

Solitary underage asylum seekers in the Netherlands

Summary and conclusions

1 Introduction

This publication contains the main results of a study report entitled Alleenstaande minderjarige asielzoekers in Nederland (solitary underage asylum seekers in the Netherlands). An ama (an acronym for Alleenstaande Minderjarige Asielzoeker; solitary underage asylum seeker) is someone that comes at an age of 17 years or younger to the Netherlands as an asylum seeker, without guidance of a legally adult representative.

This project involves an inventory research of the situation preceding the implementation of the new ama policy of January 2001. The consequences of this new ama policy will not be analysed in this survey.

Contents of this study

The objective of this study is to provide insight in:

- The influx of amas into the Netherlands;
- Developments and trends in this influx;
- Similarities and differences compared to the situation in other European countries;
- The amas' motives to flee their home country;
- Education position and school career of the amas in the Netherlands;

Research design

The study consists of three separate parts

1. *Analysis of the influx of amas into the Netherlands and 13 other EU countries.*

The influx has been charted quantitatively with data from the IND (the Dutch immigration and naturalization service). Furthermore, information on the ama policy in the Netherlands and in other EU countries has been gathered through interviews and a quick scan of the available literature.

2. *Charting the motives of amas for fleeing their own country of origin and/or coming to the Netherlands*
The motivation for fleeing the country of origin and/or coming to the Netherlands has been studied through a file analysis. A sample survey of 552 files, divided over the top nine ethnic groups with the highest influx rate of amas between 1998 to 2000, has been conducted.
- 3 *The education position and school career of amas*
The present study is to give insight in factors that influence the education position of the amas and to show possible solutions for problematic aspects. This should lead to a representative outcome and give a reliable and complete overview. A postal survey has been conducted among 700 guardians. In total these guardians are responsible for 3000 amas. For 1770 amas the guardians returned the questionnaires. The guardians provided data on the topic of background characteristics and school career of the amas.

2 The influx into the Netherlands

Highlights of the ama policy until January, 2001

The policy on amas, as it has been effective since 1992, corresponds, to an extent, with the general asylum policy, but is different on some aspects, because amas are minors. Like adult refugees, amas are first assessed whether they qualify for a refugee status (A status), whether they qualify for a residence permit on humanitarian grounds (VTV), or if they qualify for a temporary residence permit (VVTV). If an adult refugee does not qualify for any of these three statuses (A status, VTV or VVTV) they have to leave the country. Minors, however, are offered extra protection. They are allowed to stay in the Netherlands if there is no sufficient care in their country of origin. These amas receive a VTV-ama status. This status is valid for a period of one year, and it can be extended for a period of one year twice. After three years the ama is entitled to a regular VTV status.

All amas, under the age of 17,5 who come to the Netherlands are placed under guardianship as quickly as possible. The guardian provides in the care and education of the ama conform the ama's abilities. The guardian does not guide the ama on a daily basis. The guardianship is terminated as the ama turns 18, if the guardianship is passed on to a (foster) family or when the ama leaves the country.

The responsibility of the care for the amas is divided. The COA (Central Orgaan Opvang Asielzoekers; a central body for the care of asylum seekers) provides the

early shelter and 'Stichting de Opbouw' (now Stichting Nidos) provides boarding in the second phase. There the amas are given the daily care by contract partners. The care model is age-related. It is intended to provide all amas a foster home, but this turns out to be impossible for many. Amas under the age of twelve are placed in a special refugee centre. At first amas of the age between 12 and 16 are placed in a refugee centre with special ama relief as well. If possible, they will be subsequently taken care of at a commune for children (KWE) or a small living unit (KWG). Amas of the age of 16 or 17 will be placed in one of the youth units of the AZC, before they are transferred to a KWE, an autonomous living or secondary care within the AZC.

Ama influx in the period of 1998-2000 almost doubled from 3500 to 6700 amas

The total influx of asylum seekers varies. In 1999 more asylum seekers came to the Netherlands than in 1998, whereas the number of asylum seekers decreased in the year 2000.

The same fluctuation does not occur in the amount of amas that came to the Netherlands. In the influx of amas a clear rise can be distinguished from 3504 amas in the year 1998 to 6705 in the year 2000. There is also a relative rise in amas that came to the Netherlands the last couple of years. In the 1998, 8 percent of the asylum seekers were an ama, in the year 2000 this percentage had risen to 15 percent.

