

Placement of legal guardians for unaccompanied minor refugees in Berlin

by

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Abstract

This paper focuses on formal and procedural aspects of the refugee crisis and inquires how the public administration in Germany can better cope with integrating unaccompanied minor refugees in particular.

According to estimates of the Federal Association for Unaccompanied Minor Refugees, BUMF, in early 2015 approximately 250,000 underage refugees were living in Germany of which according to recent estimates in August 2016, approximately 64,000 were unaccompanied including 51,000 minors and 13,000 that had just turned major (a decline by about 5,000 in comparison to the beginning of 2016). In Berlin, at the beginning of 2016 there were about 4,020 unaccompanied minors receiving youth welfare assistance in some way; by April 2016 they were 3,804. The public administration of the German capital has currently great difficulties to adequately accommodate unaccompanied minors in youth welfare centres and to ensure that they receive adequate care, adequate health care and immediate access to the education system.

After receiving primary care underage refugees face the bottleneck of legal procedures surrounding the process of appointing a legal guardianship. This is a prerequisite for the legal representation during residence and asylum procedures, ideally the legal mandate should be secured by an individual volunteer guardian and only as a last resort provided by a guardianship by civil servants or an institution. Since the group of minors probably bring the greatest potential for integration and the best educational opportunities compared to older refugees, the rapid appointment of (volunteer) guardianships for unaccompanied minors is a particular challenge. As present routines and rules fail to effectively administer the large number of unaccompanied minor refugees and to appoint guardianships for them the introduction of standards as well as the coordination of the key actors is much needed.

Against this background the paper gives an overview of the applicable EU Directives, their transposition and implementation in to German Law as well as other regulations of German law and binding, legal guidelines. It then analyses both the legal procedural prerequisites and the actual implementation of procedures and in this context identifies the most relevant areas for practice as well as the crucial problems hampering the process. Finally, possible solutions are highlighted and policy recommendations proposed.

* The author would like to thank Tuba Kacar, for background research and valuable input that contributed to this paper.

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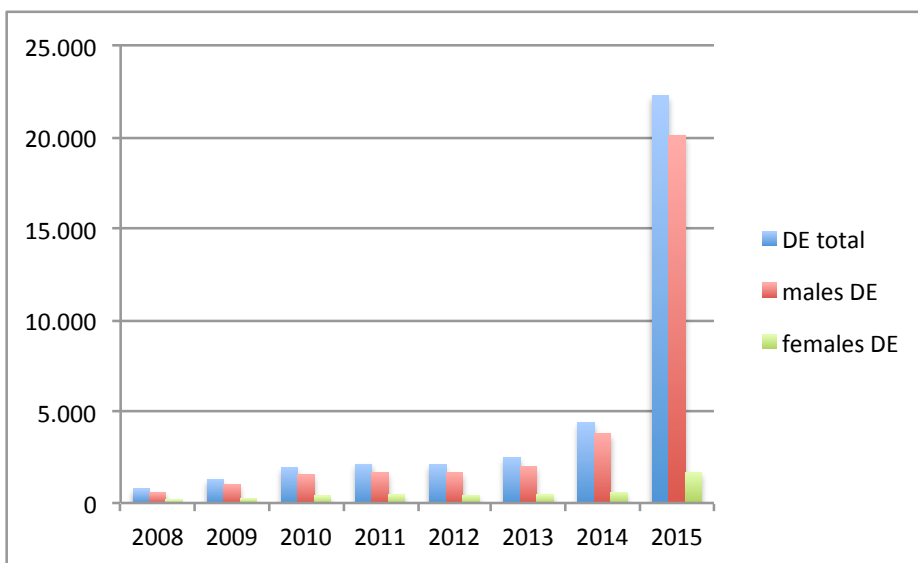
- 1. Introduction**
- 2. Background and problem description**
 - a) Status quo of unaccompanied minors and administrative practice in Berlin in 2016
 - b) Legal regulations applicable
- 3. The Common European Asylum System (CEAS) and the development of EU law**
- 4. EU law regulating protection of third-country nationals or stateless persons**
- 5. Specific (legal) problems in dealing with unaccompanied minors in Germany**
 - a) Filing of asylum applications for/by unaccompanied minors
 - b) Requirements of qualified legal representation for unaccompanied minor refugees
 - c) **Age of majority** majority of unaccompanied minors and duration of guardianship
- 6. Situation in Berlin**
 - a) Legal framework
 - b) Practical Implementation
- 7. Deficits and areas for improvement of the conditions of unaccompanied minor refugees**
 - a) Long processing times
 - b) Coordination
 - c) Heterogeneity of the group of volunteer guardians
 - d) Inclusion of the minors and their comprehensive information
- 8. Outlook – Overview of necessary measures to improve structures**
 - a) Procedure and coordination
 - b) Long-term improvement of the situation of unaccompanied refugee minors
 - c) Standards for counselling and guidance program

