(Former) Unaccompanied Minor Asylum Seekers – Overview of Protection, Assistance, Good Practices and Key Gaps

Country Assessment Report - Slovenia

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I Executive summary

(Former) Unaccompanied Minor Asylum Seekers – Overview of Protection, Assistance, Good Practices and Key Gaps, Country Assessment Report Slovenia, is part of the project “Best Practices for a Coordinated Approach to Assist Unaccompanied Minors Asylum Seekers (UAMAS) and former UAMAS (fuAMAS) in EU MS”, and presents the ground for a comparative study among eleven EU Countries within the EU, namely the Czech Republic, Hungary, Poland, Slovakia, Slovenia, Austria, Belgium, France, Italy, the Netherlands and UK.

The overall aim of the Study is to identify the most pressing needs among UAMAS and fuAMAS, identifying assessment gaps, and evaluate current assistance projects and practices as well as capacities and efforts taken to address such gaps.

Development of child’s skills and competencies, regardless of life circumstances (such as asylum claim, the length of stay in the state where the child seeks asylum and of the duration of asylum procedure) is in the best interest of the child. A person with more developed skills and competencies can integrate better into the host, home or any other society.

Building on this premise the assessment explores the following topics:

- How do European Union Member States (EU MS) ensure development of skills and competencies of Unaccompanied Minor Asylum Seekers (UAMAS) and former Unaccompanied Minor Asylum Seekers (fuAMAS)?
- How are UAMAS and fuAMAS integrated into the host society (and other communities such are their diaspora/ethnic community in the host country)? What are specific needs of UAMAS and fuAMAS with focus on skills and competencies? What are the gaps in addressing these needs?
- What are the (institutional) capacities to address the needs related to skills and competencies development of UAMAS and fuAMAS? Which initiatives are currently underway? Which good practices can be identified?
- What common approach (including minimum standards) can be devised to address the needs with respect to skills and competencies of UAMAS and fuAMAS?

The present assessment is focusing on the procedures which help equip the child with such skills and competencies which are facilitating successful durable solutions for UAMAS. Development of skills that aim to integrate the child in the host society, regardless of the length of stay are fostering the child’s competencies and are in the best interest of the child. The aim of the assessment is to reflect on the various ways integration is conceptualized in the Republic of Slovenia (hereinafter Slovenia)

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1 Assessment Design, Methodology and National Reports Structure – IOM Project on Best Practices for a Coordinated Approach to Assist Unaccompanied Minor Asylum Seekers (UAMAS) and former UAMAS (fuAMAS) in EU MS.
and to reflect on the various practices – how does Slovenia facilitate the development of skills and competencies of UAMAS and fUAMAS.

Unaccompanied minors (UAMs) are a group of children that receive very little attention in Slovenia. Not much is discussed or written about them. They are a topic that does not draw much attention neither of the politicians nor of the general public. Their presence is seen and felt mostly by actors that are taking part in their treatment and meet them on a daily basis.

For most UAMAS Slovenia is a transit country.\(^2\) They leave Slovenia soon after arriving\(^3\), continuing on their way towards the countries of Northern and Western Europe. According to some experts from Slovene Philanthropy and the Ministry of the Interior there have been some changes detected in the field, mostly that the majority of UAMAS are now coming from areas of crisis (predominantly Afghanistan), that a certain number of UAMAS remain in Slovenia for longer periods of time, where they are granted international protection status (these are mostly boys from Afghanistan that are granted subsidiary protection status), and there is an increasing number of UAMAS that are returned to Slovenia from other EU countries on the basis of the Dublin II Regulation. Most UAMs, detected by the authorities in Slovenia apply for international protection.\(^4\) They are mainly boys between the ages of 15 and 17. In 2010 the predominant country of origin was Afghanistan, followed by Palestine and certain African countries such as Nigeria, Ghana, Tunisia, and Algeria.

The results of the study show that the situation of UAMs in Slovenia is less than favourable. An overview of the situation and changes over time shows that there have been certain improvements, but the basic problems remain. In accordance with the International Protection Act (hereinafter IPA) that defines the treatment of UAMAS and fUAMAS in terms of international protection, the UAMs are recognized as a special vulnerable group, but their treatment is in many respects the same as that of adults.

Results of this study show a number of gaps in the treatment of UAMAS in Slovenia that should be closed.

UAMAS are not informed well or are not informed in an appropriate manner as the vast majority has no understanding of the procedure they are in, do not know their rights and obligations, the role of legal guardian, their options, etc.

The existing system of guardianship has its benefits (all UAMAS and fUAMAS with international protection have a guardian that works in their best interest) but it also has many shortcomings that should be eliminated. It is extremely important to eliminate the shortcomings, which are highlighted in the study, since guardianship represents an important mechanism of protection of UAMs.

\(^2\) According to data of the International Protection Division of the Ministry of the Interior, 38 UAMs applied for international protection in 2010 and 26 of those disappeared/left from the Asylum Home (68 %).

\(^3\) Most UAMAS disappear from the Asylum Home few days/weeks after their arrival, before they receive the decision from the Ministry of the Interior. In the past there were also some cases of UAMAS who disappeared from the Asylum Home after they received a negative decision on the first instance (from the Ministry of the Interior) (information was gained from a consultation with the legal guardian/representative of SP).

\(^4\) The term “International Protection” substitutes the term “Asylum” in 2007, when there was a change in the National legislation in the migration field. Accordingly also the Asylum Act is currently called the International Protection Act.
UAMAS receive suitable support in contacts with their families, but their options for reuniting with their family members are very limited. They may apply for reuniting with their families when they are granted international protection; they may only reunite with their parents and must provide documentation that proves their family ties. Once minors come of age, reuniting with their parents is no longer possible.

Slovenia has no appropriate accommodation facilities for UAMs that would assure the necessary professional treatment and psychosocial programmes, adapted to their needs. Their accommodation is related to their status as given by the state and the availability of accommodation that is quite limited in Slovenia.

Not enough attention is given to the cultural needs and religion of UAMAS. In spite of certain adjustments in the Asylum Home (there is a special room where they can pray in peace, meals do not include pork, religious feasts such as Ramadan are observed), f/UAMAS are not satisfied with the support they receive.

Most UAMAS wish to enrol in a school upon their arrival into the Asylum Home (hereinafter AH), but existing possibilities are limited. The major shortcomings present in this area are as follows: no preliminary programmes that would facilitate the inclusion of UAMAS into school and the schooling procedure; no adapted textbooks and materials; most UAMAS were not allowed to immediately enrol in school; UAMAS are not given the opportunity for intensive learning of the Slovenian language during their stay at the AH; even after granted international protection status fUAMAS are not enabled to immediately take part in Slovenian language courses; UAMAS are given the opportunity to enrol in vocational training only after nine months after their lodging of an application for international protection; teaching of other languages (e.g. English, German, etc.) is carried out only through the work of volunteers of the Slovene Philanthropy (hereinafter SP); there are no opportunities for learning the mother tongue.

Since most international protection seekers do not have the right to work and receive no pocket money, they are completely dependent on the AH and non-governmental organizations (hereinafter NGOs) that operate in the field. Most fUAMAS with international protection work occasionally via Student Service while they are going to school. They decided to work because they need money since the financial support they receive from the state is too low.

There are no special programmes that would promote the interaction of f/UAMAS with their Slovenian peers or members of their own ethnic groups. In the AH there are no programmes or courses in which UAMAS could learn about Slovenia, its culture, habits and tradition. Due to the lack of such programmes the integration of f/UAMAS into Slovene society and their ethnic community is very difficult.

The low number of UAMs in Slovenia allows for an individualized approach to their treatment. Due to this fact the state has not developed special mechanisms for protection and care for this group of children. Difficulties and problems UAMs face are resolved individually and not systemically. The manner in which individual situations are resolved depends heavily on the individual actors that are included in the treatment of UAMs. Because the field of UAMs is not systemically regulated but depends on the work of individual actors, the system of their treatment in Slovenia is very vulnerable and uncertain. The study has also shown the need for additional training of actors included in the treatment of f/UAMAS.

When UAMAS turn 18 years of age, in the procedure of international protection they are no longer treated as a vulnerable group. This turns into a greater problem due to the fact that their status of a minor is one of the key reasons for the recognition of subsidiary protection status. FUAMAS are also
no longer entitled to a guardian and their rights in the area of health care are reduced. FUAMAS with international protection status are no longer entitled to reunification with their parents as they come of full age (despite the fact that they applied for reunification when they were still minors).

UAMs in Slovenia are treated with respect to the migrant status given to them by the state. This status defines their accommodation, their options and rights. Regardless of their status their treatment is not directed towards the development of their competences, gaining of knowledge and various skills to support their development and better integration, regardless of whether they stay in Slovenia, return to their country of origin or continue life in a third country.

1.1 Abbreviations

**UAMs** - Unaccompanied Minors  
**UAMAS** - Unaccompanied Minor Asylum Seekers  
**fUAMAS** - former Unaccompanied Minor Asylum Seekers  
**Slovenia** - Republic of Slovenia  
**IPA** - International Protection Act  
**AH** - Asylum Home  
**SP** - Slovene Philanthropy  
**NGOs** - non-governmental organizations  
**AC** - Aliens Centre  
**MOI** - Ministry of the Interior  
**PIC** - Legal-informational Centre of nongovernmental organizations – PIC  
**IPD** - International Protection Division  
**IH** - Integration House  
**CSW** - Centre for Social Work  
**Cene Štupar** - Cene Štupar Centre for Continuing Education
2 Methodology

The target groups of the present assessment were:

- Unaccompanied minors that have applied for asylum in the participating countries (UAMAS).
- Former UAMAS in the participating countries – 1) those unaccompanied minors that entered the asylum process as underage children but reached the legal age while their claim was and/or is ongoing; 2) those young children or adolescents that have undergone the asylum process and been either granted asylum or rejected (fUAMAS).

The age limit for interviewed children and young persons was from 14 to 25 years of age.

- Organizations providing assistance to these groups in the participating countries;
- The policy makers in each participating country, who will benefit from the findings of this project and the recommended common approach.

On the basis of available information and the current situation in Slovenia we invited all UAMAS and fUAMAS aged between 14 and 25, residing in Slovenia for at least a few months\(^5\), and various experts working in the field to take part in our study. All UAMAS, fUAMAS and experts were contacted by the researcher. In one case, contact was made with the support of an integration counsellor that is employed at the Ministry of the Interior (hereinafter MOI).\(^6\)

Overall, 14 fUAMAS, 2 UAMAS and 15 experts were invited to take part in the study. Four fUAMAS and one UAMAS declined to participate in the study\(^7\), but three of them (two fUAMAS\(^8\) and one UAMAS) agreed to our use of interviews they participated in last year for the purposes of the *Closing a Protection Gap* study.\(^9\)

The group of UAMAS and fUAMAS that were interviewed for the purposes of this study, including those whose interviews from the previous study were used, consisted of 12 boys and 2 girls, aged between 16 and 25. Their countries of origin are Afghanistan, Iran, Cameroon, Eritrea, Ghana, Nigeria, Kosovo\(^10\) and Bosnia and Herzegovina. Four of the participants are still applicants for international protection, nine were granted international protection status in Slovenia (two of them status of refugees, two asylum on humanitarian grounds and five subsidiary protection) and one is

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5 At the time of performing the study there were about 10 UAMAS in Slovenia that were not invited to take part in the study as their time of residence in Slovenia was too short or they left Slovenia soon after arriving.
6 We attempted to make contact with four fUAMAS with the support of the integration counsellor, but were only successful in one case since three fUAMAS changed their addresses and telephone numbers.
7 In most cases the reason was the fact that the same UAMAS and fUAMAS are often contacted for various studies in the field due to their small numbers in Slovenia. One of the fUAMAS also pointed out that he has stated his difficulties many times before and nothing ever changed for the better.
8 One of them was an UAMAS at the time of the *Closing a Protection Gap* study.
9 The report *Closing a Protection Gap, National Report 2010 – 2011* was performed by the Slovene Philanthropy.
10 With the term Kosovo we refer to UNSC resolution 1244-administered Kosovo.
residing in Slovenia on the basis of a permission to remain. The time of their stay in Slovenia varies greatly, from four months to eight years. Most are residing in Ljubljana, the capital of Slovenia.

The group of experts participating in the study consisted of five representatives of MOI, six representatives of schools and four representatives of the NGO SP.\(^{11}\)

Semi-structured face-to-face interviews were used as the method for gathering data.\(^{12}\) Questionnaires for UAMAS, fUAMAS and experts were used as a guideline in interviews. Questionnaires included the following topics: right to information, guardianship, family tracing and reunification, change of status, accommodation, cultural needs and religion, education and skills development, employment, leisure time, interaction with and integration into host society/diasporan ethnic community, support and resources, social orientation and training, plans for the future, dreams and hopes, key gaps and good practices. Questions were qualitative and open with the purpose of gaining the viewpoints and opinions of interviewees. Prior to conduction the interviews, participants were informed of the purpose and aims of the study, confidentiality of the conversation and the option of not answering one or more questions.

Interviews were carried out by the researcher from December 2010 to March 2011. Most interviews took part at the homes of f/UAMAS and in the institutions or organizations where experts are employed. Confidentiality was assured in all cases. Interviews were conducted without the presence of other persons except in three cases when an interpreter was present. Most interviews were conducted in Slovene or English.

This study is based on the analysis of 29 semi-structured interviews (11 with fUAMAS, 3 with UAMAS and 15 with experts) and the findings of existing reports and studies performed in the field of f/UAMAS. The results and findings of interviews with f/UAMAS are presented without names, so the anonymity of interviewees and confidentiality of information are assured. In cases of experts the study only provides their function or the institution/organization where they are employed. At the end of the country assessment there is a list of experts who participated in the study. Some of them wished to remain anonymous therefore only their function is mentioned. In the study quotations from individuals have been selected to illustrate the range of viewpoints identified.

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\(^{11}\) Since 1994 SP has been actively involved in the field of UAMs and has strived towards improving their situation. Employees of SP are in everyday contact with f/UAMAS, offering them assistance and support.

