



On the Move Alone (OMA)

A Practical Tool for Case Management of
Unaccompanied Migrant Children in southern
Africa



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ACRONYMS/ ABBREVIATIONS:

EU	European Union
FTR	Family Tracing and Reunification
IDP	Internally Displaced Person
IOM	International Organization for Migration
MIDSA	Migration Dialogue for Southern Africa
OMA	On the Move Alone
SADC	Southern African Development Community
SC	Save the Children
SCI	Save the Children International
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNODC	United Nations Office on Drugs and Crime

GLOSSARY: LIST AND DEFINITIONS OF KEY CONCEPTS

Adult	An individual who is over the age of 18 years is defined as an adult.
Asylum	Asylum is a form of international protection granted to a refugee (of any age). In order to qualify for asylum, an individual must demonstrate a well-founded fear of persecution based on one of five grounds: race, religion, nationality, political opinion, or membership to a particular social group.
Cross-border movement	Cross-border movement is human migration from one geopolitical entity to another and involves migratory activity between one nation and a neighbouring nation-state.
Minor	For the purposes of this document, the term ‘minor’ and ‘child’ are used interchangeably. A minor is an individual who is younger than 18 years of age.
Migrant / refugee children	As the name implies, migrant children are individuals under the age of 18 years who move from one place to another (rural to urban, or one country to another) with an eye towards better living conditions. Migrant children are often referred to as ‘refugee children’. Strictly speaking, refugee children are those who have a refugee claim. It is very important to note that not all foreign children are refugee children. Children migrate for various reasons and grow up in different social, economic and family circumstances (see main document above for more). Whether a child has a refugee claim will depend on the individual child’s reasons for leaving their country of origin and/or their living circumstances. If the child had left his/her

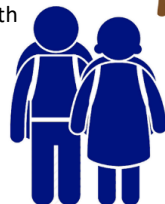
	country of origin in order to escape war, conflict or persecution, he or she may be eligible for refugee status and may qualify for protection. If a child has left for other reasons, for example, solely to attend school in the country of arrival, the child is not necessarily eligible for protection under the Refugees Act.
Referral	The process of formally requesting services for a child from another agency (e.g. health care, social welfare, etc.) through an established procedure and/or form.
Rural-urban movement	In the context of this tool rural-urban movement is the migration trajectory from the rural areas (villages) to urban areas (city). It may also be referred to as 'urban migration'.
Separated minors	A separated minor is a child who is accompanied by an adult relative other than a parent, legal guardian or customary primary caregiver. More comprehensively, a separated child is a child who has been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.
Unaccompanied minors	Unaccompanied minor refers to a child that has been separated from both parents and relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so. More expansively, an unaccompanied minor is a child "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 [child] who is left unaccompanied after he or she has entered the territory of the Member States."
Vulnerability	Physical, social, economic and environmental factors that increase the susceptibility of a community or individuals to difficulties and hazards and that put them at risk as a result of loss, damage, insecurity, suffering and death.

PREAMBLE

Southern African countries offer unique opportunities to engage with wide ranging ‘on-the-ground’ realities that contribute to shaping the migratory experiences of unaccompanied children on the move. In an ideal world, all unaccompanied migrant minors would receive standardised supportive intervention via national case management as the basis for ‘best practice’. Even so, we cannot ignore the reality that in Southern Africa, we are working with countries with different policies, resources and human capacity for dealing with challenges tied to increased mixed and irregular migration particularly with respect to children on the move. In noting these challenges, Save the Children International (SCI), working in collaboration with other agencies (UNHCR, IOM, IDC, UNICEF) saw it valuable to provide a tool which can lay claim to an accepted generic process that builds on a key set of principles in the process of ‘first encounters’ with unaccompanied migrant minors in their migration trajectory within the context of the Southern Africa region. Driven by this imperative, this guidebook and tool presents a standardised “first-encounter” guide for all first-line officials who may come into contact with children on the move in their respective capacities. Respecting existing provisions, the guidebook is not intended to replace but complements current national level case management policies and protocols within the different countries in the region. To this end, it is designed to fit within current processes and at its best will supplement and facilitate the standardisation of current processes. Similarly, the guidebook serves to provide an initial framework for countries that are beginning to engage in processes of developing their own case management protocols and or standard operating procedures for management of unaccompanied migrant children.

In developing a tool that speaks to the Southern African context, it was important that a participatory action research approach be used as it allows for active participation of all key and interested stakeholders. This process entailed that, over and above desktop reviews of existing tools, field visits be conducted to gain a better understanding of realities as they are experienced by child practitioners and other relevant state and non- state actors, in terms of managing unaccompanied migrant children in the SADC region. Countries visited included Botswana, Mozambique, South Africa and Swaziland. These field visits allowed for a better understanding of the interface between theory and practice which was needed for the development of a guidebook that is responsive to ‘on-the-ground’ realities, challenges and opportunities for dealing with unaccompanied migrant minors on a daily basis that child protection practitioners encounter.

Also important to highlight is that, the development of this guidebook and OMA Tool is not a conclusive process but one that is ongoing; entailing continuous reviews and updating in order to meet the changing realities of the ever changing social, economic and political context of the Southern African region. The guidebook is therefore a noble first step in addressing and standardising first encounters with unaccompanied migrant minors as part to the entire case management process.





BACKGROUND ON THE DEVELOPMENT OF THE GUIDEBOOK AND OMA TOOL

This practitioners' guidebook and OMA Tool as we term it, is intended to serve as the official guide for SADC member states¹ in the development of their *National Action Plans*. These plans are set to be aligned to the new *Regional Strategic Plan to Address Mixed and Irregular Migration*, which was accepted by all member states at the *Migration Dialogue for Southern Africa* (MIDSA) 2016. The guidelines set forth in this document aim to complement the agreed standard on Case Management (Minimum Standards for Child Protection in Humanitarian Action, 2012), and to provide a step-by-step, concrete and localised guidance to 'frontline officials' that are confronted with the support and safe management of unaccompanied children in the Southern African region.

Aim and Purpose of the guidebook and OMA Tool

SCI strives for a world in which all children thrive in safe family environments, protected from violence, exploitation, abuse and neglect. Pertinent to this ambition is the protection of children who migrate alone, both internally between rural and urban areas, as well as across national borders in East and Southern Africa. Ongoing political conflict and the rapid rate of urbanisation in Africa, projected for the next 40 years, is likely to increase child migration flows from rural to urban areas in emerging economies in East and Southern Africa; internal displacements or from one country to refugee camps in others. Children who migrate alone are especially vulnerable to abuse or exploitation during the journey, as well as upon arrival at the destination.

The lack of safety and the existence of limited child protection provisions associated with the journey from one location to another, coupled with the sheer numbers of children engaging in voluntary or involuntary movement across the region calls for innovative and harmonised trans-national and context specific collaboration. In response, this OMA Tool offers SADC Member State Governments guidelines on Case Management for Unaccompanied Migrant Children, by frontline 'first' responders. All aspects of proposed guidance are firmly rooted on the tenets of safeguarding and protecting children. To that

¹ SADC Member states are: Angola; Botswana; Democratic Republic of Congo; Lesotho; Madagascar; Malawi; Mauritius; Mozambique; Namibia; Seychelles; South Africa; Swaziland; United Republic of Tanzania; Zambia; Zimbabwe



end, the rationale for this OMA Tool is to help promote the protection of migrant children by harmonising and standardising relevant procedures such as *Best Interest Determination*, *Family Tracing and Reunification* and in general good practice in case management for strong child protection systems.