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1. Introduction

According to estimates of the Federal Association for Unaccompanied Minor Refugees, BUMF, in early 2015 approximately 250,000 underage refugees were living in Germany of which according to recent estimates in August 2016, approximately 64,000 were unaccompanied including 51,000 minors and 13,000 that had just turned major (a decline by about 5,000 in comparison to the beginning of 2016).¹ In Berlin, at the beginning of 2016 there were about 4,020 unaccompanied minors receiving youth welfare assistance in some way; by April 2016 they were 3,804.² Since the group of minors probably bring the greatest potential for integration and the best educational opportunities compared to older refugees, the rapid appointment of (volunteer) guardianships for unaccompanied minors provides a particular challenge. Only in this way, with a meaningful accompaniment, a seamless integration of this particularly vulnerable group can be guaranteed as they are in the midst of asylum application procedures.

Figure: 1 Filing of asylum applications by unaccompanied minor refugees in DE



Looking at the number of asylum applications of refugees considered to be unaccompanied minors between 2008 and 2015 in Figure 1 gives an idea of the dynamic of the refugee crisis in Germany over the past years. Furthermore, the differentiation according to sexes shows that the vast majority of unaccompanied minors are male.

Source: Eurostat

This paper discusses legal and procedural aspects of the refugee crisis. It inquires how the public administration can better cope with integrating unaccompanied minor refugees in particular. In this regard their legal representation through the assignment of volunteer guardians is in the focus.

2. Background and problem description

a) Status quo of unaccompanied minors and administrative practice in Berlin in 2016

In Berlin there are currently great difficulties to – as required by the law – adequately accommodate unaccompanied minors in youth welfare centres and to ensure that they receive adequate care, adequate health care and immediate access to the education system. After receiving primary care underage refugees face the bottleneck of legal procedures surrounding the process of appointing a legal guardianship. This is a prerequisite for the legal representation during residence and asylum procedures, ideally the legal mandate should be secured by an individual volunteer guardian and only as a last resort provided by a guardianship by civil servants or an institution. The mere distribution of unaccompanied minor refugees according to a specific sharing principle (“Königstein key”) will not solve this problem; on the contrary it will necessitate a massive expansion of infrastructure.

¹ Press Release BUMF “Auswertung Bestandszahlen vom 23.08.2016: Unbegleitete junge Flüchtlinge in der Jugendhilfe”, 23. August 2016; <http://www.b-umf.de/de/publikationen/pressemitteilungen>

² Bundestagsdrucksache 18/7621 und www.lvr.de; overview compiled by BUMF accessible at <http://www.b-umf.de/de/themen/umverteilung>

In January 2016, 7,908 minor refugees lived in Berlin in refugee shelters, 2,994 of which were children under six years old. The aim of the Berlin public administration is to avoid that minors stay in hostels or youth pensions as much as possible and to relocate those affected in youth welfare institutions where the conditions for children and young people are much more suitable. The procedure in which it is established whether the redistribution to another federal state may take place, what circumstances have led to the taking into care and placement, to what extent youth services are required, the so-called Clearing Procedure, at this time in Berlin has a waiting period from 9 months and up to 12 months. During this period, some of the minors and children are accommodated in shelters that are not adequate for minors; they do not receive education and are left to themselves daily for extended periods of time. As a result of this setting, risks of problems such as frustration, depression, juvenile delinquency etc. are significantly increased.

b) Legal regulations applicable

With regard to the situation of unaccompanied minor refugees and the appointment of (individual) guardianship in Berlin and Brandenburg both EU law in the form of both Directives and Regulations as well as national German law applies with implementation being strongly influenced by administrative practice of the local authorities.

