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“Unaccompanied minors in Austria: the system of care and examples & illustrations of everyday work with unaccompanied minors”

Introduction

In the year 2007, about 500 separated children arrived in Austria and applied for asylum¹. The care-taking system for these young people had been developed over the past ten years. This paper gives a review of this development and a description of the actual care-system for unaccompanied minors in Austria. Other aspects discussed are the asylum procedure, detention, guardianship and education. As a supervisor of a home for 15 unaccompanied boys between 14 and 18 years, I would also like to share some of my experience with the difficulties of daily-life that they face, and also the youngsters' strengths.

Statistics on unaccompanied minors in Austria

Austria today is facing a decreasing number of unaccompanied minors arriving. The country received over 1000 minors a year between the years 2000 and 2004; the official statistics of the Federal Ministry of Interior tell us there were only 488 newly arrived unaccompanied minors in 2006², which means 50% less applications than in 2005. For the year 2007 we are expecting a similar number--about 500 arriving.

Arrival of separated children 2004 -2007

	under 14	under 18	assessed as being adults	Total number
2004	43	871	298	1212
2005	81	709	91	881
2006	53	361	74	488
2007 ³	32	391	49	472

Table edited by the author, on basis of statistics of BM.I (2004), BM.I (2005), BM.I. (2006), BM.I. (2007a)

¹ BM.I (2007), p. 11.

² BM.I (2006), p. 11.

³ Statistics for the year 2007: January 1st through October 31st 2007.

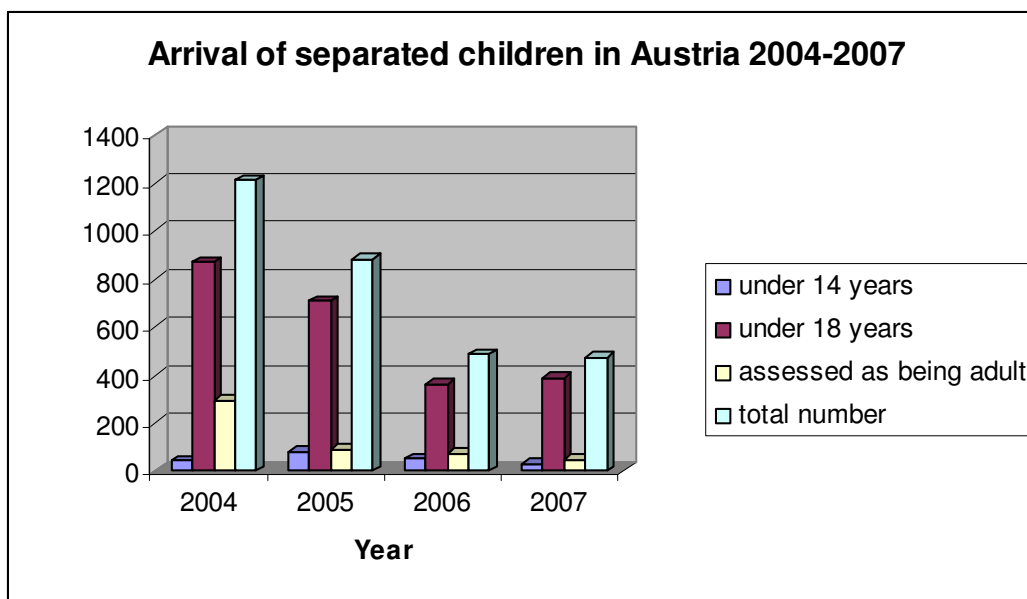


Table edited by the author, using the statistics of BM.I (2004), BM.I (2005), BM.I. (2006), BM.I. (2007a)

Most of the separated children came from Nigeria, Afghanistan, Moldova and the Russian Federation. In 2007 we are encountering a rise of children from Somalia. On the other hand, the number of Nigerian kids is dropping.

Countries of origin 2004 - 2007:

Year	Nigeria	Afghanistan	Russian Federation	Moldova	Gambia	Somalia
2004	235 (1.)	23	32	124 (2.)	78 (3.)	2
2005	74 (2.)	93 (1.)	74 (2.)	63 (3.)	27	9
2006	40 (3.)	46 (2.)	56 (1.)	22	16	13
2007 ⁴	28	66 (1.)	33	63 (2.)	20	39 (3.)

Table edited by the author, using the statistics of BM.I (2004), BM.I (2005), BM.I. (2006), BM.I. (2007a)

⁴ Statistics for the year 2007: January 1st till October 31st 2007.

