

Situation Overview: Unaccompanied and Separated Children in Transit in Ventimiglia

Italy, February 2017

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CONTEXT

In the last two years, Ventimiglia has become one of the main transit towns for refugee and migrant children attempting to cross the border from Italy into France. According to Amnesty International France, unaccompanied and separated children are frequently pushed back at the border by the French police, without being given the possibility to apply for asylum in France, contrary to national and international law and the Dublin III Regulation's provisions on unaccompanied children.¹ As a result, many unaccompanied and separated children remain stranded in

Ventimiglia for a considerable length of time. No conclusive records on the number of children crossing the border exist. Caritas, which runs a shelter for unaccompanied and separated children and other vulnerable refugees and migrants, reports to have hosted 3,000 unaccompanied and separated children in transit in Ventimiglia in 2016.² However, as Caritas cannot accommodate all children who stay in Ventimiglia at a given time, many unaccompanied and separated children have been sleeping on the streets, exposed to severe protection risks, incl. mental health issues and exploitation.

REACH conducted the present overview in the framework of a partnership with UNICEF, with the objective of assessing the situation and protection risks faced by unaccompanied and separated children in Ventimiglia. The assessment finds that children are consistently pushed back from the French border with no recourse to international protection. As a result, children remain stranded in Ventimiglia for considerable amounts of time in very insecure conditions.

LEGAL FRAMEWORK

The Dublin III regulation applies to the border

REASONS FOR GETTING STRANDED IN VENTIMIGLIA

1. Push backs at the border without offering children 24h window to contact relatives/ legal representatives
2. Children's lack of awareness of their rights under EU law

PROTECTION CONCERNS IN VENTIMIGLIA

1. Lack of shelter, resources, food and drinking water
2. Deteriorating mental health of children



Map 1: The Italian-French border

METHODOLOGY & LIMITATIONS

This situation overview presents findings from a rapid assessment of the protection risks faced by unaccompanied and separated children in transit in the Italian town of Ventimiglia at the border to France, conducted from 28th February to 3rd March 2017. A total of 34 semi-structured interviews with unaccompanied and separated children were conducted, of which 30 in Ventimiglia and four on the French side of the border. Also, six in-depth interviews with key informants were held, including with representatives of international NGOs and local activists. The top two nationalities of children were Sudanese (nine interviewees) and Eritrean (seven interviewees), while 16 interviewees were from West African countries (including six interviewees from Ivory Coast and six from Guinea). All interviewees were boys as no girls could be found to interview in this age group. In line with Italian legislation, only 16 and 17-year-old children were interviewed. Data collection was stopped on its fourth day when no children who had not yet been interviewed could be found in this age group. Information collected was triangulated and complemented with secondary data. Results are based on self-reports, including on age, and should be considered as indicative only of all children passing through Ventimiglia.

crossings of unaccompanied and separated children in Ventimiglia.³ It sets out three main principles: (1) unaccompanied children have the right to seek asylum where they have family;⁴ (2) unaccompanied children have a right to access accurate information in a language the child understands before transfer; (3) if applying for asylum in more than one Member State, the best interests of the child should prevail, which means that the application can be considered by the State where the child finds him/herself.

(1) According to Art. 8 of the Dublin III Regulation, asylum claims of unaccompanied children should be processed by the Member State where the closest family member or relative is legally present. In France, as of 7 March 2016, refugee and migrant children are to be automatically given a period of 24 hours before being returned (*jour franc*) to safeguard this principle and ensure that authorities use this time to contact families or relatives of the unaccompanied child or to find him/her a suitable legal representative.⁵

(2) Further, according to the Dublin III Regulation, before the transfer of an asylum seeker to another State for examining their request for international protection can take place (i.e. in the case of being returned to the first country where a migrant arrived), each Member State shall: (a) provide the asylum

seeker with accurate information in writing and in a language the individual understands, (b) examine each case individually, and in the case of unaccompanied children (Art.6) take appropriate action to identify family members, whilst protecting the best interests of the child.

(3) Finally, the European Court of Justice has ruled that if an unaccompanied child has submitted requests for international protection in more than one EU state, their request shall be processed in the State where the child is, provided it is deemed in the child's best interests.⁶

ATTEMPTING TO CROSS THE BORDER TO FRANCE

All children interviewed, including those on the French side of the border, reported to have attempted to cross the border to France several times, often trying different routes. All children reported to have been pushed back by the police at some point of their attempt to cross the border from Italy to France.

MEANS OF CROSSING

The main means of crossing reported were (1) by train, (2) on foot and (3) by car or motorbike.

By Train

Ventimiglia is just a fifteen-minute train journey from Menton, the first train station on the French side of the border. Most of the children

interviewed had tried to cross the border by train, either hiding in hidden compartments of the train or hoping that no police controls would take place on the train.

