DURABLE SOLUTIONS FOR CHILDREN TOOLKIT

Save the Children

Acknowledgments

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FOREWORD

68 MILLION PEOPLE WERE FORCIBLY DISPLACED AT THE END OF 2017,

doubling those displaced in 2005 and representing a larger population than the UK or France. This rise in forced displacement looks highly likely to continue for the foreseeable future, alongside increases in displacement caused by climatic change. Approximately two-thirds of current forced displacement crises last for five years or more.

More than half of these 68 million are children, many of whom are likely to be amongst the poorest and most vulnerable children on the planet. At the time of writing, there are more than 30 protracted displacement contexts where children are denied access to basic rights and services. Displaced children are more vulnerable to a host of profound, life-changing challenges. A displaced child is far more likely to suffer from malnutrition or to be denied access to education, or to suffer exposure to physical or sexual abuse, child marriage, or recruitment into armed forces or militias. Which is why Save the Children believes it is so essential to find durable solutions for these children.

There are various excellent tools that allow us to measure and analyse return and reintegration contexts, and progress towards a durable solution. Nevertheless, despite the fact that over 50% of displaced people are children, these existing tools do not easily allow for focusing on children. This lack of child focus in durable solutions frameworks means that millions of migrant and displaced children risk 'falling between the cracks' of host and origin state responsibility.

Consequently, I am very pleased to share Save the Children's Migration and Displacement Initiative (MDI) Durable Solutions for Children toolkit. The toolkit provides guidance for engaging with displaced and irregular migrant children and allows practitioners to build evidence-based and child-focused long-term solutions and advocacy interventions. While the toolkit provides substantial direction on issues of return and reintegration, it also outlines options, actions and legal guidance related to local integration and resettlement. The toolkit can help measure child-specific gaps in displacement and irregular migration settings, shape policy and programming decisions, and monitor improvements and increase the accountability of service providers.

For the MDI and Save the Children, the toolkit represents an important step, primarily internal, in ensuring that children are at the heart of future responses and solutions to displacement. We envisage the toolkit as a 'working document', and we are keen to receive inputs and advice from colleagues and counterparts around the world. We hope that the toolkit is a useful addition to the literature and learning on durable solutions, and facilitates a better understanding of, and response to, the specific challenges faced by displaced children.

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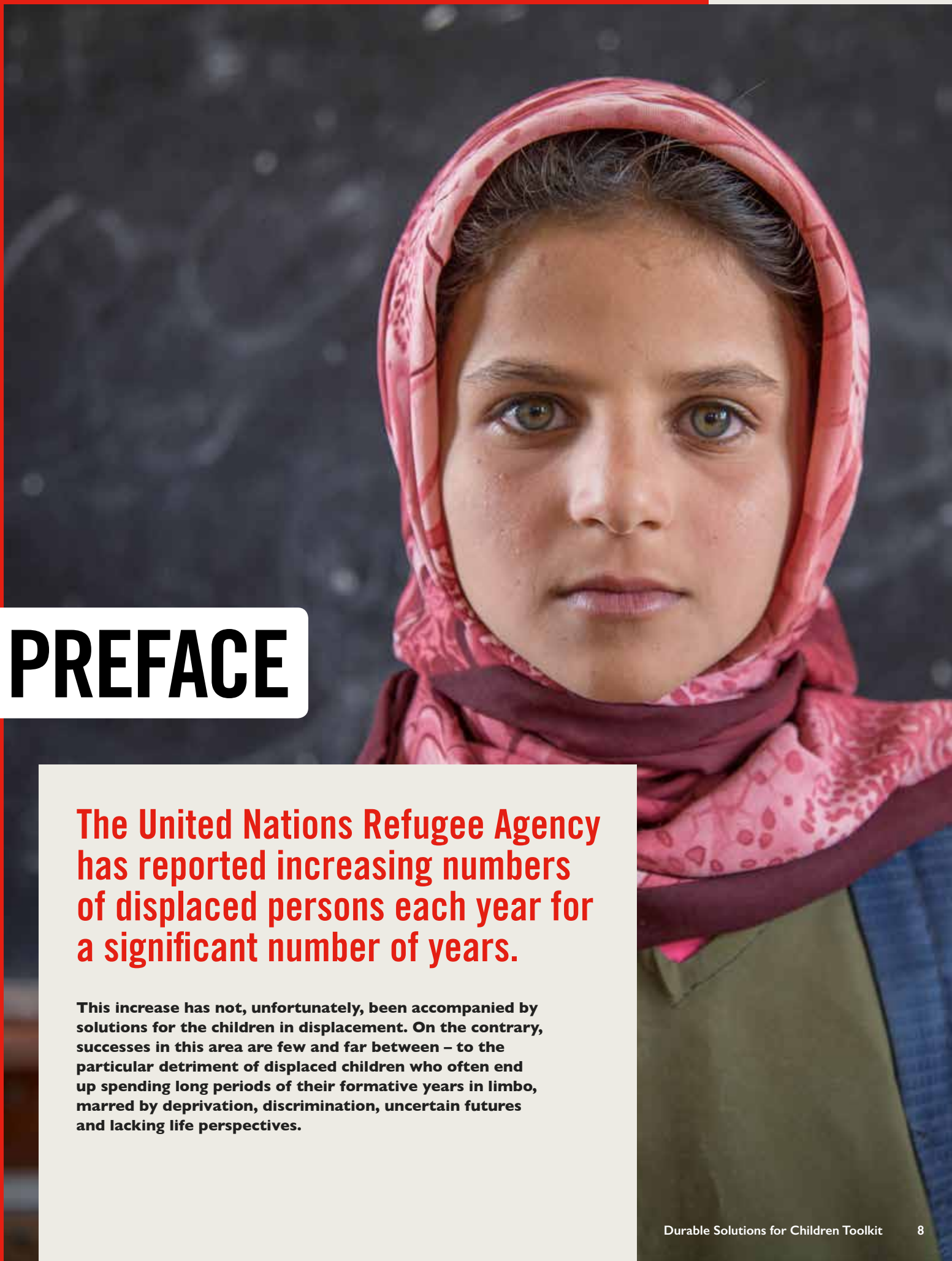
ACRONYMS AND ABBREVIATIONS

ACTED	Agency for Technical Cooperation and Development
ADB	Asian Development Bank
AVRR	Assisted Voluntary Return and Reintegration
BIA	Best Interests Assessment
BID	Best Interests Determination
BMZ	Federal Ministry for Economic Cooperation and Development
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBCPM	Community-Based Child Protection Mechanism
CRC	Convention on the Rights of the Child
CRRF	Comprehensive Refugee Response Framework
Danida	Danish International Development Agency
DFID	UK Department for International Development
DG DEVCO	Directorate-General for International Cooperation and Development
DRC	Danish Refugee Council
DSP	Durable Solutions Platform
ECHO	European Civil Protection and Humanitarian Aid Operations
EU	European Union
EUTF	European Union Trust Fund
GP20	Global Protection Cluster's Plan of Action on the 20th Anniversary of the Guiding Principles on Internal Displacement
HC/RC	Humanitarian/Resident Coordinator
IADB	Inter-American Development Bank
IASC	Inter-Agency Standing Committee
ICCPR	International Covenant on Civil and Political Rights

IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
IOM	International Organization for Migration
IRC	International Rescue Committee
JICA	Japan International Cooperation Agency
JIPS	Joint IDP Profiling Service
NGO	Non-Governmental Organisation
NMFA	Norwegian Ministry of Foreign Affairs
Norad	Norwegian Agency for Development Cooperation
NRC	Norwegian Refugee Council
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
ODI	Overseas Development Institute
OHCHR	Office of the United Nations High Commissioner for Human Rights
RDDP	European Regional Development and Protection Programme for Refugees and Host Communities in Lebanon, Jordan and Iraq
ReDSS	Regional Durable Solutions Secretariat
RSD	Refugee Status Determination
SC	Save the Children
SDC	Swiss Agency for Development and Cooperation
SDG	Sustainable Development Goal
Sida	Swedish International Development Cooperation Agency
UAM	Unaccompanied Minor
UK	United Kingdom
UN	United Nations
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
US	United States
WFP	World Food Programme
WHS	World Humanitarian Summit



PREFACE

The United Nations Refugee Agency has reported increasing numbers of displaced persons each year for a significant number of years.

This increase has not, unfortunately, been accompanied by solutions for the children in displacement. On the contrary, successes in this area are few and far between – to the particular detriment of displaced children who often end up spending long periods of their formative years in limbo, marred by deprivation, discrimination, uncertain futures and lacking life perspectives.

Solutions are therefore a key objective when working with displaced and migrant children, who otherwise often fall between the cracks as states argue whose responsibility is it to uphold the rights of those who have entered the territory of other nations.

In contexts of protracted displacement, Save the Children promotes local integration and decent living standards for children. In contexts of return, where the long-term effort is concentrated on reintegration, Save the Children aims to ensure that returning children are protected in an appropriate environment.

This much-needed focus on solutions by Save the Children is prompted by and mirrored in the Global Compact on Refugees; as one of the key pillars of the Comprehensive Refugee Response Framework; in the Global Compact for Migration; and, finally, as a key work stream in the Global Protection Cluster's Plan of Action on the 20th Anniversary of the Guiding Principles on Internal Displacement (the GP20).

In order to advance the work with solutions for displaced and migrant children, The Migration and Displacement Initiative (MDI) has developed relevant materials and created a reference library.

THIS TOOLKIT, WHICH IS INTERNAL, AIMS TO:

Provide further insight into why the Solutions Agenda is important, its legal foundation, the key concepts, the main actors and the ways in which Save the Children can ensure children are at the centre of the agenda from an advocacy, multi-sectoral programming and knowledge perspective.

THE TOOLKIT IS INTENDED TO SUPPORT:

- Programmes working in situations with refugee or internally displaced populations (host country);
- Programmes working in return environments (country of origin) with returning refugees (spontaneous or supported), returning internally displaced persons, rejected asylum seekers, deportees or facilitated migrant returns;
- Save the Children Member Organisations working with migrant/refugee children;
- Advocacy and monitoring, evaluation, accountability and learning staff in all the above programmes/Save the Children Member Organisations; and
- Designated departments/groups within Save the Children (Global Themes, Humanitarian Strategy Group, Europe and Mediterranean Advocacy Group, Humanitarian Advocacy Group, and the advocacy offices in Geneva, Brussels and New York).

THE TOOLKIT IS STRUCTURED INTO THE FOLLOWING CHAPTERS:

CHAPTER 1: INTRODUCING SOLUTIONS

This first chapter frames the topic of 'solutions'. The chapter gives a quick overview of key definitions and global discussions and will help familiarise staff with Save the Children's engagement in this area. This chapter introduces the language related to refugees, internally displaced persons and migrants. It outlines the various global governance mechanisms and institutions and explains the legal basis for the various solutions for different groups.

CHAPTER 2. ASSESSING SOLUTIONS

This chapter offers three assessment tools which can be useful in any displacement/migration context where solutions need promotion. The guides can assist in developing assessments of i) the general 'solutions environment' and what enables and challenges solutions in a given context; ii) the current status of solutions in a given country/region – and how children are faring in terms of physical, material, legal and psychosocial safety, and iii) key procedural issues to ensure a strong solutions process such as best interests assessments; best interests determination; procedural safeguards (e.g. legal representation, guardianship); and safeguards in the case of return.

CHAPTER 3. ADVOCATING FOR SOLUTIONS

This chapter provides key messages for different solutions scenarios (return, local integration and resettlement), as well as more general but fundamental topics. This is an 'off the shelf' catalogue that can be picked up by advocacy staff and managers to inspire key local positions. A large number of the messages can be lifted directly into programming initiatives or principles, and would as such be useful for staff working on developing solutions programming.

Annexed to this chapter you will also find a global holding position on forced returns as well as our Brussels office/ EMAG advocacy position on necessary provisions in solutions processes for children.

CHAPTER 4. PROGRAMMING FOR SOLUTIONS

This chapter offers a generalised Theory of Change which defines the key objectives of a solutions (local integration or return) operation for children, and also highlights key programming components and assumptions. Furthermore, the chapter provides guidance on the vulnerabilities that migrants and displaced persons experience that may affect programming considerations, and presents an indicative list of key activities.

Each of the chapters has a number of links/ referenced internal and external resources that can be found on **Save the Children's SharePoint** and the **Migration and Displacement resource hub.**[1] This includes examples of programmes, position papers and research that Save the Children has produced with the aim of advancing solutions for children.

We hope you will find the material contained in this document inspiring. Please do not hesitate to get back to us with comments and additions:

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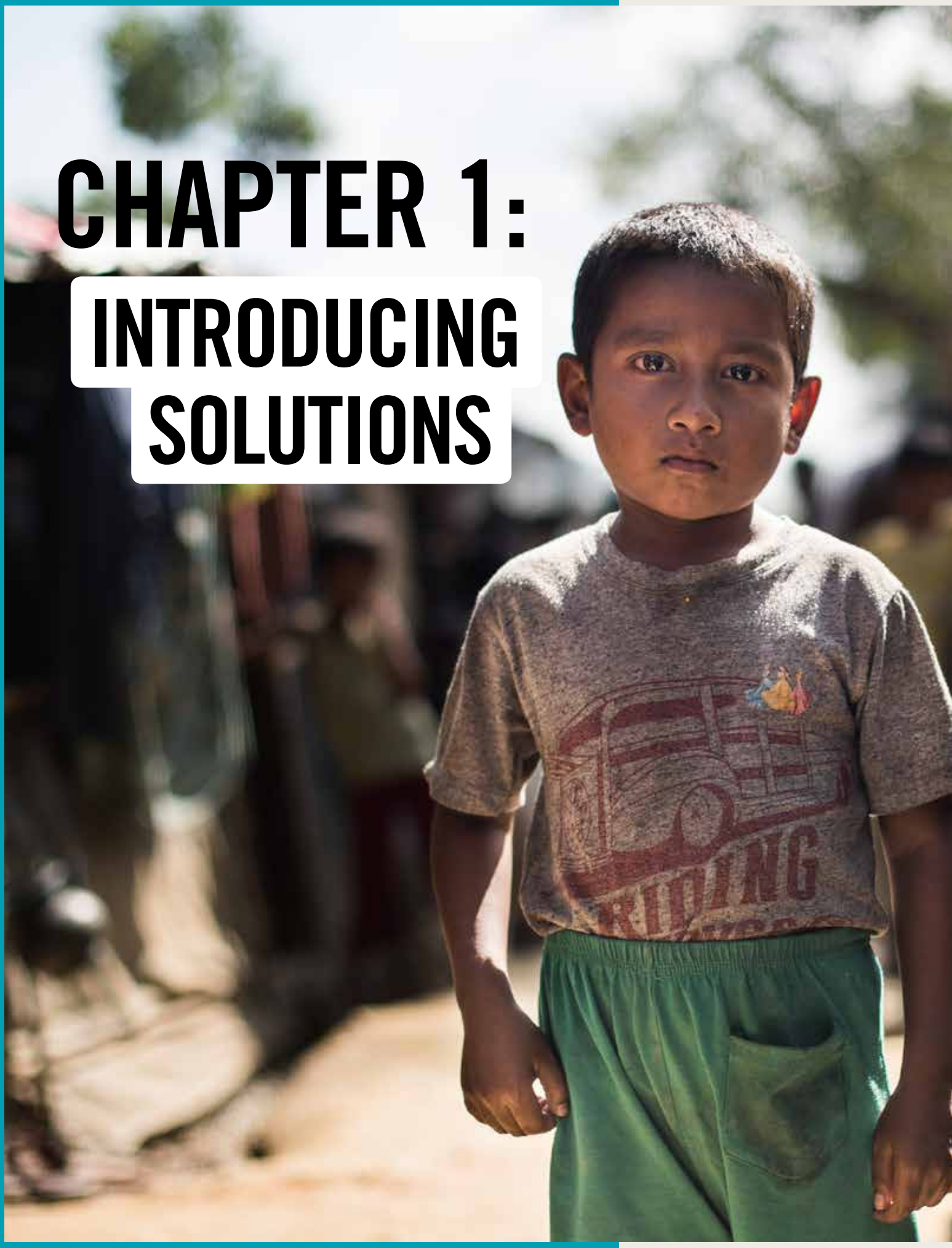
[1] https://savethechildren1.sharepoint.com/what/migration-displacement/pages/home.aspx



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INTRODUCING SOLUTIONS

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A durable solution is one where a displaced person permanently gains, or regains, status and rights to live freely as a citizen, through either local integration, resettlement or return.

1.1 Basic Q&A on solutions for children

'Durable solutions' is a central concept for any organisation working on migration or displacement. Immediately following a displacement crisis, and after initial life-saving activities have been provided, a long-term – or durable – solution must be realised for each child. A durable solution is one where a displaced person permanently gains, or regains, status and rights to live freely as a citizen, through either local integration, resettlement or return.

The term 'durable solutions' is commonly used in relation to those who have been forcibly displaced, including refugees and internally displaced persons (IDPs). When talking about solutions for migrants, the qualifiers 'long-term' or 'sustainable' are often used. For this paper, we use the term 'solution(s)' for both displaced and migrant children.

This Q&A explains what we mean by solutions, highlights the key concepts and provides guidance on how colleagues can engage on the issue.

1.1.1. HOW DO WE DEFINE SOLUTIONS FOR CHILDREN?

> Save the Children considers that a solution has been achieved when any (refugee, migrant or IDP) child's rights are fully reinstated during and/or after migration or displacement, and when specific vulnerabilities and risks for the child arising from migration or displacement, including discrimination, are meaningfully minimised. Additionally, for a durable solution to be realised, a state has to permanently assume or resume an individual's legal protection or status.

Surprisingly, there is no legal definition of 'durable solutions' for displaced or migrant children, despite solutions being a central pillar of international protection. Durable solutions are more of a concept in the 'industry' of refugee work, and have evolved to become a key pillar. More general, globally accepted, standards and definitions for solutions for refugees, IDPs and migrants do exist, and we have drawn on these to develop our definition. Although completely different laws and conventions apply to each group (refugees, IDPs and migrants), areas of overlap make it possible to extend the above common definition to all of them.

For refugees, a definition is found in the United Nations Refugee Agency (UNHCR) mandate of 'providing international protection […] and seeking permanent solutions'.[2] Generally, a durable solution for refugees is found when protection needs cease. In its *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status*, UNHCR notes that international protection ceases when national protection is resumed or assumed.[3] Per the handbook, this can be achieved in one of three ways: i) voluntary re-availment of protection from the country of origin; ii) acquisition of the rights and iii) obligations of a national in the country of integration; or resettlement or naturalisation.

For IDPs, we can take the definition found in the Inter-Agency Standing Committee (IASC) Framework for Durable Solutions for IDPs, which is based on the Guiding Principles on Internal Displacement. This states that, 'a durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.'[4]

For migrants, a definition of solutions for migrant children can be found in the Joint General Comment of the Committee on the rights of the child n.22, page 8 in the footnote.

A 'comprehensive, secure and sustainable solution' is one that, to the greatest extent possible, caters to the long-term best interests and welfare of the child and is sustainable and secure from that perspective. The outcome should aim to ensure that the child is able to develop into adulthood, in an environment that will meet his or her needs and fulfil his or her rights as defined by the Convention on the Rights of the Child.

So how can these definitions be used to further develop a definition of solutions for children?

In their 2014 report, *Safe & Sound: What States Can Do to Ensure Respect for the Best Interests of Unaccompanied and Separated Children in Europe*,[5] the United Nations Children's Fund (UNICEF) and UNHCR suggest that, 'a durable solution will be long-term and sustainable. It will ensure that the unaccompanied or separated child is able to develop into adulthood in an environment which will meet his or her needs as well as fulfil her/his rights as defined by the

[2] UNHCR (1950) *Statute of the Office of the United Nations High Commissioner for Refugees*. G.A. Res. 428(V), Annex, U.N. Doc. A/1775, para. 1.

[3] www.unhcr.org/publications/legal/3d58e13b4/handbook-procedures-criteria-determining-refugee-status-under-1951-convention.html

[4] www.unhcr.org/50f94cd49.pdf

[5] www.refworld.org/pdfid/5423da264.pdf

Convention on the Rights of the Child (CRC) and will not put the child at risk of persecution or harm.'

The 'Initiative for Child Rights' in the Global Compact, of which Save the Children is a leading actor, has described solutions in the following manner: '[…] solutions in children's best interests determine long-term arrangements for refugee and migrant children, including those who are unaccompanied or separated, and are the subject of a decision concerning their future by the authorities in a state [sometimes] other than their own. A range of options are available for refugee and migrant children, whether accompanied or unaccompanied. A fundamental principle is that they should be tailored to suit the individual child and that the child, unless very young, should have a say in deciding which option is chosen.'[6]

1.1.2. WHY ARE SOLUTIONS FOR DISPLACED OR MIGRANT CHILDREN IMPORTANT?

A solution re-establishes a durable or sustainable situation in which a child can enjoy his or her rights. This can happen in the first country of asylum or migration, in a third country or upon the child's return to his or her country of origin. Without a solution, a displaced or migrant child is likely to be acutely vulnerable to a range of profound rights abuses.

The full enjoyment of rights for displaced or migrant children is far from being a reality. While UNHCR has reported increasing numbers of displaced persons each year over recent years, it has not concluded that more solutions are also being provided. On the contrary, successes have been few and far between.

A lack of lasting solutions can result in longer-term discrimination or legal or material disadvantages, which can in turn encourage children to undertake hazardous onward movements, adopt negative coping mechanisms or result in serious psychosocial and mental health issues.

Save the Children has chosen to strengthen its focus on solutions for two main reasons:

1. The high incidence of protracted displacement and migration situations worldwide: At the end of 2018, more than 33 situations of protracted displacement exist, in which, typically, a child is without a solution in the host country. UNHCR estimates that more than half of displaced persons are in such a 'limbo-like' situation. This means that a child can spend more than five years and often up to 10 or 15 years – a substantial part of his or her formative years – in very adverse circumstances including high levels of violence and exploitation risks. Furthermore, increasingly restrictive national policies can generate exacerbated surveillance and control measures, accompanied by sanctions against migrants, such as preventive detention, eviction, confiscation of documents etc.

2. The increasing trend of state-facilitated return processes to volatile and fragile countries of origin: Save the Children is concerned by the number of return movements facilitated by governments to countries that are not necessarily safe or conducive for such returns, such as Afghanistan, El Salvador, Myanmar, Somalia and Syria. These returns cannot be labelled 'solutions'. Without strong procedural safeguards, protection and reintegration efforts, and a robust oversight and accountability framework, these return movements may put children at risk.

[6] Bhabha, J. and Dottridge, M. (2017) *Child Rights in the Global Compacts: Recommendations for Protecting, Promoting and Implementing the Human Rights of Children on the Move In the Proposed Global Compacts*. Child Rights Initiative. www.unhcr.org/events/conferences/595e2a417/child-rights-global-compact-recommendations-protecting-promoting-implementing.html

1.1.3. WHAT ARE THE KEY ELEMENTS OF A SOLUTION?

Many factors contribute to the decision on where and when a child will find a permanent solution. As per Article 3 of the CRC, the best interest of the child should guide all actions concerning children, particularly decisions on solutions. The best interests assessment (BIA) and best interests determination (BID) are fundamental in any action affecting a child. A BIA and a BID must therefore be carried out with and for all children, regardless of their immigration status (migrant, asylum seeker, refugee, IDP, etc.).

BID: This a formal process with strict procedural safeguards designed to determine the child's best interests on the basis of the best interests assessment. It is conducted for an individual child in cases where the authorities or UNHCR (if mandated by a government) will make a determination as to which solution is most suitable for the child. The determination itself is based on a number of factors, including family situation, possibilities for family reunification, the host state's capacity to provide protection and the situation in the child's home country. The child should be involved in the BID process – s/he should be given the opportunity to express his/her views and wishes in a way that is appropriate for his/her age and capacities.

BIA: In cases of mass displacement, where an individual BID is not feasible, UNHCR or government agencies will normally make what can be loosely referred to as a 'best interests assessment' for children. This will determine a general response for displaced children (e.g. continued protection may be offered in the host country or voluntary return processes may be offered, thus guiding the appropriate solution).

Below is an explanation of the three commonly available solutions: local integration, resettlement and return.

LOCAL INTEGRATION

Local integration occurs when a child is granted residence and legal right to stay in the host country. Beyond being afforded the right to stay, the child is offered the opportunity to integrate within the local population. Often, this is an incremental process, ideally leading to permanent new citizenship. This solution is essential for children who will not be able to return to their place of origin – often unaccompanied minors (UAMs) or the most vulnerable.

In the case of refugees and asylum-seekers, hosting states often prefer to offer a certain set of rights instead of full local integration. This is particularly the case in relation to large-scale movements. There are only a few examples of large refugee populations having been offered new citizenship in their first country of asylum.

In the case of IDPs, who remain citizens of their country, local integration is often not a problem. However, limits to resources or inter-communal tensions can hinder local integration and may motivate governments to put in place regulations to enhance local integration.

There are also cases where migrant children (whether in an irregular situation, undocumented or arrived through unsafe migration routes) cannot be returned to their country of origin, due to the situation of the country, or the individual circumstances of the child, and therefore local integration is the most suitable option following a best interests determination procedure. However, for migrant children, states rarely make full local integration available. More often, children are offered temporary protection until they come of age. For more information on this, see Section 1.1.4: What is not a solution?

Note: *Save the Children recognises that providing temporary or permanent protection or asylum functions is at the discretion of the hosting governments. Therefore, Save the Children may not advocate for full local integration in a political environment where this is not permissible. In such a context, we would advocate for incremental rights for the displaced, such as (but not limited to) the right to education, to mobility and to work. Similarly, we would work intensively on de facto-integration, even if the legal and policy environment for de jure integration is not entirely in place.*

RESETTLEMENT

Resettlement is the transfer of refugees from an asylum country to another state that has agreed to admit them and ultimately grant them permanent settlement. UNHCR is mandated by states to facilitate resettlement. On an annual basis, states decide on the quota of refugees they are willing to accept, and often will also determine the specific refugee population they will resettle. For example, the quota might prioritise a percentage from Somalia or an ethnic or religious minority from a few countries. Resettlement does not apply to IDPs or irregular migrants,[7] and is separate from humanitarian evacuations. For IDPs we can refer to settlement elsewhere within the country.

Note: *Save the Children can, and does, advocate for increased and more diversified resettlement quotas, especially for vulnerable children. However, as an organisation, we are rarely directly involved in the process of identification of cases for resettlement. In some Save the Children Member Organisation countries, Save the Children is currently involved in integration activities for children who have arrived via a resettlement programme.*

RETURN

Return is when a refugee, IDP or migrant voluntarily chooses, or is compelled by force, to go back to his or her country.

A central consideration in return as a solution is the principle of non-refoulement.[8] This is the principle whereby a state should never expel or return a person to a territory where his or her life or freedom is threatened.[9] As expressed by UNHCR, the International Organization for Migration (IOM) and other key experts, non-refoulement is binding under customary international law, international human rights law and refugee law. However, UN member states do not always accept this interpretation.

Nevertheless, states are ultimately responsible for upholding the principle of non-refoulement. There are no formal accountability mechanisms for non-refoulement, which means that there are frequent violations, especially in the case of migrants and asylum seekers who cross borders irregularly. Nor is there a clear agreement of what constitutes sufficient minimum conditions for a safe return environment, which leads to return practices differing between states (for example, some states consider Somalia a safe environment for return, others do not).

It is generally assumed that non-refoulement applies only to refugees, but this is not the case. The principle of non-refoulement applies to all individuals, regardless of status.[10] The CRC provides further protection specific to children, as it requires a state to make a child's well-being the primary concern and consideration in all decisions, including the decision to expel. The Committee for the Rights of the Child has pointed out that: 'states shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child [...] (General Comment No.6).'[11] The Convention on the Rights of the Child also requires states to establish mechanisms for 'robust individual assessment and determination of the best interests of the child' before any decision is taken to return a child, in order to ensure the child's proper care and enjoyment of rights. (General Comment No. 22).

Note: *Save the Children believes that premature and/or involuntary return represents a risk. Similarly, Save the Children will support the development and promotion of context-specific standards for a safe return environment for children, and monitor the extent that children, and families with children, have access to basic services, such as health and education, and access to sufficient livelihoods. (See Chapter 2 for assessment guidance.)*

For more information on returns, see Save the Children's 'Holding Position on Forced Returns', annexed to this guide, or see Chapter 3 for advocacy guidance.

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[7] If relocation is deemed necessary for IDPs or irregular migrants for urgent protection purposes, it would broadly be referred to as 'humanitarian evacuations'. These could be performed by a variety of stakeholders in the given context.

[8] UNHCR Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: www.unhcr.org/4d9486929.pdf

[9] In some cases, children would be returned to a third country if they have lived in that country for the majority of their lives, or if their family are living in that country. Here, issues of nationality and status in that country will come into play. Nonetheless, the principle of non-refoulement would still apply.

[10] Non-refoulement is grounded explicitly in Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Article 22 of the American Convention on Human Rights; Article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance; Article 19 of the Charter of Fundamental Rights of the European Union; and the CRC.

[11] U.N. Comm. on the Rights of the Child, General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, 27, U.N. Doc. CRC/GC/2005/6 (Sept. 1, 2005)

1.1.4. WHAT IS NOT A SOLUTION FOR A DISPLACED OR MIGRANT CHILD?

Below are a few typical examples of situations where permanent solutions are not realised.

Limited integration in protracted situations

A refugee, IDP or irregular child migrant who lives in any displacement situation, but who is not integrated (as per the definition above) in the local context, has not found a solution.

There are many current protracted displacement situations – for example, Bangladesh, Kenya, Lebanon, Pakistan – where refugees are unable to find normality in their lives for long periods. Here, refugees face limited access to basic services and are not allowed to work, or are only allowed to work in certain sectors. In many asylum countries, displaced people are not allowed free mobility, but are confined to certain areas or camps. In many contexts, discrimination is systemic.

In other situations, such as for IDP populations in Afghanistan, Colombia and Somalia, displaced persons have legal rights as citizens. Here, however, they remain disenfranchised because of specific vulnerabilities and needs caused by their displacement or migration. It could be that they have lost their assets, housing, land or property during flight, that education has been disrupted or that IDP camp life is particularly risk-filled because of overcrowding, abuse, violence or lack of facilities and basic services. Children belonging to these populations have not found a solution.

Migrant children, particularly those in irregular situations, find themselves in a similar situation, at times for long periods. A common example is of a child being offered temporary protection by the state as a consequence of the situation in their country of origin, such as an earthquake or generalised violence, but not being able to take advantage of education opportunities. Alternatively, a child may have permanent status, but their migratory status prevents access to services and income opportunities. Finally, a rejected legal stay may prompt some children to live clandestinely. Non-regularised and even temporary stays are not solutions.

The factors that may set displaced or migrant children back significantly in comparison with other populations are varied; they can be politically driven, resource-driven or the result of xenophobia. Whatever reasons a hosting state has for failing to locally integrate refugees or IDPs, prolonged situations of uncertainty have a profound influence on children.

Premature/involuntary return with limited reintegration

Returning home does not, in itself, constitute a solution. A child, whether a migrant or forcibly displaced, who is sent back or voluntarily returns to a country of origin, and as such regains status as a citizen, but who is still not reintegrated, has not found a solution. If a child cannot re-access education, or if his or her parents cannot find a job or retrieve their land in the place of origin, and the child remains disadvantaged and has specific needs compared with others in the same context, a solution has not been found.

Temporary status with no clear pathway towards citizenship

Refugee status or other protection status is not always linked to residency and can therefore be revoked at the discretion of the hosting state. Though temporary protection may serve a vital purpose, it does not provide a predictable future for children. A child who is given temporary status with a comprehensive set of rights, but who has no clear pathway to new citizenship or the resumption of previous citizenship, has not found a solution.

To avoid this situation, and in certain contexts, we may therefore advocate that – after a reasonable period of a child being in displacement or stuck in a situation of irregular migration with no near prospect of safe return – a permanent solution, such as a permanent residency pathway, be made available at the child's point of displacement or migration. The length of such temporary protection status would also determine our advocacy around those 'age-locked' cases where a person is only entitled to assistance when they are minor, and where their return is expedited as soon as they turn 18.

1.1.5. IS A SOLUTION A CHILD RIGHT IN ITSELF?

Claiming a 'right to a solution' is not straightforward in international law, as a 'solution' is not a legal concept. However, political or legal avenues predicated on the CRC are present that permit us to pursue solutions. These may differ for refugee, IDP and migrant children.

For a solution to be achieved for children, Article 3 of the CRC should be a central consideration and is intimately connected to the full range of rights enshrined in the CRC. For the purpose of this toolkit and to develop a working framework based on a reasonable set of indicators, specific rights within the CRC have been considered. The table below presents each solution indicator, linked to the applicable right in the Convention. This is especially relevant for advocates.

Solutions domain	Suggested solutions indicators	Reference in the CRC
Physical safety	Children are protected from conflict	Article 6, Article 38
	Children are protected from abuse and exploitation	Article 19, Article 36, Article 37
Material safety	Children are healthy	Article 23, Article 24
	Children have access to education	Article 28, Article 29
	Children do not suffer from poverty	Article 27
Psychosocial safety	Children's mental health is supported	Article 2, Article 12, Article 25, Article 39, Article
	Children have a sense of belonging	Article 2, Article 13, Article 14, Article 30
Legal safety	Children have civil documents	Article 4, Article 7, Article 8
	Children are united with their families	Article 9, Article 10, Article 20

The Child Rights Initiative argues that states have a responsibility to investigate the implications of any proposed solution, '[…] notably by carrying out risk and security assessments. The Committee on the Rights of the Child has pointed out that these should focus on "safety, security and conditions" and of the "availability of care arrangements". […] When the solution for a child involves moving to another state, the authorities of both states share a responsibility to ensure a "continuum of protection". The extent to which national child protection systems provide the necessary continuum of protection and care requires monitoring at national, regional and international level, to identify gaps or weaknesses and, where appropriate, to take remedial action.'[12]

Though solutions are predicated upon the belief that states bear the duty of ensuring these rights, the 'transnationalism' of people's movement means states often disagree as to precisely who holds this responsibility. The UN Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration represent a clear attempt to reaffirm state commitments.

- While the Initiative's recommendation may not be legally binding (legal interpretations differ), it should provide a suitable rationale for related advocacy work in most contexts.
- For further references to legal frameworks, please see Section 1.2 in this chapter.

1.1.6. HOW LONG DOES A SOLUTION TAKE?

A solution does not happen overnight. Several organisations, including the UN, use terms like 'progressive', 'transitional' or 'incremental' to describe the dynamics involved in putting solutions in place. No actor can specify how long solutions take to establish.

The reality is that most solutions processes are incremental, and often dynamic. In a return context, a child may return to a post-conflict environment that is recovering and that may be underdeveloped. Full rehabilitation of the environment will not happen rapidly. Progress towards a solution may not be linear if a political shift or renewed conflict occurs that jeopardises children's rights or access to services.

