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Rights and Realities: The Legal
Protection of Unaccompanied
Migrant Minors - A focus on
Tunisian Minors Arriving in
Italy

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ABSTRACT:

A child is a child before being a migrant, a refugee, or an asylum seeker. He must be treated like one in the case of child migration.

Unfortunately, this is not true for some children, especially Tunisian children. The migration of unaccompanied Tunisian minors to Italy has significantly increased in recent years. Many factors, such as high unemployment, economic and political crises contribute to this phenomenon.

When Tunisian minors arrive in Italy all alone, they face some challenges, such as difficulties in legalizing their stay, language and cultural barriers, and limited access to education and healthcare. Therefore, the existing international, European, and national protection frameworks in place for unaccompanied Tunisian migrant minors are often not effectively enforced, resulting in adverse implications for these vulnerable children.

This socio-legal research explores the existing international, European, and national protection frameworks for unaccompanied Tunisian minors who migrate irregularly to Italy and to what extent these frameworks are effectively implemented, considering that their inadequate application can negatively affect these minors. This research presents a comprehensive examination of the protection frameworks for unaccompanied migrant minors, drawing on various sources. Based on extensive research incorporating analysis of academic journals, insightful essays, and books, in addition to qualitative methods, specifically interviews with legal experts, the findings point towards notable shortcomings in the implementation of the existing protection frameworks for unaccompanied Tunisian migrant minors.

By examining the challenges and highlighting the specific instances where the frameworks fall short, the thesis will explain the underlying factors responsible for the insufficiency of protection. In addition, it will showcase the need for improved application and conclude with recommendations on how to improve the application and enforcement of these frameworks, ensuring their proper implementation and safeguarding the rights of Tunisian unaccompanied migrant minors.

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LIST OF ABBREVIATIONS:

ASF- Avocats Sans Frontières

ASGI- Associazione per gli Studi Giuridici sull'Immigrazione

CRC - Convention on the Rights of the Child

ECtHR - European Court of Human Rights

ECHR - European Convention on Human Rights

EU - European Union

FTDES - Forum Tunisien pour les Droits Économiques et Sociaux

ICCPR - International Covenant on Civil and Political Rights

IOM - International Organization for Migration

NGO - Non-Governmental Organization

SPRAR: Protection System for Asylum Seekers and Refugees

UAM – Unaccompanied Minor

UNCAT - United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

UNGA - United Nations General Assembly

UNHCR - United Nations High Commissioner for Refugees

UNICEF - United Nations International Children's Emergency Fund

INTRODUCTION:

Terminologies:

Throughout the study, the following key terms will be frequently utilized:

Asylum Seeker: a person who has left their country and is seeking protection from persecution and serious human rights violations in another country but who hasn't yet been legally recognized as a refugee and is waiting to receive a decision on their asylum claim. Seeking asylum is a human right. This means everyone should be allowed to enter another country to seek asylum¹.

Child: The Convention on the Rights of the Child (CRC) defines the term "child" as "every human being below the age of 18 years unless under the law applicable to the child, majority is obtained earlier"². This clearly shows that any instrument regulating children on the territory of the state cannot define them in a way that deviates from the norms determining the age of majority.

Irregular Migration: Movement of persons to a new place of residence or transit that takes place outside the regulatory norms of the sending, transit and receiving countries³.

(It should be noted that a universal terminology describing children who are seeking asylum alone has not yet been established).

Unaccompanied Minors/Children:

¹ "Who Is a Refugee, a Migrant or an Asylum Seeker?," Amnesty International, accessed July 28, 2023, <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/>.

² United Nations General Assembly, "Convention on the Rights of the Child," art. 1.

³ "N° 34 International Migration Law - IOM Glossary on Migration - World | ReliefWeb," July 5, 2019, 116, <https://reliefweb.int/report/world/n-34-international-migration-law-iom-glossary-migration>.

International Definition:

The legal definition of unaccompanied children adopted by UNHCR is the following: “children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. Some states tend to use the term “unaccompanied minors” in their legislation and policies.

European Definition:

In the context of migration to the European Union, an unaccompanied minor, as defined by Directive 2011/95/EU, refers to a minor who arrives on the territory of an EU Member State unaccompanied by an adult responsible or who is left unaccompanied after he or she has entered the territory of the Member States. ‘Country of origin’ is the country of nationality or, in the case of a stateless child, the country of habitual residence⁴.

Italian Definition:

According to the Italian Law No.47 of 2017, a foreign unaccompanied minor is defined as a minor who is not an Italian or EU citizen, who for whatever reason is found in Italian territory or is subject to Italian jurisdiction, and who lacks the assistance or representation of his parents or other adults who would be responsible for him according to Italian legislation⁵.

The Context Of Irregular Migration Of Tunisian Unaccompanied Migrant Minors To Italy:

Tunisia faces multifaced challenges, including economic disparities, political instability, and social unrest.

⁴ “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,” *Official Journal of the European Union*, n.d., art. 2 (1).

⁵ “Legge 7 Aprile 2017, n. 47 - Normattiva,” art. 2, accessed July 26, 2023, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2017-04-7;47>.

It is currently facing an economic crisis due to rising prices, low wages and very high youth unemployment rates⁶. It is also facing political instability, with the crackdown on political opponents by the Tunisian president, which has created an environment of uncertainty and fear⁷. In addition, the conflict and insecurity in neighboring countries made the region very unstable, which has driven Tunisian people to seek safer and more stable environments⁸.

These conditions resulted in the rise of irregular migration, with an increasing number of unaccompanied minors choosing to leave their homes to find a better life in Europe.

Tunisian unaccompanied minors undertake irregular migration for many reasons, such as economic instability and limited employment opportunities in Tunisia, lack of educational opportunities, and political and social uncertainty in their home country. Other factors that influence their decision to migrate irregularly are smuggling and trafficking networks that actively recruit and encourage them to take these dangerous journeys promising them better opportunities in destination countries. In addition, in some cases, these minors may have family members who live in destination countries, and they desire to reunite with them.

Moreover, sometimes the migration journey can be driven by something simpler such as wanting to experience adventure and break away from their current environment.

Tunisian UAMs, when traveling to Italy, may undergo various challenges and risks, including exploitation, abuse, and detention⁹. Children are sometimes exposed to violence and conflict. They may also face challenges in accessing essential resources such as shelter, food, clean water, and healthcare; they may face a lack of educational opportunities, psychological distress, and mental health issues¹⁰. These challenges can have a long-lasting impact on their well-being and development.

Italy receives more refugees and asylum-seekers yearly than any other European country¹¹.

⁶ Peter Beaumont, "Why Is Tunisia in Crisis and Why Do Sub-Saharan People Want to Leave?," *The Guardian*, March 30, 2023, sec. World news, <https://www.theguardian.com/world/2023/mar/30/why-is-tunisia-leader-stoking-hatred-against-migrants-kais-saied>.

⁷ "Migrant Crisis in the Mediterranean: From Tunisia to Italy, Who Are Those Fleeing to Europe? | Euronews," accessed July 31, 2023, <https://www.euronews.com/2023/06/01/migrant-crisis-in-the-mediterranean-from-tunisia-to-italy-who-are-those-fleeing-to-europe>.

⁸ "Tunisia's Choice: Migration and Realpolitik in the Mediterranean | Migration News | Al Jazeera," accessed July 31, 2023, <https://www.aljazeera.com/news/2023/5/3/skin-trade-energy-migration-realpolitik-in-the-mediterranean>.

⁹ "Infographic: Children Migration | EPRS | European Parliament," accessed July 7, 2023, <https://www.europarl.europa.eu/thinktank/infographics/childrenmigration/index.html?lang=en>.

¹⁰ "The 6 Biggest Challenges Facing Children in 2022," Save the Children, accessed July 9, 2023, <https://www.savethechildren.org/us/charity-stories/biggest-challenges-children-will-face-2022>.

¹¹ "Italy | International Rescue Committee (IRC)," accessed July 26, 2023, <https://www.rescue.org/country/italy>.

In 2023, Italy declared a state of emergency over the sharp rise in the number of migrants arriving on the country's shores through the Mediterranean, and the number of arrivals is expected to rise later as well. Therefore, this has caused the far-right Italian government to pass a series of policies targeting migrants¹².

It should be noted that the Tunisian nationality is the second most represented nationality among migrants arriving in Italy from the central Mediterranean route.

In the last decade, there has been a tremendous increase in the number of unaccompanied migrant minors in Italy. According to the Italian Ministry of Labor's monthly report of unaccompanied minors in Italy, as of 31 May 2023, 20,510 unaccompanied migrant minors are located in Italy, 10.5% are from Tunisia¹³. Therefore, the tremendous increase in the number of Tunisian UAMs in Italy caused significant consequences for the minors themselves and the host country, such as the strain on resources, legal and administrative challenges, integration challenges, vulnerability and exploitation, social and political tensions, economic implications, etc.

Research Question:

The protection of UAMs is a pressing humanitarian and legal concern, especially for Tunisian nationals. Therefore, this thesis will explore these critical issues by asking the following research questions:

To what extent do Italian legal frameworks, sociocultural dynamics, and geopolitical influences contribute to the ineffective protection of Tunisian unaccompanied minors in Italy?

In order to answer this question comprehensively, it should be divided into several sub-questions. They can be formulated as follows.

1. What international, European, and Italian protection frameworks are relevant in ensuring the rights and protection of Tunisian unaccompanied migrant minors?

¹² “Why Has Italy Declared a State of Emergency over Migration?,” euronews, April 13, 2023, <https://www.euronews.com/2023/04/13/why-has-italy-declared-a-state-of-emergency-over-migration-what-does-it-mean-in-practice>.

¹³ “Report-Msna-Mese-Maggio-2023-Eng.Pdf,” accessed July 5, 2023, <https://www.lavoro.gov.it/temi-e-priorita-immigrazione/focus/report-msna-mese-maggio-2023-eng>.

2. What are the gaps or shortcomings in implementing these frameworks, and how do they impact the rights and protection of unaccompanied Tunisian migrant minors?
3. What are the key legal and sociopolitical factors contributing to these shortcomings, and how do they lead to the ineffective implementation of Italian laws designed to protect these vulnerable minors?
4. What are the potential improvements or recommendations that can be made to enhance the protection of unaccompanied Tunisian minors in Italy?

Literature Review:

A wealth of knowledge on UAMs will be presented based on various articles, journals scholarly publications. The comprehensive exploration of previous research sheds light on these minor's challenges, vulnerabilities, realities, and experiences.

International and European Level:

The detention of unaccompanied child migrants, the determination of their ages, their access to asylum procedures, and the risks of exploitation and abuse during and after migration were critically examined¹⁴.

Psychological well-being:

Several studies were conducted to study these minors' psychosocial well-being and needs when arriving in the destination country with guidelines on good social work practice¹⁵. A study was

¹⁴ Some examples include Eirini Papoutsis, "The Protection of Unaccompanied Migrant Minors Under International Human Rights Law: Revisiting Old Concepts and Confronting New Challenges in Modern Migrant Flows," n.d.; "Unaccompanied Children on the Move" (International Organization of migration, 2011); Cecilia Menjivar and Krista M. Perreira, "Undocumented and Unaccompanied: Children of Migration in the European Union and the United States" (J Ethn Migr Stud, 2017).

¹⁵ See Laura Migliorini et al., "Unaccompanied Migrant Minors in Europe and U.S.: A Review of Psychological Perspective and Care Challenges," *Journal of Prevention & Intervention in the Community* 50, no. 3 (July 3, 2022): 273–85, <https://doi.org/10.1080/10852352.2021.1918613>; Ravi K. S. Kohli, "The Comfort of Strangers: Social Work Practice with Unaccompanied Asylum-Seeking Children and Young People in the UK," *Family Social Work* 11, no. 1 (February 2006): 1–10, <https://doi.org/10.1111/j.1365-2206.2006.00393.x>; Menjivar, Cecilia, and Krista M. Perreira. "Undocumented and unaccompanied: children of migration in the European Union and the United States." *Journal of ethnic and migration studies* 45, no. 2 (2019): 197. Accessed March 12, 2023. <https://doi.org/10.1080/1369183X.2017.1404255>.

conducted to explore the well-being of UAMs. It affirmed recognizing the importance of stability, caring relationships, and individuality for UAMs because those needs are usually overlooked, and only the safety principle is recognized, which is considered insufficient. Therefore, the study urges more research to be conducted on the psychological state of the minor and the right to be seen and heard as unique individuals and valued members of the community, not just children who need physical protection¹⁶.