As outlined at the onset of this document, the OMA Tool is targeted at those who serve as an initial point of contact - whomever they may be, and from whichever entity they might hail - for minors who migrate unaccompanied. The OMA Tool (in line with the agreed upon Terms of Reference for the project) serves to offer a step-by-step, concrete and localised guideline for the processes to be followed when encountering a (possible) unaccompanied migrating minor. It is appreciated that assisting an unaccompanied minor is a complex process and one that involves many stakeholders. How to initiate case management principles and ultimately treat and deal with unaccompanied minors until relevant entities (e.g. Social Welfare) take the case over, is what this OMA Tool is specifically focussed on.

Process in which the OMA Tool was developed

This OMA Tool was informed by, and developed as a result of a participatory action research and policy development approach, which involved visits and consultations with the following member states:





Following this, the process culminated in a validation workshop with key stakeholders from selected SADC member states². Following an initial literature review of sources that specify best practices in case management across child protection and other related health social care disciplines, existing policy and operational documents were employed to offer a literature-based overview of information and theoretical perspectives that were integrated into this OMA Tool. The conceptual data was critically reviewed and refined via a combination of facilitated online and face to face consultations with child protection policy and practice specialists from four SADC member states. This phase of literature and practice-based consultations was followed by an initial draft of the OMA Tool, which was systematically validated using a combination of methodologies with representatives from the partnered member states. Subsequent to this, a revised version of this OMA Tool was produced and presented at a stakeholder workshop for a final critical review, following which, a final version was completed with an eye towards initial implementation.

Ethical considerations in dealing with minors

All research (and other) activities that underlie this guidebook and OMA Tool were directed by the SCI's *Child Safeguarding Policy*, which states that all children must be safeguarded to the maximum possible extent from deliberate or inadvertent actions and failings that place them at risk of child abuse, sexual exploitation, injury and any other harm. Specific to the research that resulted in this OMA Tool, principles of openness, transparency and accountability, accountability to children and their communities, Best Interest of any children involved, confidentiality, compliance, timeliness, uniformity and partnership were employed, inter alia.

Unique Issues Faced by Unaccompanied Minors

Oftentimes unaccompanied minors are subject to unstandardized, inappropriate age determination techniques, which render them invisible within a system designed to protect the best interest of the child. Many minors have a right to seek asylum without realising it. Seeing as many countries do not have specific protocols for minors that provide for their distinct needs and protection, the need for this OMA Tool is realised.

² SADC member states represented physically at the validation workshop: Mozambique, South Africa, Zambia and Zimbabwe



UNDERSTANDING CASE MANAGEMENT PRINCIPLES

This OMA Tool follows the principles of Case Management. Case management is defined by SCI as: “The process of assisting an individual child (and their family) through direct support and referral to other needed services, and the activities that ... project staff carry out in working with children and families in addressing their protection concerns”. This definition is similar and complementary to guidance provided in a number of sources used by governmental and non-governmental child protection agencies. The following operationalisation of terms offers explanatory insights:

- A *case* is an individual or family who is being assisted in order to resolve a protection concern.
- *Case management* is the procedure for managing (including planning, implementation, monitoring and evaluation) the helping process, addressing one case (e.g., a minor, or a group such as siblings or the whole family) at least until the situation is better or the problem is resolved.
- The goal of case management can be described in various ways such as achieving ‘wellbeing’, ‘recovery’, ‘self-reliance’, ‘the full enjoyment of rights’ and ‘opportunities to develop full human potential’. Case management is first and foremost a structured approach to child protection issues, but also a method of providing secondary prevention (preventing further harm to a child and any other children in a family who may be at risk).
- As operationalised above, case management is a necessary core function within any child safeguarding system. Safeguarding is a term which is broader than ‘child protection’ and relates to the action taken to promote the welfare of children and protect them from harm and includes considerations related to protecting children from maltreatment; preventing impairment of children’s health and development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care and taking action to enable all children to have the best outcomes. Scaffolded by this, where case management is effectively developed and used, it promotes systematic, accountable and coordinated responses, enabling all stakeholders (i.e. minors, families, communities, agencies and governments) to find immediate and long-term solutions to the needs of individual children. Case management is used in this guidebook as an over-arching framework wherein the OMA Tool was developed. It is understood that frontline officials will not necessarily see the process through, but an understanding of this process is necessary so as to situate and pitch the tool appropriately. The absence of case management in so many instances makes its development a necessary focus during the process of building and strengthening effective national child protection systems.



Development and use by such actors will ensure that children and families in these contexts can access systematic but appropriate and holistic assistance in addressing their protection concerns. As per SCI, non-governmental child protection agencies should support the development of national systems wherever possible.

Basic Components of Case Management

There are four basic components of case management:

1. Identification and assessment (including the opening of a case and start of documentation)
2. Individual support planning (planning of response and care)
3. Referral and liaison with support services (as appropriate)
4. Monitoring and review (including case closure)

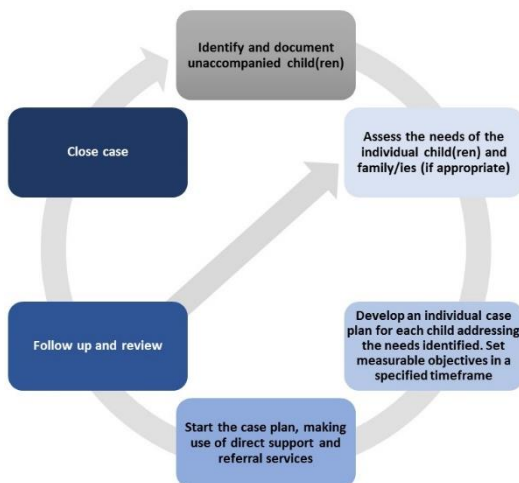
These four components form the core of essential and effective responses to many child protection concerns that are dealt with in development and emergency programming.

How Do We Understand Case Management in This Guidebook and

OMA Tool

Within the OMA Tool, Case Management refers to the sets of actions and methods of providing services in which identified frontline officials individually assess the needs of unaccompanied and vulnerable children and as appropriate, arrange, coordinate, monitor and advocate for a package of multiple services to simultaneously ensure their protection and at the same time, meet their initial needs. In this context, case-management refers to linking the identified migrating child with systems that provide him/her with needed services and/or resources to facilitate safe transit and initial placement during their migratory journey. Services identified by frontline officials, as part of this case management procedure may be located in a single agency or may be spread across numerous agencies or organisations.

