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RESEÑA

Marit Skivenes, Ravinder Barn, Katrin Križ, Tarja Pösö (eds.). Child Welfare Systems and Migrant Children. A Cross Country Study of Policies and Practices / Sistemas de Bienestar Infantil y menores inmigrantes. Un estudio internacional transversal a través de Políticas y Prácticas, 2015. New York: Oxford University Press

Reseña realizada por Gaetano Gucciardo

Reseña:

With the increase of migration, the share of the population that needs some form of assistance has increased. Almost everywhere, the number of children who need protection (within the family, away from the family, and even those without family) has increased. The trouble is that often the systems designed to protect children do not intercept migrant children, not even those who are unaccompanied and without documents, who instead come under the jurisdiction of the agencies that deal with immigration. The migratory phenomena put a strain on the welfare systems, mainly because the principles of protection and assistance present in the Welfare system, which are inspired by human rights and social justice, come into conflict with the laws that regulate immigration, which are generally aimed at restricting it.

Regulatory and organizational fragmentation and spatial variability serve to exacerbate the inefficiencies of the welfare systems, which are unable to provide essential services to immigrants. In this context, one can speak of a real emergency regarding the institutional violation of human rights and the non-compliance with the principles of social justice that should inspire welfare systems.

Migrant populations everywhere are exposed, above the average rate, to risk factors that should be addressed by the welfare systems. Compared to the average population, immigrants are poorer and more at risk of disease and delinquency and,

if the welfare systems fail to take action, situations of structural discrimination ensue.

The share of the immigrant population has grown but still most of the service operators complain about inadequate training, particularly with regard to language and culture. This keeps individuals and immigrant families away from services, for they see the welfare system and the Child Protection System as an expression of the power to control and therefore as a potential threat. Therefore they fear that these authorities will take their children away, that they will be blamed for employing a style of parenting which is legitimated by their cultural backgrounds (e.g. corporal punishment), that they will not respect their practices and customs (the separation of males from females).

The fact that migrant children do not integrate may have repercussions regarding health, education, social care and crime, and it may also compromise their chances in life. The vulnerability of children increases with irregular migration and the laws of the receiving countries may criminalize migrant children (including victims of trafficking) and expose them to potential abuse during detention and deportation.

The professionals who are more exposed in this area are the social workers, who appear to be those who are most aware of the problem.

With regard to social workers, it must be said that it is increasingly difficult to define this figure in a way that is internationally valid. In some countries you need a master's degree while in others a bachelor's degree is sufficient. However, the figure of the social worker is universally built on a core set of values related to human rights and social justice. The need to adapt their training to face intercultural needs arising from immigration can clearly be seen.

The protection systems must take into account the increasing cultural heterogeneity and therefore foster culturally-sensitive training, but above all a substantial focus on the problem of migrant children must be promoted: given that they are minors, their interests must prevail over the rules that concern immigration.

A book, published by Oxford University Press for the School of Public Policy, University of Maryland, addresses these questions by reviewing the welfare systems of a number of countries in a worldwide perspective. It also offers an overview of the current legislation on welfare and immigration in eleven countries, of how welfare systems deal with the problems of families and migrant children, illustrates the training of social workers and provides criteria for assessing the adequacy of their education with regard to the problems of immigrants.

Using the Esping-Anderson typology of welfare regimes, it is possible to recognize that social democratic regimes (universalistic) are more effective in ensuring

basic services to protect the rights and needs of immigrant children. However, the authors believe that in order to obtain better results there must be a specific orientation towards migrant children. In fact, even liberal welfare regimes (residual), like those in Canada or Britain, can achieve better results than conservative regimes (universalistic-corporate), which theoretically should ensure greater coverage.

This is indeed one of the main issues. Although all welfare systems intervene when a child is at risk, regardless of their immigration status, there is no specific legislation governing the matter. This legal vacuum can generate situations that can dramatically worsen the plight of immigrant children at risk. In fact, if immigrant children are treated according to the laws on immigration, they are likely not only to remain outside the system of protection of the welfare state, but even to be expelled. It can happen that even in Norway, which seems to be the most advanced country with regard to the promotion of policies of reception and integration, children who have grown up in the country may be expelled if the parents are not successively granted permission to stay. Or there may be situations like in Canada, where a child may be taken under the care of the system because he is at risk in the family and then, if the parents are not granted a residence permit, he is expelled along with the family in which he was at risk.

