

Abstracts

Claudio Cottatellucci, *New citizens, asylum and unaccompanied foreign minors*

The most widespread representation of immigration in our country constantly moves to the background the wide reality of five million foreigners stably present along with that, rapidly growing, of new citizens of foreign origin. In this context the reality of minors, represents a definitive test of the ability of our society to build integration and social cohesion.

The discussion about reformation of citizenship law and restrictions on access to international protection represent, in completely different contexts, a crucial test to verify the real protection of rights these subjects are entitled to. This is the scenario where new competences attributed to minor magistracy in the field of reception and integration of unaccompanied foreign minors.

Key words: citizenship, acquisition, international protection, reception.

Roberta Ricucci, *Acquisition of citizenship and personal identity construction: being Italian and feeling Italian*

In recent years, the debate on citizenship acquisition has focussed on the relationship between *ius soli* and second generations. Apart from the legislative changes, what does the lack of Italian citizenship mean for foreign-origin young people and adults? What, in concrete terms, does being “without Italian citizenship” mean in daily-life? It is not so much a matter of defining juridical aspects as of showing the everyday environments where the theme of citizenship is played out.

Key words: citizenship, second generations, young people, civic engagement, identity.

Paolo Morozzo della Rocca, *Children and citizenships*

The author considers the value of a citizenship granted to minors, pointing out that growing up as a stranger in one’s own home represents a challenge to common

sense, then to the life in a society itself. He therefore highlights the inadequacy of current political debate that is focused on a trivialized opposition between *ius sanguinis* and *ius soli*.

Key words: citizenship, granting, membership, *ius sanguinis* and *ius soli*.

Corrado Bonifazi, Pietro Demurtas, *Unaccompanied foreign minors: dimensions and characteristics of European and Italian scenario*

In the last years, the presence of unaccompanied minors has increasingly gained attention in Italy, as shown by the recent adoption of an organic law aimed at regulate their reception and integration. Starting from the distinction between asylum and non-asylum seekers, the contribution describes the size and the main features of their presence at a European and Italian level, focusing also on unaccompanied minors entered into the criminal circuit.

Key words: statistics, unaccompanied minors, sea arrivals, Asylum seekers, non asylum seekers; missing minors.

Giovanni Simoneschi, *The three levels of educational care in the process of integration of unaccompanied foreign minors*

The migratory experiences of unaccompanied foreign minors are accumulated by experiences of separation from parenting figures, anguished dangers, and deep sense of loneliness and abandonment. Like other institutions involved in the integration of unaccompanied minors, the school should also take into account such experiences and psychological aspects. At the same time, the school has the task of supporting the migratory project of the unaccompanied minor, whose desire for integration is an important means of mobilizing the energies needed to overcome traumatic tragedies. To achieve these goals, the school will have to be organized on the basis of three levels of educational care: care in the relationship between the teacher and the child; Care in the relationship of the foreign minor not accompanied by peers; The organizational care.

Key words: unaccompanied minors, inclusion, research, linguistic and psychological support, educational relationship, organizational care.

Filomena Albano, *Unaccompanied foreign minors in the perspective of the Authority for Childhood and Adolescence*

The Italian law on reception and integration of unaccompanied minors developed in order to guarantee the respect of the superior interests of the child. The Italian Ombudsperson for Children and Adolescents, by applying the instituting law (law 112/2011), keeps carrying studies and monitoring activities on reception and integration. Moreover, by enforcing article 11 of law 47/2017, it provides the

selection and training of aspirant volunteer guardians for unaccompanied minors within the Regions lacking a local ombudsperson.

Key words: unaccompanied minors, Ombudsperson for Children and Adolescents, reception, integration, volunteer guardianship.

Giusy D'Alconzo, Antonella Inverno, *New rules on the protection of unaccompanied foreign minors: content and reflections on their implementation*

Law No. 47 of 2017 on protection of non-accompanied minors rearranges the matter through modifications and integrations of existing legislation and brings innovations to applicable procedures, from the arrival of minors to Italy up to their full integration.

According to authoresses, enforcement of new regulations calls for a coordinated action from different actors, action that must be adequately pursued already in the stage immediately following their entry into force.

After a review of main innovations brought to the legislation, authoresses highlight and examine closely some issues that, in their opinion, need special attention in the implementation phase, among which the identification and age assessment procedure, first and second reception and enjoyment of some rights that are essential for minor's development, such as instruction and health.