The figure below outlines the case management approach, as made use of in this OMA Tool:



- **Identify and document unaccompanied minor(s):** A minor or minors can be identified through a variety of pathways. In the case of cross-border migration, identification is often done by a border patrol officer. In the case of rural-urban migration, staff members in child protection and/or other sector programmes might identify a child in the course of their regular activities. In some cases, the child or his/her family might present themselves directly. As soon as it is ascertained that the minor meets basic vulnerability or risk criteria, documentation should commence. Documentation includes an initial collection of data on the minor.
- **Assessment of the individual needs of the minor(s) and family/ies (if appropriate):** This assessment should be seen as a systematic evaluation of the situation of the minor. The assessment takes place in two phases. In the first phase a basic assessment of vulnerabilities and risk factors is done ensuring that child protection and safeguarding priorities are of primal importance. In emergencies, this may be a relatively quick and straightforward process concentrating on basic needs (for example medical intervention, food and/or shelter). Where there is an immediate risk to the minor (for example the minor is living in a situation of abuse or violence), immediate intervention will be prioritised before a comprehensive assessment and case plan is developed. In the second phase, a subsequent assessment is conducted to gain a holistic understanding of the minor's situation. The holistic needs of a minor are always considered even if the frontline official (as in this case) is not able to address



every concern directly.

- **Develop an individual case plan for each child addressing the needs identified. Set measurable objectives in a specified timeframe:** A case plan should be drawn up – mindful of the assessment as specified above – which lists the needs identified and sets a strategy for addressing them through direct service provision, referrals and/or programmes. Case plans are working documents that can be revised at any time if a minor's situation or needs change. Constant re-evaluation is encouraged.
- **Commence Implementation of the case plan, making use of direct support and referral services:** The case plan – as outlined – is put into action and direct support and services and referral to other agencies/service providers, as appropriate is employed.
- **Follow up and review:** Follow-up also involves monitoring the minor's situation and identifying any changes in a minor's circumstances. Follow-up, continuous assessment and re-assessment of child protection issues take place throughout the case management process. Review is a reflection on how the implementation of the plan is progressing, whether the objectives outlined in the case plan are being met, whether the plan remains relevant, and how to make adjustments to the plan if necessary.
- **Case closure:** This signifies the point at which work with the child ends. This can be for a variety of reasons – for example because the situation is resolved, (i.e. the case plan has been completed and the child no longer requires support). In most cases involving frontline officials, a case would close at the point of transfer to another organisation. The case will also be closed where the child becomes 18 years old.

Factors in the Process of Case Management

- **Best interest:** In implementing this process of case management, the best interest of the child must be prioritised. The *best interests of the child* encompass or heed a child's physical and emotional safety (well-being) as well as their right to positive development. The best interests of the child should provide the basis for all decisions and actions taken. In each case, the least harmful course of action is the preferred one. All actions should ensure that the



child's rights to safety and on-going development are never compromised. Often in child protection there is no one "ideal" solution possible, but rather a series of more or less acceptable choices that must be balanced with a child's best interests. It should be noted that what is in the best interest of a child is completely dependent on that specific child's circumstances. What might be in the best interest for one child (in one case), might not be in the next. In every situation, the best interest of the child should be determined anew.

- **Non-discrimination:** Adhering to the non-discrimination principle means ensuring that minors are not discriminated against (treated poorly or denied services) because of their individual characteristics or a group they belong to (e.g. sex, age, socio-economic background, race, religion, ethnicity, disability, sexual orientation or gender identity). Children in need of protective services should receive assistance from agencies and caseworkers that are respectful, treating them with compassion, empathy and care.
- **Seek informed consent and/or assent:** Informed consent is the voluntary agreement of an individual who has the capacity to give consent, and who exercises free and informed choice. In all circumstances, consent should be sought from minors and their families or caregivers prior to providing services. To ensure informed consent, children and their families must fully be made to understand: i) the services and options available (i.e. the case management process), ii) potential risks and benefits to receiving services, information that will be collected and how it will be used, and iii) confidentiality and its limits. Informed assent is the expressed willingness to participate in services. However, for younger children who are by nature or law too young to give informed consent, the child's 'informed assent' is sought
- **Confidentiality:** Confidentiality is linked to sharing information on a need-to-know basis. The term 'need-to-know' describes the limiting of information that is considered sensitive, and sharing it only with those individuals who require the information in order to protect the minor. Any sensitive and identifying information collected on children should only be shared on a need-to-know basis with as few individuals as possible.



ABOUT THE GUIDEBOOK AND OMA TOOL

Irregular migration of children is a global phenomenon, one which has differing patterns from one regional context to the next. In Southern Africa, children on the move represent a fast-growing concern with migration studies suggesting that, in any one month, the region sees up to 25 000 unaccompanied children unsafely migrating between the borders of countries within Southern Africa. Reasons for these movements include civil unrest, poverty, labour and educational migration. These continue to be exacerbated by growing political unrest globally and by the worldwide economic downturn.



Southern Africa's primary burden lies within socio-economic and political crises which continue to act as push factors that compel children to cross borders in the pursuit of safety, education and basic social services in neighbouring countries. In addition to the alarming magnitudes of irregular child migration across countries, children on the move, particularly unaccompanied girls, face significant risks and dangers during their migratory journey with some becoming victims of exploitation and abuse. Even in instances where children on the move come into contact with frontline officials or first responders³, the greatest challenge arises from the fact that most frontline officials often have little or no clarity about the most appropriate supportive services to refer to, for appropriate support and care. In response to the above-noted concerns, SCI's Child Protection Strategy and the Migration Dialogue for Southern Africa (MIDSA) Strategy, both advocate for more robust inter-country and multi-agency child protection referral systems that address the

³ Immigration official, Police or law enforcement officer, social welfare official, prison official, health or social worker, civil servant, personnel working in a civil organisation, community leader and community activist



protection needs of migrant children. As a critical first step, there exists a need for the development of a unified regional system for case-management – whose basis is founded on the maintenance of actions that promote the welfare of children and their protection from harm. The current tool is intended as that region-wide source for all frontline officials to use as a guide on the range of appropriate actions to be taken when they come into contact with unaccompanied child migrants. This OMA Tool brings together contributions from policies and guidebooks that exist within each of the countries and aims to serve as a complementary source.

WHAT MAKES THIS TOOL DIFFERENT FROM OTHER GUIDEBOOKS?

This tool serves a very specific purpose and does so with a very specific audience in mind. It provides **practical** guidelines to frontline officials or first responders that children on the move come into contact with. This audience is an important one in child protection: it is our first chance to reach and include these children who are on the move alone. If we miss the opportunity to identify and aid these children as first responders, we might not get the chance again, or might only come into contact with these children again once they have suffered (more) hardship.

Mindful of the fact that many first responders are not necessarily trained in the processes of case-management and child protection, this tool distinguishes itself from other guidebooks by being as functional and pragmatic as possible. It does so by providing clarity and guidance on a ‘decision’ process, which is knowledge based. The tool takes full note of the fact that the process of best interest determination is a complex one, which involves many stakeholders. It is also fully aware that case management is likewise a long-term process, but does not aspire to offer guidelines on this. With a primary aim of application, it only deals with the process of first-line response and referral.



IS THIS TOOL FOR ME?

1. ARE YOU:

- 
- ☐ an immigration official?
 - ☐ police or a law enforcement officer?
 - ☐ a Prison official?
 - ☐ a Health worker?
 - ☐ a civil servant?
 - ☐ working in a civil organisation?
 - ☐ a community leader?
 - ☐ a community activist?
 - ☐ a social worker?
 - ☐ a child protection officer?

2. DOES YOUR

current role sometimes give you
contact to vulnerable
unaccompanied children who are
migrating within the country and/or
from one country to another?