Because of the fluid, developmental nature of solutions, MDI recommends that programmes conduct a stocktaking exercise or a baseline analysis of solutions environments at the earliest opportunity. This practice can be beneficial for advocacy and programming purposes, and can facilitate greater accountability. Please see Chapter 2 for guidance.

1.1.7. ARE SOLUTIONS ALWAYS RELEVANT FOR SAVE THE CHILDREN PROGRAMMES?

If our programmes are in the context of substantial displacement or migration, or if refugee, IDP, migrant or returnee children are a substantial part of the programme, then yes, solutions, or the solutions agenda, should be considered as a key objective or consideration of advocacy and programme work. At the time of writing (January 2019), numerous contexts/regions should be considered within a solutions framework. (This list is indicative and will, of course, change over time.)

Region	Countries	Key issues
Asia	Afghanistan, Bangladesh, Myanmar, Thailand	Return of refugees and issues around promoting local integration in protracted situations (refugees and IDPs)
East and Southern Africa	Burundi, Ethiopia, Kenya, Somalia, Tanzania, Uganda	As above
West and Central Africa	Democratic Republic of the Congo, Niger, Nigeria	Return of migrants and refugees For Democratic Republic of the Congo (and Nigeria with Boko Haram), return of refugees and IDPs
Latin America and the Caribbean	Colombia, El Salvador, Mexico, Venezuela	Potential to develop into a protracted displacement crisis, return of refugees/migrants
Middle East and Eastern Europe	Iraq, Jordan, Lebanon, Syria, Turkey	Return of refugees and IDPs, as well as integration of refugees

The solutions agenda has been initiated, or is being pursued, in several of the above countries.

[12] Bhabha and Dottridge (2017) *Child Rights in the Global Compacts*.

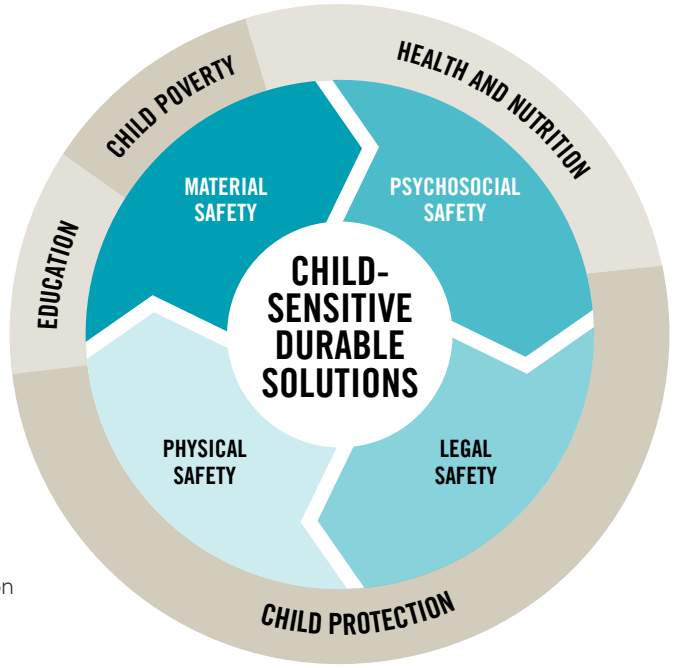
1.1.8. HOW DO SOLUTIONS FIT WITH SAVE THE CHILDREN THEMES AND 'CROSS-CUTTING ISSUES'?

Save the Children's work under all the global themes contributes to a solutions agenda. The Child Protection Theme's Children on the Move Working Group has produced protection programming guidelines with a chapter on how protection activities contribute to solutions for children. It is, however, important to realise that solutions are not just a 'protection' issue; a multi-sectoral approach is needed to render services, ensuring access to rights and preventing discrimination of migrant, refugee, IDP or returnee children.

CHILD RIGHTS GOVERNANCE

Material safety

- Children have access to education
- Children do not suffer from poverty



Psychosocial safety

- Children are healthy
- Children's mental health is supported
- Children have a sense of belonging

Physical safety

- Children are protected from conflict
- Children are protected from abuse and exploitation

Legal safety

- Children have civil documents
- Children are united with their families

BREAKTHROUGHS

Survive, Be Protected and Learn

Save the Children cross-cutting issues

Urbanisation: More than 80% of migrants and displaced persons live in urban settings. Pursuing rights and needs in such contexts often necessitates engagement with organisations relevant to urban development issues, which understand the specific dynamics in such a setting.

- Save the Children has general (not solutions-specific) guidance on urban programmes, which can be found on SharePoint.
- Other good resources can be found in the 2018 World Urban Forum Thematic Itinerary on Migration and through the Global Alliance for Urban Crisis, with its focus on displacement.[13]

Disaster risk management and climate change: It is important to consider solutions for those who have been displaced as a result of climate change or environmental disaster. In some contexts, states are amenable to progressively supporting those affected by disaster or climate-induced displacement[14] and providing them with similar protections

[13] http://urbancrises.org/global-alliance-urban-crises

[14] www.nanseninitiative.org/

to those for refugees. Changes in the home environment, such as damage to a habitat or infrastructure, erosion of livelihoods or detrimental impacts of extractive industries, can challenge a safe and dignified return.

Resilience: Resilience, in the Save the Children context, can broadly be understood as the ability of a child, household, community and system to prepare for, manage, recover and improve from recurring and protracted conflict and shocks. In several contexts, particularly those where conflict as well as natural disasters (climate issues) and fragility all influence both displacement and solutions to displacement, (e.g. Somalia), the resilience agenda and the solutions agenda are very similar. Although they are clearly different concepts, it may be worth considering utilising resilience-type programming to further solutions. Most resilience activities support one or several domains of solutions and both demand a long-term involvement in a given context. If relevant for the local actors and stakeholders, it can be beneficial to discuss the concepts in conjunction.

1.1.9. WHEN SHOULD SAVE THE CHILDREN START TALKING ABOUT SOLUTIONS?

Durable solutions should be considered as early as possible to counteract the risks and detrimental impacts of displacement in an adverse environment, especially in the case of protracted situations.

However, it should be noted that solutions are often highly political and sensitive issues. For example, hosting states are routinely reluctant to pursue local integration out of fear of being 'stuck' with a refugee population, which provokes its multiple accompanying resource, political and security implications, and concerns about potentially incentivising immigration. In such contexts, the 'integration' agenda should be pursued more subtly; for example, by proposing often more acceptable elements of integration, such as access to education.

Equally, a return and reintegration agenda can also provoke political sensitivities. For example, working with returns can, in some cases, serve as an endorsement for hosting governments to rush a return process.

1.1.10. WHICH SOLUTIONS 'PLAYERS AND TRENDS' ARE IMPORTANT FOR SAVE THE CHILDREN?

Resolving displacement has risen high on the international agenda. This has prompted the attention of non-displacement and non-traditional actors, particularly development banks like the World Bank, the Asian Development Bank (ADB); development donors such as the EU's Directorate-General for International Cooperation and Development (DG DEVCO) and UN agencies not otherwise involved in displacement work. Similarly, non-governmental organisations (NGOs) have taken a renewed interest in the solutions debate, as has academia.

Below is a snapshot overview of key organisations that have strategies, positions and publications, or have expressed an interest in the topic of solutions. (The list is not exhaustive.)

UN	Development banks	Donors	International NGOs	Academia/ think-tanks	Coalitions
• UNHCR • UNDP • UNICEF • IOM • OCHA • IASC • WFP • Special Rapporteur for IDPs • Special Rapporteur for Migrants • OHCHR	• World Bank • ADB • IADB	• EU (Devco, RDPPs and EUTF and ECHO) • DFID • US • Germany/BMZ • JICA • Danida • SDC • Sida • NMFA/ • Norad	• IRC • NRC • DRC • Oxfam • Care • World Vision • ACTED • INTERSOS	• Oxford (has absorbed Brookings data) • Feinstein Tufts • ODI • Harvard • JIPS • Samuel Hall • Refugee Law Initiative • Chatham House	• ReDSS (East Africa) • DSP (Middle East)
At technical assistance level:					
Protection Cluster					States like Colombia and Turkey have also engaged in discussions and alliances around solutions
Early Recovery Cluster		IGAD, East Africa			

Where appropriate, Save the Children should consider partnerships with displacement-mandated organisations such as UNCHR, IOM, the Danish and Norwegian Refugee Councils (DRC and NRC) and the International Rescue Committee (IRC). This would connect our much-needed child-focused lens/expertise with the displacement-specific expertise of these agencies. Additionally, due to the emphasis that donors put on self-reliance and inclusive economic growth, Save the Children benefits from partnerships with agencies/institutions of high technical expertise on such matters, including those in the private sector.

Finally, where appropriate, Save the Children should engage with interagency entities focusing on solutions-related issues, such as advocacy around protection and solutions, advancement of solutions and index-monitoring solutions. Such interagency entities include the Regional Durable Solutions Secretariat (ReDSS) (East Africa), the Intergovernmental Authority on Development's (IGAD's) regional secretariat on forced displacement, the Durable Solutions Platform (DSP) (Middle East), the Joint IDP Profiling Service (JIPS) and the Internal Displacement Monitoring Centre, Comprehensive Refugee Response Frameworks (CRRFs) in the key implementation countries[15] and the GP20 (the Global Protection Cluster's Plan of Action on the 20th Anniversary of the Guiding Principles on Internal Displacement).[16] Save the Children should also reach out to key development actors engaging in the agenda, such as World Bank and the United Nations Development Programme.

Similarly, 'solutions' has become a central concept in a number of globally negotiated documents and large-scale processes stipulating collective commitments towards displaced people and migrants. A few examples in the matrix below highlight the central solutions-related concepts that have become part of global displacement and migration discourse:

- Bridging humanitarian, development and stabilisation efforts (i.e. 'triple nexus');
- Broad multi-sector intervention aligned with development plans;
- Resilience, economic development, private sector engagement, livelihood expertise and access to basic services as key components of effective response, especially once the acuteness of the situation has lessened;
- Early recovery focus to ensure refugees/IDPs retain a capacity to be economically productive, lessening the socioeconomic burden on hosting communities;
- A strong emphasis on addressing hosting capacities and recognising that hosting states are pivotal stakeholders, not least in their role to deliver services over time and in protracted scenarios. Consequently, it is recognised that the absorption capacity of host environments (also return environments) should be strengthened in support of (re)integration.

Interagency initiatives relevant for the solutions agenda					
	Joint Framework: UNHCR, UNDP, World Bank, OCHA, UNICEF, WFP, December 2015[17]	**Grand Bargain A Shared Commitment to Better Serve People in Need, September 2016**	**WHS plus SDG report May 2016**	**New York Declaration/ Global Compacts, CRRF September 2016–18**	**CP20 (IDPs) 2018**
Humanitarian and development partnership	X	X	X	X	X
Displacement inclusion in national development plans		X	X	X	X
Economic participation; resilience and self-reliance of displaced communities	X		X	X	X
Inclusive programming ensuring hosting communities are involved and benefit	X	X	X	X	X

[15] www.globalcrrf.org/

[16] www.globalprotectioncluster.org/_assets/files/20180523-gp20-plan-of-action-final.pdf

[17] https://cic.nyu.edu/sites/default/files/addressing_protracted_displacement_a_think_piece_dec_2015.pdf

[18] http://www.globalprotectioncluster.org/_assets/files/20180523-gp20-plan-of-action-final.pdf

1.2. Definitions and policy on solutions for refugee, migrant and IDP children

Both managers and programme and advocacy staff will benefit from familiarising themselves with some key definitions and legal anchors relevant to solutions. This section attempts to cover this area, although it is not always possible to provide references to clear-cut 'solutions', as previously explained.

Note: *Some advocates may find it controversial that the information is broken down into refugee, IDP and irregular migrant children. While Save the Children will always promote the idea that a child is a child first and foremost, and that, regardless of their migration status, children must have full access to their rights enshrined in the CRC, different legal frameworks and guidelines do apply to children, based on their legal status. Thus, the detailed distinctions. These may be helpful in contexts where precision is needed, whereas in other contexts it may not be as easy to distinguish between forcibly displaced children and migrants. At times, Save the Children may not be in agreement with the state's chosen determination of a child's migration status; in other cases, states may even disagree between themselves on this determination.*

KEY CONCEPTS

Definition of a solution: Save the Children considers it a solution when a child's rights are reinstated during and/or after migration or displacement, and when specific vulnerabilities and risks for the child, arising from migration or displacement, including discrimination, are significantly minimised.

- **'Durable solutions' is the common term for refugee or IDP solutions used by UNHCR and other displacement actors.**
- **'Sustainable solutions' is the common term for migration solutions.**

Legal definition of a refugee: Refugees are broadly understood to include all persons outside their country of origin who are in need of international protection because of a serious threat to their life, physical integrity or freedom in their country of origin as a result of persecution, armed conflict, violence or serious public disorder.[19]

Recommended definition of irregular migration: Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries, it is the act of entering, staying or working without the authorisation of documents required under immigration regulations. From the sending country, irregularity includes crossing an international boundary without a valid passport or travel document, or without fulfilling the administrative requirements for exiting the country.[20]

Recommended definition of an internally displaced person (IDP): Persons who have fled their homes but stay within their own country and remain under the protection of its government, even if that government is the reason for their displacement.[21]

[19] See UN General Assembly (1994) 'Note on International Protection', 7 September 1994, A/AC.96/830: www.refworld.org/docid/3f0a935f2.html. UNHCR's refugee protection mandate, as per Article 6A (ii) of its Statute, originally covered 'any person who […] owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality [or habitual residence, for those without nationality] and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country.' For subsequent General Assembly Resolutions extending the High Commissioner's competence, see, e.g. GA Res. 3143 (XXVIII), 14 December 1973; GA Res 1673 (XVI), 18 December 1961; GA Res 2294 (XXII), 11 December 1967; ECOSOC Res. 2011(LXI), 2 August 1976, endorsed by GA Res. 31/35, 30 November 1976; GA Res. 36/125, 14 December 1981; GA Res. 44/150, 15 December 1988; GA Res. 48/118, 20 December 1993.

[20] See IOM Key Migration Terms: www.iom.int/key-migration-terms

[21] As above.

LEGAL BASIS FOR DEFINING A 'SOLUTION'

Although solutions are an essential component of the displacement cycle and crucial to the well-being of children, there is no specific definition. For refugees, IDPs and migrants, advocates can call on international laws, conventions and regional agreements to make the case for what a solution is. Below are the specific policies that can be referenced in advocating for solutions.

Refugee child	IDP child	Migrant child
Durable solution: There is no explicit legal definition for a durable solution for refugees, even though the resumption of legal/national status is a central pillar of refugee protection. The Refugee Convention Article 1.C refers to six conditions when the Convention ceases to apply to an individual; all are linked to gaining permanent status or cessation of the protection risk. We can therefore extrapolate that part of a solution is the resumption of legal status. The definition of a durable solution, as per UNHCR, can also be extrapolated from the handbook on Refugee Status Determination (RSD) and associated documentation. UNHCR considers that national protection can be resumed through 1) return or voluntary re-availment of protection from the country of origin, 2) reintegration or acquisition of the rights and obligations of a national of the country of integration or 3) resettlement to a third country with permanent legal status.	**Durable solution:** There is no legal definition of a durable solution for IDPs, even though the Guiding Principle for Internal Displacement states that, 'displacement should last no longer than required by the circumstances,' and provides guidelines against refoulement. A comprehensive definition has, however, been articulated in the *IASC Framework on Durable Solutions for IDPs*, which states that, 'a durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.' This definition focuses on the resumption of legal, physical and material rights, as legal status was never central to vulnerability.	**Sustainable solution:** The Committee on the Rights of the Child has defined solutions as follows: 'A comprehensive, secure and sustainable solution is one that, to the greatest extent possible, caters to the long-term best interests and welfare of the child and is sustainable and secure from that perspective. The outcome should aim to ensure that the child is able to develop into adulthood, in an environment that will meet his or her needs and fulfil his or her rights as defined by the Convention on the Rights of the Child.' (General Comment 22) The Universal Declaration of Human Rights, adopted in 1948, sets a common standard of human rights that is not legally binding, whereas the CRC is legally binding for all signatories. In the 2014 report, *Safe & Sound*, UNICEF and UNHCR suggest a solutions definition related to children that can be applied to irregular migrants: a 'solution will be long-term and sustainable. It will ensure that the unaccompanied or separated child is able to develop into adulthood in an environment which will meet his or her needs as well as fulfil her/his rights as defined by the Convention on the Rights of the Child and will not put the child at risk of persecution or harm.' The New York Declaration for Refugees and Migrants includes two key commitments to solutions by all member states.[22] The text of the Migration Compact that was agreed in June 2018 and adopted by member states in December includes a reference to solutions with regard to unaccompanied children, in Objective 7 para.f: 'Protect unaccompanied and separated children at all stages of migration…. and provide access to sustainable solutions that are in their best interests.' While the Compact is not a legally binding instrument, it is a cooperation framework that can be used as an advocacy tool to advance the solutions agenda with member states and partners.

[22] Commitment 42 recalls that states must readmit their returning nationals. Commitment 52 agrees to consider developing non-binding guiding principles and voluntary guidelines, consistent with international law, on the treatment of migrants in vulnerable situations, especially unaccompanied and separated children who do not qualify for international protection as refugees and who may need assistance.

INTERNATIONAL LAWS, POLICIES AND FRAMEWORKS TO SUBSTANTIATE SOLUTIONS

In some cases, these are straightforward; in others, they are more interpretive. Below are the specific policies that can be referenced in advocating for solutions.

Refugee child	IDP child	Migrant child
The Refugee Convention is legally binding for all signatories. However, it is important to note that, even in non-signatory countries, all persons who meet the refugee criteria under international law are refugees for the purposes of international law, whether or not they have been formally recognised as such. The right to seek asylum and pathways for resolution is guaranteed in the Convention and Protocol Relating to the Status of Refugees. Convention Article 1.C, 1–6 asserts the rights of all refugees to seek a permanent legal status from their displacement. Article 33 of the Convention affirms the prohibition of refoulement. An individual cannot be returned to a place where their rights or freedoms would be threatened. The right to non-refoulement is also grounded explicitly in Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Article 22 of the American Convention on Human Rights; Article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance; Article 19 of the Charter of Fundamental Rights of the European Union; and the CRC. The right to return is established in complementary laws. The Universal Declaration of Human Rights Article 13.2 gives anyone the right to leave any country, including his or her own, and return to his or her country. The International Covenant on Civil and Political Rights (ICCPR) Article 12 provides for the right to freedom of movement.	The Guiding Principles for Internal Displacement provide guidance to stakeholders involved in IDP responses; they can be best used as a critical tool for advocacy and a monitoring framework. They are consistent with human rights and international law and can therefore be complementary for advocacy work. Principle 6.3 states that, 'displacement should last no longer than required by the circumstances.' And Principle 28 elaborates that, 'competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.' Principle 15.D calls for a similar non-refoulement principle in that IDPs have 'the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty/and or health would be at risk'. Principle 17.3 calls for family reunification as an emergency and protective measure: 'Families which are separated by displacement should be reunited as quickly as possible.' The Kampala Convention adopted by the African Union in 2009 provides a framework to prevent and respond to internal displacement. The Convention articulates that national authorities are responsible for creating the conditions required to achieve a durable solution. The Global Protection Cluster Task Team on Law and Policy maintains a database on IDP Laws and Policies per country.[24] The 2010 IASC Framework for Durable Solutions for IDPs elaborates on how to achieve solutions.	Opportunities for solutions for migrants will depend on the situation of the individual and options and constraints inherent in each context. There is no legal framework to guide which solutions must be available in all cases. Solutions for migrant children take root in two key principles. The first is non-refoulement and the second is the principle of best interest of the child and the concept of vulnerability. The principle of non-refoulement – preventing the forcible return of people to countries where they face persecution – is part of customary international law and is binding for all states. IOM's International Law Unit defines non-refoulement as the 'Principle of international refugee law that prohibits states from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened.'[23] While the basis of non-refoulement is found in the Refugee Convention, the expansion of international human rights law has broadened the scope of this obligation and now requires states to protect non-nationals from being returned to countries in which their life is threatened or where they risk being subjected to torture or inhuman and degrading treatment, regardless of their immigration status. The principle of non-refoulement applies to all individuals, regardless of legal status. Non-refoulement is grounded explicitly in Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Article 22 of the American Convention on Human Rights; Article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance; Article 19 of the Charter of Fundamental Rights of the European Union; and the CRC. The best interests of the child should be ensured explicitly through individual procedures as an integral part of any administrative or judicial decision concerning the entry, residence or return of a child. (General Comment No. 22) Migrants in vulnerable situations often have specific needs, which must be met in accordance with international law and, in particular, international human rights law. These include, alongside core human rights instruments (including the International Convention on the Elimination of All Forms of Racial Discrimination, the ICCPR, the International Convention on Economic, Social and Cultural Rights, the CRC, the Convention on the Elimination of All Forms of Discrimination Against Women, the CAT), a range of other instruments such as the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime; the 1954 Convention Relating to the Status of Stateless Persons; and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

[23] As above.

[24] www.internal-displacement.org/law-and-policy/

APPLYING THE CRC TO THE SOLUTIONS AGENDA

In instances where the legal case for solutions may appear insufficient, the near-universal ratification of the CRC reflects a global commitment to the principles of children's rights, regardless of their migration status. Therefore, advocates can call on the CRC as a complementary legal obligation of states when advocating for solutions.

Refugee child	IDP child and migrant child
The CRC applies to all children under the jurisdiction of a state/party, including refugees and rejected asylum seekers, and affirms that children and adolescents are entitled to special care and assistance. CRC Articles 22 (1 & 2) lists specific measures for child refugee protection. Article 3 places an obligation on both the public and the private spheres, courts of law, administrative authorities and legislative bodies to ensure the best interests of the child are assessed and taken as a primary consideration in all actions affecting children. This is a substantive right, an interpretative legal principle and a rule of procedure. The best interests principle may inform the interpretation of a state's protection obligations under the Refugee Convention: it does not replace or change the refugee definition in determining substantive eligibility. General Comment 14 of the Committee on the Rights of the Child further describes its content and use. It also refers to BIA and BID, as does the Commission Communication on Protecting Children in Migration of 12 April 2017. For host states that have not yet signed up to the Refugee Convention, the CRC may provide the strongest – indeed, in some cases, the only – treaty-based entitlement capable of preventing the removal of a child from a host state.	The CRC applies to all children under the jurisdiction of a state/party, including rejected asylum-seekers and migrants. There will be children who do not meet the Article 1 refugee definition, because they either do not satisfy the inclusion criterion or are found to be no longer in need of protection, but are nonetheless at risk of some form of harm. In these cases, the CRC has the capacity to provide a critical additional layer of protection. The CRC considers the best interests of the child – as a primary consideration – before taking any decision affecting them and when working to implement those decisions. Article 3 can serve as an independent basis for protection in a solutions context. For example, a best interest may preclude a child from return to the home country even if the child is not eligible for refugee protection. This means the principle of non-refoulement would apply if return were not in the best interest of the child, regardless of migration status. The CRC requires a state to make a child's well-being the primary concern and consideration in all decisions, including the decision to expel. The Committee for the Rights of the Child has explained this with regard to unaccompanied or separated children: 'States shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child [...].' The Committee has also clarified that, 'return to a country of origin is not an option if it would lead to a 'reasonable risk' that such return would result in the violation of fundamental human rights of the child [...].' A state should only return a child to a country of origin when it is in the 'best interests of the child'.[25] The Committee recommends to states that the child's best interests take priority over migration policy or other administrative considerations, and that states implement this through law, policy and practice.[26]

[26] Committee on the Rights of the Child, General Comment 22, para. 33; *Report from the 2012 Day of General Discussion on the Rights of Children in the Context of International Migration*: www.ohchr.org/Documents/HRBodies/CRC/Discussions/2012/DGD2012ReportAndRecommendations.pdf

INSTITUTIONAL MANDATES ON SOLUTIONS

This section gives ideas on who to target in various displacement settings for messaging on accountability or other issues.

In all solutions settings, the primary duty bearer is always the state. There are UN agencies and cooperation frameworks that can support states to find solutions for refugees, IDPs and migrants. For refugees, it is straightforward that UNHCR is the mandated agency. However, for IDPs and migrants, the situation is less clear. With the current development of the UN Migration Network, led by IOM and composed of several UN agencies with mandates and expertise related to migration, no single UN entity currently has the full leadership on solutions for IDPs and migrants and that this is, as with refugees, a state-led prerogative. Nevertheless, while IOM does not have a specific protection mandate, it often takes on the leadership role in solutions for migrants and IDPs.[27] Other agencies, such as ILO, OHCHR, etc., have broader mandates that do not exclusively target migrants, but are increasingly involved in policy and operational responses on migration.

Refugee child	IDP child	Migrant child
UNHCR is the protection-mandated agency. Its mandate extends until a 'solution is found' – i.e. a refugee's protection has been resumed or assumed by a national authority. **Return:** UNHCR is mandated to facilitate voluntary repatriation. UNHCR should be part of a return negotiation and may be a signatory to a Tripartite Agreement, which stipulates the roles and responsibilities of each state and signatory. When the state assumes/resumes the protection/legal status of a refugee, then UNHCR is no longer responsible for their protection. **Reintegration:** The Office of the Humanitarian/ Resident Coordinator (HC/RC) leads strategy development and implementation. UNHCR, UNDP and the Global Early Recovery Cluster provide technical support. UNHCR plays a role in monitoring the repatriation and reintegration process. **Resettlement:** UNHCR provides RSD and case management. It recommends cases for resettlement, which are then referred to resettlement countries, each of which has its own regulations, procedures and partners for processing cases. **Local integration:** National authorities play the primary role. The state can call on UNHCR for technical assistance for laws, policies and oversight of integration programmes.	States and national authorities play the primary role in providing solutions to IDPs. Guiding Principle 29.2 states that, 'competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.' Guiding Principle 30 calls for all states to allow international humanitarian organisations access to IDPs at all stages, including in return and reintegration.	States and national authorities play the primary role in providing solutions for irregular migrants. Their national laws and policies will determine what solutions are available to irregular child migrants. The Global Compact on Migration, a non-legally binding cooperation framework, calls on member states to commit to facilitate and cooperate in the 'safe, human-rights based and dignified return and readmission […] to create conducive conditions for personal safety, economic empowerment, inclusion, and social cohesion, in communities in order to ensure the reintegration of migrants' (Objective 21). The final text was adopted by (most) member states in December 2018. The Global Compact on Migration has supported the creation of the UN Network on Migration, the new UN-system wide response, coordinated by IOM, and hosting several UN entities, including UNICEF. This Network is piloting the UN response and gives support to member states in the implementation of the Compact.

[27] IOM's goal is to ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, including refugees and IDPs. Its role in migration settings is currently under review in the development of the Global Compact on Migration. At present, IOM will serve as the coordinator and secretariat of the UN Network on Migration, which will oversee the implementation of the Compact and respond to the needs of member states. This means IOM will have a more formal role to play in migration settings after the adoption of the Compact (planned for December 2018).

GOVERNANCE STRUCTURES FOR SOLUTIONS:

This section gives references on best practices, who should be leading responses, and what kinds of aid systems/structures should be in place.

The state is the primary duty bearer in resolving displacement and achieving a solution for all displaced persons. When the state cannot take on this role, the international community can support and deliver support for solutions. It is often unclear how this assistance should be provided, which international actor should be responsible and how it can be best carried out.

IDP child	Refugee child	Migrant child
The Decision of the Secretary General on Durable Solutions (2011) affirms the primary role of states in providing a solution. The same reintegration architecture will apply as for refugees, as per the Decision of the Secretary General. This overlap is positive, as reintegration conditions should be consistent so as not to cause tension between migrant groups or between the receiving community. The Joint Strategies to Support Durable Solutions for Internally Displaced Persons and Refugees Returning to their Country of Origin apply equally to the return of IDPs and therefore provide recommendations on ways of working.[29]	The Decision of the Secretary General on Durable Solutions (2011) affirms the primary role of states in providing a solution.[28] **Return/reintegration:** For return, UNHCR will take the lead role in voluntary repatriation and monitoring the conditions of and accountability to the Tripartite Agreement. In reintegration, where the government is unwilling or unable, the HC/RC is responsible for leading an inter-agency/government strategy, in consultation with national authorities. UNHCR and UNDP have the role of advisors, as per the 2011 Decision. **Resettlement:** UNHCR provides screening and refers cases for resettlement, in most cases. IOM can play a role in transit. National authorities in the resettlement country have the ultimate responsibility for providing reception and legal status. **Local integration:** Where the hosting government is unwilling or unable, UNHCR, with other UN agencies and humanitarian and development actors, will provide a comprehensive plan. National authorities in the asylum country have ultimate responsibility for providing legal status.	The UNHCR 10 Point Plan of Action elaborates on key partners and their points for collaboration for migrants in irregular situations.[30] These include affected states, governmental bodies and regional and international organisations with relevant mandates (e.g. UNHCR, OHCHR, UNICEF, IOM), as well as local and international NGOs. National authorities or partners will lead in the process of a BID and implementation of a Return Directive.[31] This can include border management officials, the coast guard or civil society. IOM is the lead agency in processing the voluntary return of migrants in irregular situations through the Assisted Voluntary Return and Reintegration programme (AVRR).[32] The International Migration Law Unit Information Note on 'The Protection of Unaccompanied Migrant Children' calls on national authorities, duty bearers and child rights organisations to provide solutions in the best interest of the child, including return, local integration and adoption. Notably, for this case load, resettlement (via emigration) is appropriate in some circumstances. This is guidance only and should be used to craft messaging but cannot be called on as a legal obligation.

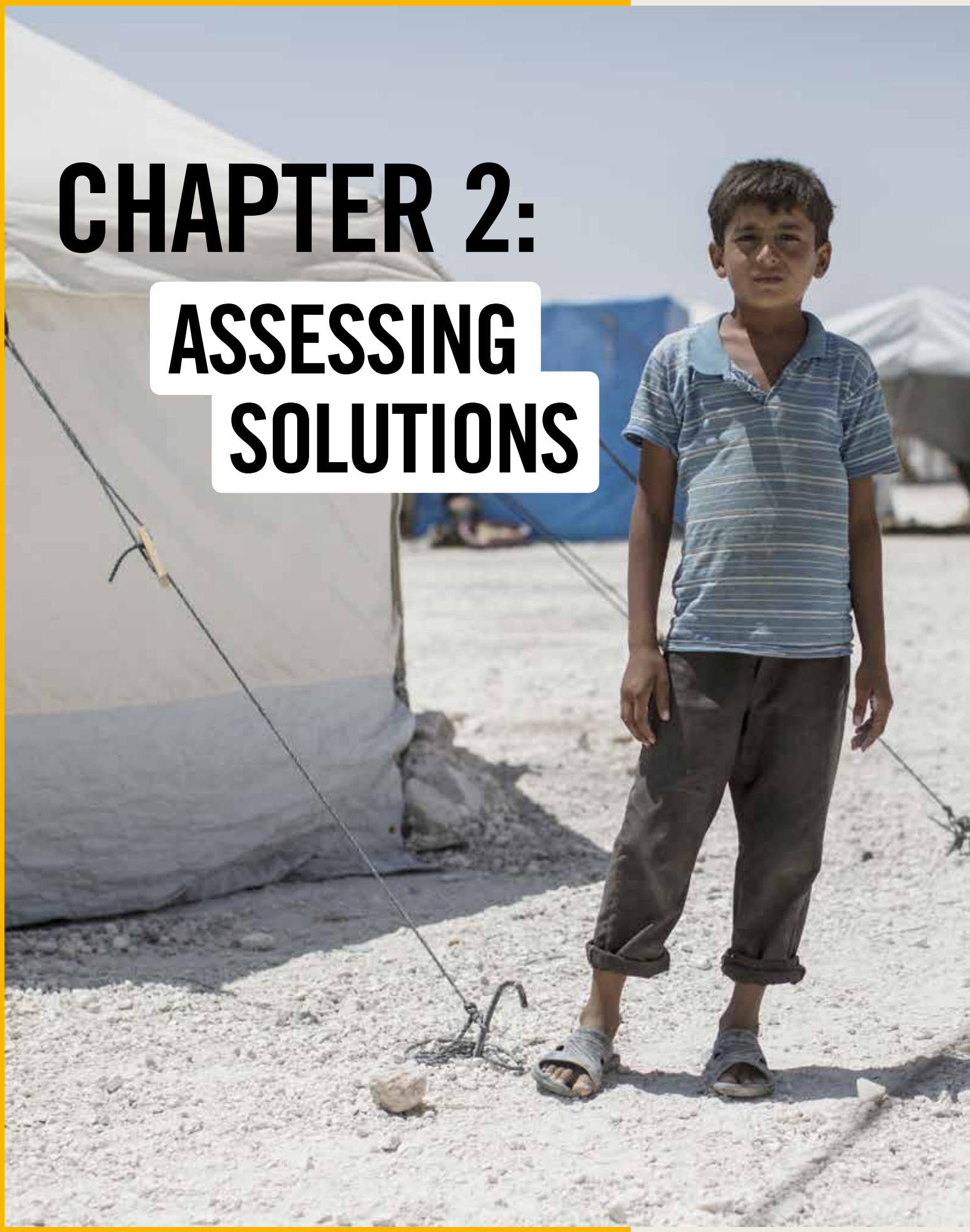
[28] http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1265299949041/6766328-1265299960363/SG-Decision-Memo-Durable-Solutions.pdf

[29] www.refworld.org/pdfid/57441d774.pdf

[30] www.unhcr.org/the-10-point-plan-in-action.html

[31] A documented, individual and robust procedure to determine the best interests of the child must precede and inform any decision to issue a return decision/order to leave the territory for an unaccompanied or separated child or family with children. The procedure therefore applies to situations where immigration authorities identify on the territory as irregularly present, or issue a final negative decision on an application for a residence permit (on any grounds, including international protection), to any child. These are applicable whether unaccompanied, separated or with family – or a parent with a child on the territory.

[32] IOM (2017) *Towards an Integrated Approach to Reintegration in the Context of Return.* Geneva: IOM.



CHAPTER 2:
ASSESSING SOLUTIONS

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2.2. Indicator framework to measure the progress of solutions for children 38

2.3 Guide to assess safeguards and child-sensitive processes in solutions for children 42

Save the Children is working in an increasing number of longer-term displacement and migration situations. The lack of solutions negatively affects children and their ability to learn and grow. Many refugees and migrant children will, indeed, become adults while still displaced...

In support of a more systematic approach to solutions, MDI, in close collaboration with Save the Children's Global Theme on Child Protection/Children on the Move, has elaborated an assessment framework for child-sensitive solutions.