Key words: non-accompanied foreign minors, rights of minors, immigrations, reception, implementation.

Joseph Moyersoen, *Unaccompanied minors: the articulate and difficult issue of age assessment*

Beginning from a survey of the considerable binding legislation and soft law legislation that have been adopted along the last decade by international organizations and also from a survey of recent, specific regulations adopted in Italy in the last months on the age assessment of non-accompanied minors, this essay focuses on the issues underlying latter regulations, on mostly adopted techniques and on some practices adopted on a local basis, due to protocol ratification from public and private entities involved in this complicated matter.

Key words: best interests, right to develop, culture mediator, protection, protocol

Monia Giovannetti, Marco Accorinti, *Unaccompanied foreign minors between reception and integration*

The “alone-children” and the young people “on the move” are, on the international scene, a real migratory subject. This phenomenon for Italy impact on the arrangements for protection, assistance and care systems, provided for by the law, but in particular has led to a substantial “redefinition” of the reception

system for unaccompanied minors (UAMs). The text analyses the actions of the Ministry of the Interior, the activity of Sprar, the role of Italian Municipalities, the contribution of the reception centres for minors and describes the critical aspects ongoing.

Key words: Unaccompanied minors (UAMs), national reception system, *governance* of migration policies, local welfare system, The Protection System for Asylum Seekers and Refugees (Sprar).

Maria Francesca Pricoco, *A review of first implementing experiences of Decree 2015 No. 142 (D.Lgs. 18 agosto 2015 n. 142)*

The authoress reviews the current regulatory environment, mostly coming from EU, as recently rearranged by Decree No. 2015/142 (D.Lgs. 18 agosto 2015 n. 142) and by Law n. 2017/47 (Legge 7 aprile 2017 n. 47). In light of this, she considers some of the most relevant decisions issued in recent times by Italian Juvenile Courts, in legal proceedings for ratification of reception measures.

Key words: Juvenile Court, non-accompanied foreign minor, reception, ratification.

Gabriella Tomai, *Protection of the minor, Dublin III regulation and the right to family unity*

Authoress' long experience in cases of reception and protection of non-accompanied foreign minors has represented for her an opportunity of reflection about the evolution of the regulation and of the executive apparatus along the last decade.

After having reviewed those regulatory texts that have guided the action of operators, and having highlighted many problems of interpretation and application, authoress focuses on most recent acts of regulation (Decree 142/15 and Law 47/17) that have systematized the matter, with specific reference to the right to family unity, both in an EU context with ref. to Regulation 604/13 (so-called Dublin III) both with reference to assisted repatriations towards origin or non-origin countries.

The essay describes the current range of actions of protection of the right to family unity in the case of minors applying or not applying for international protection.

As for the procedure of family reunification through relocation, in accordance with the procedure set up by Italian "Dublin Unit", after having noticed the minor occurrences of such form of family reunification, the authoress analyzes possible problems present within the system hoping for the implementation of cross-institutional co-operation paths, without living out the belief that, also in this field, the concentration of judicial protection before a single, specialised judge may bring possible positive effects.

Key words: migrations, non-accompanied minors, reception and protection, family reunification, cross-institutional co-operation, specialized jurisdiction.

Maurizio Veglio, *Administrative proceeding and civil trial in the field of international protection: evidence formation, principle of oral proceeding and hearing of the minor applicant*

Suspicion, anxiety, hope, manipulation are common feelings among asylum seekers, turning even more subtle and ambivalent with underage applicants.

Notwithstanding important legal safeguards, their relationship with adjudicators entails lot more distance and imbalance than adults'.

According to the 1951 Geneva Convention, asylum seekers are holding a well-grounded fear and therefore may suffer from an inferiority complex before decision-makers, especially when deprived of family, education, means, dignity.

The article indulges on the shared duty to substantiate the claim in underage asylum seekers applications and the need for adjudicators to ensure full value to words and silence of minors.

Key words: unaccompanied minors, international protection, asylum interview, burden of proof.

Adele Del Guercio, *Unaccompanied minors in European right between protection requirements and rights that are denied*

This article examines the international normative framework for the protection of minors, in particular of unaccompanied minors. The analysis is focused on the UN Convention on the rights of the child, on the Echr – as interpreted by the European Court of Human Rights (Ecthr) – and on the EU immigration and asylum law.