\(^{12}\) The case study method was not used because the anonymity of fUAMAS and UAMAS could not be assured due to their low numbers in Slovenia.
3 Development of skills and competencies; integration

3.1 Right to information and asylum seeking procedures

When UAMs are placed in the Aliens Centre (hereinafter AC) they are provided with information about existing options and the system in Slovenia, their rights, the international protection procedure, etc. during their stay in that institution. They are informed from other migrants residing at the AC, from the social service, inspectors and legal guardians. Legal guardianship is in most cases implemented by representatives, employees of SP. A legal guardian usually visits UAMs within two or three days after their placement at the institution. According to some legal guardians and fUAMAS, UAMs already have some information about existing options and possibilities even prior to the arrival of guardians and not all of their information is always correct. Conversations are usually carried out with the assistance of an interpreter using a language the child understands. Interpreters are not present only in cases where the legal guardian and child speak a common language, e.g. English, French, etc. The task of the legal guardian is to gain as much information from talking to the child (why he/she has left the country of origin, how was he/she travelling, where are the parents, etc.), explain the situation (why they are situated in the AC), inform the UAMs about the system, their rights, options and different procedures (international protection procedure, procedure under the Dublin II Regulation, procedure of return to the country of origin, procedure of reunification with the family). On the basis of gathered information and options (which are very limited in Slovenia: to apply for international protection, to request reunification with the parents/relatives if they reside legally in other EU country and to be returned to the country of origin) the legal guardian establishes what is in the best interest of the child and advise him/her, taking into consideration also the opinion of the child.

If UAMs decide to apply for international protection, they are transferred to the AH where they submit an application for international protection (in most cases on the same day or the day after their arrival). At their arrival applicants for international protection receive a brochure that provides information regarding the international protection procedure and their rights and obligations. These brochures are not adapted to the needs of UAMAS. According to the legal guardian most UAMAS stated that they do not read the brochure since they do not understand it and some of them are illiterate.

Prior to submitting an application, where beside the UAMAS and an official also the legal guardian, legal representative and interpreter are present, UAMAS are informed about the international protection procedure, the Dublin II Regulation, their rights and obligations. Information is provided by a representative of the Legal-informational Centre of nongovernmental organizations - PIC

13 International protection in the Republic of Slovenia means refugee status and status of a subsidiary form of protection.

14 Article 9 of the IPA. A brochure is available in ten different languages (Slovenian, Serbian, French, Albanian, Arabic, Turkish, Roma, Russian, English and Farsi).
(hereinafter PIC) with the support of the interpreter using a language the UAMAS understand. The legal guardian is also present during this information session in order to assure that the information is adapted to the child's age and maturity. After receiving the information the UAMAS are once again asked by the official whether they understood the information. Any information that was not understood is explained again.

According to the legal guardians, UAMAS do confirm that they understand the information before submitting an application, but it soon turns out this was not really the case. F/UAMAS mentioned they did not understand all the information and some of them did not understand the international protection procedure, their rights and obligations and the role of guardian even months after submitting an application.

“I don’t understand the procedure; I was not in that kind of procedure before. The guardian didn’t explain to me.” (UAMAS)

“On the same day [after arrival to the AH he met his guardian], but at that time I didn’t know she is my guardian. Only after two months I understood she is my guardian.” (UAMAS)

In the opinion of the assistant head of the International Protection Status Section applicants for international protection do not understand the procedure because they are not interested or they are not aware of the importance of this phase of the procedure. Another possible reason she mentioned is the great quantity of information given upon the arrival of UAMAS at the AH. For these reason it would perhaps be sensible to divide the provision of information into a number of stages.

The excessive quantity of information provided and insufficient time for preparation were also pointed out by a legal guardian/representative of SP:

"In my opinion they don't understand the international protection procedure. The time for explaining all options and familiarisation with all present parties is absolutely too short. Prior to their submission of an application all UAMAS are informed about the rights and obligations, the procedure and all other important matters. A lot of information is provided just before applications are submitted in the short time of 45 minutes. I can tell you from experience that they do not remember very much. Some of them are tired, scared, lost, they see many new faces for the first time - a nurse, doctor, person taking their picture and taking their fingerprints, legal guardian, legal representative, interpreter and official. With all this data and different faces it is very hard for them to understand who is who and what their roles and tasks are. They feel we are all part of the same machine, designed to confuse them. They have no time to get used to the new environment, their legal guardian and legal representative. The frequency of questions they ask regarding the international protection procedure shows they do not receive information often enough and that it is not accurate enough. If they are not inquisitive enough and do not show enough initiative, they remain insufficiently informed throughout the procedure.”

Two fUAMAS told they were not interested in information about the procedure and rights upon their arrival to the AH for various reasons.

“I wouldn’t say that I was looking for my rights. To be honest to you I didn’t even try to find out what is Asylum Home or whatever, what I wanted it was just to get my peace and to be in calm.” (fUAMAS)

“She told me, but at that time really I was thinking about something else. I was thinking about the present, not about the future.” (fUAMAS)
UAMAS receive information on the international protection procedure and on what happens in case their application is approved/denied mostly from the legal guardian and at times from the legal representative. Other information (such as the house rules of the AH, length of procedure, rights, options, etc.) they receive also from psychosocial service of the AH and other international protection seekers.

UAMAS are informed about changes after turning 18 by the legal guardian and the psychosocial service of the AH. FUAMAS with international protection are informed by their guardian and integration councilor.¹⁵ According to the mentioned experts, f/UAMAS are prepared for these changes and discussion regarding such changes is adapted to the level of their understanding. Most f/UAMAS understood the information they received, but four f/UAMAS said they did not receive the information or that it was insufficient.

Most UAMAS understood their interpreter well and did not point out any problems. Four of them mentioned difficulties in understanding the interpreter; two because he was interpreting in Persian while their mother tongues were Dari or Pashtu.¹⁶ Here we should emphasise the important role of the interpreter as it is up to him/her to interpret the given information for UAMAS. In the experience of the legal guardians, UAMs often wish to create a closer bond with the interpreters because they are the persons that understand and speak their mother tongue. Interpreters thus often find themselves in situations that far surpass the role of interpreter.

“Yes, yes he [the interpreter] was good. He really, you know, when he looked at me, coming back... I just expressed everything I had, my problems... and he really understood me. He just started advising me what to do, ‘to do this to do that’. He was the one who said ‘you have to go and to look somewhere to’... I mean, ‘find some activities for yourself’. He was just trying to be good with me, nothing especially that he said to me.” (UAMAS)

For most fUAMAS the international protection procedure took a few months (usually about six), in some cases two years and in one case as much as three and a half years. During the procedure UAMAS are not involved in any special programmes that would contribute to their better integration, but integration did take place in an informal manner as they did learn Slovenian, some were enrolled in schools, visiting sporting clubs or socializing with their Slovenian colleagues.

According to the interviewed f/UAMAS, actors involved in their treatment do ask for their opinion, but it is not always observed. In such cases they are told why their opinions cannot be considered. Within existing options (that are very limited) they can only decide on certain things like whether they wish to go to school, take part in lessons of Slovenian or another language and take part in certain free time activities. UAMAS cannot, however, influence the food at the AH, their lodgings, whether they share a room or not, whether they are given a bus pass, etc.

FUAMAS with international protection can also decide on whether they wish to live in an Integration House (hereinafter IH) or as lodgers in a private apartment.

“About my school, I chose it by myself. About my school, I decide everything. I also decide about the place I live. They [the representatives of the Ministry of the Interior] give me the possibilities I have and then I choose.” (FUAMAS)

¹⁵ More about the role and duties of the integration counsellor in the chapter “Successful asylum seekers ...” (4.1)

¹⁶ The representative of IPD reported difficulties in providing interpreters for certain languages such as Romani, certain local languages of protection seekers and Pashtu.
Most of the f/UAMAS, with the exception of three, are aware that they have the possibility to complain, if they are not satisfied with the work of a guardian or any other person involved in the process. UAMAS can complain to their legal guardian, psychosocial service, head of the AH and/or representative of SP. According to the head of the AH there is a special box at the AH into which international protection seekers can put anonymous complaints. The AH also hold regular so-called home sessions where they can express their opinions and suggestions. FUAMAS with international protection can complain to their guardian, representative of SP and/or integration counsellor. According to the legal guardian, the integration counsellor and the head of the Asylum Home, in case of complaints matters are discussed and every effort is made to find a solution.

FUAMAS have various experience and thoughts regarding this:

"I never complained. I never came to that, I never even thought about it. There was never such a situation that I would want to complain to somebody." (fUAMAS)

“I think I could [complain about a guardian]. But first I would talk with a person about the problem, about the conflict and I try to solve it by myself. First I would talk with a person about what is the problem. It is better that we talk between us. But I was lucky; I didn’t have this kind of situation.” (fUAMAS)

“It was possible, but if you complain no action is taken, so you would be discouraged to complain again.” (fUAMAS)

### 3.2 Guardianship

According to the IPA all UAMAS must have an appointed legal guardian prior to the beginning of the international protection procedure. An amendment to the IPA that entered into force in December of 2010 further expanded the responsibilities of the legal guardian. Prior to the amendment of the Act tasks of the legal guardian were limited to representation of UAMAS in the international protection procedure and the protection of their benefits and interests. The amendment to the IPA\(^{17}\) has expanded the tasks of the legal guardian to representation in the areas of health protection, education, protection of property rights and benefits.\(^{18}\) The Act was amended on the initiative of representatives of MOI and NGOs since before that, tasks and responsibilities of the legal guardian were very limited and UAMAS need the person who will represent them also on the other areas and not just in the international protection procedure (as mentioned above).

By March 2011 legal guardianships for UAMAS were implemented by representatives of SP. At that time SP decided to temporary stop implementing legal guardianships for newly arrived UAMAS. This decision was adopted in order to (again) warn the state that the current system of care and treatment of UAMAS was inappropriate and that the area was in dire need of changes. SP was also faced with a lack of capacities due to an increased influx of UAMAS into Slovenia and lacking financial support. After the decision to discontinue the practice of legal guardianship by representative of SP, the implementation of legal guardianships for UAMAS was taken over by the competent Centre for Social Work (hereinafter CSW).

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\(^{17}\) Article 16 of the IPA.

\(^{18}\) The above mentioned amendment shall enter into force within one year of the Act coming into force, when the MOI in coordination with the Ministry of Labour, Family and Social affairs adopts an implementing regulation that prescribes a more detailed method of implementation of the tasks and obligations of legal guardian.
Until March 2011 the representative of the AH informed CSW and SP about the presence of UAMAS in the AH and about the date and the hour of lodging the application for international protection. The decision on the guardian’s appointment is issued by the authorized CSW. After March 2011 only CSW is informed about the presence of UAMAS in the AH. UAMAS meet their legal guardian prior to submitting their application for international protection - usually the first or second day following their arrival at the AH. Most UAMAS had no understanding of the role and tasks of the legal guardian upon first contact and some even for months after. According to the legal guardians and f/UAMAS, in most cases, contacts between them are regular (several times weekly).19

The tasks of the legal guardian, who is authorized to represent UAMAS in the international protection procedure and to protect their benefits and interests, include: providing information in relation to the international protection procedure, preparations for interviews, presence and support at interviews, monitoring procedures, contacting decision makers, cooperation with legal representatives, assistance in acquiring documents and making contact with families, etc. UAMAS also often turn to their legal guardians for other matters such as health issues, psychosocial issues, accommodation, food at the AH, free time activities and school. Legal guardians often help as best as they can even though none of the above falls within the scope of their responsibilities.

When UAMAS are granted international protection, the authorized CSW appoints them a guardian, whose responsibilities are broader in comparison to a legal guardian. Until now all guardianships for fUAMAS with international protection, with exception of two20, were implemented by representatives of SP. According to the law21 the guardian is responsible to take care of the child similarly as a parent.22 The purpose of guardianship is protection and development of child’s personal integrity, which is implemented through catering, medical care and training for a self-sufficient living and further on through protection of financial means, the rights and benefits of the child. Guardian should assure that a child has suitable care, accommodation, education, and language support and health provision. The guardian has to consult with a child about all important decisions.23

The system of guardianship in Slovenia does not allow UAMAS to select their own legal/guardian, partly also because the number of legal/guardians is very small.24 All except one fUAMAS showed no preference with regard to the sex, religion or age of the legal/guardian.

"I had no say in selecting the guardian. It would be better if I had the option to choose. I would choose a woman because women understand problems better." (fUAMAS)

“No, I really don’t care, I just want somebody who can help me, it doesn’t matter who.” (UAMAS)

Some legal guardians operating within SP report that UAMAS often expect more from them than they are authorized or able to do. As was established in the study titled Closing a Protection Gap,

19 Information was gained from interviews with UAMAS, fUAMAS and experts.
20 In two cases of fUAMAS with international protection the guardianship was implemented by the authorized CSW.
21 Marriage and Family Relations Act.
22 A child in guardianship, who is over 15 years of age, handles his legal affairs by him-/herself, although an approval of his/her guardian or CSW for the legal validity of these affairs is necessary.
24 At the time of performing the study there were two legal guardians providing legal guardianship to UAMAS and one guardian providing guardianship to fUAMAS with international protection.
most of the children found it difficult to describe the role of the legal guardian, yet the majority expressed the clear need for broader role of their legal guardians than it is defined by law and other orders. Some children desire that legal guardian could do more for them especially in terms of arranging the possibility of schooling and language courses, while a great number of children underlined the insufficient legal system (limited options for going to school, no adequate programmes, legal/guardians with limited powers and responsibilities, long international protection procedures ...) that limit their rights and are therefore aware the legal guardian is restrained in providing them help.

Legal guardians and guardians operating within SP have told that they always work in accordance with the best interests of the child\textsuperscript{25} within the scope of their powers and tasks, but it is often hard due to the existing system. While it is clear what is in the best interest of each individual child (for example that child is enrolled in the school and start to learn Slovene language as soon as possible after his/her arrival to the AH; that international protection procedure is not too long, better accommodation etc.), this is often hard to achieve because legal/guardians do not have sufficient powers. Legal/guardians consider the opinions and views of children, consult with them and advise them. They also assist in making contact with families, their tracing and reunification. In accordance with existing (very limited) options, legal/guardians try to ensure proper care, accommodation, education, language education and health protection. All UAMAS have access to the legal representative, who provides legal counselling and representation in all phases of the international protection procedure.

Most f/UAMAS understand that their legal guardians have a limited influence and do the best they can.

“Actually, I don’t really think that the guardian can really help enough. Maybe I would like to be on the top of the state, like people who are really deciding how the separated children’s status has to be like. I mean a guardian can really try their best to help but they have some limit. For example there are some separated children that have some problems that the guardian would like to help but can’t.”\textsuperscript{26}

If UAMAS are not satisfied with the work of a legal guardian, they can complain to the head of SP or the head of AH who in turn inform the competent CSW. FUAMAS with international protection status can also complain to the integration counsellor. In case f/UAMAS want another guardian, the CSW begins an assessment procedure in order to establish grounds for a change. Some f/UAMAS have told they do not have sufficient information about who to turn to in such cases.

