

**Separated Children in the Irish Social Care Services framed by the newspapers
and the official standards in 2000s.**

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ABSTRACT

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SUMMARY

Background: Number of foreign children arriving to Ireland unaccompanied or separated from their parents or guardians have been growing during the last decade. Separated children are in state care and their care is organised through social services. Ireland has renewed its social care services within the past years and has set standards for the quality on child care and residential child care. Through 2000's separated children have been highlighted in the media, they have been on cover page news especially underpinning their living conditions and access to services

Purpose of this research was to find out whether the Irish social service system responds adequately to the needs of separated children entitled to state care services. The Key research question was: Do separated children enjoy services and protection they are entitled as children or are they excluded from the collective services, i.e. are they considered as members of the Irish society with all rights of the Irish children? *Theoretical approach* of the study was to view the question from the aspect of poverty and social exclusion and inclusion, adopting the club theory.

Research materials include 37 articles from 5 leading Irish newspapers between years 2000 and 2008, and a set of legislative documents as well as official statistical data in Ireland. For the analysis of the data I used *qualitative methods*: thematic qualitative content analysis alongside with methodological triangulation.

The results of the research showed that based on the newspaper texts analysed and compared with the official standards and guidelines separated children seem not to receive equal services with the Irish children. This indicates that the Irish state is operating a two-tier child care services as they are offering services to separated children that are not in line with the national legislation and standards and international standards and agreements ratified by the Irish government.

Conclusions: To develop the services for separated children there is a serious need to improve procedures to follow the current legislation and standards.

Key words: Separated children, unaccompanied minors, child care, poverty, migration, asylum seeking, social exclusion, thematic qualitative content analysis, methodological triangulation.

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TIIVISTELMÄ:

Tutkimuksen taustaa: Viime vuosikymmenellä ilman huoltajaa maahan tulleiden turvapaikkaa vailla olevien maahanmuuttajalasten määrä Irlannissa on kasvanut voimakkaasti. Alaikäiset yksin maahan tulleet ovat sosiaaliviranomaisten hoidossa ja vastuulla. Irlannin lastensuojelu- ja sosiaalipalvelut ovat uudistuneet viime vuosina. Oman kodin ulkopuolelle sijoitettujen lasten hoidosta, huolenpidosta ja niiden laadusta on otettu käyttöön kansainväliset ja valtakunnalliset ohjeet. 2000-luvulla turvapaikkaa vailla olevat maahanmuuttajalapsen lapset ovat olleet näkyvästi mediassa, missä heidän elinoloihinsa ja palvelujen saatavuuteen on kiinnitetty huomiota.

Tutkimuksen tarkoitus oli selvittää vastaako irlantilainen lastensuojelu- ja sosiaalipalvelujärjestelmä turvapaikkaa vailla olevien maahanmuuttajalasten tarpeisiin. Avainkysymys tutkimuksessa oli: Kohdellaanko turvapaikkaa vailla olevia ja ilman huoltajaa maahan tulleita lapsia samanarvoisesti kuin irlantilaisia lapsia lastensuojelu- ja sosiaalipalveluissa? Ovatko he yhteiskunnassa samanarvoisessa asemassa irlantilaisten lasten kanssa ja onko heillä yhtäläiset oikeudet ja mahdollisuudet irlantilaisessa yhteiskunnassa? *Teoreettinen lähestyminen* sovelsi näkökulmaa, jossa club-teorian kautta tarkasteltiin tutkittavana olevan lapsiryhmän köyhyyttä ja erityisesti sosiaalisesta yhteisöstä eristämistä tai siihen liittämistä.

Tutkimusaineistona oli 37 lehtiartikkeliä viidestä johtavasta irlantilaisesta sanomalehdestä vuosilta 2000-2008, kansainvälisiä ja valtakunnallisia sopimuksia, ohjeita ja tilastoja lastensuojelusta sekä lastensuojelulainsäädäntöä. Analysoin aineistoa *kvalitatiivisella otteella* käyttämällä analyysimetodina temaattista sisällönanalyysia sekä soveltamalla metodologista triangulaatiota.

Tutkimuksen tulokset osoittivat, että perustuen lehtiartikkeleista saatuun tietoon, turvapaikkaa vailla olevat alaikäiset ilman huoltajaa maahan tulleet lapset eivät näytä saavan valtakunnallisten sekä kansainvälisten sopimusten ja ohjeistusten tai lainsäädännön mukaista hoivaa ja huolenpitoa. Tämä viittaa siihen, että lastensuojelun näkökulmasta irlantilainen lastensuojelu- ja sosiaalipalvelujärjestelmä kohtelee turvapaikkaa vailla olevia alaikäisiä maahanmuuttajia eriarvoisesti verrattuna irlantilaisiin lapsiin.

Ratkaisuna tutkimuksessa ilmenneeseen epäkohtaan tulisi turvapaikkaa vailla olevien maahanmuuttajalasten hoidon ja huolenpidon taso nostaa vastaamaan vallitsevan lainsäädännön, sopimusten ja ohjeistusten tarkoittamaa tasoa.

Avainsanat: Ilman huoltajaa maahan tulleet lapset, turvapaikkaa vailla oleva maahanmuuttajalapsi, lastensuojelu, maahanmuutto, yhteiskunnallinen jäsenyys, temaattinen ja kvalitatiivinen sisällönanalyysi, metodologinen triangulaatio.

CONTENT

1	INTRODUCTION	1
2	THEORETICAL ORIENTATION OF THE STUDY	6
2.1	Migration as a phenomenon.....	6
2.2	What is poverty?	7
2.3	Club Theory and Social Exclusion – Who is a member?	10
3	ASYLUM, REFUGEE AND SEPARATED CHILDREN	12
3.1	Separated Children	13
3.2	International agreements and standards on care and services for separated children....	15
4	ASYLUM, REFUGEE AND SEPARATED CHILDREN IN IRELAND	24
4.1	Agencies involved working with separated children	24
4.2	National legislation for residential child care.....	26
4.3	Asylum and care procedures of separated children in Ireland	28
5	RESEARCH QUESTIONS, DATA AND METHODS	36
5.1	Research questions.....	36
5.2	Research data	37
5.3	Research methods	39
6	RESULTS	42
6.1	Missing children	43
6.2	Sexual exploitation	44
6.3	Standards and Services.....	45
6.4	Conclusions.....	53
7	SUMMARY OF RESEARCH PROCESS AND DISCUSSION.....	56
	REFERENCES.....	61
	ANNEX 1	66

List of Tables and Figures:	pg
Table 1: Number of unaccompanied and separated children arriving to Ireland (1997 – 2005).....	26
Table 2: Separated children’s asylum applications 2003 to 2006 (30.06.60), gender profile.....	33
Table 3: Number of the newspaper articles used in research.....	38
Table 4: Themes of the newspaper articles.....	42
Figure 1: Continuum of deprivation.....	8
Figure 2: Care arrangements for separated children.....	30
Figure 3: Asylum process.....	34

ABBREVIATIONS

EU, European Union

FFI, Fostering First Ireland

GNIB, Garda National Immigration Bureau

HSE, Health Service Executive

ICRC, International Committee of the Red Cross

IOM, International Organisation for Migration

IRC, International Rescue Committee

NCCP, National Centre for Children in Poverty

NGO, Non-Governmental Organisation

ORAC, Office of the Refugee Applications Commissioner

RLS, Refugee Legal Services office

SCE, The Separated Children in Europe Programme

SCUK, Save the Children UK

SSI, Social Services Inspectorate

UK, United Kingdom

UM, Unaccompanied Minor

UN, United Nations

UNCRC, United Nations Convention on the Rights of the Child

UNHCR, United Nations High Commissioner for Refugees

UNICEF, United Nations Children's Fund

WHO, World Health Organisation

WVI, World Vision International

1 INTRODUCTION

Ireland is the third largest island in Europe (84 412 km²) with a population slightly over 6 million in the whole island (Northern Ireland and Republic of Ireland). 4,34 million people are living in the Republic of Ireland and from those 1,7 million near the capital in the greater Dublin area. The state known today as the Republic of Ireland came into being when twenty-six of the counties of Ireland seceded from the United Kingdom (UK) in 1922.

Ireland joined The European Union (EU) in 1973, with the result of strong and rapid economical growth. “Celtic Tiger” (name for the period of rapid economic growth in the Republic of Ireland) experienced remarkable economic development since 1990’s until the recent years when the growth has slightly slowed down by 2006. During the “Celtic Tiger” Ireland experienced a boom in which it has transformed from one of Europe’s poorest countries into one of its wealthiest. The cause of Ireland’s growth are the subject to some debate, but credit has been primarily given to free market capitalism like low corporate taxation, decades of investment in domestic higher education, a low-cost labour market, a policy of restrained government spending and EU membership which provided Ireland with transfer payments and export access to the single market.

During the “Celtic Tiger” phenomenon the government renewed its health care and social service policies. Especially radical change has been in childcare laws and regulations. As Ireland has had a sad history in childcare in church run institutions, industrial schools (O’Hagan 2001, 102), the government has put a great effort to rebuild the childcare system and procedures to protect vulnerable children and children in state care.

The world wide phenomenon of refugees and especially children refugees is highlighted globally. On Europe’s perspective the EU member states are receiving refugees from Africa, Asia and from the Eastern European Countries. Documentation of separated children arriving and seeking asylum in Ireland started at the end of 1990’s and the figures rose rapidly at the early 2000’s (see chapter 4). The United Nations (UN) is the most important international roof-organisation to voice the importance and the severe need to address the issues and problems that refugees and refugee children are facing when they leave their country of origin.

The reasons why separated children arrive to Ireland and to Europe vary. Most of the children have been mistreated, abused and exploited and are in need of special care and protection. Nevertheless the reasons behind leaving one's country of origin, it is big enough trauma to leave your home and parents and family behind and to be sent far away from home with strange people to unknown future.

According to figures given in Fostering First Ireland's conference (30.04.2008) there are 5338 children under the age of 18 in the care of the Health Service Executive in Ireland. Of those more than 4700 are in foster care, 410 children are placed in residential child care centres, 101 children are in custody and 224 children are in other placements.

History of Residential Care in Ireland

Magdalene Laundries

Magdalene Asylums were institutions for so-called "fallen" women, most of them operated by different orders of the Roman Catholic Church. In most asylums, the inmates were required to undertake hard physical labour such as laundry work. In Ireland, such asylums were known as Magdalene Laundries. It has been estimated that 30,000 women and girls were admitted during the 150-year history of these institutions, often against their will. The last Magdalene Asylum in Ireland closed on September 25, 1996. (The Magdalene Story: www.netreach.net)

Unmarried mothers, developmentally-challenged women and abused girls were sent to these laundries. Even young girls who were considered too promiscuous and flirtatious were sent to these asylums. The women were typically admitted to these institutions at the request of family members or priests. Without a family member on the outside who would vouch for them, some penitents would stay in the asylums for the rest of their lives. The existence of these asylums was little thought of until in 1993. Women who had lived in asylums have testified to continued sexual, psychological and physical abuse while being isolated from the outside world for an indefinite amount of time. Similar instances of abuse have been reported in Ireland's industrial schools. This triggered a public scandal and became both local and national news. (CBS news: www.cbsnews.com)

Industrial schools

In Ireland the Industrial Schools Act of 1868 established industrial schools to care for "neglected, orphaned and abandoned children". O'Hagan (2001) calls what occurred in industrial schools "perhaps the most sustained, concentrated assault upon a nation's children and their cultural heritage, by state, church, education and welfare authorities".

Children could be placed in institutional care either by referral from the local health authority, by private arrangement or by order of the courts. These institutions were run by religious orders and funded by the public (Arensman et al. 2007, 5). Also children found begging, destitute, not attending school, guilty of indictable offences or lacking proper guardianship were 'catered' in the industrial schools. An example of lack of moral guardianship could be that a young widow's sexual relationship with a man was enough to warrant instant removal of her children in those days. Countless of abuses took place in the schools; physical, emotional, psychological and sexual abuses. (O'Hagan 2001, 102)

From the Industrial Schools Act of 1868 to the eventual decline of industrial schools in 1969, over 105,000 children were placed in this state care system in industrial schools. The Cussen Report of 1934 was the first investigation into the operation of the industrial schools. Despite concerns regarding overcrowding and standard of education, it was concluded that the system was satisfactory. The suitability of the institutional care system came into question again in the late 1960s when allegations of abuse began to emerge in the media. In response to growing criticism the Government commissioned the first formal enquiry into the extent of the abuse. The enquiry report recommended that institutional care was not appropriate for children.