The Common European Asylum System (CEAS), one of the cornerstones of a common asylum policy, intends to ensure that the rights of refugees under international law are protected in its Member States. The system sets out minimum standards and procedures for asylum applications, including the special treatment of unaccompanied minors. However, many Member States have not properly implement these standards. EU law sets common, binding standards for the situation of unaccompanied minor refugees in all Member States on the one hand side by Regulations and on the other hand by Directives. While the former become concurrently enforceable as law in all Member States in the case of the latter transposition into national law and implementation is left to the national in this case German legislator. Despite the hierarchy of legal sources requiring European Directives to be transposed into national law in some cases failure of the national legislator to do so within the implementation period led to a direct applicability of the concerning Directives.³

3. The Common European Asylum System (CEAS) and the development of EU law

With the framing of the so-called Common European Asylum System (CEAS) the European Council in Tampere in October 1999 marked the development of a common EU policy that set in since the mid-1990s. In order to provide comprehensive norms for protection under the Geneva Convention 1951 for all Member States EU policy makers agreed on a set of principles and rules to harmonise approaches and regulations in the field of asylum policy. These included not only common definitions of a refugee, common status determination procedures and reception conditions, but also legislation on third-country nationals, a common readmission policy as well as harmonised sanctions on human traffickers and smugglers.

In the 2005 Hague Programme⁴, the development of a common asylum system was one of the ten priorities, set for the EU policy of the next five years. Although, the level of harmonisation and application of common standards envisaged was not reached within this five-year deadline⁵ important progress was made: In the course of this development EU asylum politics shifted from intergovernmental to supranational with the right of legislative initiative being since 2004 with the European Commission, reducing the role and influence of national governments in the design of

³ Haratsch, Andreas, Koenig, Christian, Pechstein, Matthias, "Europarecht"; margin number 341; Tübingen 2010.

⁴ Collett, E., "Beyond Stockholm: overcoming the inconsistencies of immigration Police" EPC Working Paper No. 32, p. 12, 2009.

⁵ Jahn/Maurer/Oetzmann/Riesch: "Aysl- und Migrationspolitik der EU", Berlin 2016.

new policies and legislative instruments accordingly.⁶ Furthermore, since January 2005⁷ asylum policy is decided by qualified majority voting and the co-decision procedure applies making it easier and quicker to arrive at decisions as well as to implement them.

In 2009 the reform Treaty of Lisbon framed the EU measures on asylum into a common EU Asylum Policy directed to the establishment of a common asylum system including a uniform status and uniform procedures with Articles 67 II and 78 of the Treaty on the Functioning of the European Union and Art. 18 of the EU Charter of Fundamental Rights as its legal basis. The right for the initiative for strategic guidelines which are decisive for legislation and operative implementation is now explicitly set in Art. 68 TFEU.⁸ The Hague Programme was subsequently replaced by the Stockholm Programme in 2010⁹ and the Post-Stockholm-Programme in 2015¹⁰. While the priority of the Stockholm Programme was to bring CEAS more in the direction of a fair and efficient common asylum system across the European Union, the Post-Stockholm-Programme was already enshrined under the challenge of the current migrant and refugee crisis.

As a result, asylum policy today is part of the EU primary law and belongs to the core competences of the EU.

4. EU law regulating protection of third-country nationals or stateless persons

The Mass Influx Directive (2001/55/EC) and the Qualification Directive (2011/95/EU) set the standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection and for the content of the protection granted. As diagrammed in Table 1 below, Directive 2001/55/EC provides temporary protection for an aggrieved group, while Directive 2011/95/EU regulate the refugee status and Subsidiary Protection in the Individual Procedure.

An unaccompanied minor under EU asylum legislation is a stateless person or a third-country national of less than 18 years of age, *“who arrives on the territory of the Member State unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States”*¹¹. In Art. 21 of the Reception Conditions Directive (2013/33/EU), unaccompanied minor refugees are considered as a particularly vulnerable group of asylum seekers.¹² Members states applying EU law, must take into consideration the best interests of children. Unaccompanied minor refugees are supposed to be treated first of all as children and not as refugees¹³.

⁶ Ardittis, Solon; Lewis, Richard; Manchip, Colin; “From Rome to The Hague”; p. 8; London 2005.

⁷ See Concil decision 2004/927/EC of Dec. 22nd 2004; OJ L396/45 of 31. Dec. 2004.

⁸ Article 68 TFEU „The European Council shall define the strategic guidelines for legislative and operational planning within the area of freedom, security and justice.“

⁹ Collett, E.; “Beyond Stockholm: overcoming the inconsistencies of immigration Police” EPC Working Paper No. 32, pp. 40, 2009.

¹⁰ For an overview of the development see <https://epthinktank.eu/2014/06/25/justice-and-home-affairs-after-the-stockholm-programme/>; for details see Pascouau, Yves, „The future of the area of freedom, security and justice“ EPC Discussion paper, pp. 8-17, January 2014.

¹¹ Directive 2011/95/EU, art. 2 I of the European Parliament and of the Council of December 13th 2011 on Standards for the Qualification of Third-country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection and for the content of the protection granted.