Another study examined the prevalence of PTSD in UAMs with medical solutions and effective interventions to support these vulnerable minors¹⁷.

Lack of Data:

Another issue often mentioned but rarely addressed is the lack of existing data on unaccompanied migrant children and the wrongful implications of the protection mechanisms for these children, which often leads to many difficulties in accessing essential services. There are challenges in protecting the rights of migrating children because of invisibility and the lack of child-focused policies and services. Based on several studies in many countries, data on unaccompanied children is constantly lacking. In a study about unaccompanied Pakistani children in Greece, it is stated that little information is available on unaccompanied migrant children who are not present in the child protection system of the EU. Eurostat also lacks comparable data on unaccompanied children who are not present in the asylum procedure.¹⁸ In a report published by Frontex, it was proven that member states provided incomplete and sometimes misleading data about unaccompanied children because their numbers are difficult to estimate as they are not part of the member's state regular data collection.¹⁹

¹⁶ “Recognition in the Lives of Unaccompanied Children and Youth: A Review of the Key European Literature - Kauhanen - 2020 - Child & Family Social Work - Wiley Online Library,” accessed July 28, 2023, <https://onlinelibrary.wiley.com/doi/full/10.1111/cfs.12772>.

¹⁷ Charles Oberg and Hayley Sharma, “Post-Traumatic Stress Disorder in Unaccompanied Refugee Minors: Prevalence, Contributing and Protective Factors, and Effective Interventions: A Scoping Review,” *Children* 10, no. 6 (May 26, 2023): 941, <https://doi.org/10.3390/children10060941>.

¹⁸ Michael O’Flaherty, ed., “Unaccompanied Children Outside the Child Protection System – Case Study: Pakistani Children in Greece,” *European Union Agency for Fundamental Rights*, 2021, 78, https://fra.europa.eu/sites/default/files/2021-12/fra-2021-unaccompanied-children-greece_en.pdf.

¹⁹ “Unaccompanied Minors in the Migration Process” (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, 2010).

The case of the UK is a clear example where the system is complex, getting legal advice is difficult, and the unrecorded administrative decisions made in multiple locations all contribute to the difficulty of monitoring what is happening regarding unaccompanied migrant children²⁰. Most of the data on the global migration of unaccompanied minors is derived from asylum applications filed by these minors specifically. This data coming from asylum applications is likely to be underestimated.²¹

An accurate collection of data, government Accountability, and public perception of migration are related, particularly concerning data on child migrants.²²

All these studies insist on the importance of having accurate data in order to understand the experiences and motivations of migrant children to address their specific needs and do a better job regarding their protection²³. Consequently, there is a constant need to provide a quantitative and geographical framework for unaccompanied minor migrants due to the increase in their number²⁴.

Uncertain Legal Status

Different studies have shown that European receiving countries practice all forms of discrimination and exclusion against irregular migrants in the economic and social sectors, infringing on their Human rights.²⁵

All that was stated implies to adults and children. Children are the most venerable category of migrants, and it is agreed upon between jurists, researchers, and migration experts that the protection of migrant children has gaps and challenges that must be addressed²⁶. In irregular

²⁰ Devyani Prabhat, Ann Singleton, and Robbie Eyles, “Age Is Just a Number? Supporting Migrant Young People with Precarious Legal Status in the UK,” *The International Journal of Children’s Rights* 27, no. 2 (May 10, 2019): 228–50, <https://doi.org/10.1163/15718182-02702007>.

²¹ Susanna Corona Maioli et al., “International Migration of Unaccompanied Minors: Trends, Health Risks, and Legal Protection,” *The Lancet Child & Adolescent Health* 5, no. 12 (December 2021): 3, [https://doi.org/10.1016/S2352-4642\(21\)00194-2](https://doi.org/10.1016/S2352-4642(21)00194-2).

²² *Ibid.*, 4.

²³ Professor Siobhán Mullally and Claire Raissian, “A Child Rights Response to Child Migration and Migrant Children at Risk,” *Irish Centre for Human Rights*, 2019.

²⁴ Corona Maioli et al., “International Migration of Unaccompanied Minors.”

²⁵ Khalidi Fatiha, “The Effectiveness of International Protection to Stop the Violation of the Rights of Irregular Migrants in European Countries,” 2602-7380, no. 3 (2019).

²⁶ Michael O’Flaherty, “Unaccompanied Children Outside the Child Protection System – Case Study: Pakistani Children in Greece,” 67; Professor Siobhán Mullally and Claire Raissian, “A Child Rights Response to Child Migration and Migrant Children at Risk.”

migration situations, children are falling between the gaps in national protection systems²⁷, and their fundamental social rights are frequently restricted due to migration control interests that override their best interests²⁸.

The best interest of children is frequently overridden by migration control interests resulting in the restriction of their fundamental social rights. In many cases, undocumented children are excluded from general child protection policies and subjected to the same treatment as their parents²⁹. This is why it was stressed that the Human Rights of migrants must meet and synchronize with the Human Rights of Children in different treaties.³⁰

When it comes to the problems within the Child Rights Convention, which is considered the main instrument that protects these minors, a study showcased that this convention does not specifically acknowledge the difficulties faced by UAMs and does not distinguish between their painful childhoods and those experienced by minors who are accompanied³¹.

In addition, based on some of the cases dealt with by the European Court of Human Rights, a study concluded that competent authorities in some European countries are violating the rights of vulnerable migrants despite the guarantees provided by the European Human Rights System³².

The more significant issue is when the child is unaccompanied. The European national legal frameworks and government policies are constantly in conflict regarding unaccompanied and separated children migrating to Europe.³³ Case studies on unaccompanied migrant children were conducted in many countries, such as Mexico, the United States, and some European countries, such as Greece, Malta, and Italy.

²⁷ Joseph Lelliott, "Unaccompanied Children in Limbo: The Causes and Consequences of Uncertain Legal Status," *International Journal of Refugee Law* 34, no. 1 (August 3, 2022): 1–30, <https://doi.org/10.1093/ijrl/eeac024>; Jyothi Kanics et al., eds., *Migrating Alone: Unaccompanied and Separated Children's Migration to Europe* (Paris, France: Unesco Pub, 2010).

²⁸ Platform for International Cooperation on Undocumented Migrants, "Rights of Accompanied Children in an Irregular Situation," November 2011.

²⁹ Platform for International Cooperation on Undocumented Migrants, "Rights of Accompanied Children in an Irregular Situation," November 2011

³⁰ Papoutsis, "The Protection of Unaccompanied Migrant Minors Under International Human Rights Law: Revisiting Old Concepts and Confronting New Challenges in Modern Migrant Flows," 221.

³¹ Crystal J. Gates, "Working toward a Global Discourse on Children's Rights: The Problem of Unaccompanied Children and the International Response to Their Plight," *Indiana Journal of Global Legal Studies* 7, no. 1 (1999): 299–334, <https://www.jstor.org/stable/20644729>.

³² Mehdawi Abed El Kader, "European System for the Protection of Irregular Migrant Children," 2018.

³³ Jyothi Kanics et al., eds., *Migrating Alone: Unaccompanied and Separated Children's Migration to Europe* (Paris, France: Unesco Pub, 2010).

The uncertain legal status can lead to many difficulties in these children's life. Previous studies all stated that the negative effect of being stuck in a pending legal status would result in a predicament in accessing essential services³⁴. It's often noted but rarely addressed that unaccompanied children experience uncertainty about their legal status when arriving in foreign countries³⁵. The typical consequence is the lack of solutions that offer certainty and pathways to legal status since unaccompanied children's legal status is considered a secondary concern to the State.³⁶

Family Reunification:

A study was made in 2005 to showcase how European Provisions are weak when addressing the needs of UAMs properly. Throughout the study, the author focused on showing the gaps in migration policies, among them was the family reunification policy which was described as disappointing and lacking for the proper protection that ensures the right to family reunification for children³⁷.

Studies also proved that the negative impact of parental separation may include emotional withdrawal, feelings of abandonment and depression. This is to highlight the negative effects of family separation and the importance for states to work on family reunification for UAMs³⁸.

A study also argued that although there is no international legal framework which guarantees the right to family life for UAMs. Therefore, the policies of states remained a main obstacle affecting the implementation of such rights³⁹. Consequently, there is a tension between Human Rights and state sovereignty when it comes to family reunification for people in third world countries⁴⁰.

³⁴ Joseph Lelliott, "Unaccompanied Children in Limbo: The Causes and Consequences of Uncertain Legal Status," *International Journal of Refugee Law* 34, no. 1 (August 3, 2022): 7, <https://doi.org/10.1093/ijrl/eeac024>.

³⁵ Prabhat, Singleton, and Eyles, "Age Is Just a Number?," 236.

³⁶ Lelliott, "Unaccompanied Children in Limbo," 3.

³⁷ David Ingleby, "Meeting the Needs of Young Asylum Seekers: The Role of Creative Activities," January 1, 2005.

³⁸ Carola Suárez-Orozco, Hee Jin Bang, and Ha Yeon Kim, "I Felt Like My Heart Was Staying Behind: Psychological Implications of Family Separations & Reunifications for Immigrant Youth," *Journal of Adolescent Research* 26, no. 2 (March 1, 2011): 222–57, <https://doi.org/10.1177/0743558410376830>.

³⁹ "Arendt's Children: Do Today's Migrant Children Have a Right to Have Rights?," *Journal of Human Rights Quarterly*, Vol. 31, No. 2, 2009, 410–51.

⁴⁰ Gallya Lahav, "International Versus National Constraints in Family-Reunification Migration Policy" Vol. 3, No. 3 (Sept.–Dec. 1997) (n.d.): 349–72.

Limited access to basic services:

A study about Pakistani unaccompanied migrant children in Greece demonstrated the limited access to healthcare for these children, stating that unaccompanied children who were not registered had no access to primary healthcare⁴¹.

It is clearly apparent that what all those studies have in common is the fact that there is a lot of work that needs to be done to ensure better protection for unaccompanied migrant minors. The lack of legal responsibility, harsh migration policies, and difficulty accessing essential services must be addressed and solved.

Italian Level:

The phenomenon of UAMs arriving in Italy has drawn notable attention from scholars and policymakers. Studies on the political and social analysis of the situation of UAMs in Italy explored their presence, characteristics, migratory projects, and social procedures. It highlights the need to understand the worlds of origin of UAMs and not condescendingly treat their reception⁴². Some studies showcased a general overview of the policies and practices for UAMs in Italy, describing the entry and assessment procedures, age assessment, legal guardianship, reception and care arrangements, and the procedures when the UAM reaches the age of adulthood, without providing a comprehensive analysis of the challenges and complexities associated with the presence of UAM in Italy. For example, there is no discussion of these minors' potential risks and vulnerabilities⁴³.

Another study highlights the importance of the international protection of UAMs, it filled the gaps of the previous research describing how these minors face unique challenges due to their

⁴¹ Michael O’Flaherty, “Unaccompanied Children Outside the Child Protection System – Case Study: Pakistani Children in Greece,” 21.

⁴² Marco Accorinti, “Unaccompanied Foreign Minors in Italy: A Political and Social Analysis,” accessed July 26, 2023,

https://www.academia.edu/29231691/Unaccompanied_foreign_minors_in_Italy_A_political_and_social_analysis.

⁴³ Marco Accorinti, “Unaccompanied Foreign Minors in Italy: Procedures and Practices,” *Review of History and Political Science* 3, no. 1 (2015),

https://www.academia.edu/15361818/Unaccompanied_Foreign_Minors_in_Italy_Procedures_and_Practices.

lack of assistance and representation by guardians, making them more vulnerable to exploitation and marginalization⁴⁴ .

Studies were also made related to the impact of the pandemic on UAMs in Italy. It was stated that these minors faced additional challenges due to stricter immigration policies and resource constraints. Moreover, the pandemic has further impacted their access to rights and integration. Having access to education, health and legal processes are disrupted, which led to symbological and integration effects⁴⁵.

Consequently, these studies provided essential insights into the situation of UAMs from all nationalities arriving in Italy. Some of these studies encouraged a better understanding of UAM's backgrounds and showcased the vulnerability of these minors. It also shed light on the importance of sociological perspectives and knowledge in addressing migration-related challenges, allowing a deeper understanding of the social, cultural, and political factors that influence UAM's migration.

