

ESTUDIOS

PERSPECTIVES, CHALLENGES AND LEGAL AND SOCIAL RESPONSES FOR UNACCOMPANIED FOREIGN MINORS

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Unaccompanied Foreign Minors in the 21st Century: Challenges, Policies, and Opportunities

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SUMMARY: 1. CONTEXT AND SIGNIFICANCE OF THE PHENOMENON. 2. OBJECTIVES OF THE BOOK. 3. A GLIMPSE OF THE CHAPTERS. 4. TOWARD A HOLISTIC UNDERSTANDING OF UFMS. 5. CONCLUSION: TOWARD A SUSTAINABLE FUTURE FOR UFMS. 6. REFERENCES.

1. CONTEXT AND SIGNIFICANCE OF THE PHENOMENON

The increasing movement of *unaccompanied foreign minors* (UFMs) is one of the most pressing challenges in global migration. It reflects broader issues of displacement, economic inequality, armed conflict, and structural violence, which disproportionately affect children. According to the International Organization for Migration (IOM), migration has steadily increased in recent decades, with over 281 million international migrants recorded in 2020, among whom children account for 14% of the total (IOM, 2021). Within this cohort, UFMs stand out as an exceptionally vulnerable subgroup due to their simultaneous status as minors and migrants, leaving them exposed to exploitation, violence, and systemic neglect (Bhabha, 2014; Crawley, 2010).

The root causes driving unaccompanied migration are complex and multi-layered. Push factors, such as armed conflict, political instability, economic deprivation, and lack of educational opportunities, are compounded by pull factors, including perceived opportunities for employment,

education, and safety in host countries (Carling, 2002; de Haas, 2020). In many cases, migration is not an individual choice but the result of family decisions or coercion through trafficking networks. Research conducted by UNICEF highlights that many UFM come from regions with failing institutions, where states are unable to fulfill their role as primary protectors of children (UNICEF, 2019).

In Europe, the refugee crisis of 2015 brought the plight of UFM into sharper focus, as thousands arrived on Mediterranean shores, prompting fragmented and often contradictory policy responses from European Union (EU) Member States. While the EU Common European Asylum System (CEAS) and the Dublin III Regulation (Regulation (EU) No. 604/2013) aimed to create a coordinated approach to asylum processing, the reality remains starkly uneven. For instance, countries such as Germany, Spain, and the Netherlands have developed more structured systems for UFM reception, but persistent challenges, such as age determination, overcrowded facilities, and inadequate mental health support, continue to compromise children's rights. The Dublin III Regulation, designed to assign responsibility for asylum claims to the first EU country of entry, has often resulted in bottlenecks at key entry points such as Spain, Italy, and Greece, leaving UFM stranded in precarious conditions (European Parliament and Council, 2013). While the regulation aimed to streamline asylum processing, critics argue that it overlooks the specific vulnerabilities of unaccompanied minors and their need for stability, protection, and family reunification (Bhabha, 2014; Roßkopf, 2020).

Melilla, one of Spain's North African enclaves, serves as a case study for this phenomenon. As Sánchez-Cabezudo and Si Ali highlight in Chapter 8, Melilla functions as a critical entry point for Moroccan minors seeking to reach mainland Spain and other EU countries. However, the limited capacity of reception centers and bureaucratic delays exacerbate the risks faced by these minors, particularly in their initial stages of arrival and identification (Smit, 2016). This situation reflects the broader dilemma in migration management: the tension between state sovereignty, which prioritizes border control, and international commitments to child protection, as outlined in the United Nations

Convention on the Rights of the Child (UNCRC).

It is also crucial to consider the social construction of childhood, which shapes policy responses to UFM. As Ezzine (Chapter 12) notes, Western-centric legal frameworks impose rigid definitions of childhood and vulnerability, often overlooking the sociocultural realities in countries of ori-

gin. For example, children who are "mandated" to migrate for work or survival are sometimes criminalized as delinquent actors rather than recognized as victims of structural poverty and violence (Huizinga, 1988). This phenomenon raises fundamental questions about the universal application of child rights and the ethical responsibilities of receiving states (Bourdieu, 1978).

