



**Determining the Best Interests of
Unaccompanied and Separated Children:
Lessons from Guinea**



**Determining the Best Interests of
Unaccompanied and Separated Children:
Lessons from Guinea**



International Rescue Committee

September 2007



International Rescue Committee
Child and Youth Protection and Development Unit

Determining the Best Interests of Unaccompanied and Separated Children: Lessons from Guinea

Copyright © September 2007
By International Rescue Committee
All Rights Reserved.
Printed in the United States of America
Email: children@theIRC.org
www.theIRC.org

Cover Photograph © International Rescue Committee (Guinea)

Mission Statement

Founded in 1933, the IRC is a global leader in emergency relief, rehabilitation, protection of human rights, post-conflict development, resettlement services and advocacy for those uprooted or affected by conflict and oppression.

Table of Contents

A. Acknowledgements	2
B. Abbreviations	3
C. Definitions	4
D. Executive Summary	5
E. Overall Background to the BID/DS Process in Guinea	6
F. Recommendations based on Lessons Learned	8
I. Overall Recommendations	8
II. Inter-Agency Structure that needs to be set up to make BID/DS Decisions	10
III. Case Submission, Assessment and Decision Making Process	12
a. Submission of Cases	12
b. Assessment of Submitted Cases	14
c. Reaching a decision	16
IV. Implementation of Decisions	18
G. Appendices	21
I. Resources and References	21
II. Sample Documentation	22
a. Standard Operating Procedures	24
b. Undertaking of Confidentiality	28
c. BID form from Interagency Database Consortium	29
d. Child History and Current Situation Report Form	30
e. UNHCR BID Assessment Form	35
f. Decision Form on the Best Interests of the Child	39
g. Joint Case Verification and Handover Statement	41

Acknowledgements

Igor Vorontsov, IRC Guinea Durable Solutions Advisor, and Stephen Hanmer, IRC Child Protection Technical Advisor, wrote this report with support from Jane Warburton, Director of the IRC Child and Youth Protection and Development Unit. Diksha Mudbhary-Sitaula, IRC Child Protection Manager, provided editorial assistance and coordinated report production. The IRC Guinea program played a key role in supporting the development of the report. In particular, IRC Country Director Kamel Maina and child protection staff Paul Kargbo, Seidou Diabateh, Sall Abdoulaye, and Jennifer Klein. IRC West Africa Regional Director, Paul Taylor, also played a key role supporting the development of the report.

In preparing this report, the IRC extensively consulted and received feedback from its partners in Guinea and within the sub-region (UNHCR, UNICEF, ICRC, and the Guinean Ministry of Social Affairs). The IRC also received feedback from UNHCR staff in Geneva, including UNHCR's Senior Advisor for Refugee Children, Ron Pouwels. Most of the ideas communicated in this document originated from the discussions during Durable Solutions Committee (DSC) sessions in Conakry, working group discussions in N'Zerekore, group discussions by email, and bi-lateral meetings. Agencies also provided feedback both in writing and by telephone. Written feedback was either provided directly by field offices or compiled and submitted collectively by regional staff. A continuous consultative process was in place within the IRC itself and the IRC/Guinea Unaccompanied Minors (UAM) team provided a major contribution to the discussion.

The IRC wishes to thank the UNHCR, ICRC, Guinean Ministry of Social Affairs and UNICEF for contributing their insights as well as a private foundation and ECHO (Humanitarian Aid Department for the European Commission) for providing funding for the project.

Abbreviations

DS	Durable Solutions
BID	Best Interests Determination
BID Guidelines	UNHCR Guidelines on Formal Determination of the Best Interests of the Child (provisional release, May 2006)
DSC	Durable Solutions Committee, or any other form of a BID/DS interagency panel
UNHCR	UN High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
CRC	UN Convention on the Rights of the Child
IRC	International Rescue Committee
ICRC	International Committee of the Red Cross
IFRC	International Federation of Red Cross and Red Crescent Societies
MoU	Memorandum of Understanding
ToR	Terms of Reference
CPA	Child Protection Agency
FTR	Family Tracing and Reintegration
RSD	Refugee Status Determination
UAM	Unaccompanied Minors
UASC	Unaccompanied and Separated Children

Definitions¹

Durable Solutions: Throughout the report, the term ‘Durable Solutions’ is used as understood by the UNHCR, i.e. specifically as a refugee protection term. Other UN agencies and international organizations may sometimes refer to ‘durable solutions’, including for separated refugee children, having a broader understanding of the term (e.g., see recommendations by the UN Committee on the Rights of the Child in its General Comment No. 6)

Child, according to Article 1 of the CRC, is every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

The formal Best Interests Determination (BID) is a formal process with specific procedural safeguards and documentation requirements that is conducted for certain children of concern to UNHCR, whereby a decision-maker is required to weigh and balance all the relevant factors of a particular case, giving appropriate weight to the rights and obligations recognized in the CRC and other human rights instruments, so that a comprehensive decision can be made that best protects the rights of children.

Separated children² are those separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from their relatives. These may therefore include children accompanied by adult family members other than their parents.

Unaccompanied children (or **unaccompanied minors**) are children who have been separated from both parents and relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

¹ Excerpted from BID Guidelines (UNHCR).

² Throughout this document, the term ‘separated children’ refers to both unaccompanied and separated children.

Executive Summary

In most refugee situations the majority of separated and unaccompanied children are reunified with their families. However, a number of children always remain for whom tracing is unsuccessful despite extensive and comprehensive efforts. It is for these children that formal Best Interest Determination (BID) procedures are implemented to safeguard their rights and identify the most appropriate durable solution (voluntary repatriation, local integration, resettlement) to ensure their overall well-being.

This report provides some practical recommendations for the establishment and implementation of Best Interest Determinations (BID)/ Durable Solutions (DS) mechanisms for separated children, based on the BID/DS process in Guinea for Sierra Leonean separated children.

According to UNHCR's *Guidelines on the Formal Determination of the Best Interests of the Child* (provisional release, May 2006), ('BID Guidelines') "decisions to identify durable solutions for unaccompanied and separated children generally require a complex balancing of relevant factors and rights in each individual case. The inherent complexity of such a decision, combined with the fundamental and long-term impact on the child's life, require a formal BID procedure..."³ The BID Guidelines outline three situations in which a formal BID is required for children of concern to UNHCR⁴:

1. To decide on temporary care arrangements for unaccompanied and separated children in particularly complex situations;
2. To decide on the separation of a child from his or her parents against their will;
3. To identify durable solutions for unaccompanied and separated children.

Based on the BID experience for Sierra Leonean unaccompanied and separated refugee children in Guinea, this report focuses only on the third situation- identifying durable solutions for unaccompanied and separated children. The report is not meant to provide comprehensive recommendations, but rather to build on and complement UNHCR's BID Guidelines, which serve as the primary methodological framework on formal Best Interest Determinations and Durable Solutions for unaccompanied and separated children.

A key lesson from the Guinea experience is the importance of setting in place a formal BID process from the beginning of an emergency. This process should not operate in a vacuum, but rather work within the framework of an overall Unaccompanied and Separated Children programming strategy. It is also essential to ensure the involvement of relevant child protection agencies and provide adequate capacity building support.

³ Page 15, BID Guidelines (UNHCR).

⁴ Page 11, BID Guidelines (UNHCR).

Overall Background to the BID Process in Guinea

Since 1999, the International Rescue Committee (IRC) has taken a lead role in family tracing, reunification, and protection and care of separated refugee children in Guinea. Wars in neighbouring Liberia, Sierra Leone and Ivory Coast forced thousands to flee to Guinea in the course of which many children became separated from their families. Over the years, the IRC, in collaboration with partner organizations, supported the protection, tracing and family reunification of more than 5,000 children. Although the majority of these children were reunified with their families, there were a number of children for whom family tracing was unsuccessful even after repeated and comprehensive tracing efforts.

