequence of gaps in assistance or failures of registration systems".⁶⁰

Curfews imposed by the government prevent older children and adults from working during the night, another justification for children to be removed from schooling prematurely to support the family during the day.⁶¹ Human Rights Watch estimates that over 250,000 children of school age were out of education between 2015-2016, due to a range of additional barriers including parents' inability to cover transport costs, arbitrary school enrolment requirements, and linguistic gaps.⁶² UASC are disproportionately affected by these conditions due to a common lack of documentation and guardianship. Equally, those children that entered the country with family but find themselves working illegally are also at risk of family separation as a result. The individual consequences of such cases remain markedly underreported.

Authorities and protection-oriented organisations are particularly challenged in monitoring such issues in undocumented communities. Conversely, victims of such exploitation rarely report their abuse for fear of arrest or deportation due to their irregular migration status. Internal and cross-border tracking of trafficking of UASC in Lebanon as a result of these residency policies likewise remains a nascent area of research, further compounding the anonymity of these cases.

Reception

Specialised reception for UASC continues to represent a protection gap in the Lebanese context, largely attributable to the lack of any developed asylum system. The absence of a formal state-led reception framework has transferred this responsibility to international organisations and civil society by contracting shelter care through specialised organisations. UNHCR and SOS Children's Villages are two examples of organisations reportedly providing shelter to a small number of identified UASC cases through this funding framework who lost contact with their family en route to Lebanon or who have been sent ahead of families back in Syria.⁶³ Yuko Osawa, Child Protection Officer for UNICEF Lebanon, explained that orphanages contracted by the government through local NGOs receive Lebanese minors but often refuse Syrian children, leading to a lack of regulation and a rise in potentially abusive situations for

⁵⁴ Amnesty International (2014) Denied Refuge: Palestinians from Syria Seeking Safety in Lebanon, 1 July 2014.

⁵⁵ UNHCR Lebanon (2014) Statelessness Update, August 2014.

⁵⁶ "States should appoint a guardian or adviser as soon as the unaccompanied or separated child is identified and maintain such guardianship arrangements until the child has either reached the age of majority or has permanently left the territory and/or jurisdiction of the State, in compliance with the Convention and other international obligations." United Nations Convention on the Rights of the Child (2005) General Comment Number 6: Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005.

⁵⁷ Amnesty International (2016) 'I Want a Safe Place': Refugee Women from Syria Uprooted and Unprotected in Lebanon; HRW (2015) Unequal and Unprotected: Women's Rights under Lebanese Personal Status Laws, 19 January 2015.

⁵⁸ "Child work refers to the participation of children in any paid or unpaid economic activity, or activities to support families and family care givers which is not detrimental to their health and mental and physical development. It is light work for a limited amount of hours, according to their age and abilities, that doesn't interfere with a child's education or leisure activities. This work can even be seen as

beneficial for the child's development." *Terres des Hommes* (2016) *Terres des Hommes position on child labour*.

⁵⁹ The Freedom Fund (2016). Struggling to survive: Slavery and exploitation of Syrian refugees in Lebanon.

⁶⁰ UNHCR describes 'survival sex' as "a term used to describe the exchange of sex for material goods or protection, or the sale of sex in order to survive. Survival sex is frequently a direct consequence of gaps in assistance, failures of registration systems or family separations, and affects men, women, boys and girls." UNHCR (2014) *Woman Alone: The fight for survival by Syria's refugee women*; UNHCR (2011) *Action against Sexual and Gender-Based Violence: An Updated Strategy*, June 2011.

⁶¹ Chatty, Dawn (2016) "The Syrian Humanitarian Disaster: Disparities in Perceptions, Aspirations, and Behaviour in Jordan, Lebanon and Turkey," in *IDS Bulletin* [online] 47(3).

⁶² HRW (2016) "Growing Up Without an Education": Barriers to Education for Syrian Refugee Children in Lebanon, 19 July 2016.