Assessing the situation with a focus on solutions can be useful for advocates and programming people alike. Five compelling reasons for assessments are as follows:

1. Our sector has very little information about solutions for children.
2. We do not know, for in particular, if returnee children face different/more/fewer barriers in accessing protection/ services/assistance/institutions than other children.
3. Once children have moved back/been returned, we also rarely know whether they have been (re)integrated and eel at home again or if they are displaced again/opt to re-migrate.
4. We do not know, for example, how long displaced children remain discriminated against or disenfranchised and if children feel they are able to build a new life in displacement.
5. We have no global figures on successful local integration in first countries of asylum.

Lack of knowledge, baselines and evidence results in the following issues:

- Very limited accountability to children, with pursuit of their best interests potentially at stake;
- Limited impact of resources, with financing not structured to promote solutions and displaced/irregular migrants remaining a humanitarian issue, whereas they should also be a developmental priority;
- Vulnerabilities specific to migrants/displaced persons/ returnees that persist for a long time, and/or graduate into chronic disadvantages;
- A risk of undermining social cohesion and straining absorption capacities;
- Jeopardised ability to influence policies, and public opinion that is adverse to solutions.

MDI's assessment framework provides a starting point for addressing these challenges. In introducing the framework in greater detail, the following chapter has three components. Staff can use these independently or together, depending on what datasets and analyses already exist in a given context. All three pieces have been developed for slightly different purposes; however, all will shed light on issues, challenges and opportunities related to solutions for children. Principally, all pieces can be used in different solutions situations, assessing local integration, resettlement and/or return and reintegration.

The three components are:

Assessment of factors that enable solutions for children:

This guide focuses on the factors that support or challenge the progress of solutions for children. It helps the user understand the extent to which the general environment or context is conducive to the achievement of solutions. It considers 1) the broader legal and policy environment, including children's rights and general measures related to children; 2) the capacity and willingness of institutions with responsibility for addressing forced displacement or migration; 3) the profile of displacement-affected communities or migrants; and 4) the nature of the existing response to forced displacement or migration. This assessment of 'drivers' of solutions for children is focused on more generalisable contextual factors that are not captured by the criteria and indicators in the indicator framework below.

Indicator framework to measure the progress of solutions for children:

In collaboration with Boston Consulting Group (BCG), MDI has developed an indicator framework that gives support to measuring a solutions situation from the perspective of '(re)attaining' the rights that a child may have lost during displacement or migration, and looks at where a refugee or migrant child may be at a (discriminatory) disadvantage. The indicators measure the physical, legal, material and psychosocial safety of a child, and offer a comprehensive view of the various associated domains that support the welfare of a child. The indicator framework is scalable: it can generate a quick snapshot for programmes, a more detailed baseline of where we stand in relation to solutions and/or deeper investigation through a set of detailed analysis indicators. The framework can be used to monitor progress towards solutions, including through assessment of the risks and the support needs of children in specific contexts, with the goal of generating a contextual analysis or an input into the development of programmatic or advocacy work. For example, it can be used to assess whether countries are not fulfilling the non-refoulement principle or to advocate for them to monitor returns.

Safeguards and child-sensitive procedures in solutions processes:

This guide will support staff to take stock of and assess gaps in available child-sensitive safeguards, according to international standards and guidelines. It lists safeguards/questions in order to analyse the child-sensitive measures in place in a specific solutions/return context, including relevant cross-border elements. This guide is a signpost guide, referencing further technical literature on the topic, and will include BID/BIA procedural safeguards, including representation and guardianship, etc.

2.1. Assessing the factors that enable solutions for children

This guidance has been compiled by extracting relevant inputs from existing best practice documents. Seven key reference documents/sets of material have provided the building blocks:[33]

1. *The Inter-Agency Standing Committee (IASC) Framework for Durable Solutions for Internally Displaced Persons (IDPs)*: **www.unhcr.org/50f94cd49.pdf**
2. The United Nations Refugee Agency (UNHCR) *Handbook for Repatriation and Reintegration Activities*: **www.unhcr.org/411786694.pdf**
3. The UNHCR/United Nations Development Programme (UNDP) (Global Early Recovery Cluster and Global Protection Cluster) Guide to Durable Solutions Strategies: **https://reliefweb.int/sites/reliefweb.int/files/resources/durable_solutions_in_practice_-_handbook_sept_2017.pdf**
4. United Nations Children's Fund (UNICEF) Child Notices: Child-Sensitive Country of Origin Information: **www.unicef.nl/ons-werk/nederland/child-notices**
5. The Connect Project: *A Tool to Assess and Improve Reception Conditions* **http://www.connectproject.eu/**
6. Regional Durable Solutions Secretariat (ReDSS), of which Save the Children is a member, Solutions Framework Guidance: **www.regionaldss.org/**

Further general inspiration has come from pieces such as the World Bank's *Forcibly Displaced: Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts* (2016) and *Sustainable Refugee Return* (2015); the UN's *Addressing Protracted Displacement: A Framework for Development-Humanitarian Cooperation* (2015); Oxford Refugee Studies' research project, *Permanent Crises? Unlocking the Protracted Displacement of Refugees and Internally Displaced Persons* (2011); and the European Council on Refugees and Exiles and Save the Children's *Comparative Study on Practices in the Field of Return of Minors* (2011).

Several of the above guidance documents are very extensive. The following chapter presents 'lighter touch' synthesis, to enable a rapid and easily manageable appraisal of the environment. With this objective in mind, it focuses on only the very central tenets and general drivers of solutions, and thus can be complemented by the other (above-mentioned) assessments.

Based on the existing literature on what really supports and drives forward a solution in any given environment, or, conversely, what can block progress towards a solution, five key categories of contextual factors emerge. The diagram below highlights the four that Save the Children can influence in our operations via advocacy or programming.

KEY PRECONDITIONS OF SOLUTIONS FOR CHILDREN

As the ReDSS guidance notes, understanding these contextual factors is critical to understanding the barriers that exist to solutions. It is also crucial in forming recommendations. A contextual analysis can help formulate recommendations on organisational, institutional and procedural changes that need to occur. It can also help explain why there has been a lack of progress against certain indicators.

[33] A broader review was conducted but the key reference documents were chosen based on their relevance, 'proximity' of purpose and usability as concrete guidance.

HOW: CONDUCTING A CONTEXTUAL ANALYSIS

This section gives references on best practices, who should be leading responses, and what kinds of aid systems/structures should be in place. On the next pages, you will find a suggested list of key questions to ask when carrying out an environmental analysis. Not all will be relevant in all situations. Below are a few points to consider when approaching such an exercise.

What level of information is required? A discussion should be held between staff/internal stakeholders to determine the approach, depth, scope and level of detail required. In some contexts, a light analysis is sufficient, as a contribution to a proposal, programme or 'advocacy conversation'. In other contexts, programmes may want to invest in a more comprehensive analysis. During the process, you may also choose to 'deep dive' into some issues, while approaching other questions with a lighter touch.

What solutions are relevant in your context? You can use the questions to explore a specific durable solution, for example 'return and reintegration of rejected asylum-seekers' or 'local integration of refugees'. Most questions are relevant for all scenarios, though exceptions exist. If appropriate, the questions can look at several solutions in the context, to better understand political or other preferences in the environment or investment imbalances or bias towards, for example, return.

What information already exists? Data-gathering for this exercise would include secondary data collection, key informant interviews, household surveys, knowledge, attitude and practice surveys, anonymised case management data collection and focus group discussions reflecting the voices of children. Primary data collection is not necessary for this exercise.

Who can we work with to strengthen the analysis? To support a strong analysis and enhance the scope for joint action, a collective exercise may be a good way forward. Getting non-governmental organisations (NGOs) and potentially other stakeholders (the government, including relevant line ministries at national/regional level, the UN, donors) to join the process of collecting data, validating results and identifying key challenges and opportunities holds the potential to create a strong solutions platform or movement. No blueprint exists in terms of which building blocks are more influential in creating solutions. Making this judgement can be tricky – so it is better to bring more perspectives to the table and to develop consensus early on.

How do we take the analysis forward? The final analysis of the data that has been collected can stand alone as a background briefing of the key opportunities and/or challenges to durable solutions for children. Nevertheless, the analysis also links well to the other suggested assessment tools below: the indicator framework to measure the progress of solutions for children (Section 2.2) and the safeguards and child-sensitive procedures in solutions processes (Section 2.3).

GUIDING QUESTIONS

1. General profile of displaced persons and migrants

The general profile, background, situation and root causes of movements will influence the potential for durable solutions, as these factors directly affect both absorption capacity and the willingness of the hosting country to integrate migrants or displaced persons, and, similarly, reintegration possibilities in the country of origin. The general profile is a first consideration against which other parameters can be analysed, and will of course be dependent on the general context (country of origin, transit or asylum/migration destination).

Key questions

Basic data on displaced/migrating population

- Areas of origin and area of location (camp, non-camp, urban, rural)
- Population numbers, with any available migration status (permanent, temporary, etc.), recognition rates, age and gender disaggregation, whether children are unaccompanied/separated
- Existence of ethnic, religious or linguistic minorities or indigenous groups and number of children belonging to these
- Family structure
- What was the nature of the initial displacement or migration decision (i.e. sudden or not)? What is the duration of their status (i.e. recent or protracted (5+ years); is this a major protracted situation (i.e. 25,000+ individuals)?
- What were the reasons for/root causes of migration/displacement (or return in the case of returnees)?
- What are the key intentions of the displaced (do they what to stay, go back, etc.)?
- Have the root causes changed?
- What is the general socioeconomic profile, if a strong profile is available (educated/non-educated, rural/urban, impoverished, etc., or varied)? And how is their general access to basic services?

Basic data on host community

- Population numbers within migration/displacement-affected communities (with any available disaggregation)
- Ratio of host population to migrants/displaced persons/returnees in these areas
- To what degree does the host population live with migrants/displaced persons, or are they segregated?
- What interaction is there (i.e. cultural, economic, physical)?
- Are there significant differences in their profile vis-à-vis the above characteristics?

2. Public attitudes

Solutions to displacement and migration questions are essentially political in nature. Political solutions respond to the constituencies in question and are therefore a key driver of solutions appropriate to the context. Hence, in any given situation, it is important to gain an understanding of general public opinion on migration and displacement, and to assess the extent to which Save the Children is in a position to positively influence this, via anti-xenophobia action, inter-communal dialogue, conflict mitigation, support to economic integration benefiting also the host population, information campaigns (anti-securitisation measures), etc.

Key questions

- Are attitudes of host communities/public figures predominantly positive or negative towards migrants/IDPs/refugees/returnees? And specifically towards children? What are the key groupings/leaders of various attitudinal trends (i.e. political factions, communities, neighbourhoods, specific professions)?
- What cultural, social or traditional norms and practices affecting children prevail in the country? Do these reinforce or mitigate the above host attitudes?
- What are the underlying causes of negative attitudes?
- Are efforts being undertaken to mitigate negative attitudes?
- What is the degree and nature of interaction and relations between migrants/displaced persons/returnees and the host population (trade, communal, family ties)?
- What is the role of media in the above?

3. Legal and policy environment

Solutions are undoubtedly political in nature, and they rely on both political will and initiatives as well as the legal frameworks implemented on the basis of these. In hosting situations, strong commitment to implementing inclusive policies via, for example, development plans and economic strategies, must be advocated for. In return situations, equally, the question of displacement needs to be addressed in peace accords, reconciliation plans and legal frameworks. Save the Children will be in a position to influence these via direct engagement with and capacity-building of duty bearers, advocacy and community mobilisation, etc.

Key questions

Legal frameworks

- What are the key legal instruments in the country/region relevant to forced displacement?
- Has the host country ratified the Refugee Convention, IDP legislation (e.g. on social benefits/pensions, housing reallocations, etc.) and regional conventions on displacement?
- Does the country have specific laws regarding (children in) migration, in particular returning migrants or people who have been given temporary permission to stay?
- Do the above laws regulate the right to work and freedom of movement? And how?
- Do the above laws regulate tax remittances from migrant workers abroad?
- Indicate the scope of legal instruments supporting the CRC (has it been ratified/incorporated into domestic law?), and the key issues covered, particularly in terms of specific groups of children affected by displacement/migration (e.g. trafficked, undocumented, asylum-seeking, unaccompanied, other).
- Are rights recognised in law for all children without discrimination or do they depend on status (refugees, asylum seekers, migrants, etc.)? Are there any differences between girls and boys in law and policies?
- Is the principle of the best interests of the child reflected in the Constitution or other relevant legislation? If so, how?

Policies

- Have the countries involved signed return agreements/ Tripartite Agreements or other types of agreements? Do these agreements reference/have provisions for children specifically?
- Are national or local policies and regulations in existence that relate to migrants/IDPs/refugees/returnees? What do they say about durable solutions, for example local integration? Are these policies child-sensitive?
- Are policies pertaining to migrants/IDPs/refugees/returnees humanitarian in nature? To what extent have forced displacement, migration and solutions been incorporated into national and local development plans?
- Has the issue of migrants/refugee/IDPs/returnees been incorporated into any peace negotiations, processes or agreements? And do these mention issues specific to children (e.g. demobilisation of child soldiers)?
- Between states: Are there any cooperation arrangements between actors in hosting states and those in countries of origin (e.g. countries of origin/third countries in which family members are found) and if so, on what issue?[34]

4. Response

Dedicated, multi-sector, multi-agency, multi-annual solutions programming is often a precondition to move the durable solutions agenda forward, in order to build political will and an accountable response over the long term. As durable solutions for children cut across mandates and actors, long-term commitment to coordination and joint results frameworks is central to ensuring the necessary broad actor engagement and alignment of strategies and funding. Equally, responses that take into consideration the whole complex of displacement-affected populations are often needed in contexts where resources are generally scarce. Save the Children can lead on mobilising agencies around a child-focused intervention and ensure due diligence in terms of proportionate support towards migration/ displacement-affected children.

Key questions

Actors/institutions

- What are the key government institutions at regional, national and local level with responsibility in relation to migrants/IDPs/refugees/returnees?
- Which additional actors are involved in the situation of a child in the country; where necessary, specifying whether this depends on the category a child falls into (e.g. trafficked, asylum-seeking), and in particular, if there is an overlap with the above issues? Which UN actors are involved, which donors are involved (development or humanitarian, development banks etc.) and which non-governmental actors are involved? Finally, which local actors are involved (community-based organisation, self-organised refugees (or other) groups)?
- What is the capacity and willingness of the above-mentioned institutions to support migrants/IDPs/refugees/returnees, and to support and promote durable solutions?
- Are there reports/evidence on state authorities or others discriminating against certain groups of children; if so, what is the situation they face?
- Is there an independent national human rights institution such as an ombudsman, including a body specifically for children?

Cooperation and coordination between actors

- What are the cooperation arrangements between actors at the local level, and on what issues? On what basis, and through what means, does such cooperation take place? To what degree is the cooperation between actors generally systematic, ad hoc, formal or informal?
- Is there a coordinating body on unaccompanied children? And, where relevant, is this supported by cross-border mechanisms?

Planning and strategies

- What response-level strategies and plans are in place – humanitarian, development, resilience, etc. – including any existing durable solutions strategies?
- To what extent is the response focused on building self-reliance and resilience of displaced, host communities and local institutions, versus a 'care and maintenance' approach?[35]
- What are the government's incentives for, and commitment to, implementation of all of the above?
- Is there a national strategy on unaccompanied children?
- Is there a joint framework on the situation of unaccompanied children, which can be used by key actors?
- Is a children's code or national strategy/plan on children and youth in place?

[34] For example, identification of children; age assessment; information on the situation of the child in the country of origin/more generally on the situation of children in the country of origin; restoring family links, including tracing family, re-establishing links, family visits or family reunification; information for the child on the situation in the country of origin; communication between children in Europe and peers/community organisations in the country of origin; preparation of return; assistance in the event of return; monitoring of return.

[35] 'Care and maintenance' is historically used by UNHCR and other agencies to describe the phase of camp management during which actors maintain the camp functionality and aid distribution via agency/NGO support, and where camp closure, exit or longer-term sustainable approaches are not yet considered.

- To which extent do existing strategies, joint frameworks and codes/strategies/plans overlap with displacement/ migration-related strategies?

Financing

- How is the response funded? How are strategies financed? Is a specific budget allocated to implement the national strategy or plan?
- Who are the key donors?

Data and statistics

- Are regular statistics updated with regard to durable solutions and the population, measuring progress towards solutions?
- Are regular reporting and recent studies available of the national situation as regards to migrants, displaced populations and unaccompanied children? (If so, list and indicate the scope of key studies.)

5. Participation and intentions of displaced persons and migrants / agency of the child

Any solution to displacement and migration should be based on voluntariness and participation. This is not only an issue of principle but also a practical measure to ensure sustainability of solutions, and thus an important building block. Understanding what people themselves want, and intend to do, is a key factor in policy planning as well as programme support towards durable solutions. Children and youth have a unique perspective and voice and should be heard separately. This is a key strength of Save the Children to ensure the voice of the affected children.

Key questions

- Have UNHCR's (return and solutions) intention surveys of IDPs/refugees/returnees children been conducted vis-à-vis durable solutions, and/or perception surveys of the host/ return environment and children in the host environment? How are views and perceptions of children captured?
- Are there mechanisms in the environment ensuring the voice of IDPs/refugee/returnees – vis-à-vis durable solutions?
- If yes, are they effective? If no, what are the barriers?
- What are the key priorities of children in a return situation?
- What are the key priorities/wishes of children to further integrate? What are their fears and worries in both scenarios?
- How do children envisage their return (often children imagine that the situation will be the same as before)?
- How have children been involved in the decision-making process on solutions (formal processes (BID), dialogue with parents)?
- Are children of the same opinion as their families, caretakers, etc.?
- What are the key deviations of opinion, and what are the key reasons for these?
- Is child participation supported and promoted?

2.2. Indicator framework to measure the progress of solutions for children

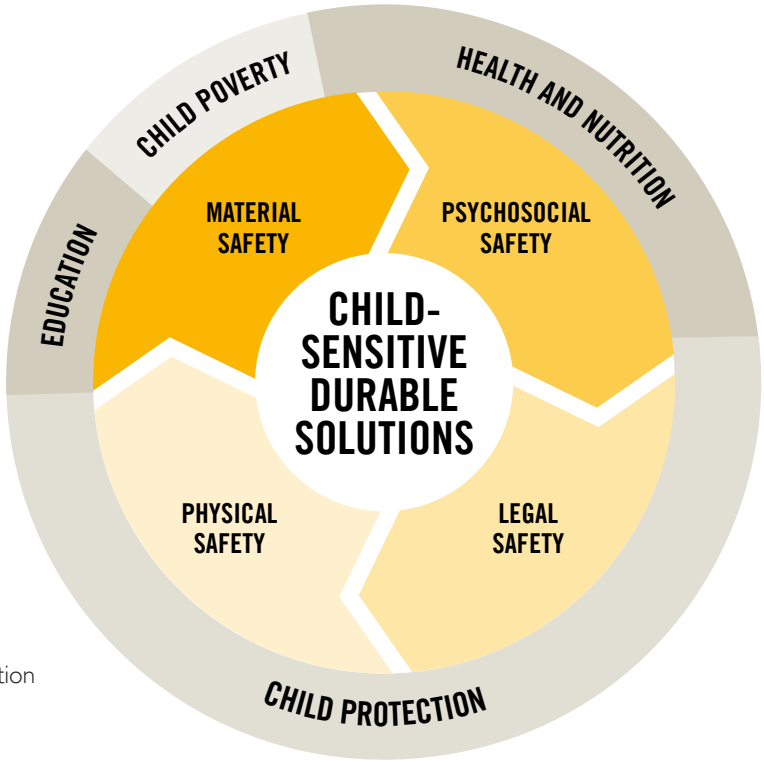
The indicator framework is essentially a snapshot of a situation, an environment or a geography in which a child is meant to or will achieve his or her solutions progressively over time. In order to understand the environment and to be able to measure its progress or regression over time, concrete and measurable indicators have been identified.

The solutions assessments provided by the indicator framework will support Save the Children in aggregating comparable data from various contexts and in creating a consistent and simple narrative.

CHILD RIGHTS GOVERNANCE

Material safety

- Children have access to education
- Children do not suffer from poverty



Psychosocial safety

- Children are healthy
- Children's mental health is supported
- Children have a sense of belonging

Physical safety

- Children are protected from conflict
- Children are protected from abuse and exploitation

Legal safety

- Children have civil documents
- Children are united with their families

BREAKTHROUGHS

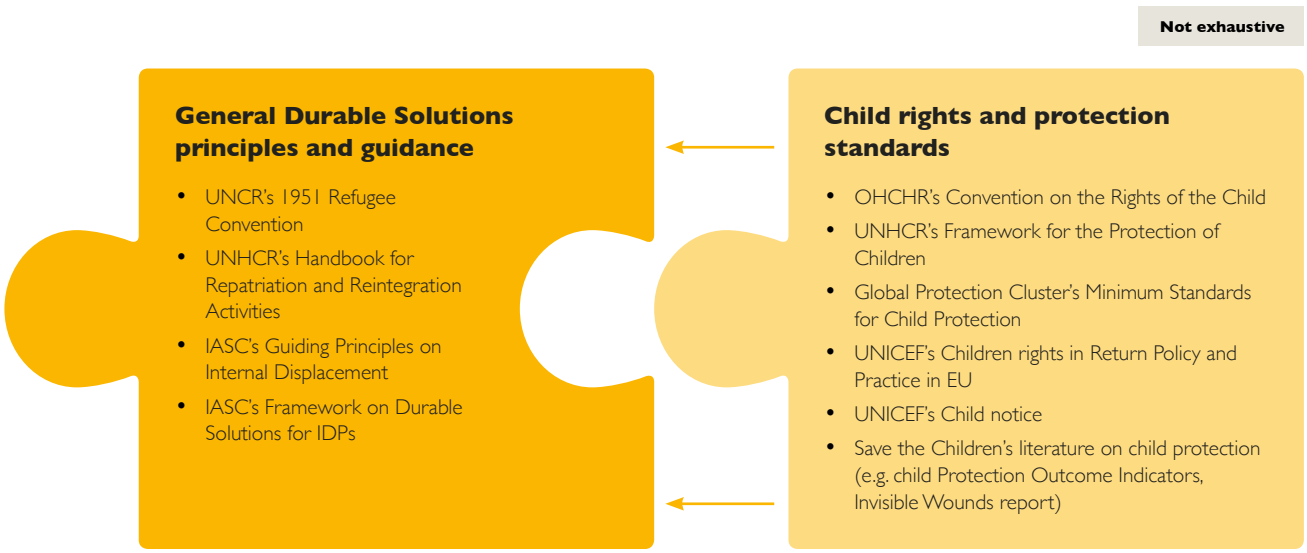
Survive, Be Protected and Learn

A number of communication resources are available on the indicator framework, which is why this section is only a very brief introduction. On SharePoint you can find an internal technical flyer; an internal flyer for management; and an external flyer for potential partners and donors.[36]

The indicator framework is built around data that Save the Children often collects in connection with the Child Rights Analysis, Country Strategy Planning process, during a global theme assessment or within an analysis of cross-cutting issues such as mental health and psychosocial support. However, the indicators also reference existing (industry) solutions frameworks, to ensure Save the Children is using language well recognised by solutions actors.

[36] https://savethechildren1.sharepoint.com/what/migration-displacement/Pages/M&D-Solutions-Repository.aspx

The indicator framework leverages existing general durable solutions principles and child rights and protection standards to define its criteria, themes and indicators. These standards include:



Note: *In order to not redo the work of other organisations, the child-sensitive durable solutions framework leverages previous durable solutions principles and frameworks and zooms in on children and their specific needs.*

The indicator framework consists of four key domains, covering all aspects of a durable solution for children and their families. Each domain contains measurable indicators, clustered hierarchically into summary, core and analysis indicators.

The indicator framework can be used as:

- A standalone framework to assess solutions for the general population or for families and their children, specifically in contexts that are relevant and where comparative data is needed; and/or
- As an add-on to existing durable solutions assessments where the children have not been highlighted: child-specific criteria and indicators can be added to existing solutions frameworks (e.g. ReDSS).

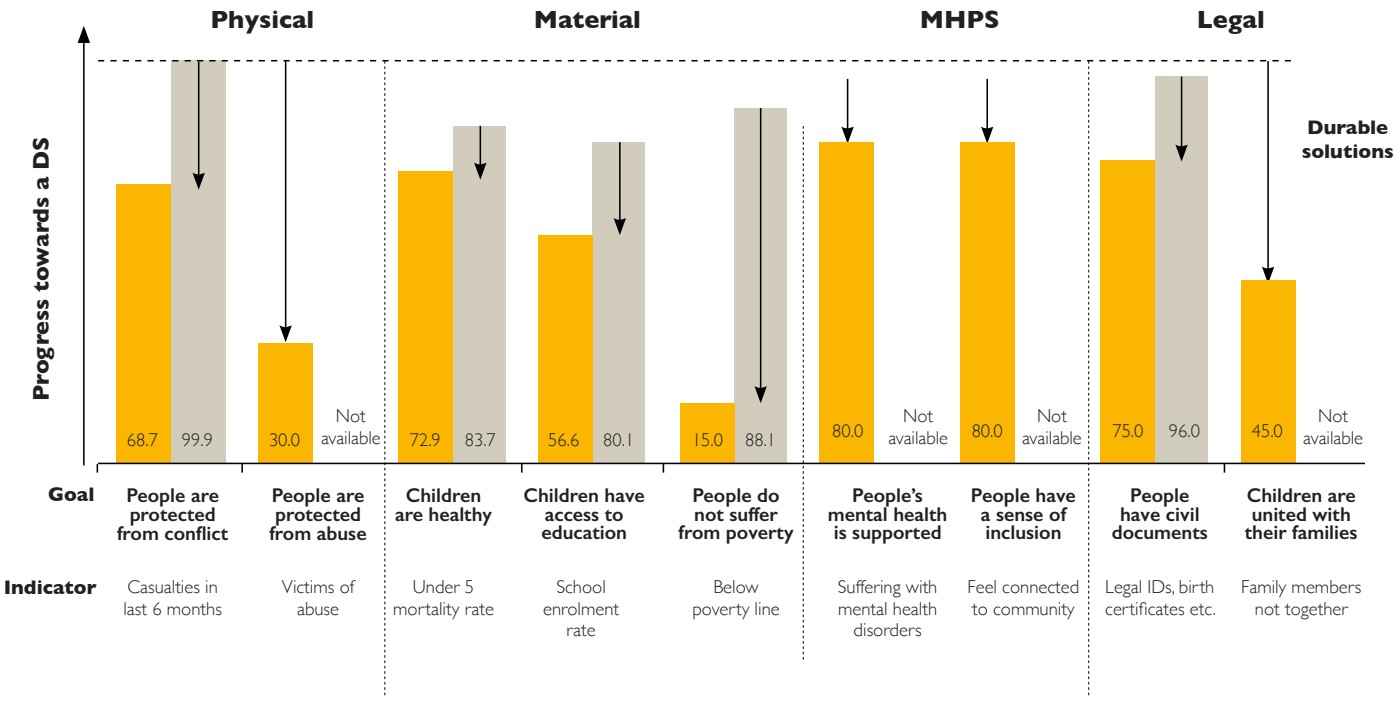
The indicator framework should not be seen as:

- A replacement for other durable solutions assessment frameworks (such as those of the IASC, the Joint IDP Profiling Service (JIPS), ReDSS, etc.). It is, rather, a child-sensitive supplement to these established resources.
- A final, static framework that cannot be expanded or contextualised – in different contexts, stakeholders will need to understand specific elements or will have a slightly different deconstruction of 'solutions domains': consequently, the indicator frame can be adapted.
- Direct advice to return or stay for displaced children and their families. (UNHCR conducts assessments of international protection concerns which may influence return decisions).

Accompanying the framework indicators, you can find:

- An Excel sheet detailing the indicators (application, references, proxy indicator suggestions, etc.).
- An Excel tool to help users apply the framework to a region of their choice that consequently generates useful infographics..
- The tool has been tested in a number of pilot regions: you can find pilot reports on Iraq, Jordan, Somalia and Syria. These are for internal use only; however, a global aggregate report is also available, and the tool has also been used in the case of Afghanistan, with a published report.

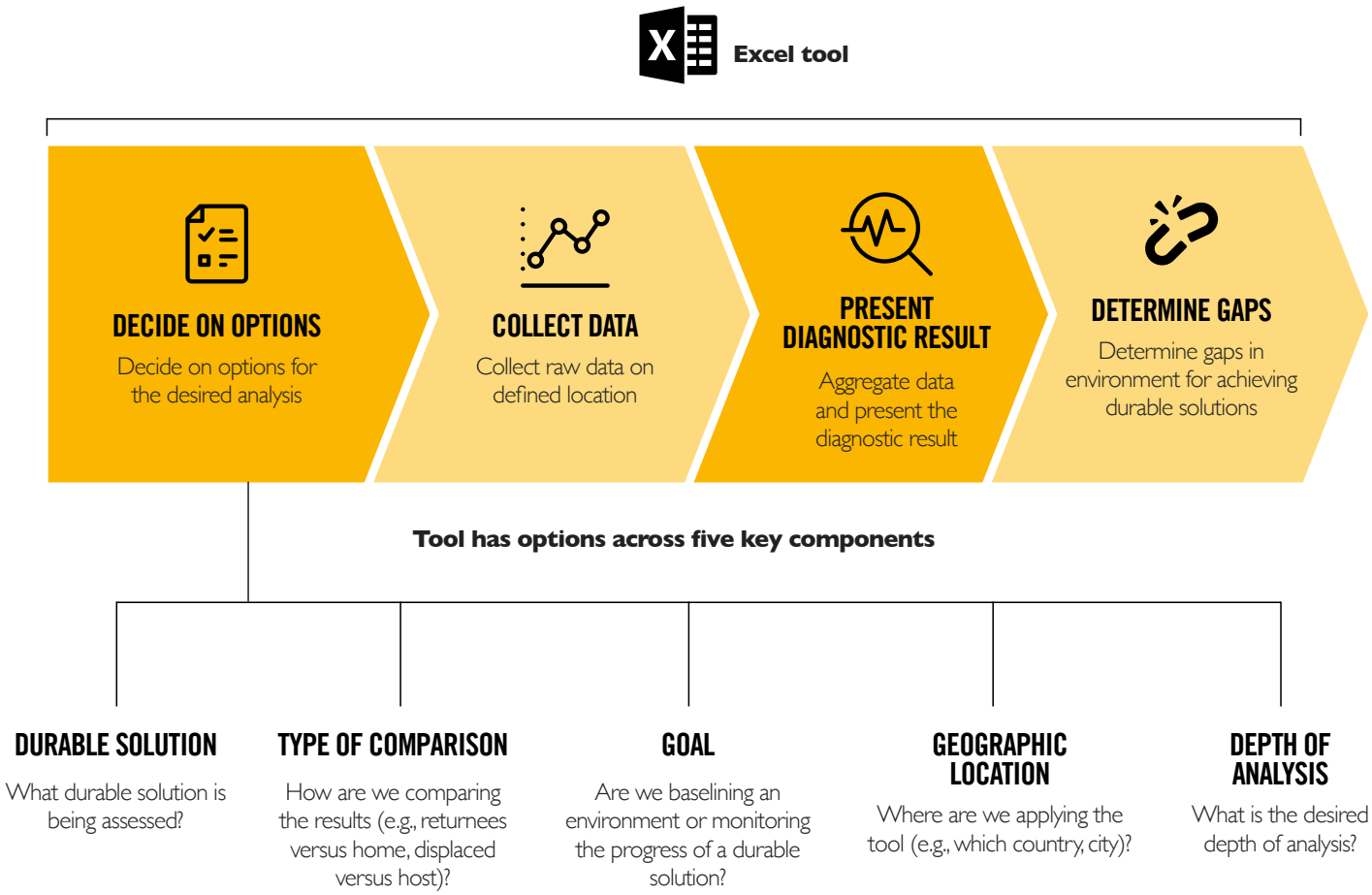
LARGE GAPS EXIST COMPARED TO PRE-CONFLICT IN ACHIEVING A DURABLE SOLUTION ACROSS ALL THEMES



* Includes total population and returnees, varies for each indicator;
Source: HNO Syria report 2017, ACAPS, UNICEF, WorldBank, Samuel Hall, IOM

Gap size | Current conditions | Pre-conflict

We developed a tool to assess gaps in environment for achieving durable solutions. The tool is flexible and allows for a range of choices:



The steps needed to utilise the Excel tool are straightforward:

1. Input all the required information on the 'basic info' sheet. These will be answers to the five questions above (which solution, type of comparison, depth, location, goal), and generic information on the geography and population under study. All the following sheets in the Excel file will then be customised according to the answers and choices made.

2. Enter all the information demanded on the 'data input' sheet. These are the framework indicators. When inputting the values, make sure to specify whether the data is child-disaggregated or not, the data source, and any comments for future reference. If proxy data was used, specify this as well. Indicator definitions help guide the data collection process.

3. Results are automatically outputted and summarised in the output sheets. The tool provides summarised and detailed results for analysis. Use the results to determine the gaps in achieving a durable solution.

It is important to stress that the indicator values and gaps are not sufficient to determine the conduciveness of the environment for a durable solution and inform programme design. Limited data availability on indicators, limited age disaggregation, absence of comparative data and contextual circumstances may affect the overall result and the understanding of the environment.

In the pilot countries mentioned above, we chose to contract a displacement consultant to write up the analytical narrative to support the data. This type of report can be generated by means of a relatively limited investment.

2.3 Guide to assess safeguards and child-sensitive processes in solutions for children

This guide can direct protection staff primarily to understand where to increase child-sensitive protection support and where Save the Children can potentially support key stakeholders, governments, UNHCR or other dedicated UN agencies in developing child-sensitive durable solutions processes. As such, it is meant to support staff to take stock of and assess gaps in available child-sensitive safeguards, according to international standards and guidelines. It lists safeguards/questions in order to analyse the child-sensitive measures in place in a specific solutions/return context, including relevant cross-border elements.

This guide is not exhaustive, but instead builds off the existing extensive technical literature on best interests determination (BID)/best interests assessment (BIA) processes. Available standards are developed by UNHCR in collaboration with several protection agencies. The key reference documents are:

- *UNHCR Guidelines on Determining the Best Interests of the Child* (UNHCR, 2008)
- *Field Handbook for the Implementation of UNHCR BID Guidelines* (UNHCR, IRC, 2011)
- *Guidance to respect children's rights in return practices and policies* (Save the Children and others, 2018) – specifically for EU member states (see Annex C)

It is, furthermore, important to take note of the fact that recently initiated processes (early 2019) within Save the Children will be able to inform a further elaboration of the below guide. As such, several members as well as 'Children on the Move' are working on enhanced guidance, particularly on best interests determination processes related to refugee and migrant children, and to cross border case management. This work will support a second iteration of the assessment guide.