The industrial school system was replaced by foster care in 1984 as payment per head funding for children in industrial schools was abolished and Department of Health introduced fostering for children in care. 1989 The Children Act gave Health Boards powers to care for children and finally The Child Care Act, 1991, gave powers to Health Boards to care for children who were ill-treated, neglected or sexually abused.

However, it was not until media attention in the 1990s with documentaries such as 'Dear Daughter' and 'States of Fear' that were based on what had happened in the industrial schools that the picture of widespread abuse, deprivation and neglect became evident. On 11th May 1999, An Taoiseach

(the Prime Minister of Ireland) Bertie Ahern apologised on behalf of the Irish Government to its citizens who had been abused in institutions as children. (Arensmal et al. 2007, 5)

Aims of Research

As I have worked with children in care in Ireland over 7 (2001-2008) years and from those three years with unaccompanied minors and refugee children I was very interested to research the issues relating adequate care and access to services of children who are in state care. My concern was that there seems not to be loud enough advocate to unaccompanied or separated children who arrive to Ireland. Another concern was that national child care laws and standards are developed to regulate and deliver the highest standard of child protection and good practice, but this mainly seems to apply to Irish children in the mainstream registered child care facilities. Through my experiences in the child care field I have got the impression that the laws and regulations are interpreted differently to separated children.

Ireland ratified the UN Convention on the Rights of the Child in September 1992 and doing so made a commitment under international law to implement its principles and provisions. (Nestor 2004, 27)

In this study I focused on the children first rather than the immigration and refugee issues as such. My aim was to reveal the conditions where separated children in Ireland are living and to increase knowledge of the quality of the care they are receiving. Moreover my aim was to investigate whether national legislation and regulations and international agreements are in line with the current care practices in Ireland; whether unaccompanied and separated children receive equal and fair care and services in comparison with their fellow native-born Irish children.

The research material included official documents from the statutory and voluntary bodies working with separated children and the texts from the media that is following and actively highlighting these issues. I chose to write in English as the material for the study was in English.

I wanted to reveal, whether there are anti-racist and anti-discriminatory practices relating to child care and residential child care for separated children. If such practices wouldn't be related to the care of separated children, I believe that voicing the need for proper services to this group of

children should help them to receive the care and protection they deserve and are entitled by the national and international laws and agreements.

2 THEORETICAL ORIENTATION OF THE STUDY

2.1 Migration as a phenomenon

The survival migration of the poorest globally is likely to be mainly local, or regional at most, and primarily within country. In contradiction to the logic of survival migration, the general finding of most studies of migration in non-disaster situations is that it is not the poorest who move but those with access to at least some resources, no matter how meagre these might appear. Migration does always involve some costs of transportation and the abandonment of many of the few possessions the poor might have. The most poorest people cannot afford either risk or movement and the majority starves in their home countries or refugee camps. Historically, even in the Great Famine in Ireland 1845-50, it was rarely the poorest who emigrated to North America. The more able-bodied among them could perhaps reach across to Britain but many of the rest perished. Emigration rates from the hardest-hit counties were very often significantly less than from those counties not so affected (Miller 1985 in Skeldon 2003, 4).

Around 175 million people (3% of worlds population), live in a country other then they were born. Migration have more than doubled since 1970 (Caritas 2006, 17), but most migrants living and working abroad are found in developing countries. Asylum seeking migration grew rapidly from the late 1980's and had it's peak in 1993, when there were 19 million refugees worldwide. By 2002 this number had fallen to about 12 million. (Jordan & Düvell 2003, 64)

Over the past 35 years the number of immigrants with ethnic background has increased in the United States of America (USA) reaching to 35 million people in year 2005. In the EU there are around 20 million immigrants (legal residents, excluding EU citizens). In general, a migrant is someone who has left his/her country of origin and moved to another country to take up temporary or permanent residence. As a term, migrant refers to immigrants, refugees, persons under subsidiary forms of protection, asylum seekers and persons seeking other forms of protection. (Caritas 2006, 11)

It is important to distinguish difference between voluntary migration and forced migration. Voluntary migration usually covers all cases where the decision to migrate is made freely by the individual. Examples of forced migration can be movement of refugees and internally displaced

persons, people who have been displaced by natural or environmental disasters, famine or land development projects. Push factors to forced migration can include international economical turbulence, poverty, lack of peace and safety, human rights violations and lack of democratic and juridical systems. (Caritas 2006, 12)

2.2 What is poverty?

“People are living in poverty if their income and resources (material, cultural and social) are so inadequate as to preclude them from having a standard of living which is regarded as acceptable by Irish society generally. As a result of inadequate income and resources people may be excluded and marginalised from participating in activities which are considered the norm for other people in society.” (Office for Social inclusion: www.socialinclusion.ie/poverty.html)

According to a UN declaration that resulted from the World Summit on Social Development in Copenhagen in 1995, absolute poverty is a condition that is characterised by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. It is not only dependent of income but also of access to services. (Gordon 2005)

Absolute poverty

Absolute poverty is the absence of any two of the following eight basic needs:

Food: Body Mass Index must be above 16.

Safe drinking water: Water must not come from solely rivers and ponds, and must be available nearby (less than 15 minutes' walk each way).

Sanitation facilities: Toilets or latrines must be accessible in or near the home.

Health: Treatment must be received for serious illnesses and pregnancy.

Shelter: Homes must have fewer than four people living in each room. Floors must not be made of dirt, mud, or clay.

Education: Everyone must attend school or otherwise learn to read.

Information: Everyone must have access to newspapers, radios, televisions, computers, or telephones at home.

Access to services: This is used to indicate the complete panoply of education, health, legal, social, and financial (credit) services.

An example to this is a person who lives in a home that has a mud floor is considered severely deprived of shelter. A person who never attended school and has never learned how to read is considered severely deprived of education. A person who has no access to newspaper, radio, television, or telephone is considered severely deprived of information. All people who meet any two of these conditions — for example, they live in homes with mud floors *and* never learned to read — are considered to be living in absolute poverty. (Gordon 2005)

Relative poverty/deprivation

A measure of *relative poverty* defines "poverty" as being below some relative poverty threshold. Measures of relative poverty are almost the same as measuring inequality: If a society gets a more equal income distribution, relative poverty will fall. Following this, some argue that the term 'Relative Poverty' is itself misleading and that 'Inequality' should be used instead. They point out that if society changed in a way that hurt high earners more than low ones, then 'relative poverty' would decrease, but every citizen of the society would be worse off. Likewise in the reverse direction: it is possible to reduce absolute poverty while increasing relative poverty. The phrase *relative poverty* can also be used in a different sense to mean "moderate poverty" – for example, a standard of living or level of income that is high enough to satisfy basic needs, but still significantly lower than that of the majority of the population under consideration. (Gordon 2005, 5)

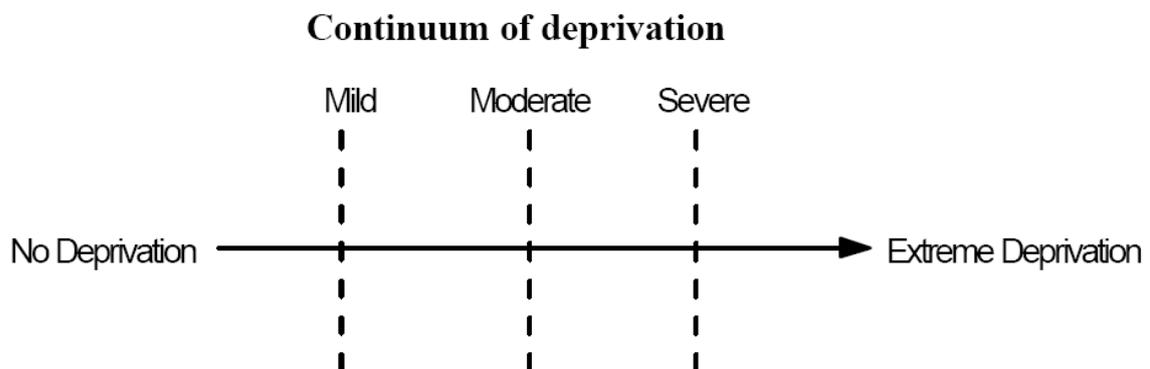


Figure 1: Continuum of deprivation

Figure 1 shows the continuum of deprivation when the basic human needs are deprived. Mild and moderate or relative poverty occurs when standard of living is not high enough to satisfy basic needs. Severe or absolute poverty occurs in the absence of two of the eight basic needs (food, safe drinking water, sanitation, health, education, information and access to services).

According to Jordan (1996, 1-2), one of the most striking features in the world of the past two decades has been the deterioration in the living standards of the worst-off members of all kinds of societies. Individuals are most vulnerable when they have the fewest personal capacities and material resources, and especially when they face the hazards of childhood, old age, medical need or disability. However, none of these deficits and risks necessarily threatens their overall survival so long as they enjoy the protections afforded by membership of an inclusive group that co-operates productively and redistributes its product. (Jordan 1996, 5)

Poverty has been a feature of all modern societies and so has the attempt to provide inclusive systems to protect the poor. Both inclusion and exclusion are universal features of social formations (Jordan 1996, 4). Poverty can be seen as the lack or deprivation of *resources* for playing the roles, participating in the relationships and following the customs expected of members of that society, as well as lack of *capabilities* to meet social conventions, participate in social activities and retain self respect. (Jordan 1996, 93-95)

Jordan (1996, 7) is developing explanations of poverty through theories that explain how groups organize themselves to include some members and exclude non-members, and above all people who has fewer resources or facing high risks, fare in such social interactions. Theory of poverty and social exclusion is necessarily an economic theory of exclusive groups – how people interact in relation to their economic risks, capacities and resources.

According to Kohli (2003) and also the National Centre for Children in Poverty (NCCP) reveals that children from immigrant parents are in greater risk of falling in to poverty than children of native-born parents. Asylum seeking children are more likely to experience poverty and social exclusion than many other groups in society, this is due to higher levels of dependence on social welfare, direct provision and lower levels of welfare payments. The Irish state is operating a two-tier child care service in the social work profession offering services to separated children seeking asylum that would be judged inadequate for national children (Kilkelly 2007, 22).

2.3 Club Theory and Social Exclusion – Who is a member?

One very clear example of club theory is for instance citizenship. It is about interactions between individuals who have formal membership entitlements within a nation state (Jones Finer 2006, 83).

Jordan (1996) introduces a theory of groups that was sparked off by Buchanan's club theory. Club theory is especially relevant for being used when analysing poverty and social exclusion, since it explains in detail how groups form to supply each other with a range of collective goods and services respond to incentives to include and exclude members. It shows how some individuals with different capabilities, resources, risks and vulnerabilities interact in relation to group formation and exclusion and also explains the circumstances when the most vulnerable will be included in collective goods and services as well as those in which they will be excluded. (Jordan 1996, 62)

Social insurance system can be represented as an example of a club because of the interdependency between members related to cost function. Individuals who cost more to the system that contribute to it will worsen the situation of other club members, because they in turn have to pay higher contributions or reduce their insurance level. More extreme example is one where welfare states can be characterized as large multi-product clubs, made up of individuals who in turn form memberships of internal clubs. Members can be citizens with full civil and political rights, or *denizens* (like in Germany) who lack political and some social rights or *aliens* who have no political or social rights i.e. illegal immigrants. (Jordan 1996, 67-70)

Welfare states are conceived as closed systems with a logic that implying boundaries that distinguish members who are contributing to and benefiting of welfare goods, from non-members. There is a moral basis in kinship or fellow-feeling and a commitment to dividing up and sharing among members. Distribution and solidarity in welfare states are built around an identifiable population of members who share interdependencies and interests. In Europe, the EU has developed a supra-national form of membership that is aiming to give similar social rights to citizens in whichever state they choose to work and live. Welfare states protect themselves against unlimited migration (entry of non-members) by limiting eligibility for benefits and services and various forms of welfare policing. (Jordan 1996, 73-74)

Membership systems exist to protect the vulnerabilities of their members. They organise how resources are used for the benefit of all, but usually it is organised to that they give priority to the

needs of those who need protection in the way they organise roles and share out goodies among them. These systems have rules that try to restrain competition between members and suppress conflicts. But memberships are also exclusive – you either belong to it or you don't. There are rules about how to join and how to leave the system. You are a member of a family you were born to or adopted or fostered, or you are a member of a club you have paid your subscription. Non-members are excluded from whatever advantages members share. (Jordan 2002)

Globally for many millions of people, poverty and related social exclusion are the consequences of 'social barriers'. Society's reactions, attitudes and language and also policy and service arrangements, institutions and agents are labelling the poor as different and marginalise and punish them by denying them full civil rights. Hostile social attitudes and discrimination can be targeted to 'different' – black people, lone parents, foreigners and poor people. Groups labelled as 'different' are separated and distanced from the rest of the society, this leads to devaluing and denying 'different' people equal opportunities and punish them for being 'different'. (Becker 1997, 159, Thompson 2003)

3 ASYLUM, REFUGEE AND SEPARATED CHILDREN

Definitions

Asylum Seeker is a person who arrives independently in the state seeking to be granted protection under the Geneva Convention relating to the Status of Refugees, 1951 and 1967 Protocol. (Ward 2003, 3)

Refugee is a person who has been recognised as needing protection under the 1951 Geneva Convention relating to the Status of Refugees and 1967 Protocol. In the Convention, a refugee is defined as someone who has a well-founded fear of persecution for reasons of: race, religion, nationality, membership of a particular social group, or political opinion; is outside the country they belong to or normally reside in and is unable or unwilling to return home for fear of persecution (Ward 2003, 3). As a matter of international law, a person is refugee as soon as the criteria in the above mentioned definition is fulfilled. Recognition of refugee is declaratory; a person does not become a refugee because of recognition, but is recognised because he or she is a refugee.

