



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria-Vlada-Government
Ministria e Punëve të Brendshme /Ministarstvo Unutrašnjih Poslova / Ministry of Internal Affairs
Departamenti për Shtetësi, Azil dhe Migracion/ Department for Citizenship, Asylum and Migration/ Departman za
Državljanstvo, Azil i Migraciju

**GUIDELINE ON ASSESSING AND DETERMINING THE BEST INTERESTS
OF CHILDREN APPLYING FOR INTERNATIONAL PROTECTION, REFUGEE AND
MIGRANT IN KOSOVO**



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GUIDELINE ON ASSESSING AND DETERMINING THE BEST INTERESTS OF CHILDREN APPLYING FOR INTERNATIONAL PROTECTION, REFUGEE AND MIGRANT IN KOSOVO

This guideline has been compiled in coordination with the Ministry of Internal Affairs, Ministry of Finance, Labor and Transfers, Ministry of Education, Science, Technology and Innovation, Kosovo Police, Centers for Social Work, UNICEF, UNHCR, IOM, SOS Children's Villages, KRCT and CRPK.

The guideline is part of the project: *“Strengthening child protection mechanisms to respond to and manage the situation of children, asylum-seeking and migrant young people and women, including unaccompanied minors and children separated during and after the COVID-19 pandemic”*, with technical and financial support of the UNICEF Office in Kosovo and implemented by SOS Children's Villages Kosovo.

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ACRONYMS:

(Listed in alphabetic order)

- EU – European Union
- CRPK- Civil Rights Program Kosovo
- DCAM – Department of Citizenship, Asylum and Migration
- DRRPIF – Department for Reintegration of Repatriated Persons and Integration of Foreigners
- IOM- International Organization for Migration
- JRS- Jesuit Refugee Service
- ICRC- International Committee of the Red Cross
- ICCR- International Convention on Children’s Rights
- KRCT- Kosovo Rehabilitation Center for Torture Victims
- MEST - Ministry of Education Science, Technology and Innovation
- MH- Ministry of Health
- MIA- Ministry of Internal Affairs
- MFLT - Ministry of Finance, Labor and Transfers
- CSW – Center for Social Work
- UNHCR- United Nations High Commissioner for Refugees
- UNICEF- United Nations International Children’s Emergency Fund
- OGG- Office for Good Governance within the Office of the Prime Minister

Introduction

The increase in the number of refugees caused by the conflicts of the last few years mainly in the Middle East countries found Kosovo as a transit country (mainly transit) of a large number of applicants for international protection, refugee and migrant. Most of them are men and youngsters or unaccompanied minors. There is also a considerable number of families with children.

Besides many preparations of Kosovo institutions to increase the readiness to manage the influx of migrants with different intensities over the years, the need for better inter-institutional coordination has been identified by several relevant stakeholders and as a result, the compilation of *'Guideline on Assessing and Determining the Best Interest of Applicant Children for International Protection, Refugee and Migrant in Kosovo'* was therefore initiated.

This Guideline originally derives from the *'Analysis of Kosovo legislation, applicability and actions related to determining the best interest of applicant children for international protection, refugee and migrant in view of the existing mechanisms for child protection in Kosovo'*. Thus, these two documents (Guideline and Analysis) should be considered as interrelated and part of a set of goals to achieve the wellbeing of applicant children for international protection, refugee and migrant.

This Guideline seeks to define the general principles for protecting applicant children for international protection, refugee and migrant. It also seeks to provide organizational models for institutional mechanisms for defining defined action measures, structuring them, including all interactions to prevent risks to children, as well as the provision of optimal services in accordance with the provisions of international and domestic policies on protection and help of children in need.

The Guide is dedicated to all institutional and civil society stakeholders working directly and indirectly with/for children: line ministries, Centres for Social Work, Police, Shelter centres, Health centres, Education institutions, and international organizations, such as the International Red Cross, UNHCR, UNICEF, IOM, and NGOs working in child migration management and protection.

Among other things, the Guideline also aims to:

- Facilitate the coordination and operationalization of inter-institutional actions to assess the best interests of applicant children for international protection, refugee and migrant in Kosovo. This is intended in several dimensions: central level; local level; and interactions between the central and local levels as well as the involvement of civil society, organizations licensed to provide services.

- Suggest optimal timelines and actions to be undertaken at central and local levels by migration management institutions in Kosovo, in particular towards applicant children for international protection, refugee and migrant.
- Instruct on measures to identify risks to children, suggest preventive actions, measures and actions for identification, as well as referral of cases between relevant institutional stakeholders.
- Define some standards to focus actions on protecting the most vulnerable groups of children.
- Provide examples of forms and procedures of inter-institutional communication, as well as responsibilities in processing cases of applicant children for international protection, refugee and migrant by assessing the best interests of the child and finding adequate action in line with national and international migration management policies.

The Guideline will harmonize actions in accordance with the applicable legislation in Kosovo and the existing mechanisms implementing law and order as well as measures for child protection and development.

International organizations mandated to support migrants and children have previously been engaged in defining the procedures to determine the best interests of refugee children. UNHCR, IOM and UNICEF as leading organizations in the protection of children, in general and children in migration situations in particular, provide a number of reports and materials which have also been consulted in the process of drafting this document.

There is currently a large number of manuals and guides which provide procedures for appropriate action for the categories of children in migration situations, including the cooperation with the national partners of the States Parties. In 2008, the UNHCR published the document 'Guidelines on the Formal Determination of the Best Interests of the Child'¹, and in 2011 'The Manual on the Implementation of UNHCR Guidelines'².

These documents are interlinked to the document recently published by the UNHCR in 2021 'Guidelines and procedures: Assessing and determining the best interests of the child'³. This recently published guide *'replaces the previous ones and retains the essential guidelines of the previous guidelines, while providing more comprehensive guidelines on working with*

¹ UNHCR - Guidelines on Formal Determination of the Best Interests of the Child
<https://www.unhcr.org/uk/4ba09bb59.pdf>

² UNHCR - Field Handbook for the Implementation of UNHCR BID Guidelines
<https://www.refworld.org/pdfid/4e4a57d02.pdf>

³ 2021 UNHCR Best interests procedure guidelines: ASSESSING AND DETERMINING THE BEST INTERESTS OF THE CHILD - <https://www.refworld.org/docid/5c18d7254.html>

*national child protection systems to provide access to comprehensive case management and services for children at risk.*⁴

This guideline strives to strengthen existing child protection systems and national mechanisms by strengthening child protection capacities through mutual institutional coordination.

As such, the Guideline is divided into three integral parts that make up the set of general provisions to initiate the Best Interest Assessment - BIA and the Best Interest Determination - BID procedures for refugee and migrant children or applicants for international protection in Kosovo. These three parts include:

- a. **First part** - General provisions outlining general aspects of international and domestic child protection principles; terms and definitions used in this document related to the category of targeted children.
- b. **Second part** - Describing the stages and actions for the Assessment of Best Interests of applicant children for international protection, refugee and migrant. Risk indicators and methods of collecting information about the child as well as contextual circumstances from the moment of entry into the territory of Kosovo and previous ones related to family relations and the general wellbeing of the child.
- c. **Third part** – Determining the Best Interest - BID, as a final stage, where guidelines are given about the structure, composition and tasks of the Multi-disciplinary Roundtables to support the management of cases (MDR) as municipal mechanisms for child protection which, in cooperation with competent bodies determines actions that need to be undertaken for the best interest of children.