When doing an assessment of durable solutions processes available, it will be key to determine:

1. Which agency/ies are involved in the processes – UNHCR or other UN agency; government stakeholders (which line ministry/relevant departments).
2. If these stakeholders are permanent or transitional (for example, if UNHCR is supporting the government, but in the process of handing over procedures).
3. The underlying causes for potential deficiencies in the processes (legislation, administrative procedures, capacity among personnel/institutions).

It is recommended staff will have to look at a minimum of two of four aspects mentioned below, although more can be included if relevant in the context.

- Best interests assessment (BIA) safeguards
- Best determination procedure (BID) safeguards
- Procedural safeguards (e.g. legal representation and guardianship)
- Safeguards in the case of return

HOW: CONDUCTING AN ANALYSIS OF CHILD-SENSITIVE DURABLE SOLUTIONS PROCESSES

Below, you will find a suggested list of key questions to ask when carrying out an analysis focusing on solutions processes. Not all will be relevant in all situations, but protection staff on the ground will be able to determine the key focus. A few points to consider when approaching such an exercise:

What level of information is required? It must be determined what depth of information is needed and if information needs to be corroborated from several angles. As such, staff must determine if information-gathering is relevant and needed for the objective of the assessment from both i) background documents, legislation and policies, as well as administrative guidelines, ii) key informant interview and even testing of staff involved in the solutions processes, iii) information from target groups (children who have experienced first-hand the solutions processes). In some contexts, a light analysis is sufficient, as a contribution to a proposal, programme or 'advocacy conversation'. In other contexts, programmes may want to invest in a more comprehensive analysis.

What information already exists and is this available? As mentioned, data-gathering for this exercise could include secondary data collection, key informant interviews, anonymised case management data collection and focus group discussions reflecting the voices of children. However, it is important to understand if key stakeholders already have some information (UNHCR internal process papers, capacity building assessments of designated institutions etc.), and if Save the Children is able to gain access to this potentially sensitive background.

Can we work directly with duty bearers to strengthen the analysis? To support a strong analysis and enhance the usability of the assessment, it is optimal to work directly with the authorities and/or organisations who are in charge of the solutions processes in a given context. A jointly formulated objective to strengthen the child sensitivity of the solutions processes, with Save the Children's accompanying technical support to the duty bearers, would go a long way to ensure that such an assessment is utilised proactively by relevant stakeholders for the direct benefit of children. If such agreement/consent is not found around the necessity to conduct such an assessment, findings can still be utilised to advocate towards authorities. Given that such efforts could be perceived as an unwelcome exposure of lack of capacities by these authorities, however, it is less likely that institutions would follow recommendations without substantial lobbying efforts.

How do we take the analysis forward? The final analysis of the data that has been collected can stand alone as a background briefing of the issues that need to be tackled from a procedural perspective. Nevertheless, the analysis also links well to the other suggested assessment tools mentioned before – specifically, the contextual analysis of factors enabling solutions for children (Section 2.1) and the indicator framework to measure the progress of solutions for children (Section 2.2). Staff need additionally to determine which of the key gaps identified in this assessment are feasible to work with from an advocacy and a programme perspective, respectively.

GUIDING QUESTIONS (NOT EXHAUSTIVE)

1. Best interests assessment (BIA) safeguards

A BIA is a less formal procedure than a BID, and generally applied in protection responses for children. Though individualised BIDs must be conducted when determining a durable solution for a child, BIAs are also an important step. This is particularly the case in 'transitional' periods where it is decided for larger displaced/migrant populations that it will be in the general interest of children to stay in a country of asylum, but where a durable solution has not been pursued systematically. A BIA should be an individualised process, but it is not prescribed in the same, thorough way as a BID.

Key questions for BIA Safeguarding

Basic data on displaced/migrating population

- Was there a best interests assessment conducted?
- What type of standard is used when conducting this (UNHCR/IRC guidelines or other)?
- What elements were included in the assessment? (Views of child, identity, family history, experiences during journey, care and protection circumstances, particular vulnerabilities, education, health history etc.)
- Which sources were used to make the assessments? (Guardians, social workers, psychologists other experts etc., general information around country of origin etc.)
- Has the family situation been documented, including tracing results, if needed?
- Has information around home country as well as an integration report be considered?

Has the BIA been thoroughly documented and explained to child and family?

2. Best determination procedure (BID) safeguards

Save the Children strongly advocates that when individualised refugee status determination is happening or where migrant status decisions are conducted case by case; a documented, individual and robust procedure to determine the best interests of the child must precede. In accordance with UNHCR guidelines for durable solutions, BID should inform any decision for:

- Supporting local integration (if permissible according to refugee status determination or other immigration status/international protection procedures).
- Resettlement, or issuing a return decision/order to leave the territory for an unaccompanied or separated child or family with children.

Key questions for BID safeguards

- Have relevant standards (primarily UNHCR) been utilised in the BID?
- Are multi-disciplinary and non-invasive age assessments available and in line with international standards? And would such a procedure with an outcome that the person is a child immediately ensure BID procedures?
- Are child and family immediately provided with information about the procedure, in a language they can understand?
- Do BID procedures include systematic consideration of the individual circumstances of the child, unaccompanied, separated or within families, including age, sex, level of maturity, whether the child belongs to a minority group, disability, and the social and cultural context in which the child or children find themselves?[37]
- Does the BID procedure entail a consideration of the situation of the child as a whole, including the identity of the child, preservation of the family environment, care, protection and safety of the child; the child's situation of vulnerability; and the child's rights to health and education?
- Is there a referral facility that if, during the course of the BID procedure, information emerges that indicates that the child or family might be eligible for international protection or resolution of status on other grounds as provided for by national law, the actors carrying out the procedure shall ensure appropriate referral?
- Is the BID procedure documented and multi-disciplinary?
- Does the BID take into account the views of the child, the child's parents/caregivers, the child or family's legal advisor, the guardian for unaccompanied and separated children, and any other relevant expert(s) as may be appropriate?
- Do states ensure that free quality legal advice and representation are made available to children at all stages of the procedure (including any appeals)?
- Do involved immigration authorities, lawyers and judges receive specific training on child rights and child-friendly interviewing?
- Are longer-term plans considered in the process? Whether settlement, return or moving to another country are being considered, possibilities, available support and (re)integration plans should be contemplated, discussed and developed with the child and family. The plan should include targeted and longer-term measures relating to schooling, training and employment opportunities, access to appropriate health care, family life, accommodation, effective access to justice, protection against all forms of violence, care and (re)introduction into the community.
- Is the BID and subsequent decision made in an independent and impartial way and is it considered how it can be implemented?
- Can decisions be appealed?

3. Procedural safeguards

During best interest processes – be it during a prolonged asylum-seeking period, a protracted period of displacement as a refugee with limited access to rights, or during another migration status determination process – it is key that a child does not encounter a situation to the detriment of the child's welfare and protection.

Key questions for procedural safeguards

- Is immigration detention used in the context? And if so, what are the conditions for this?
- Are measures taken to sustain family unity?
- Are children and families provided with documentation indicating they are in an ongoing procedure and not subject to apprehension?
- Do children have uninterrupted access to education, health care and other services during processing?
- Are unaccompanied minors/separated children appointed an independent and qualified guardian with the necessary expertise and training to ensure that the best interests of the child are taken into consideration? And is the guardian involved in the procedure to find a durable solution for the child in their best interests?
- Do children have appointed legal representation?
- Is appropriate and qualified interpretation available?
- Is the information shared understandable for the child to the extent that the child can make informed choices?
- Are cases involving children prioritised to minimise long and extended processing time?

[37] See Committee on the Rights of the Child, General Comment No. 14, para. 48; and General Comment No. 22, para. 31.

4. Safeguards in the case of return

As returns have become an issue taking the global centre stage, it is important to promote good practice to avoid rights violations, separation, refoulement or simply lack of reintegration perspectives. Though returns do not follow one particular format (individualised, group returns, involuntary, coerces, voluntary, spontaneous, facilitated etc.), it is key that child-sensitive safeguards are followed in the case of fully state-facilitated return processes. The guidance questions here should be pursued in addition to the ones above (Sections 1–3).

The Guidance to Respect Children's Rights in Return Practices and Policies (Save the Children and others, 2018) contains a much more granular approach to return practices, which is particularly helpful when assessing procedures in countries with a well-established and advanced migration management/ asylum system.

Key questions for safeguards in the case of return

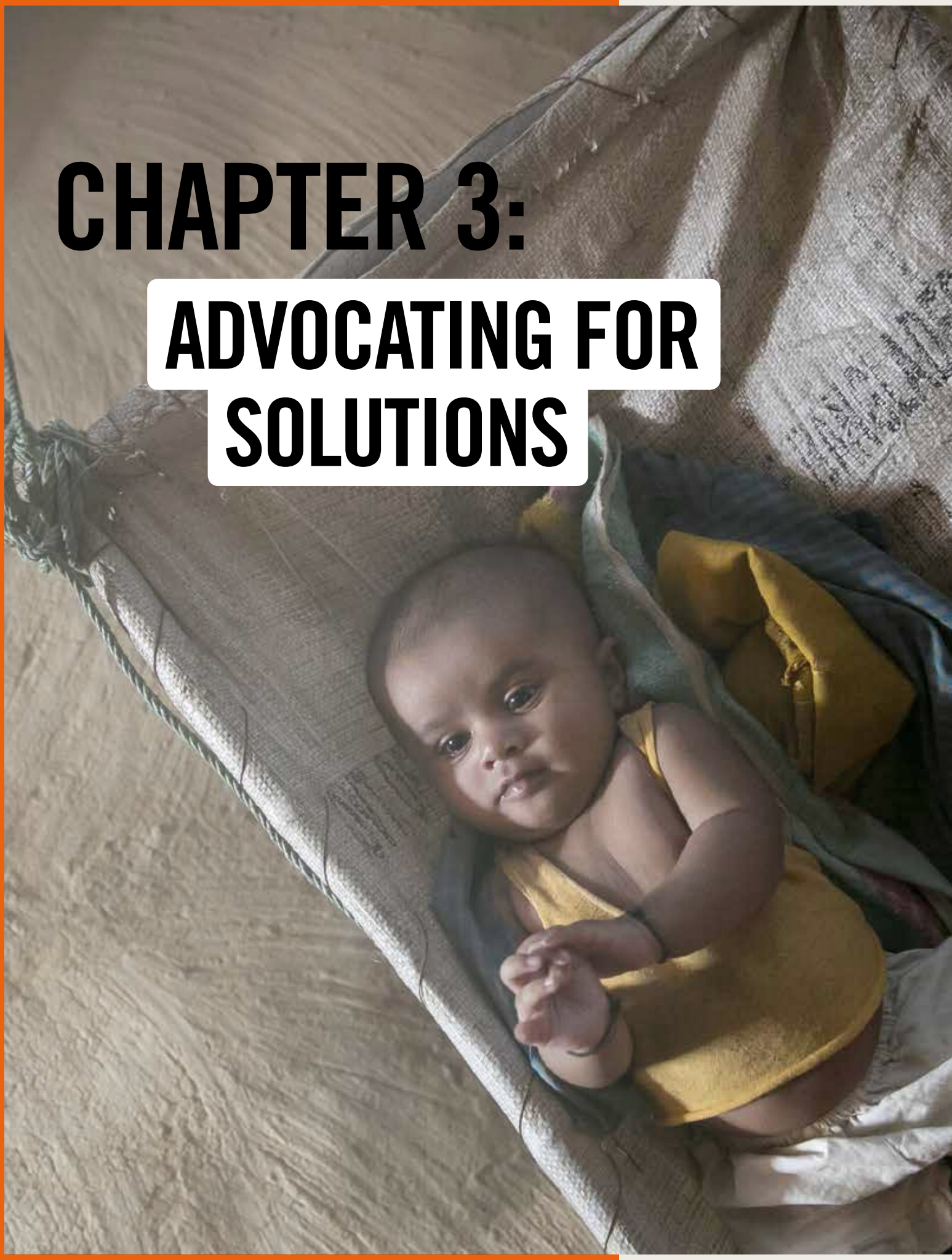
- Has in-depth information been collected about the child and where the child will have a safe and protective environment? Elements such as gender specificities, disability, belonging to a minority/ethnic group, as well as other personal characteristics which can lead to discrimination or particular needs or risks, should also be taken into account.
- Has the procedure incorporated consideration of the child's individual needs, the child's views, how to support their development and survival, the family situation, the duration of the child's absence from their country of origin, the child's nationality or lack of nationality, the child's right to preserve their identity, appropriate care arrangements, plans for the child's sustainable return and reintegration?
- Has the return been preceded by an assessment of the risk of irreparable harm to the child should he/she be returned, in line with states' non-refoulement obligations?[38]
- If the child is unaccompanied or separated, has care and custodial arrangements been put in place upon return that are adequate and appropriate for the individual child?
- Where family has been traced, has it been deliberately decided whether family reunification is in the child's best interests (based on family's capacity and willingness)?
- Where tracing is unsuccessful or where family reunification is found not to be in the child's best interests, has the procedure considered the quality and suitability of alternative care[39] arrangements, both in the short and mid-longer term?
- Has sufficient time been given to child and family members and support to prepare themselves for return? This includes accurate information on options and processes, as well as possibilities to receive psychosocial counselling and other support (the range of support provided to children and families participating in voluntary return and reintegration programmes should be available) in a language that all family members actually understand.
- Has access to free, quality legal representation at all stages of the return process been availed?
- Has an individual (re)integration plan been discussed with the child, family and guardian, prior to the return/move?
- Has a collaboration been established between relevant agencies in the country from which the child or family departs and relevant agencies in the country of origin, including child protection and social welfare authorities and civil society organisations, to confirm that any stipulated return and reintegration conditions and assistance are ready and in place?

  This must include:
  - Immediate access to appropriate accommodation, support for basic needs and health care, including psychosocial care where needed and other public services as relevant in the country of return.
  - Following and adapting as necessary the individual care plan for the child's sustainable reintegration: support for swift school enrolment, financial and social support.
  - Adequate reception, care and reintegration measures which focus in particular on cooperation between child rights and protection actors on issues such as restoring family contacts, transferring custodial responsibility and exploring return and reintegration where it is in the best interests of the child.
- Have returning and receiving states respectively established independent mechanisms to monitor the situation of the child for a given period upon return (good practice suggests at least one year)?
- Have 'firewalls' been put in place to prohibit the sharing and use for immigration enforcement of the personal data collected for other purposes, such as protection, remedy, civil registration and access to services? This is necessary to uphold data protection principles and protect the rights of the child, as stipulated in the UN CRC.[40]

[38] Committee on the Rights of the Child, General Comment No. 6, para. 27; and General Comment no. 22, para. 46.

[39] As set out in the EC COM(2017) 211 on the Protection of children in migration: 'Everything possible must be done to ensure the availability and accessibility of suitable and safe reception conditions. Suitable options could include, for unaccompanied children in particular, placement with adult relatives or a foster family, accommodation centres with special provision for children or other suitable accommodation, such as closely supervised open reception centres designed to ensure the protection of children, or small-scale independent living arrangements for older children.'

[40] Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, 16 November 2017, para. 17, available at: https://www.refworld.org/docid/5a1293a24.html



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ADVOCATING FOR SOLUTIONS

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Policy and advocacy will always represent a major component of any solutions work. In most circumstances, programming alone cannot meet all the challenges in a solutions context. This is because many of the issues are structural and require micro or macro policy change. In these instances, Save the Children must be aware of the constraints states face in facilitating solutions...

It is important that our advocacy be principled and in line with international standards, but at the same time constructive, and speaking to the political realities of our operating environment. Lobbying and advocating with donors or even the humanitarian community should be proactive and offer solutions to the status quo. Needless to say, advocating for solutions can be challenging and multi-faceted.

Therefore, it is critical that Save the Children teams are prepared to intervene with robust and targeted advocacy messages. This catalogue will help colleagues effectively make the case for solutions for children and engage with a range of actors. The messaging is generic and needs to be adapted to the specificity of each context. It is not exhaustive: more points can be added when relevant.

The messages are intended for use by teams in the field and regional offices as well as global advocacy offices. They apply to situations of displacement or one of the three solutions: local integration, resettlement or return. If you recall from Section 1.1.2 (why solutions are important for children), the definition of solutions can be applied to all children. Therefore, these messages on solutions apply to refugee, internally displaced and migrant children, unless specifically noted.

This catalogue of messages must be read in conjunction with previous chapters and is aligned particularly with the assessment structures. The chapter consists of four sub-sections.

The majority of the messages are useful as 'programme policy' and many can be lifted directly into programming response, as good practice initiatives or principles. It is recommended that programme staff therefore consult this section when developing programme responses.

1. Enabling factors for solutions	2. Child-sensitive processes	3. Children and solutions	4. Complexities of the different solutions
Enabling environments for solutions; ways of working (e.g. funding architecture, coordination); opportunities for participatory approaches	Considerations for ensuring best interest determination in solutions decisions	Advocating to secure children's legal, physical, material and psychosocial safety (the 'four safeties')	Tackling complex issues children face in each of the three solutions

We also encourage colleagues to draw upon guidance provided in the 'Holding Position on Forced Returns' and the (EU) *Guidance to respect Children's Rights in Return Policies and Practices* (both of which are annexed to this toolkit), as well as SCI messaging produced in relation to the policy and advocacy engagement of the Global Compact of Refugees and the Global Compact on Migration.

3.1. Enabling factors for solutions

This section highlights the most important contextual factors affecting resolutions to displacement.

3.1.1. PUBLIC ATTITUDES TO DURABLE SOLUTIONS

The first environmental factors to consider are public attitudes towards and social acceptance of solutions. The attitudes of the hosting or receiving society are critical to finding solutions for migrant and displaced children. The return, reintegration, local integration or even resettlement of a population can be a shock to the receiving population. Social service delivery systems will have to adapt or even be updated to accommodate new populations. Social-cultural institutions or practices may be affected. It is important that the receiving community be prepared to support the new population. Public attitudes play a very important role in the outcomes of this process. In some cases, the government needs to be prepared to respond with anti-racism or anti-xenophobia campaigns. The below messaging can support advocacy for public endorsement or reinforcement of a positive and welcoming environment.

Key messages and sub-messages

Discrimination and xenophobia towards refugee and migrant children expose them to serious risks of violence, exploitation and abuse and can stop them from accessing

fundamental services, including health services, education and protection. This is incompatible with international human rights law and the Sustainable Development Goal (SDG) 10.3, which calls for 'equal opportunity including by eliminating discriminatory laws, policies and practices, and promoting appropriate legislation'. Messages could include the following:

- Migrants and refugees, also children and youth, should be supported to become net contributors to societies and economies through adequate integration.
- Migrants and displaced families may bring economic benefits and development potential – for example new skills, capital and networks.
- Demand for food and other commodities, such as building materials and housing, can stimulate the economy and promote overall growth, as can demand for services, including those for children. This has been seen in many mass displacement contexts.
- Receiving or hosting societies can benefit from assistance programmes, such as improvements to services delivery systems and development investments, for example infrastructure rehabilitation.

It can be beneficial for governments to develop a proactive approach to countering xenophobia and racism from the onset of a displacement or solutions scenario. Approaches could include:

- Adopting and implementing measures to foster an open and non-discriminatory society, including measures that proactively support reciprocal inclusion between communities.
- Adopting and implementing measures that ensure the inclusion of children in regard to their access to legal identity, nationality, education, healthcare, justice and language training.
- Ensuring access to justice and effective remedies for child victims of discrimination, racism or xenophobia, on a par with national children and without legal or other repercussions on the grounds of their legal status.

3.1.2. LEGAL AND POLICY APPROACHES TOWARDS DURABLE SOLUTIONS

The quality of solutions often rests on the conditions of asylum or the situation in displacement. For example, if a child has been able to access quality education and learning opportunities while displaced, he or she will not lose valuable years of education. This means the child will be more likely to re-enrol and integrate into the education system where he or she settles.

In the majority of hosting countries, laws and policies limit a migrant or displaced person's ability to be self-reliant, or restrict children's ability to access their rights. Policies may keep migrants or displaced persons in camps or restricted housing facilities, limit their movement and/or outlaw working, owning property/a business or other ways to build assets. They may restrict children's access to education or may not cater sufficiently in regards to the language of instruction. Importantly, countries may impede the ability to formally register or access birth certification. These and other common policies can hinder migrants or displaced persons in seeking solutions. A solutions-oriented approach may require changes to laws and policies. Advocacy should thus focus on addressing these legal and policy barriers.

When considering building out this messaging to governments, it is important to take a proactive approach. Often, proposing solutions instead of strong criticism can help unlock the policy change goals you seek. Bear this in mind, even in the most politically charged environments. Try to be as constructive as possible while not jeopardising our mission.

Key messages and sub-messages

The laws and policies in the host country must support migrant and displaced children to access services and realise their basic rights, regardless of where their final destination may be. These services and rights are outlined in relevant policy frameworks, including the Convention and Protocol Relating to the Status of Refugees,[41] the Universal Declaration of Human Rights and the Convention on the Rights of the Child (CRC).
Key points include:

- Standards for quality of displacement environments must be met, including access to legal stay or temporary protection.
- Hosting governments should adopt national policies that ensure decent conditions during displacement, including the right to freedom of movement, adequate documentation and work (for parents and caregivers), and to access public services, in particular education and health.
- Migrant and displaced children must have non-discriminatory access to public services and livelihood opportunities while in an asylum determination process. Migrants and the displaced should be able to enrol their children in school, obtain a job and receive health benefits and other public services within the first months of their displacement.
- Hosting governments should develop plans and be supported to eliminate legal and practical barriers that prevent children in situations of irregular migration, whether accompanied or not, from fulfilling their rights as enshrined in the CRC.

[41] Even in non-signatory countries, all persons who meet the refugee criteria under international law are refugees for the purposes of international law, whether or not they have been formally recognised as such.

- Placing migrants and displaced persons in detention facilities or camps should be used only as an immediate response modality and phased out over the medium term.
- National laws and policies that enforce encampment must be changed to allow freedom of movement and residence in the area of choice, including urban environments.

3.1.3. RESPONSES TO SUPPORT AN ENABLING ENVIRONMENT FOR DURABLE SOLUTIONS

Displacement has a disproportionate effect on children. Many are deprived of basic services, not least education, and many are separated from family or networks and suffer major trauma. The setbacks that they will face may last for years, if not decades. Taking a solutions-oriented approach is 'new' to displacement responses. It requires major shifts in current and common ways of working. Old practices as well as funding and coordination structures need to be addressed. The most common are mentioned below. This advocacy is quite operational and will allow programme teams to work in new ways.

Key messages and sub-messages

Longer-term investments, beyond initial humanitarian assistance, are needed to ensure durable solutions can succeed following an emergency.

- Programmes to support education and livelihoods – lynchpins of self-reliance and future solutions – need to be adequately funded.
- Countries and communities affected by displacement require adequate, predictable, multi-year funding, including grants and concessional loans, in order to plan for the long term, if necessary.

National authorities should lead engagement and coordination in displacement contexts to ensure the durability of programmes and policies relating to migrant and displaced persons and host communities:

- Hosting governments should strive to successfully include refugees in national development and sector plans. While challenging, this is not impossible, as seen in the success of policies developed in Uganda, the Syria response countries and, recently, Ethiopia.
- Emphasis should be placed on strengthening the capacity and quality of national institutions and local systems, including legal frameworks and infrastructure, to sustainably meet the needs of both host communities and migrant or displaced populations.

Education must be a key feature of any displacement response:

- Host governments should strive to enact policies that provide access to accredited, quality, innovative non-formal or informal learning opportunities for children for whom the formal system is inaccessible – with clear pathways into the formal system so children can transition when ready.
- Host countries will need to remove policy barriers that prevent children from accessing the formal education system, for example by having an inclusive and flexible registration and documentation system that allows students to enrol in school. This also includes removing gender-based barriers and limits on time spent out of education.

All actors responding to the immediate and ongoing needs of a migrant or displaced population will need to coordinate to bridge the humanitarian–development divide:

- As outlined in the UN-led initiative on New Ways of Working,[42] development actors must be integrated in a response from the onset of the emergency, to complement humanitarian interventions. Specialists in urban planning, community engagement, local governance etc., can support the collective effort for medium- to longer-term planning.
- International, national and local actors must work together to ensure local communities can absorb additional populations in ways that are dignified and contribute to longer-term sustainable development.

Joint results and accountability frameworks are needed to plan and monitor a comprehensive approach:

- Hosting governments should lead joint planning and develop a comprehensive national displacement and solutions framework with common outcomes for humanitarian and development actors.
- Responses must generate relevant data and analysis to better understand displacement-affected communities' profiles. This will aid in operationalising complementarity between humanitarian and developmental approaches. It will also support local authorities and agencies to prepare better and forecast population movements, not only to respond.

[42] https://www.unocha.org/story/new-way-working

An integrated, cross-sectoral response is required to support host communities and migrant or displaced populations:

- All response planning must take a needs-based, multi-sectoral approach from the start.
- If migrants or the displaced are rights holders and enabled to become self-reliant and participate in the economic and social life of their host communities, they stand a much better chance of becoming net contributors to their communities and local economies, and of forging a path towards lasting solutions.

Responses must be designed in an inclusive way to ensure the needs of all those affected by displacement are considered.

- Community engagement is critical to inform reintegration analysis and programming. Community buy-in is essential for sustainability, relevance and social cohesion.
- All affected populations must be active participants in consultation, awareness-raising, any negotiation and conflict resolution, including children and youth.

Responsibility-sharing across hosting and non-hosting countries is important for the protection of migrants and displaced persons and their long-term solutions.

- Hosting governments cannot be left alone to shoulder the costs associated with providing migrants or the displaced with lasting solutions; they must receive support from the international community.
- Donor countries should commit to supporting sufficiently when providing financing to states generating solutions, and consider increasing their resettlement quotas, especially for the most vulnerable children.
- The private sector can play a role through investment or job creation within the solutions arena. Both migrant/displaced and hosting communities can benefit from improved supply chains and market infrastructure.

3.1.4. PARTICIPATION OF MIGRANTS AND DISPLACED PERSONS IN IDENTIFYING AND PURSUING SOLUTIONS

Girls and boys should be recognised and engaged as social actors who can influence and make decisions as well as navigate risks. Inclusive participation in solutions processes, including early planning and decision-making, is crucial to achieving effective and sustainable responses and ultimately durable solutions. However, this is often not the norm, particularly as migrants and displaced persons fall outside of the traditional state–citizen relationship and accountability structures. All of the previously mentioned advocacy should include the below messaging to ensure children's voices are taken into account.

Key messages and sub-messages

- Children must be empowered to participate and inform all solutions processes and decisions meaningfully. This is essential to meaningful planning and implementation of solutions.
- Safe and meaningful involvement of displacement-affected or receiving communities is essential in solutions planning. Children from these communities must be consulted in a child-appropriate way and have their voices heard.

3.2. Child-sensitive processes and procedural safeguards

The best interests of any child involved in any solutions decision must be a primary consideration. The ultimate purpose of examining the child's best interests should be to ensure the full and effective enjoyment of the rights recognised in the CRC. Notably, this must include their safety and respect for the principle of non-refoulement.

The holistic development of the child is an essential right that must be considered in evaluating solutions. As such, it is critical to consider the various elements that are relevant for the child's best interests, and, if necessary, balance them to find the appropriate outcome. From the very start, it is important to advocate that all solutions decisions include analysis of the best interest of each child to inform decision-makers. This implies that specific procedural safeguards must also be in place.

Key messages and sub-messages

All actors involved in assessing the best interests of the child for a solution must systematically consider the individual circumstances of the child, whether they are unaccompanied, separated or within families.

Article 3 of the CRC places an obligation on the public and the private spheres, courts of law, administrative authorities and legislative bodies to ensure the best interests of the child are assessed and taken as a primary consideration in all actions affecting children. This is a substantive right, an interpretative legal principle and a rule of procedure.

Considerations should include age, sex, level of maturity, whether the child belongs to a minority or marginalised group, disability and the social and cultural context in which the child finds themselves.

Considerations should include the situation of the child as a whole, including the identity of the child, preservation of the family environment, care, protection and safety, the child's situation of vulnerability and the child's rights to health and education.

Determining the best interests of a child for a solution requires a documented and systematic approach to ensure transparency, accountability and consistency in the process.

- Trained child protection actors must carry out the best interests assessment alongside immigration or other state authorities to ensure a child-sensitive approach.
- In the case of unaccompanied and separated children, an appropriate appointed guardian must be involved in the assessment.
- The process must take account of the views of the child, the child's parents/caregivers, the child or family's legal advisor, the guardian for unaccompanied and separated children and any other relevant expert(s) as may be appropriate.

Children are often the most vulnerable in any displacement context, and specific procedural safeguards must be put in place to ensure their best interests is determined at each decision point.

- Qualified guardians and advisors must be appointed for all unaccompanied or separated children. This guardianship/advisory support should be free of charge.
- Children should be prioritised and processed expeditiously, with special attention given to separated and unaccompanied children.
- Children must have access to information and effective guardianship when making solutions decisions.

3.3. Children and solutions

A child who has been displaced, no matter the duration, will have specific needs and vulnerabilities both during and after displacement. As described in previous chapters, a solution is achieved when a child's legal status has been regained, such as in their country of origin or where they have been naturalised. It is not only their legal status that must be attained but also their access to all rights. In many cases, their access to and fulfilment of these rights may be far out of reach. This may be because of stigmatisation, disruptions to their family unit, lack of documentation, etc.

Therefore, when advocating for the child's full integration, it is essential to look beyond just legal status and consider the full package of rights. Based on international standards and legal frameworks, we can advocate for 'four safeties' that encapsulate all of these rights. The below messaging complements the solutions for children indicator framework (see Section 2.2).

3.3.1. A CHILD'S LEGAL SAFETY MUST BE ASSURED

In general, resumption of legal status does not mean moving across an international border. In many cases, especially following a protracted displacement, regaining full legal status and rights takes time and can be bureaucratic and political. For children, there are two essential components of legal safety that must be realised.

The first is that their documentation is valid and recognised. Documentation is often lost in transit, may be lacking if a child was born in displacement or may not be recognised where they find a solution. Second, legal safety can be secured only when the child is reunited with his or her family or assigned a guardian. This is essential to adequately protect a child for the future.

Key messages and sub-messages

Children must be able to obtain recognised legal documentation.

- All separated and unaccompanied minors need to be individually registered with civil documentation.
- All registrations of birth and birth certificates issued from foreign countries must be recognised by authorities.
- All civil documentation issued in displacement, including education certificates obtained by children, must be recognised by authorities.

Children must be reunited with their family or with a suitable guardian when it is in their best interests.

- Governments must ensure unaccompanied or separated children find a solution only after a successful tracing of family members or when a suitable guardian is secured, whichever is in their best interests. Where tracing is not successful, alternative protection arrangements must be found in the location of displacement or in a third country.
- If a child is separated during return or resettlement, steps to facilitate the reunification of the family should be prioritised.

3.3.2. A CHILD'S PHYSICAL SAFETY MUST BE ASSURED

The physical safety of a child at the household and community level must be considered. A child must have safe spaces to live, play, learn and grow, where all threats of harm are minimised as far as possible. At the household level, the child must be protected from abuse or other causes of harm. Families and caregivers can be under extreme strain as they recover from displacement and re-establish themselves and their family members. It is therefore important to make sure the monitoring and response mechanisms for children's protection are in place or restored. At the community level, threats to physical safety can include remnants of war or other natural hazards. It is important to note that these interventions will reduce the risk of harm but not eliminate them entirely.

Key messages and sub-messages

Clear and reliable guarantees that the violence and abuses that drove displacement will not continue must be in place, particularly in conflict/post-conflict contexts.

- Efforts must be made to reduce and mediate inter-communal tensions that may occur, particularly in situations with a history of inter-communal violence.
- Inter-communal dialogue should to be held at all levels of society, before and during the returns process, and conducted systematically with a stated purpose. This dialogue should involve grassroots participation and include children, youth and other minority and marginalised groups.

Children must have safe spaces to live, play, learn and grow in the community and the household.

- National provisions referring to tackling domestic violence should exist and be enforced.
- Legislation and policy protecting children from child abuse should exist and be enforced.
- Legal provisions for alternatives to detention should exist and be enforced.
- Communities should have child-friendly spaces for socialising and playing (e.g. parks, communal gardens, playgrounds, youth centres).

3.3.3. A CHILD'S MATERIAL SAFETY MUST BE ASSURED

Migrant and displaced children are often deprived of basic services and support. This means that, even when a solution is found for a child, it is important to consider the conditions of children in the receiving community.[43] When a child is re-integrating after return to an area that has experienced conflict or natural disaster, basic services may not be in place. It is important, therefore, to ensure the physical infrastructure is in place to support children, and that they have adequate access to services.

When developing messaging for material safety, it is especially important to tailor these to the target of your advocacy, taking local and national sensitivities into careful consideration. Displacement will often occur in contexts where infrastructure is already under pressure and national capacity to deliver local services is limited. Consider whom Save the Children considers accountable before tailoring messaging.

Key messages and sub-messages

The absorption capacity of the receiving community's services must be robust to provide for existing and new populations of children. Basic services including health, education and livelihoods must be available on an equal basis. Children must be able to obtain recognised legal documentation.

Children and their families must be able to rebuild their livelihoods in a sustainable and dignified manner.

- Children and youth who have gained skills and knowledge in displacement must receive adequate and appropriate support in entering the job market or other labour opportunities.
- Regional and national policies for the recognition of qualifications held by migrant and displaced children must be in place. This should cover both teachers and learners, to enable integration into education systems.

Children must have immediate access to safe, protective and inclusive formal or non-formal education.

- Unaccompanied children and families with marginalised children, including pregnant girls, child mothers and ex-child soldiers, must receive targeted support to attend school instead of participating in child labour outside of the home.
- Wherever possible, education should integrate psychosocial support and protection services.

3.3.4. A CHILD'S PSYCHOSOCIAL SAFETY MUST BE ASSURED

Migrant and displaced children will very commonly have faced violence, persecution and/or harassment. They may well have been subjected to grave violations of their rights as a child. In many cases, especially in post-conflict situations, children return to homes that are destroyed, or in some instances are not able to return to their place of origin at all. In some cases, entire neighbourhoods and social networks will have been disrupted or destroyed. The drivers of displacement could still be present. For these reasons, it is essential to ensure children's psychosocial safety.

Key messages and sub-messages

Children's mental health and well-being must be carefully considered in decision-making on durable solutions.

- Trauma experienced in the process of or during displacement must be addressed with comprehensive services.
- Trauma support should be made available to children, at both the individual and the community level, to ensure comprehensive care.
- Mental health patients must have access to rehabilitation, psychologists and hospitals, where required.
- Schemes dedicated to the psychological rehabilitation of children must be available, with sufficient numbers of caseworkers.

A child must have a complete sense of belonging in the place where they eventually settle.