Person declared with refugee status shall not be returned to a country where their life of liberty is threatened, the status is permanent and gives similar rights as to Irish citizens. Person with refugee status has a right to family reunification (parents to join their child). (Veale et al. 2003, 76)

Programme Refugee is a person who has been given leave to enter and remain in a country by the Government, usually in response to a humanitarian crisis, at the request of the United Nations High Commissioner for Refugees (UNHCR). (Ward 2003, 3)

Humanitarian Leave to Remain is granted at the discretion of the Minister for Justice, Equality and Law Reform as an exceptional measure to allow a person to remain in the State who does not fully meet the requirements of the Geneva Convention relating to the Status of Refugees 1951 and 1967 Protocol but who may still need protection. (Ward 2003, 3)

Humanitarian leave to remain is temporary and renewable every year. Legal entitlements are not set out in Irish legislation, for example person with humanitarian leave to remain in State has no access

to third level education and has no right for family reunification for family to join child in Ireland. (Veale et al. 2003, 76)

3.1 Separated Children

Children constitutes more than half of the world's refugees, separated children make up to 3 to 5 % of them. Having no parents to care for them separated children are of particular concern, because of the special vulnerability which they face. Separated children are a specific group and they differ from adult asylum seekers, adult refugees, children with asylum-seeking parents and or/refugee parents living with them, migrants or children of migrants. (Mooten 2006, 8; UNCRRC)

Definition

“Separated children are children under 18 years of age who are outside their country of origin and separated from both parents or their previous legal/customary/primary caregiver. Some children are totally alone while others, who are also the concern of the Separated Children in Europe Programme, may be living with extended family members. All such children are separated children and entitled to international protection under a broad range of international and regional instruments. Separated children may be seeking asylum because of fear of persecution or the lack of protection due to human rights violations, armed conflicts or disturbances in their own country. They may be the victims of trafficking for sexual or other exploitation, or they may have travelled to Europe to escape conditions of serious deprivation.” (SCEP 2004, 1).

The term “separated” should be used for this group of children rather than term “unaccompanied” as this defines better the essential problem that such children face. This definition indicates that these children are without the care and protection of their parents and as a consequence suffer socially and psychologically from this separation. In some cases separated children appear to be “accompanied” on their arrival to Europe, but the accompanying adults might not be able to provide adequate care, supervision or assume responsibility for the child. (Mooten 2006, 8)

Separation from parents can occur accidentally when a family is fleeing danger or during evacuation. Separation can also happen deliberately when a child is abandoned or given over to the

care of another individual, perhaps in the belief that they will have a better chance of survival or access to various services. (Mooten 2006, 9)

Countries of origin of separated children

The top five countries of origin of separated children coming to Ireland are countries that are experiencing war, they are post-conflict societies or they are contexts where political or economic problems have resulted in civil society fragmentation or breakdown. In 2003 these countries were Nigeria, Romania, Sierra Leone, Moldova and Democratic Republic of Congo. (Veale et al. 2003, 6)

According to Save the Children organisation, the countries where most of the refugee children are coming from are: Afghanistan, Angola, the DRC, Eritrea, Ethiopia, Guinea, Rwanda, Sierra Leone and Somalia (Mooten 2006, 17.) Wendy Ayotte (2000, 50) adds to this list Albania, China and Nigeria where the cases of child trafficking for exploitation particularly affect.

The United Nations High Commissioner for Refugees (UNHCR) reports that women and girls are the principal targets of sexual and gender-based violence and they are disproportionately vulnerable to trafficking. Trafficking consists all acts involved on the recruitment or transportation of persons across the borders, involving deception, coercion or force, debt bondage or fraud. The purpose of trafficking could be placing persons to situations of abuse or exploitation, such as forced prostitution, slavery-like practices, battering or extreme cruelty, sweatshop labour or exploitative domestic service. (Mooten, 2006, 66)

Very common idea is that the children are entering Europe, like adults, to enjoy the generous immigration policies in the country they arrive. Separated children may have experienced cruelties that would be unthinkable to most of the adults. They may have been forced conscription of child soldiers, bonded labour, infanticide, slavery, landmines, conflict zones, rape, trafficking for prostitution, forced marriage, and/or female genital mutilation and to other forms of persecution such as sale of children and mistreatment of children in the state orphanages. (Mooten 2006, 17)

Separated children arriving to Europe are either fleeing from persecution and genuinely seeking asylum on those grounds, being sent to Europe for education and family reunification purposes or being trafficked. (Baylis et al., 2005)

3.2 International agreements and standards on care and services for separated children

Principal Legal Documents

There are three principal legal instruments that directly apply to separated children; The Geneva Conventions, The 1959 Declaration of the Rights of the Child and The United Nations Convention on the Rights of the Child (UNCRC).

The Geneva Conventions (1949): Although all four of the Geneva Conventions provide various protections to civilians, the *Fourth Geneva Convention* is specifically designed to protect children and civilians in times of war. Article 47 establishes family reunification as a priority in times of armed conflict. The two additional protocols to the Conventions (*Protocol Relating to the Protection of Victims of International Armed Conflict and the Protocols Additional to the Geneva Conventions, 1977*) provide for the special protection of children and address their participation in hostilities.

The 1959 Declaration of the Rights of the Child (Principle 6) provides a specific reference to the right of separated children to family reunification by stating “children shall, wherever possible, grow up in the care and under the responsibility of their parents, and... a child of tender years shall not, save in exceptional circumstances, be separated from his mother.”

The United Nations *Convention on the Rights of the Child* (adopted by the United Nations General Assembly on November 20th, 1989) is the most important document in addressing both protection and care standards for separated children. At this writing it has been ratified by all countries except the United States and Somalia. The Convention on the Rights of the Child (CRC) provides the most comprehensive standards to be found on the rights of all children, with specific reference to unaccompanied and separated children.

Article 3: States that the *best interests* of the child should be a primary consideration in all programming and protection efforts. A child’s best interest should therefore be considered in the context of physical care, safety and security, material support, as well as adequate psychological and emotional support. It recognizes that children have a right to receive care and protection appropriate to the culture and community where they are living.

United Nations Convention on the Rights of the Child

The Convention on the Rights of the Child (also referred to as CRC or UNCRC) is the first legally binding international instrument to incorporate the full range of human rights: civil, cultural, economical, political and social rights. In 1989, world leaders decided that children needed a special convention just for them because people under 18 years old very often need special care and protection that adults do not need. The leaders wanted to make sure that the world recognized that children have human rights too. When agreeing to undertake the obligations of the Convention (by ratifying or acceding to it), national governments have committed themselves to protecting and ensuring children's rights and they have agreed to hold themselves accountable for this commitment before the international community. States parties to the Convention are obliged to develop and undertake all actions and policies in the light of the best interests of the child. (UNICEF; www.unicef.org)

Nations that ratify this international convention are bound by it by international law. Compliance is monitored by the United Nations Committee on the Rights of the Child which is composed of members from countries around the world. Once a year, the Committee submits a report to the Third Committee of the United Nations General Assembly, that also hears a statement from the CRC Chair, and the Assembly adopts a Resolution on the Rights of the Child. Countries that have ratified the Convention are required to report to, and appear before, the United Nations Committee on the Rights of the Child periodically to be examined on their progress with regards to the advancement of the implementation of the Convention and the status of child rights in their country. (Wikipedia; en.wikipedia.org)

The United Nations General Assembly adopted the Convention and opened it for signature on 20 November 1989 (the 30th anniversary of its Declaration of the Rights of the Child). It came into force on 2 September 1990, after it was ratified by the required number of nations. All member nation states (countries) of the United Nations, except the United States and Somalia, have ratified it.

The Convention sets out Child Rights in 54 articles and two Optional Protocols. It spells out the basic human rights that children everywhere have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. The four core principles of the Convention are non-discrimination; devotion

to the best interests of the child; the right to life, survival and development; and respect for the views of the child. Every right spelled out in the Convention is inherent to the human dignity and harmonious development of every child. The Convention protects children's rights by setting standards in health care; education; and legal, civil and social services. (UNICEF; www.unicef.org)

Articles 1-41 of the convention are setting out the rights of children and the corresponding obligations for governments to safeguard these rights. Article 42 requires states to publicise the principles and provisions of the convention: to children, young people, their parents and carers, and every person working with children and young people.

The convention covers the following subjects:

- Definition of children as all persons less than 18 years of age, unless the legal age of maturity in a country is lower.
- General principles, including the right to life, survival and development, the right to non-discrimination, respect for the views of children and to give consideration to a child's best interests, and the requirement to give primary consideration to the child's best interests in all matters affecting them.
- Civil rights and freedoms, including the right to a name and nationality, freedom of expression, thought and association, access to information and the right not to be subjected to torture.
- Family environment and alternative care, including the right to live with and have contact with both parents, to be reunited with parents if separated from them and to the provision of appropriate alternative care where necessary.
- Basic health and welfare, including the rights of disabled children, the right to health and health care, social security, child care services and an adequate standard of living.
- Education, leisure and cultural activities, including the right to education and the rights to play, leisure and participation in cultural life and the arts.
- Special protection measures covering the rights of refugee children, those affected by armed conflicts, children in the juvenile justice system, children deprived of their liberty and children suffering economic, sexual or other forms of exploitation.

(Every Child Matters)

Separated Children in Europe Programme – Statement of Good Practise

The Separated Children in Europe Programme (SCE) is a joint initiative of the International Save the Children Alliance and the United Nations High Commissioner for Refugees (UNHCR). The programme aims to realise and advocate the rights and best interests of separated children who have come to Europe. The program establishes a shared policy and commitment to best practise at national and European levels, as a part of this process the programme is developing partnerships with organisations working with separated children in European countries. The Statement of Good Practise aims to provide clear and straightforward account of the policies and practices required to implement and protect the rights of separated children in Europe. (Save the Children and UNHCR 2000, 1-2)

The Statement of Good Practise is underpinned with principles that should be born in mind at all stages of care and provision for separated children. Principles start with the emphasis that in all actions considering children, the best interest of children shall be a primary consideration. The Statement also highlights the principle of non-discrimination – separated children are entitled to the same treatment and rights as national or resident children. There must be inter-organisational co-operation between organisations, government departments and professionals involved in providing care and services to separated children to ensure that the welfare and rights of separated children are enhanced and protected. (Save the Children and UNHCR 2000, 3-4)

Separated children must be provided with suitable interpreters who speak their preferred language when they are interviewed or require access to services. They should be able to maintain their mother tongue and links with their culture and religion, also care services and education must reflect on their cultural needs. Staff working with separated children must receive appropriate training on the needs of separated children. (Save the Children and UNHCR 2000, 3-4)

Separated children should be appointed a guardian or adviser who in a long-term perspective will advice and protect separated children by ensuring that all decisions taken are in the child's best interests and that a separated child has suitable care, accommodation, education, language support and health care. A guardian should also be satisfied that a separated child has suitable legal representation to deal with his or her immigration status and asylum process and also advocate on the child's behalf where necessary. As soon as possible after their arrival, separated children should be found a suitable care placement. Separated children should be cared for by suitable professionals

who also understands and supports their cultural, linguistic and religious needs. Regular reviews of care arrangements should be carried out. Separated children should not be treated as “defacto” adults and placed on their own, without adult support, in hostel or reception centre settings. After leaving care, separated children should be offered support through an after-care programme, to assist their transition to living independently. The rights of separated children to education and training, health care and language support should continue on the same basis as available to national and residing children. (Save the Children and UNHCR 2000, 7-9 & 11)