In 2003 the IRC organized an assessment into the situation of the remaining identified Sierra Leonean separated children, for whom family tracing continued to be unsuccessful. This precipitated the start of a BID process for durable solutions, including procedures and criteria for submission and consideration of cases. The situation for the Sierra Leonean separated children that remained in Guinea became particularly critical as the official repatriation of the vast majority of Sierra Leonean refugees was completed by UNHCR in December 2004. It therefore became necessary to design mechanisms to respond to their specific needs and identify safe durable solutions for these children and youth on a case by case basis.

In March 2005, a panel of child protection experts came together under the name of the “Durable Solutions Committee” (DSC). The Committee included UNHCR in a leadership role, the Ministry of Social Affairs of Guinea, UNICEF, ICRC as an observer, and IRC as the facilitator and lead operational partner.

As an outcome of continuous exploration by the group in Guinea, the following eligibility criteria were formulated and agreed upon: “Cases of refugee and IDP children - recognized by the UNHCR as such, - who are unaccompanied or separated, and for whom Family Reunification is not an available nor foreseeable option, may be submitted to the BID/DS Committee (*or such interagency panel as agreed by partners*).” The BID/ DS Committee generally met twice a month and focused mostly on unaccompanied children although it also took into account a few cases of separated children.

An overall key challenge of the Guinea BID/DS process was that it took place as the UNHCR BID Guidelines were being developed, therefore requiring a significant amount of ‘learning by doing’ rather than having clear procedures and structures in place from the beginning of the process. This challenge was reflected, for example, by the duration in between submission of cases and decisions of up to 6 months when the process began in 2005 to an average of 1 month by the end of 2006 when procedures were set in place.

The Durable Solutions Committee analysed individual cases and examined the available options for durable solutions including return to Sierra Leone, local integration in Guinea or, exceptionally, resettlement in a third country. The analyses and recommendations were based on information about each case: the child’s wishes, views and articulated needs (depending on the age and maturity of the child), identity and history of the child; current protection and social support needs, care conditions, and educational and economical opportunities.

107 cases (41 girls and 66 boys) were formally submitted for consideration by the BID/DS Committee in Guinea. Out of the 107 cases submitted, 46 decisions were made for local integration, 24 decisions

for repatriation, and 1 decision for resettlement (the resettlement decision was later reversed to local integration following internal deliberations within UNHCR). 36 cases were ‘closed’ by the DSC after positive tracing results between children and their families.

As described above, the majority of decisions made were for local integration with fewer decisions made for voluntary repatriation and only one decision made for resettlement. The main reason for the greater emphasis on local integration was due to the long stay of the children in Guinea coupled with less reintegration support services available in Sierra Leone as a result of the end of official repatriation support two years earlier. By the time the BID process was undertaken it had already been two years since the official end of UNHCR assisted repatriation for Sierra Leoneans in Guinea, thereby minimizing available support services for returnees.

The late implementation of the BID/DS process also raises the very real possibility that a significant number of separated children did not benefit from a formal BID process during the years prior to its implementation in 2005. Prior to 2005, a significant number of separated Sierra Leonean children likely returned to Sierra Leone without the additional safeguards of the BID/DS process.

Recommendations based on Lessons Learned

I) Overall Recommendations

As a prerequisite, establish effective overall unaccompanied and separated children (UASC) programs based on the Interagency Guiding Principles on Unaccompanied and Separated Children:⁵

- It is essential to implement overall effective UASC identification, documentation, tracing, and reunification procedures from the beginning of an emergency. The BID/DS process should not operate in a vacuum, but rather work within the framework laid by an overall UASC strategy that should include the establishment of individual case files. Documentation gathered during normal UASC programming, like during the monitoring of care arrangements, can provide necessary information for potential future BID/DS procedures. It can also help to speed up and simplify the BID process.

Start BID/DS Process as early as possible:

- The UNHCR Provisional Guidelines require that a BID be undertaken as early as possible and not later than two years from the moment a separated child has been identified.⁶ Although a reasonable amount of time needs to be given for tracing since tracing results are key to determine the most appropriate durable solution, there may be situations when the BID/DS Process can begin immediately, such as when parents/relatives are definitively established to be dead or when reunification with identified parents can be definitively established to not be in the child's best interests⁷. Such situations would be established through an initial assessment that could establish if a formal BID procedure should begin immediately.
- The BID/DS Process in Guinea began too late- after official repatriation had ceased and, in many cases, after significantly more than 2 years of negative tracing. The late implementation of the BID/DS process also raises the very real possibility that a significant number of separated children did not benefit from a formal BID process during the years prior to its implementation in 2005. Prior to 2005, a significant number of separated Sierra Leonean children likely returned to Sierra Leone without the additional safeguards of the BID/DS process.

⁵ Interagency Guiding Principles on Unaccompanied and Separated Children (UNHCR, UNICEF, ICRC, IRC, Save the Children (UK), World Vision International; January 2004)

⁶ "In all cases, a BID shall be undertaken by the Office within two years from the moment an unaccompanied or separated child has been identified." Page 17, BID Guidelines (UNHCR).

⁷ Note that the process in Guinea did not include any cases involving BID decisions that decided against reunification of children with identified parents.

Continue family tracing until there is a definitive finding or the child reaches the age of 18:

- Family reunification generally qualifies as the best solution for separated children. There were a few instances in Guinea where during the BID/DS Process children's parents were traced and the children reunified. While tracing is ongoing, a BID/DS process can determine the interim care that is in the child's best interest, which could include a conditional statement that if tracing continues to be unsuccessful, the care could be considered a satisfactory potentially permanent care arrangement.

Ensure relevant agencies are involved, pertinent staff hired, and adequate advance capacity building:

- Capacity building should focus not only on knowledge but also on necessary skill-sets and attitudes. Relevant capacity building methodologies, such as workshops, on the job training, supervision should also be included. Relevant topics include:
 - Establishment and implementation of the BID/DS mechanisms
 - Refugee protection standards and protocols
 - Durable Solutions (Voluntary Repatriation, Local Integration and Resettlement)
- Agencies conducting BID assessments should receive adequate training and support on working with children and effective child friendly interviewing techniques.

Ensure government capacities and services are supported in both the country of asylum and origin so that sustainable support can be available for locally integrated and returnee children:

- There is significant potential positive impact of comprehensively involving local authorities. Government officials need to be meaningfully involved throughout the repatriation and reintegration process to build capacity of public servants, add legitimacy to the activities of the non-governmental actors, and ultimately increase chances of sustainable and lasting durable solutions. For example, records and documentation on children and their needs could be shared with the government and the cases formally handed over to the government once NGOs close the project (this would require consent from the individual concerned). Handover of cases would depend on the status of a child. For example, in the case of refugee children, cases may need to be handed over to UNHCR. It would also be necessary to review cases to avoid handing over cases to government authorities that could put children at-risk.⁸

⁸ See Appendix II g for a sample Case Verification and Handover Statement between IRC and Sierra Leone Ministry of Social Welfare and Gender for cases that voluntarily repatriated. It would be helpful if there were a UNHCR standard global policy on what to do with files of children, whose cases have been closed.

II) Inter-Agency Structure that needs to be set up to make BID/DS Decisions

The exact structure, mandate and membership of a BID/DS panel will depend on the context and circumstances on the ground, and most importantly, on the protection needs of the children in question.