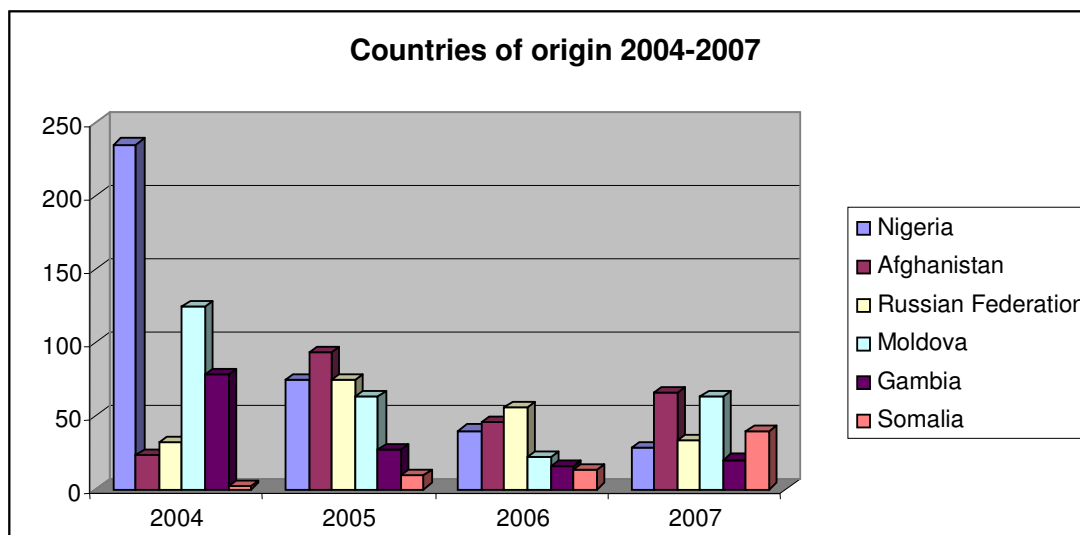


Table edited by the author, using the statistics of BM.I (2004), BM.I (2005), BM.I. (2006), BM.I. (2007a)

The statistics do not show how many boys and how many girls arrived, but the estimated proportion of girls to boys is 1:9.

Status in Austria - the asylum procedure

These statistics refer only to those separated children who are applying for asylum in Austria, as there are almost no other legal possibilities for them to stay in the country. We do not have data about trafficked children or children without legal status in Austria⁵.

Shortly after the arrival of unaccompanied minors in Austria, they are sent to one of three initial reception centres, like every other asylum seeker. The centre is a big asylum seeker camp where it is decided if they are admitted to the asylum procedure and therefore allowed to stay until the final decision on their asylum claim, or if the asylum seekers are to be sent back to another European country because of Dublin II regulations. In these first days, they receive a medical examination, get a basic immunisation, and are asked about their routes to Austria and about the people helping them travel.

How they choose to get to Austria depends on the country they are from, but--obviously--they often have to cross another country of the European Union since Austria borders only two non-EU Member states, Switzerland and Liechtenstein. If a minor did not apply for asylum in another EU country, he is admitted to the asylum procedure. Many kids come via the southern European countries like Italy and Spain, and are not yet recognized asylum seekers there. Therefore the admission to asylum procedure in Austria is usually stated⁶.

⁵ There are trafficked Romanian and Bulgarian children begging and stealing on the streets of the bigger cities, but since my work with separated children seeking asylum is not concerned with these kids, I am not able to tell anything about their situation.

⁶ The Austrian asylum law differentiates here between separated children and adults. An adult would be sent back to the country he crossed, even if he did not apply for asylum there.

In some cases, the unaccompanied minors did not realize that they were signing an asylum application, which happens to a lot of Afghan separated children in Greece, and then they find themselves facing difficulties in starting the asylum procedure in Austria. Some are sent into custody for weeks, pending deportation; others stay in the initial reception centre for a longer time than usual.

Pre-deportation detention

Since the beginning of 2006, Austria's legislation allows detention pre-deportation at the very beginning of an asylum procedure. The number of people in custody pending deportation increased 4.5 times compared to numbers of 2005⁷! According to the Federal Ministry of Interior, 185 children between 14 and 18 years have been taken into pre-deportation detention in 2006, but the Ministry does not say how many separated children were included in this calculation⁸.