Inter-agency Guiding Principles

The Inter-agency Working Group on Unaccompanied and Separated Children was set up in 1995. The group aims to bring together key organizations with field experience of issues concerning separated children. The objectives of the group are to promote and support preparedness, coordination and good practice when working with unaccompanied and separated children. The leading humanitarian organizations that contributed and prepared to the Guiding Principles are; International Committee of the Red Cross (ICRC), International Rescue Committee (IRC), Save the Children UK (SCUK), United Nations Children’s Fund (UNICEF), United Nations High Commissioner for Refugees (UNHCR) and World Vision International (WVI). (Inter-agency Guiding Principles 2004, 2-11)

Guiding Principles are intended primarily for national, international and non-governmental organizations and other associations concerned with unaccompanied and separated children. The Principles are also designed to assist governments and donors in meeting their obligations and taking funding decisions. The organisations involved must ensure that their activities are carried out not on the basis of race, national or ethnic origin, religion, gender or other similar criteria. All organisations concerned must take into account the overall need for protection and act according to its mandate, expertise or mode of action. Their policies, programmes and decisions adopted with regard to separated children must be in conjunction with the provisions of; The Convention on the Rights of the Child (1989) and its two Optional Protocols (2000), The Four Geneva Conventions (1949) and their two Additional Protocols (1977), The Convention relating to the Status of Refugees (1951) and its protocol (1967) and also to other relevant international treaties. (Inter-agency Guiding Principles 2004, 12, 18)

Guiding principles have a comprehensive approach to child protection and welfare. Basic right for every individual is the right to a name, legal identity and birth registration and also right to physical and legal protection. Every child should have the right not to be separated from their parents and the right to provisions for their basic subsistence. Each child has the right to care and assistance appropriate to their age and developmental needs and the right to participate in decisions about their future. (Inter-agency Guiding Principles 2004, 16)

Primary responsibility of the protection and welfare of a child lies with parents, family and community. Both the national and local authorities are responsible for ensuring that children's rights are respected and efforts must be made in an emergency situation to protect family unity and avoid family-separation. One guiding principle is the integrity of the family; all children have a right to a family that cares for them, unaccompanied or separated children must be provided with the services aimed at reuniting them with their parents or primary legal or customary care givers as soon as possible. The Inter-agency Guiding Principles should be taken into account when national or international organisations, courts of law, other authorities or legislative bodies are determining the best interests of the child in a given situation. (Inter-agency Guiding Principles 2004, 16-17)

Inter-agency guiding principles are guiding organisations to preserve family unity by their actions. Preventing child's separation with his/her family is possible, weather separation happens accidentally or deliberately. Accidental separation can happen when fleeing from danger or during evacuation or children can be purposely abandoned or given over to the care of another individual or a residential centre, perhaps in the belief that they will have a better chance of survival or better access to services that way. Families should be made aware of measures they can take in emergencies to minimize the risk of their children becoming separated, families and communities must be made aware of the particular vulnerability of girls as they are especially at risk of neglect and sexual abuse and exploitation. Organisations working with families in crisis must ensure that their actions do not inadvertently encourage family separations. Families might entrust their children to organisations hoping that they will get better care and services from them. (Inter-agency Guiding Principles 2004, 22-23)

In case of evacuation, children should be evacuated together with adult family members. Evacuating children without their family member should be a last resort and carried out only it has been carefully determined that protection and assistance to the child can not be provided other vice, separation of these children from their families are meant to be temporary. All personal and family

details of the child must be recorded carefully. Evacuated children have the same rights as all children. As well as evacuated children all children should be registered immediately after birth. Birth certificate is needed for a number of services and offers a degree of legal protection. Child's identity and nationality should be recorded and preserved as well as the identity of his or her parents as this would help the organisations who are caring for separated children. If a child's identity is not known, the relevant authorities should take appropriate measures to ascertain it, a new identity should be established only as a last resort. (Inter-agency Guiding Principles 2004, 24-27)

Organisations and governments working with separated children should follow guiding principles for tracing and family reunification. Assessment on a child must be done as far as possible by a multidisciplinary team that has a knowledge of the historical, social and political situation as well as expertise in assessment methods or at least by a team that has been thoroughly briefed on separated children's issues. Proper identification, registration and documentation on each child must be done in order to collect maximum information of the child and his or her family. Each child should be interviewed by trained staff and on a situation where child is made to feel as secure and comfortable as possible to minimise distress. Family tracing must be carried out for all separated children at the earliest possible time. Even if immediate family reunification is not possible, tracing is important for restoring links with their families. (Inter-agency Guiding Principles 2004, 30-35)

Inter-agency Guiding Principles are highlighting that under human rights law and international humanitarian law, separated children have a right to be reunited with parent, relatives or guardians. This is also of particular importance for the children's safety and well-being. If separated child's family is traced then a verification process must be carried out to establish the validity of relationships and confirming the willingness of the child and the family member to be reunited. Also an assessment should be done to verify that family reunification is the best interest of the child. Long term solutions need to be found for children who cannot be reunited with their families. Follow-up for family reunification is required and support can be given to family through local child-welfare systems or community structures. (Inter-agency Guiding Principles 2004, 37-39)

Child protection must be the overriding factor when organising care arrangements for separated children. Where it is possible, care of children should be provided in families within the child's own community with close monitoring. Co-operation between all agencies providing care is essential, agreed guidelines to be used for family, community-based programmes or institutional care. Fostering is a situation where children are cared for in a household outside their family. Fostering

can happen spontaneously or it can be arranged through a government department, religious organisation or national or international non-governmental organisation (NGO). The situation of children in fostering arrangements should be analysed and monitored with regard to child's best interest and protection and their civil rights and legal status. (Inter-agency Guiding Principles 2004, 42-45)

However the priority should be given to community based solutions when organising the care of separated children, there are times when this is not possible and temporary institutional care and protection is required. Residential institutions can rarely offer the developmental care and support a separated child requires and often cannot even provide a reasonable standard of protection. Even on emergencies such institutions should be viewed as a last resort. Children in institutions should enjoy the same civil and political rights as the rest of the child population and to ensure that these rights are respected the institutions should be monitored. Institutions should be staffed with individuals trained and experienced in caring children aiming to integrate to the local community and to provide safe, stimulating and structured environment to children. The primary responsibility for monitoring the standards of protection and care provided by the institutions lies with the government. (Inter-agency Guiding Principles 2004, 46-47)

Separated child should have a designated guardian who is an adult or organisation who/that is ensuring that a child's best interests are fully represented. Guardianship should be used in administrative or judicial proceedings wherever needed and it provides an important safeguard for ensuring that children's rights are best interests and upheld. Guardian must be satisfied that child has appropriate health care and nutritious and balanced diet and is protected and immunised against infectious diseases. Guardians must promote and monitor separated children's access to education including vocational education. (Inter-agency Guiding Principles 2004, 47-49)

Finally The Inter-agency Guiding Principles (2004, 66) is highlighting the importance of advocacy. Advocacy for separated children consists of public and private efforts to improve and promote practice, legislation and policies required to protect the rights and interests of unaccompanied and separated children. This is needed to promote measures that will prevent family separation, create a nurturing environment and foster good practices for all care arrangements. It is important that advocacy is continuous and it is more effective if directed at a wider audience; the authorities (including the military), donors, organisations, religious groups, the private sector and the media. Focus on advocacy can be targeted to instruments of international humanitarian rights and laws and

promoting new treaties as well as reviewing national legislation in the light of relevant international law. Subjects such as promoting and monitoring implementation at national level of international legislation on children and information about relevant laws and standards are promoting good practice in protection for and care of unaccompanied and separated children.

Primary responsibility for national child-welfare services for separated children lies with the government. Organisations working with separated children must support government efforts to review policies and legislation to ensure that they are in line with internationally agreed standards. UNICEF and UNHCR have a fundamental duty to assist government in meeting their responsibilities in the case of refugees. This assisting includes co-ordination and raising awareness about child rights among government officials. (Inter-agency Guiding Principles 2004, 67)

4 ASYLUM, REFUGEE AND SEPARATED CHILDREN IN IRELAND

4.1 Agencies involved working with separated children

The Health Service Executive (HSE), (The East Coast Area Health Board and regional Health Boards in which separated children arrive), administered by the Department of Health and Children has responsibility for the welfare of separated children and to support them in the asylum process.

The Garda National Immigration Bureau (GNIB), operates under the Department of Justice, Equality and Law Reform, is responsible for separated children at the point of entry, or those who are identified within the State.

The Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT), are under the Department of Justice, Equality and Law Reform with responsibility for procedures and implementation of the asylum determination process.

The Refugee Legal Services (RLS) is an independent statutory body, that is responsible for offering legal advice and aid to asylum seekers.

The Psychological Services for Asylum Seekers, has a designated program for separated children to offer psychological assessment and support to vulnerable and asylum seeking children, this service is provided through HSE the Northern Area Health Board.

The United Nations High Commissioner for Refugees (UNHCR), which has taken the leading role in the provision of training on issues affecting separated children, it also plays a key role in advocacy and monitoring in the area of separated children.

Department of Education and Science, schools and the Vocational Education Committee (VEC) with responsibility for the areas of primary, secondary and vocational education.

Reception Integration Agency (RIA), that is responsible for the reception and integration of asylum seekers and refugees in Ireland.

(Veale et al. 2003, 27)

Service development for separated children arriving to Ireland

Under the Child Care Act, 1991 and the Refugee Act, 1996, the Health Service Executive (HSE) is responsible for the total care and needs of separated children who arrive to country and seek asylum in the State. These responsibilities include providing immediate and ongoing care placements, social, medical and psychological services, liaison with educational and youth services and also tracking relatives and providing assessments and reunification where this is possible. It is also Health Service Executives responsibility to support the child through the asylum process. (Logan 2006, 13-14)

Until 1999 there were no specific services arranged to unaccompanied or separated children that arrived to Ireland. Their care was arranged through Area Community Services. In 2000 a social work team for unaccompanied minors seeking asylum was established with 1 social work team leader, 6 social workers and 3 project workers. During the 2001 staff team extended to 12 social workers and 9 project workers who were working under the principal social worker. Team was split and services based to Baggot Street Hospital and Sir Patrick Duns Hospital. By 2007 the team had 1 principal social worker, 3 social work team leaders, 12 social workers, 1 fostering social worker, 9 project workers, 2 after care workers and 2 clerical support workers. (Dunning, 2007)

Increasing the social work team is in conjunction with the number of unaccompanied and separated arriving to Ireland and being referred to service. Next statistics show the number of separated children presenting to the social work service 1997 – 2005

Table 1: Number of unaccompanied and separated children arriving to Ireland (1997 – 2005)

YEAR	NUMBER OF CHILDREN	% PLACED IN CARE	% REUNITED WITH FAMILY
1997/1998	25	Not known	Not known
1999	98	Not known	Not known
2000	520	78	21
2001	1085	78	21
2002	863	39	59
2003	789	35	56
2004	617	28	68
2005	643	21	76
Total	4640	50	45

(Mooten 2006, 41 & 55)

Table 1 shows the increase of number of unaccompanied and separated children arriving to Ireland. Late 90's children started to arrive and at 2001 the number of children increased dramatically. After that the numbers have been decreasing slowly but still more than 600 children are arriving to Ireland unaccompanied every year.

In total 50% of separated or unaccompanied children were placed in care and 45% of children were found family members to be reunited with.

4.2 National legislation for residential child care

The Child Care Act 1991 provides the legislative framework for promoting the welfare of children who are in need of care and protection. This Act provides for state intervention in the life of a child and where a child is taken into care of State the Act gives a health board the powers of a parent in respect of that child. The Act streamlines the operation of an effective child protection system and also regulates legal procedures on The District Court (Child Care) Regulations 1995 that sets out Child Care (Standards in Children's residential Centres) 1996. (Nestor 2004, 4-5)

Guidelines and strategy documents

In addition to legislative framework for the care and protection of children, Irish Government has issued guidelines and strategy documents to explain the relevant provisions of the legislation and outline major policy developments:

National Childcare Strategy 2006-2010, Diversity and Equality Guidelines for Childcare Providers
HSE National Intercultural Health Strategy 2007-2012

Children First: National Guidelines for the Protection and Welfare of Children 1999

This document is designed to give an indication of what central government expects from health boards and other statutory agencies working with children in terms of practical implementation of child care legislation. It sets guidelines that are intended to provide a framework for inter-agency and multi-professional work practices. The Children First aims to assist people in identifying and reporting child abuse and in particular clarifying and promoting mutual understanding among statutory and voluntary organisations about the contributions of different disciplines and professionals in child protection.