¹² “Handbook on European law relating to asylum, borders and immigration”, pp. 216, European Union Agency for Fundamental Rights, Luxembourg 2014.

¹³ REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the requirements for children crossing the external borders of the Member States. Instruction of the EU for border patrol personal. Practical Handbook for Border Guards (Schengen Handbook)

Table 1: Overview of the legal regulations applying to asylum seekers and refugees seeking protection

Legal basis		Definition (conditions)	Protection
Directive 2011/95/EU Qualification Directive (former version, Directive 2004/83/EC)	Art. 2 d + The 1951 Refugee Convention: Art. 1	Individual Procedure Art. 2 d (definition): “Well-founded fear of being persecuted for reason of race, religion, nationality, political opinion, or membership of a particular social group” Art. 12: Exclusion	Refugee status
	Art. 15	Individual Procedure “Serious harm”, i.e.: - Death penalty or execution - Torture or inhuman or degrading treatment or punishment of an applicant in the country of origin - Serious and individual threat of a civilian’s life or person by reason of indiscriminate violence in an armed conflict	Subsidiary Protection
Directive 2001/55/EC (Mass Influx Directive)		Collective Procedure Impossible return to the country of origin, particularly because of: 1. Armed conflict or endemic violence; or 2. Serious risk of or actual violation of human rights Existence of mass influx of displaced persons to be established by Council Decision (art 5-1) End of the protection: 1. via Council decision (art. 6-1 - b) or 2. Expiry of the maximum duration (6-1-a) i.e. :1 year and extension of 2 X 6 months = 2 years (Art 4-1)	Temporary Protection

5. Specific (legal) problems in dealing with unaccompanied minors in Germany

a) Filing of asylum applications for/by unaccompanied minors

To prevent both asylum seekers from changing the Member State of their asylum claim after a rejection as well as multiple applications in different Member States the Dublin II Regulation in general appoint the Member State where the asylum seeker first applies for asylum as responsible for the examination of the asylum claim. However, in his decision on the protection of minors in the Dublin II procedure from June 6, 2013¹⁴ the European court of Justice stated that in the case of no family member legally present in a Member State of the European Union and when the minor has applied for asylum in more than one Member State, the Member State where the unaccompanied minor recently is present after having lodged and application there is responsible for the examination of the asylum claim. Furthermore, since the judgment of the 1st Senate from the Federal Administrative Court of November 16, 2015 (AZ BVerwG 1 C. 4.15) hopes that the situation in Germany would ameliorate if other Member States accept minors have vanished. The ruling makes reference to the decision of the ECJ on the protection of minors in the Dublin II procedure from June 6, 2013 (C - 648/11)¹⁵ and states that Germany, with regard to unaccompanied minors, is also responsible, if another Member State is ready to take back the minors again; the protection of minors is the priority.¹⁶

¹⁴ C - 648/11; see <http://curia.europa.eu/jcms/upload/docs/application/pdf/2013-06/cp130071en.pdf> (press release of the European Court of Justice).

¹⁵ The European Court of Justice stated in its judgement in 2013 that in the case of no family member legally present in a Member State of the European Union and when the minor has applied for asylum in more than one Member State, the Member State where the unaccompanied minor recently is present after having lodged and application there is responsible for the examination of the asylum claim.

¹⁶ Also with reference to the ECJ judgment, it clarifies that in the Dublin Regulation itself the protection of unaccompanied minor refugees is not only a rule of jurisdiction between States, but also a system of protection for the individual unaccompanied minors. This applies also for the Dublin III Regulation in force since January 1, 2014.

The situation is aggravated by the reduction of the capacity to act towards the Federal Office for Migration and Refugees (October 24, 2015), and the immigration authorities (1 November 2015) for minors up to 18 years of age. Previously Art. 12 of the AsylG (Asylum Code) granted unaccompanied minors the right to act on their behalf in matters concerning the filing of an application for asylum. Since the end of 2015, 16 and 17-year-old minors are also required to obtain legal representation for asylum applications. Even though this legal reform was intended to strengthen the rights of children, there are concerns regarding the reliance of the unaccompanied minor who would like to lodge asylum applications, to the youth welfare office or the legal guardian.¹⁷

b) Requirements of qualified legal representation for unaccompanied minor refugees