Annexes contain several documents as suggested materials to be used by officers working with children. They include risk indicators related to applicant children for international protection, refugee and migrant, survey methods and questions for children and their companions, as well as other guidelines for working with children in need.

⁴ Ibid. page 29

A. GENERAL PROVISIONS

1. Basic principles of child protection

This Guide adheres to four principles of the International Convention on the Rights of the Child:

- The right to protection of the best interest (Article 3),
- The right to non-discrimination (Article 2),
- The right to life, survival and development (Article 6) as well
- The right to take part (Article 12).

The Guide is also directed by the following specific, but related guiding principles:

- The child's opinion/right to be heard
- Family unity
- Development capacities of the child
- Urgency
- “Do not cause harm to the child” approach
- Community participation
- Data confidentiality
- Informed consent

All service providers for children are obliged to act under the umbrella of these principles that are reflected in the Constitution of Kosovo as well as the relevant laws⁵ on child protection and migration management.

⁵ The laws related to migration in Kosovo that have been consulted in this document are:

- Law No. 04/L-219 on Foreigners (Law on Amending and Supplementing the Law No.06/L-036 on Foreigners);
- Law No. 04/L-073 on Asylum (replaced by the Law No. 06/L-026 on Asylum)
- Regulation (MIA) No. 04/2018 on Operation of the Detention Center for Foreigners;
- Regulation (GRK) No.09/2019 for the Integration of Foreigners;
- Regulation (MIA) No. 04/2018 on Operation of the Detention Center for Foreigners;
- Regulation (MIA) No. 02/2014 on Operation of Asylum seekers Center;
- Law No. 04/L-216 on Cooperation between authorities involved on integrated border management;
- Law No. 03/L-034 on the Citizenship of Kosovo (replaced by the Law No. 04/L-215 on the Citizenship of Kosovo);
- Law No. 04/L-218 on Preventing and Combating Trafficking In Human Beings and Protecting Victims of Trafficking.

The laws listed below represent the legal basis specific for child protection actions:

- Law No. 06/L-084 on Child protection
- Law No. 2004/32 on the Family in Kosovo and the Law No. 06/L-077 on amending and supplementing the Law No. 2004/32 on the Family in Kosovo.

Besides the general principles of the CRC, this Guideline refers to other international instruments relating to child rights deriving from the UN Committee on the Rights of the Child as well as other international organizations and agencies:

- General Comment no. 6. Treatment of unaccompanied and separated children outside their country of origin⁶
- General Comment no. 12. The right of the child to be heard⁷
- General Comment no. 14. The right of the child to have the best interest as a primary consideration⁸

Minimum standards for child protection in humanitarian operations⁹

UNHCR 2021 guidelines on best interests determining of the child¹⁰

Also, the legal framework of Kosovo that regulates the field of migration and child protection.¹¹

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- Law No. 02/L-17 on Social and Family Services and the Law No. 04/L-081 on Amending and Supplementing the Law No. 02/L-17 on Social and Family Services
 - Law No. 2003/15 on Social Assistance Scheme of Kosovo and the Law No. 04/L-096 on Amending and Supplementing the Law on Social Assistance Scheme of Kosovo
 - Code No. 06/L-006 on Juvenile Justice Code
 - Law No. 04/L-218 on Preventing and Combating Trafficking in Human Beings and Protecting Victims of Trafficking.
 - Law No. 04/L-032 on the Pre-university Education in the Republic of Kosovo
 - [Law No. 03/L-068 on the Education in the Municipalities of the Republic of Kosovo](#)
 - Law on Local Government Finances

⁶ <https://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf>

⁷ <https://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf>

⁸ https://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf

⁹ https://alliancecpha.org/en/system/tdf/library/attachments/cpms_2019_final_en.pdf?file=1&type=node&id=35094

¹⁰ <https://www.unhcr.org/protection/children/4566b16b2/unhcr-guidelines-determining-best-interests-child.html>

¹¹ Analysis of Kosovo legislation, applicability and actions related to determining the best interest for refugee and migrant children in the light of existing child protection mechanisms in Kosovo. SOS Children's Villages Kosovo - Document analysis (2020) Pristina,

2. Key Terms and Definitions¹²

The terms and definitions used in this Guideline have the following meaning:

International protection Applicant - every foreign national or stateless person who has made an application for international protection and in respect of which a final decision has not yet been taken;

Applicant with special procedural and reception needs - a person in a vulnerable position who needs special protection in order to enjoy his/her rights and fulfil his/her obligations during the procedure of determining the protection status in accordance with the applicable laws;

Emigrant - From the perspective of the country of departure, a person who moves from his or her country of nationality or usual residence to another country, so that the country of destination effectively becomes his or her new country of usual residence;

Child - shall mean any human being under the age of eighteen (18), excluding the cases when the adult age is reached earlier, in compliance with the legislation he/she is subject to. In cases when the age of the person is not fully determined, but there are reasons which imply that the person in question is a child, this person is considered as a child and benefits from this Law until his/her age is fully determined.

Unaccompanied/separated child - a foreign national or stateless person under the age of eighteen (18), who enters the territory of Kosovo without being accompanied by parent or by the primary caregiver according to the law or customary tradition for as long as he/she is not effectively taken into the care of such a person. An unaccompanied child includes a child left alone after entry into the territory of Kosovo. A separated child is not necessarily separated from other relatives.

Children at risk - means any child who experiences an intense and/or persistent risk factor, or a combination of risk factors in personal, environmental and/or relational circumstances that prevent them from pursuing and fulfilling the development of their full potential;

Foreigner - any natural person who is not a citizen of Kosovo;

Integration - is a dynamic, two-way process of mutual accommodation by foreigners and residents of Kosovo;

Integration of foreigners - means the involvement of foreigners in the social, economic and cultural life of Kosovo society, promoting the preservation of their culture, language, rights and civil liberties;

Legal guardian - means the person as defined by the relevant laws of Kosovo;

Migration - moving persons away from their usual place of residence, either across an international border or within a State. It means the change/relocation of the usual residence with another residence (municipality, region, state);

Migrant - An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether

¹² Taken from: Glossary on Migration, IOM - 2019
https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf as well as the Law on Asylum, No. 06/L-026
<https://gzk.rks-gov.net/ActDetail.aspx?ActID=16389>

within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.

Any person who moves or has moved between an international border or within a state, away from his/her usual place of residence, regardless of (1) the legal status of the person; (2) whether the movement is voluntary or compulsory; (3) what are the causes of the movement; or (4) the duration of the stay.