For cases under the “direct care”⁹ of UNHCR, UNHCR should take the lead role with the recommended participation of the host government (ideally the government entity responsible for child protection), UNICEF, and key UASC implementing agencies:

- The roles of the host government and UNICEF are key as they relate to local integration issues. In the case of Guinea, the BID/DS Interagency Panel included UNHCR in the leadership role, the Ministry of Social Affairs, UNICEF, ICRC as an observer, and IRC as facilitator and lead operational partner.¹⁰

Ensure all participating agencies have a clear understanding of the BID/DS procedure and their roles within the process:

- Clarify leadership roles and responsibilities, including decision-making protocols. Standard Operating Procedures should be developed by all involved agencies that clearly outline mutual responsibilities, procedures, and communication protocols.
- Appendix IIa provides a sample of the Standard Operating Procedures developed in Guinea toward the beginning of the process in 2005. During research for this report, DSC members agreed that these Operating Procedures were not specific and comprehensive enough and lacked clearly outlined mutual responsibilities, procedures, and communication protocols. For example, discussions in Guinea about who would sign DSC letters to the government and which logos would be affixed revealed a larger confusion about who represented the DSC/ spoke for the DSC in public.

Ensure each participating agency internally discusses its participation on the BID/DS panel and resulting commitments:

- The experience in Guinea showed how essential it was for each participating agency to internally discuss its participation on the BID/DS panel and to pay specific attention to the resulting commitments. Agencies could, for example, issue internal instructions and guidance documents (agency-wide or departmental operating procedures, protocols, ToR, work-plans) that would clearly

⁹ The “direct care” term is taken from the BID Guidelines. It may be useful to perhaps use another more precise term clarifying that this situation relates to when responsibility for unaccompanied and separated children has been delegated to UNHCR.

¹⁰ Note on role of ICRC: ICRC’s special contribution into any protection network dealing with children affected by armed conflict must be recognized and actively sought, particularly its expertise in family tracing. ICRC tends to exercise caution when considering joining interagency bodies, associations, or networks and in the case of Guinea preferred to have an observer role even though their input was a very significant one. This may lead to awkward situations in the event of an ICRC disagreement with other member-agencies given that ‘observers’ usually would not have voting rights, except to raise an advisory voice. It is recommended that ICRC clarify its participation within an interagency BID process.

explain to staff if, how, and when to interact with the BID/DS panel, and what would be the lines of accountability for any deliverables to be provided to the interagency panel. Agency representatives should need to have reasonable decision-making power within the agency, granted by their management, and they should be able to speak on behalf of the agency.¹¹

The panel is first and foremost intended to be a multi-disciplinary panel, which will likely necessitate an interagency body:

- The idea is for members to decide based on their knowledge, not represent an agency position. There should be a limited number of staff members who are authorized to represent an agency on the panel in the capacity of regular representatives and it is essential these representatives have the adequate expertise and competence. Agencies would be expected to always send one of its regular representatives to attend sessions of the BID/DS panel.

Establish a clear process for the implementation of the BID/DS Interagency Panel decisions including plans for regular follow-up on the status of implementation of the decisions issued by the panel:

- The panel's function could be viewed as comprising two distinct steps towards a Durable Solution: 1) reaching a decision and 2) monitoring and reviewing the status of implementation by the responsible agency.

¹¹ If a representative does not have reasonable decision-making power within the agency and is not sure as to the position of his/her management on an issue (e.g. in case of entering a commitment to something on behalf of the agency), such member would be expected to make a phone call or to request that the decision on the matter be postponed until the next meeting.

III) Case Submission, Assessment, and Decision Making Process

The submission, assessment, and decision making process is the core of the BID/DS process. As clearly articulated in the BID Guidelines, the determination of the best interests “requires a clear and comprehensive assessment of the child’s background, particular specific needs and protection risks, while analyzing this from an age, gender and diversity perspective. It is necessary to learn as much as possible about the child’s needs, affective ties, capabilities, interests, and also the capacity of the adults willing to care for the child. To achieve this, the formal BID shall be child-centered, gender sensitive, guarantee the child’s participation and not be hindered by technicalities...”¹²

Below are recommendations related to submission of cases, assessment of submitted cases, and reaching a decision.

a) Submission of Cases

Consider special cases of over 18 year olds:

In general, the BID/DS process should only apply to children.¹³ However, there are 3 situations in which the BID/DS process may be appropriate for over 18 year olds:

1) Children who reach the age of 18 while the BID/DS process is ongoing.

- Every effort must be made to ensure that a Durable Solution is found before a child reaches eighteen years of age. However, cases should not be automatically rejected from being reviewed by the BID/DS panel’s caseload just because they reach eighteen years of age. In the case of Guinea, the protracted nature of the Sierra Leonean refugee repatriation process coupled with at times imperfect and lengthy documentation and assessment procedures resulted in significant numbers of cases that reached adulthood while pending a decision. Most of these cases were considered by the BID/DS interagency panel, but UNHCR demanded a case-by-case review of each case and only considered cases below 21 years old (a total of 40 cases between the ages of 18-21 were considered).

2) Siblings of child cases

- Sometimes there could be young adults who are siblings of the child cases that could be considered within the BID/DS process. UNHCR’s provisional Guidelines also mention instances when young adults may be considered, such as young adults, who “may live together in groups with unaccompanied children and may share the same protection risks or may have arrived at the same time and share the same flight history”.¹⁴ Young adults, who serve as the primary caregiver for a child, could also be considered.

¹² Page 24, BID Guidelines (UNHCR)

¹³ “Children have needs and rights in addition to those of adults. Care must be taken to ensure that the specific needs, capabilities, and rights of children- girls and boys of all ages and backgrounds- are perceived, understood and attended to.” Page 8, BID Guidelines (UNHCR). Moreover, the BID Guidelines are an attempt to operationalise article 3 of the CRC, which applies to every human being under the age of 18.

¹⁴ Page 17, BID Guidelines (UNHCR).

- It is important to be aware that different procedures, especially related to resettlement, may not make it possible for certain cases to be grouped as one (for example countries of asylum requiring individual resettlement applications). Nevertheless it should be underlined that the best solution for siblings is to be together.

3) Extremely vulnerable adults

- There could be rare cases of adults, who although no longer children, may be extremely vulnerable and could be effectively assisted through the BID/DS process. It could refer to adults, who lack capacity to make decisions for themselves (for example adults with mental disabilities). The team in Guinea had considerable discussions as to what approach to take for cases over the age of 18. By the end of the pilot project, the group recommended that the cases of especially vulnerable young adults, aged 18 through 21, could be referred to the BID/DS panel and such cases would need to be treated as exceptions.
- The BID Guidelines limit cases that can be considered to 21 years old. However, it may be better to have criteria based on vulnerability and inability to make informed choices rather than age. There can be cases of over 21 year olds, who would benefit from a BID/DS process.
- Depending on circumstances of specific refugee/IDP crises, member-agencies could work out specific criteria for submission and procedural guidelines for considering cases of adults, but this potential caseload must not distract from the time and resources of the interagency panel from effectively processing the cases of vulnerable children.
- The BID Guidelines refer to the possibility of considering cases of persons over 18 years of age, but the partners in Guinea agreed that the wording utilized there - ‘aged-out children’ – should be avoided in the future because it could create confusion in communications and databases where a strict separation between those ‘legally-children’ and ‘legally-adults’ need to be maintained. One possible term could be “extremely vulnerable adults.”

Allow Fast-track procedures of groups of cases in very similar situations:

- The urgency of a protection context occasionally might present a challenge to process BID/DS formal procedure as fast as possible.¹⁵ Depending on careful situational analysis and taking into account the age and views of the children, such groups could benefit from a ‘fast-track’ BID/DS procedure. This may be the case during large scale voluntary repatriation. A detailed methodology would be required to ensure that ‘shortcuts’ would not put children at risk of being victims of unhelpful manipulations, abuse or other deprivation of their rights. Fast-track procedures were used in Guinea for voluntary repatriation but there were a few cases of children who returned to Guinea soon after repatriating due to limited support services in Sierra Leone and lack of effective communication/coordination between Sierra Leonean and Guinean inter-agency counterparts.
- This fast track procedure may become unnecessary once the BID procedure is firmly established and a BID should have been conducted for all UASC before any voluntary repatriation operation.