Further complicating the situation are the requirements of qualified legal representation for unaccompanied minor refugees. It is recognized that a legal or factual hindrance of the guardian pursuant to § 1909 para. 1 BGB (German Civil Code) representation of the ward can be ensured by ordering a supplementary guardian. According to the jurisprudence of the Supreme Court, § 1909 Abs. 1 BGB was interpreted as meaning that the lack of showing required legal expertise and knowledge for legal representation did not represent an actual hindrance to guardianship.¹⁸ This interpretation has long been criticized and is also questionable with regard to relevant Community law requirements. Since June 2015, there is a lack of implementation of European law by the German legislator of essential provisions stemming from two directives concerning unaccompanied minor refugees and their legal representation in the asylum procedure, EU law is directly applicable, and has priority over simple German law.¹⁹ This equally applies to issues relating to the order of supplementary guardians. Consequently, the district court of Heidelberg, in its decision 31 F 67/15 from July 21, 2015, the court did not follow the jurisprudence of the Supreme Court and appointed a supplementary guardian citing the directives.²⁰ Following this interpretation, it is to be expected that in the future, especially in the case of voluntary guardians for asylum and residence legal representation, a correspondingly trained supplementary guardian will also be ordered, which will result in a longer processing and also with considerable higher costs.

c) Age of majority of unaccompanied minors and duration of guardianship

Another legal uncertainty exists regarding the majority of unaccompanied minors and the end of guardianship. In accordance to German law majority is achieved with the completion of the age of 18 years. But the age of majority can differ in the state of origin of the unaccompanied minor. Early in 2016, the Hanseatic Higher Regional Court of Bremen had to decide about the legitimacy of the refusal of the local Office for Social Services to continue to serve a official guardian for a Guinean unaccompanied youth that had just turned 18. With its judgement of 26 February 2016²¹ the Court ruled in reference to Artt. 21, 22 and 24 EGBGB (Introductory Law to the German Civil Code) that it is the law of the country of origin of the unaccompanied minor which determines the decisive age for majority as well as the legal powers of the legal guardian unless no international specific treaty stipulates otherwise.²² The guardianship does not end at majority according to German Law, but to the law of the state of origin. That makes a longer guardianship necessary.

¹⁷ BumF, "Die Aufnahmesituation unbegleiteter minderjähriger Flüchtlinge in Deutschland - Erste Evaluation zur Umsetzung des Umverteilungsgesetzes", p. 27, Berlin 2016.

¹⁸ Lack of skills of guardians is undisputed as not being a legal hindrance in accordance to §§ 1795, 1796 BGB.

¹⁹ On 21.07.2015 the implementation period expired for EU Asylum Procedures Directive (Directive 2013/32 / EU of June 26, 2013). After the deadline for transposition develop guidelines under EU law direct effect - and are as a national law parent statute to deal with - if the legislature of a Member State has failed to implement the directive by a separate law. This is both in the Procedures Directive and the Reception Conditions Directive (Directive 2013/33 / EU of June 26, 2013) since the case.

²⁰ See comments on the ruling of RA Dr. Stephan Hocks in JAmH Heft 11/2015, p. 578 ff.

²¹ GZ: 4 UF 186/15 = 60 F 2932/13 Amtsgericht Bremen.

²² See also Erman/Hohloch, BGB, 14. Auflage, Art. 7 EGBGB Rn. 16.

6. Situation in Berlin

a) Legal framework

An unaccompanied minor arriving in Germany is taken into custody by the youth welfare office if nobody having parental authority or custodial care is present on national territory according to § 42 SGB VIII.²³ The youth welfare office informs the family court although the obligation to do so arises only within one month of the arrival. The family court then appoints a legal guardian pursuant to § 1773 para. 1, alt. 2 Civil Code whereas volunteering single guardians are favoured over an official guardian which may only be appointed in the event that no suitable volunteer is available (see § 1791a para. 1 sentence 2 and § 1791b para. 1 sentence 1 Civil Code); however official guardianship by the youth welfare office or legal guardianship by an adequate association or a professional is also possible. In practice only seldom a volunteering guardian is appointed at once; confronted with the massive influx of minor unaccompanied refugees it is not unusual that single civil servants in the context of an official guardianship of the youth welfare office are dealing with more than a hundred cases. The law foresees the guardian to be the contact point for all individual worries and problems of the unaccompanied minor; in the context of his custodial care he also assists the minor in questions of residence and asylum. By lack of expertise, he must obtain counsel.²⁴

b) Practical implementation

After the arrival in Berlin (other federal states are working similar) and the first registration, the administration takes the unaccompanied minor into primary care. A pre-clearing takes place where age and identity of the minor are determined. They are accommodated in youth hostels where in the framework of the final Clearing, the parents and family members are searched for. Besides in this stage the educational programme for the minor is established. The official guardianship is at this stage by the Youth Welfare Office Zehlendorf. As mentioned earlier, the guiding principle of the law is to find a single, volunteering guardian who is responsible for the legal representation for right of residence and asylum procedures of the unaccompanied minor. Volunteering guardians are selected and educated by the Guardianship Association. Alongside with the unaccompanied minor work private operators with low-threshold intervention and leisure opportunities. They explore the needs of the minor and communicate them to the Guardianship Association to find a matching volunteering guardian for the unaccompanied minor.