⁶³ The Daily Star Lebanon (2017) *Orphaned and Desperate in a Foreign Country*, 14 January 2017.

those outside of the care system.⁶⁴ Existing specialised shelters for Syrian minors, such as Dar al-Awlad and SOS Children's Villages-coordinated shelters, have very low capacity to house minors as they also provide support to children from vulnerable families residing in Lebanon. Such organisations strive to reunite children with their families, however face lengthy court battles in cases of those with untraceable family ties and a lack of documentation.⁶⁵ The 3RP's Regional Refugee and Resilience Plan for 2016 emphasises a focus on improved frameworks for identification of alternative care arrangements for UASC, notably one of the few indications of programmes dedicated to such issues in recent years.⁶⁶

Detention

Detention of unaccompanied minors in Lebanon, and its impact, has been at best sporadically reported on of late. The most comprehensive reports of UASC detention date back to 2010, with evidence of minor asylum seekers being subjected to the same penalties as refugees and migrants who have violated national law. In addition, these reports also evidence long-term detention of minors due to illegal entry or stay.⁶⁷ Roumieh prison, in greater Beirut, also houses male minors who, due to renovations, shared a common area with adult criminals for a short period of time, directly violating Article 37 (c) of the UN Convention on the Rights of the Child, though usually this is not the case.⁶⁸ Minors also remain at risk of detention during the case management referral process as police officers responsible for referral of irregularly residing minors outside of the working hours of public utility agency, the Union for the Protection of Juveniles in Lebanon (UPEL), are obliged to contact the general prosecutor who is mandated to inquire about a minor's legal status or evidence of residency.⁶⁹ Nonetheless, exact age disaggregated figures on rates of immigration detention remain severely lacking in the broader literature on Lebanon.

Jordan

In Jordan, recent numbers of UASC entering the country likewise remain elusive.⁷⁰ Instead, reports tend to focus on cases of children that become UASC following family separation as a result of a lack of family documentation and the complexities that duly follow in reunification. The government reported that 25 juvenile and Shari'a court judges were trained on the formalisation of alternative care procedures for Syrian UASC by January 2017.⁷¹ The Jordan Response Plan for the Syria Crisis (JRP) for 2017-2019 also

outlines plans to improve case management systems for child protection of Syrian UASC in particular. The otherwise lack of available literature highlights a gap in protection policy towards UASC in the Jordanian context.

National Legal Framework

In the absence of ratification of the 1951 Refugee Convention and its 1967 protocol, the Jordanian Ministry of Interior (MoI) signed a Memorandum of Understanding with UNHCR in 1998 which recognises the status of refugees and asylum seekers within the country, by providing for Temporary Protection. Asylum seekers are subject to the same entry process as all foreigners through the Law of Residency and Foreigners' Affairs. This, alongside Article 21 (1) of the national constitution which protects "political refugees" from extradition, represent the only existing legislation providing for refugee rights.⁷² Despite remaining a non-signatory to the 1951 Convention, Jordan plays host to over 1,000,000 PoCs.⁷³ Since 2013, the government has increasingly restricted border entry due to alleged security concerns linked to so-called Islamic State activity in southern Syria, despite publicly maintaining that they are committed to an 'open-border policy'.⁷⁴ Minors represent a significant portion of the refugee population, with over a third of the 62,658 Iraqis registered in Jordan under 18.⁷⁵

A significant set of legislative reforms in the area of children's rights took place from 2014-2015.⁷⁶ These included stipulations that children not be detained in adult penal institutions, and provided for the creation of a specialised bureau attached to juvenile courts comprised of medical, psychological and counselling experts. These professionals may provide guidance to judges determining juvenile cases and grant those judges broad discretion to impose alternative measures to imprisonment.

Entry Documentation

The central protection concerns for UASC in Jordan revolve around amendments to refugee registration and residence policies in 2014.

According to interviews conducted by INTERSOS with key stakeholders in early 2017, the age assessment process represents less of a concern for UASC entering the country, as a lack of documentation at this juncture is reportedly less common. In cases where UASC do not possess the appropriate entry documentation, an interview is apparently sufficient to verify their age.⁷⁷ UNHCR highlighted cases of

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ 3RP (2016) Regional Refugee and Resilience Plan 2016-2017 In Response to the Syria Crisis: Annual Report 2016.