On Foot

Many children said they had walked through the mountains, along the train tracks or the highway in order to cross the border. Most children reported to have tried to walk across the border alone or by night, risking to get lost or falling down sharp road sides. Whilst children were aware that walking along the road or the mountains under these conditions could be dangerous, many said it was worth the risk in order to avoid getting sent back by the police on the train. Several children reported that they had got lost in the mountains and had to turn back mid way.

By Car or Motorbike

Few children reported having paid someone to drive them by car over the border, deemed the most expensive, but also the most likely way to succeed in crossing the border. Key informants further mentioned the increased trend of crossing the border on a motorbike. When crossing by car or motorbike, the risk of being identified was reportedly lower, as the police checks at the border are less systematic.

CHILDREN'S ACCOUNTS OF PUSH-BACKS

'If you are white it's ok, but if you're black it's not easy to live in Europe. There are lots of police. I got to Nice and was at the station trying to get a ticket to Marseille where my brother lives, and the police caught me. They put me in prison for three days. Then they sent me by bus to Taranto.'

16 M, Guinea

'I tried to cross twice by train since I arrived. I do not want to walk because I don't know the way on the mountains and it is dangerous. Both times I tried to cross, the French police stopped me at the border in Menton and handed me over to the Italian police, who made me walk back to Ventimiglia along the street.'

17 M, Guinea

'It's dangerous to walk, because at night it's dark and you don't see. Especially when you go on the mountain, you don't know the way and you get lost.'

17 M, Mali

'The walk towards the border is five or six hours long, so we walked more than ten hours back and forth for three days in a row because the Italian police would not carry us back by car.'

17 M, Ivory Coast

THE EXPERIENCE OF AN UNACCOMPANIED 17 YEAR OLD BOY FROM DARFUR, SUDAN

“ I have already tried to cross the border to go to France twice, the first time on Wednesday and the second on Friday. The first time I went alone, I left during the night not to be seen and I started walking in the woods over the mountains. Then, I reached the road at the border with France in Menton. There, the French police caught me and handed me over to the Italian police who sent me back to Ventimiglia. ”

“ The second time I left with a friend, we again walked on the mountains in the forest and arrived in France in the morning. To know which way to go I followed the cars, and went in the same direction, but in the woods and not on the road. But the French police found us and sent us back to Ventimiglia by foot. Back and forth, the travel took 10 hours, because I had to walk back as well. ”

I will try and walk again tomorrow, I will go the same way because I do not know any other way. ”



“ I am afraid when I have to walk through the mountains and the woods at night, especially in the forest. ”

“ I have been in Ventimiglia for 20 days. I slept for nine days in the streets, then the manager of this shelter found me and brought me here. ”

Now I have food and protection, but I want to leave. I do not want to stay here, I have no family, they all died in Sudan. But I have a friend who grew up in my village and now he is living in France and I want to join him there. ”

I do not know yet how long I will stay in Ventimiglia, I am trying to reach France tomorrow, that is my third attempt in the 20 days I have spent here. ”

Map 2: Reported attempts of crossing the border between Ventimiglia and Menton

PUSH BACKS ALONG THE ROUTE

All children in Ventimiglia who had attempted to cross via train reported that at Menton they were caught by police and made to get off the train. The majority of children said that the police at Menton train station immediately sent them back on the train to Ventimiglia.

When children were caught by French police while walking across the border, they reported being handed over to Italian police. Many children reported the Italian police left them at the border and they had to return to Ventimiglia by foot. This meant that children had to walk a round trip of ten to twelve hours each time they tried to cross, often along the road and through long tunnels by night. Several deaths have been reported along the railways, highways and in the tunnels.⁸

Once back in Ventimiglia children would plan for their next attempt to cross the border to France.

PROTECTION CONCERNS

As a result of the push backs, none of the children reported to have been able to claim asylum in France. Instead, children resorted to smugglers to facilitate their journey, thereby exposing themselves to risks of exploitation. In many cases, children remained stranded in Ventimiglia for prolonged periods of time, with limited access to safe and dignified shelter,

food and clean water, often leading to mental health issues.

CHALLENGES IN ACCESS TO ASYLUM PROCEDURES

Most children reported that no individual interview or best interests determination took place at the railway station in France. In some cases, children reported that they had been given a refusal of entry order in written form – only one page with no mention of their right to a 24h window to contact legal representatives and family members. As it was in French, the children did not understand what it meant.

None of the children interviewed said they had been granted the possibility to ask for asylum or contact relatives or legal guardians. This has a serious impact on the protection of children and, depending on the circumstances of the case, might be in violation of international and national law.

INSUFFICIENT AWARENESS AND INFORMATION ABOUT CHILDREN'S RIGHTS

All children interviewed expected to be sent back to Ventimiglia or arrested if they encountered the police at the border. Although many children claimed to have family members in France, none of them were aware of their right to contact relatives and apply for asylum accordingly. Indeed, children were not

aware that reported push backs were illegal and could be challenged through law. As the paper that children received at the border by police was not translated in a language they understood, they further did not have access to information that would allow them to claim their rights.

Children's insufficient knowledge about their rights and relevant procedures made them try to avoid the police at all costs, often taking risks and putting themselves in dangerous situations.