In short, the absence of specific legislation on child migrants, whose rights are second to immigration rules, generates serious situations which produce an institutional violation of those international conventions on children's rights signed by the countries themselves. In particular, the essential reference is the United Nations Convention on the Rights of the Child, ratified by all the members of the United Nations with the exception of the US and Somalia. This Convention protects children irrespective of their nationality, their immigration status or their statelessness and affirms «the right to nationality, physical integrity, the highest attainable standard of health, education and the right to be free from discrimination, exploitation and abuse."

It is worthwhile to quickly examine several individual cases.

Finland (by Tarja Poso) is one of the countries with the lowest level of migration. Its system of child welfare is focused on families and has recently moved towards children. Although in order to prevent social exclusion and the ensuing problems the policy is oriented to ensure measures for the integration of children in terms of education and training to secondary level, there is a problem with unaccompanied children. These are not dealt with following the principles of child protection, but as immigrants who pose the problem of a potential risk to national security.

In Norway (by Marit Skivenes) the government aims to promote a multicultural society. But the policy of inclusion and solidarity is combined with a highly restrictive policy with regard to reception, which applies only to those who ask to be reunited with their family, for students and for refugees and asylum seekers.

This gives rise to cases like those of children who have been in Norway for years and whose parents have not obtained a residence permit. The country is reluctant to grant amnesty out of the fear of offering an incentive to families of migrants to come to Norway. The same applies to unaccompanied children seeking asylum.

Although the Netherlands (by Hans Grietens) is a country with a long tradition of immigration, where the proportion of immigrants is consistent (21%) and families and immigrant children are mostly well integrated, immigrants have less access to care systems. The consequence of the linguistic and cultural barriers is that immigrants look for assistance when their problems are already serious. There are problems involving violence and over half of the young people who have problems with the law are immigrants.

Scholars have defined Austria (by Christoph Reinprecht) a "country of immigrants against its wishes". Over time there have been three different migration flows: after the war for in order to recruit a workforce; then after the fall of the Iron Curtain and the collapse of the former Yugoslavia; and today because of economic disparities within Europe and globalization. Today, immigrants constitute 18% of the population and in Vienna and other cities this figure becomes a third. But the universalism of the welfare system is in constant tension with the migration policies that are based on the principle of ius sanguinis citizenship that is passed down from parents.

The condition of being foreign exposes people to the risk of being deported. In Austria, the children of families whose status is not clear or are undocumented (as in the case of refugees from Kosovo) are exposed to a high risk of deportation.

Spain (by Lopez Pelaez and Sachez-Cabezudo) has recently become a country affected by immigration. The immigrant population is concentrated in Madrid and in coastal regions. The result is an overload of social services in these areas. The care system is highly decentralized but this creates problems of coordination, especially in relation to immigrants, who may exploit decentralization to avoid legal provisions.

In Italy (by Roberta Di Rosa), over the last ten years, immigrants have become threefold. There were more than a million in 2002 and five million in 2012. The same is true for immigrant children who are almost one million. The legislation provides special protection for unaccompanied children by ensuring the right to education and health services even if one is in the country without documents. But the attitude of governments towards immigration is focussed on security, with immigration treated as a question of public order. Policies aim to control and stop the migration flow.

In the US (by Ilze Earner and Katrin Kriz) the policy is not uniform throughout the country and creates situations of conflict between competing mandates.

For unaccompanied children individual states will pay for assistance and foster care with discretionary funds but if it does not provide ad hoc measures (such as the

Special Immigrant Juvenile Status process of California), when the child leaves foster care, he does not enjoy any form of assistance and has no legal rights.

When a parent who has mental or drug problems has to undergo compulsory treatment arranged for by the social services, if they are undocumented immigrants they cannot have access to care and have to pay out of their own pockets. If they do not, they do not fulfil the obligations of the plan for family reunification and thus lose custody of their children.

The fear of immigrants towards the authorities, including social workers, is well-documented. Therefore they are reluctant to enrol their children in primary schools, in after-school programmes or in food support programs.

Canada (by Sarah Maiter and Bruce Leslie) is a country with a high degree of immigration, but also a country that has always adopted discriminatory immigration policies on an ethnic basis in an effort to keep the country at first Anglo-Saxon and French and then at least white.

The system is making an effort in the training of operators and in legislation in an attempt to adapt services to the growing ethnic and racial diversity. But the lack of clarity between the laws governing assistance and those governing immigration can create problematic situations, like that of the child who gets the *landed immigrant status* while his family is still waiting for a decision. Eventually the parents are sent home and with them their children. The child, however, had probably been put in the care of the protection system because he was at risk within the family.