Most f/UAMAS are satisfied with their legal/guardian, mostly because the legal/guardian is always available, kind and understanding.

"It was nice that she [the guardian] never said she did not have time today, that we will talk some other time. She was always available. She did everything I wished." (fUAMAS)

FUAMAS with international protection status, who was not satisfied with his guardian, told the following:

\textsuperscript{25} The best interest of the child is determined individually by his/her legal/guardian, if necessary with the support of other experts from SP. Legal/guardians operating within SP as guidance follow the Statements of Good Practice (issued by the Separated Children in Europe Programme) and UN Convention on the Rights of the Child.

“I don’t think I get enough help from my guardian. A lot of times when I needed him he didn’t have time. After I got the decision [granted international protection] I applied for my passport and when it was the time to appeal, he was on a holiday and he didn’t appeal. For this reason I lost 45 Euros. Last time when I wanted to go visit the school I called him and he said that he doesn’t have time to go with me. “ (fUAMAS) 

When UAMAS turn 18-years-old they are no more entitled to a legal guardian as they are considered adult migrants. Similarly also fUAMAS with status of international protection are not entitled any more to a guardian once 18 of age. However, in practice they still receive a lot of support from the ex-legal/guardians and other representatives of SP, because mainly with the age of 18-years-old their situation did not change a lot. The main difference is mainly in the fact that formally they cannot rely any more on legal/guardians for all their procedures, but they have to start to take care of their own business, follow the procedures and become more independent.

“Before [when he was still a minor] I couldn’t go to a decision maker direct without my guardian but now I can go direct, I can make a decision [to go to the decision maker] myself.” (fUAMAS)

"I would not say anything really changed, nothing special happened. I became responsible for myself, I continued to get support from the person who used to by my guardian. I still contacted her for advice, ideas or other things." (fUAMAS)

UAMAS and fUAMAS with international protection are informed of this change as their legal/guardians, psychosocial service of the AH or integration counsellor prepare them for it.

“I was told that when you reach 18 they will treat you like an adult, your guardian will not have much say, you have to decide for yourself.” (fUAMAS)

3.3 Family tracing and reunification

The IPA27 stipulates that in procedures in which the applicant is an unaccompanied minor, officials are required to establish the identity of the child as quickly as possible and begin the family tracing procedure. The MOI is responsible for carrying out these procedures. In practice the family tracing procedure is not initiated automatically; officials start with the procedure only at the request of the child and his/her legal guardian. Slovenia does not have a lot of experience in this area. In our talks with experts and f/UAMAS a single example of a UAMAS was mentioned in which a family tracing was undertaken with the assistance of the Red Cross, but even then the search was unsuccessful.

“I think they [the Red Cross] contacted their offices in Spain. It took a long time. They came and said they need more information which we [him and his legal guardian] gave them, but at the end of the day no good result came. [...] I’m still trying but you know, this is big continent and if somebody did not register it is hard. Because now I know that in some countries you can decide not to register in asylum; if it is like that it is hard.” (fUAMAS)

The IPA28 also defines that persons with international protection status may request reunification with their family members29, who in case of fUAMAS would be only their parents (and their own

27 Article 16 of the IPA.
28 Article 17 of the IPA.
29 Reunification as in bringing the family to Slovenia.
underage children and spouses (if applicable)). As we can see the legislation very narrowly defines the family members with who fUAMAS can be reunited. In fact it not considers other cultural customs, where also not so close family members are very important members of the children’s life.

Slovenia is lacking experience in this area also, as only one fUAMAS ever requested reunification with his family and even that request was denied. According to the integration counsellor the denial was the result of a wrong application (he wished to reunite with his brothers and not with his parents). By the next submission of the application he was already of age. If fUAMAS turn 18 during the procedure of reunification with the family, they are no longer eligible for reunification with the parents since they are no longer treated as UAMs by the MOI. At 18 years of age fUAMAS are treated as adults, the family members of which according to IPA are only underage children and spouses.

It is very important to emphasize the request of MOI for submission of documentation proving the existence of family ties (birth certificate and in the case of married UAMAS marriage certificate) in this procedure. This request is very problematic since most fUAMAS are coming from countries where such documents are very difficult or impossible to obtain. In such cases the reunification of fUAMAS with their parents is impossible. In the opinion of the assistant head of the International Protection Status Section this request is important since it prevents possible abuses.

Most f/UAMAS told they were informed of the option of making contact with their families. The information was provided by the guardian who told them about the option of using the telephone (free of charge) at the AH and at SP.

F/UAMAS reported different experiences regarding this issue.

“I was going to organization Slovene Philanthropy; they were helping me with that. But after that I managed to do it by myself.” (fUAMAS)

“In the Asylum Home they gave me two or three minutes for calling home but not every day; maybe once in two or three weeks but I don’t remember exactly. But it wasn’t every day. And in the Asylum Home we didn’t have the internet. And sometimes I called from Slovene Philanthropy, if I needed to arrange something like my documents. [...] They asked me for the documents, if there is a way I can get them and I could call my family for that. But in the Asylum Home they didn’t tell me to call my family to ask them how are they and to tell them how am I. When I missed them they didn’t say I can call them.” (fUAMAS)

Some f/UAMAS are in contact with their families and relatives, others are not because they do not wish to be, do not know the whereabouts of their families or are unable to make contact.

“No. No. The place I’ve lived ... we actually don’t have the electricity, the phone and other things. I lived in a village. Post offices are in the big cities. When you want to send something to, for example, European countries, you have to go to the capital. And Afghanistan is a big country, and to go to the capital is, I don’t know, is nine or ten hours. It’s not easy.” (UAMAS)

30 According to the assistant head of the International Protection Status Section married UAMAS would be treated as adults and their family members according the IPA are underage children and spouses.

31 Information was gained from an interview and a consultation with the assistant head of the International Protection Status Section.
3.4 Accommodation

Slovenia has no appropriate accommodation facilities adapted to the needs of UAMs. Their accommodation is bound to their status as given by the state and the availability of accommodation that is quite limited in Slovenia.

Slovenia has only one institution that accommodates applicants for international protection. The AH houses UAMAS in a special department where they share rooms with other UAMAS (in most cases two to three UAMAS per room). According to the AH social worker the wishes and needs of UAMAS are considered when setting up accommodation, e.g. sharing rooms with friends, taking into account their various cultural backgrounds, single rooms in case of medical issues, etc. The department has a club room with a TV and computer with internet access.

None of the f/UAMAS, with the exception of one, liked staying at the AH. They were bothered by the fact that they could not choose whether they would share a room or not, by the vast variety of people and the food. They also had nothing to do and were left on their own.

“Living in the Asylum Home. Nothing to say. Alone in the room... cannot decide, if somebody would be in the room with me.” (UAMAS)

“I’m staying in the Asylum Home and it is a small place first of all and is because you have only one place for asylum seekers in the whole country. It’s a quiet place because you do not have too many asylum seekers. Sometimes I get bored because you don’t have anything to do, no one to talk with and I have only one who understands my language. And someone that I can talk to in English but you cannot find them every time you want. It is good, if you have some people and is good to know some language. Sometimes it gets boring because you feel that there is no one that you can talk with.” (UAMAS)

“Because in the Asylum Home there were refugees coming from different countries and they were so crazy and nobody could talk with them since they had a lot of problems.” (fUAMAS)

All f/UAMAS except one told they did not like the food at the AH. They said they were not used to the taste and that there was not enough food. The infrastructure of the AH allows applicants to occasionally cook for themselves as each department has its own tea kitchen, but most minors never cooked for themselves. The stated reason was lack of money as they did not receive any pocket money. Some f/UAMAS also mentioned the issue of meals being served for a limited time and only at certain times.

“The food at the AH was not good. I did not have a choice. If it was not good we could not eat and we were hungry.” (fUAMAS)

“At first it was a problem [the food at the Asylum Home], but then I got used to it. I did not like it because sometimes I wanted to eat at a different time. I didn't want to eat always at the same time and when I was not hungry. But I had to because it was a rule.” (fUAMAS)

Some f/UAMAS thought it would be better if they could live at a place with less people and with better food and programmes.

“I would rather [than at the Asylum Home] live in a smaller place with not so many people.” (UAMAS)

“It would be better if it [the Asylum Home] had good food and better programmes. Because there they have nothing. [...] There can be many programmes made for youth. I don’t know some
party or a trip or some sport, and workshops. Let’s say it would be twice or three times a week, not every day. It is hard, it is really hard. And it is boring.” (fUAMAS)

In the opinion of the representatives of SP the AH is not appropriate for accommodating UAMAS as they do not have ensured 24-hour care, suitable psychosocial and psychotherapeutic treatment, no suitable psychosocial programmes and free time activities\(^3\) that would fulfil the needs of UAMAS. Representatives of the MOI also agree that it would be more appropriate for UAMAS to be accommodated at a smaller housing unit, separated from the AH, where intensive and systematic treatment would be ensured.

When UAMAS turn 18 or are granted international protection, their accommodation changes. After turning 18, fUAMAS are moved to the single women or single men department with regard to their sex. They are informed of the change in due time by the legal guardian and the psychosocial service of the AH. According to both, the experts and fUAMAS, it is not a major change since all departments are in the same institution and according to the head of the AH the treatment and psychosocial assistance international protection applicants receive is tailored to their vulnerability (regardless of whether the person is a minor or adult).

“I don’t know. It seems like that they are no difference between under-aged and over-aged in the Asylum Home. Maybe it is like this that when there is a trip, they give more importance to you then to over-aged. They first come to ask you if you want to come.” (UAMAS)

When UAMAS are granted international protection, they are moved to the IH in Ljubljana. The IH has three apartments, each with rooms, a kitchen and bathroom. Since the IH currently houses only three fUAMAS, each of them has their own room. Internet access is available, but they must provide their own television and computer. SP usually helps with this. The IH has no telephone, so they use their own mobile phones or the telephone at SP. A major shortcoming of living in the IH is the fact that fUAMAS are living on their own with no professional personnel to monitor them, guide and provide the necessary psychosocial assistance, so they are left on their own. UAMAS provide their own food and take care of hygiene by themselves. Occasionally they are visited by the integration counsellor and guardians. The MOI is aware of this shortcoming so it is planning to adapt a part of the IH for the accommodation of this population with all-day support and professional assistance.\(^3\)

The current arrangement allows fUAMAS to reside at the IH for one year regardless of their age. The period of residence can be extended for another six months in case of greater vulnerability.\(^4\)

All fUAMAS prefer accommodation at the IH over the AH, mostly because there are less people, they receive financial support, can cook for themselves, decide on when they eat, they have not set time for return to their accommodation, etc.

After granted international protection, some fUAMAS prefer to reside in a rented apartment rather than stay at the IH. The decision of fUAMAS must be supported by the guardian and integration counsellor who assess whether the decision is to the benefit of the minor and decide on whether the

\(^3\) In the past there were programmes carried out at the AH with the aim of assuring better and higher quality living of applicants in the AH. These programmes also included psychosocial care until 23.00 each day, psychiatrist and psychotherapist assistance and performance of free time activities. These programmes were bound to a project period that ended in November 2010. At the moment there are programmes tendered to include such assistance, but it is not known when they will begin to be implemented (information was gained in an interview with the social worker at the AH).

\(^4\) Information was gained from an interview with the integration counsellor.

\(^4\) Article 92 of the IPA.
fUAMAS is capable of taking care of him/herself. FUAMAS who live as tenants continue to be guided by the guardian and integration counsellor and receive financial support from MOI for the payment of their rent (up to a maximum of 230 Euros).\textsuperscript{35}

Two fUAMAS are living in a residence hall for students. One of them has told that he likes living in the student hall very much because the food is very good, they have television, internet access and a sports court. He is very satisfied with the assistance of social workers and care workers, who are employed in the residence hall for students, where he is living.

All f/UAMAS are living in the city. Most live in Ljubljana, the capital of Slovenia, since the AH and IH, where they are accommodated, are situated in Ljubljana. Most fUAMAS living as tenants in rented apartments are also living in Ljubljana. From interviews with f/UAMAS it is clear that they like living in the city that has good transportation links to school or work.

### 3.5 Cultural needs/ Religion

The cultural needs and religion of UAMAS are considered in a similar way as for adults. At the AH applicants for international protection have three meals per day.\textsuperscript{36} There is only one menu available and the duration of meals is limited to one hour. Breakfast takes place from 8.00 to 9.00, lunch from 12.00 to 13.00 and dinner from 17.30 to 18.30.\textsuperscript{37}

According to the head of the AH and social worker at the AH, they do consider the needs and wishes of UAMAS and they try to adapt the menus since the food they usually serve is not suitable. Meals never include pork as many applicants are Muslims. There is also the option of vegetarian meals. When applicants celebrate Ramadan, the AH adapts the regime of meals (dinners are delayed by one hour, breakfast is served before sunrise).

UAMAS are not satisfied with the quality and quantity of food and they also feel it is not adapted to their needs.

“\textquotesingle\textquotesingle The kind of food they cook here [at the Asylum Home] is not normal food we were eating in our country. So sometimes I don\textquotesingle t eat here.\textquotesingle\textquotesingle (UAMAS)

One of the UAMAS shared his experience from other EU states he has resided in.

\textquotesingle\textquotesingle Not really [like the food at the Asylum Home] and is not good, to be honest. Because in other countries... I don\textquotesingle t want to say that is better like this or like that. Every country has its own situation but in the two countries that I\textquotesingle ve been [Denmark and Norway], they were giving meals four times during 24 hours. They were giving breakfast, lunch and then you had like midday and then after that you had the dinner. It was like... the lunch was at twelve o\textquotesingle clock, twelve thirty and then you had midday at 5.30 and then you had a dinner at 9.30. So it was four times. And it was really good; everybody was starting to have stomachs. It was good, you really... you didn\textquotesingle t think about the food because you got everything you need there. [...] And here [at the Asylum Home in Slovenia] you just don\textquotesingle t know what is going to come on lunch and dinner. Mostly is so bad. But

\textsuperscript{35} Information was gained from the interview with the integration counsellor.

\textsuperscript{36} Children up to the age of 14 are assured 5 meals per day, consisting of three main meals and morning and afternoon snack.

\textsuperscript{37} Information was gained from interviews and consultations with the legal guardian/representative of SP, the head of the AH and the social worker at the AH.
[it] is better than nothing, [it] is good. It’s better than in my country, I know. [...] Not like the food but it is good you know... you don’t need to, how to say... you get everything like... friendly and for free, you don’t need to pay anything for that. Everything, the home [where] you sleep, the food. ” (UAMAS)

Once they have approved their status of international protection fUAMAS are moved to the IH, they receive financial support and can cook on their own, so they can take care of their own needs and customs. Integration counsellor explained that there were for example cases, when they shortened language courses and in some cases also postponed or cancelled them in the period of Ramadan.