The ama influx is primarily from a small group of countries

A second important outcome is that the majority of the ama influx comes from a small group of countries. In 2000, 53 percent of the amas came from four countries (Angola, China, Sierra Leone and Guinea). The ten countries from which the most amas originate, provide no less than 75 percent of the ama influx. In the years between 1998 and 2000 hardly any mentionable fluctuations in the list of top ten countries of origin occurred. The only difference is that Ethiopia disappeared out of the list and Togo entered this list in 1999. The large rise of amas from China, Sierra Leone and Guinea that fled to the Netherlands is striking.

Of nine out of these ten countries the influx of amas rose in this period between 1998 and 2000. Only the influx of amas from Somalia decreased in this period. Of seven countries the rise in influx was not only absolute, but also relative, for the percentage of amas on the total refugee influx increased as well. This is not the case for Sierra Leone and Guinea: the influx of these countries has risen, but compared to the total amount of refugees from these two countries the relative number of amas decreased.

Three quarters of the ama influx are boys, often 15-17 year old.

The majority of the amas that have fled to the Netherlands are male and relatively often between 15 and 17 years old. This is particularly true for amas from Afghanistan, Iraq, Yugoslavia and Turkey.

The difficult situation in the respective countries of origin provides (a part of) the explanation

The fact that there is a high influx of amas from a limited number of countries can be explained in several ways. First of all large groups of people, including amas, could be forced to leave their country because of certain situations. The high percentage of amas on the total number of refugees can indicate a situation that is particularly dangerous for children. In, for instance, Sierra Leone and Guinea children are 'recruited' and deployed as child soldiers. This could also explain the high percentage of 15 to 17 years old boys, for they are obviously the first to be recruited. The fact that the influx from these countries is continuously high, could indicate that in the last couple of years successful travel routes have been created.

Attracting effect of the Dutch ama policy and implementation is not unimaginable

A second possible explanation is the attracting effect of the Netherlands as a final destination. It can be that the Netherlands, as a western nation, are in general attractive, but it is also possible that the Dutch asylum policy, or even more specific the ama policy, is a pull factor as a consequence of the fact that amas in many cases stayed in the Netherlands for a long(er) period of time.

The number of approvals of asylum applications of amas decreased in the period between 1995 and 1999

In the study the available data on the approved and denied asylum applications of amas, who came to the Netherlands in the period between 1995 and 1999, have been presented. It became clear that the situation of the 1995 and 1997 cohorts vary from the numbers of 1999.

The number of approved applications in the first instance for the 1999 cohort decreased significantly compared to the 1995 and –especially- the 1997 cohort. This is also true for the amount of granted applications after appeal. 17% of the appeals in the 1995 and 1997 cohorts have been granted. In 1999 4% percent of the amas that appealed were granted a status. It has to be mentioned that some appeal cases of amas that came to the Netherlands in 1999 have not yet been settled. In other words there

has not been made a decision in these cases. But even after correction of the pending cases, the number of granted appeals is less than the ones of 1995 and 1997.

Three possible explanations for this decline

The data alone does not make completely clear why the situation of 1999 is so different from the situation of the 1995 and 1997 cohorts. A variety of explanations is possible. The first explanation can be found in the Dutch legislation. The change in country policy of 1998, is a possible explanation for more rejections of amas from countries that, from then on, were considered safe. Another possible explanation is the changing climate concerning refugees, including amas. The changes in policy, as they were effective since 2001, were preceded by a change in attitude towards the influx of amas and small adjustments. Finally, it is possible that – as a consequence of the change in climate- more and or better instruments have been used to detect abuse.

Investigations into the age of amas indicate that abuse is far from common

Since 1999 the Justice Department conducts investigations into the age of amas in case of doubt. In the year 2000, this investigation was conducted into 2366 of the 6705 amas. Of them, 991 (42%), turned out to be over 18 years old, and thus pretended to be younger than they were. In terms of the total ama influx in 2000, it was ascertained that 15 percent of the amas abused the ama procedure. So there is no evidence that such abuse of the ama procedure is common practice.

6.3 The influx of amas and the EU policy on amas: results of a quick scan

No (comparable) data on the influx of amas in other EU countries available

As mentioned before the 1998-2000 period showed a significant increase of influx of amas. An explanation could be found in the possibility of existing organized travel routes from a select group of countries, from where amas travel to the Netherlands. The reason why these amas chose the Netherlands did not become entirely clear. An important question is whether the Netherlands or the Dutch ama policy is specifically attractive. In order to answer this question, thirteen other EU countries have, as a comparison, been involved in this study. Information on the size of and trends in influx as well as information on the ama policy and its implementation in these countries were collected through a quick scan.