Our Duty to Care 2002

Our Duty to Care is a guidance document that should be read in conjunction with Children First. It is aimed to community and voluntary organisations of any kind or size that provide services to children. This document provides guidance on the promotion of child welfare and the development of safe practices in work with children. Our Duty to Care also gives information on how to recognise signs of child abuse and the correct steps if suspecting, witnessing or disclosing this.

The National Children's Strategy 2000

The Committee on the Rights of the Child recommended in its final report on Ireland's compliance with the terms of the United Nations Convention on the Rights of the Child that Ireland should adopt a comprehensive national strategy for children "incorporating the principles and provisions of the Convention in a systematic manner in the designing of all its policies and programmes". In response to this Government launched the National Children's Strategy on 2000. This is regarded as a major Government initiative intended to improve the quality of children's lives in Ireland.

Social Services Inspectorate

The Department of Health and Children established the Social Services Inspectorate in 1999. It is an independent body to inspect the social services functions of the health boards.

The Inspectorate is aiming to work with Health Boards, the Department of Health and Children and other relevant organisations to ensure that the child care, social work and social care services are responsive to the need of the population and allow the public have confidence in them. The main function for Inspectorate is to support the child care services by promoting and ensuring the development of quality standards, this happens by monitoring the organisation, operation and management of child care services, carrying out inspections.

(Nestor 2004, 5-7, 166-167)

4.3 Asylum and care procedures of separated children in Ireland

Unlike in some other European countries, Ireland's asylum system allows all children (unaccompanied minors and separated children) access to the asylum procedure. The Health Service Executive (formerly known as The Social Work Service) of the East Coast Area Health Board has a specific responsibility for separated children within the Dublin area. It provides for the immediate needs and welfare of unaccompanied minors by arranging appropriate placement and links with health, psychological and social services, to make a decision as to whether it is in the best interest of the child to make an application for asylum, and to support the child through the asylum application process. The Social Work team in Dublin consists of a Principal Social Worker, Social Work Team Leaders, Social Workers and Project Workers and clerical staff in total of 30 people. (Veale et al. 2003, 25)

Care Provision

Separated Children are referred to the social work team by Immigration Authorities or by the Office of Refugee Applications Commissioner (ORAC). Social worker will meet the child on the day of referral, listen to their story and assess their immediate needs and also identify any family members of other contacts in Ireland. (Dunning, 2007)

If the separated child has no family the emergency accommodation will be arranged. Depending on the age and the vulnerability and also availability, the child will be placed to a family, residential unit for separated children, residential care along with Irish children or to a hostel accommodation specially for children seeking asylum (Dunning, 2007).

According to Mooten (2006, 43) the majority of separated children are accommodated in privately managed hostels and not in registered children's residential centres. Only a small minority of separated children are in foster care. There is one registered child care centre (that accommodates 6 children), a mother and baby home and hostels where HSE places separated children in its care.

Private proprietors are accommodating separated children to unregistered and un-inspected facilities (hostels) by agreement with the Health Board. Most of these facilities have no professional child care staff and are unsupervised and unsupported accommodating up to 100 children (Veale et al. 2003, 43).

If separated children arrive to country outside office hours (at night or during weekends) there is no system of formal provision of care for those times. Child Care Act, 1991 section 12 provides that a child should be taken to a place of safety by the Gardai (police authority in Ireland) while he or she awaits the making of an asylum application by the Health Service Executive (HSE). Because of the lack of 'out of hours' service and appropriate emergency accommodation these children, who are at their most vulnerable, are taken to inappropriate places such as homeless hostels until they are referred to the HSE on following working day. (Mooten 2006, 40)

CARE ARRANGEMENTS FOR SEPARATED CHILDREN

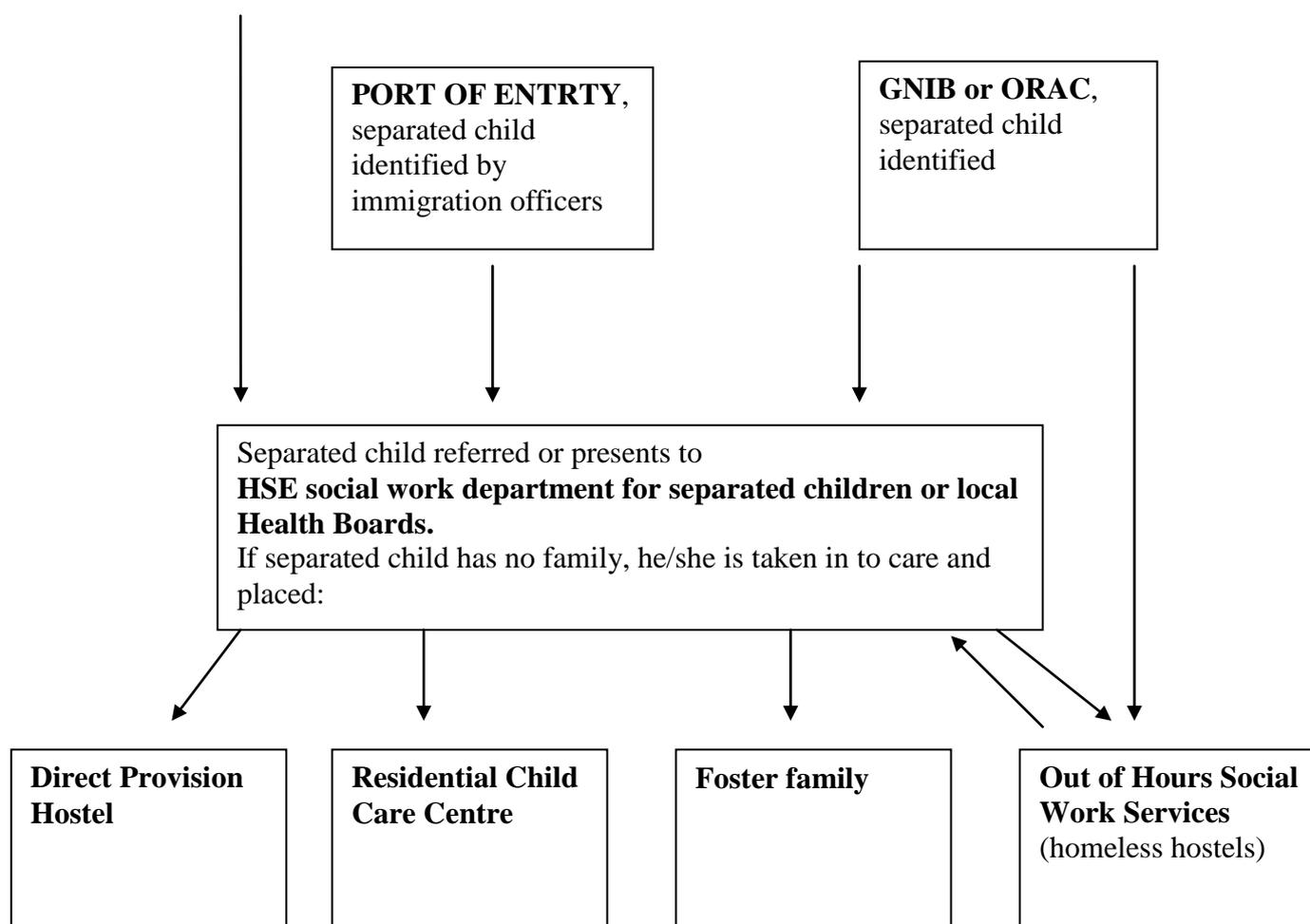


Figure 2: Care arrangements for separated children

Figure 2 shows the care arrangements for separated children. Children are referred to Health Service Executive (HSE) by the immigration officers on their port of entry (airport, harbour, borders of the State) or officers from the Garda National Immigration Bureau (GNIB) or Office of the Refugee Applications Commissioner (ORAC). Separated children can also present themselves direct to HSE. When HSE social work department for separated children after investigating the situation is satisfied that the child has no family members to be reunited with, it will place the child in state care. Child can be placed in foster family, residential child care centre or direct provision hostel for separated children and unaccompanied minors. Children have also been placed to homeless hostels if they have been identified as separated children outside the office hours.

Asylum process

When a separated child arrives to the borders of Ireland the situation will be dealt under the Refugee Act, 1996. The immigration officers who have identified the child or the Office of the Refugee Applications Commissioner will refer the child to the Health Service Executive (HSE), under Section 8 of the Act.

Under Section 4(1) of the Child Care Act 1991, social workers are expected to place the child in the care of the Health Service Executive (HSE). The Act states that it shall be a function of every Health Board to promote the welfare of children in its area who are not receiving adequate care and protection. The definition of a child is not specific to a child's nationality or indeed that child's parents and therefore, no matter what the status of the separated child is, once the child is in Irish jurisdiction, the provisions of the 1991 Act will apply.

When the child is referred to the Health Service Executive (HSE) the Refugee Act, 1996 section 8 (5) states that where it appears to the HSE that an application for asylum should be made then the HSE shall make it. This requires the HSE to exercise its judgement in relation to whether an asylum application is appropriate and in the best interest of child. This process is intended to assess whether the child applicant is entitled to be declared a refugee for reasons set out on Geneva Convention. The child will be registered with the Refugee Legal Services (RLS) which has a specialised children's unit dealing with separated children and is in charge of legally representing separated children after they apply for asylum (Mooten 2006, 29).

An application for asylum is made to the Office of the Refugee Applications Commissioner (ORAC). ORAC's two major functions are established under the Refugee Act, 1996. First function is to ascertain whether Ireland is the appropriate place for the asylum application to be processed and considered. This function arises from the Dublin II Regulation (2006) which was designed to prevent an asylum applicant from making multiple applications within EU member states.

The second and more usual function for the ORAC is to assess the application for asylum and to make a recommendation. An applicant will fill a questionnaire which seeks their personal information, details of how they came to Ireland and whether they have applied for asylum elsewhere, the reason why they have fled their country of origin and what they fear if they were returned. After this an applicant is called for an interview according to the Section 11 on Refugee

Act, 1996. Under the Section 13 on named Act the ORAC authorised officer will carry out an assessment of credibility of the application and will provide a written report on the issue.

If the ORAC is not satisfied that the applicant is entitled to a declaration of refugee status the applicant can appeal on written submissions to the Refugee Appeals Tribunal (RAT) within 15 working days. If the ORAC assessment finds that the applicant showed either no basis or very minimal basis for the contention that the applicant is a refugee or that the applicant made statements that were false, contradictory, misleading or incomplete nature that lead to the conclusion that the application is manifestly unfounded the appeal must be done in 10 working days. (The Refugee Act, 1996 Section 13 (6))

When either ORAC or RAT have decided, after consideration, to grant the asylum application, the applicants file will go to the Minister of Justice, Equality & Law Reform who has the power to issue declaration confirming refugee status.

Once the Refugee Appeals Tribunal (RAT) has considered the case and has made a decision the applicant has no right to appeal. In circumstances where a declaration is refused, the applicant is informed that the Minister is proposing to make a Deportation Order under the section 3 of the Immigration Act, 1999 since the applicant is no longer considered to be an applicant for asylum and his/her presence in the state is unlawful. Under the section 3 the applicant is given the opportunity to submit representation to the Department of Justice, Equality & Law Reform within 14 days seeking leave to remain in the country on humanitarian grounds.

When an application for humanitarian leave to remain in the country is made an examination is made to the applicants file to consider the age of the application, the duration of stay in the country, the domestic circumstances, the level of integration in the community, employment prospects, character and conduct of the applicant. Also humanitarian considerations, representations made by others, the common good, national security and public policy are taken into account. The Minister of Justice, Equality & Law Reform will either sign the Deportation Order or grant leave to remain and impose conditions.

Table 2: Separated children's asylum applications 2003 to 2006 (30.06.06), gender profile (Ireland)

Gender	2003	2004	2005	2006 (30.06.06)
<i>Male</i>	127	56	72	36
<i>Female</i>	144	72	60	32
Total	271	128	132	68

(Mooten 2006, 32)

Table 2 shows the number and gender of asylum applications made for separated children between 2003 and mid 2006. Number of female applicants has been slightly higher in 2003 and 2004 than male applicants. In 2005 there were more applications for asylum made by male applicants. Also in the first half of 2006 there were more applications made by males.