Child protection - means activities undertaken to protect children who are suffering, or are likely to suffer from a serious risk, and any action that ensures a child to live in a safe family or other environment where life and health are protected; and his/her rights are respected, where upbringing, education training and development are provided, protecting them from any kind of violence, exploitation, corporal punishment, ill-treatment, neglect, abuse and exploitation, in any context, including, but not limited to abduction, sexual exploitation, trafficking, child labor, and harmful traditional practices such as genital mutilation, child marriage, and abuse;

Temporary protection - temporary and immediate protection under a special procedure given to persons displaced from third countries in cases of massive and immediate influxes who cannot return to their country of origin, in particular, if there is a risk that it will be impossible for the international protection system to proceed without detrimental effects on its efficient operation, in the interest of the persons concerned and other persons seeking protection;

Detention - means detention of an applicant by a competent body within a particular place, where the applicant is deprived of freedom of movement;

Vulnerable persons - such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation;

Legal representative - a representative assigned by law or state body to an applicant, who is not competent to act and who has the capacity to act on behalf, and to the account of the applicant throughout the procedure of determining the protection status or solely for performing a specific procedural action, except when by law is required that the party itself performs a certain procedural act;

Authorized representative - a representative who acts on behalf, and to the account, of the applicant throughout the procedures of determining the protection status or only for performing a specific procedural action, except in cases where by law is required from the party itself to perform a specific procedural action;

Refugee - The 1951 Convention defines: A person who owing to the well-founded fear of persecution for the reasons of race, religion, nationality, political conviction or belonging to a particular social group, is outside their country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to that country;

Child trafficking - means the recruitment, transportation, transfer, accommodation, taking children for the purpose of exploitation or acceptance of persons, including the exchange or transfer of control to such persons, by threat or use of force or other forms of coercion, abduction, fraud, misuse, abuse of power or misuse of a sensitive position or by giving or receiving payments or benefits to obtain the consent of a person having control over another person for the purpose of exploitation;

Sustainable solution (refugees) - any action by which the refugee situation can be satisfactory and permanently resolved to enable them to lead a normal life.

Child Protection Services – shall mean all services the purpose of which is to provide social or psychosocial care, legal aid, legal representation, health care, educational and cultural assistance or, in extraordinary circumstances, material aid for children in need.

Professionals for Child Protection – shall mean all persons who, within the mandate of their work and in the context of their work, are in contact with the child in need of protection, or whose duty is to meet the needs of the child under this Law or any other applicable law, and national or international standards.

Case Manager – shall mean the responsible officer, appointed by the Guardian Body, for case management of a child, who, in cooperation with relevant stakeholders, assesses needs of the child and drafts care plans;

Multidisciplinary Roundtable for Assistance in Case Management - shall mean a multidisciplinary group that includes professionals from relevant child protection institutions and other stakeholders representing a variety of disciplines, who are responsible for child protection, interact and coordinate their efforts to address specific cases of child abuse, child ill-treatment and neglect based on the best interests of the child. The child and the family may participate in the roundtables.

Best interest of the child: all actions and decisions, pertaining to the child, taken by parents or guardians, institutions, child protection services, child protection professionals, courts, administrative authorities or legislative bodies, the best interest of the child must be the prevailing and the highest consideration. This requires a comprehensive effort to ensure child's physical, psychological, moral and spiritual integrity and promotion of human dignity, taking into account individual characteristics and child's social condition. Interpretation of the child's best interests should be in full compliance with the Convention on the Rights of the Child and no supposed interpretation of what is in the best interest of the child can justify the violation of any right recognized by the Convention.

Case management: is a way of organizing and of carrying out the work to address the individual needs of the child (and his family) in an appropriate and systematic manner and in due time, through support and/or direct referrals (Global Protection Cluster, 2014).

Case referral: is the process of requesting officially the services for a child or his family from another agency through the determined procedure.

3. Challenges of refugees and migrants

Historical developments show that humanity has always moved (migrated) to different geographical locations in search of a better life, protection or exploration and exploitation of natural resources. The migration process can take years or even decades, moving from one state to another. People travel alone or with their families and often, among refugees we encounter unaccompanied children. Whether the children are alone or with a family, with or without their consent, migration is often the only option for children. They are at risk of starvation, deprivation of basic necessities, lack of housing, inadequate health care and all forms of risks of exploitation and abuse.

Even nowadays we see forced relocations due to conflict, persecution, human rights violations, natural disasters and ecosystem degradation that are a reality for millions of people around the globe fleeing their homes in search of safety. In recent years, mass displacement of populations has been caused mainly by conflict, extreme violence, and deep political destabilisation in various regions of the world.

As the number of displaced persons continues to grow globally, governments, international organizations, and civil society organizations are developing strategies to respond to the complex challenges posed by the forced displacement of people.

European Union - EU asylum legislation includes provisions on the identification and provision of assistance to applicants in need of special procedural guarantees. In general, the effective and rapid identification of vulnerable applicants remains a challenge, especially in relation to vulnerabilities that are not easily identified, e.g. the psychological consequences of torture or trauma, which we often encounter in children as well.

Persons seeking international protection need appropriate and timely information on their situation, thus being able to fully communicate their protection needs and personal circumstances, as well as have them fully and fairly assessed.

Among the vulnerable applicants, one of the most vulnerable groups is unaccompanied minors without the care of a responsible adult seeking protection.

States party to international conventions or, in cases where these conventions are directly applicable in their domestic law, are required to reorganize and advance the entire child protection system in order to achieve comprehensive and sustainable child protection outcomes. This should, first of all, be done by ensuring that all regulations and standards are in line with the International Convention on the Rights of the Child (CRC) and other international standards and good practices.

Furthermore, mechanisms should be in place to update the relationship between the child protection sector and different sectors at the same level or different security levels working jointly to protect children. It is equally important to ensure that human, infrastructural and financial resources are timely and appropriate, available to service providers within the system to respond.

According to the European Commission Kosovo Report 2019¹³, one of the most vulnerable categories are emigrants and asylum seekers among them children/young people/women.

¹³European Commission - ANNUAL REPORT ON MIGRATION AND ASYLUM 2019. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_arm2019_inform_final_en.pdf

According to the above report, there is a lack of adequate staff and specialized supervision to ensure basic rights and needs, especially psycho-social support, therefore it is necessary to invest in the support and training of child rights professionals (social workers, police officers, teachers, asylum centres) to provide integrated services aiming at preventing, treating or providing psychological support in their interaction and work with applicant children for international protection, refugee and migrant.

Although in Kosovo there is a number of procedures and standards on child protection in Kosovo, and in particular applicant children for international protection, refugee and migrant, the need for early identification and coordination always poses new challenges.

3.1 Definition of groups of children to be treated within BIA and BID

The basic principle of the International Convention on the Rights of the Child is the best interest of children that applies in different situations when decisions are made on the child's wellbeing. In this context, the CRC - Article 22 provides that children who are refugees or seeking refugee status ("asylum seekers") have the right to protection and "humanitarian assistance" in the enjoyment of the rights recognized by the Convention on the Rights of the Child and other relevant international instruments.

The procedures proposed in this paper for the Best Interest Assessment (BIA) and the Best Interest Determination (BID) of refugee and migrant children focus on some specific categories defined as follows.

- **All applicant children for international protection, refugee and migrant** must pass at least the first stage of the Best Interest Assessment 'BIA' and classification through risk indicators (Annex 4)
- **Unaccompanied/separated child** - a foreign national or stateless person under the age of eighteen (18), who enter the territory of Kosovo without being accompanied by parent or primary caregiver according to the law or customary tradition, for as long as they are not effectively taken under the care of such a person. An unaccompanied child includes a child abandoned after entry into the territory of Kosovo. A separated child is not necessarily separated from other relatives.
- **Identified cases of children being neglected or abused** - *often traumatized by the conflicts and violence from which they are fleeing, they face other dangers along their journey, including the risk of drowning while crossing the seas, that of malnutrition and dehydration, trafficking, abduction, rape, and murder. They often face xenophobia and discrimination in the countries they traverse and in their places of arrival*¹⁴.