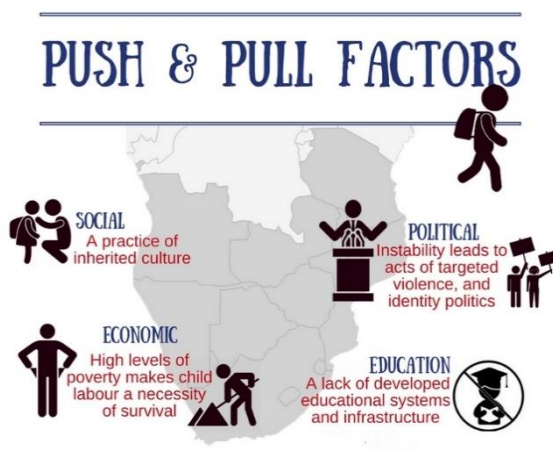
- 
- ☐ Yes
 - ☐ No

If you 'ticked' any element(s) in question 1 and "yes" in question 2, then this OMA Tool is for you. The OMA Tool has been developed to offer you and other similarly placed 'first responders' or 'frontline officials' and responders, clear and easy-to-follow guidance on what actions and services you can access to ensure that all unaccompanied migrant children who come into contact with you (in the course of your duties), are supported and referred on to specialised services that will ensure their protection and care. This OMA Tool is intended to serve as a comprehensive informational tool and is intended to broaden your awareness and working knowledge of the provisions that are available to support unaccompanied children during their migratory journeys.



UNDERSTANDING THE OPERATIONAL ENVIRONMENT OF THIS TOOL

The successful implementation of any tool is based on understanding the basic operational environment in which it functions. In order to contextualise this tool, we would like to highlight four core factors that define the ‘operational’ environment of the OMA Tool. We term these core factors as ‘push factors’, implying ‘factors’ that ‘push’ unaccompanied minors onto their migration trajectory (from rural to urban, and across country borders). By contrast, the ‘pull-factors’ are those influences that draw migrant minors towards countries that are perceived as being safer, more politically stable and have more economic and educational opportunities.



The first push factor is the **social factor**. For many unaccompanied minors, the migration trajectory is a practice of inherited culture. Many children grow up in social contexts, where ‘migration’ is an act of previous generations. This inevitably leads to the next generation adapting similar patterns of historically inherited behaviour.

The second push factor is the **economic factor**. Due to certain countries in Southern Africa experiencing high levels of poverty, child labour emerges as not an option but a necessity of survival. Child labour sees many unaccompanied minors migrating from rural to urban areas in search of work. This internal migration eventually leads to the child moving closer to the border and eventually crossing the international border after he/ she has made sufficient money. However, this situates unaccompanied migrant minors in a vulnerable position, one in which they are open to economic exploitation by ‘bosses’ (employers) who compel them to work excessive hours with minimum pay; extortion of money by border security or other entities that attempt to smuggle minors across the borders; and human trafficking syndicates.



The third push factor is the **political factor**. Due to political instability, which often leads to acts of targeted violence, and identity politics (religion and ethnicity), spatial relocation becomes an inherent alternative. This sees unaccompanied minors begin their migration in the hope of finding peace and stability. It is often during these migration trajectories where families move as an entity, that children get separated from their parents.

The fourth push factor is the **educational factor**. Due to a lack of developed educational systems and infrastructure within a country, many unaccompanied migrant minors begin their trajectory in search of better education opportunities. This often culminates with migration to countries where the minor will be able to benefit from good education. However, this journey is often a 'lonely' one, which sees the minor making the trajectory on his/ her own, and furthermore culminates with seeking opportunities to pay for such education. Undocumented minors seeking economic opportunities to pay for education feeds back into the cycle of child labour and exploitation.

READY TO GET STARTED WITH THE GUIDE BOOK AND TOOL?

You've taken the right decision by opening this tool-book as you assist the unaccompanied child that has come to the attention of your service. The OMA tool is designed to allow you to make decisions about how best to assist unaccompanied children within minutes.

Start by Opening it, look at the Practical Tool (on page 6) for guidance on how best to assist, and scan through to the page(s) that give more detail on the action(s) you should take to ensure safety, protection and appropriate care for the child after her/his contact with you.

Getting Around the Guidebook and Tool

This guidebook includes an easy-to-use tool that frontline officials can use to support decision making and general case-management of children on the move that they come into contact with. It has three basic sections that provide:- (i) an overview of the background and purpose of the tool; (ii) how the tool can be used to simplify and standardise case-management activities as they relate to all children on the move in the region; and (iii) a theoretical overview of the background and practice context of the tool.

The tool is designed for easy use by any frontline official and using it is as easy as A-B-C



– **A**ssessment and Problem / Opportunity Identification. The tool can be used to assess if the individual who has come to your attention is indeed a child-on-the-move. If so, the Tool (below) guides you on how best to: (i) assess what their specific needs are; (ii) assess what support service is best placed to offer protective support; (iii) initially assess any specific child protection issues that require immediate action.



– **B**est Interests Determination. The tool offers a formalised approach to best interest determination for children. This will form the basis of the case management plan to be followed and will include the identification of the types of resources and services where the child's case should be directed to for support and protective intervention.



– **C**oordination of case management process. The tool guides you on how to refer the identified child to the most appropriate follow-up service and within this, offers guidance on how to ensure that notification is provided to the receiving agency to reduce the likelihood of any child falling through the net of care.

HOW DO I USE THE GUIDEBOOK AND TOOL?

An A3 poster of the diagram below can also be downloaded from the following link:

https://drive.google.com/file/d/0B0W1R8_yubgAY3BCRmYwZDhzOWc/view?usp=sharing

Below the tool, an explanation is given of each of its functions. These explanations are supplemented with scenario-based applications to show how the tool could be used practically, in a section following the unpacking of the tool.

THE ON THE MOVE ALONE (OMA) TOOL

IDENTIFICATION OF MINOR

IS THE CHILD UNDER 18 YEARS OF AGE?

MINOR

Yes

No

ADULT

RISK LEVEL ASSESSMENT

High

Medium

Low

Child needs urgent medical attention, is likely to be seriously harmed or injured, or subjected to immediate and on-going sexual abuse, or be permanently disabled, trafficked or die if left in his/her present circumstances without protective intervention.

A child is likely to suffer some degree of harm without an effective protective intervention plan. Intervention is warranted. However, there is no evidence that the child is at risk of imminent serious injury or death.

Child is safe. However, there are concerns about the potential for a child to be at risk if services are not provided to prevent the need for protective intervention, due to the unaccompanied minor status.

Is the child physically separated from:
- both parents AND
- any adults who (by law or custom) are responsible for the Child's care?

Yes

No



UNACCOMPANIED



ACCOMPANIED

INFORMATION COLLECTION AND DOCUMENTATION



OBTAIN AND DOCUMENT:

- Name
- Age
- Description (distinguishing features, a photograph and/or biometric information)
- Point of entry (if applicable)
- Special Needs (if any)
- Place of Origin

STATUS OF THE MIGRATION



CROSS-BORDER

The child has migrated from his/her country of origin, which is different to the country of stay/transit

RURAL-URBAN



The child is a resident of this country, but has migrated from a rural area (village) to an urban area (city)

SOCIAL SERVICES / WELFARE INTERVENTION & REPORTING



IMMEDIATE EMERGENCY SERVICE INTERVENTION & REPORTING TO POLICE



BEST INTEREST DETERMINATION

Asylum Seeker

Other

Family Tracing

A well-founded fear of persecution based on: race, religion, nationality, political opinion, and/or membership in a particular social group

Undisclosed or unknown situation. Child needs a place of safety

Does the child voluntarily submit to reunification and are there immediately clear indications and information for family member(s) available?