¹⁵ See page 17, BID Guidelines (UNHCR).

b) Assessment of Submitted Cases

Ensure a clear and comprehensive child-centered assessment:

- Agencies conducting assessments should receive adequate training and support especially on working with children and effective child friendly interviewing techniques. Agencies should also take all feasible measures to hire sufficiently qualified staff.
- It is important to ensure assessments take into account children's distinct and varied needs and evolving capacities. Children are not a homogenous group. It is important to recognize that children's needs and capacities will vary with age, gender, social circumstances, development stages, and ability and should be supported accordingly.

In conducting the assessment, the first step should be to gather existing documented information.

Based on the Guinea experience, the following three sources of information were viewed as key to determine the best interests of the child:

1) the views of the child (depending on his/her age)

- The BID Guidelines outline some of the information to be collected from the child, including:
 - details on the quality of the relationship between the child and others who cared for the child in the past;
 - the reasons for separation or those that give rise to the particular protection risk;
 - past experiences of the child that have an impact on the decision;
 - the child's views and fears with regard to the different options under consideration.¹⁶

2) the views of the caretaker or other 'significant adult'

- The BID Guidelines outline some of the information to be collected that will help determine the child's needs, attachments, coping strategies, and general well being, including:
 - duration and quality of caretaker's relationship with the child;
 - location and care arrangements of siblings;
 - views of persons close to the child with regards to fears, concerns, and wishes expressed by the child (information must be based on the knowledge of the interviewee, not the welfare officer);
 - information on areas in which there may be a possible conflict of interest;¹⁷
 - issues relating to the child's playing habits and interaction with other children and community members, and in the case of children in foster care, interaction with other children in foster families and with the foster parents; information on child's medical needs and history

¹⁶ Page 27, BID Guidelines (UNHCR)

¹⁷ For example, in Guinea, there were cases of caretakers manipulating children regarding material support received as well as manipulating them to seek resettlement with the hope they would also be considered.

- information on how the child is coping in school, able to concentrate during lessons and interacting with other children and teachers;
- information regarding flight, parents and the situation in the country of origin prior to the flight.¹⁸

3) Contextual Background

- The BID Guidelines outline some of the information to be collected, including:
 - information to determine the security situation in the various geographical locations, the existence of risks to the child's safety, and how the security situation is likely to impact the child;
 - information on the possibility of continuity in a child's upbringing and on the possibility for the child to maintain a link with his or her own ethnic, religious, cultural and linguistic background;
 - the availability and quality of health and other support services in the various locations. The assessment should be undertaken with particular regard to specific needs of the child;
 - information on the availability and quality of developmental opportunities, including education services;
 - information on customary attitudes and responses by the community to children in general, and unaccompanied and separated children in particular, prior to the flight as well as in exile and on the resources in the community to implement such responses. This includes the possibility of social integration into the community and the community's capacity to care for and protect children, particularly children with specific needs.¹⁹

¹⁸ Page 28, BID Guidelines (UNHCR)

¹⁹ Page 29, BID Guidelines (UNHCR)

c) Reaching a Decision

Develop decision making protocols:

- It is important to develop clear decision making protocols, including dealing with dissenting opinions.
- While there could be occasions when the panel would need to review an earlier issued decision (e.g. if new information becomes available on a case or if there is a significant change in circumstances), in all other instances each of the member-agencies would be expected to defend such joint positions as agreed by the BID/DS panel as a whole to ensure smooth implementation.

Develop a framework for ‘weighing’ key sources of information, including views of the child, caretaker, and other contextual background information:

- Although the views of the child (while giving due weight to his/her age and maturity) should be viewed as fundamental for any decision making, there were instances in Guinea when the panel decided against the wishes of children, including wishes of 16 and 17 year old children. This had specifically to do with cases that refused to consider any option other than resettlement, even after the panel decided resettlement was not in their best interest. Some cases had to be closed because children rejected any discussion other than resettlement. This applied mostly to older children and young adults, who had reached the age of 18 while the BID/DS process was ongoing.

Address the dilemma for decision makers around the relative merits of each durable solution that are both feasible and consistent with the CRC:

- All decisions should take full account of the desirability, in principle, of keeping the child as close as possible to the child’s community to minimize disruption in his/her educational, cultural and social life. Article 20 of the CRC states that “when considering solutions [for separated children], due regard shall be paid to the desirability of continuity in a child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background.” As such, a framework could be developed that sequences the decision making process to first consider voluntary repatriation followed by local integration and resettlement.

Determine within a timely manner when there is enough information to make a justifiable decision:

- A significant challenge is to determine when there is enough information to make a justifiable decision in a timely manner. As the BID Guidelines state, “decision-makers need to strike a reasonable balance between the necessity of making a swift decision on the best interests of the child and the need to ensure that a decision must be based on sufficient solid information”.²⁰
- In Guinea, the data-collection and deliberative processes under the BID/DS procedure were quite extensive and took significant time. The Guinea team tried to be extremely careful and exhaustive in the verification of facts but it resulted in considerable backlog of cases – sometimes to the extent that children completely changed their life circumstances and/or their views about what was best for

²⁰ Page 24, BID Guidelines (UNHCR)

them. Generally, the panel struggled to decide between the need to obtain complete and accurate information (including about the projected outcomes of the weighed BID/DS options) and the competing necessity to issue BIDs in a timely fashion. One solution could be to build in a quality control mechanism before the case reaches the panel, ideally within the child protection agency submitting a case (reflecting the importance of providing adequate capacity building support and resources to these agencies). This would prevent partners from spending time on a case that is not up to standard.

Ensure effective measures to safeguard confidentiality:

- Confidential treatment of children’s personal and sensitive information needs to be a paramount consideration during BID/DS proceedings. Data sharing protocols to safeguard confidentiality and a limit to the number of people who may have access to the distributed documentation need to be implemented (e.g. replacing the names of children with numerical codes). All people who attend meetings of the BID/DS panel or otherwise having access to the case files, regardless of their role and/or status, should sign data sharing and confidentiality agreements prior to joining any session of the panel. Data sharing and confidentiality agreements could be included into all MoUs signed within the framework of the BID/DS process and be part of Standard Operating Procedures.
- Develop criteria from the start on which cases should not be referred to the panel because of sensitive protection concerns. Reasonable concerns could exist about potential consequences of sharing information about sensitive cases with government officials. For example, cases of internally displaced child-combatants in countries with armed conflicts or in other contexts where the humanitarian protection imperative may come into conflict with other pressing considerations. In this situation, a child protection agency could propose, based on agreed-upon predetermined criteria, to have a general discussion on a case without disclosing any actual names or choose to refrain from submitting the case to the interagency BID/DS panel.

IV) Implementation of Decisions

- Although the BID/DS panel cannot take on the implementation role, in many contexts it will be helpful to review progress of implemented decisions through regular updates on cases by implementing agencies (for example, by the implementing agency informing the BID/DS panel if circumstances dramatically changed making the implementation of the chosen Durable Solution option no longer possible or appropriate).²¹
- Decisions should ensure that adequate psycho-social support is provided and that the child will have access to education and/or skills training/income generating activities similar to other children in their communities. It is also essential to ensure active participation and responsibility on the part of the relevant local authorities. Providing adequate support can be very challenging in contexts, such as Guinea and Sierra Leone, where available support structures are limited for all children.

Below are specific recommendations for each of the possible durable solutions based on lessons from the Guinea experience.

a) Local Integration

- As previously mentioned, the majority of decisions made were for local integration with fewer decisions made for voluntary repatriation and only one decision made for resettlement. The main reason for the greater emphasis on local integration was due to the long stay of the children in Guinea coupled with less reintegration support services available in Sierra Leone as a result of the end of official repatriation support two years earlier. By the time the BID process was undertaken it had already been two years since the official end of UNHCR assisted repatriation for Sierra Leoneans in Guinea, thereby minimizing available support services for returnees.
- For Local Integration decisions, it is especially important to ensure reasonable safeguards, especially around the legal status of the children. In Guinea, it was challenging to work with the government to ensure reasonable legal safeguards.²²

²¹ In Guinea, the implementation of decisions was not monitored by the BID/DS panel. Once a decision was issued, the responsibility for its implementation rested with the respective agencies holding the mandate for the recommended solutions (for example, UNHCR responsible for resettlement recommendation).