- Special attention must be paid to resolving any lingering child-specific drivers of displacement.
- For child returnees to conflict environments, fear is likely to be very high in relation to the drivers of displacement or authorities. Inter-communal dialogues and peace-building efforts should be prioritised to also foster children's sense of safety and inclusion.
- Support must be available for community integration, strengthening of social networks and opportunities for children to actively participate in communities and schools.

[43] While this is often the case, it is not always safe to assume. It is important to spend time understanding local realities and perceptions in host communities when developing messaging on this issue.

3.4. Complexities of the different solutions

It is important that our advocacy focus not only on return and reintegration to home countries, but also on resettlement and local integration – even if the latter two options are often not popular with host governments. Please refer to Chapter 1.2 to understand why certain solutions are available to refugee, internally displaced and migrant children. The below messages can help navigate similarly complex political situations.

3.4.1. RESETTLEMENT MUST BE AVAILABLE FOR A CHILD IF IT IS DETERMINED TO BE IN THEIR BEST INTEREST

Resettlement to a third country is defined as a protection tool, a durable solution, a means to strategically leverage other durable solutions and a form of responsibility-sharing and international solidarity. The United Nations Refugee Agency (UNHCR) has developed seven prioritisation categories to identify refugees with more serious or urgent protection needs for resettlement: legal and physical protection needs; survivors of violence and torture; medical needs; women and girls at risk; family reunification; children and adolescents at risk; and lack of foreseeable, alternative durable solutions. Our advocacy should be in support of these criteria and the prioritisation of children.

Resettlement is most commonly available to refugees. Advocacy should be geared towards urging countries to either maintain or increase their resettlement quotas and to have more countries joining the resettlement process.

Key messages and sub-messages

Resettlement is an essential pathway to ensure refugees' rights are respected and they have a chance to seek protection and begin new lives in a third country, safe from persecution, discrimination, xenophobia and racism.

Resettlement must be available to any refugee child where it is in their best interests.

- For new and existing displaced populations, resettlement programmes should be established.
- In each displacement, the international community should set targets for the number of resettlement opportunities and establish accountability mechanisms to ensure these are fulfilled.

- Targets should be revisited each year as receiving governments revise their national priorities and budgets.
- Targets should be used to hold governments accountable or their resettlement practices or to measure what resettlement achieves.

Children are the most vulnerable in any displacement setting and must be prioritised for resettlement.

- Asylum-seeking children should be prioritised in the Refugee Status Determination or other protection screening processes to ensure timely referrals.
- At least 30% of all resettlement allocations should be earmarked for children if needed.
- During the resettlement process, migration detention of children is always a violation of their rights, and alternatives must always be found.

3.4.2. RETURN SHOULD ALWAYS BE IN KEEPING WITH CHILDREN'S BEST INTERESTS AND MUST BE ACCOMPANIED BY AN INDIVIDUAL PLAN FOR THEIR SUSTAINABLE REINTEGRATION

The return and reintegration of migrant or displaced children is not a new phenomenon. Voluntary return is one of UNCHR's three durable solutions for refugees. It is typically the preferred solution for refugees themselves. Voluntary return can also apply to irregular migrants or (failed) asylum-seekers when they choose to return to their country of origin. And internally displaced person (IDP) returns are common in post-conflict or post-disaster scenarios.

Nevertheless, the solution is highly politicised and one that is tricky for us to navigate. Save the Children wants to protect children to the fullest extent possible. However, we do not want to do so to in any way condone or give credence to a process that violates children's rights.

The below messaging provides a base for any return and reintegration context. It must be tailored to each context. As in any operational advocacy, our messaging will be strengthened if it aligns with our operations. Extra attention should be paid to syncing our advocacy and programmes in these contexts. Finally, in a return and reintegration situation, it is especially important that we advocate for at least one other solution (resettlement or local integration) for those children who require specific protection or will not be able to return home.

Key messages and sub-messages

Governments hosting and receiving must make legally binding commitments or agreements that ensure safety, dignity and voluntariness in any return process. Commitments or agreements must:

- Include clear roles and responsibilities for governments and, where relevant, UNHCR, which will act as a neutral third party between governments.
- Ensure that child protection authorities are promptly informed and assigned to participate in procedures for the determination of the best interests of the child, once a child crosses an international border, and ensure access to monitor and respond to the protection and other needs of returning children and their families, and that children will be supported by individualised assistance.
- Include specific references to the needs and vulnerabilities of children and commit to specific child protection measures before, during and post return. Explicit references to protecting and safeguarding unaccompanied children and separated minors must be included.
- Prevent involuntary separation wherever possible. If a returnee's family becomes separated during repatriation, steps to facilitate the reunification of the family member must be prioritised.
- Incorporate measures that ensure unaccompanied or separated children are returned only after a successful tracing of family members or when a suitable guardian is secured. Where tracing is not successful, alternative protection arrangements must be found in the country of displacement or a third country.

Returns processes must include specific child protection measures in order to ensure safety, dignity and voluntariness, and the best interests of the child, and must be accompanied by appropriate assistance; and actors involved in return must be trained in child-specific support.

- Child-friendly, independent monitoring mechanisms must be in place to monitor the voluntariness of the decision to return, and that procedural safeguards are respected.
- Protection and child protection actors should take the lead to confirm and verify voluntariness. This requires that people have access to detailed information about the situation in the area of return, that 'go and see' visits are possible and that intentions surveys are conducted. Such information must be widely disseminated and child-friendly.
- Additionally, access to legal support must be ensured for the child and/or the child's family.
- All international standards regarding the protection of children must be observed. In the country of displacement, this requires the provision of best interests procedures conducted by a trained professional.

Child-friendly, independent, monitoring mechanisms must be in place to assess conditions in the country of return and reintegration.

- The voluntary nature of the return must be observed throughout the process. Cross-border protection and returns monitoring mechanisms should be established and expanded to cover all areas/populations of return.

A cross-border case management and referral system for children must be in place.

- Case management systems in the country of asylum must be to scale, and include procedures for the transfer of care and cross-border referrals and coordination.
- Appropriate cross border cooperation focussed on child protection should be in place between actors involved in returns procedures, aimed at ensuring a continuum of care for children in pre-return, return and post-return procedures. Cooperation between child rights and protection actors should also take place on issues such as restoring family contacts, transferring custodial responsibility and exploring return and reintegration where it is in the best interests of the child.

Children, regardless of their status, can never be returned to their country of origin if doing so will put them at risk of irreparable harm. To do so would violate the principle of non-refoulement, which is binding under customary international law, international human rights law and refugee law.[44]

- A child should never be returned if the family is not identified in the country of origin or the family's guardianship is not in the best interests, regardless of migratory status.
- If an unaccompanied or separated child's only care arrangement in the country of origin is institutionalisation, then this poses a real risk and the child should not be returned.
- Child-specific forms of persecutions must be considered in the prohibition of refoulement. These include underage recruitment, child marriage, exploitation, targeted violence and detention.

Children are likely to experience enforced returns in a harmful way. Therefore, where all options for voluntary returns have been exhausted, for the return to remain in line with the best interests of the child, all possible measures need to be taken to prevent child rights violations and to reduce harm to children.

[44] Non-refoulement is the principle of whereby a state should never expel or return a person to a territory where his or her life or freedom is threatened. In the opinion of UNHCR, the International Organization for Migration and other key experts, non-refoulement is binding under customary international law, international human rights law and refugee law. It applies equally to refugee and migrant children.

Removals should not involve dawn raids, or interventions at or near educational, health, shelter, religious or other premises. Nor should they involve experiencing or witnessing the use of force on children or their families nor result in family separation. Rather, removals should be planned with children and their families who should be given the time to physically and psychologically prepare for their departure. Until the date of removal, children should be ensured access to services.

Return is not a solution in itself; it must be paired with a robust and complete reintegration of the child.

- Reintegration planning should be conducted through an area-based approach that captures the needs of children in the receiving and returning populations.
- Reintegration planning and programming must be monitored by child protection specialists to ensure children can fulfil their full rights.
- A comprehensive reintegration package includes provisions for a child's physical, legal, material and psychosocial safety.

3.4.3. LOCAL INTEGRATION MUST BE AN AVAILABLE SOLUTION WHEN IT IS DETERMINED TO BE IN THE BEST INTEREST OF THE CHILD

Full local integration (aiming at 'new' citizenship) is one of the most politically sensitive solutions. This is often a consequence of resistance from the hosting community, or may be the result of government policies, priorities or resourcing issues in the hosting country. The opportunity for full local integration is available in only a small number of countries around the world. More commonly, but still rare, is de facto integration, or integration that allows for self-reliance or self-management but does not afford full legal rights or pathways to nationality.

It is essential that the most vulnerable children have access to local integration to ensure they have adequate protection. In some cases, children will have faced rights violations that will put them at further risk if they are returned or even resettled. In cases where children have been born or spent the majority of their childhood in protracted displacement, return or resettlement could pose major challenges regarding integration and enjoyment of their rights. In these and other cases, children must have access to local integration as a solution. This is an important part of our advocacy for solutions, even in a politically charged climate. The below messages can help navigate these situations when the ability to advocate for solutions feels 'closed' or there is a perceived risk to programmes.

It may be useful to reference the Global Refugee Compact, the text of which highlights the importance of refugees having access to education and labour markets through which they can build their skills, become self-reliant, contribute to the local economy and help fuel the development of the community hosting them. Even though this document is refugee-specific, the recommendations can be applied across IDPs and migrants, and are mentioned in the Global Compact on Migration, as well as the 'reference document' of the Global Protection Cluster's Plan of Action on the 20th Anniversary of the Guiding Principles on Internal Displacement (GP20) as a work stream.

Another approach in these circumstances is to incrementally advocate for rights. Eventually, the migrant or displaced person can become self-reliant, at which time it will be easier to make the case for their full legal integration.

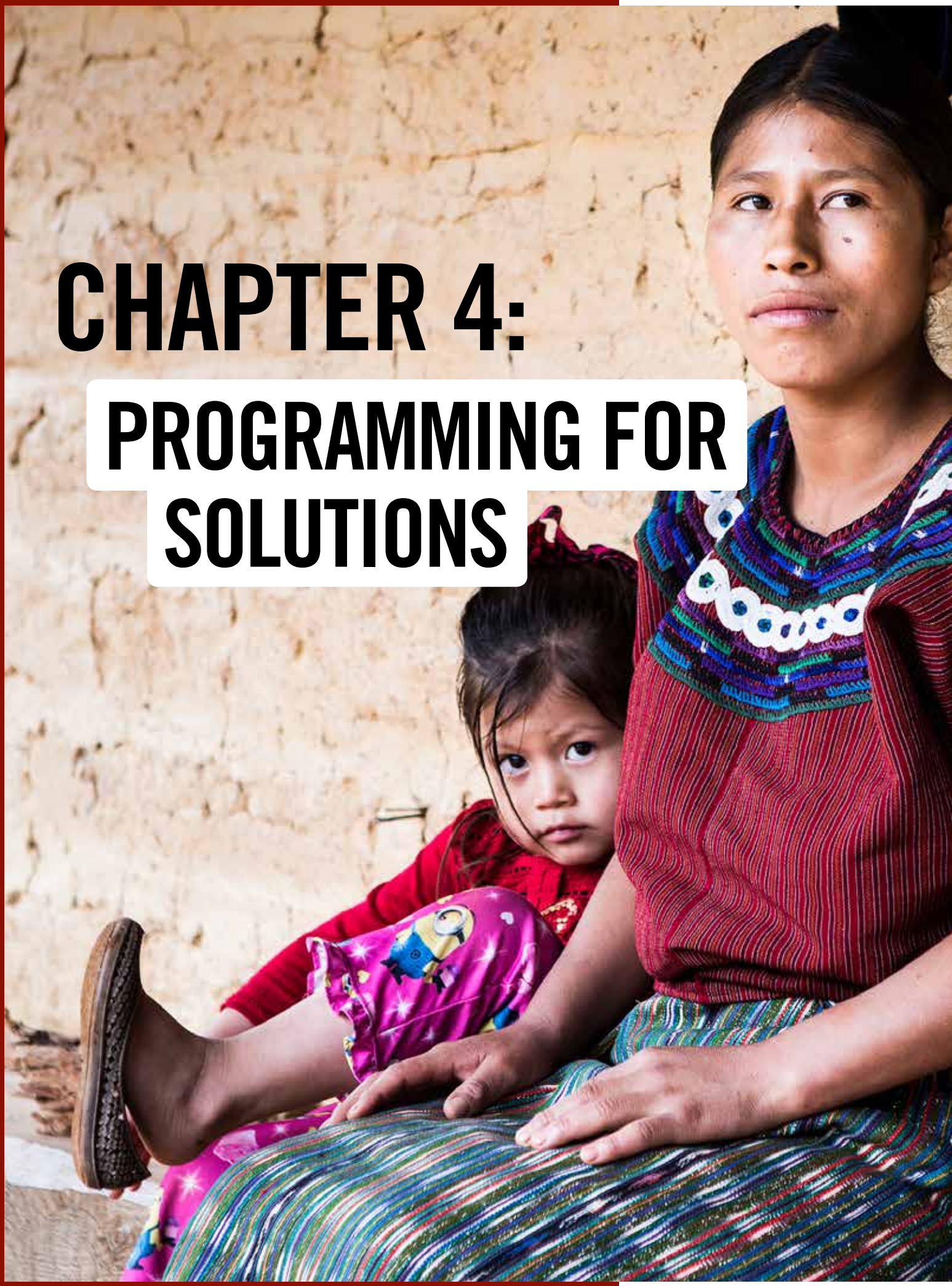
Key messages and sub-messages

Government laws and policies should strive to be conducive for local integration of migrant and displaced children.

- Children must be granted nationality or a pathway to full citizenship.
- Children must have full access to services and hold the rights of a national without discrimination.
- Unaccompanied or separated children must be reunited with their family members or guardian.
- National and local authorities have the primary responsibility of integration, and they need to be supported to be able to play a leadership and coordinating role.

Receiving communities must be adequately supported to absorb the new population, which requires upfront investments by the international community.

- Partners and donors must collectively invest in government and community capacities to sustain solutions locally and nationally. Such investments will strengthen local and national institutions and partnerships, helping sustain locally owned solutions.
- The self-reliance and resilience of both hosting and migrant or displaced/formerly displaced communities should be fostered at the onset of displacement to lay the foundations for future durable solutions.
- Additional child-focused poverty reduction initiatives are necessary to build the absorptive capacity of the host community. Initiatives can include vocational and technical training, increased professional learning opportunities and support to local businesses.
- Social cohesion between migrant or displaced and the receiving populations must be a major focus of government and partner interventions.



CHAPTER 4:
PROGRAMMING FOR SOLUTIONS

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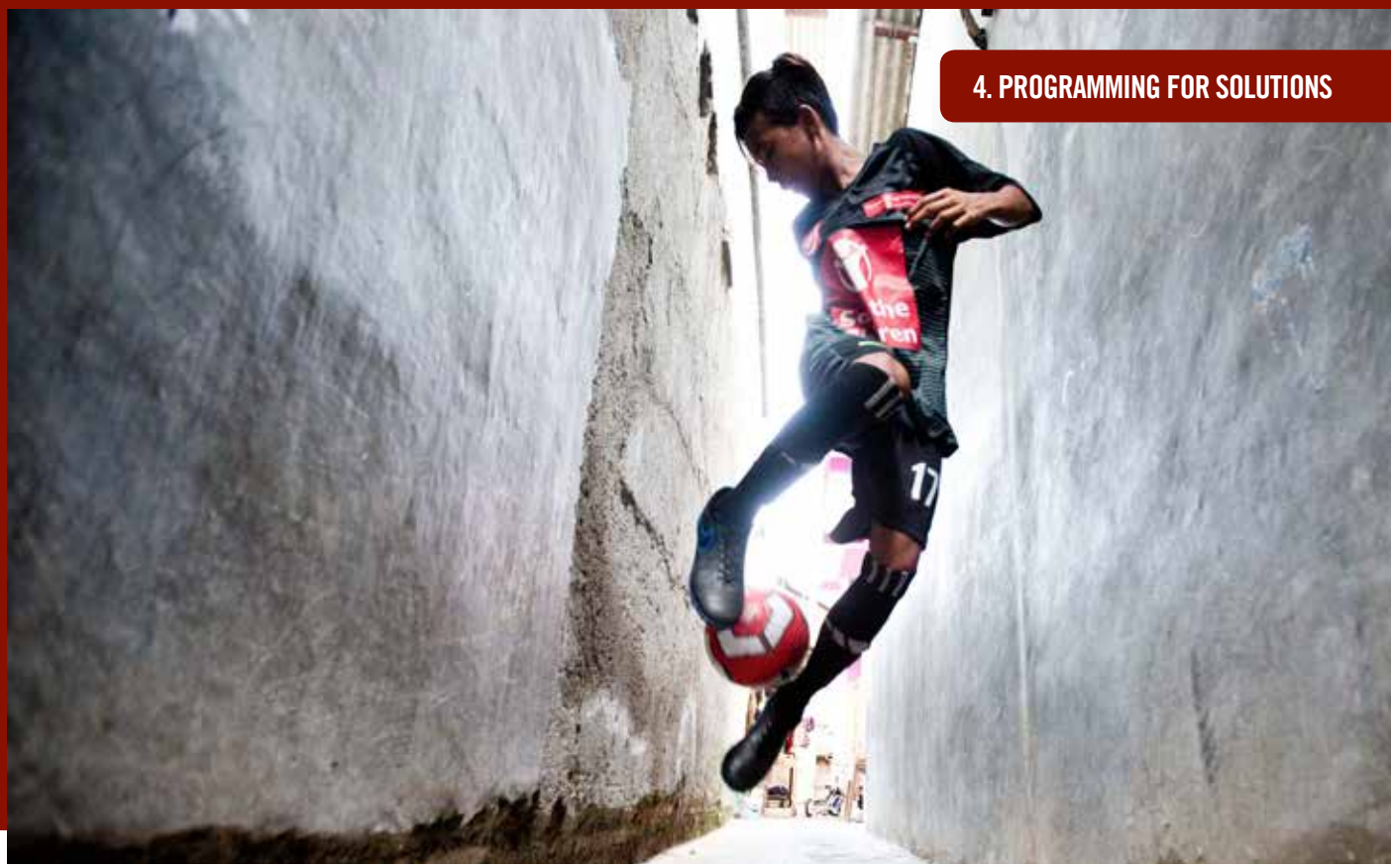
This chapter is intended as an inspiration to programme staff and Programme Development and Quality (PDQ) Managers working on solutions. The content does not attempt to show best practice examples at the level of global themes. Here, we instead refer to technical experts among our colleagues working in child protection, child poverty, education, health and nutrition, as well as child rights governance...



All have relevant expertise to apply to refugee, internally displaced person (IDP) or migration contexts in which Save the Children tries to promote local integration or work with return and reintegration and, when relevant, opportunities to mainstream a durable solutions approach within their responses.

In particular, Children on the Move has developed very extensive and strong thematic programming guidance to support our protection activities for refugees, migrants and IDPs. One chapter of their guidance focuses on solutions and is available on SharePoint.

This guide functions as a reference, as do other key documents, as listed here:

- *Global Cluster for Early Recovery Durable Solutions in Practice Handbook* (September 2017)
- *The Regional Durable Solutions Secretariat (ReDSS) Durable Solutions Programme Guidance* (2017)
- *Recommended Principles for Children on the Move and Other Children Affected by Migration* (2016)[45]

This top-line solutions programming guidance has six sub-elements.

1. Key considerations in solutions-focused programmes for children: general requirements of programmes promoting solutions	**2.** Typical vulnerabilities and risks for migrant or displacement-affected children: vulnerabilities that may be specific for displaced/migrant children
3. Top-line Theory of Change (ToC) for solutions for children: a generic ToC for solutions	**4.** Key outputs, indicators and examples of child-sensitive solutions activities: sector details of the ToC
5. Scenarios of local integration: How to programme towards local integration in protracted displacement	**6.** Scenarios of return and integration: When to engage in preparation/facilitation of voluntary returns

[45] https://principlesforcom.jimdo.com

4.1. Key considerations in solutions-focused programmes for children

When initiating programming promoting or facilitating solutions, general best practice principles and minimum programming standards developed by Save the Children should be upheld. However, of particular significance for a solutions programme are the following:

Be the voice

- Best interests of the child is a primary consideration in all solutions programming referring also to principles of non-discrimination and do-no-harm.
- Family unity must be preserved, and a family approach adopted.
- Children have a right to express their views freely in all matters affecting them, and their participation in matters relating to their local integration, resettlement and/or return and reintegration is crucial. We cannot provide solutions without their input.
- Maintain a balanced approach and avoid a return bias.

Innovation

- High flexibility must be ensured to cater for the, often rapid, dynamics of large-scale population movements and ensuing political/public responses. Solutions programming should be contextualised according to these dynamics, in addition to the resources of the country affected and of the populations targeted.
- Evidence on what supports solutions must form the continual basis on programming (this is the absolute cornerstone of our accountability).

Results at scale

- 'Solutions' is a humanitarian, development and stabilisation agenda, which needs initiation from the outset during a humanitarian phase, but also needs to bridge other aspects of the triple nexus (development and stabilization assistance).
- Often, long-term processes and gradual reduction of displacement-specific needs are needed to promote displacement-related rights and ensure durable solutions.
- Durable solutions are both a goal and a process that requires systematic and strategic advancement.
- Integrated (multi-sectoral but with protection at the core), inclusive and equitable (displaced and host populations and other vulnerable children in migration- and displacement-affected contexts) programming is essential (area-based or targeted according to the context).

Partnerships

- Multi-stakeholder engagement and effective coordination is imperative.
- Local, regional and national authorities should be recognised as key duty bearers for solutions, and local legislation should be (made) inclusive of specific needs of displaced/migrant children.

KEY POINTS:

When solutions programming is developed for children, best interests shall be a primary consideration.

In many cases, the UN office of the High Commissioner for Refugees (UNHCR) or government-mandated bodies conduct an individualised best interests determination (BID) before choosing a solution to a child's migration or displacement status. In large-scale displacement cases, this may be a best interests assessment (BIA), taking into consideration the general situation. Programming should be planned according to the same considerations of both individual and general – including family – situations, and must be in the best interests of the child.

Children shall not be separated from their parents or primary caregiver unless it is in their best interest (this includes during determination and facilitation of a solution).

States shall not separate children from their families (e.g. by instituting onerous and protracted family reunification procedures, detaining irregular migrants accompanied by children, deporting parents of minor citizens, etc). Solutions programming facilitated by Save the Children should support any measures that keep families united, whether by supporting child protection systems and institutions or via direct support, unless it is documented thoroughly that being within the family poses a protection risk to the child.

Maintain a balanced approach and avoid a return bias.

Globally, it can be observed that there is a trend towards return and reintegration as a strongly preferred solution. In particular, hosting states are eager to promote returns,

but also countries of origin may have an interest in a relatively rapid return process. Though displaced populations may also consider return as their preferred solution, Save the Children should always maintain a balanced approach to solutions, not least to support and acknowledge that among displaced or migrant communities, differences will prevail in terms of when and how to return, and ultimately, if return is the right solution for a child or family.

Participation in solutions programming must be promoted.

Girls and boys should be recognised and engaged as social actors who influence and make decisions and navigate risks, especially as they get older. Save the Children should design programmes with them that build on their strengths, resilience and positive coping strategies, while also supporting them to make informed decisions and minimise risks. Opportunities for informed children's participation enhance their protection and well-being.

Integrated and inter-sectoral programming helps advance solutions for children in more holistic ways.

Collaboration between protection staff and other sectors – including SGBV and MHPSS, education, livelihoods, health, child poverty and child rights governance – is crucial when designing, implementing and monitoring solutions programmes. So too are considerations of cross-cutting elements of gender, participation and resilience (including climate-induced issues) affecting displaced populations long term.

Gradual and long-term processes are required.

Solutions is a long-term process and no 'quick fixes' exist. It can take decades to reduce displacement-specific needs and ensure rights. Durable solutions should be maintained long term, both as a goal and as a process that requires systematic and strategic advancement.

Programme design should also cater for host populations when needed, to ensure assistance is equitable.

More often than not, host populations receiving refugees/IDPs are affected; likewise, when solutions are sought, in host countries or upon return, the host environment, communities or households are affected, and their needs often mirror those of the displaced. Even though some protection needs may be specific to displaced persons, programming should take into consideration that host populations should have equal access to services and support and not be adversely affected by living with displaced or returnee populations. Finally, support to host communities should lead to and promote durable solutions, as they encourage community acceptance and increase absorption capacity and willingness.

A multi-stakeholder approach is needed to support and facilitate solutions for children.

Save the Children must engage with other relevant actors in the process of designing programmes for solutions. Facilitation and promotion of solutions is a responsibility that falls on all actors – development, humanitarian, peace- and state-builders, as well as communities, families and children themselves. Relevant coordination mechanisms and strategies/plans should be engaged with, and all programme design should reference and align with area-based development plans that facilitate solutions.

Programme design should recognise and support duty bearers and authorities in finding solutions.

The state is the primary duty bearer for finding solutions, and programmes should support relevant government institutions, as well as local, regional and inter-regional authorities, ministries and departments in their role, so the solution promoted supports the child's best interest. Programmes should avoid separate service delivery systems, and, wherever possible, instead support both the capacity and the incentives of government to pursue solutions for children. Excellent guidance and reference material is available in the 'Children on the Move Protection Programming Guidelines', which are available on SharePoint.

Programmes designed to support solutions must always maintain high flexibility.

Frequently changing political dynamics often influence solutions programming. This could be changes in public attitudes towards refugees, a rapid decision to return a displaced population, or another shift that influences the population of concern and to which Save the Children must adapt its programming and advocacy response. A firm understanding of the politics and policies in a given context, the general environment and the capacities of the populations themselves (host and displaced) should influence programme design. Understanding of politics and policies must be counterbalanced with an equally firm understanding of the needs and aspirations of children and their families, as well as the culture of both host and displaced communities. This contextual understanding must include a risk assessment, to ensure that programme design keeps children (and everyone else) safe. Please see previous chapter on assessment.

Learning elements must be prioritised in solutions programming.

The cornerstone of Save the Children's solutions programming will be to build a strong evidence base and promote learning about solutions-oriented approaches within different sectors. This will help inform the future design of solutions-oriented programmes, as well as advocacy – there is a global need for such learning as the sector still has limited understanding and accountability in regards to creating solutions for children.

4.2. Typical vulnerabilities and risks for migrant or displacement-affected children

Displaced or migrant children may represent a specific vulnerable group. In several areas, displaced persons, be they refugees, returnees or IDPs, are key focus groups in humanitarian country plans. Displacement-related vulnerabilities are extremely stubborn. Even with systematic effort, those affected by displacement or migration may experience disadvantages for a long time after their displacement or even upon return. In high-income countries, symptoms of failed integration efforts can be witnessed by means of the unemployment statistics or education levels of immigrants and/or refugees, as well as mental health issues. Equally, there are plenty of examples, such as in Afghanistan, of returning refugees or IDPs remaining disadvantaged decades after they have returned to their country/region of origin.

Save the Children must strive to understand the vulnerabilities of all groups of deprived children, and the nuances related to each group, as well as how to programme proactively to mitigate specific risks or challenges.

A key avenue in this regard involves undertaking assessments, as described in previous chapters, comparing indicators between populations, or discussing among the sector/global themes.

Example indicator: immunisation coverage among one-year-olds		
Determine the impact of displacement	Study displacement-related vulnerabilities	Deep dive into various indicators
• Compare immunisation coverage for returnees versus home population. • Calculate returnee immunisation coverage. • Calculate home population immunisation coverage.	If immunisation coverage for returnees is lower than for the home population, study health (standards of living) displacement vulnerabilities: • Restriction of movement and accessibility to health centres • Discrimination against returnees at health centres • Different level of awareness for returnees	If immunisation coverage is similar for returnees and the home population, evaluate corresponding additional indicators to determine root causes. Example indicators to evaluate: • Number of centres available per 100,000 people • Number of nurses available per 100,000 people • Average cost of immunisation offered • Presence of immunisation campaigns

4.2.1. DISPLACEMENT AND MIGRATION-RELATED VULNERABILITIES: ACROSS ALL THEMES AND SOLUTIONS

Typical vulnerabilities to consider that broadly affect all programming are as follows:

- **Language and communication barriers:** Displaced persons or migrants may not speak the same language as the community they are in.
- **Legal barriers:** Displaced persons or migrants often do not have the same legal rights and privileges as the host population.
- **Cultural differences:** Displaced persons or migrants may come from a different culture and have different traditions than the host population.
- **Lack of awareness:** Displaced persons or migrants may not have full knowledge about the offered services, locations, norms, etc.
- **Racism and discrimination against displaced persons or migrants:** Host communities and authorities may discriminate against displaced persons or migrants in the provision of services, aid, opportunities, etc.
- **Lack of social cohesion:** Communities may not be welcoming of displaced persons or migrants, making it difficult for them to have a sense of belonging and to socially integrate in society.

- **Restriction of movement:** Authorities may restrict the movement of displaced persons or migrants (e.g. not allowing them to leave camps, to go beyond the city limits, etc.), affecting their ease of access to goods and services.
- **Restrictive political environment:** Local and global political conditions may not allow the full restoration of the rights of displaced persons or migrants.
- **Parallel systems:** Often parallel systems are built up in ministries or among public service providers to cater for refugees/displaced communities, or even organised by displaced communities themselves. Whereas this may be an appropriate idea in a crisis situation, it will often not be economically sustainable in the longer term or will become counterproductive to integration.
- **Lack of participation and representation:** Many situations exist where displaced or migrant populations (especially women, youth and children) do not have access to relevant decision-making forums, because representative structures do not exist, or are not given access to relevant duty bearers.

4.2.2. DISPLACEMENT AND MIGRATION-RELATED VULNERABILITIES SPECIFIC TO SAVE THE CHILDREN PROGRAMMING THEMES

Vulnerabilities that pertain to specific intervention sectors are numerous and, as seen above, contextually specific and dependent on many factors. Below are a few key vulnerabilities that we often face in the field, many of which are intensified for the more vulnerable groups of children (unaccompanied girls, children with disabilities etc.). The list below is far from exhaustive.

Child protection

- There are increased risks of child labour, sexual violence, abuse, domestic violence and association with armed forces (strained or overcrowded co-habitations, lack of social and cultural coherence in displacement e.g. different nationalities/clans displaced at same time/location, living in camps, etc.).
- Unfamiliarity with the new location, social and cultural norms, and regulations may put children at further harm, such as increased traffic in urban settings or other 'environmental' issues.
- Increased risks of trauma and psychological distress.
- Displaced persons or migrants may not be in possession of their documentation (left at home, lost in transit, lost during war, etc.), which can imply a lack of access to basic services, proving your nationality and identity etc.
- Governments may not issue documentation to displaced persons or migrants.
- New births are not registered, which can result in statelessness.
- Some family members leave prior to others in order to prepare for the rest of the family to arrive.
- Some families are separated during flight or in return/migration processes.
- The government (or the ruling party) may be biased against displaced persons or migrants, preventing their fair access to services, sometimes including access to justice.

Health and nutrition

- Absence of health records during the years of displacement and historical health records from the pre-flight/pre-migration stage;
- Differences between host and home countries and communities in:
  - Acceptable levels of hygiene standards;
  - Daily amount of water used;
  - Sensitivity towards certain food items (vegetarian, halal, etc.).

Child poverty

- Displaced persons or migrants from urban areas settling in rural areas (and vice versa) may face challenges in adapting to their new way of living, including access to the job market/professionalisation opportunities.
- Displaced persons or migrants have often lost their house, property and land, and may struggle to find adequate shelter.
- Displaced persons or migrants have often lost their financial resources, and may struggle to regain their financial independence.
- Displaced persons or migrants may have a different set of skills, which are less relevant, or mismatched, in the host region.
- Displaced persons or migrants may have difficulties finding a job because they do not have the required authorisations.
- Displaced persons or migrants may lack productive assets, land access, trade links, savings schemes and access to financial institutions.

Education

- Children may have experienced gaps in their education during their years of displacement.
- The education curricula in the home/host countries may differ.
- Issues with recognition of diplomas, recognition of educational attainments.
- Limited education infrastructure, destruction of schools, lack of teachers, and the lack of ID papers prevents access to quality education.

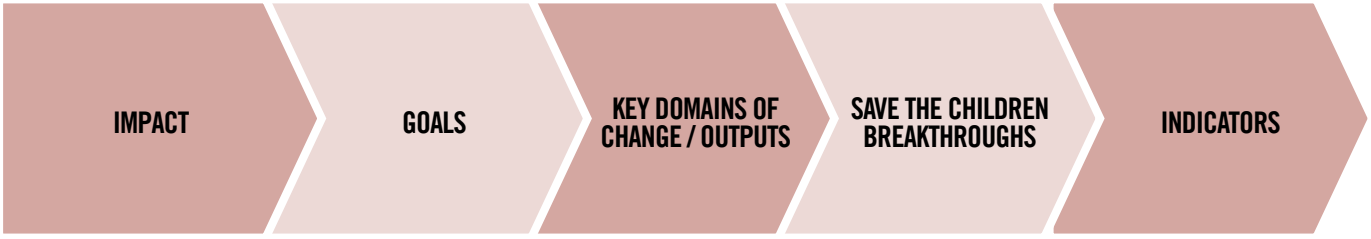
Mental health and psychosocial support

- Displaced persons may have experienced trauma during conflict. Trauma and severe protection issues during journeys may affect both displaced and migrant children.
- Limited number of mental health professionals is very often an issue in displacement contexts.
- Communities may not be receptive to displaced persons or migrants as they may see them as a threat to their access to resources and their way of life.
- Displaced persons or migrants may settle in an environment with a different ethnic/political/religious affiliation, with extra attention required for reconciliation.
- The environment on return may have changed or been destroyed, affecting the mental stability of returnees.
- Displaced persons or migrants may well have lost close friends or family members, or may struggle to maintain family or social relations.
- The struggles of displacement and loss of family members and loved ones may have dramatic effects on the mental health of displaced persons or migrants, in the form of post-traumatic stress disorder.
- Social tensions between returnees and the home population may worsen the mental health condition of displaced persons or migrants.
- Displaced persons or migrants may have fears (perceived or real) of persecution as a result of their ethnicity, religion or political views.

4.3. Top-line Theory of Change for solutions for children

The Theory of Change (ToC) presented below aims to give support in countries or regions where solutions are already on the agenda, where solutions should be promoted programmatically or where offices already work on 1) local integration, for example in a protracted conflict, or when there is a high likelihood that displacement will prevail; 2) return and reintegration (facilitated by UNHCR, IOM or states), or in a context preparing for return and/or to which spontaneous return happens; or 3) resettlement programmes (UNHCR or state facilitated).

The ToC can provide guidance and inspiration in the effort to develop a programme/project on solutions for children. As such, it is not a 'one-size-fits-all' tool but rather can be used as an indicative template and can, for example, be merged with other types of objective (such as root causes, youth and employment, resilience, etc.). The ToC is built around the following elements, but it must be adapted according to the templates and demands of donors.