ASYLUM PROCESS

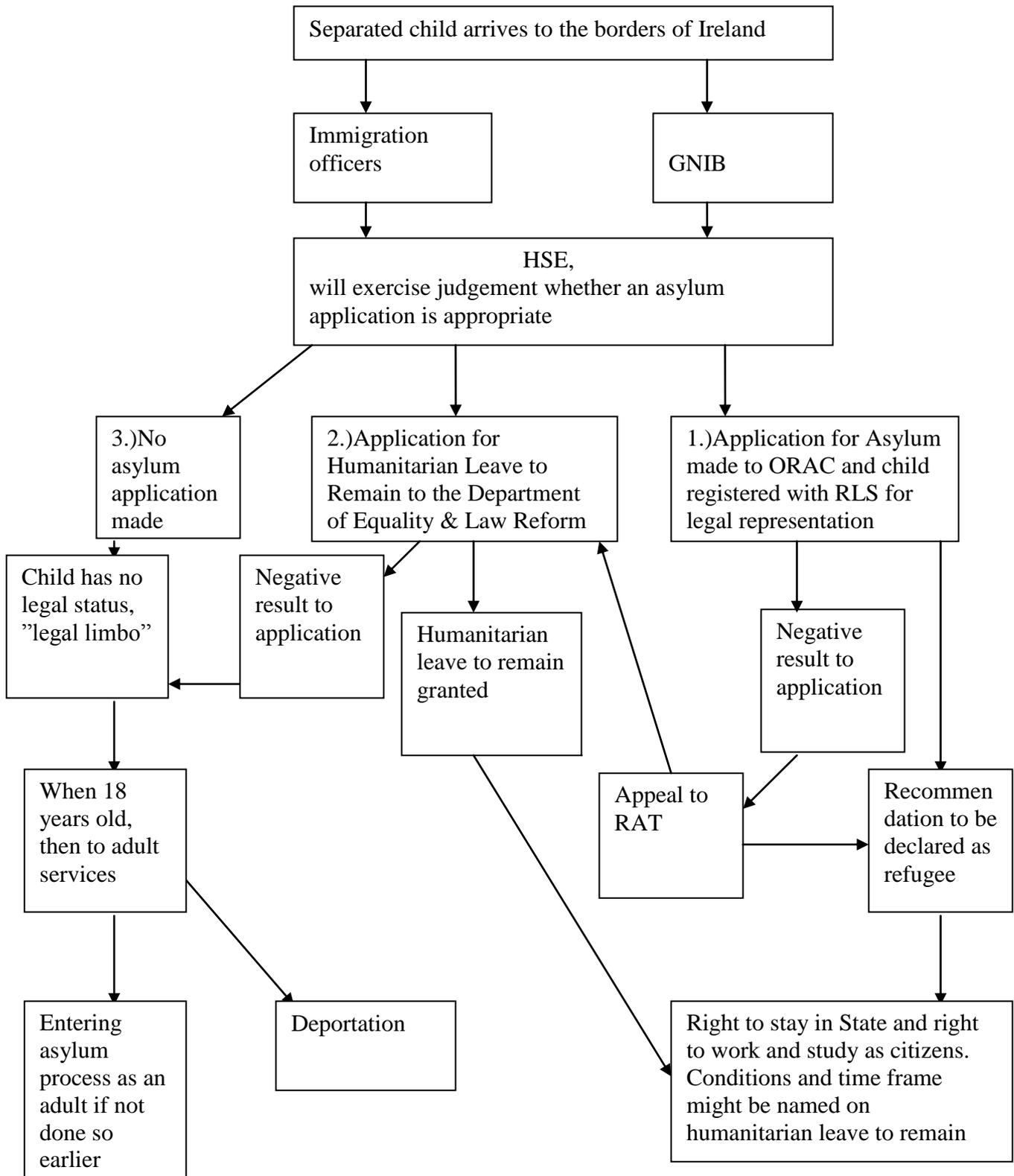


Figure 3: Asylum process

Figure 3 shows the asylum process for separated children. When a child has been identified as a separated child and referred to Health Service Executive (HSE) and placed in state care, HSE will then exercise its judgement whether an asylum application is appropriate to be made. This figure shows three possible outcomes from HSE's judgement.

1.) Child can be entered to the asylum process and can be declared a refugee status or receive a negative decision. In case of negative decision, the child has a right to appeal to this decision, the outcome is either a recommendation to be declared a refugee status or a negative decision. In case of negative decision the child can apply a Humanitarian Leave to Remain in the state.

2.) HSE can make an application for Humanitarian Leave to Remain for the child. Outcome for this is either positive – child can remain in the state bending on certain conditions – or negative, when child has no legal status.

3.) HSE can decide not to enter the child either process and leave child on a “legal limbo” with no status. When the child reaches the age of 18 years she/he can make an asylum application through adult services if not done so before or might face deportations procedures.

5 RESEARCH QUESTIONS, DATA AND METHODS

5.1 Research questions

The aim of the study was to reveal the living conditions of separated children in Ireland and to increase knowledge of the quality of the care they receive. Also, the aim was to investigate whether national legislation and regulations and international agreements are in line with the current care practices in Ireland, i.e. whether unaccompanied and separated children receive equal and fair care and services in comparison with their fellow native-born Irish children.

To address these research aims I used the theoretical orientation described in Section 2 above and defined the focus point of this study in a form of the key research question:

- *Are the separated children considered as members of the Irish society with all rights of the Irish children, i.e. does the Irish social care services respond equally to the needs of separated children who are in state care in comparison with the native-born Irish children?*

To answer this key research question I formulated a set of sub-questions, which are the following:

- Do separated children enjoy services and protection they are entitled as children or are they excluded from the collective services?
- How unaccompanied children are accommodated: What kind of accommodation is provided to unaccompanied children in care of health board?
- Is the environment safe and suitable for children in general and does it meet the national standards and criteria for placing children in care?

This study also aimed to find out how the individual needs of a child are assessed and are these needs followed, i.e.:

- Is there a system to provide children with psychological support and how they can avail to it?
- Who does the assessment and who refers children to further services and how the reference is done?

Finally, I looked for answers on how is health and safety and safeguarding organised for unaccompanied minors in care of Health Service Executive:

- How are the care services for unaccompanied minors inspected and what are the results of those inspections?

5.2 Research data

Primary data was collected from newspaper articles that highlighted conditions where separated children in Ireland are living and the care and services they are receiving. Secondary data for this research was the legislation and standards that are set to regulate the child care services in Ireland. These were used as reference information for making the comparisons between the issues raised by the newspapers and the relevant standards on the child care declared by legislative documents. Additional quantitative information for the research were collected from the existing statistics and previous researches in this area.

Newspaper texts

Unaccompanied minors have been highlighted in the media through 2000's underpinning their living conditions and access to services they should be entitled according to the national and international agreements. Main newspapers in Ireland have followed these issues from the dawn of the phenomenon of foreign children arriving to Ireland unaccompanied and separated from their parents and families since the beginning of 2000.

Mass media both reflects and influences thinking on social care by constructing views and images on the current problems and developments (Entman 2004). In democratic societies policy formulations are ideally based on consensus between various actors with different interests and needs. Governments, professionals and general population may advocate diverse options for the development of the social care system through the mass media.

To understand the situation with the separated children it is vital to disclose the voices from the media. Moreover, as the separated children themselves often are unable to advocate their own interests, the newspapers can be seen as a tool to shed light on the most urgent misconduct related to the separated children. The most important newspapers that represent the dominant cultural and political ideas in society may influence social policy choices by framing particular issues so that they are interpreted and understood to be important in society. A media frame is the central

organising idea for making sense of the events and suggesting what is important. (Entman, 2004, Pan & Kosicki, 1993)

In this research I used articles mostly from two main quality newspapers in Ireland: Irish Times and Irish Independent (Sunday Independent), because they are the most popular quality papers in Ireland and they constantly address issues around unaccompanied minors. I also included articles from three representatives of so called “yellow press”: AM Herald, Evening Herald and Irish Daily Mirror to reflect their ways of approaching the problem of separated children. Thus, altogether five Irish newspapers were selected to represent the views of publications targeted to the general public. From these papers altogether 37 articles discussing the living conditions and access to care of separated children were selected for the study (Table 3). The articles used for this research was searched from the archives of the Irish newspapers by searching with key words such as “unaccompanied minors” and “separated children”. From those results I chose those texts that talked about separated children and unaccompanied minors living in Ireland and that highlighted living conditions of separated children and services provided to them in Ireland. The list of articles is in Annex 1.

Table 3: Number of newspaper articles used in research

Media	Number of articles
AM Herald	1
Evening Herald	3
The Independent	21
The Daily Mirror	4
The Irish Times	7
Village	1
Total	37

Legislative documents

In this study I also used national legislation and standards to give the necessary reference information on the official principles and guidelines of the care and services for unaccompanied minors in Ireland.

National Standards for Children's Residential Centres were developed by The Department of Health and Children and the Social Services Inspectorate in conjunction with representatives of the Health Boards. Standards were developed to inspect both statutory and non-statutory children's residential centres as based on the relevant legislation (Child Care Act 1991), regulations and guidance and current professional understanding of what constitutes good quality service from Ireland and abroad.

The National Standards were developed for the purpose of inspecting children's residential centres and to serve as a basis for consistently promoting quality of care in children's residential centres. Standards should provide useful and constructive guidelines and be distributed widely to professionals working, referring or supervising role in relation to children in residential care. It is available to the service users and their families as well as any other persons who request it.

Altogether 5 legislative documents were used as the secondary data of the research including 2 Irish laws and 3 guidelines, standards and statistics. (See Annex 1)

Official statistics

As a quantitative element to this research I selected the relevant statistics that I used for triangulation method of this research. Statistics used include an interim database of children in care in Ireland 2004, that gives information about all children who are in state care and it shows how children in care are accommodated. In line to this database I also used results from a research that was made about unaccompanied minors in Ireland in 2003 by Veale et al. However, I could not use the statistical data detailing ethnicity, immigration and asylum seeking figures, because there is no such data available. Data collection on immigrant movements in Ireland is very limited and only emerging. (Kilkelly 2007, 21). However some data is available through Health Service Executive on separated children in its care and their placements, that are utilised in this study (Dunning 2007).

5.3 Research methods

I applied methodological triangulation as a tool, i.e. I used different materials (media texts, legislative documents and statistical data) and applied thematic qualitative content analysis as a research technique to find the answers to the research questions. By using a combination of methods

my aim was to give more rounded picture of the phenomenon I am researching (Sociology Central, 2008). The fundamental aim by adapting triangulation is to increase the validity and comprehensive perspectives to the phenomenon under research. (Viinamäki et al. 2007, 176)

Familiarisation of the research material – newspaper articles and the standards for residential care for children – follows the principles of the Grounded Theory methodology that aims to focus and start the study from the material. (Metsämuuronen 2008, 50) In order to identify in more details how the selected newspapers framed the life of separated children thematic qualitative content analysis was conducted (Kauhanen & Noppari 2007, Pan & Kosicki, 1993)

Thematic analysis was made firstly, by reading carefully through the primary research data i.e. 37 newspaper articles and then identifying problems, events, arguments and opinions of the article related to separated children. Secondly, out of these preliminary themes those related to the care procedures were selected. Finally, three main themes emerged. These were identified by considering the volume of articles and the main focuses of the articles. As the long articles dealt with several issues, I defined the key arguments of each article that were targeted for reader's main consideration as the main theme. Consequently, one main theme was identified for each article. The revealed three themes (*Missing Children*, *Sexual Exploitation* and *Standards and Services*) are listed by newspapers in Section Results, Table 4 below.

The same three themes were naturally found also from the secondary data, as the national legislation and standards evidently give the guidance on these issues. In addition, the standards and guidelines included much more themes in form of rules and regulations for the organisation of care of separated children. These additional themes were then used in the analysis of the newspaper articles, because they were directly linked to the research questions. These were named as sub-themes that are reported in Section Results below.

Reliability of this method

Alongside with legislation and approved standards for child care in Ireland I selected articles from newspapers as a material for my research. Keeping in mind that it is difficult - if not impossible - to identify ultimately reliable and independent media source, in this study I am bringing up variety of newspapers in order to make it more valid as a public voice and the public sphere. Collected articles

can be classified “proper” or hard news as they are about weighty political and social matters (Burton 2005, 278).

6 RESULTS

Newspaper articles discussing the living conditions and access to care of separated children included three main themes identified by the thematic content analysis. The first theme *Missing Children* and child trafficking issues highlighted the numbers of children going missing while in state care and also reported about speculations and fear of child trafficking. The second theme, *Sexual Exploitation* of vulnerable children emphasised the fear of those sexually exploited children who went missing and were lured in to sex industry both in Ireland or elsewhere in Europe, where they moved from Ireland. The third theme on the articles was the *Standards and Services* for separated children and conditions where they were living while in state care. (Table 4)

Table 4: Themes of the newspaper articles

Newspaper	Missing Children	Sexual Exploitation	Standards and Services
Herald	3	1	-
Independent	4	8	7
Times	2	-	6
Mirror	2	-	2
Village	-	-	1
Total	12	9	16

The description of the secondary data (laws, standards and guidelines) is given in Sections 3 and 4 of this study, that report the official norms related to access and quality of care for separated children. After careful thematic reading of the secondary data several additional (to the three key themes mentioned above) themes were found. However, only those related directly to the research questions were selected and identified as subthemes under the main theme *Standards and Services*.