The situation of UFM's requires an urgent paradigm shift—from viewing migration as a threat to national security to recognizing it as a human rights issue that demands comprehensive, child-centered policies. Such policies must balance immediate protection (shelter, healthcare, and education) with long-term strategies for integration and self-sufficiency, as explored in the chapters addressing group interventions, psychosocial support, and innovative community practices. The chapters in this volume collectively argue that addressing the needs of UFM's is not only a moral obligation but also a prerequisite for sustainable social cohesion in host societies.

2. OBJECTIVES OF THE BOOK

This book brings together contributions that explore the legal, social, psychological, and practical challenges UFM's face across different national contexts. Each chapter integrates theoretical frameworks, empirical research, and policy analysis to provide a holistic understanding of UFM's realities and their implications for child protection systems, social policies, and integration processes.

The collected works are divided into thematic clusters addressing:

- Legal frameworks and policies for unaccompanied minors (e.g., Germany, Spain, Netherlands).
- Social work interventions, including group work and community-based approaches.
- Mental health and psychosocial support strategies.
- Innovative practices, such as music therapy and leisure-based programs.

3. A GLIMPSE OF THE CHAPTERS

In Chapter 1, "Mediation in juvenile criminal proceedings" (Manuel Díaz Martínez). This chapter explores Spain's juvenile criminal justice

system and its application to unaccompanied minors. Díaz Martínez analyzes the principle of the "best interests of the child," rooted in international law (UNCRC), and highlights the rehabilitative role of mediation as an alternative to punitive approaches. This legal framework prioritizes education and social integration, aligning with models proposed by Kohli and Connolly (2009).

Chapter 2, "Minors in transit or in final destination? Current situation of the policies for the protection of unaccompanied migrant minors in the Community of Madrid" (Ana Cristina Gómez Aparicio). Gómez Aparicio delves into Spain's child protection policies in the face of increasing UFM, particularly in Madrid. The author critiques institutional responses, focusing on challenges such as age determination, integration barriers, and regional disparities in care. The analysis echoes Crawley's (2010) observations on systemic gaps in UFM reception across Europe.

Chapter 3, "Legal Protection for Unaccompanied Minors in Germany" (Ralf Roßkopf). Roßkopf examines Germany's legal and policy responses to the influx of unaccompanied minors. Emphasizing the principle of "child best interests" within the EU legal framework, the chapter critiques procedural inconsistencies, including age assessments. The work aligns with critical analyses by Bhabha (2014) on legal ambiguities surrounding refugee children's rights.

Chapter 4, "Unaccompanied foreign minors (menas) and human rights: a challenge for the European Union?" (Claribel de Castro Sánchez). This chapter contextualizes UFM as a human rights issue, critiquing the EU's emphasis on border control over child protection. Sánchez argues for harmonized policies that prioritize children's rights, echoing insights by Ní Raghallaigh and Gilligan (2010) on the conflict between migration management and child welfare.

Chapter 5, "Emancipation processes in young people in a situation of social difficulty". (Ballester, Cabellos, and Rosón). Ballester *et al.* focus on young people transitioning out of child protection systems in Spain. The authors discuss institutional shortcomings and advocate for targeted support, mentoring, and policy reforms to facilitate successful transitions to independent living. Their findings resonate with research by Stein (2006) on care-leavers' vulnerabilities.

Chapter 6, "Migrant children and youth. Foreigners or migrants?" (Caparrós Civera & Segado Sánchez-Cabezudo). This chapter explores UFM's dual identity as migrants and minors. The authors critique Spain's inconsistent application of child protection laws and highlight the tension

between foreigner-focused policies and child-centered frameworks, echoing the perspectives of Kohli and Mather (2003).

Chapter 7, "Difficulties in social policies for unaccompanied migrant minors (UMMs) at the end of 2021 in Spain" (Ana Lima & Sagrario Segado). Lima and Segado examine Spain's systemic challenges in caring for UFM's since 2018. Key issues include humanitarian crises, age determination controversies, and the fragmented nature of regional policies. The authors call for comprehensive reforms aligned with international standards (UNCRC, 1989).

Chapter 8, Critical study of the Framework Protocol for the Care of Unaccompanied Foreign Minors and its challenges in Melilla, the main gateway to Europe (Mimon Mohamed Si Ali & Sagrario Segado Sánchez-Cabezudo). This chapter critically analyzes Spain's *Framework Protocol* for UFM's, with a focus on Melilla as a strategic entry point. The authors highlight implementation gaps, particularly in age verification and reception conditions, reflecting broader European challenges identified by UNHCR (2022).

