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UNIVERSITÀ DEGLI STUDI DI  
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# *Unaccompanied migrant children. Looking for national and European protection*

*Children on the move. Family Law 30 years after the UNO Convention on Children's rights*

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# Social and legal background

- Reforms in Family Law
- Migration flow
- Children on the move – unaccompanied children – separate children

# Jean Monnet Project

- Jean Monnet Module
- Department of Education and Human Science – University of Modena and Reggio Emilia
- «Unaccompanied children: national and European protection»



Preliminary findings

# Jean Monnet Project

## Starting points:

- Absence of coherent discipline
- Need for specific regulations: identification of the child, documents, age, guardian, family of origin, education, health care, etc.)
- Zampa Law (7 April 2017 n. 47)

# Data

Year	Children' number registered in Italy
2016	12.241
2017	17.864
2018	13.151

# Data

Region	30.06.18	30.06.17	30.06.16
Sicily	5.699	7.616	4.776
Lombardy	980	1.073	882
Lazio	921	882	858
Emilia Romagna	862	1.073	843
Calabria	804	1.744	901
Puglia	611	795	771
Friuli Venezia Giulia	575	595	487
Tuscany	530	602	512
Campania	382	826	572

# Teaching activities – JM Project

- Cultural Integration Law
- Faculty of Education: training and analysis of the context of education (schools, childcare centres, conflict mediation, international cooperation, etc)
- Professional educator: development of procedures focused on individual autonomy and social responsibilities

# Teaching activities – JM Project

- Legal skill – introduction to the beginnings of children's law
- Practise approach – seminars with experts
- International and European level - UNO Convention – Nice Charter of Fundamental Rights
- National legislation – Italian Constitution – Zampa Law

# Teaching activities – JM Project

Academic Year 2017-2018

- 40 students
- 3 seminars (Police Commissioner, Social Services, High School Teacher)
- 1 conference with experts

# Research activities – JM project

## 3 steps

1. National discipline
2. European systems: questionnaire
3. Drafting european guidelines

# Interim Results – National level

Before 2017

Family law

Immigration rules

Specific laws

# Interim Results – National Level

Decree of the President of the Council of Ministers No. 535/1999  
(Regulation on the duties of the Committee for the Foreign Minor)

Art. 1: The term 'unaccompanied foreign minor' refers to a minor who does not hold Italian or other EU citizenship, has not applied for asylum and is, for any reason, within the territory of the State without care or representation by their parents or other adults who are legally responsible for them under existing Italian laws

# Interim results –National level

After 2017

Zampa Law (7 April 2017 n. 47)

Art. 2

The term 'unaccompanied foreign minor' refers to a minor who does not have Italian or EU citizenship, is for any reason, within the territory of the State without care or representation by their parents or other adults who are legally responsible for them under existing Italian laws.

Art. 1

The unaccompanied children enjoy the same rights afforded to minors who are Italian or EU Nationals.

# Interim results – National Level

Best interest of the child:

- Non-refoulement principle
- Exchange of information
- Identification and age assessment procedure
- Placement in first line reception centres
- Long – term solution
- Juvenile Court

# Interim results – National Level

- Placement in a shelter and identification (by 10 days)
- 30 days after the first placement



- Definitive accommodation: foster care or secondary centre

# Interim results – National Level

Identification procedure: involvement of cultural mediator and psychologists

Age assessment: non invasive methods and gender respect

Guardian appointment: Juvenile Court

Guardian assistance: exercise of rights (health care, access education, ets), legal representative, managing the asset

# Interim results – National Level

## Zampa Law

Some unresolved issue:

- Accomodation in 30 days
- Identification procedure
- Guardian's Register
- Foster care arrangement

# Conclusions

- Practical application of the legal discipline
- Need for monitoring the efficacy of the reform
- Interaction between key players
- State involvement
- Enhancement of guardianship and foster care

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*Thank you*