Most f/UAMAS feel their culture and religion is important. There is a special prayer room at the AH where applicants can pray in peace. Most UAMAS do not use the room as they prefer to pray in their own rooms. Information on the options for practicing their religion outside the AH is usually provided by other applicants for international protection and friends they meet outside the AH. Most f/UAMAS do not celebrate their holidays. Some f/UAMAS said they required greater assistance regarding such practices, but most feel they do not need such support.

The AH does not provide sexual education. The guardian sometimes discusses such matters with UAMAS as required, but only in very basic terms of protection from sexually transmitted diseases and pregnancy.  

In the opinion of a representative of SP the Slovenian system is not sensitive to gender and culture and that doctors and medical personnel are not sufficiently trained in this respect. It is therefore mostly up to each individual to decide on considering the cultural needs of f/UAMAS. A representative of SP reported two cases; in the first case, an adult female applicant for international protection wished for a female doctor to perform her health examination and was granted her wish while in the second case, a male UAMAS from Afghanistan wished his health examination were performed by a male doctor but it was not possible because a male specialist for his condition was unavailable.

The IPA defines that upon her request, female applicant for international protection may be entitled to a female official conducting the procedure and if possible, shall be provided with assistance of a female interpreter. According to the assistant head of the International Protection Status Section they do try to provide female interpreters for female applicants, but this is not always possible as there are no female interpreters available for certain languages. In the experience of a female UAMAS, her interview was interpreted by a man, but this did not bother her so she did not request a female interpreter.

3.6 Education, skills and competences development

In accordance with the IPA, underage applicants for international protection are assured the right to primary school education and assured access to education at vocational and secondary schools

38 Information was gained from an interview with the legal guardian/representative of SP.

39 Article 18 of the IPA.

40 Article 86 of the IPA.
under the same conditions that apply for the citizens of the Republic of Slovenia. The same Act\textsuperscript{41} also stipulates that persons with granted international protection are to be equalled with the citizens of the Republic of Slovenia at all levels of education. In spite of current legislation, existing options are very limited in practice.

Since most UAMAS are over 16 years of age upon their arrival to Slovenia, they are not enrolled in regular primary school but instead pursue their education within the programme of primary school education for adults and youths at the Cene Štupar Centre for Continuing Education (hereinafter Cene Štupar). This programme is the only primary school program that UAMAS are enrolled in and is somewhat adapted to their needs due to the nature of the programme (classes include individuals of different ages and migrants from different countries). If UAMAS have no documents or certificates of their education, the school tests their knowledge. On the basis of a test of the Slovene language and mathematics, the school places them in a certain grade. UAMAS that are coming from countries that do not use Latin letters and need to learn Slovenian are enrolled in a literacy programme. During the lessons students have available English-Slovenian and Slovenian-English dictionaries and internet access that enables them to use other dictionaries, image materials, etc. Teachers often explain lesson materials in English and adapt materials and explanations to the varying prior knowledge of students. A major issue the school is facing is the size of classes that does not allow an individualized approach that would be desperately required due to the vast variety of individuals enrolled in the programme. The school also lacks a counselling service that could provide necessary assistance to UAMAS.\textsuperscript{42} The programme in question is a shortened one (a grade is finished in six months; the number of grades is the same as in the regular primary school (nine)) with fewer courses, so students gain less knowledge than they could in regular primary school. After finishing this programme UAMAS continue their education at regular vocational secondary schools.

Most f/UAMAS told they wished to enrol in school immediately after arriving at the AH, but it was not possible and always took several months, in one case even over a year, before they could start schooling. The reason for this was a lack of knowledge of the Slovenian language - a condition for enrolling in school.

“I wish I could go to school until the time I am waiting for the decision. It was the same in the countries that I was before. They treat you the same as you are a normal person like other people. You go to school and they give you the ticket for the bus, for the train. They give you, you know, everything that you need to go to school. […] I don’t know how it is going to be. They said I have to learn the language and then I’ll take an exam.” (UAMAS)

The psychosocial service at the AH helps UAMAS enrol into school. In recent times the cooperation between the AH and Cene Štupar has intensified, so most UAMAS currently residing at the AH are enrolled in their primary school programme. There remain some UAMAS who wish to enrol in school but are unable to do so due to the limited number of students the school can take in.\textsuperscript{43}

During their stay at the AH, UAMAS are free to take part in formal and informal forms of learning the Slovenian language. The AH organizes Slovenian language lessons that are carried out by a representative of Cene Štupar. The course consists of a monthly 48-hour basic course and an

\textsuperscript{41} Article 97 of the IPA.

\textsuperscript{42} Information was gained from an interview with the organizer of education for adults at Cene Štupar.

\textsuperscript{43} Information was gained from a consultation with the legal guardian/representative of SP and from an interview with the social worker at the AH.
advanced course that is organized three times per year for students who finished the basic course. The main purpose of the course is to prepare applicants for life inside and outside the AH as soon as possible. It is centred on teaching the basics required for functioning in everyday life. Some UAMAS also take part in Slovenian language courses carried out by SP volunteers. In most cases these courses are individual (one student, one volunteer) since this method allows for maximum adjustment to the needs of each student.

UAMAS have very limited options for taking part in vocational training courses since the IPA stipulates that the applicants may do so only nine months after lodging the application for international protection, if in this period of time the relevant authority did not yet take a decision and this delay cannot be attributed to the applicants. None of the UAMAS have taken part in these courses so far, since most of them received decisions from the MOI earlier than within nine months and start attending primary school programme during their waiting period.

If UAMAS are already included in education at the time they turn 18, the change does not influence their options for further education. There are also no changes if UAMAS are granted international protection, since the IPA recognizes equal rights to primary and secondary education to both applicants for international protection and persons with granted international protection.

FUAMAS with granted international protection also take part in the Cene Štupar primary school programme for adults and youths. In the past, certain UAMAS were only enrolled in the programme after being granted international protection. FUAMAS with international protection are assisted in their enrolment in school by the integration counsellor in cooperation with the guardian. FUAMAS that have already completed primary school or were enrolled in secondary school in their country of origin are included in secondary school education. However, fUAMAS are met with great difficulties in this since there are no preparatory programmes to facilitate their inclusion and schooling. Secondary schools that accepted fUAMAS in spite of their lack of certificates of their completed education, carried out no tests of knowledge upon enrolment. All fUAMAS were enrolled into the first grade of secondary school due to the lack of certificates of completed education and limited knowledge of the Slovenian language.

“What choice did I have [regarding the school]? When I went to the [secondary] school I had a problem with my language. I started my [secondary] school from the beginning. They [the Asylum Home] didn’t give me any possibilities to go to the school before... I finished three years of the [secondary] school when I was at home, but after my status was granted I started from the beginning. And I still have a problem with the language.” (fUAMAS)

The integration counsellor told that all experiences with secondary schools were positive since school counselling services, class teachers and other individual teachers offer fUAMAS plenty of assistance. Interviews with school counsellors and class teacher have shown that most are aware of the special situation of fUAMAS and that schools try to adapt to their needs within the scope of school programmes and options (additional explanations, test dates and Slovenian language lessons,

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44 Information was gained from an interview with the teacher of Slovene language at Cene Štupar.

45 Information was gained from an interview with the mentor of volunteers at SP.

46 Article 85 of the IPA.

47 “According to the article 18 of the Rules on secondary school enrolment, when an applicant does not fulfil general enrolment requirements – and generally separated children do not fulfil them – the school has the autonomy in deciding whether to enrol a child in or not.” (Desk Research: Practices and Challenges Confronting Separated Children and Professionals in Slovenia, both Slovene Philanthropy, 2010, p.15).
periods of learning without grades and testing for grades when they are ready) in order to facilitate the transition and schooling. However, experience shows that such efforts are not always sufficient for a successful integration of fUAMAS into the school system and their positive grades.

"We [the school] can do a lot, but he [fUAMAS] would need much more." (school counsellor)

After being granted international protection, fUAMAS are entitled to a free 300-hour course of the Slovenian language with the option of an additional 100 hours. As other studies have shown, the number of lesson hours is too small for children to be able to grasp the language. Furthermore, fUAMAS cannot take part in the course immediately after their status was approved. Sometimes they must wait for several months before the school, selected at a public tender for its programme, begins carrying out the course. The MOI is aware of the problem and will in the future attempt to organize Slovenian language courses in such a way as to minimize delays.

According to the integration counsellor, the course is adapted to the knowledge, needs and obligations of fUAMAS, as it was in the case of a fUAMAS who was preparing for secondary school. His course was carried out individually as it was ascertained that he required a different method of language teaching.

The MOI provides f/UAMAS only a course of the Slovenian language, regardless of whether they are applicants for international protection or have had the protection granted. Some UAMAS in the international protection procedure are also interested in learning other foreign languages beside Slovenian. These include English, French and German as they are aware of the option that they may not stay in Slovenia and may some day continue their lives in another country. Teaching of the above languages is organized at the request of f/UAMAS and carried out by SP volunteers. As already mentioned above in most cases these courses are individual (one student, one volunteer) since this method allows for maximum adjustment to the needs of each student.

In Slovenia f/UAMAS don’t have the possibility to continue to study their mother tongue. The need for learning the mother tongue was expressed only by one fUAMAS, who felt it is important.

“I haven’t talked with anybody about that but I think that it is quite important for me to know my mother tongue, to speak it. The thing is that I’m finding myself somewhere that I don’t really see myself.” (fUAMAS)

3.7 Employment and access to labour market

With regard to the right to work the IPA does not differ between minor and adult applicants for international protection or minor and adult persons with international protection status. Slovenian legislation also states that persons gain the capacity to contract at age 15.

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48 If the language school assesses that a person requires an additional 100 hours of lessons, it can propose this to the MOI and the MOI makes a final decision.


50 Information was gained from the interview with the integration counsellor.

51 These courses are part of the programmes implemented by SP and are financed by MOI, European Refugee Fund, Ministry of Labour, Family and Social Affairs and Municipality of Ljubljana.
The IPA\(^{52}\) states that applicants may work if their identity has been established indisputably and they may start working nine months after lodging the application, if in this period of time the relevant authority did not yet take a decision and this delay cannot be attributed to the applicants. Applicants must acquire a work permit in order to be able to work. Permits are issued for a period of three months with a possibility of its extension or cessation in case of finality of international protection procedure.

Some UAMAS wish to work soon after their arrival at the AH, but are unable to due to above mentioned legal constraints. In most cases UAMAS also receive a decision from the MOI earlier than within nine months, therefore they don’t comply with the conditions to obtain work permit. The option has only been granted to one fUAMAS who has been in the international protection procedure for nearly two years.

The IPA\(^{53}\) also states that applicants for international protection can help at the AH by doing works related to maintenance and accommodation, or they can help in day-to-day communications of officials with other applicants. According to a legal guardian/representative of SP, adequately performed work is remunerated at a rate for four Euros per hour for heavier physical labour and interpreting and two and a half up to three Euros per hour for other work (e.g. cleaning of premises, picking up garbage, etc.). Some UAMAS decide to occasionally perform such works because the payment they receive (considering they do not receive a pocket money) is the only money at their disposal. In this way they can purchase food, a telephone card, etc.

With regard to the access to labour market and employment persons with international protection are entitled to the same criteria that apply for the Slovene citizens but persons with subsidiary protection have to obtain personal work permit. They can obtain one for the duration of the validity of such status (three years with possibility of prolongation for two years).\(^{54}\) With the work permit they can register in Employment Service of Slovenia and start working.

Most UAMAS begin working when they are granted international protection and move out of the AH. Because they usually attend school they seldom search for work on the free market but in most of the cases they work via Student Service. FUAMAS decided to get work because they need money. The financial support they receive from the state is too low.

"I really have to work to survive. I get 200 Euros of financial support and I have to pay 17 Euros per month for the bus, 40 Euros for training, I must buy clothes and food. It is hard, it is really hard." (FUAMAS)

If they were given enough financial support they would not work because they feel school is very important and wish to finish it successfully.

“Yes [would like to work], because I need to buy some things and I don’t have enough money. [...] I don’t work because I’m studying and I don’t have time to work. [...] if you work you cannot study and, if you study you cannot work.” (FUAMAS)

“I started to work because I had to. If I would get enough support from the state at that time I wouldn’t work. [...] When I started working I didn’t have enough time and will for going to school, it was more and more difficult for me.” (FUAMAS)

\(^{52}\) Article 85 of the IPA.

\(^{53}\) Article 82 of the IPA.

\(^{54}\) Article 23 of the Employment and Work of Aliens Act.
At the same time, some have told they wish to work more as it would enable them to be more independent and less dependant on state support.

"It is very bad when you receive money from somebody else. I don’t like to depend on others. Some day I want to be completely responsible for myself. Now it is impossible because I am going to school. Now I have the right to go to school so it is better I go to school." (FUAMAS)

The money that is made is usually used to purchase food, clothing, telephone credit, rent and visiting sports clubs. One FUAMAS is saving money because he wishes to visit his mother.

3.8 Leisure time

Leisure activities constitute an essential element of the life of every child and acquire particular relevance in the case of UAMAS. Recreation and leisure activities are vital for UAMAS, they are a source of strength and a way of keeping their mind off negative thoughts. They help improve psychosocial well being and mental health, contribute to better school grades, greater adaptability and development of various skills, all of which lead towards better integration into society.

In spite of the above, UAMAS have limited possibilities for active leisure time as their situation prevents it. UAMAS do not receive a pocket money, have no right to work and receive no bus passes from the AH for such activities, so their access to sport clubs and friends is very difficult. UAMAS are therefore completely dependant on the AH and NGOs that implement such programmes. According to the UAMAS, there is not enough leisure time activities (the AH offers the possibility of playing table tennis, badminton and football) and the assistance and support in this area is insufficient. Some UAMAS have told that they often have nothing to do and are left on their own.

“Doing nothing [at the Asylum Home], [...] jobless, no place to go. [...] I am in that kind of situation that I cannot decide. “(UAMAS)

"No one gives me any support. Even when I started going to training they [psychosocial service at the Asylum Home] told the club they would give me a bus pass. When the club brought a letter to the Asylum Home they told me they can’t give me the pass. I was so tired. I went to the guardian and told her they did not give me the pass. Then they told us they would give us the pass because we are going to school and when the month is over they will give it to us." (UAMAS)

Even FUAMAS with international protection cannot afford much with the money they receive or earn. UAMAS and FUAMAS with international protection wish to take part in sports activities such as football, martial arts, fitness, basketball, tennis. Some spend their leisure time listening to music, socializing, drawing, watching TV and at the computer.