4.3.1. IMPACT AND SUB-GOALS

IMPACT

Migrant, refugee, IDP and returnee children no longer have any specific assistance or protection needs that are linked to their migration or displacement. They can enjoy their rights as set forth in the CRC, without discrimination resulting from their migration or displacement.

ASSUMPTIONS

- Hosting country's/region's legal and policy frameworks support local integration and inclusivity of migrant/displaced children in the best interests of the child, including via national development plans.
- Development actors assume a strong role in supporting the absorption capacity of hosting countries, harnessing also potential economic benefits of lenient hosting regimes.
- Country of origin is safe for children to return to, and actors agree on level of 'conduciveness' of the return environment, e.g. via joint assessments.
- Reconstruction and reconciliation plans (development and peace agreements) are reflective of protection needs of returning children.
- Reintegration of children is recognised as an essential part of a return solution, and development financing is dedicated to pursue long-term solutions.
- States/third countries increase resettlement quotas and acknowledge the importance of children's right to family reunification within resettlement agreements.

GOAL: LOCAL INTEGRATION

Children can incrementally/progressively enjoy their rights in the country of asylum (hosting country).

The host country/environment is supported to live up to the responsibilities of hosting displaced/migrant populations in a manner that facilitates integration of children/families with children to the extent possible.

Assumptions/preconditions

Hosting country's/region's legal and policy frameworks supports local integration and inclusivity of migrant/displaced children in the best interest of the child, including via national development plans.

Development actors assume a strong role in supporting the absorption capacity of hosting countries, harnessing also potential economic benefits of lenient hosting regimes.

GOAL: RETURN AND REINTEGRATION

A conducive return environment is built up, enabling the country of origin to receive and reintegrate children who have been displaced/migrated.

Children returning to their country of origin can progressively enjoy legal, material, physical and psychosocial protection on a par with other populations.

Safeguards and BID for children are upheld during the return/repatriation process.

Assumptions/preconditions

Country of origin is safe for children to return to, and actors agree on level of 'conduciveness' of the return environment, e.g. via joint assessments.

Reconstruction and reconciliation plans (development and peace agreements) are reflective of protection needs of returning children.

Reintegration of children is recognised as an essential part of a return solution, and development financing is dedicated to pursue long-term solutions.

GOAL: RESETTLEMENT

Resettlement options and complementary pathways are available for most vulnerable children, including via family reunification;

Resettlement includes integration measures and a clear pathway to citizenship.

Assumptions/preconditions

States/third countries increase resettlement quotas and acknowledge the importance of children's right to family reunification within resettlement agreements.

The sub-goals are structured according to the three traditional solutions options: local integration, resettlement or return.

Long-term (re)integration: All three sub-goals have a very strong emphasis on (re)integration. When (re)integration is not prioritised, issues will arise around longer-term assistance needs and the sustainability/durability of the solution. Consequences can be that children are continuously disenfranchised and discriminated against and will not be able to rebuild their lives. Repetitive population movement can occur as a consequence.

Host populations: When we think about solutions for the displaced, it is equally important to consider their impact on the receiving population. Large population movements can have both positive and negative effects, and our approach must consider and mitigate these wherever possible. Hence, we must adopt inclusive approaches to displacement support, ensuring social cohesion, involvement and attention to host populations and governments. Therefore, significant to the sub-goals of 'local integration' and 'return and reintegration' is recognition of the needs of migrants, refugees and IDPs, but also the mitigation of negative consequences that population movements may have on the host environment. Finally, it is important to also recognise the positive contribution displaced/migrants make to society. This is often not a key issue in a resettlement situation, as displacement numbers are usually very small, with little impact on the receiving community.

Balanced approach (beware of return bias): Programmes may find that only one out of the three solutions is politically feasible – for example, return and reintegration from Lebanon to Syria or Kenya to Somalia. In other instances, a broad, durable solutions agenda can be adopted in order to, for example, maintain a regional political balance, insist on the voluntariness of solutions or not reinforce a government's preference/return bias. Considering the applicability of all solutions can also be a point of leverage to change existing policy – or influence a government to allow for certain kinds of programming.

Resistance to local integration: Countries receiving large refugee populations, like Bangladesh, Kenya and Lebanon, often show little or no political or public will to pursue full local integration. In these contexts, we must recognise that asylum regimes function at the discretion of the hosting government. Therefore, Save the Children would not advocate for full local integration as a durable solution in a political environment where this is not permissible. However, in such instances, a pathway towards solutions can be formulated by building the self-reliance and resilience of refugees and incrementally pursuing access to basic services. For example, the integration of children in mainstream education or health services might be acceptable and contribute to achieve better solutions. This can be facilitated by supporting national delivery systems to, for example, improve school infrastructure and absorption capacity.

Migrants or mixed flows: Developing sub-goals for children in situations of mixed migration or irregular flows can be trickier. Access to resettlement or local integration will depend on a status determination process in which any given country will decide if a child has a need for international protection and thus legal grounds to stay. This can entail processes involving asylum claims, or can be when children have been victims of trafficking. In other words, a programme can very rarely advocate for 'local integration' of migrant children, as their legal grounds for staying in a certain country may not exist, or may have been exhausted.

In such instances, programmes can work with temporary 'integration', including services and education, if an irregular stay is prolonged (e.g. during a lengthy asylum procedure), as well as with 'risk-education' to warn children of key risks within the context and to identify and support the most vulnerable. However, Save the Children should be sensitive to the fact that no universal right to migrate exists, even for a vulnerable child. Hence, international humanitarian law grounds for arguing extended stay/local immigration do not present themselves easily, and certainly not as a 'blanket' or catch-all claim for groups of migrant children. Return of migrant children can be supported, but should certainly follow the same principles as a 'refugee return' (BID, safety, dignity and voluntariness).

4.3.2. ASSUMPTIONS/PRECONDITIONS

All assumptions detailed in the ToC refer to typical challenges and/or enablers of solutions. These can thus be part of an advocacy target and/or be incorporated in a project or programme logframe analysis/ToC at the objective/results level.

The list is not exhaustive, but the key points have been detailed in a number of durable solutions-related documents, such as the World Bank's 'Forcibly Displaced: Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts' (2016)[46] and 'Sustainable Refugee Return' (2015)[47]; the UN's 'Addressing Protracted Displacement: A Framework for Development – Humanitarian Cooperation' (2015)[48]; and Oxford Refugee Studies' research project, 'Permanent Crises? Unlocking the Protracted Displacement of Refugees and Internally Displaced Persons' (2011).[49]

[46] https://openknowledge.worldbank.org/handle/10986/25016

[47] http://documents.worldbank.org/curated/en/542611468188337350/Sustainable-refugee-return-triggers-constraints-and-lessons-on-addressing-the-development-challenges-of-forced-displacement

[48] https://cic.nyu.edu/sites/default/files/addressing_protracted_displacement_a_think_piece_dec_2015.pdf

[49] https://www.rsc.ox.ac.uk/files/files-1/pb-unlocking-protracted-displacement-2011.pdf

The cited documents are aligned with MDI's guidance on assessing factors that enable solutions for children and the MDI's ideas catalogue for messages/advocating on solutions (please see Chapter 2.1 and Chapter 3).

4.3.3. KEY DOMAINS OF CHANGE/OUTPUTS

Our work on forcibly displaced and migrant children is founded on the normative frame of international law (refugee conventions, Convention on the Rights of the Child (CRC), etc.) and seeks to improve all rights for displaced children and their families. Therefore, the interventions should 1) be comprehensive (multi-sector) and 2) involve dialogue with duty bearers. Notwithstanding this, some programmes can choose, according to local competency, needs identification, etc., to work in only a few of the suggested sectors.

Programmes can utilise Save the Children's Child Rights Situation Analysis to gain an understanding of key needs, if the process has highlighted the vulnerabilities of displaced/migrant children, or the MDI Solutions Assessment Tool (Chapter 2.2), which proposes a standardised approach to solutions assessment based on global norms. Specifically, the Solutions Assessment Tool has been developed with reference to industry standards developed by UNHCR, UNICEF, IASC and others, and aims to ensure a child-focused, uniform approach to durable solutions, including data collection, and provides indicators for their measurement.

The outputs in this ToC have been formulated according to indicators and sub-categories of the MDI Solutions Assessment Tool, but can of course be adapted. The outputs are aligned with our global themes and represent the key competencies and deliverables of Save the Children. One or several domains can be pursued according to Save the Children competency in a given context and based on gaps in assistance/coverage by other actor.

Physical protection

Children protected from conflict: Save the Children's Global Theme on Child Protection would engage in supporting the build-up of BID, referral systems, Mine Risk Education, etc.

Children are protected from abuse: Save the Children's Global Theme on Child Protection would engage in safe spaces, direct protection assistance, community protection support, etc.

Material protection

Children are healthy: Save the Children's Global Theme on Health and Nutrition would engage in immunisation programming, natal and pre-natal care, maternity health, etc.

Children can access quality education: Save the Children's Global Theme on Education would engage in literacy programming, curricular development, school rehabilitation, teacher education, community education, early learning programme, etc.

Children do not suffer from poverty: Save the Children's Global Theme on Child Poverty would engage in livelihood programming, support to social protection, etc.

Mental health and psychosocial protection

Children's mental health is supported: Save the Children (cross-cutting) would engage in counselling, referrals, support to safe spaces, specialised learning, community support to trauma healing.

Children have a sense of belonging: Save the Children (cross-cutting) would support leisure activities, communal engagement, safe space and recreational facilities, general participation.

Legal protection

Children have access to civil documents: Save the Children's Global Theme on Child Protection would support BID, referrals, particularly to ensure birth registration and other identity documents, etc.

Children are united with their family: Save the Children's Global Theme on Child Protection would support tracing of families, family reunification procedures and applications.

4.4. Key outcomes, indicators and examples for child-sensitive solutions activities

Below you can find some example logframes that refer to each of the outputs as suggested above. These outputs correspond largely (but not completely) to typical Save the Children activities, but also to 'industry frameworks' like the IASC Framework for Durable Solutions or UNHCR (return) guidance on physical, legal and material safety.

The logframes are indicative and ONLY meant as inspiration. As with the above, the suggestions are meant to be inspirational (making sure that Save the Children staff think holistically), illustrative and generic (meaning that, of course, logframes would be adapted to fit each context).

Below you will find examples of:

- Outcomes that contribute to the achievement of suggested outputs;
- Suggested indicators (you can find more on indicators in the indicator framework on the MDI resource hub);
- Solutions-oriented activities, which are just examples and not exhaustive. For further guidance and inspiration, see the sector-relevant guides (i.e. Children on the Move Protection Programming Guidance, the Guide to Child-Sensitive Livelihood Programming, etc.).

When you work with the below, you should i) select relevant outputs(s) and outcomes and, if necessary, adapt these to the context, ii) choose and adapt the indicators that you would like to be incorporated into project logframes and iii) consider whether the activities/ approaches suggested are relevant in the given context.

The below logframes are indicative and ONLY meant as inspiration.

PHYSICAL SAFETY

Output 1: Children are protected from conflict

Outcomes	Indicators	Solutions activities
• Reduction of child rights violations related to conflict • Area is safe/population is protected from land mines, unexploded ordnance	• % of target population who suffered casualties to armed conflict or violent crimes in past six months • Ceasefire signed, operational and effective • Expenditure on public order and safety • Sufficient # of police stations and officers • % of target population injured / suffered casualties to mines or unexploded ordinance • Ease of access to small arms and light weapons	• Activate and strengthen community-based child protection mechanisms (CBCPMs) • Empowerment and participation of children and young people to strengthen their knowledge, skills, choices and confidence to influence decisions affecting them • Mobilisation with a child protection purpose (community-based protection approach) • Child rights awareness targeting host community, local actors and stakeholders, security providers and armed forces • Protection monitoring, including grave child's rights violations • Capacity-building of key stakeholders in child protection sector • Co-existence and peace-building initiatives that engage displaced populations • Conflict mitigation • Mine risk awareness for displacement-affected children and youth

PHYSICAL SAFETY

Output 2: Children are protected from abuse

Outcomes	Indicators	Solutions activities
• Reduction of child rights violations related to abuse	• % of children detained in past six months • % of target population who were victims of human trafficking in past six months • % of children recruited as soldiers • % of children involved in labour	• Strengthen child protection systems at local, sub-national, national, transnational and global levels • Support capacity-building of government (police, border and immigration officials), civil society and community actors, to increase protection of the rights of children on the move • Child protection case management • BIA and BID • Activate and strengthen CBCPMs • Empowerment and participation of children and young people to strengthen their knowledge, skills, choices and confidence to influence decisions affecting them • Family strengthening and support for family-based care and protection • Support appropriate alternative care, especially of unaccompanied children and children subject to immigration control • Protect children from harmful work; strengthen children's resilience and support life skills • Address discrimination and gender-based violence

MATERIAL SAFETY

Output 3: Children are healthy

Outcomes	Indicators	Solutions activities
• Adequate access to potable water, sanitation and hygiene • Adequate access to food and nutrition • Adequate access to shelter • Adequate access to healthcare services	• % of target population with daily access to safely managed and sufficient drinking water • % of target population with access to gender- and child-safe toilet facilities • % of target population suffering from malnutrition • % of target population not living in adequate housing conditions • Under-fives mortality rate • Full immunisation coverage among one-year-olds (%)	• Assessing the impact that displacement has had on food security and service provision • Forming/strengthening community-based structures that increase service user engagement and accountability of services providers • Providing professional development opportunities for healthcare workers • Providing capacity-building and technical support to local authorities to manage health, water and sanitation facilities that benefit both the displaced and host populations • Community health education • Advocating for equitable access to services for displaced/returnee populations • Advocacy for increased access to national social protection programmes, and one-on-one support to individuals seeking to access these programmes

MATERIAL SAFETY

Output 4: Children have access to quality education

Outcomes	Indicators	Solutions activities
• Adequate access to appropriate quality education	• Primary school net enrolment rate in target population • Secondary school net enrolment rate in target population • % of target population who are illiterate • Dropout rates of affected populations • Age for compulsory education • Primary education affordable for all children? Yes/no	• Forming/strengthening community-based structures that increase service user engagement and accountability of services providers (e.g. parent–teacher associations, water management committees, community health committees) • Providing professional development opportunities for teachers, head teachers, etc. • Providing capacity-building and technical support to local authorities to manage education facilities that benefit both the displaced and host populations • Community education support • Support and monitoring of children vulnerable to dropping out of school • Advocating for equitable access to services for displaced/returnee populations

MATERIAL SAFETY

Output 5: Children do not suffer from poverty

Outcomes	Indicators	Solutions activities
• Availability of equal employment opportunities • Restoration of economic conditions • Restoration of infrastructure, such as electricity and roads	• Unemployment rate in target population • % of target population living under poverty line • % of target population with no access to electricity • Returnees face restrictions to work? Yes/no	• Livelihood interventions (child-sensitive) • Social protection programming • Loan, grants schemes, small and medium enterprise support, loan and savings groups • Youth/general employment activities • Agricultural input, training, cooperative formation • Support to live skills and vocational training • Adult education/requalification programmes • Support successful transition to adulthood • Business management training and planning • Advocacy addressing legal/administrative obstacles to employment and economic activity

MENTAL HEALTH AND PSYCHOSOCIAL SAFETY

Output 6: Children's mental health is supported

Outcomes	Indicators	Solutions activities
• Adequate level of special education available for children with mental health issues • Guaranteed safe family and efforts to support psychological coping	• % of child-friendly spaces to socialise and play (e.g. parks, communal gardens, playgrounds, youth centres) of total area • % of children who feel they can make their own decisions • % of schools with adequate special education teachers and programmes • % of target population suffering from mental health disorders (PTSD, depression, etc.)	• Support the psychosocial well-being of children on the move • Community education around trauma and risk behaviour • Teacher professionalisation to identify, refer and work with children affected by trauma • Information around referral mechanisms • Support to parents (individual counselling) • Support to parents networking • Support to institutional capacities and establishment of specialised services

MENTAL HEALTH AND PSYCHOSOCIAL SAFETY

Output 7: Children have a sense of belonging

Outcomes	Indicators	Solutions activities
• Available child-friendly spaces to socialise and play • Autonomous contribution to protection and decision-making • Children feel integrated/ reintegrated • Appropriate reconciliation which also ensures children are involved	• % of target population who feel connected and have a sense of belonging • % of target population who felt discriminated against in past six months • % of target population who participate in community activities (cultural events, scouts, volunteering, etc.) in past six months • % of target population with access to reconciliation (i.e. forums, cross-community activities, psychosocial programmes, training for local communities, etc.) • % of target population who feel they can make decisions concerning relevant aspects of their own life	• Family strengthening and support for family-based care and protection • Promote social cohesion, address discrimination and gender-based violence • Promote inclusive community activities • Promote inclusive and targeted cohesion in educational facilities • Promote social/cultural exchanges and interaction • Promote leisure and sports activities with a strong focus on inclusion

LEGAL SAFETY

Output 8: Children are united with their family

Outcomes	Indicators	Solutions activities
• Separated families are successfully reunited	• % of children or other dependent persons who are unaccompanied and have not yet been reunited with their family	• Family tracing and reunification including registration and support to unaccompanied minors • Protection referral mechanisms and alternative care options, including cross-border case management systems and follow-up • Guardianship systems and support to government bodies dealing with unaccompanied minors • Support to family reintegration, re-establishment of family ties and mitigation of issues like failed family investment in migration, stigmatisation upon return, etc.

LEGAL SAFETY

Output 9: Children have civil documents

Outcomes	Indicators	Solutions activities
• Adequate access to registration/civil documents for displaced and migrant children	• % of target population who feel they have access to fair justice mechanisms • % of target population facing restriction of movement in past six months	• Advocacy for birth registration, identity papers and/or residence permit; and advocacy for rights of stateless people • Awareness-raising on the importance of civil registration • Support (financial or legal) to obtaining correct documents • Support to government institutions to reach mobile, displaced populations • Capacity-building of authorities to prioritise and easily enable civil registration/access to documents

4.5. Towards local integration in protracted displacement

In many contexts where Save the Children works, a local solution cannot be found. Often, resources are scarce or dry up over time, genuine political will to host refugees for a long time is lacking or population influxes create xenophobic resentment, among other issues.

In these contexts, it may be very difficult to promote local integration, as discussed in the chapters above – yet return is also impossible because of safety considerations. Currently, there are more than 30 such protracted displacement situations across the globe.

A few key points should be at the forefront of our programming and communication in such settings.

- Asylum and refugee management regimes, as well as migration policies, are governed by hosting governments and can be extremely sensitive. Save the Children will not advocate for full local integration in a political environment where this is not permissible. However, Save the Children will ask for incremental rights for the displaced, such as, but not exclusively, the rights to be protected, to education, to work and in this way approach the issue of local integration.
- A safe and secure asylum space can empower displaced persons to develop relevant capacities once solutions become possible. For example, if people's human and physical assets do not erode during displacement, and if they stay self-reliant, it is easier for them to return and rebuild their lives. This often runs counterintuitively to hosting states.
- Save the Children will seek and promote solutions from the onset of displacement, in particular to support education and self-reliance in households with children.
- Save the Children understands that a population influx has an impact, both positive and negative, on a host population. Therefore, we will adopt inclusive approaches to displacement support, ensuring social cohesion, involvement and attention to host populations and governments.
- Ensuring that displacement financing goes through (local) governments and can support vulnerable host populations may help enable a more conducive environment and, if beneficial, could be promoted by Save the Children.
- Save the Children will seek/promote alignment with coordination supporting processes, such as CRRFs (Afghanistan, Ethiopia, Somalia, Uganda, etc.) led by UNHCR, or regional or national processes on solutions promotion, such as refugee compacts (Jordan, Lebanon) or solidarity approaches (Myanmar, Uganda).
- Save the Children will seek to promote policies which minimise the longer-term economic burden and give more support to sustainable refugee hosting. A simple example would involve allowing boreholes (as opposed to water trucking) or the erection of infrastructure (as opposed to temporary buildings) in refugee hosting areas, which can support populations including host communities in a more efficient manner. Save the Children must always argue in this regard from the outset of displacement.

Should the hosting regime be very averse to allowing even a restricted type of local integration (temporary, limited set of rights), Save the Children should seek to focus on one or two key issues in the context which would promote longer-term local solutions. This could be ensuring that children are absorbed in the national education system. It should be noted, however, that very often in situations of mass displacement, even the most basic rights of displaced populations are at stake, and protection activities and protection advocacy require major efforts which then lead to less focus on trying to achieve progress on 'incremental rights'. Despite this, programmes should seek to pursue longer-term goals as soon as is feasible.

1. TOC OBJECTIVE:

Children can incrementally/progressively enjoy their rights in the country of asylum (hosting country).

Alternative objectives:

- Displacement/migration-affected children can access quality education and basic health services.
- Displacement/migration-affected children do not suffer from poverty, and parents are able to invest in their children's well-being.
- Displacement/migration-affected children and their families are supported in becoming as economically autonomous as possible, minimising aid dependency/the burden on the host community.

1.2. TOC OBJECTIVE:

The host country/environment is supported to live up to the responsibilities of hosting displaced/migrant populations in a manner that facilitates integration of children/families with children to the extent possible.

Alternative objectives:

- Support child protection systems.
- Support the resilience and absorption capacity of the hosting environment.
- Ensure the negative impact of refugee hosting is minimised and the positive impact is harnessed (protection is not discontinued, however).
- Support development actors to assume a strong role in supporting the capacity of hosting countries, harnessing the potential economic benefits of hosting refugees/displaced persons.

For Save the Children, working in a protracted scenario would translate into programming that ensures that education and other basic service access, as well as addressing protection and child poverty, takes the absolute centre stage.

Building relationships with national authorities and line ministries that work on education and social affairs to increase advocacy space, and for national reform related to attitudes towards refugee integration, will also be important.

Specific recommendations could therefore include (though are not exhaustive):

- Clarify links and pathways between education and livelihoods to prevent exploitation, with children encouraged to go to school/seek non-formal education. Technical and vocational training and education that leads to clear job placements or livelihood opportunities will help. In some host countries, this will involve stronger advocacy with national authorities in relation to livelihoods for refugees and, in general, also strengthening the local socioeconomic infrastructure.
- Support structures (ecosystems) that surround children (friends, families, communities, local officials, urban workplaces/market areas) within each age group and mitigate local resentment/xenophobia.
- Put in place infant/child/adolescent/youth-sensitive programming that responds to displacement-driven vulnerabilities such as loss of identity, instability, increased responsibilities within the family, physical and mental trauma, discrimination, disorientation and alienation.
- Ensure social cohesion within communities with refugees in host countries.
- Build the hosting capacity of national and sub-national ministries of host countries.
- Promote registration, as well as the granting of identity documents and legal status.

4.6. Preparation and/or facilitation of voluntary returns

Save the Children is often involved in contexts where return is happening, and we are supportive at the 'receiving end'; however, only recently have we become increasingly engaged directly in return facilitation. An example of this is in Latin America and the Caribbean. Overall, there is room for further engagement in return operations, both at the 'sending' end prior to/during return and at the 'receiving end' prior to/during/after return.

Despite the scope for increased engagement, return often remains politically sensitive, and gives rise to questions of principle in terms of Save the Children's engagement.

Overall, as discussed above, and in the MDI 'Holding Position on Forced Returns' (Annex B), Save the Children engages in returns when they are in accordance with the fundamental principles prescribed by UNHCR:

Voluntary	Safe	Dignified
• Free and well-informed decision	• Conditions of legal, physical and material safety (UNHCR terminology) • Mental and psychosocial safety (Save the Children addition)	• Unconditional return • Respectful treatment • Not separated from family

Finally, for children, a BIA/BID will assist in decisions and should be key.

However, returns take many forms, depending on the context, especially for a family or individual deciding to return in a complex process. Such forms can include the following:

- Spontaneous
- IDPs sometimes before refugees/migrants
- Facilitated
- Non-facilitated
- Individual
- Group
- Incentivised
- Coerced
- Forced
- Voluntary
- Temporary
- From one hosting country but not another

This means that in each and every return context, Save the Children needs to deliberate over whether or not to engage in returns, at what stage to engage, with whom to engage – and of course when to disengage. This means that before engaging, COs/members must undertake a contextual analysis and risk assessment.

For country offices working in return scenarios, it is extremely important to align our engagement with UNHCR (refugee/often IDP returns) and IOM (IDP and migrant returns). These agencies:

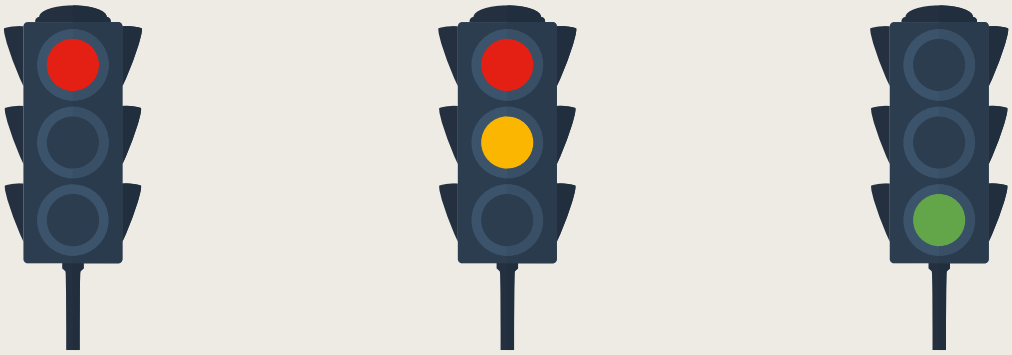
- Verify the voluntary character of return/repatriation;
- Promote the creation of conditions that are conducive to the voluntary return of refugees/IDPs in safety and with dignity;
- Promote the voluntary repatriation of refugees/IDPs once conditions are conducive to return;
- Support returnees who have returned spontaneously, even if conditions are not conducive to return;
- Organise, in cooperation with non-governmental organisations (NGOs) and other agencies, the transportation and reception of returnees, provided that such arrangements are necessary to protect their interests and well-being;

- Monitor the status of returnees in their country of origin and intervene on their behalf if necessary;
- Undertake activities in support of national legal and judicial capacity-building to help states address the causes of refugee/IDP/migrant movements;
- Raise funds from the donor community in order to assist governments by providing active support to repatriation and reintegration programmes;
- Act as a catalyst for medium- and long-term rehabilitation assistance provided by NGOs, specialised development agencies and bilateral donors.

The roles and mandates of these agencies are central, but of course only limited, as there is a need for multi-stakeholder engagement (government, development actors, stabilisation actors, etc.) to support return and reintegration.

Save the Children's engagement should always be pre-conditioned by the actions of these mandates, inasmuch as they set the protection thresholds in return movements – or it should relate to their advice/advocacy in cases where governments themselves, without the involvement of the UN, have negotiated return agreements.

Below is an illustration from Syria of the typical phases of a refugee return operation with UNHCR, and the subsequent key trajectory of activities that Save the Children can follow.



Phase 1
Conditions of Safe Returns not met

- Engage and seek partnership with key government stakeholders.
- Create an inclusive inter-agency coordination space. Establish light inter-agency/donor.
- Provide return analysis as a coordinated service.
- Monitor Conditions in Return areas.
- Engage with refugee communities.
- Enhance programming inside Syria.

Planning & Positioning

- Prepare for Facilitated Return and Reintegration: Initiate technical assessments of information required for planning of organized return, and design legal frameworks.
- Eventually initiate structured planning processes involving key stakeholders. Encourage discussions with development actors and the World Bank.

Phase 2

- Define Agreements/Legal Frameworks for return.
- Establish a robust Return operation, in partnership.
- Coordination with Reintegration and Recovery programmes. UNHCR will also engage directly and through partners on reintegration activities, focusing on UNHCR's programmatic areas of comparative advantage.
- Ensure streamlined and efficient operational support: Restructure UNHCR offices and staffing.

Maintain Emergency Response capacity: Update Contingency Plans, maintain emergency stocks for new displacement, and deploying resources (staff, stock, funds) in a manner responsive to new emergencies.

Current trajectory of possible engagement on durable solutions for Save the Children compared to UNHCR's phases of return

Save the Children's potential engagement in the preparation or facilitation of voluntary return can be illustrated via the UNHCR 'phases':

Phase 1	Phase 2
• Research, mapping of needs, stakeholders etc. alongside advocacy and planning. • Ensuring a regional coordination structure (host countries and country of origin), so engagement is secured from sending to receiving ends. • Setting indicators and making baselines in the return environment. • Defining contextualised principles for engagement in actual return. • Ensuring that programmes in hosting countries can support (do not counteract) a potential return (support built up of movable asset base, capacity/skills that can be used upon return/ mother tongue education, registration of newborns, etc.). • Developing a return and reintegration plan. • Building links with other agencies focusing on durable solutions.	• Recruiting for or allocating return coordination to a focal point at the regional office to service both sending and receiving ends. • Building partnerships for cross-border programming. • Strong mobilisation and capacity-building of staff in return and reintegration processes. • Active engagement in returns coordination platforms, representing the interest of displaced children. • Engaging strongly in information dissemination and potentially in Go&See visits, ensuring that families/children perspectives are central. • Developing child-specific pre-departure guidelines and information packs for returning families. • Ensuring child-friendly, in-transit support. • Establishing upon-arrival reception processes in collaboration with the agency facilitating returns. • Ensuring long-term programming focusing on inclusive support to communities, including host populations and returnees (refugees, IDPs, migrants) in all sectors. • Ensuring and engaging in reconciliation processes where appropriate and where children are affected by racism, xenophobia, etc. • Ensuring monitoring mechanisms on both protection during and after return AND monitoring of integration and reestablishment (re-occurring exercises).

Though returns do not happen 'all at once', or follow a linear progression, Save the Children can engage in all the above activities where a risk assessment has been made and further engagement authorised.

Timeline	Action	Responsible UN agency	Key Issues
Prior to peace agreement	Data collection, understanding the socioeconomic demographics, as well as return wishes	UNHCR/IOM	This information is highly sensitive and can be influenced and/or utilised by governments.
	Self-reliance and livelihoods to enable build-up of assets, but preferably also compatible with markets and situations in country of return	UNHCR/IOM	Often under restrictive legal regimes in host countries; in which case, unregulated or informal labour is dominant or refugees are settled in marginalised areas where socioeconomic progress is difficult to support.
After peace agreement	Understanding the return environment and return agreements	UNHCR/IOM	Often limited exercises and no consensus on how to baseline a return environment so it can also be used for reintegration planning.
	Information campaign, Go&See visits for refugees	UNHCR	Also highly sensitive; if the information is correct, useful, timely. Who will represent refugee communities during Go&See visits?
	• Refugee return agreements (tripartite) • Migrant return agreements (readmission agreements)	• UNHCR plus governments • Governments	Some say Tripartite Agreements are an outdated instrument. The process is often non-consultative and omits key development actors or line ministries providing security or access to basic services in the country of return. NGOs should advocate for observatory/consultative processes/roles.
	Prepositioning for return packages, way stations, monitoring, etc.	UNHCR with key partners in particular clusters	It is key to ensure child programming in this, in particular the longer-term support perspectives.
	Organised return movements	UNHCR	At times, UNHCR is pressured to take movements to scale prematurely.
After return	Joint needs assessments/ reintegration planning	UNCT	Consensus on baseline data is rare (a good example is Somalia: UNCT-led exercise with NGO coalition), thus accountability can be low.
	Joint transition–recovery strategy	UNCT	Key issues like housing, land and property are not tackled at times; there is too little emphasis on planning return to urban centres.
	Evaluation/monitoring	UNCT	Rarely happens as baseline data is lacking (Afghanistan is a good example of strong evaluation).

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Annex C: Guidance to Respect Children's Rights in Return Policies and Practices 90

Annex A

External resources on durable solutions – key documents and websites

- *Addressing Internal Displacement: A Framework for National Responsibility* (Brookings Institute Project on Internal Displacement, 2005). Available in 12 languages at: **www.brookings.edu/research/reports/2005/04/national-responsibility-framework**
- *Framework for Durable Solutions to Internal Displacement* (IASC, 2010). Available in English, Arabic, Chinese, French, Spanish, and Russian at: **www.brookings.edu/research/reports/2010/04/durable-solutions**
- *Guiding Principles on Internal Displacement* (UN, 1998). Available in more than 30 languages, at: **https://www.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf**
- *Protection Checklist: Addressing Displacement and Protection of Displaced Populations and Affected Communities along the Conflict Cycle: A Collaborative Approach* (OSCE and UNHCR, 2014). Available in English and Russian at: **www.osce.org/cpc/111464**
- *Protecting Internally Displaced Persons: A Manual for Law and Policy Makers* (Brookings, 2008). Available at: **www.brookings.edu/research/papers/2008/10/16-internal-displacement**
- *UNDG Guidance Note on Durable Solutions for Displaced Persons (refugees, internally displaced persons, and returnees)*, 2004. Available at: **http://www.refworld.org/pdfid/4a54bbf4d.pdf**
- *UNHCR, Handbook for Repatriation and Reintegration Activities*, May 2004. Available at: **www.unhcr.org**
- UNHCR, *Handbook – Voluntary Repatriation: International Protection*, January 1996. **www.unhcr.org**
- *Handbook on the Protection of Internally Displaced Persons* (IASC, 2010), Part VI. Available in English, Arabic, French, Spanish and Russian at: **www.protectioncluster.org**
- *National Instruments on Internal Displacement: A Guide to their Development* (IDMC, NRC and Brookings-LSE Project on Internal Displacement, 2013). Available in English and French at: **www.internal-displacement.org/publications/2013/national-instruments-on-internal-displacement-a-guide-to-their-development**
- *Handbook on Property Restitution for Refugees and Displaced Persons: Implementing the 'Pinheiro Principles'* (FAO, IDMC, OCHA, OHCHR, UN Habitat, UNHCR, 2007). Available at: **http://www.ohchr.org/Documents/Publications/pinheiro_principles.pdf**
- *Home Sweet Home: Housing Practices and Tools that Support Durable Solutions for Urban IDPs* (DUSP, DRAN, IDMC, NRC, 2015). Available at: **www.internal-displacement.org**
- *Guidance for Profiling Urban Displaced Populations: Challenges and Solutions* (JIPS, 2014). Available at: **www.jips.org/system/cms/attachments/818/original_GuidanceUrbanProfiling_JIPS.pdf**
- *Guidance on Profiling Internally Displaced Persons* (IDMC and OCHA, 2008). Available at: **www.refworld.org/docid/47b5ad3a2.html**
- Profiling and Assessment Resource Kit (2012). Available at: **https://www.alnap.org/help-library/profiling-and-assessment-resource-kit-park-0**
- *JIPS Essential Toolkit for Profiling* (2013). Available at: **http://jet.jips.org**
- *ReDSS Solutions Framework*. Available at **http://regionaldss.org/**
- *IOM Programme Framework on Progressive Solutions*: **https://www.iom.int/sites/default/files/our_work/DOE/humanitarian_emergencies/Progressive-Resolution-of-Displacement-Situations.pdf**
- Global Cluster for Early Recovery (GCER): **http://earlyrecovery.global/**
- Global Protection Cluster (GPC): **http://www.globalprotectioncluster.org/**
- UN Special Rapporteur on the Human Rights of Internally Displaced Persons: **www.ohchr.org/EN/Issues/IDPersons/Pages/IDPersonsIndex.aspx**
- Internal Displacement Monitoring Centre (IDMC): **www.internal-displacement.org**
- Joint IDP Profiling Service (JIPS): **www.jips.org**
- United Nations Peacebuilding Support Office: **http://www.un.org/en/peacebuilding/pbso/**

Annex B:

Holding position on forced returns

The Era of Returns?