¹⁴ UNICEF report "Uprooted" September 2016 <https://www.unicef.org/reports/uprooted-growing-crisis-refugee-and-migrant-children>

- **Children seeking international protection, refugee and migrant children with disabilities** - physical, intellectual and mental.
- **Children seeking international protection, refugee and migrant children with specific health needs** - chronic diseases, severe bodily injuries.
- **And other categories of children at risk and in need of protection.**

Responsible institutions and their role in protecting applicant children for international protection, refugee and migrant in Kosovo

To get acquainted with the role and responsibilities of the institutions mandated to provide services to applicant children for international protection, refugee and migrant in Kosovo, below is the list of institutions at both, the central ministry level and the local/municipal level that directly or indirectly interact and provide services to applicant children for international protection, refugee and migrant.

- **Ministry of Internal Affairs**
- **Department for Citizenship, Asylum and Migration**
 - Division for Citizenship;
 - Division for Asylum;
 - Division for Foreigners,
 - Division for Readmission and Returns;
 - Division for Migration Data Management
 - Asylum Center
 - Detention Center for Foreigners;
 - Temporary Center for Reception and Accommodation of Migrants and Refugees¹⁵
- **Department for Integration of Repatriated Persons and Reintegration of Foreigners**
 - Division for Reception and Accommodation
 - Division for Regional Management
 - Division for Reintegration and Sustainable Integration
 - Division for Coordination with International and Nation Organisations
 - Centre for Accommodation of reintegrated persons
- **Kosovo Police with all relevant departments**
 - Border Department
 - Directorate for Migration and Foreigners
 - Directorate against Human Trafficking
- **Ministry of Finance, Labor and Transfers**
 - Department for Social Policies and Family;

¹⁵ The title is not yet final

- Centers for Social Work;
- Residential Centers for Child Protection

- **Ministry of Education, Science, Technology and Innovation**
- **Municipal Education Directorates**

- **Ministry of Health**
 - Family Health Centers

- **The Office of the State Prosecutor**
 - Office for Protection and Assistance to Victims

- **International and National Supporting Organizations:**
 - UNHCR
 - UNICEF
 - IOM
 - KRCT
 - CRPK
 - JRS
 - SOS Children's Villages Kosovo and other specialized organizations licensed by competent ministries.

The institutional framework and legal responsibilities of key stakeholders for child protection are: Central level institutions, which are mainly responsible for designing and implementing policies, setting standards and ensuring the quality of programs to support children and their caregivers, in order to ensure the protection of children, the prevention of threats to their life, neglect, abuse, ill-treatment, abandonment and exploitation. As well as the legal responsibility for the implementation of policies and standards for child protection is concentrated in the institutions responsible for law enforcement and the provision of public services.

iv. Referral procedures and manner of sharing official information¹⁶

Inter-institutional communication of the mechanisms that are in contact with applicant children for international protection, refugee and migrant, as well as information sharing between them to the fastest and best possible extent, is of particular importance. Several forms of communication have already been established for this purpose, but there is always room to improve and sophisticate

¹⁶ Shih annex no.5

them with digitalized forms to enable fast communication and comply with confidentiality standards.

The following are some of the forms of communication that can be used:

- i. **Verbal** conveying the necessary information in real-time to minimize delays in providing necessary services and emergencies;
- ii. **In written form** in order to document the information and actions taken. As well as the same to be forwarded by other officers and competent organizations;
- iii. **Digital/electronic**, through e-mail or digitalized inter-institutional operating systems;
- iv. **Timelines** should be complied with and provided optimally, ensuring that services to the child are as close as possible, as fast and efficient as possible for child protection;

Inter-institutional referral should be prompt and focused on meeting the emergency needs of a vulnerable child at risk or who has indications of being threatened by some form of potential risk. The information must be recorded, protocolled and forwarded to the referral chain defined by the legal provisions on child protection. All officials who identify an unaccompanied child, or any danger faced by that child, should immediately contact the nearest Center for Social Work or the competent body such as the Police, which has the duty to apply protective measures for the child based on the mandate and identified needs.

Case referrals and provision of necessary services should not be slowed down due to administrative delays. The responsibility for identifying needs and referring them rests with each officer who is in contact with the child and has the task of responding immediately, depending on the urgency of each case analysed separately.

Officers are obliged to have information on other agencies that work with children and provide services, in order to refer them in the most optimal time possible. Each institution should have at its disposal the list of services for children and their contacts¹⁷.

¹⁷ Responsible institutions and their role in the protection of refugee and migrant children can be found in section 4 of this document, as well as the contact list in annex no. 7.

B. THE BEST INTEREST ASSESSMENT PROCEDURES FOR THE CHILD - BIA

6. Vulnerability of children in the migration context¹⁸

Children are generally vulnerable because of their young age, but in certain situations (such as migration) they may be even more targeted and victims of various forms of neglect or abuse. For this reason, officers who work with children or during their work meet children in need of help and support should have basic knowledge and established procedures to identify and refer to the needs of vulnerable children.

When we can say that a child vulnerable in the migration context

- Children in the process of forced migration
- In situations of emergencies and natural disasters
- Armed conflicts
- Persecution by the State dictatorial systems
- Situations of forcibly separated families, etc.

In these circumstances, children and their families are often forced to leave their homes and find refuge in any other place. They often, during this trip, lose contact with other family members. Also, their families do not have financial security, there is a lack of food, hygiene items, health problems emerge and often accompanied by psychological trauma.

The risk from various forms of exploitation and use of the situation in which these children find themselves may be another aspect of compromising the safety and well-being of the child. Forms of transportation and crossing borders are often illegal and dangerous, which brings many elements of restriction of freedom, integrity and wellbeing of children in this process. Parents (or adults accompanying children) in situations and circumstances are obliged to take swift, unreasoned ad-hoc actions and that may create preconditions for various risks that even lead to the separation of families and children. For this reason, in recent years in Kosovo as a transit State and country for refugees targeting Western European countries, we encounter a significant number of unaccompanied children in such situations.

¹⁸ Refer to Annex no. 4.

The emotional distress experienced by refugee/migrant children in most cases is directly related to fear, worries and an uncertain future.

Major risks for children:

- Separation from responsible family/adults
- Extreme neglect of child needs
- Physical, sexual and emotional abuse
- Psychological difficulties and trauma
- Exploitation of children and trafficking in human beings
- Health and life are endangered.

If we refer to the above, several factors determine the degree of vulnerability of the child in migration situations. Some of the circumstances that affect the escalation of the risk to the child are family situation, emotional and social maturity of the child, existing protection mechanisms in the State where the child is located, etc.

Children with higher risk level are considered:

- Children under 14 years old;
- Unaccompanied children who have been separated from their parents/guardians while moving or have lost them while moving;
- Children travelling in a group unaccompanied by a responsible adult;
- Child victims of torture who have experienced or witnessed traumatic events;
- Child victims of domestic violence or neglect;
- Child victims of human trafficking;
- Child victims of human smuggling
- Children with disabilities;
- Girls;
- Children born while travelling and new-borns.