CASE HANDOVER: SOCIAL SERVICES / WELFARE



CASE HANDOVER: SOCIAL SERVICES / WELFARE



BEST INTEREST DETERMINATION

Other

Family Tracing

Undisclosed or unknown situation. Child needs a place of safety

Does the child voluntarily submit to reunification and are there immediately clear indications and information for family member(s) available?

CASE HANDOVER: SOCIAL SERVICES / WELFARE



REUNIFICATION KEEP ALL DOCUMENTATION



FOLLOW REPORTING PROCEDURES AS PER COUNTRY'S IMMIGRATION LEGISLATION





WHAT DOES THE GUIDEBOOK DO?

Function 01: How to Identify a Minor



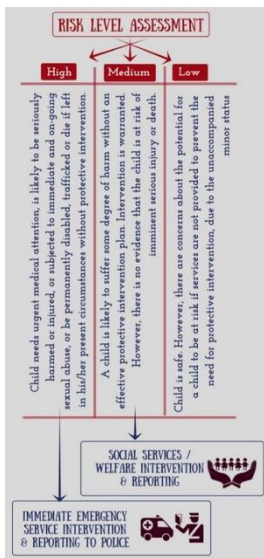
Unaccompanied minors sometimes migrate and arrive without any form of documentation or identification. An important and initial step in the process outlined in this OMA Tool is to assess the individual's age. If the individual is younger than 18, he/she is classified as a minor and as such has certain concessions attached to his/her migration. If the minor has documentation that stipulates his/her age, this may be used, but only if the document(s) is/are deemed to be trustworthy and reliable. A child can furthermore be asked to give his/her age, but it should be noted that children might, in certain circumstances (for example when their objective or purpose for migration is to seek work), be less than truthful about their age. In these circumstances, it may be in the child's best interest to:

- have further conversations with the child, in order to ensure that he/she is indeed under 18 years of age; and/or
- conduct a medical age assessment so as to ensure that the child is under 18 years of age. This entails a visit to a doctor or clinic where tests can be done to estimate the age of the child.

In all cases, however, the principle of '*better in than out*' needs to be applied. Simply put; if it is not clear what the individual's age is, the classifier should rather err on the side of caution and regard the individual as a child, than not. The logic behind this is that it is better to allow an older individual 'undue' privileges and liberties than to see a child go without. Within this, child protection provisions should remain central to all engagements and actions.

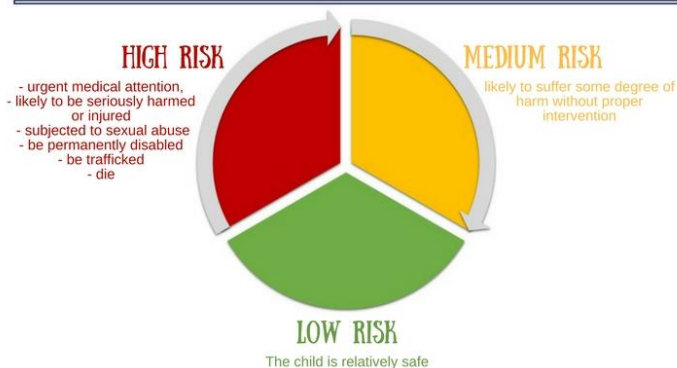


Function 02: How to Assess Risk level



It is important to understand the minor's risk level holistically in order to prioritise between cases in need of more intense and less intense interventions.

RISK LEVELS





HIGH RISK: The minor needs urgent medical attention, is likely to be seriously harmed or injured, subjected to sexual abuse, be permanently disabled, trafficked or die if left in his/her present circumstances without immediate protective intervention.

MEDIUM RISK: A child is likely to suffer some degree of harm without proper intervention. However, there is no evidence that the child is at risk of imminent serious injury or death.

LOW RISK: The child is relatively safe and interventions that relate only to their unaccompanied and migrant status need to be attended to.

Borrowing from standard case management procedures, it is essential to consider risk in relation to harm to the child in the immediate, short, medium and long term. For the purposes of the process outlined in this Tool, only immediate and short term risks need to be acted upon (with proper support from entities such as Emergency services). Those authorities that the case is handed over to will deal with longer-term risks.

Function 03: How to Determine Accompanied or Unaccompanied Status

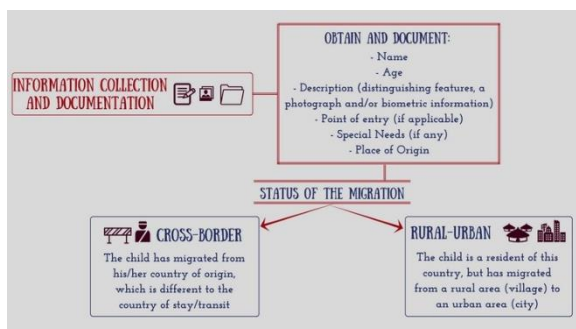


If a minor is unaccompanied, they are immediately identified as being more vulnerable and also (possibly) entitled to certain liberties at the place/country of arrival. In any event, it is in the best interest of the child to treat her/him differently to an adult. An unaccompanied minor is one who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so. This may, therefore, include minors accompanied by other adult family members.

In certain cases, it is not immediately obvious whether a child is accompanied. Sometimes, the child is accompanied by an adult who is not (by law or custom) responsible for the child. Furthermore, in certain cases such as those involving human trafficking, children are told to lie (and are 'coached') to say that those adults accompanying them are indeed their parents. In all cases, but certainly those where something seems to be amiss, a conversation should be held with the child (in a friendly, unthreatening manner) to ascertain whether or not this child is, indeed, accompanied by his/her parents, or adult directly responsible for him/her.



Function 04: How to Collect Information, Identify and Document the Unaccompanied Migrant Minor and Classify the Status of the Migration



Documentation is the process of collecting and storing information specific to individual minors and their families, including information that the minor provides directly as well as any information collected indirectly. Writing case notes and completing other documentation (such as forms) with care and accuracy is encouraged. Case notes should be based on fact and professional judgment rather than on personal bias. Language that is dismissive or judgmental should be avoided. The information collected about the minor belongs to the minor, and he/she should have access to review and read the information at any time. Proper documentation facilitates effective and accountable case management – especially when the case is handed over to other authorities for further action and processing. Good record keeping is a professional and ethical responsibility, and in some SADC countries a legal obligation.

The most important step in documentation (as it relates to the process set out for the OMA Tool) is identifying information. The collection of detailed and exhaustive information on a minor is essential.

