Summary

Unaccompanied underage asylum seekers: repatriation and departure for unknown destinations
National policy and local practice

Policy context

In the policy letter of 1 May 2001, the then Secretary of State for Justice informed the Lower House [of the Dutch Parliament] about the new policy in relation to unaccompanied underage asylum seekers (now referred to as ‘AMVs’, and at that time still referred to as ‘AMAs’). The central aims of this were fewer asylum applications and a higher rate of return to the country of origin for minors who had no right to asylum. Various policy measures were adopted in order to achieve these aims, to combat smuggling of individuals and human trafficking, to focus admission policy and to promote repatriation. A new reception model was also announced, where the accommodation and assistance provided for AMVs was linked to the future prospects for ‘repatriation’ or ‘integration’. After an experiment with closed ‘campuses’, the reception model from the policy letter was actually implemented in the course of 2005 and underwent some further adjustment at the end of that year.

In the years since the introduction of the new policy, the number of AMVs applying for asylum in the Netherlands has fallen sharply - down to 515 in 2005. In 2004, however, there were still very few rejected minor children returning to their countries of origin. Many youngsters, particularly from the campuses, left the reception facility with an unknown destination. In order to check how the situation was developing in this respect during 2005, the Minister for Alien Affairs and Integration, partially at the request of the Lower House, asked the Research and Documentation Centre (WODC) to carry out research into repatriation and departure for unknown destinations amongst AMVs between the ages of 15 and 17. More specifically, the research was to focus on youngsters who had lodged an asylum application under the [Dutch] Aliens Act 2000 and who had been received by the COA (Agency for the Reception of Asylum Seekers) into AMV units at asylum seekers’ centres aimed at repatriation.

Research question and method

The general research question was this:

What is the frequency of occurrence of repatriation to the country of origin and departure for unknown destinations (‘MOB’) from the AMV repatriation units, and can any connection be made with the activities undertaken by the organisations involved to promote repatriation to the country of origin and prevent MOB? Which other factors, such as the youngsters’ backgrounds, their motivation towards repatriation and practical possibilities (or impossibilities) play a part in this?

Various research questions were drawn from this general one. These were answered using statistical material from the COA’s residency information system and also the information system of the IND (Immigration and Naturalisation Service). We also assembled information at two of the five AMV sites in existence at the time the research was done. First of all, the information was collected from representatives of the organisations most closely involved, on site, and in some cases also at a national level:
the COA, Nidos, the schools, the IND, the Aliens Police, the security service, the Asylum Seekers’ Medical Reception, the Dutch Refugees’ Association, the International Organisation for Migration and the Unaccompanied Minor Asylum Seekers’ Foundation Humanitas. Case studies were also carried out into 21 AMVs (eight boys and thirteen girls) by means of personal interviews with the youngsters, file analyses and assembly of supplementary information from the guardians and mentors.

In the period covered by the data assembly (1 October 2005 to 1 March 2006) the reception structure and the formulation for assisting the AMVs were still being developed. This study ought therefore to be regarded as a procedural assessment. Furthermore, we assess the quantitative results of the repatriation policy for AMV’s using available figures.

Results

Numbers of repatriations and MOBs
Figures from the IND show that the number of asylum applications from AMVs declined sharply in the last few years. By contrast, the number of AMVs (minors) and former AMVs (above the age of majority) registered with the IND as having left reception (including MOBs) has increased sharply since 2001. This, however, can be attributed to a significant extent to those individuals who had already passed the age of majority when they left reception (85% of leavers in 2005). The absolute number of minor leavers is now falling, from a peak in 2002. This ‘leaving’ means in a large number of cases leaving with an unknown destination (MOB) (this category covered between 79% and 91% of minor leavers between 2000 and 2005). The vast majority of leavers within the largest groups in 2005, namely those from India, Angola and China, also left with an unknown destination. Most leavers are boys. There is scarcely any difference between young men and women who do leave, as regards the percentage of those leaving voluntarily, those compelled to leave and MOBs.

As far as this is recorded, most youngsters who had left the country voluntarily left via the International Organisation for Migration. In recent years, Angola has been the country to which most youngsters have returned via the IOM. By contrast, however, not a single youngster has returned to India or China. Almost half of those who have returned in recent years via the IOM left from the COA reception centres.

A more detailed study of the figures for 15 to 17 year olds who were in the COA repatriation centres on 1 October 2005 and 1 December 2005 reveals the following. A total of 42 youngsters who were minors on the base dates left reception between 1 October 2005 and 1 February 2006. Only two of those returned to the country of origin, whereas 23 youngsters left with an unknown destination. This works out at an average of about 6 MOBs per month. Just as happened in the time of the campuses (2003-2004), there is accordingly little by way of returning to the country of origin, whilst leaving with an unknown destination has reduced slightly. In this period, boys were in the majority of MOBs. The age when youngsters became MOBs varies between 15 and 18, and the MOBs originated from a wide range of countries. The vast majority of youngsters who became MOBs had not yet received a decision on their asylum applications by the time they left reception.

Activities of the organisations concerned
The youngsters at the heart of this research were received into AMV sites at AZCs aimed at repatriation, irrespective as to whether they were still being processed or had already received a negative decision from the IND. The intention behind this was that they would be prepared, at as early a stage as possible, for a possible repatriation to their country of origin. The interviews and file analyses showed that the guardians from Nidos
and the mentors from the COA tried to stimulate the youngsters to think about returning to their countries of origin. Often, however, this turned out to be a subject difficult to discuss. The education pursued by the AMVs is not specifically oriented towards facilitating repatriation.