⁶⁷ Global Detention Project (2014) Immigration Detention in Lebanon, 6 June 2014; Child Rights International Network (CRIN) (2015) Lebanon: Children's Rights References in the Universal Periodic Review, 2 November 2015.

⁶⁸ "In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so." Manco, Eva (2015)

Detention of the Child in the Light of International Law- A Commentary on Article 37 of the United Nation Convention on the Rights of the Child, Amsterdam Law Forum.

⁶⁹ INTERSOS (2017) Interviews with protection staff.

⁷⁰ In 2015, UNICEF put this figure at 819 unaccompanied and 892 separated children registered in camps, with an additional 795 UASC registered in host communities. UNICEF (2015) Child Protection and Social Policy Factsheet – Jordan, updated January 2015.

⁷¹ Government of Jordan (2017) The Jordan Response Plan for the Syria Crisis 2017-2019, updated 15 February 2017.

⁷² Library of Congress (2016) Refugee Law and Policy: Jordan.

⁷³ UNHCR (2016) Syria Regional Refugee Response: Inter-agency Information Sharing Portal, 31 December 2016.

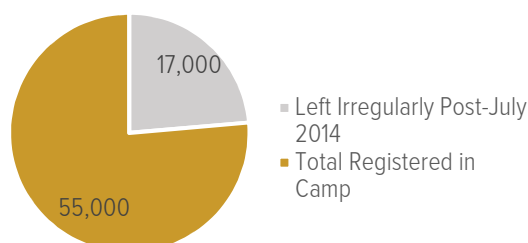
⁷⁴ CARE (2016) Six years into exile: The challenges and coping strategies of non-camp Syrian refugees in Jordan and their host communities, 31 July 2016.

⁷⁵ UNHCR (2017) National Health Coordination Meeting, 27 April 2017, accessed via Syria Regional Refugee Response: Inter-agency Information Sharing Portal.

⁷⁶ OHCHR (2014) Committee on Rights of Child examines reports of Jordan on the Convention, Children in armed conflict and the Sale of children, 27 May 2014; Jordan: Law No. 32 of 2014 concerning Juvenile Law, accessed via International Labor Organization (2014) Elimination of child labour, protection of children and young persons, NATLEX.

⁷⁷ UNHCR, Interview, 22 March 2017.

Sudanese who often arrive undocumented, but also emphasised that few apply as minors as there are no unique rights to be claimed, given that Jordan is not a signatory to the 1951 Refugee Convention.



The government has consistently enforced registration of refugees entering the country through camps over the years, requiring that applicants obtain a UNHCR 'Proof of Registration' certificate in order to access the Mol card necessary for approval of valid work permits and access to other rights and services. Prior to 2014, Syrian refugees were able to regularly leave the camps via an official 'bailout' procedure. A recent shift towards securitisation of refugee and migration policy has led to its replacement with a temporary leave permit system that requires refugees registered after 2014 to return to the camp after a fixed period.⁷⁸ Despite this shift in policy, 80% of the country's refugee population reside outside of the camps, clustering most densely in the northern governorates.⁷⁹

Complications incurred by these amendments in policy have directly violated the Convention on the Rights of the Child on several fronts.⁸⁰ Accounts of undocumented minors facing 'forcible separation' by relocation back to camps and deportation (sometimes without their parents' knowledge) while their families continue to reside in host communities are emerging in the hundreds.⁸¹ Reunification of children with their families in such situations is made nearly impossible when the parents residing in host communities are undocumented themselves. UNHCR reported that minors deported to Azraq camp are held in an International Rescue Committee (IRC) shelter, where their movement is restricted until they reach 18, whereupon they can rejoin the main camp population.⁸² The majority of cases registered in Azraq by IRC entered Jordan through a closed military zone called 'the berm'⁸³ with their families between 2014 and 2015. After registering through the camps, and departing as a family

irregularly to settle in host communities, the minors in question were compelled to take on illegal work to support their families without the necessary permits. Some minors were detected by the police, arrested, deported to the camps and thus forcibly separated from their families. IRC emphasises that their centre is not a detention facility, despite pressure placed on them by local authorities to prevent minors in their charge from leaving the premises and occasional referrals of juvenile offenders on behalf of local police. Due to a lack of family documentation, they reported some children were left with no option but to stay in the centre for months on end, or escape in an effort to return to their families through the desert in the middle of the night. Family reunification is de facto linked to documentation, without due consideration for the BIC or any other evidence of family relationship.⁸⁴

