

Complexities in the Case Management of Unaccompanied Minors: Perceptions of Social Workers Practicing in the Polokwane Child and Youth Care Centres

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Post-apartheid South Africa has become a preferred destination for migrants and refugees from across different parts of the globe, particularly the African and Asian continents. The influx of foreign nationals into the country has contributed to an increase in the number of unaccompanied refugee minors as they either travel alone or become separated from caregivers or parents once they have entered the country. This situation has complicated the management aspects of the cases of unaccompanied minors at the local level. The purpose of this article is to explore the experiences of social workers in the management of the cases of unaccompanied refugee minors in the Child and Youth Care Centres (CYCCs) in the Polokwane area. Qualitative data was collected by employing face-to-face interviews as well as observation techniques and data was analysed by applying the qualitative thematic approach. The findings highlighted that most of the unaccompanied minors were in dire need and lacked proper documentation. It was also revealed that a number of perilous child protection challenges existed in the management of the cases of unaccompanied minors. These include the limited capacity of social workers, lack of intersectoral integration and collaboration, and insufficient allocation of resources to tackle the multiple dilemmas that affect unaccompanied minors in the CYCCs. The study concludes that despite the solid international legal framework and South Africa having a relatively well-developed legal and policy framework governing child protection, there are a number of critical child protection gaps that exist in terms of the implementation of these frameworks for unaccompanied or separated foreign children, by government officials.

Keywords: migration, unaccompanied minors, social workers, child and youth care centres

INTRODUCTION

The migration of unaccompanied minors represents a trend which affects many countries from across the globe. Children who are unaccompanied minors constitute the majority of the world's refugees (Swart, 2009). The United States, for instance, experienced a rapid growth in the number of unaccompanied children entering the country through the US/Mexican border between 2011 and 2014 (Rosenblum, 2015). A report by the UNHCR (2015) indicates that half of the refugees who entered South Africa during the reporting period, were children.

After 1994, the democratic South Africa has become the preferred destination for many migrants and refugees from across the African continent. Many children travel independently or become separated from the care-giving adult once reaching the country; they are then referred to as unaccompanied minors. Mothapo (2017) notes that many unaccompanied migrant children in the country do not have an asylum claim but that they are economic migrants, and often children are in need of care and protection. Most of these unaccompanied minors are often undocumented, as they entered the country illegally. Their cases are dealt with in terms of this country's Children's Act (RSA, 2005) so that they are protected from deportation by obtaining an order from the Children's Court.

In the Limpopo province, the migration of citizens of other African states into the province has caused an increase in the number of unaccompanied minors within the child protection system, particularly in the Child and Youth Care Centres (CYCCs), and it needs a collaborative intervention. The CYCCs accommodate unaccompanied minors who remain in the system for more than two years, as the stipulated time in relation to section 159 of the Children's Act 38 of 2005 (Mothapo, 2017). The CYCCs are full to capacity and there are also delays in finalising the cases of unaccompanied minors due to several challenges. These challenges include the lack of identifying particular, untraceable families from the country of origin for reunification purposes; non-finalisation of placement; infrastructure; and other related problems (Rosenblum, 2015). Against this background, the article aims to explore the experiences of social workers in the management of the cases of unaccompanied minors, particularly the strategies and challenges in the process of case management

LITERATURE REVIEW

This section critically engages with the concept of unaccompanied refugee minors, the processes and procedures pertaining to the case management of unaccompanied minors, and the challenges related to the case management of unaccompanied minors. The section also presents the rights-based approach as a theoretical framework.

Unaccompanied refugee minors (URMs)

An unaccompanied refugee minor is a child who seeks refuge on his or her own

without any family or company, while undocumented children refer to both accompanied and unaccompanied children (Van der Burg, 2009). The reasons these children are outside of their country of origin without caregivers are diverse: they seem to be mainly fleeing prosecution or conflict, are victims of trafficking, or are in search of economic opportunities or schooling (DSD, 2009). Moreover, these unaccompanied and separated children often face discrimination and difficulty in accessing basic services and are at high risk of violence, exploitation and abuse. Currently, social welfare services are experiencing huge challenges in safeguarding care and protection of children (DSD, 2009).

Sobantu and Warriá (2013) emphasise that unaccompanied minors in South Africa are protected by the Constitution of the Republic of South Africa (RSA, 1996), the Children's Act No 35 of 2005 (RSA, 2005), the Refugees Act No 130 of 1998 (RSA, 1998) and the Immigration Act No 13 of 2002 (RSA, 2002). Section 28 of the Constitution sets out the rights of all children in South Africa, including the right to family or parental care or to suitable alternative care when removed from the family environment. It also stipulates the right to basic necessities and social services as well as the right to be protected from maltreatment, neglect and abuse (RSA, 1996).