Tunisian Minors in Italy:

The phenomenon of irregular migration of Tunisian UAMs to Italy is an essential issue with extensive consequences for the minors and the nation. However, it is challenging to find studies and analysis on this specific group of migrants. The Tunisian Forum for Economic and Social Rights published an annual report on irregular migration in 2021 where it described the decade of the Tunisian revolution from 2011 as "a decade of successive terrors" ⁴⁶ because of the tremendous amount of people who lost their lives at the Mediterranean sea trying to reach Europe for a better life. FTDES reported an increase in the number of Tunisian migrants from 7595 in 2011 to 25657 in 2021, with a noticeable increase in the number of unaccompanied children⁴⁷. Therefore, it showcased a disturbing trend in the escalation of irregular migration from Tunisia to the EU.

⁴⁴ Giovanni Valtolina, *Unaccompanied Minors in Italy. Challenges and Way Ahead*, 2014.

⁴⁵ Ravinder Barn, Roberta Teresa Di Rosa, and Theano Kallinikaki, "Unaccompanied Minors in Greece and Italy: An Exploration of the Challenges for Social Work within Tighter Immigration and Resource Constraints in Pandemic Times," *Social Sciences* 10, no. 4 (April 2021): 134, <https://doi.org/10.3390/socsci10040134>.

⁴⁶ Tunisian Forum for Economic and Social Rights, "Annual Report on Irregular Migration-Tunisia 2021," March 2022, 2.

⁴⁷ See Table in Ibid., 8–9.

A quantitative survey conducted by FTDES, ASGI, and ASF on the living conditions and trajectories of Tunisian migrants in an irregular situation in Italy explored the control mechanisms leading to systematic repatriations of Tunisian migrants from Italy. Therefore, the research focused on a group of Tunisians who undertook irregular migration by crossing the sea to reach Italy. The study revealed that irregular migration from Tunisia to Italy is driven by a relatively homogeneous profile of young, economically disadvantaged men.

This research did not specifically address the situation of Tunisian UAMs arriving in Italy. Therefore, there is a gap in the existing research, considering that the available data focused on irregular Tunisian migrants in general, and the study was purely quantitative and lacked a specific analysis of the situation of these minors, their inadequate legal protection, and the factors that contributed to the shortcomings in the application of the legal protection frameworks made explicitly for these minors⁴⁸.

Consequently, this thesis aims to fill the existing gaps by analyzing, in the second part, the reception and treatment of Tunisian UAMs upon their arrival in Italy. It also delves into the procedures used by Italian authorities in processing these minors while also describing the inadequate treatment they often receive. In addition, this thesis seeks to identify the main factors that have led to the insufficiency in their care and support.

Research Methodology:

Research Approach:

This research is legal and multidisciplinary, integrating various disciplines and approaches to examine the legal protection of UAMs in Italy, with a special focus on Tunisian children and the factors that hinder their inadequate protection.

Using a multidisciplinary approach is crucial because the integration of the knowledge from these different disciplines will aim to explain how the lack of protection for Tunisian minors in Italy is a complex issue that is caused by a combination of factors. In addition, it can help

⁴⁸ FTDES, “A Study on the Living Conditions and Trajectories of Repatriated Tunisian Migrants in Italy,” <https://ftdes.net/en/> (blog), March 30, 2022, <https://ftdes.net/en/etude-sur-les-conditions-de-sejour-et-les-trajectoires-des-migrant-e-s-tunisien-ne-s-rapatrie-e-s-en-italie/>.

provide a more comprehensive analysis of the legal protection of Tunisian UAMs, taking into consideration the reciprocity of legal, geopolitical, sociological, and economic factors.

The thesis starts by describing the legal frameworks in place to protect these minors then it explores the different shortcomings of countries when applying these legal frameworks and finally explores the sociological, economic, and geopolitical factors affecting the protection of Tunisian UAMs in Italy.

Research Method:

The research utilized an explanatory (Descriptive and analytical) approach due to the following aspects of the thesis:

The first part of the thesis will describe all international, European, and national protection frameworks that aim to protect Tunisian UAMs. The descriptive aspect provides a detailed account of the legal provisions and measures set up at the international, European, and Italian levels. Therefore, a comprehensive overview of the existing legal protection mechanisms will be described and showcased.

The second section of the thesis conducts an analysis of the situation of Tunisian UAMs in Italy. The shortcomings in the application of the legal protection frameworks will be explained. In addition, when implementing these frameworks, the analytical aspect comes into effect, and the gaps that affect their effectiveness in providing suitable protection for minors are critically examined. Therefore, this analysis is not only limited to describing the frameworks but aims to investigate their practical application and limitations regarding Tunisian UAMs in Italy. In addition, part of the analysis will explore the factors that have led to the identified shortcomings in safeguarding the rights of Tunisian UAMs in Italy. The aspect of this research aims to understand the sociopolitical, legal, and economic factors that led to the difficulties in applying the protection frameworks efficiently.

Desk Research:

International and European conventions, European Union charters and asylum procedures directives, and Italian national laws and regulations were used to showcase the different protection frameworks for Tunisian UAMs.

The reports from the committee on the rights of the child and UNHCR provided up-to-date and insightful information on the current situation and challenges faced by Tunisian UAMs worldwide in order to gain a deeper understanding of the existing legal protection mechanisms and what needs to be improved.

The research approach used in the thesis is qualitative in nature by relying on academic papers, journals, and scholarly publications to better understand the general situation and unique challenges of UAMs.

Interviews:

The thesis will also use interviews with key informants, adding an explanatory dimension to the research. By engaging with experts in the field of migration and child protection, valuable knowledge and insights were gained on the challenges and realities faced in applying legal frameworks related to Tunisian UAMs, which supported the findings of the thesis.

Seven Interviews were successfully conducted. The overview of all conducted interviews can be found in the Annex. The list of questions can be found in the Annex as well.

Ethical Considerations:

Before conducting the interviews, the participants were informed about the purpose of the research and that their names will be mentioned in the thesis, and that the data used will be for purely academic purposes. Their permission was taken to record the interviews, and their consent was obtained. They were also assured that the recordings would be deleted after being transcribed.

Limitations:

One of the main limitations was the inability to conduct interviews with Tunisian UAMs in Italy. This limitation was caused by many practical challenges, such as the geographical distance between Tunisia (my previous location) and Italy (where the minors were present), difficulty in reaching out to relevant individuals, and limited access to resources and networks that could have facilitated contact with Tunisian UAMs in Italy.

To address these limitations, alternative qualitative sources were used, including the ones mentioned above. In addition, interviews with key informants who are experts in the migration field, child rights, and the socio-political situation in Tunisia and Italy were conducted.

Objectives:

It was mentioned previously that unaccompanied children's needs are inadequately addressed, which affects their well-being and extended-term development.

Therefore, the purpose of this study is to showcase the main issues that need to be revisited and the areas that require further development regarding the situation of Tunisian UAMs who are rarely mentioned in case studies about child migration especially since the situation in Tunisia is worsening in all aspects.

Document Structure:

The thesis is divided into two chapters. The first chapter provides an overview of the international and European laws and policies that protect the rights of UAMs. The chapter begins by discussing each child's universal human rights, then discusses the specific protections afforded to UAMs under international and European law. It also discusses the protection frameworks that have been put in place at the national level in Italy.

The second chapter focuses on the specific challenges faced by Tunisian UAMs in Italy. It begins by offering a worldwide overview of the challenges faced by unaccompanied minors. It also discusses why Tunisian minors are particularly vulnerable to exploitation by analyzing the deficiencies in the Italian protection system and the main factors leading to these deficiencies. Finally, the thesis suggests a set of recommendations to address the identified deficiencies and improve the protection and well-being of UAMs. It concludes with a concise summary of each chapter's key findings, restating the research's significance.

CHAPTER 1: EXISTING PROTECTION FRAMEWORKS FOR UNACCOMPANIED MIGRANT CHILDREN:

International human rights law introduces an independent source of obligations when dealing with migrant children, specifically unaccompanied migrant children. When dealing with these children, states have a primary responsibility to protect them under their jurisdiction by abiding by four core principles that protect the human rights of children stated by the Convention on the Rights of the Child, which is considered the primary instrument governing children's rights.

International Protection Frameworks:

The Universal Human Rights of Every Child:

Non-discrimination Principle: this principle emphasizes that children should not be discriminated against on the basis of their race, color, sex, language, religion, national or social origin, disability, birth status, or any other characteristics. It ensures equal rights and opportunities for all children⁴⁹.

The Best Interest of the Child's Principle: This principle places the child's best interests as the primary consideration in all actions and decisions concerning the child. Therefore, every decision made regarding children must take into account their well-being and safety⁵⁰.

Right to survival and development principle: every child has the right to life, survival, and development. Therefore, this implies the right of the child to have adequate nutrition, health care, education, and a safe environment for their physical, mental, and social well-being⁵¹.

⁴⁹ Ibid.,Article 2.

⁵⁰ Ibid.,Article 3(1).

⁵¹ Ibid.,Article 6.

Respect for the child's views principle: children have the right to express their opinions, have their views considered, and participate in matters affecting them. They are active participants in decisions that impact their lives⁵².

The Fundamental Human rights of Unaccompanied Minors:

Non-Refoulement:

This principle safeguards the rights of people who find themselves in the territory of another state. Article 33 of the 1951 Refugee Convention defines non-refoulement as the prohibition on States to “expel or return a refugee in any manner whatsoever to the frontiers of territories where his (or her) life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”⁵³.

The CRC does not mention this principle. However, the Committee on the Rights of the Child, in its general comment number 6, stipulates that “in fulfilling the obligations under the convention, the state shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child.”

The committee explained that “harm” by reference to article 37 of the CRC as unlawful or arbitrary deprivation of life, sentence of life without parole, or an appropriate detention⁵⁴.

Moreover, article 6 of the CRC is explained by the committee as an area where irreparable harm can take the form of “survival and development” risks, while underage military recruitment and participation in the hostilities also constitute instances of serious, irreparable harm⁵⁵. According to the committee, the responsibility of state authorities to assess the risk of serious and irreparable harm that unaccompanied children may face in case of their return must be done in an age and gender-sensitive manner⁵⁶.

⁵² Ibid., Article 12.

⁵³ UN General Assembly, Convention Relating to the Status of Refugees, July 28, 1951, Art. 33,

⁵⁴ Alice Farmer, “A Commentary on the Committee on the Rights of the Child’s Definition of Non-Refoulement for Children: Broad Protection for Fundamental Rights” 80 (2011): 41–42.

⁵⁵ “Committee on the Rights of the Child, Thirty-Ninth Session, 17 May-3 June 2005,” *Refugee Survey Quarterly* 27, no. 4 (December 1, 2008): nn. 27–28, <https://doi.org/10.1093/rsq/hdp021>.

⁵⁶ Ibid., n. 27.

The Committee also stated that the best interest of each child, determined by their special needs and vulnerabilities, shall be ensured when implementing return policies⁵⁷.

This principle is also powerfully expressed in various international instruments, such as Article 7 of the ICCPR and Article 3 of the Convention against Torture⁵⁸.

Care and Support during initial proceedings:

States should establish special care and assistance mechanisms in accordance with unaccompanied children's best interests. Therefore, all the proceedings that will take place when dealing with unaccompanied children must be done in a child-sensitive manner, especially since the child's right to life is usually threatened in such situations. According to the child's rights committee, securing the survival and development of migrant children shall be the first step taken by states toward their true care⁵⁹. Therefore, interviews, registration, and data collection should be conducted in a child-friendly environment by qualified professionals and in a language understood by the child⁶⁰.

In addition, article 20 of the CRC provides for states a primary obligation to ensure accommodation for children deprived of their families⁶¹.

UNHCR, in its guidelines on policies and procedures in dealing with unaccompanied children seeking asylum, stressed the importance of children being settled in child-friendly facilities where they can find company and specialized assistance with the priority to be given to siblings or other family relatives and compliance with the principle of family unity⁶².

Regarding detention, unaccompanied children should not be imprisoned. Therefore, article 37 of the CRC stipulates that “no child shall be deprived of his/her liberty,” and detention shall be used only “as a measure of last resort.”

⁵⁷ Ibid., n. 84.

⁵⁸ Tamás Molnár, “The Principle of Non-Refoulement under International Law: Its Inception and Evolution in a Nutshell,” 2016, 53–54., Papoutsis, “The Protection of Unaccompanied Migrant Minors Under International Human Rights Law: Revisiting Old Concepts and Confronting New Challenges in Modern Migrant Flows,” 228.