Chapter 9, "Mental Health and Psychosocial Support: intervention strategies for the protection of unaccompanied foreign minors in Spain" (Jesús M. Pérez Viejo & Aida López Serrano). Pérez Viejo and López Serrano explore UFM's' mental health needs, emphasizing the psychological toll of migration and systemic neglect. The authors advocate for tailored psychosocial interventions, echoing research by Vervliet *et al.* (2015) on trauma among refugee minors.

Chapter 10, "Community music therapy to increase learning and cultural participation for unaccompanied refugee minors – a Norwegian case example" (Viggo Krüger). Krüger presents a case study on *community music therapy* as an innovative intervention to foster inclusion and mental well-being among unaccompanied minors in Norway. Music therapy, as demonstrated, promotes resilience and cultural participation, aligning with Fancourt and Finn's (2019) findings on arts-based therapies.

Chapter 11, "*Safe and sound?* Unaccompanied minor asylum seekers in the Netherlands"

(Monika Smit). Smit examines Dutch policies for unaccompanied minors, highlighting factors that make the Netherlands an attractive destination, such as family reunification policies and high-quality guardianship systems. Despite progress, challenges remain in addressing persistent trauma and long-term integration.

Chapter 12, "Unaccompanied children in motion. Between delinquency and wandering" (Abdelfattah Ezzine). Ezzine analyzes the socio-spatial "motion" of unaccompanied children in Morocco. The author critiques policies that criminalize child migration rather than addressing root causes like poverty and family dysfunction, aligning with Huizinga's (1988) social perspectives on childhood.

Chapter 13: Groupwork with formerly foreign unaccompanied minors: challenges and opportunities (Linda Ducca). Ducca highlights groupwork as a participatory intervention strategy for former UFM (ex-MENAs) in Spain. The chapter demonstrates how group activities foster social inclusion, autonomy, and critical awareness, aligning with Malekoff's (2016) principles of strengths-based group interventions.

4. TOWARD A HOLISTIC UNDERSTANDING OF UFM

Addressing the complex realities of *unaccompanied foreign minors* (UFMs) requires a multi-dimensional approach that combines legal, social, and psychosocial perspectives while centering the lived experiences of these minors. This book, through its diverse contributions, offers a roadmap for designing policies and practices that balance protection, empowerment, and systemic change. In this sense, the stops along this roadmap are:

Child Protection Policies: Bridging Law and Implementation

Despite international legal frameworks such as the United Nations Convention on the Rights of the Child (1989) and the Dublin III Regulation (Regulation (EU) No. 604/2013), a disconnect between theory and practice persists. Roßkopf (Chapter 3) demonstrates how Germany applies the *best interest of the child* principle but also reveals inconsistencies in age determination procedures that compromise the effective protection of minors. Similarly, Smit (Chapter 11) examines how the Netherlands has implemented innovative family reunification and guardianship policies, identifying bureaucratic delays as a persistent challenge.

De Castro Sánchez (Chapter 4) expands this critique, situating the issue within the European context, where border control priorities often displace the effective fulfillment of child rights. As seen in Spain, legislative efforts face practical challenges, particularly in regions like Madrid (Chapter 2) and Melilla (Chapter 8), where Gómez Aparicio and Sánchez-Cabezudo document resource shortages and reactive institutional responses. This imbalance reflects the need to harmonize European policies with regional adaptations, ensuring solutions respect children's rights at all stages of the migration process.

Social Integration: Beyond Basic Protection

Social integration extends beyond initial protection and demands a long-term approach that promotes empowerment and autonomous development for minors. Ballester, Cabellos, and Rosón (Chapter 5) highlight how the transition to adulthood represents a significant challenge, particularly for young people leaving institutional care systems without adequate support. They propose specific programs for vocational training, mentorship, and socio-educational support that facilitate autonomy and reduce exclusion.

In line with this approach, Ducca (Chapter 13) presents participatory group interventions as a key tool for fostering skills, social cohesion, and a sense of belonging among formerly unaccompanied minors. These group settings allow young people to articulate their needs, actively participate in their integration, and challenge stigmatizing narratives.