The Refugees Act No 130 of 1998, also provides for the reception into South Africa of asylum seekers' relevant international statutory instruments, principles and standards relating to refugees (RSA, 1998). Section 32 of the Refugees Amendment Act of 2008 refers to the Children's Act in cases where unaccompanied children are found in need of care. The children's court may order that the child who appears to qualify for refugee status be assisted with the application for asylum in terms of the Act, but practically obtaining the documentation for unaccompanied children in the asylum process remains a challenge. A significant proportion of these children remain undocumented because the authorities refuse to grant them access to the asylum process without the assistance of a parent or guardian. This is because South African laws regard children below the age of 18 as lacking the full capacity to interact with the law when not duly assisted by their parents or guardian. This approach fails to take cognisance of the child's specific claims and that children can be persecuted and that any of the grounds for asylum in Section 3 can be applicable to children (Bhabha, 2008). On the other hand, once social workers and police officials have removed a child from a harmful environment and placed them in temporary safe care, and obtained the court order from the Children's Court, they consider their work complete (Willie and Mfubu, 2016).

The Children's Act No 38 of 2005, equally gives effect to the right of the children as stipulated in the Constitution, and it sets out principles in relation to care and protection of children. The aim of this Act is to promote and preserve families and give effect to the constitutional rights of children. However, the Children's Act is silent about unaccompanied minors; it does not identify particular vulnerabilities of foreign children like unaccompanied minors and separated refugee children, and hence there is a tendency of social workers and magistrates to focus only on social

welfare.

Case management of unaccompanied minors

It is important for social workers who work with unaccompanied minors to bear in mind that these children have generally been through traumatic situations. Therefore, clarity in roles among stakeholders could reduce the overlapping of roles and also fill the gaps that could be created by performing roles of others and minimise possible harm (Ambrose-Miller and Ashcroft, 2016). The Department of Social Development (DSD) has developed guidelines on separated and unaccompanied children outside their countries of origin. The aim of the guidelines is to assist the staff of the department in fulfilling their obligations with regards to separated and unaccompanied foreign children in South Africa. The guidelines (DSD, 2012: 5) specify a number of responsibilities on the part of social workers and other stakeholders, as follows:

- Identification of an unaccompanied or separated child: it can be done by anyone including police, immigration officials, social workers, NGOs and the community. Children who are identified should then be referred to a social worker or a police official.
- Assessment and documentation: the child will be assessed by the social worker within 72 hours, gathering information and the circumstances around the child and the child should be registered and documented.
- Tracing and investigation of the biological parents, family or any other person who is the caregiver to the child, from the country of origin.
- Temporary placement: children must immediately be placed in temporary safe care.
- Formal placement and options for durable solutions: the social worker should investigate the child's situation and compile the report within 90 days before the child is brought to the Children's Court. The social worker must then present recommendations for formal placement or a durable solution for the child, which is the permanency plan, taking into consideration the views of the child.

In line with the aforementioned process, social workers should play a critical role in ensuring effective management with the cases of unaccompanied minors. Wright (2014) concurs that social workers can play a key role in the initial screening, supervision and support in placement and where required, social workers can prepare unaccompanied asylum-seeking children to be returned to their countries of origin. In practice, however, there are some challenges that social workers face in implementing the procedures and process as outlined in the guideline.

Challenges in managing the cases of unaccompanied minors

Managing cases of unaccompanied minors within the child protection system is an important process, but how to do it, becomes a problem to most social workers. The lack of legal documentation delays the process and in addition, the lack of adequate knowledge – on the part of social workers and magistrates – of the legal framework and procedures relating to unaccompanied foreign children, contribute to this problem (Schreier, 2011). The area of social work figures prominently within the continuum of care for unaccompanied refugee minors (Lee, 2012). However, there is a gap in the literature to explore refugee and migrant issues from a social work perspective. The National Association of Social Workers (NASW, 2008) requires the profession to take responsibility for the ethical practice and research activities relevant to unaccompanied refugee minors (URMs).

Competence is a key capability required of social workers engaging with URMs. Therefore, an evidence-base of knowledge and skills that inform best practices requires ongoing research. Hence, this research was undertaken, in order to study the effectiveness of the services of social workers to unaccompanied minors and the challenges that they encounter. Although all social workers are placed at risk, there is global recognition of the particularly demanding nature of a designated social worker (Bradbury-Jones, 2013). Regardless of the inadequate knowledge base of unaccompanied minors' cases, child protection social workers have to make decisions and act. They have to predict the underlying picture and make decisions about the safety of the children involved. Their statutory responsibilities mean they have limited time and resources to investigate and reflect and the need for speed is another constraint.