⁵⁹ “Committee on the Rights of the Child, Thirty-Ninth Session, 17 May-3 June 2005,” nn. 23–24.

⁶⁰ “Asylum Processes (Fair and Efficient Asylum Procedures),” *U.N. High Comm'r for Refugees*, May 31, 2001, n. 46.

⁶¹ United Nations General Assembly, “Convention on the Rights of the Child,” 20.

⁶² OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES GENEVA, “Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum,” February 1997, n. 7.3-7.4-7.5.

States should also ensure unaccompanied minors' full access to education based on articles 28, 29, 30, and 32⁶³.

The right to health is also guaranteed for unaccompanied children. Moreover, they shall enjoy the exact same access to the highest attainable standard of health as children who are nationals. States should ensure that all children and adolescents have access to quality, free or affordable, gender-sensitive, appropriate health-care services, including age-appropriate health-care programmes in the area of sexual and reproductive health, taking into account the needs and evolving capacities of the child;⁶⁴

Guardianship:

An effective guardianship system is significant for the protection of unaccompanied migrant children. This prerequisite is stated in the child rights convention in articles 18(2) and 20(1), where state parties are required to render assistance to parents and guardians in raising children and entitling children without family, special protection, and assistance⁶⁵. UNHCR also mentioned this notion in its guidelines on international protection⁶⁶.

These agencies stressed the importance of the role of the guardian in ensuring and promoting the child's best interests from the time of arrival at the state and their identification until the child reaches the age of majority or leaves the state's territory. The committee on the rights of the child also outlined the obligation of states to ensure that the guardian or advisor "should have the necessary expertise in the field of childcare, to ensure that the interests of the child are safeguarded and that the child's legal, social, health, psychological, material and educational needs are appropriately covered by, inter alia, the guardian acting as a link between the child and

⁶³ United Nations General Assembly, "Convention on the Rights of the Child," arts. 28-29-30-32.

⁶⁴ General Assembly, "Resolution Adopted by the General Assembly [on the Report of the Third Committee (A/69/484)] 69/157. Rights of the Child" (United Nations, December 18, 2014), n. 48(m).

⁶⁵ United Nations General Assembly, "Convention on the Rights of the Child," 18(2)-20(1).

⁶⁶ UNHCR, "Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees" (United Nations, December 22, 2009), n. 69.

existing specialist agencies/individuals who provide the continuum of care required by the child⁶⁷.”

Guardianship also consists of the representation of the unaccompanied minor in the decision-making process, “The right of children to express their views and to participate in a meaningful way is also important in the context of asylum procedures.”⁶⁸

Legal Representation and Access to Asylum Procedures:

Ensuring legal representation of migrant unaccompanied children constitutes part of the state's main obligation to establish a “functioning asylum system”⁶⁹.

A person with specialized knowledge, skills, and legal representation should be appointed for the unaccompanied child. This was stated by the Committee when “children are involved in asylum procedures or administrative or judicial proceedings, they should, in addition to the appointment of a guardian, be provided with legal representation”⁷⁰. UNHCR also encourages states to provide appropriately trained legal assistance to unaccompanied minors who will work hard to guarantee the child's best interest throughout the entire procedure⁷¹.

Article 22 of the CRC compliments refugee law in aiming to protect the essential and minimum procedural standards for a child seeking asylum. This means receiving appropriate protection and humanitarian assistance to enjoy applicable rights set forth in the Child Rights Convention and other international human rights or humanitarian instruments to which states are parties⁷².

Family Reunification:

⁶⁷ “Committee on the Rights of the Child, Thirty-Ninth Session, 17 May-3 June 2005,” n. 33.

⁶⁸ UNHCR, “Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees,” n. 70.

⁶⁹ “Committee on the Rights of the Child, Thirty-Ninth Session, 17 May-3 June 2005,” n. 64., Also Papoutsi, “The Protection of Unaccompanied Migrant Minors Under International Human Rights Law: Revisiting Old Concepts and Confronting New Challenges in Modern Migrant Flows,” 245.

⁷⁰ “Committee on the Rights of the Child, Thirty-Ninth Session, 17 May-3 June 2005,” n. 36.

⁷¹ OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES GENEVA, “Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum,” n. 4.2.

⁷² United Nations General Assembly, “Convention on the Rights of the Child,” art. 22.

The final, yet fundamental, right examined in the context of this study is the right to family reunification for unaccompanied minors. Therefore, the possibility of family reunification is the starting point of searching for a durable solution for unaccompanied children⁷³.

The Committee on the Rights of the Child also states that “all efforts should be made to return an unaccompanied or separated child to their parents except where further separation is necessary for the best interests of the child”⁷⁴. Therefore, assessments should always be conducted at any stage of the asylum procedure, based on the child's best interest, to determine whether reunification should be affected and, if so, whether it should occur in the country of origin or the host state⁷⁵.

Articles 9, 10, 20, and 22 of the CRC specify the importance of the right to family life for every child and insists on the importance of states to prioritize efforts to locate the parents and other family members of the child unless it is not the child's best interest to do so (a possibility of rejecting family reunification in the country of origin if doing so would expose the child at risk)⁷⁶. The existence of a “reasonable risk” in the country of origin can justifiably prevent the child's return and reunification with the rest of the family⁷⁷.

European Protection Frameworks:

There has been a rise in unaccompanied migrant children arriving at European borders who have been addressed as “unaccompanied minors” in the recast instruments of the common European asylum system.

These protection frameworks aim to safeguard the rights and well-being of unaccompanied migrant children through various stages, including reception, asylum procedures, protection against exploitation, and return processes. Both the general legal and policy frameworks that apply to all children and the specific instruments and directives that directly address the vulnerabilities of unaccompanied migrant minors will be presented.

General Protection Frameworks for Children in Europe:

⁷³ “Committee on the Rights of the Child, Thirty-Ninth Session, 17 May-3 June 2005,” n. 79.

⁷⁴ *Ibid.*, n. 81.

⁷⁵ *Ibid.*, nn. 82–23.

⁷⁶ United Nations General Assembly, “Convention on the Rights of the Child,” arts. 9-10-20–22.

⁷⁷ “Committee on the Rights of the Child, Thirty-Ninth Session, 17 May-3 June 2005,” n. 82.

The Lanzarote Convention:

The Council of Europe’s convention on the Protection of Children against Sexual Exploitation and Sexual Abuse protects child victims and migration situations. It emphasizes the need to ensure their safety, well-being, and access to appropriate support services and assistance⁷⁸.

Therefore, this convention recognizes the vulnerability of children, regardless of their status, to sexual exploitation and abuse and calls for specific measures to protect and support them, taking into account their unique circumstances and vulnerabilities.

The Council of Europe Convention on Action Against Trafficking in Human Beings:

The council focuses on the assistance and support provided to child victims of trafficking, including unaccompanied migrant children, highlighting the importance of providing specialized care, psychological support, and legal and social assistance tailored to the specific needs of these children⁷⁹. According to the convention, member states are obligated to provide victims with access to necessary services such as medical care, counseling, legal aid, and safe accommodation.

European Convention on Human Rights:

The European Convention on human rights does not explicitly mention unaccompanied migrant children. However, it establishes fundamental principles that can be invoked to protect the right of children, such as the right to life⁸⁰, prohibition of torture and inhuman or degrading

⁷⁸ Susan H. Bitensky, “Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse,” *International Legal Materials* 49, no. 6 (December 2010): art. 9, <https://doi.org/10.5305/intelegamate.49.6.1663>.

⁷⁹ Council of Europe Treaty Series, “Council of Europe Convention on Action against Trafficking in Human Beings,” 2005, art. 10.

⁸⁰ Council of Europe, “European Convention on Human Rights,” n.d., art. 2.

treatment⁸¹, right to respect for private and family life⁸², and prohibition of discrimination⁸³, etc.

European Social Charter:

This legally binding treaty protects social and economic rights in Europe. Moreover, it does not have specific articles addressing unaccompanied migrant children. Still, several general provisions can contribute to their protection, considering their vulnerability and the risk of marginalization, such as the right of children and young persons to protection⁸⁴, the right of mothers and children to social and economic protection⁸⁵, and the right to protection against poverty and social exclusion⁸⁶.

EU Charter of Fundamental Rights:

This charter is a legally binding document that sets out the fundamental rights recognized within the European Union, the European Union Agency for fundamental rights (FRA) supports and promotes the implementation of these rights. This charter does not particularly mention unaccompanied migrant children. Still, some articles are particularly relevant to the protection of children in general, including unaccompanied migrant children, such as the child's rights to protection and care⁸⁷, protection in the event of removal, expulsion, or extradition⁸⁸, and non-discrimination⁸⁹.

Specific Protection Frameworks for Unaccompanied Migrant Children in Europe:

⁸¹ Ibid., art. 3.

⁸² Ibid., art. 8.

⁸³ Ibid., art. 14.

⁸⁴ Council of Europe, "European Social Charter," 1996, art. 7.

⁸⁵ Ibid., art. 17.

⁸⁶ Ibid., art. 30.

⁸⁷ "CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION" (Official Journal of the European Communities, 2008), art. 24.

⁸⁸ Ibid., art. 19.

⁸⁹ Ibid., art. 21.

Several key directives issued by the EU protect inclusively the rights of unaccompanied migrant minors and address the unique challenges these vulnerable individuals face.

European Union Reception Conditions Directive (2013/33/EU):

This directive defines “unaccompanied minor” as “a minor who arrives on the territory of the member states unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States⁹⁰.”

In addition, this directive addresses the specific needs and protection of unaccompanied minors. Some key provisions related to unaccompanied minors in this directive are the need for proper identification and documentation of unaccompanied minors while taking into account their age, maturity, and specific vulnerabilities⁹¹. This directive specifies that all migrant minors are entitled to equal access to both formal and informal education, along with language development lessons and recreational activities, with the assistance of trained personnel that is required to respect the cultural background of children and be aware of their needs⁹².

The specific requirements for guardianship are supported by the general principle of ensuring “continuity” in the guardianship of unaccompanied minors, especially in the context of return and relocation. Therefore, the directive mandates that under EU law, a child’s representative shall be changed only when necessary⁹³ and should always ensure the minor’s well-being and best interest⁹⁴.

The directive also stressed using detention only in exceptional circumstances, the importance of combining all efforts to release detained unaccompanied minors in the fastest period, and the instructions on how to deal with these minors—for example, taking into account the needs of their age and them being separated from adults⁹⁵. However, according to the directive,

⁹⁰ “Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 Laying down Standards for the Reception of Applicants for International Protection,” *Official Journal of the European Union*, n.d., art. 2 (e).

⁹¹ *Ibid.*, art. 6.

⁹² *Ibid.*, arts. 11–14.

⁹³ *Ibid.*, art. 2 (j).

⁹⁴ *Ibid.*, art. 24.

⁹⁵ *Ibid.*, art. 11(3).

unaccompanied minors aged 16 or over may be placed in accommodation centers for adult applicants if it is in their best interests⁹⁶.

The principle of family reunification is also stated in the directive. Therefore, member states should work on tracing the members of the unaccompanied minor's family after an application for international protection is made while ensuring that a child's best interest is safeguarded⁹⁷.

European Union Procedures Directive (Directive 2013/32/EU):

This directive establishes standard procedures for granting and withdrawing international protection in EU member states. In addition, it recognizes the specific vulnerabilities of unaccompanied minors and provides particular guidelines to ensure their rights are protected throughout the asylum process. The procedures include access to education, healthcare, accommodation, and other essential services.

The directive also guarantees the appointment of a legal representative or guardian to maintain the child's best interests, providing them with information and support while taking into account their age, maturity, and specific circumstances and needs when conducting interviews with them⁹⁸.

European Union Return Directive (Directive 2008/115/EC):

This directive addresses the procedures and standards for the return of irregularly staying third-country nationals. Unaccompanied minors are placed in the category of "vulnerable people."⁹⁹ The directive recognizes the specific needs of these vulnerable persons and emphasizes the principle of the child's best interest¹⁰⁰, similar to previously mentioned frameworks. Moreover, it states that the detention of minors should be a measure of last resort and for the shortest

⁹⁶ Ibid., art. 24 (2) (d).

⁹⁷ Ibid., art. 24 (3).

⁹⁸ "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 (Recast)" (Official Journal of the European Union, June 26, 2013), art. 25.