Authorities are allowed to keep people up to 10 months (normally up to 2 months) in detention, in small rooms without any possibility of work and other activities, as is the norm in detention centers for delinquents. In pre-deportation centers, which are managed by the police, there is no adequate care for unaccompanied minors. In many cases, the authorities emend the age of a person to an adult age, as happened to one of the boys in my house. He was kept in detention for over two months, because the authorities were trying to send him back to a southern European country. In pre-deportation centers, there is a lack of legal support and information. Some people are in prison without legal reasons for it but cannot fight it. It is also observed that deportations of separated children were increasing, compared to previous years: one boy, for example, was deported to Kosovo⁹.

After admission to the asylum procedure, the youngsters are sent from the initial reception centre to homes for unaccompanied minors in different parts of Austria. These homes operated by different NGOs are part of the "Basic Welfare Support system" that Austria developed for aliens in need of assistance and protection since 2004¹⁰, and our house is part of this system.

The asylum procedure takes a long time; children wait for years for a final decision on their asylum claim. In the year 2006, five separated children who had been in the country more than three years were rejected. Three of them came to Austria when they were younger than 14 years old¹¹. Only a very small number of separated children are granted refugee status, as Asylum authorities do not believe in the personal persecution of unaccompanied minors. More are granted subsidiary status (most separated children from Afghanistan are given this status). In the last few years, the rights for this group of people have improved, and beginning in 2008, they

⁷ Flucht ist kein Verbrechen (2007)

⁸ Ablinger (2007), BM.I. (2007b)

⁹ Separated children in Europe programme (2007): p 17.

¹⁰ Basic Welfare Support Agreement – Art 15a of the Federal Constitution.

¹¹ Ablinger (2007), BM.I. (2007b)

will be allowed to work without any kind of restriction from the day they are granted subsidiary status¹².

Other possibilities to obtaining immigration status?

Right now there is a significant discussion in Austria about what a “*Bleiberecht*,” or “right of residence,” is. Many people, initiatives, and a political party (Green Party) are fighting to implement this right in Austria. For we still do not have this right, since Austria did not decide to grant amnesty for illegalized people as the Netherlands and Spain did in 2007¹³ and 2005¹⁴ respectively. Therefore there is only the possibility of a humanitarian stay, but this is not executed by authorities and it is a political act of grace, not a right. There is a very limited use of this humanitarian status. And to obtain any other immigration status would also be difficult as one must apply for it in the country of origin.

Review of the development of the care-taking system for separated children

Authorities and NGOs in Austria became aware of the situation of unaccompanied minors in the 1990s. In 1996 the Municipal Youth Welfare Vienna built a centre for accompanying and counselling separated children, which was called the Centre of Competence. There a team of social workers and legal representatives tried to improve the situation of the kids in Vienna. This centre was in use until 2004. In 1998 Heinz Fronek, a psychologist and expert for separated children, conducted a research on the situation of separated children¹⁵, leading to the campaign “Human rights for child refugees”¹⁶. Some organisations in different parts of Austria started to develop concepts for homes for such kids, starting with Clearing Houses, where the separated children could stay for 3 months and where it was decided which kind of care-taking they would need. The first house opened in 2001, but the problem in this period was that there were not enough places where the youngsters could be sent. The Youth Welfare Vienna refused to take kids over the age of 14 into their own homes after 1998, but financed a special centre for the kids.

With the introduction of the Basic Welfare Support, a big change in care-taking for all asylum seekers took place in 2004. The Basic Welfare Support Agreement is an agreement between the Federal Government and the nine provincial governments for aliens in need of assistance and protection in Austria¹⁷. In this agreement, a special provision for separated children was stated. There are three different stages of care-taking defined for separated children:

¹² Before they had to wait one year for entering the labour market without restrictions.

¹³ BBC News (2007), Separated children in Europe (2007), p. 6

¹⁴ Adler (2005)

¹⁵ Fronek (1998)

¹⁶ www.asyl.at

¹⁷ This includes asylum seekers, persons having entitlement to asylum, displaced persons, and other persons who may not be deported for legal or practical reasons

- Residential units with intensive care for those with psychological problems or other handicaps, and means for unaccompanied minors who have a particularly great need of care;
- hostels as specialised centres with the 24-hour presence of care-takers tending to those separated children who are not capable of self-support and
- supervised premises for youngsters who are in the position to support themselves under guidance. Professionals come several times a week but do not stay overnight¹⁸.