Figure 3: Irregular Departure from Azraq Camp

Source: United Nations High Commissioner for Refugees (UNHCR), 2017. Jordan Factsheet April 2017. UNHCR Syria Regional Refugee Response; Achilli, L. (2015). Syrian Refugees in Jordan: a Reality Check. Migration Policy Centre, EUI.

Children born to undocumented parents residing in such circumstances are instantly rendered stateless, as a valid Mol card is indispensable to processing a birth or marriage certificate. This reality is also reportedly affecting children of undocumented Yemeni parents, compounded by a lack of awareness of the need to register births in Jordan.⁸⁵ A lack of documentation continues to leave these children at risk of family separation.

Exploitation

Instances of negative coping mechanisms such as child marriage and early pregnancy have been reported amongst communities with irregular status of largely Syrian descent, a direct consequence of these policies that can lead to marginalisation and the increased socio-economic precariousness and invisibility of families and their children. Parents are driven by a host of reasons to marry off their children prematurely, including protection from sexual violence in insecure environments, lessening the burden of provision on the family by removing 'one mouth to feed' and honour-based conservative social and religious norms that look favourably upon married young girls.⁸⁶ Unaccompanied girls living with non-nuclear family members are particularly vulnerable to such decisions.⁸⁷

Marriage of children under the age of 18 is illegal in Jordan, and not recognised by the judiciary system. Regardless,

⁷⁸ Protection Working Group (2016) 2016 Jordan Refugee Response: Protection Sector Operational Strategy.

⁷⁹ UNHCR (2017) Jordan Factsheet, June 2017; Achilli, Luigi (2015) Syrian Refugees in Jordan: a Reality Check, Migration Policy Centre, February 2015.

⁸⁰ "In order to pay full respect to the obligation of States under article 9 of the Convention to ensure that a child shall not be separated from his or her parents against their will, all efforts should be made to return an unaccompanied or separated child to his or her parents except where further separation is necessary for the best interests of the child". Section 7, Paragraph 81, United Nations Convention on the Rights of the Child (2005) General Comment Number 6: Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005.

⁸¹ Achilli, Luigi (2015) Syrian Refugees in Jordan: a Reality Check; UNHCR (2017) National Health Coordination Meeting, 27 April 2017.

⁸² UNHCR (2017) National Health Coordination Meeting, 27 April 2017.

⁸³ This area covers the entirety of the Northern Jordanian border with Syria, occupying the space between the Jordanian border wall and Syrian territory. Amnesty International (2016) Syria-Jordan border: 75,000 refugees trapped in desert no-man's land in dire conditions, 15 September 2015.

⁸⁴ IRC, Interview, 25 April 2017.

⁸⁵ MMP (2017) Displaced Minorities Part II: Experiences and needs of Somali, Sudanese and Yemeni refugees and other migrants in Jordan, April 2017; ARDD-Legal Aid (2016) Protection Issues in Jordan, Report #1, Hidden Guests: Yemeni Exiles in Jordan, May 2016.

⁸⁶ Girls Not Brides (2016) Child Marriage Around The World: Jordan; Save the Children (2015) "To Protect Her Honour": Child marriage in emergencies - the fatal confusion between protecting girls and sexual violence, 1 July 2017.

⁸⁷ UNICEF (2014) A Study on early marriage in Jordan 2014.

undocumented early marriage continues unabated in densely refugee-populated areas in the northern governorates, compounding future documentation complexities for minors in such situations.