⁹⁹ "DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals" (Official Journal of the European Union, December 16, 2008), art. 3 (9).

¹⁰⁰ Ibid., art. 5.

appropriate period of time¹⁰¹ while taking into account the unique needs of the minor and giving them the special care appropriate to their age and needs.

The directive also requires member states to provide appropriate accommodation and access to education, health care¹⁰², and legal representation for minors during the return process¹⁰³.

National Protection Frameworks:

Countries have established national protection frameworks to safeguard the rights and well-being of individuals seeking international protection, focusing on vulnerable communities such as unaccompanied migrant minors . These frameworks are a combination of laws, regulations, and policies that seek to get into a fair and effective asylum process and possible opportunities for integration. Moreover, these national frameworks usually adhere to international Human Rights standards and provide a legal framework to address the needs of this vulnerable category.

Italy Laws:

Italy has established a comprehensive legal framework to ensure the protection and well-being of unaccompanied migrant children who arrive in the country. These laws ensure the access of this vulnerable category to necessary care, education, and support. The legal framework includes provisions for the appointment of guardians, age assessment procedures, and measures to promote their integration into Italian society.

Law No. 189/2002:

This law has institutionalized the organized reception measures, which led to the establishment of the SPRAR programme. Therefore, this program was created by law no 189/ 2002.

This program provides reception and integration services to vulnerable asylum seekers and ensures protection, assistance, and integration of asylum seekers to help them integrate into Italian society. It operates at the local level with the help of municipalities responsible for

¹⁰¹ Ibid., art. 15.

¹⁰² Ibid., art. 14.

¹⁰³ Ibid., art. 13.

implementing it. These entities established reception centers and collaborated with nonprofit organizations to provide services and support.

Unaccompanied migrant minors receive legal assistance and representation under this system. This includes supporting and navigating the asylum process, understanding the rights under Italian, European, and international law, and accessing legal aid.

Each unaccompanied minor is assigned a tutor or guardian. This guardian is considered their legal representative and an advocate for their rights, responsible for ensuring the minor's best interests in every step of the asylum process.

SPRAR system provides unaccompanied minors with suitable accommodation¹⁰⁴ in specialized reception centers. These centers are designed to fulfill minors' specific needs and ensure their physical and psychological well-being.

Unaccompanied minors also have access to healthcare services to meet their medical needs under the system. This includes regular medical checkups and vaccinations. Trained medical professionals within the reception centers provide this kind of healthcare support¹⁰⁵.

The SPRAR system ensures unaccompanied migrant minors can access education and vocational training opportunities. They are enrolled in schools or given an alternative education program to develop their language skills and continue their education. Vocational trainings are provided to help them equip the correct skills for future employment¹⁰⁶.

These minors often require psychological support for trauma and challenges they have experienced. Therefore, the system offers counseling, psychological assistance, and activities to address emotional well-being, as well as activities that provide interaction with local communities and support them in building social networks to empower them to participate actively in Italian society.

Law No. 47/2017:

This law is also known as Zampa's Law. It is an essential piece of legislation in Italy that addresses immigration and international protection. It is also known as the "Law on the

¹⁰⁴ "System for the Protection of Asylum Seekers and Refugees SPRAR" (Ministero Dell 'Interno, n.d.), 2.

¹⁰⁵ Ibid., 2–5.

¹⁰⁶ Ibid., 1–2–6.

Protection of Unaccompanied Migrant Children” and includes provisions for this vulnerable category. This law referred to these children as “unaccompanied foreign minors”. It specified that they are “holders of the rights concerning children’s protection and enjoy equal treatment with minors of Italian or European citizenship”¹⁰⁷.

This law recognizes the need for cooperation and data sharing among different authorities involved in the protection of unaccompanied foreign minors¹⁰⁸. This includes law enforcement agencies, guardianship authorities, and social services. The highlights of this law will be presented below:

Best Interest of Unaccompanied Minors:

This law emphasizes the principle of the child's best interests; it states that any measure or procedure related to these children should prioritize their well-being, development, and integration into society. The best interest of the child should be taken into account when conducting family tracing¹⁰⁹, family reunification¹¹⁰, and international cooperation¹¹¹.

Unaccompanied minors also have the right to health and education before obtaining a residence permit¹¹².

This law promotes access to education, vocational training, and language courses to facilitate the integration of unaccompanied foreign minors into Italian society in order “to gain autonomy”¹¹³. It recognizes that providing education¹¹⁴ and skill development opportunities is essential for these minors' long-term well-being and success. Therefore, the new law also introduced measures concerning the right to education and health by giving UAMs the opportunity to enroll in the National Health Service not only after the issuing of the residence permit, but also during the release process of the permit. This is also applied for UAMs who became adults before the end of the study courses¹¹⁵.

¹⁰⁷ The Chamber of Deputies and the Senate of the Republic, “Law No. 47 Provisions on Protective Measures for Unaccompanied Foreign Minors,” April 7, 2017, art. 1.

¹⁰⁸ Ibid., art. 7.

¹⁰⁹ Ibid., art. 6.

¹¹⁰ Ibid., art. 8.

¹¹¹ Ibid., art. 20.

¹¹² Ibid., art. 14(1).

¹¹³ Ibid., art. 13 (2).

¹¹⁴ Ibid., art. 14.

¹¹⁵ Ibid.

These minors also have the right to be heard in all judicial and administrative proceedings¹¹⁶, and the right to appoint legal counsel they trust to handle all procedures related to them.

Prohibition of Refoulment and Granting of Residence Permits:

This law specifies that foreign unaccompanied minors will never be rejected at the border. Moreover, refoulment and expulsion are prohibited¹¹⁷. In these situations, the local city administrator must grant the foreign minor a residence permit¹¹⁸. This permit must also be given to unaccompanied foreign minors 14 years of age or younger or to minors under the custody of an Italian citizen with whom they live. Minors older than 14 can be granted this permit if they're in the custody of and residing with foreigners who are legal residents of Italy¹¹⁹. In very exceptional cases, a foreign minor can be expelled based on the decision from the juvenile court; this can be possible if the minor won't be subject to risk or severe damage.¹²⁰

Identification of Foreign Unaccompanied Minors and Determination of Their Status:

When a foreign unaccompanied minor first comes into contact with a government official, the official must investigate the minor's personal and family history to determine the best way to protect this minor¹²¹. A "Cultural mediator" must be present during the interviews with the minor. This mediator is a person with a professional degree from an Italian institution of higher education who is trained to assist in communication between people from different cultures. The public security authorities, with cultural mediators and a temporary guardian assigned to the minor, will interview the minor for identity determination after providing humanitarian assistance¹²².

The law also states that diplomatic and consular authorities must collaborate with the other responsible officials to determine the minor's age. Still, the condition of this operation must not cause any risk or danger to the minor.

¹¹⁶ Ibid., art. 15(1).

¹¹⁷ Ibid., art. 3(1)a-3(1)b.

¹¹⁸ Ibid., art. 10(1)(a).

¹¹⁹ Ibid., art. 10(1)(b).

¹²⁰ Ibid., art. 3(1)a-3(1)b.

¹²¹ Ibid., art. 5(1).

¹²² Ibid., art. 5(3).

Family Investigation and Foster Placement or Repatriation:

According to the law, Government agencies will work together to investigate whether the minor has any suitable family members who can take care of them. The minor will be placed with foster families if there are no willing and able family members¹²³. Local government entities can promote the designation of foster families to whom juvenile courts can entrust the care of foreign unaccompanied minors¹²⁴. The local juvenile court will order the assisted and voluntary repatriation of the minor if the reunion with the family in the country of origin or a third country is in the child's best interests¹²⁵.

Trafficking:

This law states that authorities must pay close attention to prevent human trafficking. According to this law, the minor must receive professional assistance from respective authorities if he is subjected to human trafficking. Moreover, the child will be given specific assistance program that ensures an adequate psychosocial and health assistance to provide long term solutions even if they reach the age of majority¹²⁶.

Tunisian Laws:

Tunisia does not have any specific law that protects unaccompanied migrant minors when they arrive in Italy. Therefore, Italian law is applied to Tunisian minors who migrate alone to Italy. However, while it's true that Italian law is typically applied to Tunisian migrants upon their arrival in Italy, in cases related to human trafficking, the appropriate application of Tunisian law may be warranted.

Tunisian anti-trafficking law is applicable to Tunisian minors outside of Tunisia. The purpose of this law is to provide a comprehensive protection and support to victims of trafficking including

¹²³ Ibid., art. 6(2).

¹²⁴ Ibid., art. 7(1).

¹²⁵ Ibid., art. 8(1).

¹²⁶ Ibid., art. 17.

minors and according to article 27 of this law: “the Tunisian courts shall have jurisdiction over a fence related to human trafficking stipulated in the law and offense is connected to it, committed outside the national territory in the following cases: if the offense is committed by a Tunisian citizen or if the victim is of Tunisia nationality”¹²⁷. This law defines trafficking as “the recruitment, the transport, the transfer, the repatriation, the accommodation or the reception of persons, by the use or the threat of use of the force or the weapons or all other forms of coercion, kidnapping, fraud, deception, abuse of authority or a situation of vulnerability or by offering or accepting money or benefits or donations or pledges in order to obtain the consent of any person having authority over another for the purpose of exploitation, in whatever form, whether the exploitation is committed by the perpetrator of those facts or in order to make that person available third party”¹²⁸.

¹²⁷ “Tunisian Human Trafficking Law,” 2016, art. 27, <https://learningpartnership.org/sites/default/files/resources/pdfs/Tunisia-Human-Trafficking-Law-2016-Arabic.pdf>.

¹²⁸ “Organic Law on the Prevention and Fight against Trafficking in Persons, 2016,” art. 2(1), accessed July 4, 2023, <https://ihl-databases.icrc.org/en/national-practice/organic-law-prevention-and-fight-against-trafficking-persons-2016>.

CHAPTER 2: CRITICAL ANALYSIS OF THE SITUATION OF UNACCOMPANIED MINORS: THE CASE OF TUNISIAN MINORS ARRIVING IN ITALY

Deficiencies In The Application Of Protection Frameworks: A Worldwide Overview:

As a general overview, this part begins by delving into the presented topic by laying out a broad perspective to set the context. Starting with a general overview is a crucial approach that showcases the importance of understanding the broader context and shortcomings that usually happen worldwide before delving into a specific case study. Therefore, by gaining a comprehensive understanding of the general situation of UAMs, a solid foundation can be established that aids in the interpretation and analysis of the case study that is going to be presented in the next part. Furthermore, discovering common patterns and challenges from a broader perspective allows us to define possible connections that might go hand in hand with the case study.

In this part, the thesis will describe the general deficiencies and challenges that are happening worldwide concerning UAMs, whose numbers are tremendously increasing, before delving into the case study of Tunisian UAMs in Italy. Moreover, it is notable to recognize that these shortcomings are prevalent across various regions and contexts.

Family Reunification:

The right to respect for family life is present in numerous international and European human rights treaties¹²⁹.

In the context of family reunification procedures, unaccompanied children, often get in contact with actors that do not always have the appropriate expertise and skills to interact with

¹²⁹ United Nations General Assembly, “Convention on the Rights of the Child,” arts. 9–16.; Council of Europe, “European Social Charter,” no. 163.; Council of Europe, “European Convention on Human Rights,” art. 8.; “Charter of Fundamental Rights of the European Union,” art. 7.

children¹³⁰. In addition, unaccompanied minors who have been granted protection usually face limited access to family reunification compared to refugees. For example, family reunification policies in some countries may have restrictive definitions of family members making it hard for UAMs to reunite with their families¹³¹. Documentation and integration requirements are usually challenging for UAMs. Therefore, meeting the requirements of documentation can be challenging which might lead to some delays and obstacles in the reunification process.

Detention:

Detention practices and hostile migration policies have significant implications on the well-being and rights of unaccompanied migrant children.

Detention of children threatens their well-being and causes a specific negative impact on children. Therefore, children experience high levels of stress, depression, and anxiety, which can lifelong affect their cognitive and emotional development¹³².

One of the biggest challenges faced by unaccompanied migrant children is that, too often, migration control interests take over the child's best interests. Moreover, many countries neglect the child's best interests by detaining unaccompanied children as a means of immigration control. As previously mentioned, it is essential to recognize that detention should be a measure of last resort, and the alternatives should be considered a priority.