Thus, on the one hand, we are able to differentiate between levels of care-taking; on the other hand, however, we have to face the problem that there are no Clearing Houses anymore, where the needs of the youngsters are professionally examined. The former Clearing Houses were changed into care-taking centres themselves in 2004; there are only a few places left in western Austria fulfilling the original function of Clearing Houses.

The Basic Welfare Support offers a place to stay, food or food money (€ 5.- / day). It also includes pocket money (€ 40/month), and money for clothing (€ 150/year), for school (€ 200/year), and for leisure time (€ 10.- / month) as well as health insurance. For separated children only it also includes 200 hours of a German course.

Due to the significant drop in numbers of applications for asylum from separated children, the special centres for unaccompanied minors were facing more and more serious financial problems. As a consequence, a couple of these homes were closed down in the last two years. Currently, the houses are not facing a lack of clients, but have financial problems because they get the money per day per head--and that amount has not changed since the introduction of the Basic Welfare Support, without any adaptation to inflation, the rise of salaries, etc.

Guardianship

In the year 2005 the Highest Court decided that the Austrian Youth Welfare has to take over the guardianship for unaccompanied minors. It is stated in the Asylum Act that separated children need to have a legal representative of the Youth Welfare taking guardianship for the asylum procedure, accompanying them to the asylum office for interrogation, writing appeals, etc. The recognition of full guardianship has not caused a big change in working with them, since the homes of the youth welfare are still closed for separated children over 14 in many provinces. The exertion of the guardianship by the social workers differs a lot from one province to another since the Youth Welfare is the responsibility of the provinces and not of the state. In Vienna, it is still a continuing struggle to get financial support for further education in sports or arts. We often have to fight for a follow-up German course after the 200 hours provided by the Basic Welfare Support to the underaged, as the Youth Welfare is not willing to pay for it. In other provinces it is easier to receive additional financial support, and the social workers come regularly once a week to visit.

¹⁸ Basic Welfare Support Agreement – Art 15a of the Federal Constitution. P15

Majority in Austria is reached at the age of 18. A lot of support therefore also stops at the 18th birthday. As the unaccompanied minors are no longer minors, they have to leave the special centres and move to another accommodation for asylum seekers, where they live together with adults as well as with families, in some cases. Some of the kids also try to find a private accommodation, though it is very difficult to pay for a rented flat. As long as they are in the asylum procedure or if they were granted subsidiary status and do not have their own income yet, they are allowed to receive support within the system of Basic Welfare Support.

If minors are still officially recognized as refugees, they are looked after by the Youth Welfare. They leave the houses of Basic Welfare Support and move to a home of the Youth Welfare. After their 18th birthdays, they can stay for a while in a Refugee house and start to look for a private home as they receive more financial support.

Education and vocational training

As mentioned before, separated children are supposed to attend 200 hours of German course provided by the Basic Welfare Support system. After 4-5 months of a language course, many of them are not able to speak German fluently and to continue their education, especially if they arrived as illiterates and have to learn how to read and how to write first. When they have finished their German classes, we try to place the kids in courses to receive the Austrian basic school certificate. Most of them would like to continue with vocational training at an apprenticeship training position. But it is very difficult to find such a place--even for Austrian young people; it is even more difficult and often impossible for separated children. The Austrian legislation hinders asylum seekers from entering the labour market including apprenticeship training; therefore only separated children who are granted the right to stay in Austria by the Asylum authorities (subsidiary status or refugee status) are able to enter these training programs. Vocational schools are full and as the language skills of the kids are not as developed as the schools expect them to be, it is mostly dependent on the good will of the head of a school to accept separated children. Every year we struggle anew to find schools or training places for all the kids in the house.

Psychological situation

Many of the separated children are facing situations of posttraumatic stress, depression, and fear. Almost all of them have difficulties sleeping at night. Some experienced maltreatment in their childhood; others have trauma caused by the experiences leading to their flight or during their way to Europe. It is very difficult for us to find out what happened. We try to establish a relationship of confidence, and as time goes by, the boys tell us some aspects of their former life. Some of the kids go to psychotherapy or are under medical care of psychiatrists.