They were:

- Registering child care centres
- Children's rights and care for young people in state care
- Accommodation
- Individual and special needs of the children
- Safeguarding the children and child protection

As Table 4 shows, *Standards and Services* was the most popular theme also in the primary data. Most of the newspaper articles discussed issues related to the quality of services. The sub-themes were searched also from the newspaper texts (Section 5.3).

In order to illustrate the frames of the living environment/conditions and services provided to the separated children constructed by the newspaper articles, the detailed results of the theme analysis are described below. The extracts from the newspaper articles are given as examples of the specific problems. Furthermore, references are made to the legislative documents (regulations and standards) to show the contradicting statements concerning the delivery of care for separated children between media texts and official documents. The real situation reported by the newspapers seemed to be very different from what the national standards and legislation declared as good practices and what official statistics showed to be real. In examples below extracts from newspapers are written in *italics* and quotations from secondary data: the national standards, legislation and statistics are placed in the textboxes.

6.1 Missing children

The data analysis showed that the current system of social protection in Ireland is not fully able to safeguard the living conditions of separated children. Newspaper texts analysed evidence that the national standards and official care procedures are not followed.

“Almost 400 children have gone missing in Ireland from the care of Health Service Executive (HSE) in the last five years - - and many of them are believed to have been trafficked into the sex industry here and in Europe.” (The Independent 19.08.2007)

The centre has a written policy and procedures on safeguarding and absence without permission of young people living in the centre. Attention is paid to keep young people in the centre safe, complement good care practices, effective management, children’s rights, supervision, monitoring and child protection.

These excerpts show the failure of Health Service Executive (HSE) to protect the children in its care. Despite the fact that National standards give very clear instructions and expectations of the level of safeguarding children in care and the procedures in case of absence, almost 400 children

have gone missing from HSE care and it is evident that their whereabouts are not known. In addition, based on the articles analysed non-national children seem to be much more likely to go missing than their Irish peers. It has been acknowledged throughout the Europe that child trafficking is a huge problem and there are concerns that the non-national children who go missing are victims of child trafficking. Since most of the non-national children who go missing are separated from their parents or are unaccompanied they don't have anybody lobbying to ensure that everything is being done to trace them. There were speculations in the newspapers that some of the disappearing are specially organised and there are also reports on fears of sinister motive behind them (The Independent, 19.08.2007).

6.2 Sexual exploitation

The articles discussing sexual exploitation reported about the need to extra supervision and support for separated children. Children might have been sexually exploited in their country of origin, during their journey to Ireland and also there were concerns of sexually related child protection issues that had happened while children were placed in HSE (Health Service Executive) funded private hostels (The Independent 19.09.2007).

“...even when minors report they have already been sexually exploited, they are given no extra supervision in future to ensure they are not exploited again.” (The Independent 22.11.2005)

The centre policies include measures to be taken in the event of an allegation of abuse or neglect inside or outside residential centre or prior residing in the centre.
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Citation above shows the lack of support and supervision for children who have been sexually exploited. They are left in vulnerable state where they are at risk to be exploited again. National standards are instructing child care centres to take measures in case of allegation of abuse, but it is evident that this is not happening with separated children.

Newspaper articles also showed the growing fear of children who have gone missing from Health Service Executive (HSE) care are lured in to sex industry within Ireland or elsewhere in Europe.

There are fears that many of missing non-national children have been forced to into the sex industry, however the authorities do not have recourses to follow up all cases. Assumption is that many of missing children end up in prostitution, especially if they have already been subject to sexual exploitation on their way to Europe.

6.3 Standards and Services

Concerning the accommodation of the separated children the newspapers published several articles about the centres for asylum seeking children. The Independent (10.07.2007) reported, that there are 10 centres for the separated children seeking asylum in the Grater Dublin Area, only one of those is a registered residential child care centre, rest of them are hostels. Around 200 separated children are in the care of the State at any one time. These hostels are privately run and are operated by staff without recognised childcare qualification.

This is a serious problem taking into account the high vulnerability of children coming to the foreign country alone, without the parents or any adult people, and is a sign of the inability of the social protection system to protect separated children in Ireland.

Registering centres and inspections

The quality of care for separated children was the theme that gained rather much attention in the newspaper texts.

“The HSE inspected two residential centres, and found that just one was acceptable as a quality centre. However, the second unregistered centre remains open.” (The Independent 11.12.2006)

Representatives of the Health Boards in conjunction with the Department of Health and Children and the Social Services Inspectorate have developed National Standards for the inspection of children's residential centres, both statutory and non-statutory. The National Standards are used for the purpose of inspecting all children's residential centres. The Standards are based on the relevant legislation, regulation and guidance and current professional understanding of what constitutes good quality service from Ireland and abroad.

Citation from The Independent shows how two residential child care centres were inspected by social services inspectorate. Inspection resulted to find that only one of them was acceptable as a quality centre. Despite of the results of the inspection, the second centre remained open and Health Service Executive (HSE) continued placing separated children there.

HSE was ignoring the standards that are set to regulate the registration and inspection of all facilities that accommodate children.

“Eight of the nine centres in the Dublin area which accommodate about 180 separated children seeking asylum, are not registered to operate or provide accommodation for children...” (The Irish Times 10.06.2006)

Health Boards are required to notify the Social Service Inspectorate of the establishment of any new centres for the residential care of children and young people, this includes both planned centres and a centre opened on a temporary basis irrespective of the number of young people in residence.

The Irish Times published the number of separated children in Dublin area being accommodated in nine centres from which only one is appropriately inspected and registered to operate to provide accommodation for children.

This is a clear proof that Health Service Executive (HSE) has neglected its responsibility to notify and register facilities where it is accommodating children who are in state care. From both professional and moral point of view it is alarming that altogether out of nine centres only two has

been inspected, while only one centre was found to be providing a quality care for children and was registered, and other centre inspected failed the inspection. Still the rest seven facilities, that have not been inspected, are continuing their activities.

“Inspectors who visited Riversdale House [hostel for separated children]...were so critical of the standards that the HSE refused to register it last year...it has continued to place children there...” (The Independent 16.09.2007)

In order to be qualified to register as a children’s residential centre, the National Standards have following requirements for the premises: The centre must be kept in good structural repair and decorated to a standard that will create a pleasant ambience and to be furnished adequately and sufficiently for the number of people living in the centre. The centre needs to be properly lit, heated and ventilated and it has to have suitable facilities for cooking and laundry and all equipment are as domestic style as possible.

The Independent reported how the Health Service Executive (HSE) has been condemned by the social services inspectors for the standard of residential care provided to separated children. The inspection revealed that children were being put at risk by poor staffing and inadequate supervision of the children. As a matter of fact the inspectors were so critical of the standards of the facility that they refused to register it. Inspection also found discrimination in the Health Service Executive financing the placement and allegations of a child protection concerns. It is also not acceptable in residential care that up to 23 children would live together in one centre.

However Health Service Executive (HSE) continues to place children to this centre even if it is clearly in contradiction to the national standards that are set for children’s residential centres.

Children’s rights and care for young people in State care

“The children [separated children seeking asylum] are given a weekly allowance of €19.10...and a once off €150 payment for clothes. When school trips and other outings come up, the children must put in a request for extra money from their social worker.” (The Independent 01.06.2008)

The National Standards for Children's Residential Centres requires that the staff in the centre relate to young people in an open, positive and respectful manner. Care practises in the centre take account of young people's individual needs and respect their social, cultural, religious and ethnic identity. Young people in care have the similar opportunities and leisure experiences to their peers and have opportunities to develop talents and pursue interests.

Excerpts above show the contradiction that appears to happen in a care of separated children and the standards that are set for children's residential centres. Separated children are not enjoying the similar opportunities to leisure experiences than their peers. Participation to school outings will put separated children to very unequal situation compared to their peers as they will have to avail to stigmatising procedures in order to be able to get funding to their school expenses by applying money through their social workers.

Financially the care of separated children is not needs based as it would be in the registered child care centre. Separated children receive a set weekly allowance that is same for males and females regardless their age. Clothing allowance is also set and same for all children and any extra money for individual needs must be requested through their social worker.

Separated children do not have opportunities, similar to their peers, to develop their individual talents and interests as the care practices in the facilities they are placed is not functioning according to national standards.

"...there can just be one care worker to supervise 30 children." (The Independent 02.08.2006)

Young people in the centre are cared for in a manner that respects and takes account of their wishes, preferences and individuality. Professionals involved with young persons care should give particular attention to young persons emotional life and let young person know that there is a responsible adult available to them who is capable of understanding and supporting them.

Staffing level in the facilities that separated children are placed is not acceptable for a residential child care centre. Staff members are not able to supervise and ensure the safety of children and furthermore unable to practice proper care procedures that would meet the individual needs and preferences of each child. Particularly emotional support is not available to separated children when there are not enough professionals working in the facility.

“...[in one hostel]...children had only recently begun to get involved in hobbies, adding that special occasions – such as birthdays – which had not previously been celebrated, ‘are now done so by having a small cake and a card’.” (The Independent 19.06.2007)

Young people living in the centre must have opportunities to develop and maintain personal interests, talents and hobbies and to participate regularly in a range of leisure and recreational opportunities of their choice. Also festive occasions and young people’s birthdays are celebrated in a special way, with gifts and activities similar to those of their peers.

It is evident that separated children accommodated to hostel facilities are not having equal opportunities similar to those of their peers in relation to maintain their personal interests, talents and hobbies. Festive occasions had only recently been celebrated by giving the child a small cake and a birthday card.

Accommodation

“A majority of unaccompanied minors seeking asylum under HSE care are placed in hostels. These hostels are currently not inspected by the SSI...” (Village 30.03.2006)

According to Preliminary Analysis of Child Care Interim Dataset 2004 there were 5060 Irish children in State care. Majority of children, 4243 (81%), were placed in foster care, 442 (19%) were placed in residential child care centres.

Majority of separated children are placed in unregistered and uninspected facilities. Majority of national children are placed in foster care and 19% of national children were placed in registered child care centres. Above figures are showing the unequal treatment of separated children in state care as majority of them are not provided proper quality care arrangements that would meet the criteria and standards that are set for residential child care facilities in Ireland.

“Asylum seekers who arrived here as children are required to stay in direct provision hostels, with bed and three meals provided.” (The Independent 11.12.2007)

The centre has space provided for young people to have visits from their friends, family members and social workers that is private and will not disrupt the rest of the centre. Also appropriate play and recreational facilities should be available for young people. Young people should have a room to themselves. Young people are involved in decision making when physically relocating, furnishing and decorating the premises of the centre. Young people need to have access to a space within the centre where they can keep their personal belongings safely and securely.

Majority of separated children are accommodated in direct provision hostels where they get three meals per day and bed. In most of the centres children are sharing their room with other separated children with different nationalities and different ages. Hostels do not provide recreational facilities and children very seldom bring their friends to visit.

Separated children’s living conditions differ significantly to those of the standards set for child care centre.

Individual and special needs of the children

“There were only 11 care plans on file for the 23 children in the centre. Social workers explained that this was because care plans were not finalised until it was known whether the children would receive refugee status...” (The Independent 19.09.2007)

The National Standards for Children’s Residential Centres requires that there should have a statutory written care plan developed for every young people living in the centre. This plan is subject to regular reviews and states the aims and objectives of the placement, promotes the welfare, education, interests and health needs of young people and addresses their emotional and psychological needs.

Citation above shows that in one inspected centre, accommodating separated children, less than half of the children placed there had a written care plan. However, the national standards require this document to be developed for every child living in the centre.

Because of the lack of a statutory written care plan, separated children were lacking the promotion of their overall welfare and also their educational needs, individual interests and health requirements were not addressed and acknowledged.

“The psychological service for refugees and asylum seekers created one designated post of psychologist for unaccompanied minors in 2001. Capacity of this service is now being significantly stretched and there is a danger of unacceptable waiting list emerging.” (Veale et. al. 2003)

Staff in the centre is aware of the emotional and psychological needs of young people and facilitate the assessments and meeting of those needs. All children in care shall have early access to specialist services if they require so and all professionals involved with the young person will co-ordinate their work and will ensure that any interdisciplinary differences are overcome in the best interests of the young person.

Separated children are not receiving adequate support and intervention for their special individual needs. Psychologist services for separated children are not in the capacity to provide and facilitate proper assessments and services as stated in the national standards for child care centres.