It was concluded that children in detention suffer violations of their fundamental rights; the conditions under which they live are frequently inhuman, including a lack of basic medical care. Physical abuse is also common, as well as sexual abuse.

Children are kept in centers that are usually poorly equipped to house children, and because of that, there have been reports of suicides, violence, and overcrowding¹³³.

¹³⁰ “Family Reunification for Refugee and Migrant Children – Standards and Promising Practices,” Council of Europe Publishing, accessed July 30, 2023, <https://edoc.coe.int/en/refugees/8183-family-reunification-for-refugee-and-migrant-children-standards-and-promising-practices.html>.

¹³¹ Matthias Mertens, “Key Challenges & Policy Options on Right to Family Reunification of Beneficiaries of International Protection,” *Migration Policy Group* (blog), June 29, 2023, <https://www.migpolgroup.com/index.php/2023/06/29/key-challenges-policy-options-on-right-to-family-reunification-of-beneficiaries-of-international-protection/>.

¹³² Lelliott, “Unaccompanied Children in Limbo,” 29.

¹³³ Kanics et al., *Migrating Alone*, 29.

It is essential to mention that migrants' children's protection under the CRC is equal to any protection under the CRC. Therefore, rights such as the right to freedom of expression, freedom of thought, freedom of association, and privacy and access to information or extremely important. Freedom of association is often neglected and denied to children who work.

Inconsistent Age Assessment Procedures:

Accurate age determination is essential for identifying unaccompanied migrant children to provide them with appropriate protection¹³⁴. However, inconsistencies and flaws in each assessment procedure are still present and pull a significant shortcoming in the application of international protection frameworks. This is usually caused by inadequate training of officials and the absence of guidelines that contribute to a reliable age determination outcome which may lead to potential misidentification and denial of protection to those who need it.

It should be noted that there are a lot of shortcomings in the age assessment procedures. One of the major shortcomings is the lack of standardized methods and guidelines for age assessment procedures worldwide, which leads to inconsistencies and different practices causing inaccurate results. Without standardized procedures, subjective judgments and biases can influence the age-determination process¹³⁵.

Age assessment methods can be dental examinations, skeletal X-rays, and interviews. These methods are sometimes flawed, leading to inaccurate determinations. For example, dental examination and skeletal X-rays, which are commonly used, have been criticized for their lack of precision and contain a high margin of error¹³⁶.

In addition, it should be noted that age assessment procedures usually lack a child-centered approach. Most of the time, people who conduct these tests fail to consider the child's best interest, focusing on the emphasis on chronological age alone and overlooking the child's vulnerabilities and individual needs, which is a violation of the Child Rights Convention.

¹³⁴ “Age Assessment for Children in Migration-a Human Rights-Based Approach” (Council of Europe, December 2019), 7, www.coe.int/children.

¹³⁵ *Ibid.*, 9.

¹³⁶ Ranit Mishori, “The Use of Age Assessment in the Context of Child Migration: Imprecise, Inaccurate, Inconclusive and Endangers Children’s Rights,” *Children* 6, no. 7 (July 2019): 85, <https://doi.org/10.3390/children6070085>.

In conclusion, when a child is misidentified, they are at higher risk of being detained with adults, subjected to violence, especially sexual exploitation, becoming a victim of trafficking or forced labor, and being involved in activities for survival reasons¹³⁷.

Limited Access to Education:

No single international legal framework specifically addresses the education of unaccompanied migrant children. This matter is addressed in several different instruments, including the CRC, the refugee convention, and the European Convention on human rights, all containing some general information on education for children. However, the problem is that these provisions are often vague, and there is no clear consensus on how they should be applied or interpreted in the context of unaccompanied migrant children.

Many countries lack the resources to provide adequate education to all children, including unaccompanied migrant children. This is usually caused by large influxes of unaccompanied migrant children, which may result in them being placed in overcrowded classrooms, taught by unqualified teachers, and sometimes denied access to essential educational resources.

In addition, unaccompanied migrant children might need additional support services in order to succeed in school. These services include translation, counseling, and accessing social services. Moreover, these services are sometimes unavailable, resulting in the struggle of unaccompanied migrant children to cope with the challenges of living in a new country and attending school in a new language.

Children may also face discrimination and stigmatization. Therefore, stereotypes and negative attitudes towards migrants can create a hostile environment which will affect their social inclusion and integration into schools and communities. Discrimination can take many forms, such as verbal abuse, physical violence, and exclusion from school activities. Such discriminatory practices restrict their educational opportunities and will hinder their long-term prospects.

Legal Limbo:

¹³⁷ “Age Assessment for Children in Migration-a Human Rights-Based Approach,” 9.

While international legal instruments, such as the Convention on the Rights of the Child (CRC), provide a framework for the protection of children's rights, there are gaps in implementation. Moreover, some countries lack specific legislation or policies addressing the unique needs and vulnerabilities of unaccompanied migrant children. Therefore, unaccompanied migrant children seeking international protection often have uncertain legal status in countries outside their own, which may be an essential factor in discouraging them from pursuing protection claims and might lead to negative consequences.

Legal Limbo for unaccompanied migrant children refers to a situation where these children become uncertain and lack legal clarity regarding their status as migrants and their future. This situation happens when there is a delay or absence of a clear legal process to determine their future, often caused by complex migration systems or policy changes.

In some states, the legal status afforded to unaccompanied children expires when they become adults, exposing those transitioning to adulthood to new risks and uncertainties¹³⁸.

The UN Committee on the Rights of the Child observes that children between the ages of 15 and 18 are often provided lower levels of protection because they are often considered adults or are left with ambiguous migration status until they reach 18¹³⁹.

States often consider unaccompanied children's legal status as a secondary concern. Moreover, they tend to focus on the children's basic needs and survival and usually neglect their legal status¹⁴⁰. This is considered a significant issue because a lack of secure legal status can prevent unaccompanied children from accessing adequate healthcare. It can lead to their placement in detention facilities where they might suffer abuse and exploitation. In addition, the most direct outcome of legal limbo is the impact of uncertainty on the mental and emotional well-being of individuals¹⁴¹.

Integration into the new society is one of the most critical elements for a child. Without a clear legal status, unaccompanied migrant children may struggle to integrate into their new communities and access social support networks. This can cause social isolation, exclusion, and obstacles in building relationships to integrate better.

¹³⁸ Lelliott, "Unaccompanied Children in Limbo," 2.

¹³⁹ "Committee on the Rights of the Child, Thirty-Ninth Session, 17 May-3 June 2005," art. 89.

¹⁴⁰ Lelliott, "Unaccompanied Children in Limbo," 3.

¹⁴¹ *Ibid.*, 7.

Inadequate Guardianship Systems:

As previously mentioned, a guardian should be appointed for the unaccompanied migrant children to safeguard their rights and best interest.

The guardianship system for unaccompanied migrant children is designed to provide care, support, and protection for children who arrive in a new country alone, without their legal guardians. However, this system has several shortcomings that affect its effectiveness and influence the well-being and rights of these children.

Guardians appointed to look out for the well-being of unaccompanied migrant children often lack the necessary training and skills to fulfill their responsibilities in a suitable manner. Many guardians lack experience or expertise in child protection, migration, and cultural sensitivity, affecting their ability to understand and address the unique needs and challenges of unaccompanied migrant children¹⁴².

In addition, the guardianship system faces challenges in ensuring a smooth transition to adulthood for unaccompanied migrant children who reach the age of majority during their guardianship. This is mainly due to insufficient planning and support for their transition to independent living, education, and employment, which can leave them vulnerable in their transition to adulthood and cause long-term issues regarding their social integration.

Serious concerns have been raised in some countries, such as Spain, regarding children under the guardianship system who are evicted from protection centers once they turn 18, even if they have not been documented or received a residence permit. In this case, children are left on the streets, homeless and undocumented¹⁴³.

The guardianship system sometimes lacks monitoring and oversight mechanisms. If the guardianship system lacks clarity and consistency, unaccompanied migrant children are at risk of abuse and exploitation. Therefore, insufficient supervision and follow-up on the actions and

¹⁴² “Legal Representation of Unaccompanied Children, Cyprus,” *Asylum Information Database | European Council on Refugees and Exiles* (blog), accessed July 14, 2023, <https://asylumineurope.org/reports/country/Cyprus/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>.

¹⁴³ “Legal Representation of Unaccompanied Children, Spain,” *Asylum Information Database | European Council on Refugees and Exiles* (blog), accessed July 14, 2023, <https://asylumineurope.org/reports/country/Spain/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>.

decisions of the guardians may cause potential threats to the children under their care resulting in possible violations of children's rights.

Tunisian Minors In Italy: A Detailed Overview

Preceding the initiation of the explanation, it should be noted that Italian law refers to unaccompanied children as “unaccompanied minors.” Therefore, “minor” will be used in the following paragraphs instead of “child.”

The previous part presented a detailed examination of the current laws and their vulnerabilities in the context of unaccompanied minors worldwide. Moreover, the challenges associated with applying these laws effectively were discussed, and the issues that arise when it comes to protecting the rights of unaccompanied minors were explored.

In this chapter, the focus will be shifted to the case of Tunisian unaccompanied minors arriving in Italy. Specifically, how these laws are applied in practice, shedding light on why they often fail to be adequately implemented. After exploring the underlying reasons for the lack of proper application, a comprehensive understanding of the challenges that affect the protection of the rights of these vulnerable minors will be discovered.

A Legal Overview:

Law Provisions:

Notably, Italian Law No: 47/2017 is considered a good model for addressing the needs of unaccompanied migrant minors due to its comprehensive legal framework that recognizes the rights of these minors based on the principle of the best interest of the child, access to asylum procedures, guardianship, and legal representation, protection against exploitation, transparent age assessment.

It should be noted that this law filled so many gaps in protecting UAMs in Italy and introduced provisions for age assessment procedures and legal status. However, some concerns were expressed about the effective implementation of some provisions due to the lack of funding and serious gaps in the reception system.

The law has made some good improvements in age assessment procedures; Italian authorities often use medical examinations like X-rays to determine the age of undocumented minors, but this method has a significant margin of error. Therefore, the issue was addressed by allowing the judicial authority to order social and medical age assessments in cases of doubt. In addition, age assessments must be conducted with a multidisciplinary approach by professionals with expertise. The result of the age assessment should indicate the margin of error, and the final decision on age must be issued to both the individual and their guardian if they want to appeal. Swift access to the asylum procedure is crucial in ensuring the protection of UAMs. Before the new law entered into force, UAMs could submit an asylum application only if their guardian confirmed it. Therefore these minors were prevented from applying an asylum application for a very long time due to the delay in the appointment of a guardian. The new law allows them to submit an asylum application before the appointment of a guardian, which reduces the length of the procedure for Dublin family reunification and relocations (a request to join family members who have already been granted asylum or protection in a specific EU member state), which will open the way for an increase in the legal transfers of unaccompanied minors to other EU states. The new law simplified the procedures for the issue of residence permits to non-asylum-seeking UAMs and a residence permit for employment or study when they reach the age of adulthood. Unlike many countries, the Italian law concerning unaccompanied migrant minors offers a significant advantage for minors when they reach adulthood. Therefore, minors can secure their status to become regular migrants when they turn 18. This provision is not present in countries like France and Spain, which do not guarantee means of regularization for these minors after the age of adulthood (key informant interview-Majdi Karbai).

It also provided a list of volunteer guardians for UAMs, forbade the return of UAMs at the border, and decided that assisted and voluntary return of these minors may be determined by a juvenile court when family reunification in the country of origin or another country is in the child's best interest after listening to the child and guardian's opinion and doing a social assessment for the child and the family.

Gaps in Implementation:

Italian law is good in theory but has shortcomings in practice (key informant interviews-Romdhane Ben Amor-Majdi Karbai). The main legal provisions not being applied at all or adequately in protecting unaccompanied Tunisian minors are the appointment of a guardian for the minor and the age identification procedures (key informant interview-Anna Brambilla). Zampa law also introduced minimal changes in the reception system, not addressing the serious gaps that make many UAMs placed in inappropriate reception centers or outside the protection system. This law allows UAMs to be placed in four different types of facilities: governmental first reception centers, SPRAR; if there are no places within either the governmental first reception centers or the SPRAR, the municipality where the child is staying must place him in a children's residential facility, and if the municipality is not able to provide reception, children aged 14 and the above can be placed extraordinary reception centers.

