



# PROTECTION AND ASSISTANCE OF UNACCOMPANIED AND SEPARATED CHILDREN – LEGAL GUARDIANS

**Danish Red Cross**

**CASE STUDY**

Title page: Volunteer with child participating in Danish Red Cross program  
Photo credit: Peter Sorenson

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## Background

Since 2003 the Danish Aliens Act gives unaccompanied child asylum seekers the right to a legal guardian to support them and to ensure that their rights are met during their time in the asylum system.

From the beginning in 2003 the Danish Red Cross accepted the invitation from the Danish Immigration Service to cooperate to run the programme.

Within the Danish Red Cross, the responsibility is placed in the Asylum Department, a department that since 1984 has been responsible for running of several asylum centres in Denmark and providing a large range of services at the centres. This work is funded by a contract with the Danish Immigration Service.

The programme consists of several parts: Recruiting the guardians, training and guiding of the guardians, and administrative procedures and reporting both internally and externally.

The majority of the guardians are permanent staff members. They are hired by the Danish Red Cross based on their qualifications. The preferred qualifications are social worker, lawyers, or someone with extensive experience in the field of social services to children. A professional guardian will be the guardian for approximately 15 children at a time.

A smaller number of guardians are volunteers. They are often retired teachers or social workers, and they will normally be the guardian for one child at the time.

## Who was Supported and How

All unaccompanied child asylum seekers are entitled to a guardian according to the Aliens Act. Also unaccompanied child foreigners who did not apply for asylum will be provided with a guardian if they are in the care of the social services or the Danish Prison Service.

Annually, 200-500 unaccompanied children enter Denmark and apply for asylum each year.

Normally the majority of the children are from Syria, Afghanistan, Eritrea or Iran. They apply for asylum and go through the asylum procedure; this process lasts approximately 9-18 months, depending on how busy the authorities are.

Besides the children from these different countries, there are also children from North Africa, mostly Morocco, who live in the streets of different European countries and travel between mostly Spain, France, Belgium, Germany, Denmark and Sweden. They cause great concern as many of them are subject to abuse and exploitation and their chances of being recognised as refugees are very limited. For these children the role of the guardian is very much about cooperating with the social services to find solutions for the child to be protected from the criminals that exploit them and to find safe space where they can get a break from the tough life in the street.

Since the war in Ukraine started in 2022, a new group of minors have entered Denmark. Some of the unaccompanied children from Ukraine enter through the asylum system. Others come alone or are accompanied by for example grandmothers or neighbours and go directly to family or friends in the Danish municipalities. Since they are not accompanied by their parents, they are also entitled to a legal guardian, and the Red Cross will provide a guardian for them. Since they normally do not apply for asylum but are entitled to a residence permit according to the Danish Special Act, the procedure they are going through is very different and much shorter than the asylum procedure, but the guardian still plays an important role as they support the children in the procedure and ensure that their rights are met. Once children have their residence permit, the responsibility for integration is passed on to the municipality.

Formally the guardians have the same mandate as a parent, but in dialogue with the child, the guardian will focus on making the voice of the child heard, and make sure that the child is included in all decisions.

## Successes

The guardian programme is highly appreciated by the unaccompanied children, and by the authorities and others who are in contact with the children. The guardians are there for the children all the way through the asylum procedure - or special Ukraine procedure - and they play an important role for the children as they provide security and 'translation' of the systems and procedures.

The Danish Red Cross has provided guardians for all the unaccompanied children that have arrived in Denmark since 2003 and for 1,270 children from Ukraine since March 2022.

The Danish Red Cross has succeeded in recruiting and training both professional and volunteer guardians, including in peak situations, which at times has been quite challenging.

## Challenges and Difficulties

The Danish Red Cross has faced several challenges in implementing its programming with unaccompanied children.

- **Independence of the guardian:** The role of guardians is solely to act in the best interest of the child that they represent. Sometimes that role has been challenged by the authorities. Education of the guardians is the key to withstand this kind of pressure.
- **Professional or volunteer guardians?** Over the years the Danish Red Cross has discussed the pros and cons of volunteers and professional guardians respectively. The two types of guardians have different strengths; the Red Cross has concluded that they supplement each other very well. The support officer at our Red Cross Guardians Office determines in each case, what type of guardian is the best solution for the individual child. The Red Cross has developed a model, where the professional guardians are backup for the volunteers and the volunteers always know where to go for advice.
- **Negotiating the budget with the authorities:** Each year the Red Cross negotiates the budget for the coming year with the Danish Immigration Service. This can be a challenge, but the Red Cross has developed statistic tools and administrative procedures to prepare and make its arguments in detail; this process has been very helpful.

## Lessons Learned

- There needs to be a constant focus on the best interest of the child.
- Very detailed documentation of the work is essential to negotiate the necessary resources for the work.
- Clear procedures for recruiting, educating and follow up with the guardians is necessary to success.
- Focus on establishing the administrative procedures and a very clear description of the mandate of the guardians.
- A very thorough guide for both the volunteers and the professional guardians is important, combined with training, workshops, seminars and network groups. They need to be confident that they have backup as guardians, and they must also be educated and supported in their Red Cross identity.