Officers who work with children or meet vulnerable children in the course of their work should take into account the above factors and should further take prompt and adequate measures in the "Best Interest (Needs) Assessment for the child" - BIA. Refer to the Annex nr. 4- Indicators and the risk level.

7. Collection and assessment of data on the child

Kosovo institutions and officers of organizations working with children in Kosovo now have a legal infrastructure in place with procedures and forms that they use to identify and refer cases of children in need. The forms and indicators presented in this Guide are not intended to replace the official forms currently being used. These guidelines should be considered only as an aid to raise the level of service delivery in line with the specific categories of refugee and migrant children and based on internationally recognized standards and principles.

Despite the cultural and linguistic challenges that an officer may face in communicating with refugee and migrant children, as well as the short time available to him/her; data collection and assessment for the child should begin as soon as possible and be addressed at the optimal time. The collection and evaluation of data should be based on screening, interview, conversation with the parent or companion of the child and whenever possible, in the existing documents, in order for the assessment to be as objective as possible.

The collection of data and information relevant to the child should be structured and documented, see *Annex no. 1*.

Forms and indicators are divided into two parts for the 'Best Interest Assessment' - BIA:

- Preliminary identification of needs (the first initial data obtained in the field at the first moment of meeting the child); and
- Detailed identification (specialized interviews with CSW officers and other competent institutions).

The final stage of finalizing the data collection and the best interest evaluation process is a complex process, incorporating a lot of relevant information, professional analysis, well verified, in order to enable the conclusion of the evaluation process and decision making by determining the necessary actions in the best interest of each child individually.

For all evaluation and decision-making actions, the officers involved must document them using the forms and reports set out in applicable laws and administrative instructions. To this end, to facilitate and assist the process of working with refugee children applying for international protection and migrant, this Guide presents some forms and guidelines with indicators that can direct to the assessment of best interests, identification of needs, referral and determination of services in optimal time.

7.1 Preliminary identification of children at risk and children for further needs assessment and support

Rapid screening

This procedure begins at the first moment of meeting a child. This procedure involves only a quick, preliminary observation (a few minutes). It aims at identifying emergency needs and further referral for adequate and more specialized services. It can happen anywhere: at the land border crossing point or airport, inland in urban parts of the city or in uninhabited parts (plains, mountains) from which migrants move, shelters, etc. The first preliminary screening can be conducted by first contact line workers, trained to identify the basic signs of children at risk and in need (there is no need to be a child affair professional for this screening); they can be police officers, social workers, NGO workers, municipal officers, etc.

The steps to follow consist of three processes:

Screening/observation;

Without direct verbal or physical contact, the employee or the frontline officer contacting the group or individual (child) identified as a refugee or migrant conducts for a few minutes an observation on the child's condition based on the risk parameters and indicators and decides on further steps. *See Annex 2*

Basic questions;

The second step in the preliminary identification, after the screening, is contacting them through conversation (directly with the child, depending on the age and the opportunity to communicate and/or with the parent or adult accompanying the child). Asking some basic questions (5-7 questions) to determine if the child has indications to be in one of the vulnerable groups and thus determines the risk level and the need whether or not to make a further referral. *See Annex 3*

Further referral;

Depending on the findings in the initial stage of preliminary identification through screening and asking basic questions, the frontline worker may conclude and decide on further steps of action and needs for a referral.

The employee or officer who has conducted the screening process and asking basic questions should document and proceed immediately with decisions on further actions. In complex cases and the absence of complete information, he/she should coordinate with his/her supervisor or with employees of other agencies acting and working with refugees applying for international protection and migrant.

Consult annexes 1-3:

- Indicators to be screened for the child
- Indicators to be screened for the parent or guardian (adult companion)
- Basic questions for identification of preliminary needs

Referral options:

- ✓ Referral for further screening
- ✓ Referral for medical treatment
- ✓ Referral to the social worker
- ✓ Referral to other specialized services (psychologist, social worker, legal aid)
- ✓ Discontinue referral (no need/risk of further referral)

7.2 Initiation of the 'Best Interest Assessment' - BIA

Case management

Assessment of the best interest of the child (case management) begins with the identification stage, the completion of documentation at the first moment that a foreign child was met in the territory of Kosovo in the capacity of a refugee, migrant or applicant. After the opening of the procedure with the referral of the case and completion of the basic documentation, the initiation of BIA by a professional in the field of child protection begins.

This stage of the best interest assessment procedure means prevention of any form of risk to the child and the most detailed identification of the child's developmental needs as well as the preparation for further referral for specific, professional services, in the most optimal timeframe possible without endangering at any time the wellbeing of the child and the specific capacities and needs of each child individually.

The professional who conducts BIA in the initial stage shall¹⁹:

- Determine the risk level to which the child is exposed;
- Define security needs;
- Determine health needs;
- Determine development needs; and
- Refer further to specialized services for evaluation and assistance.

This evaluation stage aims to ensure that the child's needs are addressed to professionals in the relevant fields in the most optimal time frame.

¹⁹ Refer to annexes 4 and 5 in this document and the legislation for the provision of social and family services.

The basic needs of refugee/migrant children as defined by the UNHCR are:

- emotional security and stability,
- individual and durable care by at least one adult, if possible in similar linguistic and cultural communities,
- continuity of existing relationships with adults and children,
- continuity of social connections, education and cultural and religious practices,
- assisting in overcoming individual problems,
- an environment that enables stability and minimizes the possibility of further stress, especially for unaccompanied minors,
- continuity in community and cultural connections,
- sustainable nutrition

The BIA procedure starts immediately after the initial identification and is carried out by a professional in the social and child affairs field. In this process, the child's trust and participation in the compilation of BIA must be gained. If the minor is unaccompanied then a CSW social worker from the municipality where the minor is accommodated must be included. The worker involved prepares the documentation with detailed data to start the final BIA and submit the file for the Best Interest Determination - BID to the competent body.

Case management steps:

1. Appointing the Case Manager
2. Case Assessment
3. Services Plan
4. Implementation of Services Plan, reviewing and monitoring the case
5. Assessment of the implementation of the Services Plan
6. Internal referral of the case
7. Closing the case

Effective and professional management of cases on protection of children means coordination of actions amongst agencies in the welfare, education, health, employment, security and justice sectors, therefore the following is required:

- Understanding short-term and long-term effects of child protection, including risks they might represent to the child and his family;
- Understanding key principles of the case management system;
- Close interaction with the child and his family, always ensuring the best interest of the child/victim as a priority;
- Cooperation and coordination amongst agencies, because when services are provided by isolated individual agencies, they lose the element of effectiveness;
- Cultural sensitivity;

7.3 The Best Interest Assessment - Final actions

This stage of the process comprises collecting all the information and analysis performed for the child, the realization of a detailed social anamnesis and their evaluation. The final BIA is realized to enable *the Best Interest Determination - BID* (as a concluding stage of this process) in order to consolidate the actions that need to be taken to ensure the wellbeing of the child. Each case of the child is treated separately and individual files are opened in compliance with applicable laws and administrative procedures for protecting privacy and personal data.

This procedure is performed by a Social Worker certified and specialized for BIA and BID by the CSW of the respective municipality. The final BIA may also be implemented in a team assisted by other specialized CSW employees with relevant expertise and trained employees of relevant local and international agencies. The final Best Interest Assessment of a child is a complex procedure and involves the analysis of data on the child from several aspects.