RESORTING TO SMUGGLERS

In order to avoid push backs, some children reported to have paid smugglers. According to several sources,⁹ prices vary according to the means of transport taken. Smugglers ask for 50-70 EUR for showing the child the way to walk through the mountains or for hiding the child in locked compartments in the train. Prices for crossing by car or motorbike vary between 150 and 250 EUR, with higher prices when more police controls are in place.

According to key informants, smugglers' networks are proliferating in Ventimiglia as the demand surges, and many children reported to have been approached by co-nationals, often smuggler intermediaries, offering to help with the crossing.

STRANDED IN VENTIMIGLIA

As a result of being repeatedly pushed back while attempting to cross to France, children remained stranded in Ventimiglia; some declared to have spent up to three months in Ventimiglia, often without access to shelter, regular food or drinking water.

Lack of Shelter

The Italian Government provides no reception facility for unaccompanied and separated children in transit in Ventimiglia. Caritas runs an informal shelter for women and children in a church, with the support of local and international NGOs. However, the church has a legal capacity of 30 places only and priority is given to vulnerable women and young children; as a result, many children are left without a place to stay, sleeping either under a bridge or at the train station. In general, children reported to prefer sleeping outside of the city centre of Ventimiglia due to fear of being arrested by the police.

Lack of Resources, Food and Clean Water

All children reported that lack of money was one of their biggest concerns. During interviews, many children reported that they could not afford to buy food. Children who were not staying at the church said they relied on food donated by French volunteers but,

according to a recent order from the local Council, food distribution is forbidden in the city of Ventimiglia.¹⁰ As there are no public canteens, children often struggle to find enough food. Besides the church, children reported not having access to clean water or sanitary services across the city; one child reported drinking water from the river.

Impact on Children's Mental Health

Children were found to be in a state of severe isolation. Even when not attempting to cross the border, many children feared that if they encountered the police in Ventimiglia they would be arrested or sent to the hotspot in Taranto, where they would have to apply for asylum in Italy. This meant many children avoided moving around the city and would spend time in very isolated areas, such as under bridges, exposed to various risks.

According to interviews with medical professionals, children's mental health usually deteriorates after the first two weeks of staying in Ventimiglia. Children were reported to suffer from demotivation, despair and physical exhaustion deriving from the recurrent push-backs and poor living conditions. According to MSF staff, several children were also reportedly suffering from post-traumatic symptoms resulting from near-death experiences with cars or trains on the way to France.¹¹

CONCLUSION

All unaccompanied and separated children interviewed in this situation overview reported to have been pushed back at the French-Italian border without the possibility to claim asylum in France. All children expected to be sent back to Ventimiglia by police, and usually did not seem aware of their right to request asylum or family reunification. None of the children had been informed of their rights in a language they understood at the border.

As a result, children were aware neither of the violations of their rights, nor of the means to challenge the practice of push backs. Instead, children resorted to taking less safe routes, such as walking through mountains or paid smugglers in order to minimise the risk of being caught by the police.

Due to the practice of push backs, children stayed in Ventimiglia longer than they had anticipated- often in precarious conditions and exposed to risks. With limited access to shelter, food and water, this resulted in a rapid deterioration of children's mental health. Still, children remained determined to keep trying to cross the border.

CHILDREN'S EXPERIENCES IN VENTIMIGLIA

'I have nowhere to sleep, so I have been sleeping under the bridge, next to the river, for the past three months.'

17 M, Eritrea

'I do not know where to find food nor about the distribution of food outside of the station; I have no money so I only eat when my friends manage to find something.'

17 M, Mali

'I eat the food given by the French volunteers, but they do not come every day so sometimes I don't eat.'

17 M, Eritrea

'You cannot talk about life in Ventimiglia. This is not life.'

17 M, Ivory Coast

End Notes

1. Amnesty International France, Des controles aux confins du droit, February 2017.
2. Key Informant Interview (KII) with Caritas of Sanremo, February 2017.
3. The [Dublin III regulation](#) sets the legal basis for establishing the criteria and mechanisms for determining the State responsible for examining an application for international protection lodged in one of 32 European States by a third-country national or a stateless person.
4. 'Family' in this context includes: mother, father, siblings, grandparents, uncle or aunt, provided it is deemed in the child's best interests to be with their family member.
5. Amnesty International France, 'Des controles aux confins du droit', 2017.
6. CJEU, IV section 6 June 2013 C-648/11 (MA, BT, DA)
7. Taranto is a hotspot located in Apulia, in the South of Italy.
8. KII with Amnesty International, February 2017.
9. KII with Caritas, February 2017, and Individual Interviews with Unaccompanied and Separated Children.
10. <http://www.sanremonews.it/2017/03/06/leggi-notizia/argomenti/cronaca/articolo/ventimiglia-distribuzione-di-cibo-ai-migranti-ioculano-quellordinanza-ha-una-sua-genesi-quelli.html>.
11. KII with MSF Psychologist in Ventimiglia, February 2017.

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