²² Some specific challenges in Guinea included:

- The lack of an official Guinean ID available for any person under the age of 18- whether refugee or Guinean- thereby increasing risks of exploitation and abuse.
- Restrictive position by the government of Sierra Leone on adoption of its citizens making it very difficult for Guinean families to adopt Sierra Leonean children. Furthermore, the Sierra Leonean government does not allow dual citizenship, and thus any child being adopted would have to be stripped of his/her Sierra Leonean citizenship.
- Other than adoption, the Ministry of Social Welfare (MSW) proposed options to strengthen legal safeguards for locally integrated children. For example, it could be possible for Guinean foster-families to obtain a status of 'Formal Guardianship' over a Sierra Leonean child. Through this process, the foreign child could be recognized as a legal alien under an officially recognized guardianship of Guinean nationals. Under this status, the child may reside in Guinea until he/she turns 18 and then he/she would be obliged to either opt for naturalization, or to apply for a permanent residency status in Guinea. It was

b) Voluntary Repatriation

- For Voluntary Repatriation decisions, it is especially important to ensure effective referral and support services in the country of return. This is especially challenging in situations where the BID/DS process starts too late, as in the case of Guinea, when it began after formal repatriation to Sierra Leone had ceased and relevant overall support services for returnees in Sierra Leone were no longer available. A significant challenge for children returning to Sierra Leone was the lack of an effective and adequately supported child protection network. It was especially challenging to ensure effective coordination/communication mechanisms with agencies providing reintegration support in Sierra Leone despite a signed MoU with them (the financial support available was limited to individual children repatriating which only allowed piecemeal interventions to be implemented in areas where existing support programs were present- it was not possible to develop a new program for just a handful of children).

c) Resettlement

- For Resettlement decisions it is especially important to be very sensitive on how it is communicated to communities and children. Resettlement tends to be a very sensitive topic within refugee communities creating tremendous expectations despite generally very limited opportunities. In Guinea, significant problems were created by expectations related to resettlement. Some children, especially the older ones, insisted resettlement was their only option and rejected local integration and voluntary repatriation even after the Inter-Agency BID/DS Panel found either local integration or voluntary repatriation to be safe and in the best interests of these children. Some cases had to be closed because children rejected any discussions other than resettlement (the majority of these children were 17 and above).

not clear, however, whether such an application for permanent residency would be successful since security and immigration was not the mandate of the MSW.

APPENDICES

Appendix I: Resources and References

International legal framework

- Convention on the Rights of the Child (CRC), 1989, and the Optional Protocols thereto
- General Comment No.6 by the Committee on the Rights of the Child on “Treatment of Unaccompanied and Separated Children Outside Their Country of Origin” (CRC/GC/2005/6, issued on 1 September 2005)
- The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993), and its Recommendation concerning the application to refugee and other internationally displaced persons (1994)
- African Charter on the Rights and Welfare of the Child (1990)
- ILO Convention No. 182 (‘Worst Forms of Child Labour Convention’, 1999)
- ILO Convention No. 138 (‘Minimum Age Convention’, 1973)

Methodology sources

- UNHCR Guidelines on Formal Determination of the Best Interests of the Child (provisional release, May 2006)
- UNHCR Resettlement Handbook, 2004 (Chapter 1): last accessed on 20th March 2007 at <http://www.unhcr.org/protect/PROTECTION/3d464b239.pdf>
- UNHCR Resettlement Handbook, 2004 (Chapter 2): last accessed on 20th March 2007 at <http://www.unhcr.org/protect/PROTECTION/3d464bc14.pdf>
- “Framework for Durable Solutions for Refugees and Persons of Concern”, issued by the Standing Committee of the UNHCR Executive Committee at its 28th Meeting on 16 September, 2003 (EC/53/SC/INF.3)
- Interagency Guiding Principles on Unaccompanied and Separated Children (UNHCR, UNICEF, ICRC, IRC, Save the Children (UK), World Vision International; January 2004)
- Refugee Children: Guidelines on Protection and Care (UNHCR, 1994)

National law and regulations: examples from the Republic of Guinea

- Decree A/2004 No.5030/MATD/CAB on Establishment and Organization of the National Committee for the Follow-Up of Humanitarian Activities (Comite National de Suivi de l’Action Humanitaire – ‘CNSAH’); Ministry of Territorial Administration and Decentralization, Republic of Guinea

Appendix II: Sample Documentation

Below are samples of the following documentation:

- I. Standard Operating Procedures UNHCR Guinea
- II. Undertaking of Confidentiality
- III. Best Interests Determination Form from Inter-Agency Database Consortium
- IV. Child History and Current Situation Report Form
- V. UNHCR BID Assessment Form
- VI. Decision Form on the Best Interests of the Child (local integration sample form)
- VII. Joint Case Verification and Handover Statement

a) Brief Note on Case Submission and Case Decision Documentation

i) Case Submission Documents

The following case submission documents, samples of which are provided below, are recommended based on the experience in Guinea:

a) Child History and Current Situation Report Form

The submitting agency has the responsibility to collect all relevant facts to enable the panel to determine a Durable Solution that is in the best interests of the child. The member-agencies should agree on a suitable format, but the form developed by the IRC ('Child's History and Current Situation Report Form'; see Appendix II d) has been recommended by the IRC/Guinea UAM team after field-testing and it has also been approved by the BID/DS Committee in Conakry. It should be possible to adapt the attached form to other BID/DS contexts and to review it as needed.

Note: This form was developed prior to the Inter-Agency Child Protection Database and its related forms, which can provide much of the information needed for this form. The inter-agency initiative was started by Save the Children, IRC, and UNICEF within the context of the Inter-Agency Working Group on Separated Children, which has worked together over the past ten years to promote and support standard approaches to working with separated children. For more information on the Inter-Agency Child Protection Database Consortium, go to <http://ingo.sharepoint.apptix.net/child2/default.aspx>

b) A preliminary 'Opinion'

In Guinea the member-organizations of the DSC changed their minds more than once whether the child protection agency submitting a case should propose 'draft decisions' for consideration by the panel, or whether a more open brainstorming would need to occur at the meeting. By the end of the pilot project, the majority of partners preferred to hear concrete recommendations from the agency. In such a situation, the agency could be asked to offer its own analysis on the best interests of the concerned child. The agency could provide a written 'opinion' recommending to the group one or two of the most appropriate Durable Solutions. Such an 'Opinion' would need to be treated as a subjective one that should in no way undermine a critical review by other member-agencies. The

deliberations by the panel could result in recommendation of any of the three types of Durable Solution.

ii) Case Decision Documents

Deliberations of the BID/DS could be recorded within the format of the following two recommended documents:

1) BID Assessment Form which captures the key factors and statements raised in the process of deliberations (see Appendix II f for a sample BID Assessment Form published by UNHCR as an annex to the draft BID Guidelines that could serve as a basis for any context-specific revision of the tool).

2) BID Decision Form

The BID Decision Form should capture the final consensus of the panel as a group for a specific type of Durable Solution determined to be in the child's best interests. It is recommended that each case would receive an individual Decision, duly issued by the panel and signed by all regular members. This document should refer to the parties responsible for taking further steps in implementing the Decision and potentially offer a tentative timeline for follow-up. It is recommended that an original of the Decision be deposited with the chairperson of the interagency panel (usually UNHCR), and all regular members receive a copy. In Guinea, there was discussion about the advantages and disadvantages of supplying a separate copy of the adopted BID/DS Decision to the child in question (or the caretaker).

APPENDIX II a. Below are the Standard Operating Procedures developed in Guinea toward the beginning of the process in 2005. These Operating Procedures were not found to be specific and comprehensive enough and lacked clearly outlined mutual responsibilities, procedures, and communication protocols.