SP occasionally organizes leisure time activities for UAMAS and FUAMAS as part of their programmes (such as cultural and sports events, trips, visits to cinemas, etc.) and gives them support in contacting


56 The IPA states that applicants of international protection are entitled to a pocket money, but they are not yet receiving it as the government decision that is to set the amount of a pocket money is still pending.

57 In accordance with the Regulation on the Rights of Applicants for International Protection, the AH only assures access to institutions for enforcement of rights such as health protection, free legal assistance, education and humanitarian support.
sports clubs, arranging free visits and providing bus passes. The head of the Centre for Psychosocial Assistance to Refugees at SP agree with the opinion of f/UAMAS that the support they are given is insufficient. He also emphasized that there are not enough actors in the area and that SP programmes alone are not enough to satisfy all the needs of f/UAMAS. Another weakness of existing programmes is also the fact that not enough attention is paid to connecting f/UAMAS with their peers since leisure time activities are often organized only for f/UAMAS.

3.9 Interaction with and integration into local population

For several months after arrival, UAMAS spend most of their time at the AH, in contact mostly with other applicants for international protection. Over time, as they gain a sense of security and get to know their environment, they spend more and more time outside the AH, coming into contact with their Slovenian peers.

“First I was spending my time with people from the Asylum Home and after I stayed there for a few months I found new friends. [...] Because my face is so interesting and people were just coming to me and asking where am I from. This is the first question in Slovenia. And I told them that I'm from Afghanistan”. (fUAMAS)

Those who go to school interact more intensively with their Slovenian peers since there is contact on a daily basis. Some UAMAS only begun regularly interacting with Slovenians after they moved out of the AH since they were enrolled in school only after receiving international protection. Before receiving protection, they spent most of their time in the AH, also because there are no programmes that would pay special attention to interaction with Slovenian peers. UAMAS have emphasised that they would require more assistance in this area.

Some fUAMAS have told they prefer socializing with their Slovenian peers to members of their own ethnic groups. The main reason for this is the fact that they receive more support from Slovenians, as well as assistance in understanding Slovenian society and its customs. The frequency of contacts varies, but the average is several contacts per week.

"I have friends of my own nationality, but Slovenians are the true ones that really help me, understand me and know what I am going through.” (fUAMAS)

“[...] for me a friend is someone who responds when you need him. So I would say that I get much more support from Slovenian friends then from African friends, but to hang out I think that I do it with both, African and Slovenian. [...] There is a big difference between Slovenians and Africans, because all the Africans who are coming here for sure they already have some problems or maybe some vision or some objective, or I don’t know, something they want to achieve. But Slovenians they are much more open, trying to see why you are here, how to assist you and so on. They are completely different people.” (fUAMAS)

3.10 Interaction with and integration into diasporan ethnic community

In terms of the countries of origin of UAMAS, there are not many organised ethnic communities in Slovenia. There are African, Roma and Albanian communities and communities from the republics of former Yugoslavia.

During their stay at the AH, UAMAS mostly socialize with applicants for international protection from their native ethnic community. UAMAS from Afghanistan and African countries are also linked with
members of their ethnic community outside the AH. With UAMAS from Afghanistan these are contacts between individuals or within a smaller group. Almost all of them are applicants for international protection or persons with international protection.

UAMAS and fUAMAS with international protection who are coming from African countries socialize with Africans regardless of their African country of origin. They often take part in so-called African evenings that are organized regularly by the African Centre of Slovenia.

All UAMAS and fUAMAS with international protection, except one, have told that they feel socializing with members of their ethnic community is important as it keeps them in contact with their culture and able to speak their mother tongue.

“Yes, I talk with them [members of his ethnic community] and we meet. Because we are in the same country and we are from the same country and it is easy to understand each other. Yes, I talk with them and we are meeting together.” (fUAMAS)

The frequency of such contacts varies widely between individual cases. FUAMAS who are going to school told they do not have much time for socializing, so they meet once or twice a week.

There are no special programmes that would promote the bonding of UAMAS with their ethnic group. UAMAS receive such information from other applicants for international protection, their acquaintances and friends and through the internet.

3.11 Support and resources for UAMAS

The key actors interacting with UAMAS are legal guardians, representatives of SP and a psychologist responsible for the UAMAS department within the AH.

The legal guardian/SP representative is in regular contact with UAMAS as she is present at the AH four times a week from 8.00 to 14.00. The task of the legal guardian is to represent UAMAS in the international protection procedure by providing the required support and assistance in the procedure (providing information, preparation for interviews, support at interviews, monitoring procedures, contacting inspectors, cooperation with legal representatives, assistance in acquiring documents and making contact with families, etc.). UAMAS also often turn to the legal guardian for other matters such as health issues, psychosocial issues, accommodation, food, leisure time activities, school, money, etc. Although these matters fall within the scope of the psychosocial service at the AH, legal guardians often help as best as they can. They have individual talks with them, cooperate with the psychosocial service at the AH and help in solving eventual conflicts.

Some UAMAS told they call the legal guardian whenever they have a problem.

“Yes, if I have a problem she [the legal guardian] is the person I call and she explains.” (UAMAS)

When it comes to learning assistance, assistance in learning the Slovenian and other languages, leisure time activities, psychosocial support and assistance in making contacts with families, UAMAS often turn to representatives of SP. The frequency of contacts varies between individual cases; some UAMAS turn to them several times a week, others a few times a month.

“First you know, simple problems mostly I keep in myself, I don’t need to share it. Then when it gets big that I really need some help I just say it to a person who really can help me. X (the name of a worker at SP), she is the one... She really wants to help ...” (UAMAS)
Representatives of the psychosocial service are present at the AH every day and have daily contacts with UAMAS. The psychologist, responsible for the UAMAS department is turned to mostly with regard to rules of accommodation, schooling, clothes and footwear, acquisition of permits (for prolonged absences from AH) and bus passes, enrolment into Slovenian language lessons, etc.

There is no care plan or integration plan for UAMAS. The IPA only requires preparation of a personal integration plan for persons with international protection status.

The IPA states that minor applicants are entitled to health care under the same conditions as citizens of the Republic of Slovenia. The head of the AH told that children have access to the counselling and assistance of a psychologist. Children are referred to a general practice physician who assesses whether the help of a specialist is required. In cases of emergency children are taken to the emergency room where they immediately receive the required assistance. The AH also cooperates with the Counselling Centre for Children, Adolescents and Parents.

In the opinion of a guardian/representative of SP the existing system is not appropriate and not effective:

"We [representatives of SP] are seeing more and more that these children [f/UAMAS] are in great emotional distress that reflects in their behaviour - they are showing signs of depression, withdrawal, sadness and disappointment, self harm, aggression, low self esteem and feelings of guilt, sleep disorders, suicidal tendencies and so on. These and other problems are complex and must be addressed as such. If they are not, they can have long lasting and profound impact on the health and lives of these children. There are of course many factors to this issue - success in integration into the society and meeting people, success in learning the language, finding employment, building a social network and having the necessary support, the sense of security and trust, etc. That is why I believe there is a marked need for an elaborate system that could appropriately protect the children and offer them the opportunity for receiving suitable assistance, support and the treatment they require."

The SP organizes educational trainings for those who would like to become a guardian to unaccompanied minors. Currently apart from that, there are not any other training organized by the governmental institutions. Legal/guardians and other representatives of SP that are included in the treatment of UAMAS take part in training courses organized by SP as well as others. In the past, they took part in courses on asylum procedures, treatment of UAMs, family mediation, domestic violence, work with addicts and underprivileged youths.

Representatives of the psychosocial service of the AH have in the past years taken part in various training courses, but they were not focused on UAMAS. They also held professional training sessions guided by a psychiatrist, at which they discussed subjects such as recognition of victims, traumatized persons, etc.

58 The psychosocial service is present at the AH every day during the week from 8.00 to 16.00. The psychologist is present for a further two afternoons of the week until 18.00. At later hours, UAMAS can in emergency situations such as possible conflicts turn to the official that is present until 22.00 each day or the security service that maintains a 24 hour presence. When the psychosocial service is absent from the AH, one of its representatives is on call and can return to the AH if necessary (information gained from an interview with the head of the AH).

59 Article 84 of the IPA.


61 Information was gained from an interview with the social worker at the AH.
Representatives of SP and the AH have expressed a need for additional training for work with UAMAS.

3.12 Social orientation and training

Applicants for international protection receive a brochure titled "How to get international protection (asylum)" upon their arrival at the AH. The brochure includes four sets of information. Individual sets include information on the procedure of international protection, the rights and obligations of applicants, information to help applicants integrate in their new, Slovenian environment and information on non-governmental and other organizations operating in the field of international protection and human rights. The brochure, the purpose of which is to inform applicants on the above mentioned topics, is issued in ten languages so that applicants can receive information in a language they understand best. The chapter "Tips to make your life in Slovenia easier in the first few months" includes general information on Slovenia, various useful information (important telephone numbers, information on urban transportation, nearest shops, healthcare establishments, schools, banks, post offices, etc.) and a glossary of common Slovenian words.

The AH has no programmes or courses in which UAMAS could learn about Slovenia and its culture. According to the social worker at the AH, applicants are occasionally educated about Slovenian culture and customs, for example at Slovenian holidays. There are also occasional visits to the city and trips around Slovenia.

All UAMAS and fUAMAS except one have emphasized that they miss lectures on Slovenian society and culture. It would help them get used to living in Slovenia.

"Because nobody is taking me to such places, to visit such things in Slovenia, to see how Slovenia looks like. Because here [at the Asylum Home] I'm not going anywhere, nobody is taking you anywhere. You don't have anywhere to go, you don't have friends outside to meet and talk to them. You keep yourself inside. [...] I'd like to see such things, how is life in Slovenia, how everything is going, the culture of Slovenia, such things. It is really nice to know." (UAMAS)

F/UAMAS told that Slovenian culture is very different than their culture, so they need such information even more. Most of them receive information on Slovenian society from other applicants for international protection and friends, some get information from their legal/guardian or the psychosocial service at the AH, at school, through TV and the internet. When they require information, they mostly turn to their friends and in some cases to their legal/guardian.

There are no major changes when UAMAS turn 18. When they are granted international protection, the integration counsellor becomes involved in their treatment and helps them integrate into society. FUAMAS can also take part in an integration programme implemented by SP.

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62 A brochure was published in 2008 by MOI and was cofounded by the European Refugee Fund.

63 Slovenian, Serbian, French, Albanian, Arabic, Turkish, Roma, Russian, English and Farsi languages.

64 More in chapters "Successful asylum seekers..." (4.1) and "Orientation" (4.2).
3.13 Plans for the future

The greatest wish of UAMAS is to gain international protection as soon as possible, as it allows them to gain permission for residence in Slovenia and create a new life. The uncertainty of whether they will be allowed to stay in Slovenia or not is most aggravating as they are afraid their application for international protection will be denied. Their plans and dreams vary. Some wish to finish school, meet friends or play professional football for a living. One of the UAMAS told it would make him happiest if he could live in peace with his family.

“Firstly I have waited for a long time and I wish I could get my answer [a decision from the Ministry of the Interior] as soon as possible. I wish I could get a place to sleep, I have it [the Asylum Home] but it’s just temporary, I don’t know how long I can sleep there. I wish I could have a place, I wish I could go to school, I wish... many wishes. And I really expect from guardian to help me to, you know, to have a protection... someone to take care.” (UAMAS)

“In Slovenia... it would be good to have friends [...] and to learn something. It makes me very happy when I learn something new.” (UAMAS)

“When I’m thinking all these things [what he went through] I don’t sleep at nights. [...] I like Slovenia, I want Slovenia to give me the document, I want to live and play football here. So I need such thing [the document] from them [the Ministry of the Interior] because what I’ve passed through is too much for me.” (UAMAS)

UAMAS told they do not know who to turn to for help in making their dreams and plans come true. When they need somebody to talk to or need information or help, they turn to their friends, legal guardian and/or psychosocial service at the AH. Only one UAMAS told he expected his legal guardian to help him gain international protection.

Two fUAMAS that turned 18 and are still in the international protection procedure told that their dreams were to have a better life, finish school and become teachers. They feel their ability to make their dreams become a reality will be influenced by the decision of the state whether to let them remain in Slovenia or not. When they need information and assistance, they turn to their former legal guardian, representatives of SP, teachers at school and friends.

The plans and dreams of fUAMAS with international protection are very different. Most want to finish school, gain a vocation, find a job and become independent. They also wish to gain citizenship, have their own apartment, get a driver's license, etc.

Some fUAMAS told they wish the situation in their country would change and that they were dreaming about seeing their families and return to their own country.

“I’m just thinking about my future, how I can go back to my country. But it is not possible. Really, I’m dreaming about that all the time. I’m really missing it. Like somebody is telling me ‘you can’t speak the language, this is not correct, you have to speak like this’. Really my heart is breaking. Why am I learning the language from another country? One day even if I have Slovene citizenship, I would go back, if it would be possible.” (fUAMAS)

Most fUAMAS told they were the ones that could contribute most to their plans coming true, but they did sometimes require the help of the state and organizations. One of them told he needed support in schooling.
“It helps me if somebody supports me with my studies like Ministry [the Ministry of the Interior], Slovene Philanthropy, Slovene people, because we don’t have relatives here to help us. If I had some things for the school like other children... but I don’t have my parents here.” (fUAMAS)
4 Development and integration needs of former UAMAS

4.1 Successful asylum seekers and those that have legalized their permanent stay in the host country

Since the development and integration needs of former UAMAS were already discussed at length in previous chapters, I shall concentrate in this chapter to only those areas that require additional attention.

When UAMAS are granted international protection, the integration counsellor becomes involved in their treatment. The integration counsellors are employed by the Ministry of the Interior, particularly in the Integration Division at the Migration and Integration Directorate. Among three integration counsellors, only one is specialized in working with fUAMAS. Their duties/responsibilities are: to assist persons with international protection to integrate in Slovene society, to provide them the necessary information, to advise them and to give them support in assuring their rights. The integration counsellor who is working with fUAMAS is intensively cooperating with their guardians and other actors involved in their treatment.