Relevant factors that will need to be considered in the conclusions – final actions:

- Child perspective
- Defining a safe environment and potential elements that endanger the child
- The state of family relations and close kinship relations
- Capacity, development and individual needs of the child

Tools:

- Adequate instruments for assessing the child
- Official forms
- Indicators - see *Annex no. 4*

C. THE BEST INTEREST DETERMINATION PROCEDURES FOR THE CHILD - BID

8 The Best Interest Determination - BID

Formal actions to define the determining actions for the child²⁰.

Following detailed child assessment procedures and the general context in which a child finds himself/herself, the final decision-making action should begin for *'Determining the Best Interest of the Child'* - BIA and defining further institutional steps in the protection and long-term resolution of the child situation by the competent body.

The BID procedure *applies mainly to unaccompanied children or children who lack adequate care* and it is considered that the State bodies are obliged to intervene with action measures aiming at protecting the life, health, dignity and general development of the child. Thus BID shall be undertaken in situations where a sustainable and long-term solution is required for this category of children individually which can be integration in the country, return to the country of origin or resettlement in a third country through legal channels.

As for unaccompanied children who do not have any adult family members accompanying them, the 'Locating the family and reunion²¹' procedure should be applied. This procedure means that the Kosovo authorities, in cooperation with international authorities and other states, identify the unaccompanied child and, based on the findings, initiate the reunion.

Depending on the circumstances and the information collected, the BID can be initiated or even reopened as a case during each phase of the process from the first meeting, registration, accommodation, provision of adequate protection, etc.

Collection of data on the child, rehabilitation, interviews, international contacts (communication with family and States parties of the child's best interest), as well as the compilation of the file may take an indefinite time, so the initiation of *BID is suggested to occur no earlier than 30 days after the initial official registration date* of the child in Kosovo. It is also suggested that *it cannot be prolonged more than 6 months* from registration/entry in Kosovo.

²⁰ There is a draft document for this procedure, which defines in more details the procedures and conditions for BID. This document has been taken into account during the compilation of this Guide and is still under a reviewing process of its applicability. However, it is suggested that this BID procedure should be formalized and reviewed after defining BIA procedures and formalized by a decision or sub-legal act. The content, structure and procedures are also provided in this document.

²¹ UNICEF publication THE LOST ONES: EMERGENCY CARE AND FAMILY TRACING FOR SEPARATED CHILDREN FROM BIRTH TO FIVE YEARS, 2007 - <https://www.refworld.org/pdfid/468e2f632.pdf>

Each child should have an individual file with all available data from the first moment he/she enters Kosovo. Also, there should be a specification of the child's situation, services provided, opinion, intentions and request of the child and family members (if contacts and family contacts are established), which should be placed and maintained in an individual file of a child.

The child must be represented by a legal guardian who is appointed based on legal norms and he/she takes care that decisions on the child are made to the most appropriate possible extent and within optimal timeframes.

Initiating and finalizing the BID requires close cooperation and coordination between key actors on child protection, both at the central and municipal/local levels.

Several multidisciplinary mechanisms are already operational in Kosovo, both at central and municipal levels, which are mandated by law to analyze and provide services and protection for children in need. The Law on Child Protection no. 06/L-084 stipulates the mandatory establishment of the Multidisciplinary Roundtable for Assistance in Case Management (CMR) in each municipality in Kosovo, which consists of a multidisciplinary group, and includes professionals from relevant child protection institutions and other actors representing a variety of disciplines (social service officer, education officer, victim lawyer, specialist doctor, psychiatrist/psychologist, Kosovo police) who will interact and coordinate their efforts to address specific cases of children who are at medium or high risk of abuse, neglect, trafficking, economic, sexual exploitation and are in conflict with the law.

Since the Law on Child Protection, as per Article 2, Scope, 1.1, covers the categories of asylum-seeking children, refugees or foreign nationals within the territory of Kosovo as direct beneficiaries of this law, then the Multidisciplinary Roundtables for Assistance in Case Management (CMR) should be used to help determine the best interests of applicant children for international protection, refugee and migrant.

The multidisciplinary roundtable for assistance in case management is composed of²²:

- Case Manager appointed by the Guardianship body – (Social service at CSW);
- Case Deputy-Manager at the CSW – Social service officer;
- Office for Protection and Assistance to Victims – Victim's lawyer;
- Kosovo Probation Service – Probation service officer;
- Family Health Center – specialist doctor;
- Kosovo Police;
- Mental Health Center – psychiatrist/psychologist specialized in the treatment of children;
- Municipal Education Directorate – Education officer;
- Representative(s) of non-government organizations working in the field of child protection.

²² Draft Administrative Instruction is in the process of being finalized by MFLT.

The subsequent article states that, depending on the case and its complexity, or on the category (**applicant, stateless, refugee or migrant child**), other relevant professionals working on child protection may be added to the roundtable composition, upon request, as follows:

- Municipal Directorate for Health and Social Welfare – Social worker;
- School psychologist/pedagogue;
- Kosovo Probation Service – Probation service officer;
- Division for Protection and Assistance to Victims – victim’s lawyer;
- Mental Health Center – psychiatrist/psychologist specialized in the treatment of children;
- **Center for Asylum-seekers – Social worker**
- Municipal Office for Communities – Community officer;
- **Shelter institutions (shelter centers) – Representative;**
- Municipal Office for Human Rights – Human Rights Officer; and
- Participation of the child/parents or appointed legal guardian.

Whereas, **Article 5** states that notwithstanding the two above-mentioned articles, in cases when the child is **an applicant, stateless, refugee or migrant**, the following central level bodies are also invited for consultations:

- Officers from the Department for Citizenship, Asylum and Migration (DCAM) at MIA,
- Officers from the Asylum Division
- Officers from the Division for Readmission and Returns
- Officers from the Asylum Center,
- Officers from the Center for Detention of Foreigners
- Officers from the Center for Admission and Registration of Migrants
- Officers from the Department for the Reintegration of Repatriated Persons (DRRP) at MIA,
- International organizations that have a specific mandate in the field of refugees (UNHCR), child protection (UNICEF), migration (IOM).

This mechanism may be considered as an asset that plays a role in the BID process and, besides the expertise, it could minimize the cost of administrative processes and enable the adoption of recommendations in a more efficient and expedient way, including their implementation. The possibility of strengthening and training of municipal mechanisms for case management of children ‘*Multidisciplinary roundtables for assistance in case management*’ initially in 3 or 4 largest municipalities of Kosovo in the context of BID may be considered.

Of course, the whole process has to be conducted and applied under *general principles of the best interests of the child*, participation and getting the opinion of the child, non-discrimination, family right, development capacities and potentials of the child (intellectual, emotional), priorities and urgencies, minimization of harm to the child, confidentiality of data and informed consent.

The final recommendation for BID should be sent to the responsible decision-making institutions depending on their scope of work.

The BID procedures and protocols need to develop forms²³ and recommendations that will fit the process and general principles specified above, as well as facilitate the administrative work of officers.

²³ See annex no. 6.

9 ANNEXES

Forms, Indicators, Specific Guidelines

Annex 1.

Proposed forms and guidelines for the preliminary identification of applicant refugee children for international protection and migrant as well as the identification of their immediate needs.