Mahmoudi and Mothapo (2018) argue that language barriers present the main challenge in assisting the children, especially if they are very young. Furthermore, translation resources are limited and informal mechanisms to assist with translation are used, which is certainly not ideal when dealing with vulnerable persons. On the contrary, Westwood (2012) contends that when language is a barrier, social workers worry if the children are getting accurate information from the interpreters. The survey conducted suggests that a large percentage of the children originate from French-speaking African countries (Burundi, the Democratic Republic of the Congo and Rwanda) and language is also an obstacle in the way of family tracing and reunification, since reunification efforts in the country of origin would entail liaison with French-speaking counterparts or relatives (SCCT, 2019).

The reality of migrant children is that they enter their host countries with no proper documentation, which is difficult insofar as identity and age assessments go (Westwood, 2012). Research suggests that the South African refugee system is ill-equipped to deal with age assessments, creating a gap in the system when it comes to the identification of applicants as minors (Haidar, 2017). Research indicates that a social worker may conduct an age assessment of a child by visiting a doctor, but whether children are given the option to consent or not is unknown and no case law

was found that may shed light on this topic (Westwood, 2012). Social workers felt that the migration agency did not do enough in making an allowance for the cases of unaccompanied minors; they called for the holistic assessment of cases; and they also felt that they do not have much influence on decisions made by the migration agency (Zwebathu, 2018). Tham (2018) shows that doing social work with unaccompanied minors presents a high job demand with low control, which may lead to work-related stress.

Rights-based approach as a theoretical framework

A theoretical framework refers to a structure that summarises concepts and theories from previously tested and published knowledge to provide a synthesis of a theoretical background or a basis for data analysis and interpretation (Kivunja, 2018). Accordingly, this study deemed the theory of a rights-based approach (RBA) to be relevant because much emphasis has been given to RBA to address the issues and challenges related to child protection (Dinbabo, 2013). The RBA consists of seven steps, as described below (adapted from Dinbabo, 2013: 274; Dinbabo and Carciotto, 2015: 165):

- **Universality and inalienability:** Human rights are universal and inalienable, and the entitlement of all people everywhere in the world. An individual cannot voluntarily give them up. Nor can others take them away. As stated in article 1 of the Universal Declaration of Human Rights, “All human beings are born free and equal in dignity and rights”.
- **Indivisibility:** Human rights are indivisible. Whether civil, cultural, economic, political or social, they are all inherent to the dignity of every person. Consequently, they all have equal status as rights and cannot be ranked in a hierarchy.
- **Interdependence and interrelatedness:** The realisation of one right often depends, wholly or in part, on the realisation of others. For example, the realisation of the right to health may depend on the realisation of the right to information.
- **Equality and non-discrimination:** All individuals are equal as human beings, and by virtue of the inherent dignity of each person, are entitled to their rights without discrimination of any kind. A rights-based approach requires a particular focus on addressing discrimination and inequality. Safeguards need to be included in development instruments to protect the rights and well-being of marginalised groups.
- **Participation and inclusion:** Every person and all peoples are entitled to active, free and meaningful participation in, contribution to and enjoyment of civil, economic, social, cultural and political development, through which human rights and fundamental freedoms can be enjoyed.

- Empowerment: Empowerment is the process by which people's capabilities to demand and use their human rights grow. They are empowered to claim their rights rather than simply to wait for policies, legislation or the provision of services.
- Accountability and respect for the rule of law: A rights-based approach seeks to raise levels of accountability in the development process by identifying "rights holders" and corresponding "duty bearers" and to enhance the capacities of those duty bearers to meet their obligations.

As indicated above, the RBA was adopted as a theoretical framework of this study, which demonstrates the importance of human rights principles to unravel challenges and issues in the arena of migrant child protection. The focus of this paper is to explore the experiences of social workers in the management of the cases of unaccompanied minors in the Child and Youth Care Centres in the Polokwane area, Limpopo province. In this regard, the RBA assists in understanding the complexities in the management of cases of unaccompanied refugee minors.

METHODOLOGY

A qualitative case study design was adopted to explore the complexities in the case management of unaccompanied refugee minors from a social work perspective. It was conducted in two CYCCs in Polokwane, namely, the Polokwane Welfare Complex and the Samaritan Children's Home. The Polokwane Welfare Complex is a government-owned institution, consisting of four units: temporary safe care, children's home, secure care, and Khuseleka one-stop centre. The Samaritan Children's Home is a registered child protection organisation in Polokwane. These centres accommodate unaccompanied refugee minors.