Sample Standard Operating Procedures UNHCR Guinea

Processus pour une solution durable des enfants séparés

Comité de coordination: Cellule Solutions Durables

Conakry, Guinée

Besoins développementaux de l'enfant en vue de la détermination de l'intérêt supérieur de l'enfant

- Souhait de l'enfant: droit d'être consulté, informé et à participer.
- Identité: nom, sentiment d'appartenance à une famille ou à un groupe, langue, religion et culture, changement de l'identité, information sur le pays d'origine, etc.
- Support social et soin: présence de membres de la famille (famille biologique, famille d'accueil¹, famille élargie) ou de la communauté avec qui l'enfant peut développer les habilités sociales et culturelles, accompagnement dans le cas de maladie ou autre détresse, accès aux services de base, etc.
- Contact dans le milieu de vie: participation à la vie dans le milieu de vie, stabilité, amour, affection, relations, loisirs, etc.
- Education et formation incluant opportunité de travail conformément à la législation en vigueur (en réponse aux besoins psychologiques de l'enfant et à la préparation à la vie adulte) accès, temps pour les devoirs, présence et régularité, etc.
- Bien-être physique et santé mentale: Accès aux services de base en fonction des besoins particuliers de l'enfant, protection des abus, survie, alimentation, environnement physique, etc.
- Intégration et implication au sein de la communauté: relations, engagement, connaissance du réseau d'appui, etc.
- Protection: connaissance des systèmes en place, risque d'exploitation sexuelle, travail infantile, etc.
- Contexte: analyse et connaissance de la situation géopolitique et sociale actuelle dans les pays hôte et d'origine
- Impacts de la durée de séparation sur l'enfant

Ces paramètres serviront à l'élaboration de la matrice pour la détermination de l'intérêt supérieur de l'enfant et à la révision du format du rapport à être utilisé pour la présentation de l'information sur l'enfant. Cette liste sera revue régulièrement.

ETAPES pour la détermination d'une solution durable

Il est important de souligner que la cellule ne remplacera pas le travail quotidien que chacune des

¹ Le choix d'une nouvelle famille d'accueil se fera dans le respect des normes citées dans le document « Inter agency guiding principles on unaccompanied and separated children », Ch. 6 p. 61

agences membres de la cellule est appelé à faire. Le travail de collaboration entre les agences doit être maintenu et favorisé. La cellule a un rôle décisionnel tandis que les agences de protection continueront d'assurer l'exécution.

À chaque étape du processus, l'état des recherches de parents et les perspectives de succès de ces recherches seront prises en ligne de compte. Un délai raisonnable devra s'être écoulé (au moins 2 ans) au cours duquel une combinaison d'outils de tracing aura été utilisée par un ou plusieurs agences avant qu'une autre solution durable autre que la réunification familiale soit retenue. Dans des cas exceptionnels, un délai plus court pourra être accepté. La découverte de nouvelles informations pouvant mener à un tracing positif pourra prolonger le délai.

Lorsqu'au terme du processus, une solution durable autre que la réunification familiale sera retenue, la poursuite de la recherche de parents pourrait se poursuivre. La décision se prendra en fonction de la solution durable, des souhaits et de l'intérêt de l'enfant ainsi que des perspectives de tracing. La solution durable retenue préservera les intérêts de l'enfant au cas où le lien familial serait rétabli.

1. Soumission des dossiers

Qui peut soumettre ? : Toutes les agences de protection, impliquées dans la gestion des enfants séparés, pourront soumettre au moment convenu, des cas d'enfants qui répondent minimalement à un des critères présentés ci-dessous.

Quoi soumettre ? : Le rapport incluant l'information mise à jour, présentée selon le format de rapport approuvé par la Cellule (voir en annexe I), sera soumise à la Cellule de Solutions Durables. Lorsque considéré pertinent, l'analyse des différentes alternatives ainsi qu'une recommandation pour l'intérêt supérieur de l'enfant effectuées à partir de la matrice d'évaluation seront aussi incluses. Les dossiers appartenant à l'agence d'exécution ne seront pas circulés. Les rapports seront soumis à chacun des membres de la Cellule Solutions Durables.

Quels cas soumettre ? : Les cas qui répondent à un ou plusieurs critères ci-contre pourront être soumis à la cellule :

- Tous les enfants ou le family tracing fut négatif.
- Enfants de 18 ans et + qui étaient mineurs au moment de l'enregistrement
- Cas difficiles:
 - a) Malgré l'implication de deux agences de protection ou plus, une solution consensuelle n'a pas pu être trouvée.
 - b) Répondant à un ou plusieurs critères tel que durée de séparation, âge de l'enfant, vulnérabilité, peu de stabilité dans la vie de l'enfant, enfants de la rue particulièrement les filles, filles-mères, enfant vivant avec un(e) chef de famille vulnérable etc.

Quels cas ne pas soumettre ? : Les cas, où la divulgation de l'information pourrait causer préjudice à l'enfant, seront traités confidentiellement.

A qui soumettre ? : Il est considéré avantageux que les régions Haute Guinée et Forestière aient une antenne Solutions Durables autonome. D'ici que ces deux régions se dotent d'une entité fonctionnelle et répondant à des normes de qualité, ce qui va requérir formation et appui, la cellule de Conakry se chargera de traiter les cas qui relèvent de ces zones. La composition de chacune des cellules reflétera la présence sur le terrain et inclura obligatoirement un membre du HCR et du Ministère des Affaires sociales. Une étroite collaboration et coordination seront instaurées entre les différentes cellules. Les mécanismes seront discutés ultérieurement.

2. Révision des dossiers

Chacun des membres de la Cellule Solutions Durables prendra connaissance du rapport et remplira la matrice d'identification de l'intérêt supérieur de l'enfant (voir annexe II) pour chacun des cas soumis et ce avant la réunion de travail de la cellule. L'analyse se fera au cas par cas dans le respect des principes directeurs suivants :

- La diligence des décisions prendra en ligne de compte l'ensemble du processus de séparation de l'enfant.
- L'intérêt de l'enfant sera dissocié de l'intérêt des autres membres
- L'intérêt de tous les acteurs sera subordonné au bénéfice du bien-être de l'enfant
- Les opinions, perceptions et sentiments de l'enfant seront pris au sérieux
- L'enfant sera considéré comme porteur de droits
- L'évaluation de l'impact sera mise en lumière dans l'analyse de chacune des options.
- Le professionnalisme de chacun des membres sera au-dessus de toute autre considération.

3. Recommandation au cas par cas

Les options considérées seront les suivantes :

- Tracing / réunification familiale
- Rapatriement (la mesure devra détailler lorsque nécessaire les mesures spéciales de protection qui devront être mises en place, care arrangements, etc.)
- Intégration locale (la mesure devra spécifier si nécessaire : adoption, naturalisation, care arrangements, etc.)
- Réinstallation

Quand se fera la recommandation ? : Devant l'urgence, il semble impératif que les réunions programmées soient effectuées. Dans ce sens, chacune des agences membres de la cellule fera en sorte qu'un représentant doté du pouvoir décisionnel requis assiste à chacune des réunions. La détermination de la recommandation pourrait être différée si un ou plusieurs membres de la cellule juge l'information incomplète et/ou requiert un avis extérieur. Le rapport sera remis à l'agence

d'exécution pour complémentation.

Comment se prendra la décision ? La recommandation se prendra selon le choix de la majorité où chacune des agences membre aura droit à un vote. Dans le cas d'égalité ou d'un différend important entre des membres, la recommandation sera différée jusqu'au moment où l'opinion d'un expert, de l'information additionnelle, etc. sera soumise. Un nouveau vote sera demandé.