Basic notes (basic form):

Name of the child	Age	Country/country of origin	
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Name of the officer	Date	Time	Place
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Notes on the child's situation:

Notes on the parent (or adult companion of the child):

Documentation available:

Referred further to:

Procedure I

Annex 2

Indicators to be considered during the observation (initial screening)

1. The health of the child or the person caring for the child
2. The condition and physical safety of the child
3. Basic needs of the child (feeling of security and belonging, nutrition, clothing and shelter)
4. Who takes care of the child (is the child his/hers)
5. Is the child with a group of children without adult escort or with several adults
6. The person or adults who accompany the child with their actions are not consistent with the role of the child protection person
7. The child is anxious, irritated, scared
8. The girl/woman is pregnant or has a baby she is caring for
9. The child or person accompanying the child has a special need (physical or mental disability)
10. The group of compatriots of the child with whom they travel do not have an adequate relationship with the child
11. The child asks for help
12. An adult reports that the child is at risk

Procedure II

Annex 3

Basic questions to ask the child and/or adult accompanying the child

Questions for the child

1. What is your name
2. Are your parents close somewhere (mother or father)
3. Do you have any close family members who are located nearby (brothers, sisters or other family members)
4. Is this the group you are travelling with
5. Where and how did you spend the night and the previous days
6. Do you feel any pain in your body
7. What happened that you are now alone (if a child is alone)
8. How and what would be important to you now
9. Do you have a phone, suitcase or cash with you, etc.?

Annex 3.1

Questions for the adult, accompanying the child

1. What is your name and where do you come from (origin and where did he/she travel from)
2. Are you tired, do you have everything you need at the moment
3. Who are you travelling with? Are all these kids yours
4. What is your relation to this (or these) children
5. Do you have difficulty caring for children while travelling
6. Do the children have any diseases or are they at any risk
7. Are you in contact with the child's parents (if the child is not with the parent)
8. Does the child have contact with his/her parents
9. Does the child have any special needs
10. What do you need now

Procedure III

Annex 4

Defining the risk level to refugee and migrant children

Determining the risk level to refugee children applying for international protection and migrant and in emergency situations of influx of migrants is a difficult and very complex task. Especially in situations when the movements of migrants are transient and contacts with them are very short, then the opportunity is even more aggravated and requires maximum commitment.

To determine the risk level, there must be defined standards, professional skills and experience in the context of refugees and specific situations for the region or the specific background and cultures of refugees.

There are several classifications for the risk level in which children are in different situations, but they are mainly divided into:

- *High risk;*
- *Medium risk; and*
- *Low risk.*

High risk means when a child's life is in danger. So there are obvious indicators of serious injuries, abuse and his/her life and wellbeing are directly threatened if he/she does not react with protective actions, removing him/her from the source of risk and providing immediate counselling and rehabilitation help.

Medium risk means when a child has indicators of anxiety, severe stress, and risk of injury, neglect or some form of abuse as well as inadequate care from the parent or adult caring for the child. In such situations, the child often has noticeable changes in behaviour and or is frightened and self-constraint.

Low risk when none of the risk indicators (above) is observed in the child. When the child is shown to adapt to the movement situation created during migration: a long journey, lack of housing, irregular nutrition, lack of hygiene. Parental care is also clear despite the aggravated situation during migration. Continuing the journey does not pose a risk to the child.

In identifying vulnerable and children at risk, it is important to respect the child's ability to take part in the assessment. The child's capacity to take part in the assessment depends on the level of development, as defined in the child participation levels set by the UNHCR:

- child under 9 years: the child is heard and his/her opinion is taken into account;
- child aged 9 -14 years: the child takes part in the process but is not yet able to contribute importantly to decision-making independently;
- child aged 14 -16 years: the child is able to make a major contribution to decision-making;
- 16-year-old child: the child can make certain decisions independently.

According to author Gerison Lansdown²⁴, in a publication by UNICEF, the child's decision-making competencies, including risk determination, are:

²⁴ THE EVOLVING CAPACITIES OF THE CHILD by Gerison Lansdown – UNICEF 2005 <https://www.unicef-irc.org/publications/pdf/evolving-eng.pdf>

- ability to understand and communicate relevant information: the child needs to be able to understand the available alternatives, express a preference, articulate concerns and ask relevant questions;
- ability to think and choose with some degree of independence and make adequate decisions: the child needs to be able to exercise a choice without coercion and be capable of thinking through the issues for themselves;
- ability to assess the potential for benefit, risk and negative consequences of different courses of action, the child should be able to assess the effects of an action, its impact and the level of risk involved and the short and long-term implications; and
- a set of fairly stable values recognized in a certain culture and social context on which to make a decision.

As mentioned above, the process of assessing the level to which a refugee child applying for international protection and migrant may be at risk is neither easily nor quickly to be achieved. For an interview and analysis of a child and the preliminary identification of potential risks in emergency situations and the influx of migrants, at least a quarter of an hour is needed for an experienced professional.

Some additional tips:

- Routine interviews with children should take 40 minutes on average.
- The interview is recommended to be conducted in a quiet and safe environment; in a team of two professionals or a professional with assistance to document the data.
- Before the interview, trust must be achieved with the child, the consent for the interview must be obtained from the child as well as from the parent or adult guardian (unless the child is assessed as unaccompanied).
- Ensure that information is kept confidential and will not be shared with anyone.
- Before the interview, the child should be offered the basic conditions of nutrition, hygiene and has rested in the situation of emergencies and the flow of migrants to have a calm and sense of security to the largest possible extent.
- The interviewer should ensure that communication is facilitated in the child's mother tongue or that there are good and reliable interpreters within the standards and principles of child protection.

List of high-risk indicators for the child

I. The child has suicidal tendencies!!!
1. The child causes serious self-injury
2. The child consumes toxic products
3. Carelessness to deadly hazards
4. The child rejects food

II. Health aspects:
5. The child or parent reports the child's chronic illness and that there is a lack of regular medication needed to treat the illness.
6. The child has obvious health problems but the treatment is rejected either by the child or by the parent or the adult companion of the child.
III. Unusual behaviour of the child
1. The child has a fixed and unconscious gaze on the environment and actions;
2. The child hears and understands the question but gives incomprehensible and emotionless answers;
3. The child's play is dominated by situations and activities of a sexual nature.
4. The child shows disgust at the touch and physical contact and is pushed back.
5. The child exhibits acute anxiety when other children cry.
6. The child is extremely tidy, clean and overloaded for travel conditions (dress and appearance do not match the age of the child).
7. Extreme behaviour - excessive display of emotions, high aggression or self-constraint.
8. The child sits and rises with difficulty, expresses that he/she feels pain when sitting and standing up.
9. A girl under 16 is pregnant.
IV. Visible signs of injury to the child
1. The baby has bruises on the face or body.
2. The child has multiple wounds and fingerprint marks.
3. The child has bruises on the neck, face, ears and upper arms.
4. Visible haematomas on the scalp, face and body of the child.
5. The child has visible burns that have clear outlines and keep the specific pattern or shape of the object by which they are caused.
6. The child has a visible wound/scar resembling a bite.
7. The child gives evasive answers to safety-related questions.
8. The child has head injuries.
V. The child says he/she was abused
1. The child specifies who abused him/her and how, when and where, or gives partial answers.
2. The child non-verbally confirms that he/she suffers from abuse but does not give clues as to who and how, he/she seems scared.
VI. The parent treats his/her child inappropriately

1. The parent/responsible person threatens the child or threatens to harm other family members.
2. The parent/responsible person severely isolates the child from other children, or information is received that the child has been isolated before and that he/she does not allow contact with his/her peers or other people.
3. The parent/responsible person seems to encourage the child to behave inappropriately (encourages the child to engage in prostitution, begging, stealing and aggressive behaviour).
4. The parent ignores the child and appears cold to the child.