Other negative coping mechanisms include the premature removal of children from school due to unaffordable transport fees and the need for additional income, as families increasingly resort to child work and labour to bolster their livelihoods, predominantly in the informal sector. A lack of understanding of rights and obligations continues to compound the vulnerability of many refugees in complex documentation circumstances, leaving them open to abuse. Once again, undocumented minors present particularly easy targets for those seeking to extort migrants in desperate situations.

Reports have emerged of minors as young as five working in a range of sectors including cleaning, shop or street-based sales, restaurant work, rubbish collection, construction or as mechanics or carpenters up until 16 years of age. A Terre des Hommes survey among children in Jordan identified almost 90% of respondents as male, with an average working age of 14 years old.⁸⁸ A Child Labour Task Force has recently been established by the Jordanian government in conjunction with the International Labour Organisation (ILO) to combat the worst forms of child labour, with a set of fixed priorities. Overall, there remains a lack of disaggregated data on UASC versus accompanied children, once again underscoring the vulnerability of such 'invisible' groups.

Reception/Guardianship

The Jordan Child Protection Sub Working Group has a designated UASC Task Force with a standardised set of operating procedures to identify UASC and provide them with a series of services including BID, family reunification and alternative care arrangements, such as family fostering and supervised group living.⁸⁹ Otherwise, guardianship (and custody) in Jordan is characterised, much like in Lebanon, by the Muslim Personal Status Law (2010), and Shari'a law concerning the *Hidana* and the *Ihtidan* system that bans adoption but allows the provision of alternative care through fostering and family-based care.⁹⁰ In conjunction with key child protection agencies such as Save the Children, UNHCR and UNICEF, the Ministry of Social Development (MoSD) finalised a set of National Alternative Care Guidelines in 2014, providing specifically for care of Syrian UASC.⁹¹ However, evidence from humanitarian organisations suggests that the implementation of such guidelines remains difficult in the face of an increasingly challenging documentation environment. International Medical Corps (IMC) have reported that UASC who enter Jordan to join their families cannot live with other minors of the opposite sex, despite familial links, as this is deemed culturally unacceptable. It has been suggested that children that fall under the 'separated' category may indeed be more vulnerable, as they experience

difficult family dynamics (such as lack of financial support and clashes within the household) often leading to abandonment. These issues are reportedly not prioritised by aid organisations to the same extent as those facing UASC. Foster care purportedly also remains a challenge as families expect financial reimbursement.⁹²

Detention

The threat of detention is a reality for minors working without valid permits. For those who absconded irregularly from camps after July 2014, irregular work is a necessary coping mechanism to support their families. Interviews with families residing without legal documentation in host communities in the northern town of Irbid revealed that refugee parents were aware of the risk inherent in their children working with an irregular status, but consistently concluded that to do so was still preferable to returning to the camps, as a means of survival. Even families with minors who had been detained in juvenile facilities, and who faced deportation to Syria, explained how they believed they were left with no other recourse.⁹³ Concerning reports of detention of victims of child trafficking due to a lack of specialised capacity highlight the need for further development of child protection safeguards that reflect the CRC, emphasising that child detention be a 'last resort measure'.⁹⁴ Despite anecdotal reports of such, there is a severe absence of data on rates of detention, forced encampment or deportation of UASC in and from Jordan.

The Middle Eastern context presents unique challenges for undocumented UASC, due to underdeveloped specialised frameworks or capacity to receive this particular group. Discriminatory work and residency policies persecute refugees and asylum seekers attempting not only to preserve the well-being of their families away from conflict zones, but also to reach a level of self-sufficiency, as opposed to perpetual dependency on systems of aid. As a result, minors are disproportionately affected by labour policies in Lebanon and Jordan due to an absence of child protection legislation or legal employment opportunities for adults. The ripple effect of complex documentation demands on the prevalence of child marriage among underage girls, not to mention early school drop-out rates, represent further unnecessary consequences of inadequate protection legislation.

Inherent in these interlinked protection challenges is the failure of states to account for the specific needs of vulnerable groups such as UASC and to undertake their responsibilities to uphold each article of the CRC. Until guardianship and representation, alternatives to arbitrary detention, the right to education, freedom from slavery, BIC, and family unity are upheld through concrete policy formulation, unaccompanied children will continue to be subject to a plethora of rights violations in Jordan and Lebanon. Furthermore, these violations will serve as drivers

⁸⁸ Terre Des Hommes (2016) "Because we struggle to survive": Child Labour among Refugees of the Syrian Conflict, Child Labour Report 2016, June 2016.