The integration counsellor in cooperation with the fUAMAS and the guardian draws up a personal integration plan that is prepared and implemented on the basis of their needs, knowledge and capability. The integration plan is basis for implementing assistance with inclusion in society; integration plan outlines the direction in which integration would go regarding language learning, accommodation, education, employment and active inclusion in local community. If changes to the personal integration plan are required, the plan is supplemented or revised. In preparation of the plan, the integration counsellor and the guardian take into account the opinions of the fUAMAS, along with their wishes and interests, but they also try and direct them towards what is estimated to be in their best interest.\(^65\)

The preparation of the integration plan is carried out with and individual approach, so the treatment of all persons with international protection by the integration counsellors, regardless of their age, is very intensive over the first three years. When fUAMAS turn 18, guardianship over them officially ceases, meaning that they become fully responsible for the settlement of certain matters. They are prepared for this change by the guardian and integration counsellor and are stimulated to become independent already as minors. Guardians operating within SP continue to provide the necessary support and assistance. Special attention is paid to the time immediately after reaching legal age when fUAMAS are monitored more intensively and warned about matters that were previously settled by the guardian. SP provides a programme titled ‘Psychosocial support to minors with international protection and to other vulnerable persons’ that offers fUAMAS assistance in integration. The programme includes guardianship, psychosocial support, learning assistance and quality leisure time activities.

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\(^{65}\) Information was gained from the interview with the integration counsellor.
FUAMAS turn to various actors for assistance and support, depending on their needs. They most often turn to the guardian, integration counsellor or friends. The social network of friends and acquaintances is very important for fuAMAS. FUAMAS that go to school often seek support with their school counsellor, class teacher and individual teachers. The needs fuAMAS emphasize most are assistance in gaining and arranging documents, learning assistance, assistance in learning the Slovenian language, etc.

The issues former UAMAS are faced with vary greatly. The greatest obstacle in the integration of fuAMAS with subsidiary protection is the uncertainty of whether the state will extend their protection and thus allow them to stay in Slovenia.

“But it is difficult, the situation we are in is difficult... this subsidiary protection. I mean for how long they [the Ministry of the Interior] will help us? We don’t have relatives here. If the Ministry [the Ministry of the Interior] says that we have to do something, we need to do it. And my problem is also the money. 230 Euros is not enough and, if you work you cannot study and, if you study you cannot work. I don’t know what will happen... We live here for three years and then what? Going back to our countries? It is really difficult.” (fuAMAS)

Most fuAMAS emphasized money as a major problem. The problem is particularly evident with those who go to school and are completely reliant on financial support. Since the amount of financial support is not sufficient for their needs, some fuAMAS are forced to work, thus losing their financial support. Furthermore, they are also left with less time for studying which might cause poor school performance.

"For those of us that don't have parents here, it is very hard to live only on financial support. The law should be changed. [...] I have been here for four years and what have I done? Nothing. It is hard here, it is really hard." (fuAMAS)

Most fuAMAS have experienced different treatment due to their race, nationality or because they are refugees. They have had such experiences when finding work or accommodation. One of them feels the reason for this is a lack of awareness among people.

"The problem is not that I am from Iran. I don't hide it and I am proud of it. The fact that I am a refugee has often created problems for me. Maybe it is just my feeling. Because I think people in Slovenia don't have much information on refugees and maybe only see the meaning of the word and not the story of the refugee, why a refugee goes to another country and asks for help. I think this is the reason for most problems. ” (fuAMAS)

4.2 Orientation

The IPA defines that the MOI shall in the shortest possible time following the granting of status to persons with international protection provide them the option of taking part in Slovenian language courses and courses of Slovenian history, culture and constitutional regulation of the Republic of Slovenia. Since the courses are bound to a public tender, fuAMAS cannot take part in the courses immediately after their status is approved. As already mentioned in the chapter ‘Education …’ sometimes they must wait for several months before the school, selected at a public tender for its

66 In accordance with the IPA the subsidiary form of protection can be issued to persons for a period of three years with the option of extension for a further two years.

67 Article 99 of the IPA.
programme, begins carrying out the course. The Slovenian language lessons began in June 2011 and the previous one ended in November 2010. The course of Slovenian history, culture and constitutional regulation of the Republic of Slovenia is currently not being implemented and is planned to begin shortly.68

The integration counsellor through conversation with fUAMAS ascertains their knowledge of Slovenian society, culture, customs, etc. She also informs them about various matters, if the need arises. Her experiences show that fUAMAS have not gained this knowledge during their procedures of international protection. This is even more evident with children coming from cultures that are vastly different from Slovenian, for example Afghani.69

All fUAMAS told that they miss courses on Slovenian society and culture. They would help them get used to living in Slovenia.

“No, I didn’t have anything like this [the course on Slovenian society and culture] in the beginning. It would be better and it would be useful, because when we live in some country we have to know about the cities, the borders, the culture. In this way it would also be easier to find friends and so on.” (fUAMAS)

Most fUAMAS have gained their information on Slovenian society from friends, their guardian and integration counsellor, school, television or the internet. When they require information, they mostly turn to their friends and in some cases to their guardian.

"In the beginning my guardian gave me the most information [on Slovenian society]. After that I had to somehow find my own way. There are still so many things about Slovenia that I don’t know. [...] Not only about food and these things but more about the system. Because the Slovenian country is a more complex country and there are so many connected things it is very hard for people coming to Slovenia.” (fUAMAS)

4.3 Unsuccessful asylum seekers

Slovenia does not have a lot of experience in this area. According to information gained from representatives of SP there have only been two cases of fUAMAS not leaving the AH after their application for international protection was denied on the third instance (from the Supreme Court).70

After their decisions were final, both fUAMAS were transferred from the AH to the AC71, a police institution where persons have restricted movement. One of them was a minor at the time while the other recently turned 18. The fUAMAS who was a minor wished to return72 to his country of origin

68 Information was gained from the interview and a consultation with the integration counsellor.

69 Information was gained from the interview with the integration counsellor.

70 Most UAMAS leave/disappear from the AH during the international protection procedure (before they receive the decision from the Ministry of the Interior).

71 AC is a police service responsible for efficient and effective removal of foreigners from the country. Its task is to accommodate and provide care for foreigners in its facilities for the period that is necessary for the deportation procedure (AC web page, www.policija.si/eng/index.php/generalpolicedirectorate/82-centre-for-foreigners-presentation (available at 15. 4. 2011).

72 According to the Article 60 of the Aliens Act UAMs cannot be returned to their country of origin or third country which is willing to accept them until suitable reception is provided; in no cases may UAMs be returned in violation of the European Convention on Human Rights and Basic Freedoms, adopted with Protocols 1, 4, 6,
and was included into IOM Assisted Voluntary Return and Reintegration Programme for migrants in irregular situation.\textsuperscript{73} In his return to the country of origin the fuAMAS was accompanied by his legal guardian who is now monitoring the process of his reintegration through regular contacts with him and representatives of IOM. Since the case happened at the time of the present study, it is currently not possible to estimate the extent of success of his reintegration.

In the other case, the fuAMAS applied for the permission to remain\textsuperscript{74} in Slovenia due to the problems he had in his country of origin. The fuAMAS turned 18 just before arriving at the AC, so he no longer had a legal guardian. Since the representative of SP was his legal guardian in the international protection procedure, fuAMAS continued to receive the support of the organization. He received help in preparing his application for the permission to remain by PIC, the organization which also legally represented him in the international protection procedure. The police, who is responsible for carrying out these procedures, granted his application\textsuperscript{75} and allowed him to reside outside the AC. He was able to find accommodation with the assistance of his friends and is still residing with them today.

The permission to remain confers upon its holder very limited rights. The holder is thus placed in a very difficult situation. Based on the Aliens Act aliens with permission to remain are entitled to emergency health care in line with the legislation regulating health care and health insurance, to basic care and supply, while the minors of school age are entitled to elementary schooling.\textsuperscript{76} The law denies the fuAMAS the right to employment and schooling and he is not eligible for any kind of financial support from the state. The only right the state grants him is to remain in Slovenia.

“[With the permission to remain] I don’t have any rights, just to walk on the street.” (fuAMAS)

Since he does not have the right to work he is forced to make a living with occasional work in the black market. His friends give him the support and assistance he needs. Cases like this clearly show the importance of informal social networks that UAMAS create during their stay in Slovenia. An important role in this is played by legal guardians and all other actors included in the treatment of UAMAS who direct them and provide them the required support.

\textsuperscript{73} This was the first fuAMAS to be included in this programme.

\textsuperscript{74} Based on the Articles 51 and 52 of the Aliens Act, forced removal or return of aliens to a country where their life or liberty would be endangered on the grounds of their race, religion, nationality, membership in a special social group or political conviction, or to a country where aliens could be exposed to torture or to inhumane and humiliating treatment or punishment, is not permitted (the non-refoulement principle is included only in the Aliens Act and not in the IPA). Therefore, aliens in such situation can obtain permission to remain in Slovenia, which means permission granted to an alien who has been given a deadline by which to leave the country, or to an alien who must be deported, to remain temporary in Slovenia. In accordance with the Aliens Act, the permission to remain shall be issued also when removal is not possible for other reasons (for example nonexistence of bilateral agreements between the countries). The permission to remain is issued upon the alien’s request or ex officio by the designated body for the period of six months. The permit can be extended for the time of the existence of the reasons mentioned. There are no special provisions for UAMs within the permission to remain.

\textsuperscript{75} Based on the decision issued by the police, he has been granted permission to remain since it was established that his removal from the country is not possible. This police’s decision did not give any detailed explanation about the reasons for granting him this status (information gained from a consultation with the legal guardian/representative of SP).

\textsuperscript{76} Article 55 of the Aliens Act.
Slovenia only provides the minimum rights to persons with permission to remain and has no programmes that would facilitate the integration of such persons into society. The Aliens Act grants underage children with permission to remain the same rights as adults (with the exception of the right of primary school education). That is why it is very difficult to foresee what would happen in case of UAM receiving such status. Existing mechanisms of protection and care in Slovenia provide very limited options, but we can expect that a guardian would in cooperation with the competent CSW try to assure more suitable accommodation, inclusion into the education system and the granting of a more suitable status. However, this is all just speculation since there was no case like that so far in Slovenia.
5 Towards a common approach

5.1 Identified good practices

This chapter presents practices that UAMAS, former UAMAS and experts have assessed as good.

5.1.1 Good practices identified by UAMAS

The following good practices were highlighted by UAMAS:

Legal guardian assistance

UAMAS feel it is important to have a legal guardian since they are alone and without parents in Slovenia. The situation they are in requires a person they can turn to and receive assistance from. The following elements were emphasized as ‘good’:

- they met their legal guardian on the first day of their arrival into the AH;
- the legal guardian has given them information on the international protection procedure and accommodation at the AH;
- the legal guardian is always available and takes time for them when they need it;
- the legal guardian explains matters in a way that they understand;
- the legal guardian is a person they can trust;
- the legal guardian asks for their opinion and considers it;
- the legal guardian is always present at interviews where he/she provides assistance and support;
- they have regular contact with the legal guardian;
- they can turn to the legal guardian in case of any questions and receive an explanation.

Assistance of SP

UAMAS often seek help with SP, an organization that helps minors. They feel it is important that they have somebody beside their legal guardian to turn to, since the guardian is not always available.

Assistance at school

Teachers provide course materials and lectures in Slovenian and English. Since students are not proficient in Slovenian, it helps them better understand course materials.

Assistance in contacting families, relatives and other important persons

UAMAS can contact families, relatives and other important persons using telephone or the internet at the AH or at SP. This is even more important in light of the fact that they do not receive any pocket money and could not afford to call at their own cost.

Interpreter
The interpreter interpreted the interview in a manner they could understand. This made it much easier for them to participate in the procedure and answer questions posed by the official.

Special department at the AH

UAMAS like the fact that they are accommodated at a special department because they are somewhat separated from other applicants for international protection.

Slovenian language course at the AH

Knowledge of the Slovenian language allows UAMAS to follow school lessons and integrate into society.

5.1.2 Good practices identified by former UAMAS

Former UAMAS added the following to the UAMAS’ list of ‘good’:

Information on changes after turning 18 years of age

The guardian, psychosocial service at the AH and the integration counsellor explained them what will change when they turn 18. They were informed of the coming changes in advance and could prepare for them, so they did not have major problems.

Living in the IH

They like living at the IH, where they moved after receiving international protection, since there are only few people living and they can buy and cook their own food, etc.

Taking their opinions into account

Actors involved in their treatment (legal/guardian, integration counsellor, psychosocial service at the AH and representatives of SP) ask for their opinion and take it into account. In this way they are able to participate in decisions they feel are important.

Assistance by former legal/guardians and SP

Former guardians operating within SP continue to provide support and assistance in different matters. They can turn to SP regardless of their age (minor/adult) and their status (applicant for international protection/granted international protection).

Assistance by the integration counsellor

The integration counsellor advises them and helps in settling different matters.

Support by the school counsellor and certain teachers

At secondary school they receive support and assistance from the school counselling service and certain teachers. This assistance helps them face issues they have at school and help them integrate in the school environment.

Assistance of volunteers in learning the Slovenian language

SP volunteers teach them Slovenian. Knowledge of the Slovenian language allows UAMAS to follow school lessons and integrate into society.

Assistance of volunteers in learning the English and German language

SP volunteers teach f/UAMAS English and German. They feel it is good because knowledge of these languages is important.
5.1.3 Good practices identified by experts

The following good practices were highlighted by experts:

PATS project (Project against Human Trafficking and Sex and Gender Based Violence)

In this project the individuals that fall within the risk population (unaccompanied minors, women) are informed on the issues of trafficking in human beings and violence. They are informed in 48 hours after their arrival at the AH, with the assistance of an interpreter using a language the person understands. At the moment the project is performed by the NGO Jesuit Refugee Service – Slovenia (JRS). The purpose of the project is to empower its beneficiaries with information on the traps of trafficking in human beings and forms and places of assistance.

Standard Operating Procedures for the Prevention and Response in Cases of Sex and Gender Based Violence

In 2008, upon UNHCR’s proposal the Standard Operating Procedures for the Prevention and Response in Cases of Sex and Gender Based Violence were signed by MOI, Ministry of Justice, UNHCR Regional Representation in Budapest and four non-governmental organisations dealing with refugees, asylum seekers and victims of trafficking in human beings (PIC, SP, JRS and Association Ključ). The purpose of introduction of these procedures is in enabling a joint action in prevention of sexual and gender based violence and a joint response in cases of such violence. A working group consisting of governmental and non-governmental representatives is active in the International Protection Division (hereinafter IPD) (entailing NGO and IPD representatives) and is considering cases identified in the AH.

Assistance in the integration of fUAMAS with international protection

When UAMAS receive international protection, they are assisted in their integration in the following ways: they are assigned a guardian and integration counsellor; the integration counsellor prepares a personal integration plan in cooperation with the fUAMAS and the guardian; fUAMAS have the option of residing at the IH; they are entitled to state financial support; they can enter into SP programmes that include learning assistance, psychosocial support and free time activities.