In England (by Barn Kirton) the Children Act, 1989, makes provisions for operators to take into account the religious, cultural, racial and linguistic background of the child in their decision-making process, trying to counteract disadvantages and discrimination. Subsequently, however, there has been a tendency to abandon multiculturalism, which is seen as being responsible for separateness and social problems (failure at school, the spread of radical Islam, etc.) and to return to assimilation. Thus in 2010 a new Children Act diminished the importance of ethnicity.

Although Australia (by Ilan Katz) is a country with a high degree of immigration, it has a long history of suspicion and hostility towards immigrants, especially those who do not speak English. The CPS (Child Protection System) is residual and protection-orientated (rather than prevention-orientated).

The system of protection for children is characterized by the dramatic story of the so-called *stolen generations*. Native minors, especially those with white parents, were forcibly removed and assigned to institutions and white families. As a result, nowadays adoptions are rare and, in 2009, Prime Minister Kevin Rudd apologized.

The research documented that many migrant families are very anxious and suspicious of the authorities responsible for the protection of minors.

One of the reasons why migrant groups are over-represented in the CPS is that for them it is very difficult to access preventive services and those of early intervention.

In Estonia (by Merle Linno and Judit Strompl) immigration has peculiar features because a part is made up of Estonians who return home after a period abroad. Children belonging to this group are not defined as immigrants by the system of protection of children but they officially fall under the immigration statistics. On the other hand, another very large group who has lived in Estonia for years and has a history of immigration is officially defined as being «foreign born», but by the population of Estonia it is defined as being an ethnic minority (Russians or Russian speakers). They have the same access to services and benefits that the state provides to all residents. The universal nature of the benefits does not require social workers to investigate the cultural background of the families; it is sufficient that they have the legal right to stay in Estonia. Refugees or asylum seekers who are minors are not recognized by the system of the protection of minors.

The book leads to the conclusion that the welfare systems of all countries take responsibility for children at risk, but only a few have explicit legislation or guidelines to address the problem of migrant children. The welfare system for minors and the migration system are separate systems with their own specific purposes. Welfare services for children are decentralized and fragmented in many countries and in many cases the availability of services for families and migrant children depends on the place where they reside.

Social workers everywhere complain about insufficient training for working with children and migrant families (nearly 50%). Having to deal with families and undocumented children requires a broad and flexible mix of skills regarding basic rights, culture and anti-discrimination. However it seems that the training programs do not address these important issues.

As for the cases themselves, there does not seem to be any particular differences between countries regarding the decision to take charge of the minor and what to do, whether to leave them at home or place them in foster care, and there are no significant differences in the assessment of the risk of abuse or lack of care.

The situation of undocumented children is the most critical. It seems that children's rights can be cast aside. Children in these conditions are at risk of being deported. Undocumented children, who grow up in a state of substantial imprisonment or with the fear of being detained and sent back to their country of origin, are growing up in an environment that is not conducive to their development and their welfare.

The book opens interesting perspectives for research. We should understand whether the different types of welfare (liberal, conservative, social democratic) result in any differences in the well-being of the children and in the respect of their rights. The most recent report by UNICEF actually seems to support this hypothesis. It seems that the systems that protect children better are the universalistic social democratic ones and those which protect them less are those based on the liberal ideology of individual responsibility and the delivery of services only to the neediest and of a reparatory rather than preventive nature. However there are some anomalies (Italy which should be in the middle of the ranking is low, and Austria and Spain are behind liberal regimes such as Canada and the United Kingdom). So the suspicion of the authors is that these differences may result from differences in the child-focused orientations. Finland, Norway and the Netherlands have a strong orientation towards minors, as do England and Canada.

All welfare systems have some weaknesses and some blind spots in addressing the needs of migrant children. The services for immigrants have an approach oriented toward adults, which excludes minors and their particular needs. All welfare systems provide protective measures for migrant children at immediate risk but may fail to provide preventive services and support to undocumented children.

The authors conclude that «the countries under study lack the ethos, policy and practice to effectively work with migrant children and families" if they are undocumented.

The vulnerability of migrant children requires the development of transnational cultural skills and a thorough understanding of the processes of discrimination and, above all, it is necessary to develop the idea of global child protection. The protection of children must become a global issue. It must be recognized as a national and supranational responsibility.

ARTICULOS/ARTICLES

RESEÑAS/REVIEWS