Definitions, trends and programmatic responses to child return and reintegration

MDI Guidance Paper, updated September 2018

EXECUTIVE SUMMARY

- Concerns about global displacement and migration are 'eroding traditions of welcome in receiving countries for refugees and migrants alike', with fears it will lead to an era of coerced and forced returns of children.

- **Voluntary return** is one of UNCHR's three durable solutions for refugees. It is typically the preferred solution for refugees themselves. Where the appropriate conditions are met, Save the Children fully endorses and works with the voluntary return of refugees.

- **Voluntary return** is a solution for irregular migrants[50] or (failed) asylum seekers when they voluntarily choose to return to their country of origin.

- In 2017, there were numerous examples in which child refugees and migrants were forcibly returned.

- There is irrefutable evidence that not all 'voluntary returns' are genuinely voluntary and that some degree of coercion is involved, for both refugee and migrant children. **These include:**

  - Restrictions placed on where refugees can live (e.g. confined to a camp);

  - Deliberate creation of negative incentives (e.g. decreasing living standards);

  - Withdrawal of legal right to remain, withdrawal of services and systematic human rights abuse;

  - Unlimited detention without access to legal or psychological support.

- The legal framework around returns is challenging to navigate. **Key elements include:**

  - Refugee and asylum-seeking children must not be returned to countries where their life is threatened or where they risk being subjected to torture or inhumane and degrading treatments or other violations of a child's rights, such as underage marriage or conscription. Such a return would violate the principle of non-refoulement;

  - The recommendation (CRC Commission & Global Compacts) is that the above should also apply to irregular child migrants and failed asylum seekers. Not all governments accept this recommendation;

  - The recommendation (CRC Commission) is that unaccompanied child migrants from a country unable to provide basic services shouldn't be returned. Not all governments accept this proposal;

  - A customary practice, applicable to refugees, asylum seekers and migrants, is that if a family is not identified, a child cannot be returned. Not all governments accept this practice for child migrants.

[50] A migrant who has crossed an international border without valid documentation but has not sought asylum

GENERAL GUIDANCE

- Our 'foundational' principle is that a child is a child, regardless of his/her migratory status. All below points and positions must build upon this principle.
- SC recognises that a state has the right to return a child to their country of origin, but only after a best interests assessment. We will not oppose that return if i) the BIA shows that a return would not contravene refoulement, ii) the return is voluntary and iii) there is sufficient reintegration assistance.
- All returns of all children must adhere to the principle of non-refoulement.
- SC strongly opposes any attempt to coerce children to return 'voluntarily' before it is safe to do so, even where the principle of 'non-refoulement' has not been contravened.[51]
- If the child's family (or appropriate guardian) is not identified in the country of origin, a child should not be returned home, regardless of migratory status.
- SC promotes 'voluntariness'. We would not endorse the forced returns of children in most circumstances.
- SC should promote the provision of appropriate reception and reintegration assistance for all returned children as a minimum standard, regardless of status. Standards should be contextually appropriate and agreed by relevant stakeholders. See the MDI assessment tool and advocacy message catalogue for additional support.

RECOMMENDATIONS

- In our internal/external communications, SC must, where possible, differentiate between voluntary and forced/coerced return.
- SC should take particular care before deciding to programme with forced/coerced returned child migrants prior to their departure.
- Any decision to engage in pre-departure work, either by Members or COs, must be accompanied by a contextual/risk analysis and approved only after a wider consultation with relevant SC stakeholders.
- SC should programme with coerced/forcibly returned migrant, refugee and IDP children (whilst also considering needs of host community) if we deem it to be in the best interest of the child.

[51] For example, there is a legitimate risk that the return family environment is not in the best interest of the child.

INTRODUCTION

- The return and repatriation of displaced or migrating children is not a new phenomenon. Voluntary repatriation, following cessation of hostilities or other scenarios, is the most common durable solution. Save the Children regularly works with returning children and their families, including assisting with their local reintegration. Deporting irregular migrants and failed asylum seekers to their countries of origin is also not new – it has long been a tool of migration management used by governments of all types and regions.

- Nevertheless, recent concerns about rising global displacement and migration are 'testing the capacity of states and eroding traditions of welcome in receiving countries for refugees and migrants alike.'[52] Given the pressure on neighbouring countries around conflict situations such as Syria, Afghanistan and Somalia, and global fears about perceived increased migration, it is likely that domestic political pressures will promote accelerated returns of both migrants and refugees. This trend is increasingly commonplace. The risk is that some returns will not meet internationally established standards, be detrimental to child well-being, and present a number of ethical and operational dilemmas for Save the Children.

- This guidance paper provides a synopsis of the key issues related to returns of children, together with guidance for Members and COs. It focuses primarily on children migrant/refugees (not IDPs) at risk/victims of forcible or 'coerced' return to their country of origin. This guidance note additionally captures the recommendations made at the March 2018 Save the Children Migration Meeting.

Note: *As reaffirmed in the March 2018 Migration Meeting, how SC responds should be context specific. It is unlikely that we could arrive at a 'fixed' position amenable to all Members, as there is no 'one size fits all' approach. This note provides guidance, not instruction, and MDI/Child Protection colleagues are available with further support where required. MDI's Child-Sensitive Durable Solutions Platform can also provide further information and tools.*

[52] *The Refugee and Migration Crisis: Proposals for Action*, UN Summit 2016. The Brookings Institution. Available at: https://www.brookings.edu/wp-content/uploads/2016/09/fp_20160912_refugee_migration_crisis.pdf

CURRENT TRENDS IN RETURNS AND THE CONSEQUENCES FOR CHILDREN

Although numbers of returning refugees have reduced since the large-scale return movements of the 1990s, voluntary repatriation retains 'an almost totemic importance in refugee protection',[53] with repatriation still very much the 'preferred solution'.[54] Return may also be the preference for most refugees, although eagerness to return may shift over time/context. Nevertheless, there are increasing examples of situations in which refugee populations are being coerced or forced to return to their country of origin before it is safe to do so.

For example, in Kenya in 2016, policies aimed at forcibly returning almost half their Somali refugees was only prevented by the last-minute intervention of the country's High Court. In the countries bordering Syria, fear of the longer-term impact of the mass displacement fuels regular calls to return refugees, regardless of the continuing hostilities, or the lack of political solution. Pakistan, in the second half of 2016 undertook, according to Human Rights Watch, 'the largest unlawful mass forced return of refugees in recent times'. Nearly 365,000 of the country's 1.5 million registered Afghan refugees, and 200,000 undocumented Afghans were forcibly returned, in response to deteriorating political relations between Pakistan and Afghanistan.[55]

The context for irregular migrants and failed asylum seekers has also shifted. The number of non-EU citizens found to be irregularly present in the EU tripled between 2014 and 2015, with the EU 'stepping up its efforts to ensure those who do not qualify for international protection … (to) be quickly and effectively returned to their countries of origin or transit'.[56] In 2015, the number of returns of migrants and failed asylum seekers increased by 9.6%, and the number of 'voluntary' returns from EU countries was for the first time higher than the number of forced returns.[57] The US also announced stricter controls to increase deportations of irregular migrants, including the removal or criminal prosecution of parents who pay smugglers to bring their children into the US.[58]

In recent years, 'assisted voluntary return' (AVR) or 'assisted voluntary return and reintegration' (AVRR) schemes have increased, involving 110 host/transit countries. From 2005 to 2014, IOM assisted an average of 34,000 migrants per year. In 2016, this had risen to 98,403, of whom 27% were children[59] (in 2013 the percentage of children was 23%). Europol estimates that over 10,000 unaccompanied children have gone missing after arriving in Europe. One likely reason is that migrant children identified by authorities are often kept in a holding position until 18 and then returned home.[60]

THE TERMINOLOGY – AND ITS 'GREY AREAS'

Voluntary returns (sometimes referred to as 'voluntary repatriation') is a type of return based on the voluntary decision of an individual. A voluntary decision is defined by the absence of any physical, psychological or material coercion, and is based on adequate, available, accurate, and objective information. Returns should also meet the conditions of safety and dignity. **Genuine voluntary return is one of the UNCHR's three durable solutions[61] for refugees and is supported by Save the Children.** Asylum seekers can also voluntarily return if they no longer wish to wait for a decision on their asylum application or have changed their minds about applying and prefer to return to their country of origin. Equally, migrants can choose to return voluntarily.

Forced return refers to a host country forcibly removing an irregular migrant, an asylum seeker or a refugee. The tools of forced return include detention and deportation. The forced return of an irregular migrant or failed asylum seeker is a legal option within any migration management strategy, and is legally applicable to a refugee only if certain criteria are met.[62]

[53] Katy Long, *Back to Where you Once Belonged, A Historical Overview of UNHCR Policy and Practice on Refugee Repatriation*, UNHCR 2013

[54] Executive Committee Conclusion 29, 1983 and reaffirmed in UNHCR's strategy directions 2017–21

[55] Pakistan Coercion, UN Complicity. The Mass Forced Return of Afghan Refugees, February 2017. Human Rights Watch. Available at: https://www.hrw.org/report/2017/02/13/pakistan-coercion-un-complicity/mass-forced-return-afghan-refugees

[56] European Commission press release, 2 March 2016

[57] *Global Migration Trends 2015 Factsheet*, IOM's Global Migration Data Analysis Centre.

[58] *The First 100 Days: Summary of Major Immigration Actions Taken by the Trump Administration*, April 2017. Migration Policy Institute Fact Sheet.

[59] *AVRR at a glance* 2016. IOM

[60] This issue is not dealt with in this holding paper.

[61] The other two durable solutions are local integration and resettlement.

[62] A person can lose refugee status if, for example, they voluntarily re-avail themselves of the protection of their country of nationality or obtain protection from another country, or if they obtained that status by directly or indirectly misrepresenting/withholding material facts relating to a relevant matter.

Non-refoulement is the '[p]rinciple of international refugee law that prohibits states from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened.'[63] International Human Rights Law expands the principle of non-refoulement to apply to all persons, regardless of their status[64] and thus applies to irregular migrants. In essence, refoulement is the illegal return of a displaced person.

Refugee Status Determination (RSD): The legal or administrative process by which governments or UNHCR (when requested by a state) determine whether a person seeking international protection is considered a refugee under international, regional or national law. In certain situations, UNHCR will call for the international community to consider all asylum seekers as refugees, giving them a 'prima facia' status, or states can decide to give a blanket protection status to a larger group of refugees without individual assessments.

Refugee status is, in principle, a transitory phenomenon that lasts as long as the reasons for fearing persecution in the country of origin persist. Once these reasons disappear, refugee status may be legitimately terminated. The cessation clauses[65] set out the only situations in which refugee status can be ended. Yet, as states increasingly prioritise refugee returns, there is a rise in repatriations where the cessation clause has not been invoked[66] but where an individual state decides that grounds for international protection no longer exist. Similarly, there are situations where a refugee may 'voluntarily' return to their place of origin because of political, economic or cultural pressure in the country where they have been granted asylum. While the refugee is not forced to return, s/he may feel that there is no tenable alternative.

Assisted Voluntary Return (AVR)/ Assisted Voluntary Return and Reintegration (AVRR) are schemes, typically administered by the International Organization for Migration (IOM)[67], that facilitate the return of rejected asylum seekers and irregular migrants to their countries of origin. They often provide return flights, cash allowances and/or provide reintegration assistance upon return and may include a temporary re-entry ban.

Deportation: is forced return and falls outside of AVR programs. While AVR is clearly preferable to deportation, IOM acknowledges that for many migrants the only alternative to AVR may be deportation. When the only other 'options' to 'voluntary return' are forced return or detention, such a return is not truly voluntary, and should be considered a 'coerced' return. This 'grey area', outside of voluntary return or when it is coerced or forced, is often difficult to identify. Returns undertaken in such circumstances and that cannot be considered truly voluntary include:

- Restrictions placed on where refugees can live (e.g. confined to a camp);
- Deliberate creation of negative incentives for voluntary returns of refugees by gradually decreasing their living standards and living conditions;
- Withdrawal of their legal right to remain, withdrawal of services and systematic human rights abuse; and
- Unlimited detention without access to legal or psychological support (also often applied to asylum seekers and irregular migrants).

THE INTERNATIONAL LEGAL LANDSCAPE – A SYNOPSIS

The legal framework around returns is the subject of substantive, often inconclusive, debate, which means it is challenging to establish definitive interpretations. This section should be read with that caveat in mind.

The Convention on the Rights of the Child applies to all children in the jurisdiction of a state/party, including rejected asylum seekers and migrants.

[63] *The Principle of Non-Refoulement*, IOM International Migration Law Unit, April 2014.

[64] Non-refoulement is grounded explicitly in: Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Article 22 of the American Convention on Human Rights (AHCR); Article 16 of the International Convention for Protection of All Persons from Enforced Disappearance; Article 19 of the Charter of Fundamental Rights of the European Union; and the Convention on the Rights of the Child.

[65] The cessation clauses of the 1951 Convention can be divided into two. One set relates to a change in personal circumstances of the refugee, which results in the acquisition of national protection so that international protection is no longer necessary. The second set comprises the clauses which relate to a change in the objective circumstances in connection with which the refugee has been recognized, so that international protection is no longer justified (the 'ceased circumstances' cessation clause). UNHCR Standing Committee, Note on the Cessation Clauses EC/47/SC/CRP.38.

[66] For the 'ceased circumstances' cessation clause to apply, there must be a change in the refugee's country of origin which is fundamental, durable, and effective. Fundamental changes are considered as effective only if they remove the basis of the fear of persecution. UNHCR Standing Committee, Note on the Cessation Clauses EC/47/SC/CRP.38.

[67] VolRep operation led by UNHCR would be another example.

The CRC considers the best interests of the child – as a primary consideration – before taking any decision affecting them and when working to implement those decisions. The UN Committee on the Rights of the Child has made clear that the child's best interests should take priority over migration policy or other administrative considerations, and recommended that states implement this through law, policy and practice.

While all the previously discussed principles and protection provided by non-refoulement also apply to migrant children, the Convention on the Rights of the Child provides further protection specific to children. The CRC requires a state to make a child's well-being the primary concern and consideration in all decisions, including the decision to expel. The Committee for the Rights of the Child has explained this with regard to unaccompanied or separated children: 'States shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child[...].'

The 1951 Refugee Convention does not define how state parties should determine whether an individual meets the definition of a refugee. This has resulted in disparities[68] as states craft asylum laws, based on their different resources, security concerns, and histories with forced migration movements. Nevertheless, the overarching goal of the modern refugee regime is to provide protection to individuals forced to flee their homes because their countries are unwilling or unable to protect them, and there are certain principles central to our work:

- Children, who are refugees or seeking refugee status, whether unaccompanied or accompanied, must receive protection and humanitarian assistance to enjoy their rights.
- Where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment.

Various instruments/bodies seek to expand the scope of the non-refoulement beyond refugees and asylum seekers: '[T]he enjoyment of Covenant rights … must also be available to all individuals, regardless of nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons.'[69] This would mean that states are required to protect non-nationals from being returned to countries in which their life is threatened, regardless of their immigration status. In 2005, the Commission on the Rights of the Child recommended the expansion of the principle of non-refoulement to include unaccompanied child migrants. The Commission also recommended that returning unaccompanied migrant children to countries unable to provide basic services should also be interpreted as breaching the principle of non-refoulement. Nevertheless, whilst such recommendations are accorded considerable importance as the pronouncement of expert bodies, they are not legally binding. To summarise:

- Refugee and asylum-seeking children must not be returned to countries where their life is threatened or where they risk being subjected to torture or inhuman and degrading treatments.
- The non-legally binding recommendation of IOM Law Unit is that the above should also apply to irregular child migrants and failed asylum seekers. Not all governments accept this recommendation.
- The non-legally binding recommendation is that unaccompanied child migrants from a country unable to provide basic services should not be returned home. Not all governments accept this recommendation.
- A customary practice, applicable to refugees, asylum seekers and migrants, is that if a family/guardian is not identified, a child cannot be returned home. Not all governments accept this practice in the case of child migrants.

The next challenge is to define what constitutes a genuine 'risk' of a returnee being subject to torture or inhuman and degrading treatments. Most legal instruments/bodies require 'substantial grounds for believing' that the refugee/migrant would face a 'real risk' of human rights violations upon return, although other legal bodies utilise a lower risk threshold. Regardless, because a 'real' risk is difficult to define, this leads to different interpretations. States might claim there is no 'real risk' to the refugee/migrant on return home. The refugee/migrant might have a vastly different assessment.[70]

[68] Please see Annex One for the four most common interpretations.

[69] CCPR, General Comment No. 31, *The Nature of the General Legal Obligation Imposed on State Parties to the Covenant.*

[70] UNHCR occasionally issue updated International Protection Considerations for Refugees from various states, as well as occasional guiding documents to determine refugee status of certain nationalities based on extensive fact-finding missions. Individual states can also undertake fact-finding missions facilitated by immigration authorities to guide their asylum cases.

THE IMPORTANCE OF A CONDUCIVE ENVIRONMENT FOR A CHILD'S RETURN AND REINTEGRATION

Poor reception conditions and a lack of appropriate reintegration programmes can limit children's development perspectives and expose them to abuse. Reintegration is not a simple reversal of displacement: it is not just a case of going back home. Forced displacement or a migration attempt can change individuals, households and communities. Some returning children will have absorbed cultural influences that are perceived as foreign by the communities in their country of origin. Others will have been born in exile and perceive the communities to which they 'return' as alien, or even hostile. These challenges can be especially high for unaccompanied children being returned against their will, even if officially, they have voluntarily returned.

It is essential to ensure quality reception conditions in the receiving country and to make genuine efforts to reintegrate returning children – whether refugees, IDPs or migrants, unaccompanied or in families. A strong repatriation and reintegration environment is necessary to ensure a returning child's physical safety, legal safety, material safety, psychological well-being and positive conditions for local reconciliation (See MDI Assessment Framework). The MDI has developed tools to facilitate our work on return and reintegration. Returns should be sustained by close monitoring of returned children's access to services and protection.

SAVE THE CHILDREN'S POSITION ON RETURNING CHILDREN[71]

1. SC recognises that a state has the right to return a child to their country of origin, but only after a best interests determination. We will not oppose that return if i) the BID shows that a return would not contravene refoulement, ii) the return is voluntary and iii) there is sufficient reintegration assistance.
2. All returns of migrant and refugee children must adhere to the principle of non-refoulement.
3. SC strongly opposes any attempt to coerce children to return before it is safe to do so, even where the principle of non-refoulement has not been contravened.[72]
4. If the child's family/appropriate guardian is not identified in the country of origin, a child should not be returned home or to a third country, regardless of migratory status.
5. Returns of children, whether unaccompanied or in a family, should be voluntary, fully informed and free of any coercion, and we oppose forced returns of children in the majority of circumstances.
6. Wherever possible, a decision to return a child should be preceded by a formal, individual and robust best interests determination. Save the Children will support and promote the use of the best interests procedure.
7. SC recognises that the best interest of the child may, on occasion, contradict the principle of voluntariness. However, involuntary return (forced/coerced return) can only be deemed to be in the best interest of a child as a measure of last resort, following a best interests determination. Where possible, this decision should include a clear and accessible appeal procedure.
8. SC recognises that in certain contexts, such as mass returns of large refugee populations, gaining individual consent or conducting a best interests determination for every child may not be feasible. It is especially important that in such situations, returns are in accordance with the principle of non-refoulement, incorporate a best interests assessment and that a conducive environment for receiving the returnees be in place.
9. SC will promote the provision of appropriate reception and reintegration assistance for all returned children[73] as a minimum standard, regardless of migratory status, and encourage the monitoring of returned children's access to services and protection (see Annex 2).
10. In all our internal and external communications, SC should clearly differentiate, where possible, between voluntary and forced/coerced return.

[71] Additional 'off the shelf' advocacy messages on returns can be found here.

[72] For example, there is a legitimate risk that the return family environment is not in the best interest of the child.

[73] Please refer to MDI's *Durable Solutions for Children Toolkit* which provides, inter alia, standards for a safe return environment for children and a baseline & monitoring tool.

GUIDANCE ON PROGRAMMING WITH FORCED/COERCED RETURNS

Genuine voluntary return is generally positive and is a right for all persons. It means that displaced populations or migrants feel able to return home and rebuild their lives. The principal programming dilemmas for SC occur in cases of forced or coerced return. Our position is clear – **we are opposed to the forced or coerced return of children in most circumstances** – unless a BIA/BID indicates such a return is in the best interest of the child. We are consequently confronted with the question of whether, in cases where we are opposed to a specific return, we should refuse to engage programmatically, with the risk that we fail to deliver assistance to children in need. Conversely, if we do engage, we may be perceived as being complicit, or agreeing with, forced/coerced returns, particularly if engagement is prior to departure. This issue is particularly relevant at present because there are increasing funding opportunities in which forced/coerced returning children are targeted. Nevertheless, our advice has been driven by the need to 'stay near to the child' in order to provide the greatest protection possible; engaging, for example, in harm reduction. The MDI can support in developing a risk assessment to assist with the decision-making process in this context.

In the event of forced/coerced returns, we recommend the following:

SC should take particular care before deciding to programme with forced/coerced returned child migrants prior to their departure.

In countries where national authorities have the necessary technical and financial resources to provide basic services to migrant children pre-return, SC's role is primarily to ensure that child protection standards are being upheld by the government and to advocate against forced returns of children.

In countries where national authorities are experiencing technical, financial and/or logistical constraints to delivering appropriate services to children, SC will consider working with pre-departure children, whilst ensuring we operate in the best interest of the child.

Where we consider working with pre-departure with forced/coerced returned migrants, this must be accompanied by an informed contextual/risk analysis, taking into account children's best interests. This analysis should include a plan for engagement and advocacy and take place before a proposal for funding is submitted. It should also contain an assessment of the appropriateness of potential funding streams. For example, taking funding directly from the government 'doing' or promoting the return is likely to carry higher risks. Without such an analysis, pre-departure work should not be authorised.

In areas of SC managed implementation, any decision to engage in pre-departure work is approved at RD level, after taking soundings from COs, relevant members and regional advocacy leads. At member (domestic) level, any decision to engage in pre-departure work is approved only after a decision-making process that includes relevant programme and advocacy leads in the wider organisation.[74]

SC should consider programming with coerced/forcibly returned migrant, refugee and IDP children once they reach the country/location to which they are being returned (whilst also considering the needs of host communities) if we deem it to be in the best interest of the child. Such programming should always be accompanied by strong public and/or private advocacy against forced returns. There must be no circumstances where our silence on coerced/forced return is an explicit or implicit condition of our work.

In the event of genuinely voluntary returns, we recommend the following:

- SC should consider work with refugee, migrant and IDP children prior to departure.
- SC should consider programming with voluntary returned migrant, refugee and IDP children once they reach the country/location to which they are being returned (whilst also considering needs of host community).[75]

[74] If appropriate/useful, the MDI can provide technical or facilitation support for decision-making at ether RO or member level.

[75] Please refer to MDI's *Durable Solutions for Children Toolkit* which provides, inter alia, standards for a safe return environment for children and a baseline & monitoring tool.

ADDITIONAL COMMENTS: FOUR COMMON INTERPRETATIONS OF ARTICLE 33 OF THE 1951 REFUGEE CONVENTION

1. **Strict:** This interpretation holds that non-refoulement laws only apply to asylum seekers who have physically entered a state's borders. States using this interpretation often enact policies and procedures designed to block asylum seekers from reaching their borders.

2. **Strict, with a narrow reading:** This interpretation holds that only certain refugees are legally entitled to non-refoulement protection. If the country receiving an asylum seeker does not find that their 'life or freedom would be threatened' by refoulement, this interpretation holds that they can be legitimately returned to their country of origin.

3. **Collectivist:** This approach involves international systems designed to process the asylum claim in the country in which a person initially seeks asylum and redistribute them among other countries. This approach relies on the logic that Article 33 does not include language requiring states receiving asylum seekers to permit them to remain permanently, only an obligation not to send them back to a region in which they face likely danger. Refugee relocation agreements between countries must ensure they are not sent back by the new host country.

4. **Collectivist, with laws preventing asylum seekers from reaching sovereign borders:** This approach is not an interpretation of Article 33, but a way around it. It combines the strict and collectivist approaches. States using this approach establish non-sovereign areas within their borders, primarily at travel hubs. Asylum seekers presenting themselves at such areas are then sent to another country to have their asylum claims processed. As with traditional collectivism, the asylum seeker cannot be sent to a country in which they face likely danger.

Annex C

Guidance to respect children's rights in return policies and practices

PURPOSE OF THE GUIDANCE

This document provides guidance for the design and implementation of return procedures that are child rights compliant. In particular, it sets out concrete measures necessary to ensure respect for the rights of every child, including children in families, when implementing return legislation and policy in Europe, in line with international law, obligations, and the EU Return Directive[76] where applicable.

The guidance has been developed through a process of consultations among United Nations agencies and civil society experts on migration and children's rights,[77] as the basis for practical engagement in the context of EU return procedures, complementing the 2017 revised *Return Handbook*.[78]

The precondition to any return of a child – whether unaccompanied, separated or within a family – is that their best interests have been examined and return is found to be in their best interests. This requires specific procedures to be implemented in every decision-making process that could lead to the return of a child.

The consultations between UN agencies and civil society closely examined the complex issues involved in return procedures, and identified specific steps required to ensure that the best interests of the child are properly considered, moving beyond principles to practical implementation. Consequently, this guidance addresses how to design these procedures, what factors should be considered, possible outcomes and how to implement a decision when return is found to be in the best interests of the child. It does not address how to implement the decision when an alternative durable solution is found to be in the best interests of the child as a result of the procedure.

This initiative aims to contribute to ongoing policy developments about which we have signalled some major concerns[79] and in which we have, and will continue to, constructively engage. The involved organisations are ready to discuss with authorities and other key stakeholders regarding how to implement the procedures set out in this document in different national contexts.

Produced by:

UNICEF, the UN Human Rights Office, the International Organization for Migration (IOM), Save the Children, the Platform for International Cooperation on Undocumented Migrants (PICUM), the European Council for Refugees and Exiles (ECRE) and Child Circle.

This guidance is based upon the existing legal and policy framework and guidance, including the EU Return Directive and 2017 revised *Return Handbook*. It also takes account of recommendations and actions in the EU *Action Plan on unaccompanied minors* (2010–2014),[80] and Commission Communication on the protection of children in migration of 12 April 2017.[81]

The guidance is anchored in international human rights law and standards, including the United Nations Convention on the Rights of the Child (CRC), and the authoritative interpretations of the CRC by the Committee on the Rights of the Child, including its General Comments (in particular 6, 12, 13, 14, 22 and 23), as well as the guidance of other relevant human rights treaty bodies and United Nations special procedures mandate holders.

The guidance in this document is further informed by direct evidence, reports and tools provided by

[76] DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on common standards and procedures in member states for returning illegally staying third-country nationals, December 2018, available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:en:PDF

[77] Initiative for Children in Migration: https://www.childrenonthemove.org/

[78] Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return_handbook_en.pdf

[79] Joint press release: 'New European Union returns policies put children at risk', March 2017, available at: http://www.ohchr.org/Documents/Issues/Migration/JointStatementNewEUPolicies3Mar2017.pdf

[80] Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return_handbook_en.pdf

[81] Joint press release: 'New European Union returns policies put children at risk', March 2017, available at: http://www.ohchr.org/Documents/Issues/Migration/JointStatementNewEUPolicies3Mar2017.pdf

the Council of Europe Committee on the Prevention of Torture, UNICEF,[82] UNHCR,[83] IOM,[84] OHCHR,[85] Save the Children, ECRE[86] and PICUM,[87] among others, reflecting on the practical implementation and impact of EU and member state return policies and practices on children and families (see Annex for useful resources).

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Scope of the Guidance and Key Terms

Introduction: When does the question of return of children arise and how are their best interests considered?

1. **Identifying Durable Solutions: the best interests procedure**
2. **Implementing Decisions when return has been found to be a durable solution in the best interests of the child**
3. **Children's data: procedural recommendations regarding the use of children's data in the context of return procedures**
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SCOPE OF THE GUIDANCE AND KEY TERMS

The guidance deals with the basic standards and procedures concerning all children and families in an irregular situation, where the state is involved in the decision-making. Where specific procedural safeguards are necessary due to the child being unaccompanied or separated, or because they are accompanied by parents or another primary caregiver, this is stated. Otherwise, the same basic standards apply for all children, irrespective of whether they are unaccompanied, separated or with their families.

The development and application of proper procedures in this complex field is frequently hampered by divergent use, or interpretation, of key terms.

Consequently, this section defines terms which are central to this guidance, while noting other terms that are frequently used in this field.

A number of terms are used in accordance with their definition in the Return Directive, as follows:

- **Voluntary departure:** compliance with an obligation to leave the territory on the basis of a

[82] See, for example: UNICEF, *Children's rights in return policy and practice in Europe* – a discussion paper on the return of unaccompanied and separated children to institutional reception or family, 2015, available at: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/childrens_rights_in_return_policy_and_practice_in_europe.pdf

[83] See for example: UNHCR/UNICEF, *Safe & Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe*, October 2014, p. 22, available at: http://www.refworld.org/docid/5423da264.html

[84] See for example: *IOM Addressing the Needs of Unaccompanied Minors* (UAMs) in Greece, 2015, available at: https://greece.iom.int/sites/default/files/IOM%20Greece_UAM%20final_0.pdf or *IOM, Egyptian Unaccompanied Migrant Children: A case study on irregular migration*, 2016, available at https://publications.iom.int/system/files/egyptian_children.pdf

[85] See for example: *Recommended Principles and Guidelines on Human Rights at International Borders*, available at: http://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf and *Global Migration Group Principles and Guidelines*, supported by practical guidance, on the protection of the human rights of migrants in vulnerable situations, available at http://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf

[86] See for example European Commission, *Comparative Study on Practices in the Field of Return of Minors*, December 2011, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/legal-migration/pdf/general/return_of_children-final.pdf

[87] See for example: PICUM, *Untold Stories: Immigration Detention and Deportation*, 2017, available at: http://picum.org/wp-content/uploads/2017/11/Deportation_Stories_EN.pdf; PICUM, *Hear Our Voices: Undocumented Children and Young People Share their Stories*, 2016, available at: http://picum.org/wp-content/uploads/2017/11/Children-Testimonies_EN.pdf; PICUM *Position paper on EU Return Directive*, April 2015, available at: http://picum.org/Documents/Publi/2015/ReturnDirective_EN.pdf; PICUM, *Protecting undocumented children – Promising policies and practices from governments*, 2015, available at: http://picum.org/Documents/Publi/2015/Protecting_undocumented_children-Promising_policies_and_practices_from_governments.pdf.

return decision/removal order issued to a third country national irregularly staying on the EU territory.

- **Removal:** the enforcement of an obligation to return in accordance with a return decision/ removal order issued to a third country national irregularly staying on the EU territory.[88]

For the purpose of this document:

- **Voluntary return:** situations where a child or family decide to return to their country of origin of their own accord.
- **Voluntary return and reintegration programmes:** programmes that are composed of information and assistance pre-return, including organisation and costs of travel, with or without reintegration support post-return.[89]
- **Voluntary:** any consent given to voluntary return processes must be fully informed and given free of any physical or mental coercion.[90] This means, inter alia, that the migrant must not be subject to violence or ill-treatment intended to force compliance, to an actual or implied threat of indefinite or arbitrary detention, or to detention in inadequate conditions.
- **Best interests of the child:** within the meaning of Article 3 of the UN CRC. Article 3 places an obligation on the public and the private spheres, courts of law, administrative authorities and legislative bodies to ensure that the best interests of the child are assessed and taken as a primary consideration in all actions affecting children. The right of the child to have their best interests taken into account as a primary consideration is a substantive right, an interpretative legal principle and a rule of procedure, and it applies to children both as individuals and as a group. The purpose of assessing and determining the best interests of the child is to ensure the full and effective enjoyment of the rights recognised in the CRC, and the holistic development of the child. General Comment no. 14 of the UN Committee on the Rights of the Child further describes its content and scope of application. It also refers to 'best interests assessment' and 'best interests determination', as does the Commission Communication on protecting children in migration of 12 April 2017. The latter term has been used by some stakeholders in this field to focus on durable solutions for unaccompanied and separated children in particular, rather than all children. To avoid confusion, this guidance refers to a procedure to examine the best interests of the child, and the necessary components of said procedure, to clearly address the situation of both children with their primary caregivers and children who are unaccompanied or separated from their primary caregivers, without defining or re-defining those terms.
- **A durable, or sustainable, solution:** one that, to the greatest extent possible, protects the long-term best interests and welfare of the child and is sustainable and secure from that perspective. The outcome should ensure that the child is able to develop into adulthood, in an environment which will meet their needs and fulfil their rights as defined by the CRC, and will not put the child at risk of persecution or serious harm. When assessing possible solutions for a child, States have a responsibility to investigate the implications of the options under consideration.[91]
- **International protection** is used within the meaning of the EU Common European Asylum System (CEAS) instruments, namely: 'refugee status and subsidiary protection status'. In contrast, the term **child protection** is used here to mean safeguarding children from harm. Harm includes violence, abuse, exploitation and neglect. The goal of child protection is to promote, protect and fulfil children's rights to protection from abuse, neglect, exploitation and violence as expressed in the UN CRC and other international treaties and conventions, as well as national laws. In the case of migrant children, this involves protecting them by responding to their specific needs and the risks they face. This includes: protecting and advocating against all forms of discrimination; preventing and responding to abuse, neglect, violence and exploitation; ensuring immediate access to appropriate services; and ensuring durable solutions in the child's best interests.

[88] European Commission, *Return Handbook*, 2015, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return_handbook_en.pdf

[89] IOM typically uses the term 'Assisted Voluntary Return and Reintegration' to refer to its voluntary return and reintegration programmes.

[90] See Principle 6, *Global Migration Group Principles and Guidelines*, supported by practical guidance, on the protection of the human rights of migrants in vulnerable situations, available at http://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf: 'Any migrant who is asked to consent to a voluntary return process must be fully and meaningfully informed of the choice they make, having access to up-to-date, accurate and objective information, including in relation to the place and the circumstances to which they will be returning.'

