
STATEMENT

UPR Pre-session of Germany Geneva, 31 August 2023

Dear Sir and Madam,

Thank you for inviting me to the meeting today. My name is Younis Massah, and I was born in Afghanistan. I came to Germany when I was 17 after living in Greece, in Moria, for one year. In Germany, the situation was much better, but there are some issues that need to get better to fulfill the rights of unaccompanied children. Some have been mentioned in the previous circle, such as discriminatory legislation and equal access to education and health services or the establishment of an independent ombudsperson for children.

Overwhelming asylum procedure

When I came to Germany and later, nobody explained to me how the asylum procedure works. How long does it take? What are the criteria for asylum? I felt very alone when faced with this strange concept. This got even worse in the pandemic. The isolation made me very sad, and the social workers could not support us as before because of the pandemic rules. That was a very hard time for me.

It was the same for the other unaccompanied youth in my small group home. Meeting their needs was very difficult. I was lucky to come to SOS Children's Village in a nice flat and adapt quite well to school, but a lot of other unaccompanied youth, that I know, struggle with housing conditions and school. I think more social workers and better apartments would help meet the individual needs of unaccompanied children. There is need to better explain to them the asylum procedure and how to stay in touch with families back home and opportunities to support parents and siblings to be reunified with their children in Germany. These were the two things, I had the most difficulties with, especially as in 2021 the Taliban came back to power. I was very afraid for my family's safety in Afghanistan and could do nothing to help them. Secondly, my asylum application was first rejected and my appeal in court against the rejected asylum application took very long. It was very difficult to focus on school and training, not knowing why it was taking so long, what the decision criteria were and why the application had been rejected in the first place.

The German government has recently lowered the standards for care for unaccompanied children due to their large numbers. 7277 unaccompanied children applied to asylum in Germany in 2022. Compared to 2015 and 2016, it is not a big number – less than a third compared to 2015. However, many programs were shut down because Germany stopped the financial support when the numbers dropped after 2016. Today, these programs are missing and therefore for unaccompanied children there are lower standards than for German children who need to be placed in alternative care.

Recommendations:

The German government should:

- make it easier for unaccompanied children to reunite with their siblings and their parents so that we no longer worry for them because that doesn't let us sleep at night.
- Provide housing for children that allows private space and that is clean and quiet.

- better explain the asylum procedure in an easily understandable manner and with a clear time frame.
- more social workers to help us through the asylum procedure and support us with our education.
- No discrimination between unaccompanied children and German children of the same age who need to be placed in alternative care.

Mental and psychosocial health support

As I mentioned, focusing on school and training, not knowing if I could stay or if I would be sent back and fear for my life again, was very hard. I almost went crazy on that because I could not do anything to speed up the procedure, to get clarity on my future and hence my mental health was very bad because of the long duration and the uncertainty. Additionally, the fear for my family worsened the situation but I was over 18, so I could not apply for family reunification. The social workers of SOS Childrens' Villages got me an appointment with a doctor but as he could not get me a residence permit or secure my family, it did not help improve my mental wellbeing. However, I know many, that many would want to get to a doctor to get help dealing with their trauma but there are less capacities.

I want to make clear how burdensome this period of waiting and uncertainty is. It is affecting our mental health and at the same time unaccompanied children must go to school, learn a foreign language, and adapt to a new culture – without knowing what the future is: Will they be sent back to places they left for good reasons, or can they stay in safety? It gets even worse when the asylum application is rejected but deportation is temporarily suspended – it is a status where you never know whether the police is coming to school to get you to the airport or if you can finish school and then apply for a residence permit for workforce.

Children are under constant stress during the asylum procedure and afterwards, until they get a final decision, which affects their mental wellbeing in addition to the separation from their family and the new environment. On average, it takes 3 years to obtain a final decision - 3 years of fear, uncertainty, and lack of perspective. Unaccompanied children suffer because of that.

Recommendations:

Therefore, the German government should:

- Provide support services, in particular mental health, and psychosocial support, free of charge to migrant families, regardless of their residence status. These should be available in different languages.
- Make children's wellbeing a priority in the administrative procedures to mitigate the psychological stress caused by the complicated procedures and the uncertainty.
- Provide more child-friendly information on the procedure.
- The length of proceedings is due to the lack of capacity of the courts and the administration. Capacities should therefore be increased to speed up proceedings rather than limiting access to legal remedies.

Young people transitioning into adulthood.

The mental load for unaccompanied children who come of age is even bigger because you lose the protection of being a child. Unaccompanied youth coming of age lose their secure residence status as a child and risk deportation, while your peers can access training to continue building their lives. Additionally, as they are no longer children, often the youth care system gives no support anymore. So, they are also in a precarious financial situation, which affects their chances of obtaining a residence permit, because if you need government aid, it compromises your chances to stay in the country.

There has been a reform that gives unaccompanied youth who meet certain requirements the prospect of a right of residence by the German federal government. Sadly, one of the conditions is a twelve-month period in an unsecure status awaiting deportation. This in turn means that the young people face twelve months with fear of deportation and difficult to no job opportunities.

In my case, the asylum procedure was still ongoing, but I was in danger of losing my flat when I turned 21 because the youth welfare authority decided to end its support. By law there is the option to extend it up to 27, but in reality, even an extension to 21 is rarely approved. I applied for governmental support because I can't afford my own flat in Berlin but again the bureaucracy is very difficult. They wanted to know my parents' salary and because I could not prove that the first application got rejected. The social workers had to write supporting letters showing that I am sending money to my parents and not the other way around. Hopefully the new application will not be rejected because with my salary from my training job, it is not possible to live on your own without parental support.

Again, it is not just me, but social workers are constantly talking about cases where they fear they will have to send young adolescents to homelessness shelters because they can no longer stay in the youth care system and have no alternatives to stay. Former unaccompanied children are even more affected because they usually have no residence permit and hence no stable income, which makes landlords very reluctant.

Recommendations:

The German government should:

- Provide equal support for unaccompanied and separated children as for young nationals who do not grow up with parental support up to the age of 27.
- Provide more employment and training opportunities for unaccompanied children who come of age - residence status is restricting possibilities.
- Provide affordable apartments for young people who are still in training and who do not have the financial support of their parents and a long-term residence permit.