# Activity 1 – Case Studies – Facilitator Version

## Case Studies Adapted from Facilitators Notes for the Implementation of UNHCR BID Guidelines[[1]](#footnote-1)

### Case Study 1:

*A 2-year-old girl Ayla has been looked after by a foster family in a refugee camp in Tunisia. The girl’s parents have recently arrived from Libya and want to be reunited with their daughter, but the foster family are refusing to let the child go saying they do not believe these people are the parents of Ayla. There is no information on which to verify the relationship and the foster parents are demanding a DNA test before they let the child go.*

A verification process must take place to ensure that the couple are indeed the parents of the child and that reunification is in the best interests of the child. This should include cross-referencing the information on both verification forms, including details of how and where the separation took place. Whenever possible ask those who know the claimant or child for corroboration of claims. Depending on when the child was separated from her parents, different techniques could be used to verify data. Observation of the child with his (alleged) parents is very important as by two years old he or she should be able to recognise his parents/call them mum/dad. Local authorities and child protection staff should be involved particularly if there is a risk that the foster family might move. Explore why the foster family don’t want to let her go. Neighbours and the host community may also remember details about the child’s separation. The foster family may be concerned for Ayla’s wellbeing and will be happy to let her go if reassured about her parents. If a DNA test is required, UNHCR guidelines should be followed.

As for all refugee UASC a BIA should be conducted to assess whether reunification is in the best interests of the child. In some exceptional circumstances, a BID is required prior to family reunification of refugee UASC.

NB: If the child is going to return to Libya with her parents, travel documents will be required and border/immigration staff and UNHCR should be involved.

DNA tests – should be the **option of last resort** but may be important in this case to reassure the foster family and immigration staff that the right child is being reunited with her family and that also legal transfer of the child has been completed.

Refer to the techniques required for *‘Verification with Infants, Young Children and Children with Difficulty in Communicating’* on session plan. Mark all the points covered by the participants on their flip chart with a coloured marker pen ‘tick’ in order to help when summarising at the end of the exercise.

### Case Study 2:

*A 15-year-old refugee girl from South Sudan, called Nadifa, is living in a refugee camp in Kenya with her brother and three sisters. She has some mild hearing problems and learning difficulties but can communicate quite well with her family members. Her father has been traced and wants the children to return to South Sudan. According to some reports of community workers the father plans for his daughter to be married upon her return.*

In this case in addition to validating family ties we would expect to see further assessment; considering the criteria presented in *Verification and Assessment for Separated Refugee* *Children* in facilitators notes a Best Interests Determination process must be conducted to determine if Nadifa and her siblings should be reunited with their father. If possible, UNHCR and partners should involve the local child welfare authorities in Kenya and in South Sudan.

**NB:** In this example Nadifa has a disability. This can be a clue/indicator (i.e.: the father would be able to describe clearly Nadifa’s disability and capacities, therefore proving his relationship to her) but it is also a potential barrier to her expressing her views. Extra care should be taken to find out what she thinks about the situation, if she understands what reunification entails, and - given the concerns of early marriage - if she is aware of this and what her views are.

### Case Study 3:

*A six-week-old baby girl is found abandoned in a boat, as Bangladeshi coast guards turned back boats carrying Rohingya refugees, mainly women and children, trying to escape the violence in Myanmar's Rakhine state. A local Bangladeshi family have temporarily taken her in and are wet feeding her. They already have 6 children and are expecting that the state or UN/NGO authorities will provide some extra resources to take care of her. However the Bangladesh government refuses to accept the refugees on the grounds that Bangladesh is impoverished and country's resources are already too strained and the family fear for the little girl’s future if they report her existence to certain state officials.*

Asia's more than one million ethnic Rohingya are stateless, unable to travel freely and are persecuted in Myanmar. The Myanmar government regards Rohingyas mostly as illegal migrants from Bangladesh, even though many of their families have lived in Myanmar for generations. The situation is delicate and UNHCR – which has a special mandate for refugees should be involved, as may be ICRC who have good capacity to conduct cross border tracing and verification. Refer to the section on *Verification and Assessment for Separated Refugee Children.*

This case should be urgently prioritised as the mother may still be lactating and if a rapid reunification can be achieved then she will be able to feed her child. However, the situation may be that the parents are at such high risk of conflict/persecution that the baby cannot be safely returned. Priorities are to start talking to all potential contacts, including the coast guards, fellow refugees, and source communities in Rakhine state. Rapid assessment of the baby’s current situation and careful documentation, including taking photographs, is required as she will change very quickly. Regular follow up with the family and photographs is required. A Best Interests Assessment process must assess the best interests of the baby girl. The ability of the Bangladeshi family to continue to take care of the baby should be assessed and support may be required. If the baby cannot be rapidly reunified then contact should be maintained between the baby and the parents until the baby’s best interests are determined.

A Best Interest Determination process needs to be started within two years or less of the child’s identification to determine an appropriate solution for her. DNA testing may be necessary to determine the parents’ relationship to the child, especially after a period of time has elapsed as it will be hard to establish sufficient proof of relationships, but this should be a last resort and follow guidance.

### Case Study 4:

*Abbas is a 13-year-old boy from Afghanistan living on the streets in Kabul. Abbas’ parents ‘sold’ him to a man claiming that Abbas would be an apprentice mechanic in Kabul. After being taken to Kabul, Abbas was mistreated and used as a domestic servant, so ran away. His family in Afghanistan have been traced but he does not want to be reunited with them. Abbas was hoping that his uncle would be traced and he could live with him as he had lived with him previously for a short time.*

Further assessment is clearly required in this case and a process of mediation may be required if Abbas is to return to his parents. However, Abbas has said that he would like his uncle to be traced as he would prefer to live with him. Any decision to NOT reunite Abbas with his family is a serious matter requiring a process to determine what is in his best interests - as he is 13 years old any “best interests” process should include his thoughts and views on the matter. It is also important to follow up on tracing of his uncle to determine whether there is a realistic prospect of Abbas living with him if it is not in his best interests to be reunited with his parents. If he returns to his family then there are serious concerns to make sure that he is not again ‘re-sold’ into child labour by his family.

Abbas’s family may not have understood what they had done and may have thought he was entering a better life. Community acceptance will also be important, especially if he is known to have been a street child. Access to education may be a motivation for Abbas to return home. As he is 13 years old any ‘best interests’ process should include his thoughts and views on the matter.

1. UN High Commissioner for Refugees, Facilitator's Notes for the implementation of UNHCR BID Guidelines, November 2011, available at: http://www.unhcr.org/refworld/docid/4e4a58dc2.html [accessed 21 November 2012] [↑](#footnote-ref-1)