Unfortunately, a numerical comparison of the influx of amas into the Netherlands compared to other EU countries turned out to be impossible. The mutual methods of registration and definitions differed too much to make a comparison possible.

Furthermore it is virtually impossible to obtain data on the influx of refugees from other countries.

The official ama policy is an exception in the EU

Information on the care and guidance of amas on the other hand *was* collected. This comparison made clear that the Netherlands are unique in expressing an explicit policy on amas. The other 13 EU countries do not have such an explicit policy. Some countries have no need for such policy, due to the limited influx of amas. The amas that do come to that country are being cared of and guided. Almost all other EU countries have expressed, within the regular asylum policy, certain exceptions and special facilities for solitary underage asylum seekers.

There are no significant differences between basic principles and definitions of the Netherlands and other EU countries.

In most of the studied countries the amas must leave the country in case they do not qualify for a refugee or other residence status, but in most countries the amas are allowed to stay (or their stay is tolerated) when there is no sufficient care for them in their country of origin. The definition of sufficient care can vary from country to country and sometimes even within a country. Most countries define the presence of parents or close family as sufficient care. The Netherlands used this same definition until January 4, 2001.

In the Netherlands an underage asylum seeker is considered solitary when he or she is not accompanied by one or both parents, an adult family member, an adult husband or wife or another legally authorized adult representative. Most other EU countries use the same definition. The keyword is always legal guardian or representative. In Ireland and Austria a broader definition is used. These countries not only recognize legal representatives, but also representatives by custom. The distinction made in Luxemburg and Portugal is not entirely clear: the underage asylum seeker is considered solitary when he or she is not accompanied by close family. Since January 2001, the Netherlands use a broader definition of what is considered solitary as well. Since then the company can be legal or by custom: someone present who will take care of the ama.

Most countries do not use the concept of 'independent living' as a criterion. In the Netherlands the use of this criterion was introduced in January 2001. Since then, this criterion has become a rather strict aspect of the ama policy, especially compared to other EU countries. In most countries amas are either allowed to stay, or at least tolerated until they turn eighteen.

It is known that in Belgium, Germany and Austria amas of sixteen years and older are considered able to live independently in their country of origin. It is unknown whether these amas are actually expelled or forced to return to the country of origin.

There are also no great differences in the implemented asylum procedure

Amas can be refused entry at the border, by law, in all studied countries. In most countries the amas have to apply for an asylum themselves, regardless of their age. There is an age limit in the Netherlands (12 years), Germany (16 years), France (16 years) and Austria (14 years). If the ama is younger, a legally authorized person must file the application. This state-appointed guardian represents the ama throughout the asylum procedure.

Even though no country, but the Netherlands has an ama status as such, the assessment procedure in the EU countries is quite similar. First of all it is assessed whether the ama qualifies for a regular residence permit or refugee status. If they do not qualify, it is ascertained whether there is sufficient care in the country of origin. If there is no sufficient care, the ama is often granted a residence permit on humanitarian ground. In other countries, for instance Germany, Greece and Ireland, the ama is merely tolerated. The ama does not receive a status, but is allowed to stay. Only in the Netherlands, England and Denmark a temporary status can be adjusted to a permanent one. There is little information on the return policy in the other countries. It seems that in these countries as well, many amas do not return to their country of origin when they turn eighteen.

Most countries provide special care, especially for the youngest amas.

In most countries the amas are placed under custody of a guardian. In Denmark, Greece, Austria and Ireland this only occurs when it is considered strictly necessary. Belgium, England and Portugal do not provide in guardianships.

Most countries have a special shelter for underage asylum seekers. This shelter is often a section or unit within a regular refugee area. Most countries specifically try to provide the youngest amas special and adequate care. Amas of sixteen years old or older are often placed in a regular centre.

Is the possibility of a permanent residence permit, enough to create an attracting effect?

As previously stated, an important purpose of this study is to compare the ama policy of the Netherlands to the policy of the other EU countries, to ascertain whether the

Dutch policy is to such an extent different that it has an attracting effect. The only possible existing difference in policy that could have such an attracting effect is the possibility of acquiring a permanent residence status after three years. This adjustment to a permanent status is only possible in the Netherlands, England and Denmark. It already became clear that, until 2001, these countries appear to have a relative large influx of amas.