Identifying information includes:

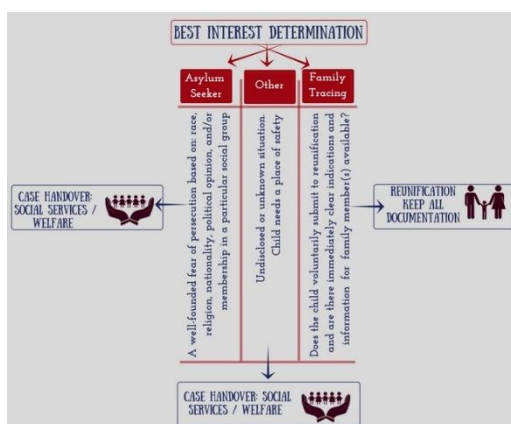
- the name of the minor;
- presumed or actual age;
- description of the minor including distinguishing features, photograph, biometrical information such as fingerprints (where permitted), as well as information about the origin and nationality of the minor;
- information on the point of entry of the minor (if the migration is cross-border);
- information on family members or acquaintances and their location; and
- special needs of the minor (e.g. if the child has a handicap or is disabled in any way).



During documentation, it is often worth mentioning elements related to the child and the case background, for example if the minor was a victim of trafficking or was smuggled, as these elements could give an orientation to the investigation on the case, when it is taken over by other departments or authorities. This step is extremely important in the case of unaccompanied minors, as they sometimes do not own identity papers and the collection of biometrical data, like fingerprints, is not always allowed (e.g. in some countries if the child is younger than 14 years old).

Lastly, it should be noted whether the migration of the child is **cross-border** or **urban-rural** in nature, as this has an outcome on the processes followed when reporting or handing over the case to other authorities or departments.

Function 05: How to Determine Best Interest



In implementing this process of case management, the best interest of the minor must be prioritised. It should guide and gauge all decisions and processes followed. The best interest of the minor encompasses or is heedful of a minor's physical and emotional safety (their well-being) as well as their right to positive development. In each case, the least harmful course of action is the preferred one. All actions should ensure that the minor's rights to safety and ongoing development are never compromised. Often in child protection there is no one "ideal" solution possible, but rather a series of more or less acceptable choices that must be balanced with a minor's best interests.

The following two resources can be consulted when doing Best Interest Determination:



- The UNHCR Guidelines on Determining the Best Interests of the Child.
Direct link to the document and tool: <http://www.unhcr.org/4566b16b2.pdf>
- SCI's Best Interest Determination for Children on the Move: A Toolkit for Decision-Making
Direct link to document and toolkit:
<https://resourcecentre.savethechildren.net/sites/default/files/documents/3829.pdf>

When acting in the minor's best interest, a vulnerability assessment must be done. Vulnerability is context-specific and case-specific. It is firstly context-specific because the fact that a child falls into a particular category (for example has a disability) does not necessarily mean that he/she is vulnerable – it depends on each individual minor's situation. Furthermore, although many vulnerability criteria could come into play, each classification is also case-specific – this is to say; different for each case.

Please see the *Vulnerability Screening Tool*, Developed by the UNHCR and the IDC.

Direct link to tool: <http://idcoalition.org/publication/view/identifying-and-addressing-vulnerability-a-tool-for-asylum-and-migration-systems/>

Link to webpage: <http://idcoalition.org/publication/identifying-and-addressing-vulnerability-a-tool-for-asylum-and-migration-systems/>

Below, two vulnerability criteria that should be considered in every case of unaccompanied minors in the SADC region is age and gender.

VULNERABILITY CRITERIA

AGE: As a vulnerability, it should be noted that the younger the child is, the more vulnerable he/she is. Although all minors (under the age of 18) are vulnerable, those who are younger than 14 are especially vulnerable and vulnerability increases as age decreases. Furthermore, children under five have special developmental needs and depend entirely on adults to care for them. Without this care, they may not survive (notwithstanding their circumstances). Because the youngest separated and unaccompanied minors cannot tell adults who they are, they rely on caregivers for their survival and well-being. Therefore, they are deemed to be the most vulnerable. With this being said, older children may also not remember where they lived or be unable to describe who they are. They may regress to the behaviour of an earlier age because of trauma (any kind of trauma) experienced during the separation and migration process. There is thus an urgent need for a child of any age group to have the care of an adult until they can be safely situated or come of age.



GENDER: As a vulnerability, gender status becomes an important concern. In many situations it is easier to have a conversation with an unaccompanied male minor as opposed to an unaccompanied female minor. Conceding the tendency towards generalising: a male child may be more open to talking about who he is and where he has come from as opposed to a female child who is conditioned by cultural practices (such as patriarchy, young brides, etc.) to be silent. In such cases, it would be more appropriate for female-to-female dialogue, which would create a mutual space for engagement. However, in certain situations this may not be a feasible option if there are no females to engage with the female minor during first-encounters. In noting this, it becomes essential that the minor is not pressured to dialogue, but ensured that he/she has a safe environment to engage within.

In acting in the best interest of the minor, many possible outcomes are possible. Three specific outcomes warrant mention, however, as they occur most often. Specifically these are family reunification, seeking asylum and human trafficking.

FAMILY REUNIFICATION: Family tracing and reunification should not be taken lightly, as it is a cumbersome process that requires a lot of resources. For the purposes of the process outlined in this OMA Tool, family tracing and reunification should only be attempted if there is immediate access and clarity of information surrounding the case (e.g. if the minor knows exactly where his/her parents are, if these parents can be traced, the child expresses a willingness to be reunited, and the parents can be reached with relatively little input).

For more information on the considerations and processes of family tracing and reunification, see a useful SCI resource accessible directly here:

<https://resourcecentre.savethechildren.net/sites/default/files/documents/5664.pdf>

An excerpt of the document details that:

“Not all child protection workers will undertake tracing—only a few agencies, often only one, will be tasked with formal ‘tracing.’ This is because a tracing program requires so many resources, including a large staff, vehicles and a good communication system. Whether or not you are involved in a tracing program, you should support tracing activities for all minors who are unaccompanied”.

The following considerations should be contemplated before attempting to start tracing and reunification activities:

- Make sure you understand and you (and/or your organisation) are prepared to meet the challenges of a programme that requires complex and rigorous



organisation, and a high level of coordination and expertise.

- Make sure you have sufficient resources for transport and communication as tracing efforts are often slowed down for lack of these critical resources.
- Set up a good administration system with clear roles and responsibilities.
- Conduct a multi-agency planning and mapping activity; this will enable you to have a comprehensive approach to tracing. In collaboration with the lead UN agency and relevant actors, adapt the Inter-Agency Child Protection registration, documentation and other forms to reflect your particular context.
- Train staff in the use of the Inter-Agency Child Protection Database and the adapted forms, particularly in techniques for interviewing distressed children. Include role-playing in your training.
- Train staff in the various tracing methods and the ethics involved in tracing.
- Make sure you coordinate your actions with local or de facto authorities where relevant.

Should your determination be that you are not equipped to follow through on the tracing and reunification (based on the points above), you should refer the case to the relevant government department(s) in your country. In some situations these government department(s) are supported by NGOs (that serve as established networks in society), or by organisations such as IOM, UNHCR, et cetera.

ASYLUM SEEKER: An unaccompanied minor who appears to qualify for refugee status should be brought before a Children's Court (or equivalent) for an order which directs that the child be assisted to apply for asylum. This implies the intervention of a social/welfare worker and an assessment of the child's circumstances through a Children's Court Inquiry. A child cannot claim asylum by themselves, without having obtained a court order and the necessary assistance.