Key words: unaccompanied minors, best interest of the child, vulnerability, reception, administrative detention, minor legal representative.

Cristina Maggia, *An overall analysis of the work carried out by Offices of the Prosecution before Juvenile Courts from year 2010 to year 2015*

The author analyses a set of data taken from the records of the Offices of the Prosecution of the Juvenile Courts regarding civil, executive and criminal judgements, collected through an in-depth survey that has involved almost all of the Offices over a six-year period.

This way it becomes visible, for the first time, the work carried out by Offices of the Prosecution before Juvenile Courts in the field of civil judgments, as a key reference for public social and health system. That is an aspect that may be irreparably compromised by the reform of the regulation which has been proposed in Italy during current legislature.

Key words: social and health system, civil action.

Giuseppe Di Chiara, Alessandra Sciorba, *Experiences in protecting asylum-seeking, unaccompanied foreign minors and training paths for the jurist: the “Legal Clinic for Human Rights” in Palermo*

The clinical legal method is a law teaching approach, which has been globally spread through the experiences of Legal clinics. This paper, divided into two sections, analyses in the first part the theoretical and value foundation of this approach, which, starting from a specific declination of the case method, can produce a profound change in the gravity centers of traditional legal education. Therefore, the second section describes a practical experience of the application of the clinical method by explicitly addressing its intrinsic aims of social justice and vulnerability protection, specifically with respect to the legal support offered by the Human Rights Clinic of the University of Palermo for unaccompanied minor asylum seekers.

Key words: Legal clinic, legal education, case method, vulnerability, unaccompanied migrant minor asylum seekers.

Roberto Bestazza, *Unaccompanied foreign minors: care paths at Terrenuove*

Un-accompained Foreign Minors are today an emergency in the world of migrations with human and social implications, often dramatic. Taking in account the multi-year experience of work done with migrants at Terrenuove Cooperative in Milano, we highlight some ways of intervention that we developed, experienced and verified in the Team working there with foreign alone minors.

Key words: Un-accompained Foreign Minors, network, ethnopsychiatry, counseling, group intervention.

Francesco Buongiorno, *Migratory flows and sanitary structure: the case of the Region of Sicily*

The author describes the organization set by Region of Sicily in order to prepare the sanitary reception system for immigrants. The description of this system outlines the structuring of operating practices that have been stabilized along the years with reference to the evolution of immigrants phenomenon and represents an effort to turn the various regulatory indications into practical operation.

Key words: immigrants, sanitary reception, guidelines for sanitary assistance, regional sanitary program for immigrants, rights.

Guido Vecchione, *The Italian Supreme Court and the puzzle of the legal competences with regard to unaccompanied foreign minors*

Taking the opportunity of the two judgments issued by the Italian Supreme Court (*Corte di Cassazione*), the comment is aimed at a systematic reconstruction of the

relevant regulation, also in view of the new Law No. 2017/47 on protection of non-accompanied minors.

The purpose is that of proposing considerations for the solution of a problem that has not been clearly dealt with by the new Law, either: division of competences on this matter among juvenile court, tutelary judge and court of law, with a specific regard to two controversial issues: appointment of guardians and age assessment of unaccompanied foreign minors.

Key words: unaccompanied foreign minors – division of competences on this matter among juvenile court, tutelary judge and court of law.

Elena Rozzi, Age assessment and reception of unaccompanied minors before the European Court of Human Rights

In the *Darboe and Camara v. Italy* and *Dansu and others v. Italy* cases, the ECtHR indicated an interim measure under Rule 39, ordering Italian Government to transfer six unaccompanied minors from a reception center for adults to adequate facilities as provided by national and international law protecting unaccompanied children.

The applicants complained violations of articles 3, 8 and 13 of the Convention, with regard to the conditions in the reception center, the lack of protection measures as well as the lack of procedural guarantees in the age assessment procedures.

It is the first time that the procedures for age assessment of unaccompanied minors in a EU State are questioned before the Court.

It is also the first case where the Italian Government is brought before the ECtHR for not ensuring the reception and protection measures provided by national and international law on unaccompanied minors.

The two cases also demonstrate that the requests for interim measures under Rule 39 may be an important tool to fight against violations of these children's rights in Italy and Europe.

Key words: unaccompanied minors, age assessment, European Court of Human Rights.