Despite these efforts, Lima and Segado (Chapter 7) highlight systemic obstacles such as administrative barriers, discrimination, and a lack of inter-institutional coordination, which hinder minors' access to education, healthcare, and employment. Caparrós and Segado Sánchez-Cabezudo (Chapter 6) delve deeper into this duality by analyzing minors' hybrid identity as both migrants and children, advocating for policies that reconcile migration management with child rights.

Holistic Psychosocial Support: A Foundational Pillar

The psychosocial well-being of UFMs is a foundational pillar for their integration and long-term development. Pérez Viejo and López Serrano (Chapter 9) emphasize the need for trauma-centered interventions that address the psychological effects of violence, displacement, and uncertainty experienced by these minors. They propose integrating mental health services into protection systems to ensure continuous, specialized support.

Krüger (Chapter 10) offers an innovative approach through *community music therapy* in Norway, demonstrating how creative methods can facilitate emotional expression, resilience, and cultural integration. These non-verbal interventions offer culturally sensitive alternatives that complement traditional mental health services, enabling minors to process traumatic experiences in a safe and participatory space.

Finally, Ezzine (Chapter 12) highlights how socio-familial disconnection and social stigma negatively affect children in motion. He advocates for community-based interventions and alternative socialization models, roo-

ted in education, leisure, and family reintegration, as mechanisms to rebuild bonds and provide stability.

Shared Responsibility and Evidence-Based Reforms

Addressing the challenges faced by UFM's requires shared responsibility among countries of origin, transit, and destination. The authors of this volume agree that fragmented institutional responses exacerbate minors' vulnerability. Effective solutions demand cross-sectoral collaboration among legal, educational, social, and health systems to ensure coordinated and child-centered interventions.

Smit (Chapter 11) also emphasizes the urgent need for longitudinal research to understand minors' trajectories over time. Evaluating the impact of existing policies and programs will identify best practices and areas for improvement, ultimately fostering evidence-based strategies that promote sustainable inclusion.

Moreover, as observed in Lima and Segado (Chapter 7) and Ballester *et al.* (Chapter 5), long-term solutions must address the structural causes of child migration, such as poverty, conflict, and a lack of educational opportunities in countries of origin. At the same time, host countries must focus on ensuring a dignified and successful transition to adulthood for UFM's.

5. CONCLUSION: TOWARD A SUSTAINABLE FUTURE FOR UFM'S

In conclusion, this book illustrates that unaccompanied foreign minors must be recognized as children first, with rights, capabilities, and the potential to contribute meaningfully to their host societies. To achieve this, the authors advocate for: A) Child-centered policies that translate legal frameworks into effective practices. B) Social integration programs combining education, vocational training, and community participation. C) Holistic psychosocial support addressing trauma and promoting resilience through innovative approaches. D) Collaborative, evidence-based strategies, driven by shared responsibility among national and international stakeholders.

By adopting a holistic, human rights-based approach, this volume not only highlights the current challenges but also offers practical solutions and concrete actions to transform the lives of unaccompanied foreign minors. Recognizing their potential is not only a moral imperative but a commitment to building inclusive, just, and sustainable societies.

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ESTUDIOS

Despite the existence of broad legal frameworks, protection policies for minors in host countries often encounter significant barriers. In Spain, for example, social and legal protection systems have been overwhelmed by the recent surge in arrivals, especially in enclaves like Melilla and Ceuta. These limitations manifest in inadequate resources for minors' primary care and a lack of sufficient infrastructures for protection. Effective implementation also grapples with the tension between migration control and the need to safeguard children's rights, leading to fragmented systems that often fall short of meeting minors' basic and integrative needs.

This book offers an in-depth examination of the experiences and challenges facing unaccompanied foreign minors in Europe. Each chapter, through empirical research, legal analysis, and innovative approaches, provides critical insights into the factors that influence these minors' well-being and future prospects. As Europe continues to grapple with migration challenges, these chapters emphasize the importance of child-centered policies that prioritize minors' dignity, human rights, and development. Through collaboration, research, and commitment to human rights, a more supportive and inclusive future for these vulnerable young people is achievable. This volume serves as both a comprehensive reference and a call to action for policymakers, practitioners, and academics committed to safeguarding the rights and futures of unaccompanied foreign minors.

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