4 Motives

In order to be able to answer the question why amas chose the Netherlands as their country of destination, this study dealt with the motives of amas to leave their country and to come to the Netherlands. Furthermore possible differences in motives of amas from different countries of origin have been studied.

The outcome is a result of an analysis of the IND files

The data on the motives have been collected from the IND files. A sample 522 files, spread over the nine ethnic groups with the highest influx rate, has been studied. The files were drawn from the IND files with the influx data of 1998, 1999 and 2000.

The source of the information must always be kept in mind during the analysis of the data. The information from the files was originally collected in order to make a decision on the asylum claim. The information may not be entirely accurate, because of the stakes involved for the ama. Furthermore the account of the IND interview can distort the truth as well.

Agents often play a decisive role

It can be concluded from the information from the IND files that the journey to the Netherlands was (reasonably) well organized. It seems that amas have hardly any influence on the final destination or the journey itself. It is striking that agents made the arrangements for the journey and the decision to seek refuge in the Netherlands for a majority of the amas.

Threatening situations in the country of origin are often the most important motive to flee.

In general, amas flee their own country because they fear war, death, abuse or arrest. Another important motive is that there is no one (left) to take care of them in their

country. For one segment of this group, especially amas from the People's Republic of China, this is even the most important reason.

Amas often end up in instead of consciously choosing the Netherlands

The files make clear that for a majority of the amas, the Netherlands were not an explicit choice of destination. 73 percent of the amas came here by chance. In other words the asylum seeker did not make a deliberate decision to come to a specific country. It is far more recurrent that this decision is made by an agent or someone with an agent's abilities. Therefore their motive to flee to the Netherlands is considered to be by chance. If an ama has made a deliberate decision to flee to the Netherlands, it is often because family members, friends, acquaintances or compatriots are already here. The Dutch asylum procedure or political environment is hardly ever mentioned by an ama as a motive.

Besides the possibility of a permanent residence permit the long-lasting asylum procedure may have an attracting effect.

This information combined with the fact that there is not much difference in the asylum policies in the EU countries, could indicate an attracting effect of Western nations in general, instead of a specific Dutch attracting effect. This argumentation is plausible for individual asylum seekers, but it is uncertain whether this is also true for agents. They could possess information or have specific reasons to send amas to the Netherlands. The question remains why these agents specifically chose the Netherlands. It is possible that the Netherlands are considered the final destination of a successful travel route –for amas are often in the Netherlands for a long period, because of the lengthy procedure and the possibility of a permanent residence status. It has to be mentioned that the fact that someone applies for an asylum does not say anything about the legitimacy of the claim as well as the existence and use of travel routes must not be mistaken for abuse.

5 Education position of amas

Information on 1770 amas from 808 guardians was collected. The largest groups of amas originate from Angola (16%) and China (14%). Almost one quarter of the amas come from West Africa, especially from Guinea (10%) and Sierra Leone (9%). There is also a substantial group from the countries of the African horn, especially from Somalia (12%), but also from Sudan (4%) and Ethiopia (2%). Under the 1770 amas there are clearly more men (70%) than women (30%). The majority of the amas (53%) was fifteen years old or older at their arrival in the Netherlands. Only 14% of the amas was under the age of 10, when they came to the Netherlands. At the end of

this survey (01-07-2001), almost all amas were fifteen years old or older: 46% was between the age of 15 and 17, 41% was over 18 years old. The majority has been in the Netherlands for less than two years.

Most amas are low-educated when they arrive in the Netherlands

The level of education the amas received in the country of origin is not high. Over three quarter of the refugees has had no education (24%) or has had an education that was described by the guardians as 'poor' (55%).

Many amas, especially those that came to the Netherlands at a relative old age, come across difficulties at the beginning of their education in the Netherlands.

The level of education of amas in the Netherlands is not high as well, at least until now. This is primarily because the education of many amas (47%) is basic and it is first of all dedicated to language acquisition (through primary care, ISK (internationale schakelklas; international transition class) and language education). The majority of these amas have been in the Netherlands for less than two years. Amas that have been here longer, have more often moved on to 'regular' education on a higher level. It is striking, however, that relatively many amas that have been in the Netherlands for over a year are still following education on a basic level, or are still attending ISK or language education. Another eye-catching characteristic of the education position of amas is that a large group of the amas that was over fifteen years old when they arrived in the Netherlands still needs basic education. This is especially true for amas that live within a refugee centre (AZC). They often do not attend school beyond this primary level and they hardly receive any –at least not enough- support.