Officials involved with the refugee status determination process have to take into consideration past events and it is therefore essential for first responders to document all relevant circumstances surrounding the presentation and/or identification of minors – however they came into contact with them. Whether a minor has a refugee claim will depend on the individual minor's reasons for leaving their country of origin and their circumstances. If the child had left his/her country of origin in order to escape:

- war,
- conflict, or
- persecution,

he/she may be eligible for refugee status and may qualify for further legal protections.



HUMAN TRAFFICKING: Human trafficking is a reality that is all too often encountered in cases of migrating minors. Simply defined, human trafficking is the action or practice of illegally transporting individuals from one area to another with the main aim of forced labour or sexual exploitation. When minors migrate, they are often ‘coached’ by their traffickers in what to say if they are questioned or interviewed. It is therefore a sensitive and difficult process to uncover victims of human trafficking. If you suspect human trafficking, you are to contact the Police immediately, and where possible document your concerns and suspicions around this.

For more on human trafficking in the SADC region, please see the SADC’s (2016) baseline report, which can be found directly here:

http://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf

Function 06: How Do I Monitor and Evaluate the Process?

Post-evaluation and monitoring is noted as lacking in many countries. Follow-up involves monitoring the minor’s situation and identifying any changes in a minor’s circumstances. For example: because a minor was unaccompanied at the onset of the process (or vice versa) does not mean they will stay that way throughout. The review of the case is a reflection on how the implementation of the plan is progressing, whether the objectives outlined in the case plan are being met, whether the plan remains relevant, and how to make adjustments to the plan if necessary.

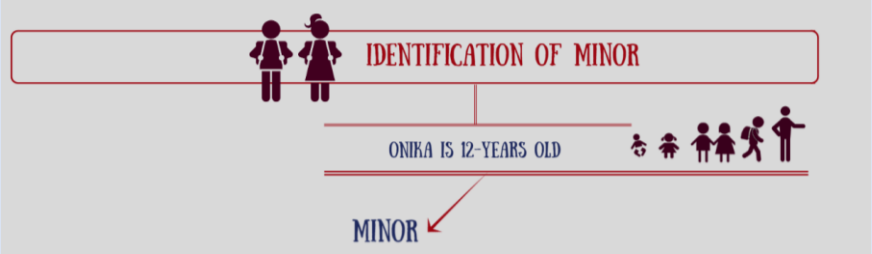
SCENARIO EXAMPLE AND APPLICATION OF OMA TOOL

This section offers a scenario and simulation exercise for the tool. We apply the tool to a specific scenario to show how it could work. The applications are based on the following narrative. All characters in this narrative are fictional and do not represent any real situation. The narrative is constructed from emerging themes derived from field visits with the countries as listed above. These themes are collectively represented in this narrative so that we can postulate simulation exercises using the various functions of the OMA Tool.

The Migration Trajectory of Onika

Onika is 12-years old and lives in a rural village. He is forced to leave home in search of income that he can send back home to his parents and siblings. Onika sets off on foot, travelling from the rural village to the city with the intention to make enough money to cross the border. He presents himself to a border without proper documentation and is seen by Ika – an immigration officer, who has to determine how best to respond.

Ika approaches Onika and introduces himself. It is clear that Onika is still a child, but Ika asks him what his age is, and if he has any identification documentation. Onika is scared to tell the truth, but Ika reminds him that he is not in any trouble. Onika says that he is 12-years old, but does not have any documentation.

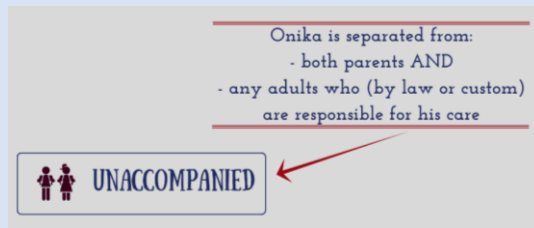


Ika speaks with Onika to ask about his situation. He determines that Onika is not in need of medical attention and he does not seem to be subjected to abuse. Onika is, however, hungry as he has not eaten anything in the last day. He also has no place to stay.

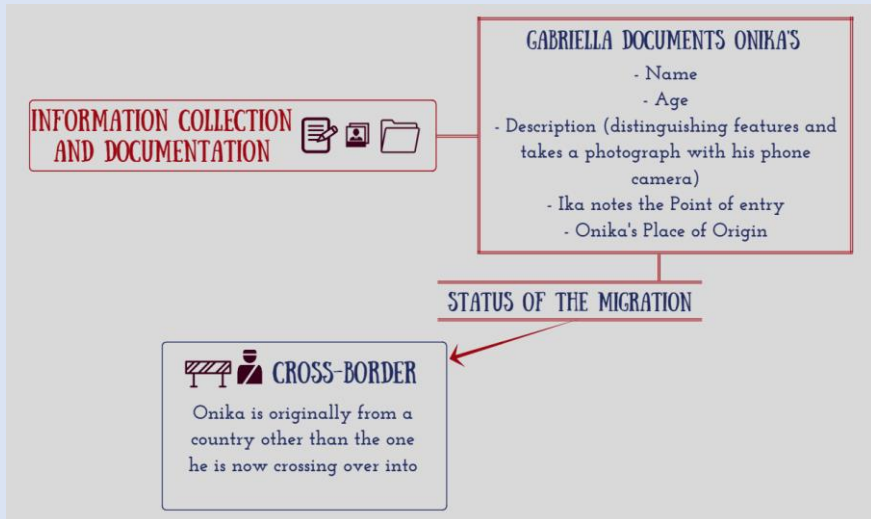
RISK LEVEL ASSESSMENT		
High	Medium	Low
Onika is not in need of medical attention and he does not seem to be subjected to abuse, as far as Ika can tell	Onika is hungry, as he has not eaten. Ika understands that this is the first need that needs to be addressed. Only once it has been addressed, can he continue with the process.	Once Onika's basic needs have been taken care of, Ika can continue with the rest of the process

Ika asks Onika about his Parents (*Where are they?*) and who he is travelling with.

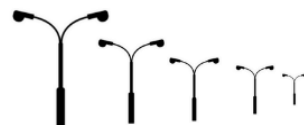




With Onika's case as an "unaccompanied minor" being established, Ika refers Onika to a Social Worker in the Social Work Department, who then opens up a case.



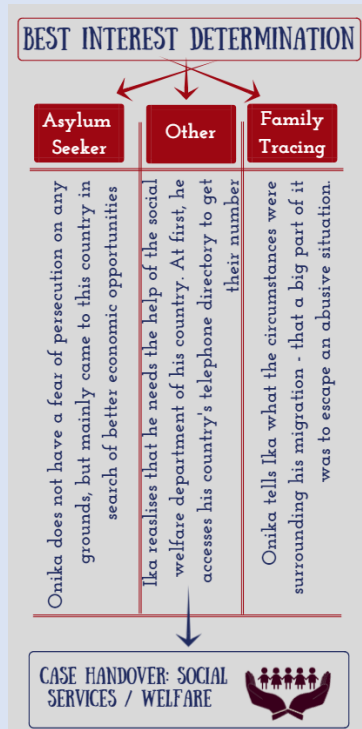
Gabrielle is the social worker assigned to Onika's case. In order to develop a case file, Gabrielle accesses UNHCR's vulnerability tool and starts to complete the form as provided.