⁸⁹ UNHCR (2015) Standard Operating Procedures for Emergency Response to Unaccompanied and Separated Children in Jordan, December 2015.

⁹⁰ Save the Children (2015) Kinship Care Report: Syrian Refugee Children in Jordan.

⁹¹ Ibid.

⁹² IMC, Interview, 6 April 2017.

⁹³ INTERSOS, Protection monitoring, May 2017.

⁹⁴ Global Detention Project (2016) Jordan Immigration Detention Profile, updated March 2015.

for outward irregular migration along risky routes towards Europe, as UASC continue their search for protection and livelihoods opportunities.

Looking forward

Future research would help inform policy development towards UASC on the move. Closing the data gap on UASC would raise visibility on the extent of child detention, forced encampment, *refoulement* of minors, labour and sexual exploitation, abduction, and trafficking as a result of documentation complexities.

Greece

Policy Recommendations

- J Encourage further cohesion of the age assessment process mechanism across EU member states
- J Create greater monitoring and accountability mechanisms for implementation of legal safeguards in the European age assessment process
- J Develop greater judicial appeal mechanisms in Greece to provide UASC recourse to contest age assessment asylum decisions taken against them
- J Improve guardianship capacity of the state through increased responsibility-sharing of member states in reception, or by bolstering funding towards specialised NGOs assuming this role in the context of mass influx

Proposals for future research

- J Quantify, track and further analyse the individual impact of wrongful age assessment decisions for UASC in Greece and other EU member states
- J Continued monitoring of and reporting on the implementation of legal safeguards in the European age assessment process
- J Further research into the political drivers that drive justification of the age assessment process, given clear scientific inaccuracies and violations of the BIC inherent to the process
- J Further monitoring and analysis of the number of UASC who drop out of the child reception system and continue the journey irregularly

Jordan/Lebanon

Policy Recommendations

- J Create space for consideration of creation and expansion of new legislation that provides for specialised reception, and alternatives to detention, of UASC
- J Ensure accountability mechanisms are in place to hold state protection frameworks to account for failure to implement child-specific policies

- J Work at a local and regional level to further develop and implement guardianship policy to clearly delegate custody of UASC to the state justice system in the first instance, outlining explicit delegation to civil society and safeguarding procedures for doing so in their absence
- J Build child protection capacity of government institutions and legal frameworks for refugee and migrant children in Lebanon and Jordan
- J Work to mitigate documentation policies that actively discriminate against Syrian and Palestinian refugees and asylum seekers attempting to attain a level of self-sufficiency in their situation of protracted displacement
- J Encourage efforts by the international, regional and national communities to stimulate livelihood opportunities that relieve pressure on families to revert to negative coping mechanisms such as child labour, child marriage, or early school extraction
- J Take steps to develop child protection safeguards in labour legislation to detect, prevent and prosecute against instances of underage labour exploitation, debt bondage and forced servitude
- J Generate discussion at a policy level around documentation allowances for refugees who departed irregularly from camps in Jordan post-July 2014

Future Research

- J Further analysis of detention and trafficking of undocumented UASC in Lebanon and Jordan
- J More in-depth research of arrival experiences of UASC in Lebanon and Jordan, particularly given the nascent nature of guardianship/alternative care laws
- J Continued quantitative and qualitative monitoring of documentation complexities and their impact on access to protection for UASC in Lebanon and Jordan

The Mixed Migration Platform (MMP) is a joint-NGO initiative providing quality mixed migration-related information for policy, programming and advocacy work, as well as critical information for people on the move. The platform was established by seven partners—ACAPS, Danish Refugee Council (DRC), Ground Truth Solutions, Internews, INTERSOS, REACH & Translators without Borders—and acts as a hub for the Middle East Region.

For more information visit: mixedmigrationplatform.org