

Resettlement of Children and Adolescents at Risk

Children and adolescents are entitled to special care and assistance under the Convention on the Rights of the Child. Children and adolescents at risk have legal and physical protection needs, may be survivors of violence and torture, and may be submitted for resettlement to facilitate family reunification. Their developmental needs, their dependency, and their legal and social status make this special attention essential, and early and continuous identification of children at heightened risk a UNHCR priority.

The resettlement category of Children and Adolescents at Risk includes children who:

- are under 18;
- may or may not be an unaccompanied or separated child;
- have compelling protection needs which are not addressed in the country of asylum and resettlement has been determined to be the most appropriate solution having regard to the child's best interests.

1. Protection Principles and Safeguards relating to the Resettlement of Refugee Children and Adolescents at Risk

The Best Interests of the Child: The best interests of the child is a primary consideration in all decisions concerning children.¹ When determining the best interests of the child in the context of resettlement programmes, their current protection situation, prospects for family reunification with parents, other relatives or previous primary caregivers, possibilities for integration in the country of destination, and the child's own views are essential considerations. Before considering resettlement, UNHCR works to find local solutions and reunify unaccompanied children with parents or family members. In order to minimize the risk of longer-term separation from any existing relatives, UNHCR only considers resettlement for unaccompanied and separated children (UASC) where it is in the best interests of the child (decided through a Best Interests Determination (BID)), where the child is seriously at risk, and where there are no other protection interventions available in the country of asylum..

The Principle of Family Unity: In all decisions relating to refugee children, including resettlement, the principle of family unity should be given due weight and consideration. This means that prospects for family reunification should be both a key factor in the decision whether to resettle a child, and that steps should be taken to ensure that resettlement does not undermine or seriously hamper future reunion with their family. International norms and established good practice dictate that reunification with parents, or legal or customary primary caregivers, is the most appropriate solution for unaccompanied children. All available measures to trace a child's parents, caregivers and, failing that, other relatives must be undertaken before resettlement can be considered, and should be continued following resettlement where necessary.

UNHCR's Resettlement Category of Children and Adolescents at Risk: Singling out unaccompanied children specifically for resettlement is unjustified and can result in unintended consequences/harm. Resettlement programmes that focus solely on unaccompanied children may encourage children to choose to separate from their families and undertake dangerous journeys in an effort to access a durable solution and/or encourage parents to abandon their children so that they can benefit from resettlement opportunities. The category of "Children and Adolescents at Risk" may include unaccompanied and separated children, children without legal documentation, children with specific medical needs or children with disabilities, child carers, children at risk or survivors of harmful traditional practices, including child marriage and female genital mutilation, working children or children at risk of child labour, children associated with armed forces or armed groups, children in detention and/or in conflict with the law, children at risk of *refoulement*, children at risk of not attending school, and children survivors of (or at risk of) violence, abuse or exploitation, including Sexual and Gender-Based Violence (SGBV).

¹ The principle of the Best Interests of the Child must be applied in conformity with the *1989 Convention on the Rights of the Child* as well as other international legal norms, including those related to Adoption.

A Permanent and Durable Solution: A foundation of UNHCR's resettlement policy is that it provides a durable solution for refugees unable to voluntarily return home or remain in the first country of asylum. UNHCR advises that a programme for the resettlement of Children and Adolescents at Risk provides refugee children with the stability that they need, including the availability of a route to a long term and permanent solution.

2. Programmatic and Operational Requirements related to the Resettlement of Refugee Children at Risk

Best Interest Procedures: Case management and the best interest procedure is a key measure to ensure the protection of children. It includes community-based identification processes, a thorough assessment of the best interests of the child, procedures to trace family members, mechanisms for the resolution of custody issues, and the need for specialized child protection staff to provide counseling and support.

Efficient Procedures to respond to Urgent and Emergency Protection Needs: Cases submitted for resettlement under the Children and Adolescents at Risk category are considered to be high risk cases which are systematically prioritized by UNHCR. Cases may involve sexual and domestic violence, the worst forms of child labour, children at risk of child marriage, and detention etc. A resettlement programme designed to provide protection to Children and Adolescents at Risk must be able to operate with speed and efficiency in order to respond immediately to cases with urgent or emergency protection needs.

Support upon Arrival in Country of Resettlement: Refugee children, especially unaccompanied and separated children, require specialized support services upon arrival in the country of resettlement, which should include appropriate accommodation and family-based care, if they are not traveling with a foster family, counseling, and assistance in accessing health, education and other services (socialization/recreation, vocational training, mental health services, family reunification, access to legal services, and case management), at a minimum.²

Strengthening the Protection Environment in Countries of Asylum: Resettlement is not a substitute for strengthening the protective environment for refugee children, including unaccompanied and separated children, in countries of asylum. While resettlement is a positive solution for some refugee children, it cannot be a substitute for efforts to strengthen the protective environment to prevent and respond to violence, exploitation, abuse and neglect of refugee children in countries of asylum. A comprehensive and integrated response that is inclusive of refugee and host communities in the country of asylum not only minimizes risks associated with large-scale resettlement programmes, but also supports refugee families to live in safety and dignity in the country of asylum. In this regard, UNHCR's strategy involves strengthening national child protection systems and services in line with UNHCR's Global Framework for the Protection of Children and designing holistic programmes that address the full range of protection risks for children.

3. Resources

- UNHCR, *UNHCR Resettlement Handbook*, July 2011, available at: <http://www.refworld.org/docid/4ecb973c2.html>
- *ExCom Conclusion No. 107 (LVIII) on Children at Risk*, available at: <http://www.refworld.org/docid/471897232.html>
- UNHCR, *Best Interests Determination Guidelines*, 2008, available at: <http://www.unhcr.org/4566b16b2.pdf>
- UNHCR, *Field Handbook for the Implementation of UNHCR BID Guidelines*, 2011, available at: <http://www.unhcr.org/50f6d27f9.pdf>

² For guidance on settlement programmes for children and youth see Chapter 3.3 of UNHCR, *Refugee Resettlement. An International Handbook to Guide Reception and Integration*, September 2002, <http://www.unhcr.org/refworld/docid/405189284.html>