First name/s:		Family name/s:	
Onika		Latifo	
Date of birth:	Age (in years)	Is date of birth an estimate?	
07 March 2005	12	Yes <input type="radio"/> No <input checked="" type="radio"/>	
Country of birth:		Place of birth:	
Last residence in country of origin:		Language:	
Ethnicity:		Citizenship:	
Identity document/s:			
None			
Details regarding informed consent for interview: (Refer to your organisation's Consent Form)			
Discussed the concept with the child and he gave informed assent			
Factors limiting the individual's capacity to participate in interview, and carer and/or legal representative present at interview:			
Only the child's age of 12.			
Domain	Age	Tick	
Unaccompanied or separated child	12	<input checked="" type="checkbox"/>	
Child accompanied by parent/s, other family members or guardians		<input type="checkbox"/>	
Comment as appropriate about immediate need for support			
immediate need for food and shelter			
Name, organisation, contact details			

Next, Gabriella accesses the *UNHCR Guidelines on Determining the Best Interests of the Child* and SCI's *Best Interest Determination for Children on the Move: A Toolkit for Decision-Making* – document. Gabriella starts the initial process of Best Interest Determination (BID).





Gabriella begins to conduct a risk assessment in order to refer him to a child care centre where further Best Interest Determination (BID) and Family Tracing and Reunification (FTR) processes can be done with support of institutions such as SC, IOM and UNHCR.

The follow-up: After a week, Ika calls Gabriella to follow-up on Onika's case. Gabriella tells Ika that – with the help of important support institutions – Onika has been placed in a 'place of safety', while they are working through the case management process.



FREQUENTLY ASKED QUESTIONS

How are unaccompanied minors treated differently, compared to adults and children arriving in families?

Unaccompanied children usually receive greater protections under law. Because they are minors, it is also often not a matter of ‘what is done’ or ‘what can be done’ for them, but ‘how’ it is done. In other words, because of the inherent vulnerabilities of unaccompanied children, the process is facilitated in such a way as to protect them in every possible way. It should also be made clear that unaccompanied children should not be treated as ‘offenders’ of immigration laws or policies, but as **victims**. Herein, they should not be liable for prosecution, but for protection (mindful of the laws of the respective countries).

What should I keep in mind when interviewing/talking with a child?

Firstly, it should be understood that children are simultaneously resilient and vulnerable and have a right to sensitive and responsive child protection provisions. You need to be as sensitive and accommodating as possible when dealing with a child, and at all times treat him/her as a ‘victim’ – see above. Under this general idea, there are also specific aspects that you should take heed of when interviewing or talking with a child. Some of these are:

- In the case of migrating children, always firstly make sure that the child’s basic needs have been taken care of. For example, make sure that the child has eaten recently, and is not thirsty. Remember, children might not necessarily tell you if they are hungry (for example), so you need to pertinently ask about, and deal with their basic needs before you can start the interviewing process.
- Make sure that the setting in which you are interviewing or talking with the child is conducive, neutral, quiet and secure if possible. The fewer people in the room, the better.
- You need to also assess the child’s developmental level, and not assume that a child of a certain age will have a certain level of understanding. Each child is different, and certain cases in migration and separation sees children on a level different to others of their age. You would then need to adjust the pace of the interview or discussion to the child’s abilities.
- Further general techniques for interviewing a child is to:
 - be patient.
 - use a language that is understandable to the child.
 - not be leading in your phrasing of questions. Children mostly like to please adults and could therefore be telling you what they think you want to hear. Be as neutral as possible in the manner in which you address them.
 - ask only one question at a time, and to keep your sentences simple.



- remember that children are very literal, so you need to be very specific in the questions you ask.
- not 'correct' an answer for a child.
- not make promises you cannot keep.

Can unaccompanied children be detained?

Unaccompanied children can technically be detained. However, special laws govern the custody of children based on child welfare standards that take the best interests of the child into account. Under international law, children “should in principle not be detained at all”. Detention, if used, should only be a “measure of last resort” for the “shortest appropriate period of time,” with an overall “ethic of care.” Detention has well-documented negative effects on children’s mental and physical development. Rather, therefore, it is encouraged that *places of safety* be sought and children be placed there as the process is taking its course. The detention of a child should only be done as a very last resort and when all other options have been exhausted.

Further to this, should the child be detained, the detention situation should be completely apart from the general detention that are enacted upon all others. Herein, the child should be separated from other detainees and should **not** be jailed or detained with criminals or suspected criminals or other adults.

Can unaccompanied children be released from custody?

Yes, unaccompanied children, if detained (please see above), can be released from custody. It is required that individuals taking custody of the children are able to provide for their well-being.

How should I treat an underage child who is also a parent?

Children (especially girls) who are parents, it needs to be understood, are still *children*. As such, they still need to be treated as children, and not as adults. This applies to children who have biological children of their own, as well as those who are responsible for siblings (for example), in child-headed families.

Can children claim asylum by themselves?

An unaccompanied minor who appears to qualify for refugee status should be brought before the Court (in the case of most countries, a Children’s Court) for an order which directs that the minor be assisted to apply for asylum. This implies the intervention of a social worker and an assessment of the minor’s circumstances through an in-depth inquiry.

Officials involved with the refugee status determination process have to take into consideration their capacity to reflect on past events and abilities of expression. For this reason, those who this OMA Tool are aimed at would not necessarily be in the best



position to aid a child in their quest towards refugee status / asylum. In most cases it is in the best interest of the child to hand this case over to a social worker. Frontline officials should, however, note any information that they feel might contribute to the process (in any way) in the documentation that they keep and prepare for the child.

ADDITIONAL RESOURCES

Centre for Education Rights and Transformation, University of Johannesburg. 2012. *The Education Rights of Migrants, Refugees and Asylum Seekers in South Africa: Report to the Foundation for Human Rights*. Available:

[https://www.fhr.org.za/files/6713/8598/8897/The Education Rights of Migrants Refugees and Asylum Seekers in South Africa Research Report.pdf](https://www.fhr.org.za/files/6713/8598/8897/The_Education_Rights_of_Migrants_Refugees_and_Asylum_Seekers_in_South_Africa_Research_Report.pdf)

Crush, J & Williams, V. 2005. *Migration in Southern Africa: A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration*. Available: <https://womin.org.za/images/impact-of-extractive-industries/migrancy-and-extractivism/Crush%20%20Williams%20and%20Peberdy%20-%20Migration%20in%20South%20Africa.pdf>

Development Data. 2014. *An Assessment of North-South Corridor Borders and Migrant Host Communities in Zambia*. Available:

<https://executiveboard.unfpa.org/downloadDoc.unfpa?fileName=CPD%20Zambia%20UNDAF%20evaluation%20report.pdf~23-47-2015-10-47-45-961>

Global Protection Cluster. 2014. *Inter Agency Guidelines for Case Management & Child Protection. The Role of Case Management in the Protection of Children: A Guide for Policy & Programme Managers and Caseworkers*. Available:

http://www.cpcnetwork.org/wp-content/uploads/2014/08/CM_guidelines_ENG_.pdf

International Organization for Migration (IOM). 2013. *Children on the Move*. Available:

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