4. Mise en œuvre des recommandations

Chacun des dossiers sera acheminé à l'institution responsable de la mise en œuvre de la recommandation prescrite par la Cellule. Un plan de suivi au cas par cas sera élaboré. La cellule Solutions Durables fournira de l'information additionnelle, des mises en garde, etc. requises par l'instance responsable de la mise en œuvre de la recommandation. L'(es) agence(s) de protection responsable(s) du cas effectuera(ont) le suivi auprès de l'entité décisionnelle afin de connaître la progression du dossier et de faire un compte-rendu aux membres de la Cellule Solutions Durables. Une fiche de suivi, incluant les actions, les problèmes rencontrés, date de chacune des étapes, etc., sera mise à sa disposition.

Document révisé et approuvé par : HCR, IRC, Ministère des Affaires Sociales, Sabou Guinée et UNICEF

Le document "Inter agency guiding principles on unaccompanied and separated children" servira de référence au travail de la Cellule de Solutions Durables.

APPENDIX II b (excerpted from BID Guidelines, page 41). Note that an undertaking of confidentiality was not signed by partners in Guinea.

UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES



NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS

UNDERTAKING OF CONFIDENTIALITY

Name of the person involved in the BID:

In addition to my agreement to abide by the principles set out in the *UNHCR Code of Conduct*, I make the following undertaking in respect of the performance of my formal role in the procedure for the determination of the best interests of the child.

I undertake not to disclose or discuss any information about the child that comes to my knowledge as a result of my role in the BID process. I understand and accept that my obligation to maintain the confidentiality of information I have received to determine the best interests of the child continues beyond the termination of my formal role in the BID process.

I understand that this signed Undertaking will be maintained on file with UNHCR and that failure to comply with it, without reasonable excuse, will amount to misconduct and may result in disciplinary proceedings against me and/or legal action.

I have read, understand and accept the above undertaking of confidentiality.

Signature:

Date:

Place:

BEST INTEREST DETERMINATION Form from Inter-Agency Database Consortium (UNICEF, Save the Children, IRC)

Note: The Best Interest Determination is used in exceptional cases. This form will help to track children that have gone through this process. More detailed guidelines with related forms for each step of the process are available in the UNHCR Best Interest Determination Guidelines.

SECTION 1 - IDENTITY OF THE CHILD

Field I/D Number		Other I/D Number								
Child's Name	First Name	Second Name	Third Name							
Child's Nickname			Sex	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="text-align: center;">Male</td> <td style="width: 20px; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">Female</td> <td style="width: 20px; height: 20px;"></td> </tr> </table>	Male		Female		Age	years
Male										
Female										

SECTION 2 - BEST INTEREST DETERMINATION PROCESS

Was the report submitted to the body that decides the best interest of the child?

Submitted Pending

Date of Submission

Recommendation

Reunification <input type="checkbox"/>	Ressettlement to 3rd country <input type="checkbox"/>	Repatriation <input type="checkbox"/>	Local integration <input type="checkbox"/>
Date of Recommendation <input style="width: 150px;" type="text"/>	Maintain / Change current arrangements <input type="checkbox"/>		

Proposed Support

Agency Responsible

Does the child accept the proposed support? Yes No

If refused, why?

Date of Implementation

Implementing Agency

SECTION 7 - FORM COMPLETED BY

Name		Position		
Agency	Place	Date		

Data Entry Fields for the Database are shaded and enclosed within boxes with thicker borders

APPENDIX II d



Child's History and Current Situation
REPORT FORM

Reminders for assessor:

Key facts need to be presented alongside with conclusions. All relevant sources of information need to be used (interviews, child's file, public statements, etc.) in the elaboration of the report. Please mention them.

1. **Child's basic data**

UNHCR Registration Number: _____

PHOTO

IRC Registration Number: _____

ICRC Registration Number: _____

Name at birth _____

Current name (if different) _____

Sex _____

Date of birth _____

Nationality _____ Ethnic group _____

Complete Name of Father _____

Complete Name of Mother _____

Complete address in country of origin where the child was born

Complete address in country of origin where the child grew up

Other address/es where family members / relatives could be found

Current address in host country (including name of caretaker and type of care arrangement)

2. **Tracing History**

Please write here **What** tracing methods were used, **when** tracing actually start, and **results** – Any information about any family members found or recently heard about

a. Dates and tracing methods _____

b. Results (Names and addresses of relatives found - situation; opinion etc.)

c. Where are brothers and sisters and last date they were seen by child

3. Child's Life before Separation

Language :

Religion :

Other cultural values :

Mention how was the child's life **before** separation from the family? Description of where child lived, name of city or village, whom child lived with, what did the house look like, what about the surroundings, markets, etc., what child did all day, did child go to school, helped his/her mother? who were the child's friends, did child play with brothers and sisters, who favorite persons were?

4. History of Separation

Age of child when separated: _____

Exactly where, when, how and with whom did child become separated from different family members? Please present as many details as possible.

Note. What happened to the child's father and mother or the adults who cared for the child instead of the parents, if this was the case.

CURRENT FAMILY SITUATION

Father Alive? Yes No Does not know

Mother Alive? Yes No Does not know

"Guardian" child grew up with Alive? Yes No Does not know

5. History after Separation from Family

Presentation of relevant information about survival and basic needs, schooling, activities and relationships within the current family and community, social support and care, attachment, physical and psychological well being and special needs, as well as protections issues since separation. Please present the information chronologically.

1) Year ___ to ___:

Name of caretaker(s) and nationality: _____

Language: _____

Ethnic group: _____ Place / country: _____

How did the child found him/herself with these people: _____

Reasons for separation and impacts on child: _____

Other requested information: _____

2) Year __ to __:

Name of caretaker(s) and nationality: _____ Language: _____

Ethnic group: _____ Place / country: _____

How did the child found him/herself with these people: _____

Reasons for separation and impacts on child: _____

Other requested information: _____

3) Year __ to __:

Name of caretaker(s) and nationality: _____ Language: _____

Ethnic group: _____ Place / country: _____

How did the child found him/herself with these people: _____

Reasons for separation and impacts on child: _____

Other requested information: _____

Add more sections if needed

CHILD'S CURRENT SITUATION

Languages known by child: _____

Religion: _____ Age of child: _____

Education: _____ Specific skills: _____

Special needs/ protection concerns:

Information about the child in what relates to survival and basic needs, schooling, activities and relationships within the family and community, social support and care, attachment, physical and psychological well being and special needs, and if relevant, protections issues that are faced by the child.

Guidance to assess personal well being: does the child have any particular worries? Does the child have sufficient clothing on? Does the child appears frightened/ withdrawn? Is the child crying/ unhappy? Is the child unable to sleep (nightmares or screams in his/ her sleep)? Does the child feel safe?

Guidance for foster family assessment: Does the child appear happy in the home, guardians/ siblings aggressive to child?- does the child have problems with children in the home, with guardians, with other adults, peers, etc? Is the child treated any differently from the other children in the family?

Guidance for health assessment: Is the child visibly malnourished? how many meals a day does the child have? Has the child attended any kind of malnutrition (CTC or other) programme? Is the child frequently sick? What does the family/ guardian do when the child is sick: take to hospital, take to country doctor, nothing?

Guidance for community assessment: Is the child playing with other children? Does child have access to same educational/ recreational/ skills training opportunities as other children in community?

ASSESSMENT OF CURRENT FOSTER FAMILY

The assessment of this section will be done only when it is foreseen that the child could stay with the family if local integration would be recommended.

How long does the family want to keep the child: _____

Are you willing to adopt the child YES NO If yes, INHERITANCE? YES NO Don't know

Presentation of relevant information about survival and basic needs, schooling, activities and relationships within the family and community, social support and care, attachment, physical and psychological well being and special needs, as well as protections issues since separation.

6. CHILD'S FUTURE SITUATION

The child's perspective, wishes and considerations for Durable Solutions. Provide reasons.

The caretaker's or 'significant adult's perspective, wishes and considerations on a Durable Solution for the child. Provide reasons.

Opinions and arguments of community members around the child.