VII. The child gives indications for dangerous actions

1. The child consumes alcohol/drugs.
2. The child hurts himself/herself, or has indications to do so.
3. The child is often in the company of various adults with whom he/she is inappropriately intimate.
4. Cause of rage: the child reacts violently for no reason to minimal dissatisfaction and shouts, breaks things and throws things.

VIII. The child shows signs of psychic trauma

1. The child has nightmares, shows no emotions, isolates himself/herself from others, and has bodily actions or unusual behaviours.
2. The child talks about traumatic experiences he/she has experienced as if they had happened to someone else.
3. The child talks about the experiences of losing family members and loved ones.
4. The child reacts to the usual daily events with significant fear and self-constraint and appears to re-experience what happened to him/her, trembling from a sudden sound.

IX. The child is controlled and exploited by a person who is not the parent of the child

1. The child is travelling with a person who is not a family member but who behaves as such and as if he/she owns the child, without any emotional intimacy.
2. The child reacts with significant fear and panic to the possibility of being prevented from removal and not being able to establish contact with an agent.
3. The child states that another person forces him/her to do things he/she does not want to do (such as sexual services, theft, begging for alms, etc.) in compensation for the protection and assistance that this person provides to the child during the journey.
4. The child avoids answering the question about the relationship with the person with whom he/she is travelling.
5. The child has valuables with him/her, without having an explanation for the money by which he/she bought them.

X. **The group of minors unaccompanied by an adult responsible for them does not provide security to the child**

1. There is no correlation between members in the group noticed
2. The child can no longer describe in details what group members he/she is travelling with.
3. The child gives vague answers as to how he/she joined the group.
4. Elderly members of the group state the child has just joined them and that they have no responsibility for the child.
5. Group members reject the child.
6. Group members do not support the child when he/she needs it (money, protection, telephone, etc.).

Other high-risk indicators we should pay attention to when contacting refugee children applying for international protection and migrant:

- The child is extremely tired and malnourished, tattered and unable to maintain basic hygiene.
- The child complains the parents do not want or cannot provide enough food, care and protection.
- There are signs of domestic violence in children or mother.
- Family members have a mental illness or are substance-addicted.
- Children have bodily injuries that do not have an adequate explanation from the parents about the origin of the injury. Parents give different, contradictory and unconvincing explanations.
- The child has experienced traumatic experiences and they are visible or reported by the child's parents or companions.
- The family states that the child has been directly exposed to bombings and armed conflicts.
- The child states that he/she was shot during the trip
- The child states that he/she was arrested, detained, physically abused and/or wounded by a firearm by police/army in other countries during the trip.
- The child states that his/her parent/close person was killed before the commencement or during the trip.
- The child is travelling in extreme weather conditions and has survived shipwrecks and/or stayed in the open environment for a long time.

List of medium risk indicators for refugee children applying for international protection and migrant

1. The basic needs of children are neglected

- | |
|--|
| 1. The child is fuzzy, filthy, muddy, littered, has scabies; a baby has redness. |
| 2. The child is tired, weak, hungry, wet, frozen, or exhausted from the heat. |

3. The parent/responsible person inconsistently supervises the child, he/she tired him/her by himself/herself shows signs of disorientation and forgets the child.

4. The child does not have adequate help.

5. The toddler or baby stays very calm and shows no reactions.

6. The child/new-born baby is blue in colour.

2. The child's behaviour differs from normal behaviours

1. The child takes on the responsibility of an adult and cares for the youngest children or anxious parents.

2. The child cannot concentrate on a single activity; he/she constantly changes toys, starts drawing and then stops drawing and turns to something else.

3. The child selectively demands love from an adult and may exhibit an inappropriate act of affection towards this person. The child is attached and reacts violently to his/her separation from this person.

4. The child appears premature: solemn, not smiling, calm, patient, with a stony face.

5. The child is scared and cautious even in a relatively safe situation in the reception centre.

6. The child is constantly asking for something or is aggressive in demands.

3. Problems with interaction and dynamics between family members

1. There are quarrels and conflicts in the family.

2. There are conflicts and tensions between parents.

3. The mother seems to be afraid of her husband/other male family members and rushes to execute their orders.

4. Parents with more than three children fail to adequately respond to the needs of each child.

4. The parent does not demonstrate the necessary parenting skills

1. The parent/responsible person does not allow the child to associate with other children and adults; the parent is always close to the child.

2. The parent/responsible person does not calm the child down when the child is upset and seems inattentive and/or unqualified to do so.

3. The parent asks the child to do some tasks during the trip that are not age-appropriate.

Annex 5

Procedure IV

Referral and coordination procedures

In order to accomplish the necessary changes to improve the life of an individual, particularly of a child and of the members of his household, sometimes, as mentioned above, many people and organizations have to be involved, and their individual actions and interventions have to be coordinated. The social services officer usually facilitates this process through assistance and monitoring provided by his/her supervisor. This can be carried out by holding random meetings with:

- Individual clients;
- Family members (for example, with immediate family members or with other persons living in the family); and/or
- Service providers (for example, teachers, doctors and nurses, representatives of NGO service).

Another form of coordination is when local service providers meet on regular bases, for example, through community meetings or municipal coordinating meetings, to discuss and plan their roles and responsibilities, as well as to discuss on how to work together. They may also talk about the ways of approaching more complicated cases. For example, a local government may establish a committee for protection of children, whereby the representatives would convene every three months to discuss local responsibilities on protection of children.

The first officer to establish contact with the child shall fill in a basic form (Annex 1) for further referral. Centers for Social Work and other institutions specialized for specific services and social protection use specific case management and data processing forms.

What cases should be referred for further help and treatment?

-- All high and medium risk cases!

Where should they be referred to?

--Depending on nature and level of risk, children should be referred to one of the institutions and the Centre for Social Work in the municipality where the child is located should be promptly informed.

- Health centre
- Centre for Social Work - Shelters
- Professional NGOs
- No need for a referra

Annex 6

Proposed BID form

Multidisciplinary team for Determining the Best Interest-BID for refugee and migrant children, who are applicants for international protection in Kosovo

Decision on actions and procedures against the child

Name and surname of the child:

Age of the child:

Sex:

Country or country of origin:

Decision on Determining the Best Interest

Actions, services and activities to be undertaken for the child:

Organizations responsible for implementing the decision:

Justification of the decision and legal basis:

Venue and date of the meeting:

Meeting participants:

Participants' signatures:

1. _____
2. _____
3. _____

Annex 7- Contact list of responsible officials and institutions

Kosovo Police:

Division for Detention of Foreigners:

Center for Social Work:

Asylum Center:

- 038- 200- 19-562
- 038- 200- 19- 768
- 038- 200- 19- 565