When the procedure for an AMV has been completely exhausted, a start is made on a path towards mandatory repatriation. An application for a ‘laissez-passer’ must then be submitted to the diplomatic representative of the stated country of origin. Once the LP has been promised, the concrete placement still has to be arranged in the reception situation which the IND has identified when assessing the asylum application.

The various organisations are experiencing the following hindrances to voluntary and mandatory repatriation of AMVs:

— a lack of motivation for AMVs to repatriate;
— some AMVs giving false personal and background details;
— the lengthy duration of the LP process;
— difficulties in arranging a concrete reception site in the country of origin.

As regards departure with an unknown destination, it appears that the COA is trying to avoid this through a reporting obligation and the provision of information. Not all youngsters act accordingly, but it is unclear whether this is a matter of independent choice or not. Also, recently refined security, using camera surveillance and keycards with 24-hour assistance from the AMV team, should reduce the MOB rates. Amongst youngsters who end up as MOBs, the respondents have indicated that there are four distinct groups, although the sizes of these are not known:

— youngsters who come into the MOB category shortly after their arrival at reception and who may be the victims of international trading in and smuggling of humans;
— youngsters who, after spending some time in reception, go MOB and perhaps end up in human trafficking, for example in prostitution, in the Netherlands;
— youngsters who are unwilling to wait any longer for the results of the asylum process and seek their destiny outside reception;
— youngsters who become MOB just before or after their eighteenth birthdays, because of the threat of mandatory repatriation.

There are also youngsters who only report weekly to the Aliens Police, but not to the COA. After a few failures to report to the COA, the RVA payments (reception and allowances) are terminated.

If someone becomes MOB, the Nidos guardian reports this to the police. Particularly with young and vulnerable MOBs, there is then often a request for ‘tracing, apprehension and return’. If the youngster has no guardian, then his disappearance will sometimes go unreported. The ‘Missing AMA Protocol’, set up in 2003, is only partially followed at each of the two locations investigated.

The 21 AMVs

The eight boys and thirteen girls, including a number of expectant mothers, were nationals of fourteen different countries. Most were 16 or 17; the IND considered some of them to be actually above the age of majority. Many of the youngsters had no wish to discuss their futures, or a possible return to their countries of origin, with their guardians or mentors. There was even less discussion about illegal residence. This reluctance to talk about repatriation has to do with the fact that most of them were completely opposed to the idea of going back. The reasons they gave for this often had a lot to do with their stated motivation for migrating in the first place. They often stated that they were afraid of ending up facing the same problems they had left behind, such as imprisonment, forced marriages or prostitution. Some also stated that there was nobody in their home countries who could look after them. Illegal residence was not often regarded as a realistic alternative, however. Some did consider that illegal
residence would be better than returning to their countries of origin. Some youngsters, who had various motives for migration, were thinking about returning and one has already decided to do so. A number of them feared a life as illegal resident, although they did not have a smaller social network in the Netherlands than others. However, we know little about the kind of influence these networks exert. Few conclusions can be drawn about the factors associated with a positive attitude to repatriation, bearing in mind that there is little variation amongst these attitudes (most have a negative attitude, while only a few are doubtful or even positive about repatriation). It does appear that relatively many girls have a negative attitude toward repatriation. Almost all mothers with babies have a negative attitude toward living illegally, sometimes because of their children. The presence of family in the country of origin appears to be associated with an ambivalent or positive attitude to repatriation. Youngsters who have fled from a violent situation or who have severe psychological complaints do not necessarily have a negative attitude to repatriation. The case studies show that the guardians and mentors are in most cases unsuccessful when it comes to influencing the attitude of the youngsters towards repatriation.

Apart from the motivation towards repatriation, the actual facilities for allowing youngsters to return to their countries of origin also appear to be limited. Some of the youngsters have not obtained an AMV permit because the IND considers the reception facilities in the country of origin to be adequate, or because the youngster is sufficiently independent. In other cases, the youngsters have given brief, vague and/or contradictory information, which makes it almost impossible to investigate whether there are adequate reception facilities in the country of origin. It will be difficult to repatriate the youngsters in most of these cases when the proceedings against them are concluded. Arranging for adequate reception is impossible in the cases of those youngsters who, according to the IND, have frustrated the investigation into reception facilities. In some other cases, the intended parental receiver has died in the meantime. Also, almost none of the youngsters have valid identity papers. It is likely that only a few of these youngsters will finally be able to be repatriated to their countries of origin before their eighteenth birthdays.

**Conclusion**

Since the introduction of the new AMV policy, it appears that there is a lesser influx of AMVs, but there is no sign of an increase in independent repatriation to the country of origin. In this sense, the AMV policy has been unsuccessful in the area of repatriation. This result is the function of a variety of bottlenecks, both motivational and practical. It also appears that departure from reception to an unknown destination remains a major problem. It seems that heightened vigilance is required, particularly at the initial stage. Compatible recording procedures at all of the institutions concerned and full implementation of the ‘Missing AMA Protocol’ are also important. While the policy’s potential influence on repatriation and MOB should not be overestimated, it should still be able to obtain results in these areas.