7. Current geopolitical situation in country/community of origin

8. Current social context in country/community of origin:

Social basic services (health, protection and preparedness for adulthood), attitude of community members about returnees, response to special needs, activities, cultural and religious groups, income generating opportunities, etc.

9. Current geopolitical and social context in host country/community

10. Conditions in host country/community:

Social basic services (health, protection and preparedness for adulthood), attitude of community members about refugees and this specific child, response to special needs, activities, cultural and religious groups, income generating opportunities, etc.

Name of report writer: _____

Approved by: _____

Agency: _____

Date: _____

APPENDIX II e (taken from BID Guidelines, pp. 50-53)

UNHCR BID ASSESSMENT FORM

NAME OF THE CHILD:	FILE NO.:
NAME OF OFFICER PREPARING THE REPORT:	SIGNATURE:
DATE:	

Part I – Assessment of relevant factors

This part shall be drafted by the welfare officer. It shall serve as a basis for the panel or other decision making mechanism to take a decision in the individual case. In case of BID prior to a durable solution decision, three or more options should be considered in relation to the current situation of the child, including voluntary repatriation, local integration and resettlement. Assumptions related to the practical feasibility of each option, including opportunities and risks, should be made explicit (e.g. in relation to the situation of the family, home country, host country, etc.). In cases of a BID by UNHCR when circumstances do not allow for a meaningful evaluation of durable solutions (including for exceptional temporary care arrangement decision or for separation from parents), recommendations should include a timeframe for such an assessment to be undertaken.

Factors	Current Situation of the Child	Option 1	Option 2	Option 3
VIEWS OF THE CHILD				

<p>VIEWS OF FAMILY MEMBERS AND OTHER PERSONS CLOSE TO THE CHILD This section should also include any indication of conflict of interests</p>				
<p>SAFE ENVIRONMENT AND RISK OF HARM This part should include but not be limited to threats to the right to life, freedom from torture, other cruel, inhuman or degrading treatment or punishment, <i>refoulement</i>, underage recruitment, threats to physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse as well as access to life-saving treatment for sick children</p>				

<p>FAMILY ENVIRONMENT AND ALTERNATIVE CARE This part should reflect the outcome of tracing activities and focuses on the degree of attachment of the child to those persons close to him/her as well as on their ability and readiness to care for the child. The likely impact of a separation from persons close to the child shall be described.</p>				
<p>DEVELOPMENT NEEDS OF THE CHILD This part focuses on the degree of the child's integration in the current community, the degree of continuity in the child's upbringing and the child's ethnic, religious, cultural and linguistic background, the right of the child to the enjoyment of the highest attainable standard of health, the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral, and social development, access to education as well as the right of the child to rest and leisure, to engage in play and recreational activities appropriate to his/her age.</p>				
<p>OTHER FACTOR(S) RELEVANT IN THE SPECIFIC CIRCUMSTANCE (DESCRIBE)</p>				

REASSESSMENT If the durable solution decision is postponed, the timeframe for reopening the case and reassessing the decision should be noted here				

Part II – Recommendation by decision maker

This part shall contain the decision by the panel or other decision-making mechanism. It shall include the reasons for the decision as well as any relevant aspect of the discussion in the panel.

Part III – Comments by decision maker

This place is reserved for additional comments by the decision making body, such as for instance a decision to reopen the case in case special events occur, or.....

DATE:	NAME OF DECISION MAKER:	SIGNATURE (OF CHAIR IN CASE PANEL):
--------------	--------------------------------	--

APPENDIX II f: Sample Decision Form (local integration sample form)



(Logo for the Guinean government - coat of arms of the Republic)

Interagency Committee on Durable Solutions for Separated Children

under the aegis of the UNHCR and the government of Guinea

DECISION ON THE BEST INTERESTS OF THE CHILD

No _____

issued in respect of _____
(full name of the beneficiary)

on _____
(date; month; year)

This is to certify that an Interagency Committee on Durable Solutions for Separated Children, established as a sub-committee under the National Coordination Committee of the Government of Guinea, carefully considered three options of a durable solution for the above case and concluded that

LOCAL INTEGRATION IN GUINEA *(sample)*

will be in the best interest of Mr. /Ms _____

To this effect, we request all public and private organizations in Guinea to assist _____ Mr./Ms _____ in successful and dignified integration in the life of the community.

AGREED ACTION POINT FOR IMPLEMENTATION:

ACTION	RESPONSIBLE AGENCY	TARGET DATE FOR COMPLETION

Recommended dates for the progress review:

Beneficiary's basic data:

Case registration number: UNHCR / ICRC / other: _____

Place of birth _____ Date of birth and current age _____

Citizenship _____ Sex _____

Complete Name of Father _____

Complete Name of Mother _____

The child/youth is currently staying with:

PARENT(S) GUARDIAN(S) OTHER (*specify:* _____)

Name of the guardian or the above specified other person:

Current address of the beneficiary:

SIGNATURES:

On behalf of the UNHCR:

Title: _____

On behalf of the Ministry of Social Affairs, Republic of Guinea:

Title: _____

On behalf of the UNICEF:

Title: _____

On behalf of the IRC:

Title: _____

APPENDIX II g



Child Protection / Durable Solutions for Unaccompanied Minors Project

JOINT CASE VERIFICATION & HANDOVER STATEMENT

issued in respect of _____
(full name of the beneficiary)

on _____
(date; month; year)



Hereby the International Rescue Committee (IRC) and the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) of the Republic of Sierra Leone, represented by authorized staff, have visited the beneficiary and jointly concluded the following:

1. Beneficiary's basic data:

IRC Registration Number: _____
Any other known registration numbers (e.g. assigned by the government, UNHCR, ICRC, etc.):

Sex _____ Language(s) _____

Place of birth _____ Date of birth and current age _____

Nationality _____ Ethnic group _____

Complete Name of Father _____

Complete Name of Mother _____

The child/youth is currently staying with:

PARENT(S) GUARDIAN(S) OTHER (*specify:* _____)

Name of the guardian or the above specified other person:

Current address of the beneficiary:

List of attached documents/case files with further data concerning the beneficiary:

2. FTR status of the beneficiary

REUNIFIED FOSTER PLACEMENT OTHER (*specify* : _____)

3. Vulnerability and resiliency status of the beneficiary

SPECIFIC VULNERABILITY FACTORS (e.g. health, education, history and current risks of abuse / neglect / exploitation within family & community, environmental hazards etc.)	RESILIENCY FACTORS & RESOURCES (include key physical, intellectual and emotional resources, e.g. self-esteem and leadership, family support, livelihood & coping skills, education / vocational training / special knowledge etc. observed in the beneficiary and his/her family & community)
<i>A. INDIVIDUAL:</i>	<i>A. INDIVIDUAL:</i>
<i>B. FAMILY & COMMUNITY:</i> (<i>mention only those most affecting the individual beneficiary</i>):	<i>B. FAMILY & COMMUNITY:</i> (<i>mention only those that are available to the individual beneficiary</i>):

4. Assistance and support received by the beneficiary from the IRC:

5. Aspirations and durable solutions wishes, expressed and explained by the beneficiary:

6. CONCLUDING RECOMMENDATION ON THE REQUIRED FOLLOW-UP BY THE GOVERNMENT AND PARTNERS:

ACTION	RESPONSIBLE AGENCY	TARGET DATE FOR COMPLETION

SIGNATURES:

The MSWGCA representatives: Field Officer _____

Title _____

Supervising Officer _____

Title _____

The IRC representative: _____

Title: _____

International Rescue Committee
122 East 42nd Street
New York NY 10168, USA

International Rescue Committee Belgium
Place de la Vielle aux Blés
16 B- 1000 Brussels, Belgium

International Rescue Committee UK
11 Gower Street, London
WC1E 6HB, UK

International Rescue Committee
Rue Gautier, 7 CH-1201
Geneva, Switzerland



www.theIRC.org
children@theIRC.org