Support from schools

Schools that f/UAMAS go to try and adapt to their needs as best as they can within their possibilities (additional learning assistance, additional exam dates, etc.); school counsellors, class teachers and individual teachers provide the necessary support.

Programmes of NGOs SP and PIC:

Legal guardianship and guardianship to UAMs performed by the SP

The advantage in the provision of legal/guardianship by an NGO is in the organisation’s independence and greater flexibility in comparison with the governmental services. Legal/guardians are meeting the minors on regular bases, so the minors have the possibility to talk with them face by face. There are no waiting lists for UAMs in need of legal/guardians.

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Support after turning 18 years of age (SP)

Former legal/guardians operating within SP continue to provide support to fUAMAS and assist in different matters even after they turn 18. They are given support until they become independent and no longer need such help.

Assistance and support programmes (SP)

SP programmes include assistance in integration, psychosocial support, learning assistance and quality leisure time activities. Such programmes are very important as they facilitate the integration of UAMAS and former UAMAS and help them through the issues they face.

Assistance from volunteers (SP)

SP also uses volunteers in providing assistance to f/UAMAS. This is informal support given by volunteers along with the support of SP employees. In most cases such assistance is individual (one user, one volunteer) since this method allows for maximum adaptation to the needs of each user.

Programme of informing, legal counselling and representation (PIC)

The programme includes the informing of persons who express the intention of applying for international protection (on the international protection procedure and their rights and obligations), legal counselling and representation of applicants for international protection.

Cooperation between SP and PIC

An agreement between two NGOs, SP (implementing legal/guardianship) and PIC (implementing legal counselling and representation) assures UAMAS access to legal counselling and representation in all phases of the international protection procedure. This enables all UAMAS to have a legal guardian and legal representative to protect their rights and assure their best interests throughout the procedure of international protection.

5.2 Key gaps

This chapter presents the key gaps as reported by UAMAS, former UAMAS and experts.

5.2.1 Key gaps identified by UAMAS

UAMAS have assessed the following practices as ‘bad’:

Lack of information

UAMAS do not have sufficient information on important matters: the international protection procedure, their rights, what happens if their application is granted or denied, the role of legal guardian, schooling opportunities, Slovenia and Slovenian culture, etc. Due to the lack of information, UAMAS do not understand the procedure they are in, do not know who they can turn to for individual matters and do not know their options and what to expect.

Excessively long international protection procedures

The international protection procedures are too long. Waiting for the state to decide whether they can stay in Slovenia or not is very stressful and puts UAMAS in great distress.

Insufficient assistance and support by the legal guardian and the psychosocial service at the AH
The assistance and support UAMAS receive from their legal guardian and the psychosocial service at the AH is not sufficient. They feel that the legal guardian and psychosocial service should do more to ease their burden and improve their situation.

School
During the international protection procedure they do not have the possibility to go to school and can only enrol in school several months after arriving at the AH. They wish to enter school as soon as possible to gain new knowledge and meet new friends.

Living at the AH
The AH houses many different people and conflicts do happen occasionally. UAMAS are not alone in their rooms but share them with other UAMAS. It is hard for them to share a room with somebody they do not know, particularly if that person is very different from them. It would be easier for them to live in a place with fewer persons.

Programmes at the AH
UAMAS are often bored at the AH and have nothing to do. They are left on their own, burdened by their thoughts, problems and procedure. Various activities would help them relieve stress and think about other things. It would also make it easier to make new friends.

Course on Slovenian culture
There is no course to provide information on Slovenia and Slovenian culture. This information would facilitate the inclusion of UAMAS into Slovenian society and help them get used to living in Slovenia.

Food at the AH
UAMAS do not like the food they receive at the AH. They do not like the taste and feel there is not enough food. They would sometimes like to cook something for themselves but cannot afford it due to lack of money. They also do not like the fact that meals are served at set times as they are not always hungry or even present at the AH at mealtime.

Pocket money
UAMAS do not receive a pocket money. As they do not have money, they cannot buy the things they would like, such as food, telephone credit, etc.

Bus pass
The AH does not provide a bus pass that UAMAS would need for visiting sports clubs, the city, meeting friends, etc. Since they have no money they are unable to provide the passes for themselves, presenting another obstacle in the fulfilment of such needs.

5.2.2 Key gaps identified by former UAMAS

Former UAMAS added the following to the UAMAS' list of ‘bad’ practices:

Lodging the application for international protection
In most cases UAMAS must lodge the application for international protection on the first or second day after their arrival at the AH. They have no time to rest, become acquainted with the system and prepare for their application, so they do not understand the procedure and find it hard to take part.

Interpreter
In cases of two FUAMAS, the interpreter interpreted their interviews into Farsi while their mother tongues were Dari and Pashtu. They found it harder to understand the interpreter so their understanding of the procedure and questions of the official was poor.

**Subsidiary protection status**

Subsidiary protection status is limited to a period of three years with the option of an extension for a further two. FUAMAS do not know whether the state will extend their protection and allow them to further remain in Slovenia and this brings them considerable stress.

**Learning the Slovenian language**

During their stay at the AH they only had occasional opportunities to learn Slovenian. After receiving international protection, they had to wait for a few months before being able to take part in language course. This leads to greater difficulties in school.

**Learning the mother tongue**

They had no opportunity to learn their native language. They miss it as it is an important part of their identity.

**School**

When they begun going to school they found it very hard because lessons were done in Slovenian and they did not understand them. The school also has no dictionaries they can use for assistance.

**Lacking financial support by the state**

As they do not receive sufficient financial support, they must work to survive. However, as they are going to school, they are unable to spend much time working and if they do work more, it greatly influences their school performance. They are caught in a vicious circle they cannot get out of.

### 5.2.3 Key gaps identified by experts

The following bad practices were highlighted by experts:

**Treatment of UAMAS and qualification of actors**

The treatment of UAMs is inappropriate and insufficient. Actors included in their treatment are unqualified or underqualified for working with this population.

**Accommodation**

Slovenia has no appropriate accommodation facilities for UAMs that could assure the necessary professional treatment and psychosocial programmes adapted to their needs.

**Legal/guardianships**

In most cases UAMs have different legal/guardians with regard to their different statuses. This is hardly in their best interest. When UAMs are apprehended and treated by the police, they are not provided with a legal guardian.

**Preparation of UAMAS for lodging the application for international protection**

In most cases UAMAS must lodge the application for international protection on the first or second day after their arrival at the AH. They have no time to rest, become acquainted with the system, relevant actors and prepare for their application, so they do not understand the procedure and find it hard to take part.
Excessively long international protection procedures
The international protection procedures are too long. Waiting for the state to decide whether they can stay in Slovenia or not is very stressful and puts UAMAS in great distress.

Age assessment
There is no established system of age assessment. This can lead to situations in which adults claiming to be minors are accommodated in the minors department.

School
F/UAMAS have no special preparatory programmes to facilitate their inclusion in school and schooling itself. Primary school and secondary school programmes are not adapted to the knowledge and needs of f/UAMAS. Both these factors directly influence their school performance and consequentially their integration.

Slovenian language courses
Upon their arrival at the AH UAMAS are not provided with an intensive Slovenian language course that could greatly facilitate their inclusion in primary and secondary school.

Course on Slovenian culture
UAMAS do not have access to any organized courses that could acquaint them with Slovenia and Slovenian culture. A lack of such programmes makes their integration much more difficult.

Financial support
The state financial support fUAMAS receive is too small and they are forced to work to make a living. This directly influences their school performance and consequentially their integration.

Pocket money
UAMAS do not receive any pocket money that could enable them to fulfil certain personal requirements.

Bus pass
The AH does not provide a bus pass that UAMAS would need for visiting sports clubs, the city, meeting friends, etc. Since they have no money they are unable to provide the passes for themselves, presenting another obstacle in the fulfilment of such needs.

Inclusion of other ministries
The Ministry of Labour, Family and Social Affairs and its Centres for Social Work are not involved enough in the treatment of UAMAS.

Financial support to non governmental organizations
The financial resources provided to NGO programmes by the state are only sufficient for resolving current issues. They are not sufficient for the development of necessary programmes and seeking out systemic solutions.

After a review of the key gaps reported by UAMAS, former UAMAS and experts we can see that certain gaps were listed by both f/UAMAS and experts. This shows that experts are aware and do understand the needs and interests of UAMAS and former UAMAS.
Most of the gaps listed above were identified in previous studies and in the Strategy for the management of treatment of Unaccompanied Minors in the Republic of Slovenia that was prepared in 2006 and reviewed and updated in 2009 by SP. However, no major changes have occurred. The key player that has the power to change existing practices is without doubt the state. It is legislation that defines the treatment and rights of f/UAMAS and the state defines the amount of financial means to be used for their treatment. Beside the legislation itself, there is also the issue of appropriate implementation of legislation in practice. This is the basis without which it is very hard or impossible to act in the best interest of f/UAMAS. The main issue here is whether the state recognizes f/UAMAS as a group that requires special attention and care. Of course, all actors participating in the treatment of f/UAMAS can contribute to changes of existing practices to an extent. Their main area of influence concerns their approach, attitude and dedication to working with f/UAMAS. It is important that f/UAMAS are treated primarily as children who need appropriate help and support.

In December of 2010 the state adopted an amendment to the IPA that was in part prepared also by NGOs. The amendment introduced certain improvements in the area of UAMAS, including improved health protection, mandatory training for legal guardians of UAMAS and officials working with UAMAS in international protection procedures, free legal assistance from the first phase of the procedure, etc. Another development was the establishment of an interdepartmental working group (with representatives of MOI, Ministry of Labour, Family and Social Affairs, the Police, Ministry of Education and Sports and representative of NGOs) with the purpose of assuring a more appropriate treatment of UAMs (regardless of status) at a systemic level and establishing more unified and better coordinated approach in the area. We should also emphasize the importance of work of NGOs, particularly SP and PIC who provide support and assistance to UAMs within the scope of their programmes and possibilities. One of the more important activities of SP is advocacy of the rights of UAMs and lobbying for the improvement of their situation and treatment.

5.3 Monitoring

In Slovenia there is no legal framework in terms of monitoring of services within the scope. In the past, the United Nations High Commissioner for Refugees (UNHCR) carried out the monitoring of services through its implementing partners in Slovenia which were at that time SP and PIC. UNHCR performed this programme until its closure in Slovenia in may 2006. Both NGOs have through their programmes continued to carry out monitoring in the area of protection and support of applicants for international protection and refugees. The activities of SP are mostly focused on UAMs (also through implementing legal/guardianships). A representative of SP mentioned that the situation in this area is very specific in Slovenia because there are not enough actors and that the area should involve more different organizations more intensively, both governmental and non governmental. This would contribute to further development of monitoring and evaluation mechanisms. The head of IPD has also emphasized that it would be prudent to establish a special body to monitor the work of individual actors and services concerned with UAMs.

There are not much independent researches in the area of UAMs in Slovenia. In 2007 the Science and Research Centre of Koper, the University of Primorska carried out a study titled The Risk Group of Unaccompanied Minors: Protection Measures in an Enlarged European Union, while all others were performed by SP as follows: in 2009, Policies on Reception, Return, Integration Arrangements for, and Numbers of, Unaccompanied Minors in the Republic of Slovenia (in cooperation with PIC), and in

The integration counsellor emphasized that studies are welcomed as they show certain shortcomings and good practices, but that the themes of studies were somewhat repetitive. She also feels that it is a problem that further research is not based on what has already been done and that no attention is paid to which of the suggestions and results of studies have been acted upon and if not, what has been stopping such action. She feels that studies are sometimes only done for the sake of just producing studies.

Commenting on the results of studies, the head of the Centre for Psychosocial Assistance to Refugees at SP told that they are presented to policy makers, but there is no detectable response and no necessary changes.

"All these studies were always presented to policy makers, either at public events or meetings or they were sent to them. Their response has so far been lukewarm at best. I will not say there has not been any response. There is the amendment to the IPA that will establish a system of properly trained legal guardians. It is a change, but not a major one. They do consider certain changes, but the key issue remains."

5.4 Minimum common standards

It is difficult to speak of minimum standards because they concern a certain minimum that must be assured in the treatment of UAMAS. At the same time we are aware that is important we provide these children with the best and operate in their best interest.

On one side there are EU directives that set minimal standards, but these standards do not provide an adequate level of protection and care for UAMAS. Furthermore, these directives treat UAMAS predominantly as migrants and not as children. On the other side there is the UN Convention on the Rights of the Child that is set out too loosely and allows signatory states plenty of room for interpretation and practice. There is for example the article that defines that the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. Now the question is what constitutes a measure of last resort and the shortest appropriate period of time; is that a month or a day?

The state and all actors should always act within existing possibilities in the best interest of the child and to expand existing possibilities by adapting legislation, developing required programmes, training of all actors, etc.

The minimal standards of treatment of UAMAS that should be taken into consideration are the following:

- UAMAS should be entitled to the same rights as child citizens of the receiving country.
- All the mechanisms of protection and care should be used in the treatment of UAMAS as it is for child citizens of the receiving country.
- In all actions concerning UAMAS their best interests shall be a primary consideration.
- UAMAS should be treated as children first and foremost and their migration status must always be a secondary consideration.
All actors included in the treatment of UAMAS have to be qualified for working with this population.

All UAMAS should have a guardian and legal representative to protect their rights and assure their best interests.

UAMAS should have access to all the services they require, including suitable accommodation, education and healthcare.

UAMAS should be provided with the holistic care that also aims to establish the best interests of the child and find safe, lasting and long term solutions.

The opinion and views of the child should be taken into consideration in all decisions related to the children with regard to their age and maturity.

Treatment of UAMAS should take into account their cultural needs and religion.

UAMAS should be provided with suitable accommodation with 24-hour professional treatment, care and protection.

The treatment of UAMAS and programmes should be directed towards the development of their skills and competences: enrolment into school as soon as possible, vocational training, learning of different languages beside the language of the host country, etc..

UAMAS should be provided with assistance in making and maintaining contacts with their family, family tracing and family reunification, if this is in their best interest.

UAMAS should be assured appropriate psychosocial and psychotherapeutic treatment, appropriate psychosocial programmes and leisure time activities in accordance with their needs and interests.

UAMAS should be provided with integration programmes to help them integrate in their new environment: intensive courses on the language and culture of the host country.

UAMAS should be provided with support in making contacts with their ethnic communities so that they may keep in contact with their culture and learn their mother tongue.