The role of a guardian in an asylum procedure can be described as unclear under German law and this might be the explanation for the fact that there is no standardized procedure to appoint a guardian; for the actual practices see Figure 2. The situation is further complicated through the introduction of the Redistribution Act of 15th October 2015²⁵ regulating the distribution of unaccompanied minors like adults nationwide in accordance with a quota system. The law was criticized for coming into force in very short-term already on 1st November 2015 as it was antedated leaving no time to establish efficient structures for implementation. Lack of qualified staff, youth tenant groups, school places, guardians and interpreters worsened the situation for the unaccompanied minors after the distribution. Appointment of a legal guardians before the distribution are not foreseen by the law which makes family reunification within Germany more difficult; furthermore the competences of the youth welfare offices were not sufficiently clear defined.²⁶

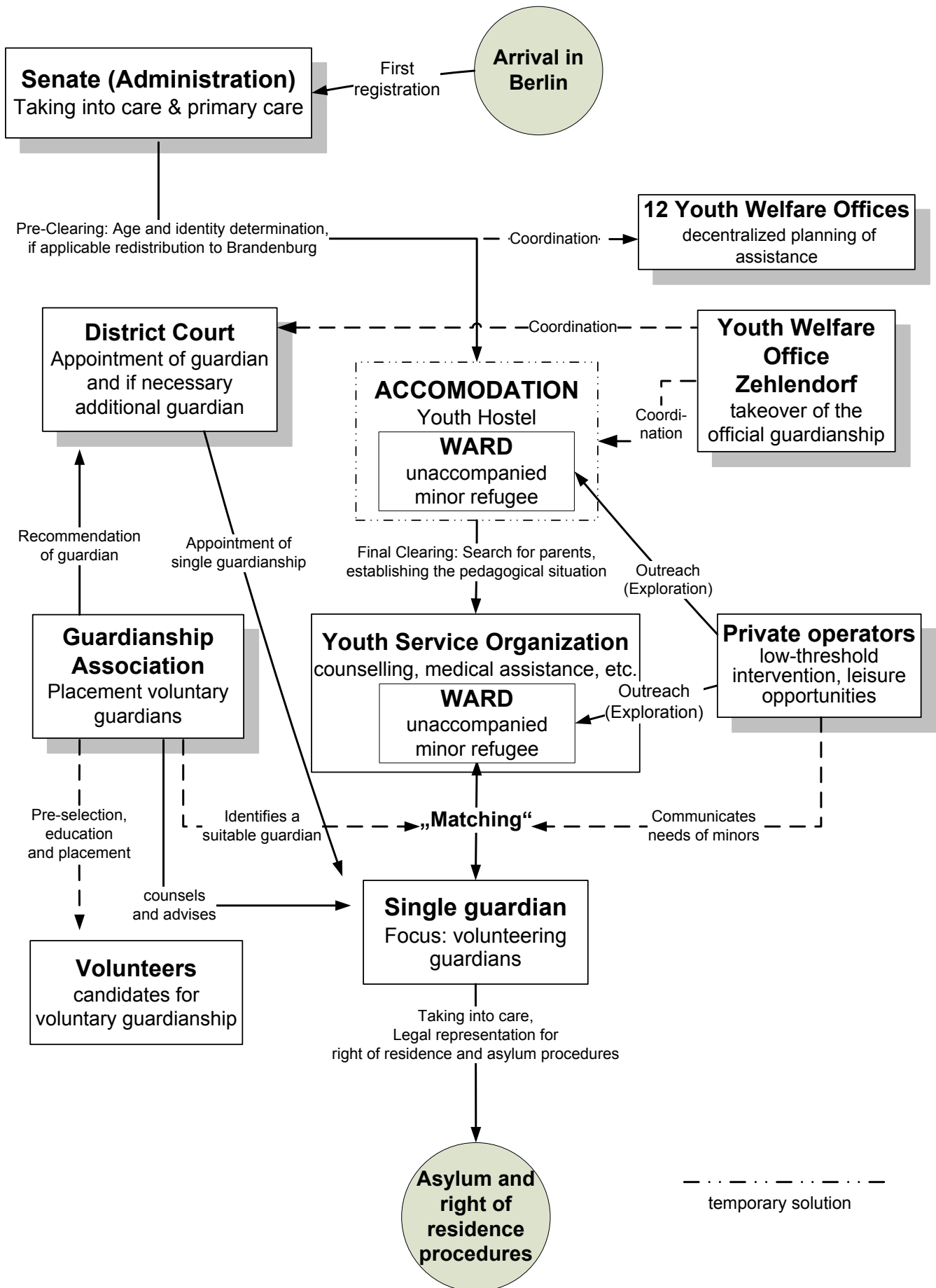
²³ Eighth book of the social security statute book.