Based on the conversations with key informants and the existing literature, several clusters of factors that (negatively) influence the school career and/or education position of amas, have been identified.

Bottlenecks in the education organization influence the education position of the amas

According to the literature and the informants, many bottlenecks in the education of amas have their origin in the education organization. The constantly fluctuating efflux and influx of amas, the heterogeneity of the group, the size of the group, the length of stay in primary care – and related to this-the participation in regular education, (the lack of) collaboration between teaching institutions and the presence and the support of older amas (between the ages of 15 and 18) were mentioned.

There are also a number of obstructions in the education organization mentioned by the guardians. The fact that amas have to change schools when they transfer, the waiting lists and the limited possibilities for amas to follow regular education are considered obstructing by 16% of the guardians. Another 12% believe that the teaching institutions are not designed to teach amas and that the teaching institutions lack a clear structure in their care.

The content of the education for amas is not in tune with their needs

The literature and the informants also indicated that a major bottleneck in the content of the education for amas is a lack of unity in this education, created by the absence of clear formal terms. Furthermore, not enough teaching materials have been developed especially for amas and the level of education and the possibilities for specialization are not in tune with the amas' needs. The guardians' answers do not completely support these claims. According to them a majority of the amas has ample educational tools and supplementaries and a large group of amas have access to a decent study environment. The guardians also stated that more than half of the amas is taught with the help of teaching methods that were specifically designed for this target group. The level of education, however, is a concern for many guardians, as 16 percent of the guardians consider the level of education to be too high and another 16% believe that the level is not high enough. Finally ten percent of the guardians pointed out a lack of specialization in the education for amas and 17% stated that the education does not fully take the needs/desires/preferences of the amas into consideration.

Guardians: 'many amas are motivated when they begin their education'

The guardians evaluate the school achievements and the motivation of a large group of amas as positive to very positive. A minority of the amas does not achieve well at school or is not motivated. The guardians observe changes in the achievements and motivation of amas during their school career. Many amas improve their school achievements (35%), but a number of amas show deterioration in their achievements. According to the guardians 45% of the amas underwent a change in motivation: 21% improved their motivation, whereas 24% lost (part of) their motivation.

Possible causes for improvements are an amelioration in the personal situation of the ama or that the ama was granted a permanent status. Possible causes for deterioration in achievements or motivation are a lack of perspective and being 'tired of school.'

The outcome of the questionnaire also demonstrates that the achievements and motivation of male amas that have come to the Netherlands at a relative old age and who (still) live in an registration centre or refugee centre are relatively often mediocre

or worse, and this often only deteriorates during their school career. In the absentee numbers this same group stands out as well.

Uncertainty about their status hinders the school career of amas

The outcome also demonstrates that uncertainty about their status influences the school career of amas negatively. The type of care an ama receives is also influential. It has already been mentioned that especially amas who live in a registration centre do not perform well at school. They often lack sufficient counselling, they often have less access to the right educational tools, supplementaries and a decent study environment and they relatively often lose their interest in education. The guardians pointed out that an improvement in the social situation is an important cause for an improvement in the achievements at school and motivation. The same is true the other way around.

Not enough support for social-emotional problems is also a hindering factor

A great amount of amas has, according to the guardians, trouble concentrating, and that hinders their achievements and motivation at school. The guardians also indicated that the achievements and motivation decreases because of psychological problems and that amas refrain from attending school due to emotional problems.

Especially amas who came to the Netherlands at an older age –which is the majority of the total group of amas- stick to basic education.

All in all it can be concluded that amas that have arrived at a younger age come across difficulties and bottlenecks, but, through sufficient support and assistance and proper teaching material, they are reasonably able to move to regular education and a decent level of education.

This is not the case for amas that have come to the Netherlands at an older age. This group remains at basic education for a long time, if not forever. Hardly any amas from this group moves on to regular education. Due to the repetitive curriculum the motivation decreases, which results in deteriorating achievements in school and an increase in non-attendance. Especially amas from registration centres do not receive the counselling and support outside the school that could (possibly) improve their motivation.