Safeguarding the children and child protection

Based on the analysis of the newspaper materials on one hand and The National Standards on the other hand strict contradictions between real practices and the officially declared norms of care can be revealed.

*“An inspection [in one hostel] of personnel files revealed that no Garda clearance certificates were on file and none of the staff had written references, as required.”
(The Independent 16.09.2007)*

The National Standards for Children’s Residential Centres outlines that the centre has adequate levels of staff to fulfil its purpose and function and that they are qualified to work in child care and have the ability to communicate effectively with children. All staff are appropriately vetted before taking up duties, including the most recent reference and criminal records checks from Garda Siochana or other police authorities as appropriate.

Staff working with separated children was found by the Independent not to be appropriately vetted, because there were no Garda clearance certificates and written references on their files. Vetting procedures are required by the national standards as a main safety feature to ensure that adults working with children are safe and have no previous convictions on child abuse.

What comes to the possible abuse of separated children by their peers, the current situation seems not be satisfactory.

“...boys were often found in girl’s bedrooms and vice versa. While mostly they were just watching television...there were two serious allegations made ‘of a child protection concern’ that occurred during the night.” (The Independent 19.09.2007)

The supervising social worker and the centre manager must be satisfied that the placement is suitable and will meet the needs of the young person. Centre has a clear policy and procedures of admissions that take account of the need to protect young people from abuse by their peers. Young people are provided with age appropriate written information about all aspects of the centre.

With limited safeguards on place in inappropriate building that accommodated large number of children, staff was not able to exactly say how many children were in the centre or gone out at any one time. Some hostels have no CCTV, no cameras or no alarms so staff had no way of knowing for sure whether all children were in the centre or their whereabouts in the centre.

6.4 Conclusions

The major conclusions of this study are related to the lack of correspondence between current care procedures and legislative norms. First, immigrant and asylum seeking children face particular difficulties vindicating their rights. They are at risk of breaches of their rights to protection from harm, including from trafficking, racism, discrimination and poverty. Separated children are excluded and marginalised from the services that the national standards and legislation set for children in state care. Secondly, in matters concerning child protection issues, the best interests of the child should be the primary consideration, in line with UNCRC and Child Care Act, 1991. The UNCRC requires State to take all appropriate measures to prevent child trafficking and further requires that all appropriate steps be taken to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation or abuse. Whilst victims of child trafficking in Ireland are placed in direct provision hostels and unregistered child care centres these requirements mentioned above are not met.

Thirdly, the result shows, that the separated children do not receive all the necessary services that they should be entitled according the Irish laws and regulations and internationally accepted guidelines. For example, many of separated and unaccompanied children that arrive to Ireland may have experienced absolute poverty in their country of origin. Some of the children might have serious illnesses that they didn't receive treatment for. They may have not had access to education and information or the conditions where they have lived were considered severely deprived.

However when they have made their escape from those conditions, these children may still fall in to category of “relative poverty” or “moderate poverty” in Ireland. In this respect the services they receive do not meet their needs and they are significantly lower compared and not the same that the care of the Irish and resident children receive. This indicates that the Irish government is running a two-tier system in its child care and child welfare procedures allowing service provision not fitting to the legislation and standards.

Concerning professional approach of the Irish social workers the following conclusions illustrate the current situation of care for separated children. As separated children are in a situation of emergency and are in need of special protection and care, the social workers have crucial role in ensuring child welfare. However, today the welfare state is leaving separated children and unaccompanied minors to a “legal limbo”, as when failing their asylum claim or indeed when social workers will not even enter the children to asylum process, these children have no status and no positive prospects of future. The reason why they are allowed to stay in State is only because they are minors and Irish government will not deport children. Their care is not planned as they are not considered to be full and productive members of the society when they reach adulthood. This treatment is clearly discriminating and leaving separated children in unequal position as children than their Irish peers would be. Therefore, people working with separated children should have not only recognised professional qualifications but also further training on working with special and vulnerable group of separated children. Child friendly approaches on legal procedures and training professionals to use them should be essential.

According to current procedures, social workers exercise judgements, whether an asylum application is made for separated child or not, and guide the child though the asylum process. This procedure potentially draws social workers in to the role of immigration officers. While social workers are in a position where they need to offer support and guidance to children seeking asylum, it is questionable whether they can offer comprehensive and impartial advice on immigration procedures. UNHCR Guidelines gives recommendation that a guardian or adviser is allocated to each child to provide impartial advice and to advocate on behalf of the young person. This is not happening currently in Ireland and I believe this is reducing the social workers resources to target and concentrate to the welfare and proper care services to asylum seeking children. Therefore serious consideration should be given to establishing an independent advocacy service to ensure that all separated children in need of independent representation can access to asylum process without delay.

Finally, I do recognise the large amount of separated children arriving to Ireland at the early 2000's and appreciate the efforts of HSE to establish the special unit in social work department for separated children arriving to Ireland. However, the quality of the service, care and protection for these children has not reached the level what the national legislation and regulations require. Serious consideration should be given to improve the access and the quality of services for separated children.

7 SUMMARY OF RESEARCH PROCESS AND DISCUSSION

Research process

As I have worked with children in care in Ireland over 7 years (from 2001 to 2008) and nearly three years with unaccompanied minors and refugee children I was very interested to research the issues relating adequate care and access to services of children who are in state care. My concern was that there seems not to be loud enough advocate to unaccompanied or separated children who arrive to Ireland. Another concern was that national child care laws and standards are developed to regulate and deliver the highest standard of child protection and good practice, but this mainly seemed to apply to Irish children in the mainstream registered child care facilities. Through my experiences in the child care field I have got the impression that the laws and regulations are interpreted differently to separated children. This was the reason for my research interest. I was thinking about these problems even before I started to work on my thesis for Master's Degree in University of Tampere, faculty of Social Sciences in September 2007. I had collected the newspaper texts from the major papers in Ireland and discussed frequently these problems both with my Irish and Finnish colleagues.

The first phase of the research process was to identify the concrete study theme, which was done with the support of the supervisor and the pro gradu thesis seminar group. In autumn 2007 I decided to focus on the quality and access of care for the separated children in Ireland. During that time I still lived and worked in Ireland. My major interest was to see these children as children first rather than immigrants or refugees. I thought it would be useful and interesting to reveal the conditions where separated children in Ireland were living and to increase knowledge of the quality of the care they receive. Moreover, my aim was to investigate, whether national legislation and regulations and international agreements are in line with the current care practices in Ireland; whether unaccompanied and separated children receive equal and fair care and services in comparison with their fellow native-born Irish children.

Also, I wanted to study, whether there are anti-racist and anti-discriminating practices related to child care and residential child care for separated children. If such practices would not exist, I thought that voicing the need for proper services to this group of children should help them to receive the care and protection they deserve and are entitled by the national and international laws and agreements. So, I had a kind of moral and ethical approach in my study interest.

The second phase took place in winter 2007-2008, when I was in the process of identifying the information sources for my research theme. First, I started to collect the legislative documents: different laws, guidelines and standards related to separated children. That was an easy task, as all the documents could be found either from libraries, HSE or internet, but I faced hard “scientific” problems, when I realised that it would be impossible to collect the research information directly from those people who were in the focus of my interest. Due to the privacy policy within the social care system, I felt it was impossible to interview separated children themselves or the staff working in the hostels, as there would have been a risk of identification of the people interviewed. So, how should I collect the research material, I wondered. Then, after long discussions with my colleagues and friends who are working in social work and social care area in Ireland and abroad I decided to use the media as the source of information.

The third phase focused on writing the research plan, that was discussed in the thesis seminar group in spring 2008. I was struggling to find the theoretical orientation to frame the research. With the support and ideas from the thesis seminar group I eventually found the theoretical approach to view my research questions from the aspect of poverty and social exclusion and inclusion, adopting the club theory. In this period I also wrote the first versions on the description of the care services for separated children in Ireland and drafted the structure of the content of my study.

In the fourth phase in summer and autumn 2008 I finalized the collection of research material, read literature and continued writing the texts on social care system and standards. The articles used for this research I found from the archives of the Irish newspapers by searching with key words such as “unaccompanied minors” and “separated children”. From those results I chose the articles that were about separated children and unaccompanied minors living in Ireland and articles that highlighted conditions where separated children in Ireland are living. These were my primary research material. The legislation and standards that are set to regulate the child care services in Ireland were chosen for the secondary material, that were used as reference information for making the comparisons between the issues raised by the newspapers. Additional quantitative information for the research was collected also from the existing statistics and previous researches in this area.

As soon as the newspaper texts were collected, I started to elaborate the ways of analysing the material. I wrote the first version of the study and asked one of my friends working as a researcher to read the text. For my great shock I received rather critical comments from her especially pointing

out that my text on reporting and analysing results was too normative and morally loaded and it wasn't structured well enough. I realised that I have to analyse the newspaper text in a more structured way, which lead to the new analysis scheme with the aim to identify the key themes of the newspaper texts.

After careful consideration and reading all the material back and forward for countless times and trying and re-trying I ended up organising material to different themes and building the structure with key themes focusing on: Missing children, Sexual Exploitation of Children and Standards and Services for Residential Care. The latter theme got four sub-themes as it turned out to be the main theme that rose from all the selected material.

The fifth phase was perhaps the most difficult for me and lasted quite long time during the winter 2008 - 2009. This was writing the different versions of the text. Typing and deleting, regretting the deleting and typing again. I took a break for a while and then started with fresh energy. I read through the old versions that I had saved and started to see how the final version was developing and forming through the typing and deleting process. I got advices from the supervisor and from my friend during this phase which was vital for the process.

The final, sixth phase in spring 2009 included the last revisions of the previous versions, writing conclusions and cross checking that all the necessary information was written and all the details were documented as they should be.

Discussion

In assessing the reliability of the study it should be kept in mind that the news and other newspaper texts give only the partial picture of the situation with the separated children. In principle, I could have collected the primary data of the research by interviewing the separated children themselves and the social care personnel working with them, because I myself worked with them several years. However, due to the privacy policy within the social service system it was impossible to assess the quality of care by interviewing children themselves. Many of separated children and unaccompanied minors have been experiencing very traumatic events in their lives and for some children an interviewing process could be stressful and intruding on top of the legal and asylum process they are going through. Also I was bearing in mind the risk that by interviewing children there is a risk of identifying children who might be victims of child trafficking and their traffickers

could still be preying them. People who are working in the hostels are in fear of losing their jobs if they are identified after giving interviews on what is happening in the hostels and what quality of care is given to children living there. Therefore, it was necessary to use the media as an information source. Being fully aware of the possible bias in the news coverage concerning the separated children, it is still most evident that the newspaper texts give the relevant information on the most crucial social problems in society, including the mistreatment of separated children.

As the results of this study show, it is clear that to better advocate the children's rights more emphasis should be given to the quality of services and supervision of services that are provided to separated children. Separated children and unaccompanied minors who arrive to Ireland or any other country without parents or legal guardians are indeed in need of special care and protection. These children have had traumatic experiences in their country of origin or during their travel to Europe and that trauma should get professional attention and treatment. Also many of those children are in extremely vulnerable situation where their traffickers might be waiting a chance to lure these children back to them and further more to forced labour and exploitation. Therefore, especially trafficked children are among the most vulnerable people in society and face multiple barriers when trying to reach to their fundamental rights for protection and equal care services.

Most alarming is – as this study indicates - the lack of response to the fact that hundreds of foreign children have gone missing while in HSE care. Those cases have not been properly investigated. Poor Madelina Mc Cann went missing from family holiday in Portugal May 2007 and the media coverage of this incident was massive compared to the newspaper articles written about missing African children in Ireland. Is it because non-national children who are unaccompanied don't have parents, guardians or carers who would make enough noise about their disappearance? HSE claims that they have reported all those children missing to the relevant authorities, but the system itself is not making these cases known. I don't think that pictures of these foreign children gone missing in Ireland have been posted systematically to local people or to people using ports of entry to the country in hope that someone would recognise these children.

All in all, separated children should be afforded equal opportunities in terms of social care and child protection for the duration of their stay in Ireland. Separated children are children first and they should have the absolute right to care and protection as agreed on the national legislation and standards for child care.

Lessons for Finland

Coping with the phenomenon and organising care and protection for separated children and unaccompanied minors is a common challenge in many European countries. Ireland is not alone, for example number of separated children arriving to Finland increased last year by 300% compared to year 2007 bringing the total number to 800 by the end of December 2008. Since the phenomenon is relatively new in Finland there are no researches done on this area. It would be most important that Finland would be prepared to provide care and protection to this vulnerable group of children and also meet the national and international standards on this matter without delay. Child care and child protection advocacy groups and organisations should be heard by governments and they should learn form the experiences from other countries, including Finland.

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