²⁴ Knösel, Peter, "Handreichung zur rechtlichen Situation von unbegleiteten minderjährigen Flüchtlingen (UMF)", pp. 11, Potsdam 2016.

²⁵ „Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher“, „Umverteilungsgesetz“.

²⁶ BumF; "Die Aufnahmesituation unbegleiteter minderjähriger Flüchtlinge in Deutschland - Erste Evaluation zur Umsetzung des Umverteilungsgesetzes"; p. 3; Berlin 2016.

Figure 2: Flowchart of unaccompanied minors and scope of action



7. Deficits and areas for improvement of the conditions of unaccompanied minor refugees

Measures to improve the conditions of unaccompanied minor refugees have to focus on all of the key players involved in the appointment of guardians for unaccompanied minor refugees (Youth Welfare Office, Guardianship Association, Network Single Guardianship, Youth Counselling Centres, family courts, private associations) as well as wards and their future guardians in the regional environment. The aim is to further develop these structures for the target groups, underage asylum seekers and minor refugees seeking protection with a focus is on the distribution and successful appointment of volunteering single legal guardians for unaccompanied minors. Activities in this context deal above all with two issues currently discussed by political decision makers, namely measures to standardize initial orientation and information as well as the development and implementation of a demand-oriented and standardized counselling and support program. In both areas to date no uniform standards exist. Of course their content is closely interlinked with each other.

A requirement for said initial information and the preparation process for the capacity to act of minors in asylum and residence procedures is the swift and adapted appointment of a guardian for the minors. Without proper legal representation a successful information and initial orientation cannot be carried out. Therefore, these measures, if to be successful, have to facilitate the process in which minors are to obtain a guardian as quickly as possible and thus be able, to be properly informed by their guardians who may assist in taking decisions with the minors and also provide them advice. The focus of the measures discussed in this paper is therefore the development and implementation of uniform standards for social counselling and guidance with a focus on measures to support the guardians representing the minors.

The scope of action is the period from the transfer into a youth welfare institution to the acquisition of personal legal assistance through the guardian (see figure 2).

Against this background we suggest four areas for action:

a) Long processing times

Due to the increasing numbers of refugees, minors are first provisionally housed (e.g., in youth hostels), before they reach the central clearing process; this phase can last for up to nine months. Youth welfare offices, guardianship associations, local courts are overloaded with requests for the appointment of voluntary guardianships. In addition, there is the partly protracted and difficult test to determine whether there are custodians or relatives in Germany or in the country of origin; this examination, initiated at the provisional taking into care stage according to section 42a SGB VIII German Social Security Code, is mandatory as the appointment of a guardianship constitutes a serious interference with custody.

Proposed solutions:

- If necessary conditionally order of guardianship or foster care in accordance with section 1909 and seq. German Civil Code for partial areas of care -> Advantage: more flexible and quicker;
- Information of various key actors on opportunities for synergies and cooperation;
- Early involvement of supportive measures before and during the clearing;
- If necessary, supplementary guardianships in accordance with section 1909 German Civil Code.

b) Coordination

Public administration, district courts, private organizations and church charities often work side by side without making efforts to coordinate sufficiently with each other; public authorities sometimes block private initiatives due to the fear of binding much needed human resources; partly

volunteer guardians are considered over-committed by social workers in youth facilities and their presence is perceived as an unnecessary intrusion into their own area of activity and expertise.

Proposed solutions:

- Operational and needs analysis;
- Networking of youth welfare office, district court, guardianship associations, private organizations;
- Strengthening links and better coordination of the various actors;
- Evaluation of the efficiency of the resources used.

c) Heterogeneity of the group of volunteer guardians

Potential guardians are a heterogeneous group bringing completely different circumstances as well as very different skillsets and expectations.

