**New Italian law to protect unaccompanied refugee and migrant children**



**Leonardo Cavaliere**

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On March 28, 2017, after nearly 4 years, the Italian Parliament passed new (Zampa) law for “Provision of Protection measures”. This law reform and systemize the welcoming system of unaccompanied refugee children. The bill was passed with 375 yes votes and 13 no. The new law aims to bring order and to advance, in terms of a guarantee of rights, a standard for the treatment of unaccompanied minors on our territory. The new law is particularly focused on: Age assessment and identification of Unaccompanied Minors; establish a structured national reception system, with minimum standards in all reception facilities; attention to the best interests of the child; education and health rights; the right to be heard in administrative and judicial proceedings about unaccompanied minors, even in absence of a guardian, and legal assistance.

What changes with the new law on unaccompanied minors?

The first significant change is that the law is focused on unaccompanied minors (as defined by article 2 of the law), recognized as children and teenagers, holders of the same rights of minors equal to those of Italian and European minors, precisely because of their vulnerable condition.

Art. 3 of the new law introduces an “absolute prohibition of refoulement”, unlike the previous article 19 of the Consolidation Act of immigration that considered this possibility only depending on the individual personal circumstance, duly assessment.

This law aims to solve some practical problems of the reception system. As a solution to minors escaping from the first reception facilities, the permanency timing in these structures has been reduced from 60 days to 30 days. In this phase, in a maximum of 10 days the minor will be identified and his age verified. Also in this crucial phase, with the presence of a cultural mediator, the minor will be guaranteed a meeting with a development age psychologist. After this, unaccompanied minors will be collocated in the SPRAR (Protection System for Refugees and Asylum Seekers) present throughout Italy.

These structures, as specified by the new law, must be intended only for minors.

Art. 5 regulates the identification procedure for minors in Italy. From now, all measure concerning foreign unaccompanied and separated children must be notified to the minor and his temporary guardian is mandatory, ensuring the possibility of appeal. In the identification phase the cultural mediators presence is expected, and will follow the proceedings, so that the minor will be aware of all the steps. Art. 9 establishes a national monitoring system on unaccompanied minors that includes the “Cartella Sociale”, a database to manage the location of unaccompanied minors according to the specific needs of children identified through the establishment of "social folder" that will help operators in contact with the child to know him better and to identify for him the best long-term solution.

Articles 6 and 8 introduce changes in family investigations and assisted repatriations. Today the family investigations are managed by IOM (International Organization for Migration), while assisted repatriations are handled by the General Department for Immigration at the Juvenile Court, which is the competent body that assesses what is in the best interest of the child.

Within three months, a list of “volunteer guardians” must be compiled to ensure that each minor has a representative adult figure. The volunteer guardians will be adequately selected and trained by a regional official for childhood and adolescence. Art. 7 forces the local authorities to promote foster care, rather than the custody in the structures.

Only two kinds of residency permits are being implemented by this law: one for minors and one for family reasons that will replace permits for fostering, integration, and pending fostering requests, used by common practice or never used at all.

Articles 14 and 17 aim to safeguard the right to healthcare and education. It is now possible to register with SSN (the National Healthcare Service), even before being appointed a guardian. Regarding education, they will be encourage agreements for apprenticeships and specific measures for the fulfilment of compulsory schooling will be subsidized.

In all administrative and judicial steps, provisions have been introduced which give importance to the desires of the minor and the right to appoint a legal advisor, taking advantage of, in accordance with current legislation, free support at each stage of the process. Art. 17 establishes protection and guidance for unaccompanied minors that are victims of trafficking through a specific assistance program.

The institutions and the associations for the protection of the rights of foreigners, provided that they are registered with the Ministry of Labour and Welfare, may appeal against acts of the Public Administration that are considered being adopted in prejudice of the interests of the unaccompanied minors and may intervene into the proceedings that concern them.