An additional factor in their psychological stress is the asylum procedure in Austria. It may take years to get the final decision of the Austrian asylum authorities: years without knowing if he or she is allowed to stay or not, while waiting for long periods of time first for the interview, then for the notification, and finally for the response to their appeal. In between, they

are interrogated about the facts leading to their flight, which is a tremendous burden for the youngsters. They do not understand why it takes such a long time to decide on their future, and they take it very personally. They compare themselves with their friends and their neighbours, suspecting that in their case something is going wrong. We also observed that the first interviews by the asylum authorities are often scheduled shortly after the 18th birthdays. In many cases, the authorities doubt the listed age, dismissing any credibility of the asylum seeker and his story.

That leads me to another psychological aspect: the question of identity. The separated children are in a special period of their lives where they find their own identity. I believe that some of the problems we encounter in our work are related to a confusion of identity. The kids tell different ages or stories about their lives, because they think--or were told by the smugglers--that this might be advantageous for their asylum procedure, and thus work better than the truth. This means that the kids have to live with lies every day, experiencing the doubts and questions of other people--not only the authorities but also teachers, classmates, etc. In the asylum system in Austria, it is difficult to correct any of the information given before, and there are also few people whom the kids allow themselves to trust.

The kids also experience racism and discrimination in Austria. Blacks are told that they are not allowed to enter some cafés and bars in Vienna, people change seats in the metro to avoid sitting next to a black person, the bus does not stop for them, etc¹⁹. They become vulnerable to any small insult and then sometimes overreact in such simple situations as being asked to tell something about their life in Africa in the German course. When they refuse to reveal anything, the teacher misinterprets that behaviour as a refusal to cooperate. At the same time they learn that they should behave in a certain way and that their open opinion about Austria is not appreciated if they are not saying only positive things. Many of the kids feel suppressed and treated like animals, while all they ask for is respect. We have a lot of discussions about this point, and a lot of conflicts or misunderstandings are based on their search for respect and self-value. It is important to help them to feel that they are important to someone and are valued.

The kids also have to deal with other disappointments and frustrations. The situation they encounter in Austria differs very much to what they expected it to be. Some of them also feel the burden that they should send money back home to support their families, since they spent so much money to have the smugglers bring one family member to Europe.

Positive Aspects

Most of the separated children are very strong and motivated people--they are willing to survive and have the will to build a better future for themselves. They are focused on looking ahead, and most of them are putting all their energy in education--starting with learning German and asking a lot about the new culture they encounter. Most of the people in our

¹⁹ The organization ZARA is publishing a Racism Report every year, where experiences of racism are told. There is also an English version available at <http://www.zara.or.at/materialien/rassismus-report/racism-report-2006.pdf>

house attend a German course at another institution, that lasts three to four hours a day. When they return, they sit down to do their home work. We also provide one-on-one studying help with volunteers and trainees, and often the boys sit down with them for another one to two hours. In the evenings during the week, they sit in their rooms listening to CDs or asking the care-takers on night duty to help them continue their studies. And for many of them it is not easy to learn the language as some have to learn first how to read and how to write.

Another positive aspect that I observed in my work is how they treat each other. Obviously sometimes there are fights and arguments, and not every one is best friends with everybody else. But somehow they feel that the community in the house is a kind of family for them now. They take care of the youngest and smallest -or think they have to educate him sometimes. They worry about each other, miss each other if someone is sent to detention, visit each other in prison, and make sure that we, their care-takers, organise help for people in psychological trouble. They pray together or for each other, remind each other to take their medicines, and even making fun of it. They help to calm down and protect each other in difficult situations. Sometimes the boys are much quicker than the professionals in realizing the stage of escalation of a situation in times of conflict, and they try to prevent serious harm from being done.

Connecting people

Valuable support for our work in the centre is coming from a project called *Connecting People*. Since 2001 Austrian adults or people from abroad living in Austria volunteer for a *Patenschaft* - a kind of sponsorship for an unaccompanied minor. It is not a sponsorship in a financial way but in a social sense. The selected adults attend a preparation course before they get to know their kids. Then they start building their relationship: meeting regularly to study German together, to go for excursions or just to experience a normal family life. Some accompany the kids to the asylum interview, look for schools they can attend, etc.

I have observed that it is a great support for the separated children to have one person all to himself--someone he does not have to share with 14 others. Nevertheless sometimes they also do things together with other friends and their sponsors. Another important aspect is that this relationship does not stop once they celebrate their 18th birthdays; it continues and sometimes leads to a full integration in the family.

The kids have to move out of our house the day they reach 18 years old. I am happy that we are still in contact with many of the kids who used to live in our house, although some left Austria and are living in Switzerland, Sweden or the Netherlands now.. Maybe some of you will met the same kids I have met...

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