Proposed solutions:

- Systematic identification of citizens who want to get involved as volunteer guardians and quick initial information along with correspondingly rapid need-based training;
- Pre-selection of particularly rapidly deployable guardians, which can be ordered at short notice as a result of training, relevant prior knowledge or pre-existing personal relationship with an unaccompanied minor refugee. -> Traffic lights system
- Early check of an order for ancillary guardianship for asylum and legal residence representation.

d) Inclusion of the minors and their comprehensive information

It is very difficult for a child / teenager to understand what a guardian represents and in which cases he can be contacted. Minors are insufficiently involved in the decision-making processes; they cannot voice their individual needs during the process of ordering the guardian. The ward should be involved in all important decisions affecting his life according to their level of development (see section 1626 para. 2 German Civil Code).

Proposed solutions:

- Direct intervention as early as possible straight in the youth facilities during the clearing process by private organizations in coordination with the facilities and the youth welfare office;
- Low-threshold care services for the exploration of the needs of the minors;
- Integration of minors themselves in the process of "matching" when appointing a guardian.

8. Outlook – Overview of necessary measures to improve structures

According to the key actors in the area, three fields of action arise, namely (1) Public Administration / Youth welfare offices, (2) Guardianship associations / Volunteers and (3) Low-threshold intervention / Children and adolescents. In each field of action the measures have to cover key stakeholders as well as the target groups with a special attention to the improvement of processes and procedures. In order to ensure quality and standards on the one hand and the exchange of experiences and best practices on the other all measures should be accompanied by interdisciplinary research from the legal as well social sciences. In line with the fields of action and the questions raised in each there are three central evaluation fields: (1) Coordination and youth services; (2) Subject perspective of unaccompanied minor refugees; (3) Selection and matching process ward-guardian. Practical experience and empirical data has to be continuously collected, interpreted and evaluated, using this information to feed the development of uniform standards for social advice and guidance with a focus on measures to support guardians representing minors.

a) Procedure and coordination

(1) Aim -> Improving coordination and cooperation of the key actors

Structural measure:

- Operational & needs analysis with subsequent evaluation of efficiency of resources employed and
- Identification of interlinked activities and networking of youth welfare office, district court, guardianship associations and private organizations;

(2) Aim -> Shorten the length of the proceedings

Structural measure:

- Identification of opportunities for synergy and cooperation and informing the various players and
- Early support measures including ward & potential guardian before and during the clearing process

(3) Aim -> Improvement of selection and supervision of volunteer guardians

Structural measure:

- Coordinating citizens who want to get involved as volunteer guardians and adaptation of initial information and training to their needs and
- Grouping of guardians in the short / medium / long term use are; (Criteria for selection are education, relevant experience or existing personal relationship with an unaccompanied minors).

b) Long-term improvement of the situation of unaccompanied refugee minors

(4) Aim -> Involvement of minors and their comprehensive information

Structural measure:

- Direct intervention as early as possible directly in the youth facilities during clearing by private organizations in coordination with the institutions and the youth welfare office and
- Integration of minors even in the process of "matching" for the appointment of a guardian means low-threshold care facilities for the exploration of the needs of minors;

(5) Aim -> Improve and speed up the matching ward-guardian

Structural measure:

- Establish procedures for early coordination of the needs of the minors with the skills of volunteers
- Building a sustainable structure for the medium-term support of the volunteers after the appointment (supervision, social network, round tables, etc.)

c) Standards for counselling and guidance program

(6) Aim -> Develop standards for low-threshold intervention with unaccompanied minor refugee

Structural measure:

- Definition of methodologies, guidelines, target directions and educational resources of the low-threshold intervention and
- Accompanying research of the work in the open groups with the aim of evaluating the results

(7) Aim -> Develop standards for selection / support of volunteers and for matching ward-guardian

Structural measure:

- Scientific support of all partners, both in its work with minors and the volunteers as well as in cooperation with the key players and
- Evaluation of the results while including and closely coordinating with the project partners.

(8) Aim -> Concept and content of training opportunities for volunteers

Structural measure:

- Analysis of the demand for counselling and training topics for volunteers as well as identification of best practice for the development of standards and
- Evaluation of existing services and possibly conceptual adaptation and content completion and enhancement

d) Exchange of experience and transfer of best practices

(9) Aim -> exchange of experience, knowledge, and best practice between key actors

Structural measure:

- Creation of a network of those involved in the "cross-sectional area tutelage for unaccompanied minor refugees" (youth welfare office, youth welfare institutions, family court, guardianship associations, volunteers and
- Exchange of project results and to further develop and deepen the work with the Federal State of Brandenburg.

(10) Aim -> Communication with key stakeholders and the public

Structural measure:

- Training and information sessions with representatives of the key stakeholders and
- Raising public awareness of the issue of voluntary work in the guardianship by anchoring an objective coverage of the subject in the media.

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