[91] Committee on the Rights of the Child, General Comment No. 6 on the treatment of unaccompanied children and separated children outside their country of origin, para. 84.

INTRODUCTION: WHEN DOES THE QUESTION OF RETURN OF CHILDREN ARISE AND HOW ARE THEIR BEST INTERESTS CONSIDERED?

Issues relating to the possible return of children to their country of origin arise when a child, a family with children, or a parent of a child is identified by immigration authorities as being irregularly present on the territory of a member state. They can also come to the foreground when a child or family receives a final negative decision on an application for international protection, or a refusal of renewal or withdrawal of a residence permit.

The Return Directive addresses procedures and rights for those who are identified as irregularly present or 'illegally staying' within the meaning of the Return Directive,[92] and requires member states to either issue a residence permit or a return decision. Some EU member states have provisions which preclude children from being considered 'irregularly' residing or being removed and/or which provide grounds to regularise their status on the basis of their age.

When deciding on the entry, residence and/or return of third country nationals, including stateless persons pursuant to Article 1(1) of the 1954 Convention on the Status of Stateless Persons, member state authorities must do so in line with international human rights obligations, including, in particular, the principle of non-refoulement. Most notably, international law prohibits states from removing children from their jurisdiction when they would be at risk of torture, or other serious human rights violations in the place to which they are to be transferred or removed, or of further transfer to a third state where there would be a real risk of such violations.[93] When taking decisions, member states must also comply with the UN Convention on the Rights of the Child and the EU Charter of Fundamental Rights. In particular, as reflected in the Return Directive, member states will need to consider the best interests of the child – as a primary consideration – before taking any decision affecting them and when working to implement those decisions. The UN Committee on the rights of the child has made clear that considerations such as those relating to general migration control cannot override best interests considerations, and recommended that states implement this through law, policy and practice.[94]

These international law standards apply to both cases involving unaccompanied and separated children and children within families. In the case of families, member states need to consider the situation of each child when making decisions concerning the return of the family, including the return or removal of one parent. Member states must respect and protect the rights of the individual child within the family and their right to private and family life, and must also consider the safety of the child within the family.

As recognised, inter alia, in the EU Action Plan on unaccompanied minors (2010–2014), the EU Anti-Trafficking Directive and the Communication on the protection of children in migration, considering the best interests of the child in the case of migrant and refugee children means finding a durable solution for them. The concept of durable solutions has been traditionally used for refugees, but is applied here to all children, regardless of their status.

Durable solutions may involve settling and (further) integrating in the country of current residence, returning to and reintegrating in the country of origin, or moving to and integrating in a third country (e.g. for family reunification purposes). Consequently, the identification of a durable solution should be based on a comprehensive approach, after reviewing the different possible options to identify which would best safeguard the best interests of the individual child. One element of this approach may include utilising medium-term options (e.g. study permits to safeguard the child's interests with a view to a durable solution).[95]

[92] The Return Directive defines term 'illegal stay' as the presence on the territory of a member state, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that member state.

[93] Convention against Torture, Article 3; International Covenant on Civil and Political Rights, Article 7; General Comment No. 4 (2017) of the Committee against Torture on the implementation of Article 3 of the Convention in the context of Article 22, para. 29(o); Joint General Comment No. 22 of the Committee on the Rights of the Child, para. 45; Committee on the Rights of the Child, General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin, para. 27; Human Rights Committee, general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, para. 12.

[94] UN Committee on the Rights of the Child, General Comment No, 22, para. 33; UN Committee on the rights of the child, Report from the 2012 Day of General Discussion on the rights of children in the context of international migration, available at: http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2012/DGD2012ReportAndRecommendations.pdf. See also Principle 6, Guideline 6, Principles and Practical Guidance on the human rights protection of migrants in vulnerable situations (A/HRC/37/34/Add.1).

[95] UNHCR uses the term 'comprehensive solutions' to include short, mid-term and durable solutions.

IDENTIFYING AND IMPLEMENTING DURABLE SOLUTIONS: SUMMARY OVERVIEW

Member states should have procedures in place to identify durable solutions for a child based on a consideration of their best interests, whether they are within a family or as an unaccompanied or separated child. **See Section 1.**

Because the durable solution will have fundamental long-term consequences for the child, it should be based on a documented procedure to examine the best interests of the child. This is reaffirmed in the Communication on the protection of children in migration.[96] This guidance sets out a procedure for governments to identify a durable solution in the best interests of the child.

Formal and specific safeguards and procedures should be incorporated to ensure that the best interests of children are properly examined before any decision on return.

The extent of these procedures will depend on the complexity of the case. **See Section 1.**

If return is identified as best serving the child's best interests, specific and appropriate implementation measures should be in place. **See Section 2.**

In such cases, voluntary departure with assistance is always the preferred option.

Where voluntary departure does not occur, procedural and operational safeguards must be followed and ensured before deciding whether to proceed with removal, and during the operationalisation of such a decision. Depending on the child's individual situation, this may result in another period of voluntary departure or an alternative durable solution.

At all stages of the procedure, it should be possible for the child and/or family to avail themselves of pathways to regular status, including international protection procedures and other status determination procedures. It should also be possible for families to voluntarily return, including through voluntary return programmes.[97]

Rights-based and dignified return and sustainable reintegration are also best implemented through a sound programmatic framework ensuring a continuum of care for the returnee throughout all stages of the return and reintegration process. Relevant elements include the provision of adequate information on conditions in countries of origin prior to departure, appropriate transfer of care and custodial arrangements for unaccompanied and separated children, and return and reintegration assistance for all children and their families. **See Section 2.**

[97] European Commission, Communication from the Commission to the European Parliament and the Council: *The protection of children in migration*, 12 April 2017, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412_communication_on_the_protection_of_children_in_migration_en.pdf

[98] This should include a suspension of return or removal procedures to ensure that the family can participate in voluntary return programmes. The examination of the best interests of the child in the implementation of voluntary return programmes is not discussed in this guidance, however, many of the considerations in that process would be similar.

	Procedure	Design	Implementation
When immigration authorities: **Identify on the territory as Irregularly present** **or** **issue a final negative decision on an application for a residence permit (any grounds) to** **any child** **– whether unaccompanied, separated or with family –** **or a parent with a child on the territory** • Anyone claiming to be a child should be treated as such (unless and until – if necessary – a multi-disciplinary and non-invasive age assessment finds them to be an adult) • Child-friendly information	**Best interests procedure to find durable solution** • Aim to identify durable solution (consider all) • Formal, individual procedure examining all aspects of their situation • Independent and impartial • Multi-disciplinary (legal representative, guardian, child protection actors and others as needed) • Views of the child duly heard & considered throughout • Child-friendly information, counselling, support • Legal assistance • Documentation during the procedure (no enforcement actions against the child or family members) and access to services • Whichever durable solution, discussion and development of plan • Lead to reasoned, documented decision	**Local integration with secure status** or **Integration in another country** or **Return and (re-) integration** **Appeal** **Alternative durable solution**	**Voluntary departure with (re) integration assistance** • When return is found to be in the best interests of the child, the decision on how to return should be as consensual as possible, with support and counselling, and ensure the conditions of return as a durable solution in line with best interests are met (see doc). • If return during the agreed voluntary departure period does not take place **Review by bid decision-maker with procedural safeguards** • Why voluntary departure failed • Any changes to circumstances underlying decision return BID • Hear views of the child and other actors • Safeguards to proceed with removal **Removal with safeguards** • No detention • No force of physical restraints • No family separation • Support and assistance • Other measures (see doc)

Access to residence schemes (including international protection procedures) always possible

Access to voluntary return and reintegration programmes always possible

1. Identifying durable solutions: the best interests procedure

A documented, individual and robust procedure to examine the best interests of the child must precede and inform any decision to issue a return decision/order to leave the territory for an unaccompanied or separated child or family with children. The procedure therefore applies to situations where immigration authorities identify on the territory as irregularly present, or issue a final negative decision on an application for a residence permit (on any grounds, including international protection) to any child – whether unaccompanied, separated or with family – or a parent with a child on the territory.[98]

- Anyone claiming to be a child should be the subject of such a procedure, unless and until – if necessary, and in line with international standards – a multi-disciplinary and non-invasive age assessment finds them to be an adult.
- The child and family should be immediately provided with information about the procedure, in a language they can understand.
- The procedure should begin without delay.
- The procedure must also be implemented in decisions that could lead to the return or removal of one of the child's caregivers, as removal of a parent may amount to arbitrary or unlawful interference with the child's family life.[99]
- Return decisions/orders to leave the territory already issued without an examination of a child's best interests should be reviewed, at the latest before initiating any removal procedures/issuing a removal order.

This section addresses:

1.1 Designing the procedure

1.2 Factors to be considered in the procedure

1.3 Potential outcomes of the procedure

1.1 DESIGNING THE PROCEDURE

Member states should ensure that all national asylum and immigration proceedings include, or are informed by, a procedure for examining the best interests of any child involved. Where the best interests of the child as they relate to a claim for international protection have been examined, and the claim fails, the best interests of the child more broadly remain to be examined.

The ultimate purpose of examining the child's best interests should be to ensure the full and effective enjoyment of the rights recognised in the UN CRC, notably their safety, including respect for the principle of non-refoulement, and the holistic development of the child. This involves considering the various elements that are relevant for the child's best interests and, if necessary, balancing them against each other to find the appropriate outcome with regards to the purpose of the procedure.[100]

Considerations for all children:

Best interests as a primary consideration

- The best interests of any child involved must be a primary consideration in any decision.
- Where there is a conflict (between the best interests of the child and the interests of other children, family members or the public), authorities and decision-makers have to analyse and weigh the rights of all those concerned, bearing in mind that the right of the child to have their best interests taken as a primary consideration means that the child's interests have high priority and are not just one of several considerations. Therefore, a larger weight must be

[98] This guidance has been developed considering procedures for children anywhere on the territory of a state, including hotspots and detention centres, and, where applicable (but not exclusively), where the Return Directive is being implemented. Much is equally relevant in border procedures, which may result in children being refused access to the territory without a return decision being issued per se, but further adaptation to the practical situation and legal framework in operation at physical border entry points is required and not the specific focus of this document.

[99] See e.g. paras 28–29, Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return.

[100] See Committee on the Rights of the Child, General Comment No. 14, paras. 48–51 and 80–84.

attached to what serves the child's best interests. Considerations such as those relating to general migration control cannot override best-interests considerations.

- To decide what is in the best interests of the child requires a systematic consideration of the individual circumstances of the child – unaccompanied, separated or within families, including age, sex, level of maturity, whether the child belongs to a minority group, disability, and the social and cultural context in which the child or children find themselves.[101]

- It entails considering the situation of the child as a whole, including the identity of the child, preservation of the family environment, care, protection and safety of the child; the child's situation of vulnerability; and the child's rights to health and education. More on the elements to be considered can be found below – see Section 1.2.

- It entails considering which durable solution is in line with the child's best interests. The durable solution may lie in the country carrying out the assessment, the country of origin or a third country. Possibilities to access a residence status and/or reunite with family members in the country where the child is present, a third country, or the country of origin, must be considered and provided as appropriate in accordance with the best interests of the individual child.

- When in the course of the procedure to determine the best interests of the child, the child or family expresses a wish to apply, or information emerges that indicates that the child or family might be eligible for international protection or resolution of status on other grounds as provided for by national law, the actors carrying out the procedure shall ensure appropriate referral.

- A documented procedure is a prerequisite for making significant decisions that will have a fundamental impact on a child's development.

- The best interests procedure must be carried out in a multidisciplinary way by trained actors. The range of actors and the nature of the steps involved will vary depending on the complexity of the case.

- Actors involved in the decision-making shall not be limited to immigration authorities, even if they have received specific training on children's rights and child-friendly procedures. Within the framework of the national protection system, child rights and protection actors should always be involved in the procedure, as well as the guardian in the case of unaccompanied and separated children.

- The process must take account of the views of the child, the child's parents/caregivers, the child or family's legal advisor, the guardian for unaccompanied and separated children, and any other relevant expert(s) as may be appropriate.

- Factors to consider are explored further in Section 1.2 below, and require the actors carrying out the procedure to carry out proactive efforts to gather information, as well as through discussion with the child, parents, guardian and legal representative.

Views of the child should be heard throughout

- The views of the child should be heard throughout the process – through interviews and consultations with the child by trained professionals – and properly taken into account in determining the child's best interests. The degree to which the child is heard and listened to will not only ensure a more well-rounded and sustainable decision with respect to the child, but will also potentially empower the child in taking ownership of their future development into adulthood.[102]

- Consideration of the child's views should include ongoing child-friendly information and appropriate counselling and support through discussions with the child on options, concerns, needs and understanding of the process and outcomes.

- States should ensure that free quality legal advice and representation are made available to children

[101] See Committee on the Rights of the Child, General Comment No. 14, para. 48; and General Comment No. 22, para. 31.

[102] UNICEF/ UNHCR, *Safe and Sound: what states can do to ensure respect for the best interests of unaccompanied and separated children in Europe*, 2014, p.31, available at: http://www.refworld.org/docid/5423da264.html

at all stages of the procedure (including any appeals) and that immigration authorities, lawyers and judges involved receive specific training on child rights and child-friendly interviewing.

- Determining what durable solution is in the best interests of the child should include discussion with the child and/or family of their options. This requires that children and families receive advance notice of meetings and have access to legal counselling/representation and to an interpreter, as well as access to the documentation considered by the actors conducting the procedure when this does not undermine child protection.

- Whether settlement, return or moving to another country are being considered, possibilities, available support and (re)integration plans should be contemplated, discussed and developed with the child and family. The plan should include targeted and longer-term measures relating to schooling, training and employment opportunities, access to appropriate health care, family life, accommodation, effective access to justice, protection against all forms of violence, care and (re)introduction into the community.[103]

- The procedure to determine the best interests of the child should be documented, and lead to a fully reasoned, written decision that is liable to review. Factors to consider are explored further below in Section 1.2.

- The decision should identify the best interests of the child, the durable solution required and how it should be implemented. The decision should be made in an independent and impartial way. Decision-making should involve actors with necessary experience in child protection and rights, and no potential conflicts of interest with the protection of the child's rights.

- Depending on the national context, the actor primarily responsible, as well as the nature of the decision, will vary, but the decision must result in the necessary steps to implement the identified durable solution for the child.

- The right to appeal (access to an appeals/review mechanism) a decision with suspensive effect in front of an independent body must be ensured, with continued quality, free legal assistance and representation. Access to effective judicial remedies must also be ensured.

Status and basic needs of the child during the procedure

- At no point should children ever be detained for immigration-related purposes, irrespective of their migration status or that of their parents. Detention is never in their best interests. Where needed, appropriate care and accommodation arrangements that enable children and families to live together in communities should be implemented.

- Children should not be separated from their parents during the procedure, through the detention or removal of a parent.

- Children and families should be provided with documentation indicating they are in an ongoing procedure and not subject to apprehension.

- Children should be ensured access to education, health care and other services.

Additional safeguards for unaccompanied and separated children:

An independent and qualified guardian with the necessary expertise and training to ensure that the best interests of the child are taken into consideration shall assist the child. To that end, the guardian shall be involved in the procedure to find a durable solution for the child in their best interests.

Additional safeguards for children with their families:

In keeping with the principles of family unity and the best interests of the child, families should be kept together unless the child's safety would be at risk. This includes implementing alternatives to detention for the whole family and protecting parents from removal while the procedure is ongoing.

[103] For more information see *European Commission, Comparative Study on Practices in the Field of Return of Minors*, December 2011, p. 187, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/legal-migration/pdf/general/return_of_children-final.pdf

1.2. FACTORS TO BE CONSIDERED IN THE PROCEDURE

Considerations for all children:

- During the course of the process, in-depth information should be accumulated about the child and where the child will have a safe and protective environment, which will enable the child to fulfil their needs and rights, and develop into adulthood. Elements such as gender specificities, disability, belonging to a minority/ethnic group, as well as other personal characteristics which can lead to discrimination or particular needs or risks, should also be taken into account.

- The procedure should incorporate consideration of the child's individual needs, the child's views, how to support their development and survival, the family situation, the child's level of integration in the country of residence (e.g. the length of residence, social network, their language skills, enrolment in school, vocational training, etc.), the duration of the child's absence from their country of origin, the child's nationality or lack of nationality, the child's right to preserve their identity, appropriate care arrangements, plans for the child's sustainable return and reintegration in line with UN CRC General Comments No. 6 and 14. It also requires assessing the risk of irreparable harm to the child should he/she be returned, in line with states' non-refoulement obligations.[104]

- Return cannot be justified as in the best interests of the child on the basis of family unity only (e.g. because it would return an unaccompanied or separated child to their parent(s) in the country of origin or because the parent(s) has an order to leave the territory), without a proper examination of the individual child's best interests in a documented process.

- The child's nationality is an important consideration as it can affect the prospects of them moving to another country, particularly if stateless. The child may have come to Europe as a stateless person or may have been born stateless in Europe. It is possible that stateless children have not been identified as such in the course of the various immigration procedures.[105] They may be erroneously registered as nationals of their country of origin or as persons of 'undetermined nationality' or similar category. A child's lack of nationality is likely to render their return to the country of origin impossible. In addition, children who were born stateless in Europe may be entitled to acquire the nationality of the country of birth, as per article 7(2) of the CRC. Stateless children who migrated to the EU should be able to enjoy their basic rights as per the 1954 Convention relating to the Status of Stateless Persons.

Additional considerations for unaccompanied and separated children:

- When the child is unaccompanied or separated, there must be care and custodial arrangements in place upon return that are adequate and appropriate for the individual child.

- Where family has been traced, to decide whether family reunification is in the child's best interests, it is necessary for child protection actors to assess, whenever possible through a family assessment, whether the family is willing and able to receive the child and provide suitable immediate and long-term care, and take into account both the child's and the family's views on reunification. Family tracing should only be done by qualified actors and following a best interests assessment to ensure restoring contact would not be contrary to a child's best interests.

- Where tracing is unsuccessful or where family reunification is found not to be in the child's best interests, the procedure must consider the quality and suitability of alternative care[106] arrangements both in the short and mid-longer term. Return should not cause children to become homeless. Community-based care solutions should be prioritised. The use of residential care should be limited to cases where such a setting is specifically

[104] Committee on the Rights of the Child, General Comment No. 6, para. 27; and General Comment no. 22, para. 46.

[105] This is also acknowledged by the European Commission in the Communication on the protection of children in migration of April 2017, which states that '[c]hildren who are stateless, due for example to birth to stateless parents or due to gender discrimination in nationality laws in their mother's country of nationality, may be difficult to identify as such, and hence delay their status determination in the European Union.'

[106] As set out in the EC COM (2017) 211 on the Protection of children in migration: 'Everything possible must be done to ensure the availability and accessibility of suitable and safe reception conditions. Suitable options could include, for unaccompanied children in particular, placement with adult relatives or a foster family, accommodation centres with special provision for children or other suitable accommodation, such as closely supervised open reception centres designed to ensure the protection of children, or small scale independent living arrangements for older children.'

[107] For more information on alternative care of children, including definition of alternative care, standards and criteria for determining the suitability of residential case, see UN General Assembly, *Guidelines for the Alternative Care of Children*, Resolution A/RES/64/142, in particular paras 21, 23, 29 and 123, available at: http://bettercarenetwork.org/sites/default/files/Guidelines%20for%20the%20Alternative%20Care%20of%20Children%20-%20English.pdf

appropriate, necessary and constructive for the child concerned and in their best interests.[107] Large residential care facilities (institutions) are not an adequate care arrangement for children.

- Where family tracing was found to be in the child's best interests but was not successful during the initial process, authorities should support children that wish family tracing efforts to continue, while taking into account the child's best interests.

As noted above, actors carrying out the procedure should make proactive efforts to gather information. This should include a social assessment in the country of residence and country of origin, conducted by qualified and impartial agencies. As examples, in the case of any child, it may require expertise on specific medical issues or expertise on the situation of children in the country of origin, such as conditions for accessing education and health services, or risks of discrimination, violence or detention of family members on return. In the case of an unaccompanied child, this may require a family assessment in a third country.[108] Child-specific country of origin information is crucial.

1.3. OUTCOMES OF THE PROCEDURE

- When, as a result of the procedure to determine a child's best interests, a decision is taken that local integration/settlement is in the child's best interests, the child should be provided with a secure, long-term/settled residence status and families kept together in the country of residence (unless there are safety/child protection concerns related to the family). Family unity should be a primary consideration and parents should not be removed without their children.

- When a decision is taken to return and reintegrate the child in the country of origin based on the child's best interests, or reunification with family is found to be in the best interests of the child, an individual plan for the child's sustainable (re)integration should be discussed, developed and implemented together with the child and/or family. This should include any necessary assistance to ensure that the conditions upon which return or moving to a third country was identified as a durable solution will be met in practice. Continued assistance from the child or family's legal advisor and/or guardian should be ensured.

2. Implementation of a return decision in the best interests of the child

If return is identified as serving the child's best interests, specific and appropriate implementation measures should be in place. This section addresses voluntary departure (2.1 below) and essential safeguards before proceeding with removal if voluntary departure does not occur (2.2 below).

2.1. VOLUNTARY DEPARTURE

Once a decision is taken that return is in the best interests of the child, the decision should be implemented through arranging a voluntary departure, with appropriate assistance to ensure that the conditions identified as making return the durable solution in the best interests of the child are met. Programmatic frameworks aiming at creating a continuum of care should be developed to support effective implementation while specifically taking into account the following.

Considerations for all children:

- Every child and family member should be given enough time and support to prepare themselves for return. This includes accurate information on options and processes, as well as possibilities to receive psychosocial counselling and other support (the range of support provided to children and families participating in voluntary return and reintegration programmes should be available) in a language that all family members understand.

[108] IOM, *Procedures and Good Practices on Family Assessment and Assisted Voluntary Return and Reintegration for Unaccompanied Minors*, 2014.

- Children should be ensured access to free, quality, legal representation at all stages of the return process. Effective remedies, including effective access to appeal procedures with suspensive effect and judicial remedies, should be available.

- The individual (re)integration plan should be discussed with the child, family and guardian prior to the return/move.

- Voluntary departure periods should be set in a way that enable children to complete the school year, as per the *Return Handbook*,[109] and ensure school certification is received, as well as all other relevant documentation (health records, birth certification etc.), and otherwise adequate time is given to prepare mentally and physically (i.e. pack belongings, etc.). Birth registration and certification should be facilitated in case the child's birth has not been registered previously.

- Actors implementing voluntary departure processes involving children should be trained and qualified and have knowledge about children's rights and the general situation of children in the country of origin; this information could be derived from child-specific country of origin information reports.

- Relevant agencies in the country from which the child or family departs should collaborate with relevant agencies in the country of origin, including child protection and social welfare authorities and civil society organisations, to confirm that any stipulated return and reintegration conditions and assistance are ready and in place. **This must include:**

- Immediate access to appropriate accommodation, support for basic needs and health care, including psychosocial care where needed and other public services as relevant in the country of return.

- Following and adapting as necessary the individual care plan for the child's sustainable reintegration: support for swift school enrolment, financial and social support, targeted measures to protect the child against all forms of violence and to ensure access to justice.

- Adequate reception, care and reintegration measures can be facilitated through the development of transnational mechanisms[110] between the EU and third countries, which focus in particular on cooperation between child rights and protection actors on issues such as restoring family contacts, transferring custodial responsibility and exploring return and reintegration where it is in the best interests of the child.

- Children should be ensured appropriate care and accommodation as well as access to public services, including health care, at all times during the return procedure.

- Returning and receiving states should respectively establish independent mechanisms to monitor the situation of the child for a given period upon return (good practice suggests at least one year).

- Entry bans should not be imposed on children and accompanying adult family members.

Additional safeguards in cases of unaccompanied children

- The child's guardian should be fully involved in assisting the child during the return process.

- In cases of family reunification, processes to promote restoring family links prior to return should continue to be fostered.

- Care and custodial arrangements, considered in the best interests procedure and return decision as necessary for return in the best interests of the child, should be confirmed and arranged in advance.

- Formal procedures have to be in place to transfer care and custodial responsibilities of the child to the person or authority exercising such responsibilities in the country of return, including family members.

- The guardian or another actor chosen by the child should accompany the child to the destination and ensure adequate handover/

[109] *Return Handbook*, p. 35.

[110] See for example the TACT Project model https://www.iomfrance.org/tact/

transfer of custodial responsibility. Arrangements should be made to receive the child at the airport or at the final destination, including by the parent(s)/family where possible.

2.2. ESSENTIAL SAFEGUARDS BEFORE PROCEEDING WITH REMOVAL IF VOLUNTARY DEPARTURE DOES NOT OCCUR

The Return Directive foresees removal as an option in cases where voluntary departure has not occurred within the set time period. **In such cases, the following procedural and operational safeguards must be in place and followed:**

- Where a voluntary departure has not occurred in the set time period, in relation to the return of a child or a family with children, a decision concerning next steps should be taken by the body who undertook the best interests' procedure leading to the return decision, through a documented procedure.

- Taking into account the individual circumstances of the child concerned, the body will consider:

- Whether a new period for voluntary departure should be set.

- If any changes in the circumstances underlying the decision that return is a durable solution in the child's best interests have occurred; undertaking any additional information-gathering required to identify and assess those changes – including, as regards the sustainability of return, the well-being of the child and actual availability of stipulated conditions. Where it appears that return is no longer in the best interests of the child, a different durable solution should be identified, prioritising the best interests of the child.

- Whether to proceed with removal – as a measure of last resort and with all the necessary safeguards listed in the next section.

- In order to take a decision on which of the above next steps is appropriate, the body will:

- **Consider** why the voluntary departure did not take place;

- **Hear** and take into due consideration the views of the child in accordance with their age and maturity, the family and other relevant actors, including the legal representative, and the guardian in the case of unaccompanied children;

- **Assess** whether the safeguards and measures necessary to proceed with removal – in order that return remains the durable solution in the best interests of the child – are in place.

- Any decision concerning the return of a child should be reasoned and documented, including the decision to proceed with removal where voluntary departure cannot be carried out, regardless of the reason for the voluntary departure not occurring in the set time period.

- If voluntary departure is not possible due to inability, even with assistance, to acquire necessary travel documentation, an alternative durable solution will likely be necessary.

- Children and their family members should be provided information in a language they understand.

- In the event of a removal being ordered, measures to ensure that relevant safeguards are met must be taken, including appropriate support and assistance.

- Effective access to free, quality legal assistance and representation throughout the above-mentioned procedures and an effective remedy with suspensive effect, as well as access to a judicial remedy, should be available.

- Entry bans should not be imposed on children (this is in line with the Return Directive because Article 11 should read in conjunction with Article 5).

Operational safeguards

There are numerous reports of human rights violations, including arbitrary or child detention, and violence, during the course of removals. An enforced return, in which the child or the family does not voluntarily participate, is likely to be experienced by the child in a harmful way. Therefore, for removal to be carried out in a way where return remains a durable solution in the best interests of the child, all possible measures that prevent child rights violations and can reduce harm to children must be taken. Essential measures include the following:

- Authorities implementing removal processes involving children should be trained and have knowledge about children's rights and the general situation of children in the country of origin.

- Clear information on the removal decision and all practical arrangements should be provided to children and their families.

- Best efforts should be made to schedule removals in consultation with children and their families. In case the school year is ongoing, or documentation was not acquired during the voluntary departure period, ensure the school year is completed and school certification as well as other relevant documentation is received (health records, birth certification etc.). Until the date of the removal, children should be ensured access to public services, including education, health care and psychosocial counselling.

- Any stipulated return and reintegration conditions and assistance should be confirmed as ready and in place, with relevant agencies in the country of origin, including child protection authorities and civil society organisations. **This must include:**

- Immediate access to appropriate accommodation, support for basic needs and health care, including psychosocial care where needed.

- Following and adapting as necessary the individual care plan for the child's sustainable reintegration: support for swift school enrolment, financial and social support, targeted measures to protect the child against all forms of violence and to ensure access to justice.

- Removals should not involve dawn raids, or interventions at or near educational, health, shelter, religious or other premises.[111]

- Removal procedures should afford children and their families adequate time to physically prepare their departure and journey.

- Removal should not involve the use of force or physical restraints in relation to children and their family members. Children should not witness the use of force or physical restraints against other adults.

- Removal should not involve family separation at any point during the process.

- Children and families shall not be detained or separated from their parents by immigration detention at any point during the process due to their status or that of their parents. Non-custodial community-based alternatives should be used for the whole family.[112]

- Escorts in removal procedures should be in civilian clothing and identifiable and trained in child protection.

- A well-equipped medical professional should be present and identifiable at all times during removals.

- Independent monitoring should be in place throughout removal operations.

- Complaints mechanisms should be in place and all allegations of human rights violations during removal processes should be promptly and impartially investigated. Effective remedies shall be available for those violations.

- Arrangements should be made for independent monitoring of the situation of the child in the country of origin for a given period (good practice suggests at least one year).

[111] As per guidance of the EU Fundamental Rights Agency ('Apprehension of migrants in an irregular situation – fundamental rights considerations'), also in the *Return Handbook*, the European Commission against Racism and Intolerance (ECRI) (General Policy Recommendation No. 16), and others.

[112] For more information see: UNHCR, UNHCR's position regarding the detention of refugee and migrant children in the migration context, January 2017, available at: http://www.refworld.org/docid/5885c2434.html and Options Paper 1: *Options for governments on care arrangements and alternatives to detention for children and families*, 2015, available at: http://www.refworld.org/docid/5523e8d94.html; International Detention Coalition, *Captured Childhood: Introducing a new model to ensure the rights and liberty of refugee, asylum seeker and Irregular migrant children affected by Immigration detention*, 2012, available at: http://www.refworld.org/docid/510a604c2.html; and UNHCR, Options Paper 1: *Options for governments on care arrangements and alternatives to detention for children and families*, 2015, available at: http://www.refworld.org/docid/5523e8d94.html.

3. Children's data: use of personal data of children in return procedures

Further developing EU information systems, including looking at interoperability and systematic exchange of information, form a key part of the developing EU returns policy.[113] The main information systems concerned[114] are EURODAC, the Schengen Information System II (SIS II), the Visa Information System (VIS), the Entry-Exit System (EES), and the (forthcoming) European Travel Information and Authorisation System (ETIAS). Several of these information systems include children's personal data.

The registration of children can, if accompanied by appropriate measures on collection, use and retention of, and access to, personal data, have a positive impact on child protection outcomes, including by supporting authorities to trace unaccompanied children when they go missing or disengage from services with a view to assessing their whereabouts and safety.

- The collection, use, retention of, and access to personal data must be undertaken in full compliance with data protection legislation and standards, the principles of legitimate purpose, necessity and proportionality.

- As with all actions concerning children, the principle of the best interests of the child should always be a primary consideration in the collection and use of the biometric and other personal data of children.

- In this context, any mental and physical coercion, and any use of force, must be avoided in all instances. This was also highlighted by the European Data Protection Supervisor (EDPS) in the context of the proposed reform of the Eurodac Regulation, which observed that using coercive measures to obtain fingerprints and facial images raises concerns in terms of human dignity and constitutes an interference with the right to privacy since it has a direct impact on the integrity of the body.[115] Compliance with the obligation to provide biometric and personal data should instead be primarily obtained through provision of information and effective counselling.

- Age-appropriate techniques must be employed to help children understand the purpose of collecting biometric data.

- Due diligence should be exercised regarding safeguards in the development and implementation of data systems, and in the sharing of data between authorities and/or countries. Only law enforcement personnel charged with identifying and protecting missing children and victims of trafficking should have access to children's personal data collected for migration governance, registration and protection; this data should not be used to detect irregular migrants and enforce returns.

- A 'firewall' should be in place to prohibit the sharing and use for immigration enforcement of the personal data collected for other purposes, such as protection, remedy, civil registration and access to services. This is necessary to uphold data protection principles and protect the rights of the child, as stipulated in the UN CRC.[116]

[113] See supra, note 1.

[114] The European Criminal Record Information System (ECRIS) will also be relevant if it includes criminal records of third-country nationals, as proposed by the European Commission in June 2017.

[115] European Data Protection Supervisor, 'Opinion on the First reform package of the Common European Asylum System', 21 September 2016, p. 14, available at: https://edps.europa.eu/sites/edp/files/publication/16-09-21_ceas_opinion_en.pdf; see also Joint Statement: 'Coercion of children to obtain fingerprints and facial images is never acceptable', 28 February 2018, available at: https://www.savethechildren.net/sites/default/files/Joint%20statement%20Coercion%20EURODAC.pdf.

[116] Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, 16 November 2017, para 17, available at: https://www.refworld.org/docid/5a1293a24.html

4. Ageing out. Protection needs do not end on a child's 18th birthday.

The transition into adulthood is a period of identity formation and emotional development, which does not take place overnight when turning 18 years old. It can be a vulnerable period of development for any young person, even those without uncertainties over the migration status.

Furthermore, current practice frequently dictates that protection on the basis of children's rights ends at 18 years of age. For children in migration, particularly those who have been provided with temporary protection until 18, those whose applications for international protection are still pending, and those irregularly residing on EU territory; this can result in a significant loss of rights. From one day to the other, a child goes from being a child with a set of associated rights, to an adult, which in practice may mean losing their right to access education, losing their permit to stay, and being subject to detention and removal. For children in care, this can mean losing their accommodation and support services.

This transition can leave the young person even more vulnerable than when they were under 18. Knowing that they will face this uncertain and precarious situation on turning 18 also negatively impacts the children's well-being while they are children, during this important period of psychosocial development.

A number of measures should be taken, both to limit the challenges that young people face during this transitional period, and to provide them with necessary support.

- If it is found that it is in the best interests of a child to remain and settle in the country of residence, they should be provided a secure, long-term or 'settled' residence status.

- If the child turns 18 during the course of the procedure, the procedure must be completed with the same safeguards, and the durable solution found to be in the best interests of the child, implemented according to the procedure set out.

- The period of coming of age should be acknowledged and addressed through the extension of some safeguards and services. Support services should not abruptly end but foresee a transitional period of 'after-care', with practitioners trained to deal with youth. This transitional period must begin after the child turns 18 years old and cannot be used to curtail safeguards, care and services for children before they turn 18, as is occurring in some countries.

- Young people should continue to be provided with timely information about their status and options, in a language they can actually understand, as well as free, quality legal counselling.

- In cases where children have only been granted a temporary residence status, states should ensure that the status enables young people to complete any ongoing education or training, and there are clear and accessible options to easily transition into another status. The status should not abruptly end at age 18.

- States should provide avenues for young adults to continue residence, or apply for different residence or work permits on grounds such as length of residence, family and social links, level of integration, educational enrolment, employment, etc. This should go beyond standard work and study permit schemes, which are unattainable for many young migrants who have had limited education, in recognition of their residence and integration in the country and potential vulnerabilities at this time.

DURABLE SOLUTIONS FOR CHILDREN

Save the Children