At the national level, the distribution mechanism is inefficient. The governmental first reception centers and the SPRAR had an insufficient number of places for minors because of their high number, and due to this lack of places, the reception of more than 80% of UAMs in Italy was left to the municipalities. Therefore, these municipalities have to manage many minors who arrive, which might affect the quality of protection. In addition, there is a very unbalanced distribution between reception facilities which results in the emergency being worse for reception facilities that take high numbers of minors by the continuous and increasing arrivals of minors.

It should also be noted that some reception centers managed by municipalities do not cover basic needs such as food, clothing, and healthcare.

Consequently, law 47/2017 has changed the provisions regarding the reception system to a minimal extent. One notable change is the reduction of the maximum time a minor can stay in the governmental first reception center, which was reduced from 60 to 30 days. However, this change may not significantly affect the overall situation, considering the factors that affect the smooth transfer of these children remain unaddressed by the law, which might lead to longer stays in these centers.

In addition, the Zampa law states that the capacity of the SPRAR must correspond to the actual presence of UAMs, considering the resources available from the national fund for asylum policies and services. Nevertheless, no modifications have been made to the mechanisms limiting the number of SPRAR places in practice. Since many municipalities in Italy are unwilling to

participate in this system, and the new law doesn't force them to do so, the number of available places will probably remain inadequate compared to the actual number of UAMs in Italy.

The law does require SPRAR facilities to adhere to minimum standards set by legislation on residential facilities for children. Still, it fails to address discriminatory standards in governmental first and extraordinary reception centers.

Another significant shortcoming in the new law is the absence of a mechanism to ensure a fair distribution for these minors among different regions. Therefore, some regions may continue to host and manage the reception of a disproportionate number of UAMs¹⁴⁴.

Leading Factors:

The findings from the interviews with key informants showcase significant shortcomings in protecting unaccompanied migrant minors, particularly in the case of Tunisian minors arriving in Italy. Several legal and socio-political factors contributed to these shortcomings.

Nationality-Based Discrimination

In the eyes of the Italian government, Tunisian migrants are considered “fake migrants” or economic migrants (key informant interview, Anna Brambilla). The reason why Italy considers Tunisian migrants as fake asylum seekers is the belief that their home country is considered safe. This perception is based on the concept of safe countries of origin, which deems certain nations as generally safe and assumes that individuals that hold the nationality of these countries do not require international protection. Therefore, Tunisia is considered a stable country compared to Ukraine, Syria, and any other country experiencing armed conflict or widespread persecution. The Italian government also argues that Tunisian migrants may not meet the criteria for international protection under the definition of a refugee since the 1951 refugee convention

¹⁴⁴ “The New Italian Law on Unaccompanied Minors: A Model for the EU? – EU Immigration and Asylum Law and Policy,” accessed August 2, 2023, <https://eumigrationlawblog.eu/the-new-italian-law-on-unaccompanied-minors-a-model-for-the-eu/>.

requires individuals to demonstrate a well-founded fear of persecution based on factors such as race, religion, nationality, political opinion, or membership in a particular social group¹⁴⁵.

In Italy, Tunisians are also stereotyped as always linked with crimes, gangs, and drug dealing. For example, an Italian woman was murdered in Italy, and on the news, when the anchor was describing the situation, she said that a Tunisian migrant murdered the woman; the facial expressions of the anchor when explaining that the murderer was Tunisian seemed very normal as if it is something usual and expected when Tunisian commit crimes in Italy. (key informant interview-Sami Aidoudi).

Consequently, Tunisian unaccompanied migrant minors are sometimes not receiving the same treatment as other migrants based on the stereotype of fake criminal migrants, none deserving of international protection.

Both state and non-state actors do this differentiation and categorization, resulting in differential inclusion of migrants within societies and indicating unequal treatment based on nationality.

Race-Based Discrimination:

Discrimination and stigmatization of unaccompanied migrant minors is an important issue that can negatively affect these children's well-being, integration, and access to essential services. Discrimination and stigmatization can manifest in various ways, such as negative stereotypes, prejudices, and biases related to migration which can lead to marginalization, social exclusion, and limited opportunities for these children.

Unequal treatment between white migrants and Arab migrants when they arrive in Italy, is often present, especially after the beginning of the Ukrainian war, when thousands of Ukrainian UAMs came to Italy.

Ukrainians receive better treatment and better access to services than Arab migrants, especially Tunisians, and Syrians (key informant interview- Hassen Haj Messaoud), mainly because they are white.

¹⁴⁵ “Convention Relating to the Status of Refugees,” OHCHR, art. 1(2), accessed July 19, 2023, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>.

Overwhelming Wave of Migration Influx:

Law 47/2017 in Italy establishes a protection system dedicated to unaccompanied foreign minors.

However, the reception system is driven by an emergency approach, and the number of places in the reception system is insufficient for the actual number of unaccompanied minors in Italy.

A decrease in the number of available places over the years has made access to first reception facilities more complex, with prolonged stays in hotspots or, in some cases, even at disembarkation areas.

This situation often has a negative impact on the safeguarding of minors' rights. It can cause delays in the appointment of a guardian, access to education, or administrative procedures. It also increases the number of unaccompanied minors who escape to other cities and countries (key informant interview-Giulia Pellizo).

According to the Italian Ministry of Labor monthly report on unaccompanied minors, as of 31 May 2023, 20 510 UAMs are located in Italy; 8.5% of these UAMs are Tunisian. During the month of May 2023, 1.163% UAMs entered Italian territory, and 10.5% were Tunisians (second place after Egyptians)¹⁴⁶.

Because of the increasing number of unaccompanied migrant minors arriving in Italy, the reception centers are becoming overcrowded, which influences the protection of unaccompanied migrant minors. These centers, originally intended to provide temporary shelter and support, are struggling to give decent protection for unaccompanied migrant Tunisian minors, affecting the well-being and safety of these vulnerable migrants.

According to International, European, and Italian protection frameworks on unaccompanied migrant minors, children should be separated from adults in reception centers to ensure the safety and well-being of these minors. However, due to crowded reception centers for minors, new unaccompanied minors are placed with adults (key informants interview, Romdhane ben Amor, Anna Brambilla, Majdi Karbali). Because of their increased number, minors are being put in hotspots. Italy first introduced hotspots in 2015, in agreement with the European Commission to tackle significant arrivals of migrants and refugees; hotspots are the first accommodation centers with detention and repatriation facilities where migrants are placed during their arrival. The

¹⁴⁶ "Report-Msna-Mese-Maggio-2023-Eng.Pdf."

hotspot procedure usually creates a situation of difficult access to the asylum procedure, and most of the time, The first response is to detain people before analyzing individual cases¹⁴⁷. Unaccompanied minors are usually not placed in hotspots because they need specific attention, but unfortunately, due to the massive number of migration flows, UAMs are currently placed there, sometimes imprisoned. (Key informant interview, Anna Brambilla).

These unsuitable Centers for children can have detrimental effects on UAM's access to essential services such as healthcare, education, and social support. In addition, this inappropriate placement may influence their well-being and affect the process of integration into society. Some cities also struggle to find UAMs a place to stay due to limited resources. The accommodation centers for minors are either managed by the government or municipalities. In most cases, it's too expensive to operate these centers. Hence, they place them in mixed night centers where they face sexual assault and gang violence, and the services for their well-being as children are very limited (key informant interview-Anna Brambilla). This is often present in Sicily since it's the region with the highest presence rate of UAMs. (key informant interview, Majdi Karbai).

Late Adolescents Unaccompanied Minors:

According to the Italian Ministry of Labor monthly report on unaccompanied minors, as of 31 May 2023, 20 510 UAMs are located in Italy, 8.5% are Tunisian, 44.4% of them are 17 years old, 24.8% or 16 years old. Therefore, it is noticeable that the majority of UAMs are young adults¹⁴⁸. The majority of Tunisians who arrived at Italian coasts are young adults (16-17 years old). The idea of migration being viewed as a reward or accomplishment is a concept that was ingrained in their mind from childhood by their families (key informant interview, Romdhane Ben Amor). When a late adolescent arrives on the Italian coast, age identification is the first and foremost procedure because the person is either identified as an adult or a minor. In the case of Tunisian minors aged 16 or 17, the Italian government usually considers them adults (Key informant interview-Anna Brambilla). This is because there is a lack of trust from the government towards

¹⁴⁷ Tommi Siviero, "Italy to Build First 'Hotspot' for Migrants and Refugees in North," *Balkan Insight* (blog), May 18, 2023, <https://balkaninsight.com/2023/05/18/italy-to-build-first-hotspot-for-migrants-and-refugees-in-north/>.

¹⁴⁸ "Report-Msna-Mese-Maggio-2023-Eng.Pdf."

Tunisian minors; Since most of them plan to leave the centers to find relatives that live there, or work or go to another country (mainly France because they know the language, key informant interview, Anna Brambilla). Therefore, there is a stereotype that most Tunisian adolescent minors are not victims but schemers who plan I'm taking advantage of the Italian protection system for their own benefit (key informant interview- Romdhane Ben Amor).

It should be noted that identifying a UAM as an adult can have severe consequences for the individual, such as the loss of child-specific protections, increased vulnerability, limited access to services, psychological effects, late family reunification, limited educational opportunities, etc. Another issue faced by late adolescent unaccompanied minors is the minute they turn 18 and become adults, they stop receiving the protection means of minors. Underage minors receive a permit to stay, and the problem here is for UAMs who are 17 upon their arrival because they lose their regularity very quickly; and it's very difficult to finish the papers without having a passport. Therefore, there is a gap in protection for minors who become adults. Usually, if they have a permit to stay at 17 years old, the minute they become eighteen, they have to file a request to the Ministry of Labor, and if they don't receive authorization from the Ministry of Labor, they cannot have a permit to stay. The problem with authorization is that the social services sometimes neglect to send the request to the Ministry of Labor when the child is in care centers, especially if they are 17 years old; this age is usually neglected especially Tunisian minors of this age. Therefore, social services constantly ignore these late adolescents, resulting in them being all alone when they reach the age of adulthood (Key informant interview-Anna Brambilla). The immediate cessation of international help and protection for minor migrants as soon as they turn 18 can have significant effects on their well-being and future. Therefore, they can be in a situation of uncertain legal status, and their access to essential services becomes very limited. They can also face homelessness and limited job opportunities and be exposed to potential exploitation, trafficking, and abusive employment situations.

The Far-Right Italian Government

Since 2018, Italy has become increasingly racist, especially with the arrival of the far-right government (key informant interview- Sami Aidoudi). The far-right Italian government has

implemented controversial measures and policies related to the rights of irregular migrants, including unaccompanied migrant children.

Matteo Salvini Was the interior minister of Italy in 2018. Salvini's degree drastically changed Italy's immigration legislation for unaccompanied minors, especially after they have come of age. In his measures, Salvini linked immigration and security indirectly, revealing that the migrant is perceived as a potential threat to security (key informant interview-Sami Aidoudi). Salvini severely restricted humanitarian protection status during his tenure, which was used extensively in Italy. He also reduced funding for centers that receive minors, raising concerns about the quality of care and respect for human rights within these facilities. It's essential to address that these centers prioritize financial gain over respect for Human rights because they are independent companies and because the funding was tremendously decreased, some centers stopped working, and the staff was cut short. Therefore, these changes have considerably impacted minors in these centers (key informant interview- Sami Aidoudi).

According to international, European, and Italian laws, unaccompanied minors are entitled to have guardians who will guide them in every step of the asylum procedure, inform them of their rights, and provide them with translation services. However, because of the low funding and overcrowded centers, most minors do not have guardians to assist them. What's more, if these guardians are present, most of them try to investigate with the child to give information to the Italian government instead of informing them of their rights and guiding them.

Salvini also made a decision to reduce the daily allowance for minors. The remarkable cut in financial support brought daily allowance down to almost 24 euros instead of 63 euros. This reduction has raised concerns about the well-being and primary living conditions of those seeking refuge in Italy.

What's more, the last government introduced the special protection status with decree 130/2020. The new law dictates that residence permits for specific categories of people, such as former unaccompanied minors, will be harder to obtain, as well as excluding asylum seekers from the SAI reception system by hosting them in the extraordinary reception centers. This will therefore lower their chances of participating in programs fostering social inclusion.

Unaccompanied minors will still be entitled to special protection permits until they turn 18, but the problem with the new law is that the extension is only for one year and cannot be converted

into a work permit. Therefore, the integration process for people arriving in Italy will be tremendously affected.