Special protection mechanisms should be established to protect UAMAS from various forms of abuse, particularly from the dangers of human trafficking.

Appropriate complaint mechanisms should be established.

UAMAS should be informed of the procedures, roles of individual actors, their rights and obligations, options, possibilities, complaint mechanisms, all changes, etc., as it is only in this way that they may influence the position and situation they are in.
6 Conclusions and recommendations

An overview of the situation and changes in the area of UAMs in Slovenia shows that there have been certain improvements over time, but the basic problems remain. The IPA that defines the treatment of UAMAS and fUAMAS with international protection recognizes UAMs as a special vulnerable group: it is a group of children that needs a legal/guardian, the procedures they are involved in must take into account the principle of a child’s best interest, the legal guardians and officials involved in procedures must be additionally trained, their applications for international protection must be prioritized, etc. On the other hand, their treatment is in many ways no different from the treatment of adults: UAMAS are accommodated in the same institution as adult applicants for international protection, most actors included in their treatment are not trained for working with this group of children, their psychosocial treatment is not adapted to their needs and interests, etc.

Results of this study show a number of gaps in the treatment of UAMAS in Slovenia that should be closed. Most UAMAS do not understand the procedure they are in, do not understand the role of their legal guardian and do not have sufficient information about what will happen to them if their application for international protection is granted or denied, about their rights, options of complaint, etc. Although UAMAS are informed of the international protection procedure and their rights and obligations upon their arrival at the AH, study results show that the method of providing information should be changed. Some experts have also emphasized that the amount of information provided to UAMAS in the beginning is excessive and that the provision of information should be segmented into phases. UAMAS are provided with all the information regarding the international protection procedure, their rights and obligations and key actors on the first or second day after their arrival at the AH, just before they lodge an application for international protection. The existing system does not allow UAMAS to rest from their travel and be informed by their legal guardian and legal representative in such a way that they would understand the system, the international protection procedure and the role of individual actors involved in their treatment. Since these are very complex matters that UAMAS are facing for the first time in their lives, it is necessary to change the existing method of providing information and adapt it to their needs. There should be a period of time before the lodging of the application for international protection in which the legal guardian and legal representative could inform UAMAS in a suitable manner and prepare them for the procedure. During the preparation, providing information and the procedure itself, UAMAS should be assured with an interpreter they can fully understand. Two fUAMAS whose mother tongues were Dari and Pashtu had difficulties in understanding their interpreter who was interpreting into Farsi. This made their procedures much more difficult to understand and follow. It is also important that UAMAS are informed in an appropriate manner throughout the procedure and their stay at the AH. Most fUAMAS told that they did not receive sufficient information on the house rules of the AH, their rights and obligations, the roles of individual actors, who to turn to for certain matters, information on schooling and other matters.

An advantage of the existing system of legal/guardianship in Slovenia is the fact that all UAMAS and fUAMAS with international protection are assigned a legal/guardian that cares for their best interest.
The amendment to the IPA that entered into force in December of 2010 expanded the tasks of legal guardians so that they are responsible not only for representation in the international protection procedure, but also for the representation in the areas of health care, education, protection of property rights and benefits. This change is a step towards better implementation of UAMAS rights, but the basic issue remains: UAMAS (as well as other categories of UAMs) require 24-hour professional treatment that is adapted to their needs and interests. In the past, legal/guardians for all UAMAS or fUAMAS with international protection (with the exception of two) were provided by SP that temporarily stopped implementing legal guardianships for UAMAS in March 2011. This decision was taken by SP in order to (again) warn the state that the current system of care and treatment of UAMAS was inappropriate and that the area was in dire need of changes. SP was also faced with a lack of capacities due to an increased influx of UAMAS into Slovenia and lacking financial support. Following this decision of SP, the implementation of legal guardianships for UAMAS was taken up by the competent CSW. In the past, the CSW has taken over guardianship over two fUAMAS with subsidiary protection, but this showed certain deficiencies since an institution such as the CSW finds it much more difficult to implement guardianship due to its vast consumption of time and energy. A major advantage of NGO in implementing legal/guardianships lies in their independence and greater flexibility. The existing system is in need of improvement because not only is the implementation of legal/guardianships lacking financial support, it is also not harmonized: UAMs with various statuses are assigned guardians with various tasks; the IPA defines rewards and mandatory training only for legal guardians that implement guardianships for UAMAS; UAMs who go through different statuses are assigned different guardians; UAMs treated by the police do not have guardians. SP has for years strived for the establishment of guardianship as a professional and paid function as it has become clear that the task is too complex and demanding to be carried out by unpaid volunteers in spite of their training.

UAMAS are given the option of contacting their families via the internet and telephones at the AH and SP. Their options for reunification with family members are very limited. FUAMAS with international protection can only request reunification with their parents. As we can see the legislation very narrowly defines the family members with who fUAMAS can be reunited. In fact it not considers other cultural customs, where also not so close family members are very important members of the children’s life. Additional problem is the request of the state for fUAMAS to provide documentary evidence on the existence of family ties. This request is very problematic since most fUAMAS are coming from countries where such documents are very difficult or impossible to gain. In such cases the reunification of fUAMAS with their parents is impossible. Furthermore, fUAMAS who come of age during the procedure are no longer entitled to reunification with their parents. It is important to note that most fUAMAS are between 17 and 18-years-old when they are granted international protection. The proposed changes in this field are: expansion of the definition of family members; allow for other options of proving family ties; enable reunification with parents even after turning 18.

Slovenia has no appropriate accommodation facilities for f/UAMAS that would assure the necessary professional treatment and programmes adapted to their needs. Their accommodation is related to the status granted to the children by the state and the availability of accommodation that is quite limited in Slovenia. UAMAS are accommodated in a special department at the AH which is the only institution in Slovenia that houses applicants for international protection. The department is somewhat separate, but it does allow access to other applicants. The AH does not assure 24-hour professional treatment. When asked about problems, f/UAMAS have mostly emphasized food, a lack of leisure time activities, lack of pocket money and bus passes for visiting sports clubs and socializing with friends. When UAMAS are granted international protection, they are moved to the IH. A major
shortcoming of living in the IH is the fact that FUAMAS are living on their own with no professional personnel to monitor them, guide and provide the necessary psychosocial support, so they are left on their own. Since the MOI is aware of this shortcoming, it is planning to adapt a part of the IH for the accommodation of this population with all-day support and professional assistance. Such accommodation with 24-hour treatment and psychosocial programmes, adapted to their needs and interests, should be provided for all UAMs regardless of their status.

The cultural needs and religion of f/UAMAS are considered in a similar way as for adults. Applicants for international protection over the age of 14 are served three meals per day at the AH. The time for each meal is limited to one hour and dinner finishes at 18.30. Applicants only have one menu, but there is the option of vegetarian meals and special diets if they are prescribed by a doctor. Meals do not include pork, as well as holidays, such as Ramadan, are taken into consideration. In spite of attempts of the AH to adapt menus to applicants, UAMAS remain unsatisfied with the quality and amount of food. When applicants for international protection begin to receive a pocket money, they will be able to occasionally purchase their own food and prepare meals. The amount of a pocket money will not suffice for daily purchases of food and since the infrastructure of the AH does not allow for regular cooking by the UAMAS, the aforementioned problems will remain. That is why the search for options to adapt the food to the needs of UAMAS should continue, both in terms of the content of meals (e. g. preparing two menus) and quantity. The duration of meals should also be extended as many f/UAMAS mentioned the time allocated for meals is too short. The situation of fUAMAS with international protection is better because the money they receive or earn allows them to purchase and cook food so that they can take care of their own needs and customs. Female applicants for international protection may ask to have their procedures managed by a female official and if it is possible, they are provided with a female interpreter. In practice this is not always the case since there are no female interpreters for certain languages. The options for selecting a legal/guardian are also limited as there are only few people actively involved in implementing legal/guardianships. Considering the fact that many f/UAMAS feel their culture and religion are important and they expressed a need for greater support in this area, there should be more emphasis on finding options for meeting their needs.

Most UAMAS wish to enrol in a school upon their arrival into the AH, but existing possibilities are limited. Due to their age (most UAMAS are over 16 years of age), they are enrolled in a primary school programme for adults and youths. There were only a few cases of fUAMAS with international protection enrolled in regular secondary education. The main gaps and shortcomings to be remedied in this area are: no preliminary programmes that would facilitate the inclusion of f/UAMAS into school and the schooling process; no adapted textbooks and materials; most cases were not allowed to immediately enrol in school; UAMAS are not given the opportunity for intensive learning of the Slovenian language during their stay at the AH; even after gaining international protection status UAMAS are not given the opportunity to take part in Slovenian language courses; UAMAS are given the opportunity to enrol in vocational training only after nine months after their lodging of an application for international protection; teaching of other languages (e. g. English, German, etc.) is carried out only through the work of volunteers of SP; there are no opportunities for learning the mother tongue. Considering the above we can see that the existing system of education that f/UAMAS can enter into is not directed towards the development of knowledge and various skills that would support their development and better integration, regardless of whether they stay in Slovenia, return to their country of origin or continue life in a third country.

None of the f/UAMAS who are applicants for international protection (except one) have the right to work. Considering they are not receiving a pocket money, they are completely dependent on the AH
and NGOs operating in the area. Most FUAMAS with international protection occasionally work via Student Service while they are going to school. They decided to work because they need money, since the financial support they receive from the state is too low. There are also a number of shortcomings in the field of leisure time activities: not enough leisure time activities, dependence on the AH and NGOs, insufficient assistance and support, lack of bus passes for visiting sports clubs, socializing with friends, etc. UAMS regardless of their status should be provided with appropriate accommodation which would also provide the support of experts and programmes, adapted to their needs. This would allow them to concentrate on education and they would not have been forced to work. They should also be provided with a pocket money that would allow them at least partial independence.

There are no special programmes that would promote the interaction of UAMAS with their Slovenian peers or members of their own ethnic groups. Furthermore, the AH does not offer any courses in which UAMAS could learn about Slovenia and its culture. Those UAMAS who go to school are in the contacts with their Slovenian peers. Any contact they make with members of their own ethnic group depends entirely on them. Due to the lack of such programmes the integration of UAMAS into Slovene society and their ethnic community is very difficult. Actors involved in the treatment of UAMAS should pay more attention to these areas. Furthermore, special programmes should be developed to provide UAMAS with the necessary support. Assistance with the integration of UAMAS into Slovenian society must be given immediately upon their arrival to the AH and not only after they are granted international protection.

When UAMAS turn 18 years of age, in the international protection procedure they are no longer treated as a vulnerable group. This turns into a greater problem due to the fact that their status of a minor is one of the key reasons for the recognition of subsidiary protection status. FUAMAS are also no longer entitled to a legal guardian and their rights in the field of health care are reduced. UAMAS with international protection status are no longer entitled to reunification with their parents as they come of full age (despite the fact that they applied for reunification when they were still minors).

When the application of UAMAS is denied, there are only two options in Slovenia. The first option is the return of FUAMAS into the country of origin. It should be noted that Slovenia has no special programmes developed for returning and reintegration of FUAMAS. The Assisted Voluntary Return and Reintegration Programme for migrants in irregular situation that began to be implemented by IOM in 2010 offers a certain level of assistance and support to FUAMAS in their return and reintegration. Since only one FUAMAS has been involved into the above programme (and the success of his reintegration is still being monitored) it is hard to say whether the programme requires certain changes or amendments. The second option for FUAMAS is to be granted permission to remain in Slovenia due to issues they face in their country of origin. The rights of persons with permission to remain in Slovenia are very limited and basically consist only of the right to reside in Slovenia. This area is in dire need of changes in the sense of expanding their rights to allow a decent life and in case of minors also the establishment of the necessary mechanisms of protection and care, adapted to their needs.

One of the key areas that require more attention is the training of actors involved in the treatment of UAMAS. The need for additional training was emphasized also by experts themselves, as they feel they need additional knowledge for working with this population. Additional effort should also be invested in the sensitization of experts who occasionally work with UAMAS, including medical workers and social workers at the CSW, and in raising awareness among the general public.
Although there have been certain changes in the field of UAMs in recent times, there remain many other gaps to be closed. The low number of UAMs in Slovenia allows for an individualized approach to their treatment. Due to this fact the state has not developed special mechanisms for protection and care for this group of children. All difficulties and problems UAMs face with are resolved individually and not systemically. The manner in which individual situations are resolved depends heavily on the individual actors that are included in their treatment. Because the area of UAMs is not systemically regulated but depends on the work of individual actors, the system of their treatment in Slovenia is very vulnerable and uncertain. The establishment of more appropriate treatment of UAMs (regardless of their status) at a systemic level is the main goal of an interdepartmental working group that began operating in January of this year. It is too early to speak of the effects of its operation, but it does mark the first attempt of the state to begin tackling the issue of UAMs at a systemic level. In this way the solving of problems in the area will include other competent ministries that were so far not sufficiently included in their treatment.

Slovenia does have some good practices in place in the treatment of UAMs, such as the PATS project, support in integration after granted international protection, legal/guardianships, the operation of certain NGOs, etc. It is particularly worth emphasizing the operation of SP that has been striving for a number of years towards improving the situation of UAMs and implementing various programmes that offer support and assistance to UAMs.

UAMs in Slovenia are treated with respect to the migrant status given to them by the state. This status defines their accommodation, their options and rights. Regardless of their status we can conclude that their treatment is not directed towards the development of their competences, gaining of knowledge and various skills that would support their development and better integration, regardless of whether they stay in Slovenia, return to their country of origin or continue life in a third country. The area requires major changes that mostly concern the state deciding that UAMs are worth 'investing' into, although they are not ‘our’ children. In the opinion of the mentor of volunteers at SP, the reasons for that are varied (money, political context, etc.). She also emphasizes that these minors have a lot of potential and that in the end it is the state that is losing out.

"If we were to ask the decision makers, they would probably mention money, that it costs too much and that Slovenia can't take care of foreign citizens. This would be their most likely answer. But on the other hand, Slovenia is losing a lot of potential this way because these are mainly young boys with a lot of potential, knowledge, experience; most likely they have more experience that three quarters of their teachers and this is not being realized. They are left in some secondary and tertiary places with the thinking that they are not going to continue their education and don't need to know much. It's enough for them to just finish some secondary school. It is basically a loss of potential because they do have it. They could probably be excellent translators or I don't know... I don't know what the reason is, perhaps a lack of empathy, lack of understanding for migrations, political context ..."
7 List of sources

7.1 Bibliography


### 7.2 Legislation, statistical data and web pages


7.3 List of interviewed and consulted experts

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