Consequently, unaccompanied minors who reach the age of adulthood will become without status and will be forced to resort to irregular work and even sometimes be exploited by criminal organizations and gangs. Frequently, Tunisian unaccompanied minors usually arrive in Italy because they know a particular family member who lives there, so the Tunisian minor leaves the protection system to stay with the family. In some cases, the minor stays for a maximum of two months and gets kicked out by the family. Many Tunisian UAMs are resorting to gang work and drug dealing to survive because a considerable number of their residency permit requests are being rejected due to a new law (key informant interview with Romdhane ben Amor).

Bilateral Agreements between Italy and Tunisia:

The diplomatic engagement between Italy and Tunisia can have a significant impact on the treatment of unaccompanied minors upon their arrival in Italy.

According to all key informant and reviews, the inaccessible bilateral deals regarding migrants between Tunisia and Italy does not involve the repatriation of UAMs. However, some collaborative policies can indirectly involve UAMs. Thus, in some cases, when an accompanied minor seeks to settle their legal status in a foreign country, they visit their country's consulate or embassy to complete the necessary paperwork. Moreover, this step is taken by these minors in order to regularize their stay and ensure they have all the required documents, such as a passport or birth certificate. However, a big issue arises when embassies delay processing the paperwork intentionally. They even go to the extent of filing complaints against the minor's parents back home, accusing them of neglect. This situation is very serious because it leads to the denial of essential documents they need to regularize their stay in the foreign country.

Moreover, these embassies use this opportunity to extract personal information from the minor, not with the genuine intention of assisting them but to conduct investigations into them and their parents. Consequently, instead of providing necessary support and help for UAM, they seem more interested in targeting the parents based on the information they collect. This behavior raises serious questions about the embassy's true intentions and their commitment to safeguarding the rights of their own citizens, and it also raises the question of a possibility of an

agreement present between the country where the minor is from and the foreign country where the minor is staying (key informant interview-Majdi Karbai).

The European Union and Tunisia recently signed an agreement to fight irregular migration. Therefore, the Italian government is paying Tunisia to stop the flow of irregular migrants. Tunisia is constantly asking for more money from the Italian government which also can affect how Tunisian migrants are being treated because Italians, other than considering them as fake migrants, are furious because of how much resources the Italian government is paying to Tunisia. In addition, there is a well-founded fear that the future bilateral agreements between the two governments may involve the deportation of Tunisian unaccompanied minors. Although the international, regional, and national laws prohibit refoulement for minors, the two governments may evade international laws through agreements and specific provisions that aim to exempt them from the jurisdiction of both domestic courts in Italy and European courts. In view of the fact that they have found legal loopholes to deport Tunisian adult migrants in their undisclosed mutual agreements, they might potentially make an agreement concerning the deportation of minors (key informant interview-Romdhane Ben Amor).

The Case of the Four-Year-Old UAM:

Bilateral agreements between Tunisia and Italy regarding migration often aim to address migration-related issues and manage the flow of migrants to Italy instead of prioritizing the protection and human rights of individuals, especially minors. Furthermore, in the aim of managing migration flows, there may be times when the human rights of migrants, particularly unaccompanied migrant minors, are undermined.

An incident involved a four-year-old Tunisian girl who arrived in Italy unaccompanied and was brought back to Tunisia based on negotiations between the Italian and Tunisian governments. This case is relevant in the context of bilateral agreements between Tunisia and Italy regarding migration and Human rights. Therefore, the decision to bring the four-year-old girl back to Tunisia faced criticism from a human rights perspective.

The actual events of the story as described by key informant Romdhane Ben Amor:

The child's father handed his daughter over to the smuggler on the boat and then went back to help his wife and son, who were far behind. When he returned, the boat left for Lampedusa.

The four-year-old child arrived in Italy unaccompanied, and the child's father informed the Tunisian government about her situation. The parents expressed a desire for the entire family to live in Italy to be with her because this was their original plan. It should be noted that the child needed medical treatment, which was one of the main factors that made them decide to go to Italy. However, the situation took a political turn when the Tunisian government detained the parents and prevented them from going to Italy because they feared that such cases could lead to similar attempts by other Tunisian families which might cause political tensions between the two countries.

Furthermore, the focus shifted from the child's well-being to political considerations when Tunisia requested the child's return, leading to negotiations between the two countries to return the child. Several human rights defenders expressed concerns about this decision because of the lack of adequate medical care in Tunisia and the dire living circumstances of the parents and consider that the child's best interest is for her to stay in Italy, where she would be reunited with her parents.

At first, the Italian government refused the child's repatriation, so the Tunisian government started renovating the House of the parents and promised that the child would receive excellent medical treatment to mislead the Italian judiciary in order to return the child. Consequently, after many negotiations, the child was returned to her parents.

It should be noted that despite the political implications, the most critical concern should have been the child's best interest and well-being. Still, that was not the case for many people (key informants-Romdhane Ben Amor-Majdi Karbaili).

CONCLUSION AND RECOMMENDATIONS:

This thesis inspected the legal protection of unaccompanied Tunisian migrant minors upon their arrival in Italy, exploring international, European, and national frameworks designed to safeguard their rights. The current analysis revealed significant shortcomings in the protection measures of international, European, and Italian contexts.

Internationally and regionally, despite many comprehensive legal instruments such as the Convention on the Rights of the Child and the EU's reception directives, challenges in implementation hinder adequate protection of UAMs due to the prioritization of migration management over the right and well-being of UAMs.

In the case of Italy, the legal framework appears presentable and promising on paper, acknowledging the rights of UAMs and favoring the principle of the child's best interest. However, many factors contributed to the lack of protection in practice. Nationality and race-based discrimination, overcrowded reception centers, unsuitable age assessments, and the significant influence of the far-right Italian government and its laws significantly impact the well-being and safety of Tunisian minors. Late adolescent Tunisian UAMs also face unique challenges because of the suspension of protection when they turn 18 and the limitation of the possibility to renew their permit so they can keep receiving this protection due to the new policies of the Italian government.

Despite many laws and regulations that aim to protect these minors, some factors have affected their practical implementation, leading to challenges for these vulnerable populations. Therefore, to address these serious issues and ensure a more effective and supportive system for these minors, some suggestions can be proposed on how Italy can foster a better environment that upholds the rights and well-being of unaccompanied Tunisians.

It is vital to challenge the "fake migrant" stereotype by advocating for awareness campaigns and education initiatives in the Italian education system to remove misconceptions and stereotypes about Tunisian migrants in Italy. Additionally, promoting cultural exchange programs between Italians and Tunisian migrants can be essential in breaking down communication barriers between these two nationalities. More supervision of media organizations should take place to ensure responsible reporting and limit the spread of negative stereotypes. Regarding racial discrimination, it's crucial to combat this type of discrimination against Arab migrants, including

minors, by implementing anti-discrimination programs for law enforcement and migration officials and addressing incidents of discrimination by holding perpetrators accountable. Strengthening legal protection is also crucial. This requires conducting research and advocacy campaigns to challenge the view of Tunisia as a safe country of origin which can be possible by considering individual circumstances. In addition, scholars need to expand the interpretation of the 1951 refugee convention to go beyond the specific traditional terms of conditions specified in the convention that determine if the minor is a refugee or not, taking into account the various circumstances that may force someone to escape their home country other than war or persecution.

Advocacy campaigns to increase funding and expand first reception centers and SPRAR facilities and develop integration programs for minors should take place to accommodate the increasing number of unaccompanied minors and facilitate their integration into society. Implementing fair distribution mechanisms is also crucial to prevent the disproportionate concentration of minors in specific areas.

Furthermore, to safeguard the well-being of UAMs, it is important to include provisions that prevent the deportation of UAMs in any future agreement between both governments and create opportunities for regular migration pathways for these minors. It should be noted that most agreements between the two governments are usually unannounced, and until now, they don't involve UAMs. Nevertheless, specific organizations need to have access to these bilateral agreements, such as ASGI, ASF, and FTDES¹⁴⁹ to conduct an analysis of their legitimacy, ensure accountability and imagine future scenarios that can impact human rights tremendously, such as future agreements that include the repatriation of UAMs.

What's more, the constant monitoring and reporting of any violation of the rights of UAMs by far-right governments is necessary to raise awareness and enhance the support for these minors. Civil society organizations and human rights defenders can be in charge of monitoring and reporting the violations that are taking place under this government to hold those responsible accountable and garner public attention on the complex issues surrounding migration.

¹⁴⁹ FTDES, "What Is the Content of the Recent Agreement between Tunisia and Italy? Italian and Tunisian Associations Present FOI (Freedom of Information) Requests," August 10, 2020, <https://ftdes.net/en/quel-est-le-contenu-du-recent-accord-entre-la-tunisie-et-litalie-les-associations-italiennes-et-tunisiennes-presentent-des-instances-daces-aux-dossiers/>.

As has been demonstrated, by prioritizing a human rights-centered approach, civil society organizations, policymakers, and governments can create a surrounding that protects the rights of UAMs. By implementing the recommendations stated above and addressing the critical factors that lead to these shortcomings, Italy can ensure a just and fair migration system that secures and respects the rights and dignity of UAMs.

Consequently, this research acknowledges the necessity of collective action to create a more supportive environment for this vulnerable category to help build a better future for them in Italy and beyond. It underscores the need to recognize the broader global context of UAMs, extending beyond nationality and race. It is crucial to transcend geographical boundaries and collaborate internationally to address the various challenges faced by this vulnerable category.

The call for action extends beyond Italy and resonates with all countries where UAMs arrive. In concluding this thesis, it is crucial to recognize the pressing need for action you to the daily escalation and the number of unaccompanied migrant minors. The evidence presented underscores the shared responsibility to address this issue.

This thesis functions as an important reminder that creating a more just world for unaccompanied migrant minors requires proactive steps.

The conclusion highlights the need for decisive action in light of this growing trend. Rather than serving as a conclusion, this thesis could be seen as a starting point. It is clear that action is needed, whether small steps or big changes, there's a chance to help unaccompanied minors. Those involved have a responsibility to work together to create a better and safer future for them. What happens to UAMs hinges upon their actions undertaken today, especially considering the growing numbers that reinforces the urgency of the situation.

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ANNEX:

List of Key Informants:

Name	Function	Organization
Romdhane Ben Amor	Head of Communication	Tunisian Forum for Economic and Social Rights
Hassen Haj Messaoud	Project Coordinator	Lawyers Without Borders-Tunisia
Majdi Karbai	Operator Outreach-Child Protection Department	Save The Children- Italia
Giulia Pelizzo	Coordinator of the Legal Programme	Save the Children- Italia
Anna Brambilla	Lawyer, Legal Advisor	Association for Juridical Studies on Immigration, Italy (ASGI)
Mariateresa Veltri	Adjunct Professor/ Research Fellow in EU law	University of Bologna
Sami Aidoudi	Case Manager, Team Leader	Medici Senza Frontiere (Doctors without Borders- Italia)

Interview Guide: Key Informants

The following is an overview of all the questions asked during the key informant interviews. It should be noted that not all the questions were asked to every key informant.

- Can you introduce yourself and tell me a bit about your work within the organization?
(Opening Question)
- What are the main factors that make Tunisian minors decide to migrate irregularly to Italy?
- According to you, what are the main challenges that Tunisian unaccompanied migrant minors face when arriving in Italy?
- What international conventions aim to protect unaccompanied Tunisian migrant minors when they arrive in Italy?
- Could you tell me about the Italian national legislation and regulations explicitly addressing protecting Tunisian unaccompanied migrant minors?
- What are the key provisions of these laws and regulations?
- How are these laws implemented in practice?
- Are there any challenges in the implementation of these laws?
- How adequate is the protection of unaccompanied migrant Tunisian minors when they arrive in Italy?
- Are there any agreements between the Italian and Tunisian governments regarding the legal protection of unaccompanied migrant Tunisian minors who arrive in Italy?
- Have any recent developments in protecting unaccompanied Tunisian migrant minors arriving in Italy that might demonstrate progress or result in challenges?
- Are Tunisian minors treated the same as other unaccompanied minors in Italy?
- To what extent have the political ideologies and policies related to the far right in Italy impacted or are expected to impact the protection of unaccompanied Tunisian migrant minors in the country?
- What are the long-term opportunities and prospects for unaccompanied migrant minors regarding legal status and citizenship in Italy?

- Do you have any recommendations for improving the protection of unaccompanied migrant minors in Italy?