The participants of the study constituted primarily social workers practicing within the two CYCCs, including the supervisors and coordinators. These groups were selected purposively because of their extensive knowledge of and involvement in the activities of the two centres. Accordingly, eight social workers, two supervisors and two coordinators were selected for this study. The total sample size for this qualitative study was 12, based on the data saturation.

The qualitative data was collected using interviews and observation. The one-on-one interview schedule was used as a guide to collect first-hand information from the social workers. The data analysis involves an inductive thematic analysis technique which involves transcribing the field notes, followed by coding the data using codes identified from the data. The coded data was classified into themes and sub-themes. The interpretation was then provided and cross-examination was done with the relevant literature. The findings are presented in the form of a textual report and direct quotations.

FINDINGS AND DISCUSSIONS

This section provides biographical profiles of the respondents. Regarding the gender of participants, 92% of the participants were female while 8% were male. As a helping profession, social work is often regarded as a woman-dominated field. With regard to work experience, 90% of the participants had 5 to 10 years of experience practicing as a social worker. Fewer than 10% of the respondents had more than 10 years' experience as social workers and they held senior positions, such as social work supervisors, and district and provincial coordinators of programmes.

The next section provides the findings and discussions using the themes derived from the study. These include: the overall situation of unaccompanied minors; the management of cases of unaccompanied minors; perceptions on case management; and challenges faced by social workers in the management of cases of unaccompanied minors in the study area.

The overall situation of unaccompanied refugee minors

Child protection, including for unaccompanied refugee minors, has been promulgated in different legal and policy frameworks in South Africa. Despite the existence of a plethora of legislation, the evidence suggests that unaccompanied minors are still exposed to exploitation and they are in a situation of hopelessness (Magqibelo et al., 2016). This study sought to establish the overall situation of unaccompanied minors in the study area. The findings show that unaccompanied minors are generally in a dire situation as they live on the streets, begging, stealing and are mostly exposed to abuse and exploitation by adults and some might be involved in criminal activities like stealing for survival. According to the participants of the study, the cases of unaccompanied minors are increasing around the Polokwane area. These minors are normally found roaming the streets of the city. This situation puts them in a vulnerable state as they are mostly unprotected against abuse and mistreatment. According to the IOM (2012), children who leave their homes, communities and countries are at risk of economic or sexual exploitation, abuse, neglect and violence. Moreover, these unaccompanied minors often face discrimination and difficulty in accessing basic services, and are at high risk of violence, exploitation and abuse (Van der Burg, 2009). The following extracts from participant responses confirm this harsh reality:

The situation is dire in that there are a lot of those cases of unaccompanied minors in Polokwane. They live in places and leave in the morning to come and beg in the street and go to the same place to sleep (P3 social worker, 27 April 2019).

These children are normally found roaming the street in the cities. They survive through begging, stealing and are mostly exploited by adults. This puts them in a vulnerable state as they are mostly exposed to abuse and exploitation. Most

of these children are of Zimbabwean nationality, which is a challenge because they don't qualify as asylum seekers. They are here for economic reasons (P11 provincial coordinator, 09 May 2019).

The findings also revealed that the majority of unaccompanied minors are Zimbabwean nationals, which disqualifies them as asylum seekers. They left their countries, usually without their families' knowledge, due to economic and political instability. The major reasons for migration were extreme household poverty and exposure to various vulnerabilities including starvation, lack of/threatened education, financial difficulties, abuse/victimisation and lack of adult protection (Adefehinti and Arts, 2019). The literature shows that South Africa is home to thousands of unaccompanied child migrants from neighbouring countries, especially Zimbabwe (UNICEF, 2011). Most of these children are often undocumented as their entry into the country is irregular (Westwood, 2012; Mothapo, 2017), which makes intervention by social workers difficult.

Since the majority of these children are from Zimbabwe, they are located in quite big numbers in Musina, a town next to the Zimbabwe/South Africa border. They are also found in the streets of Polokwane city for survival mechanisms, mainly through begging. It is evident that they entered the country without their parents or guardians, while others came to South Africa with their relatives and parents, and at a later stage became separated from them, for various reasons. According to the participants of the study, they lack documentation, which becomes difficult in terms of managing their cases. As a result, the unaccompanied minors cannot access basic education at schools and remain without a birth certificate, making it more complex to be transferred to foster care and to facilitate access to social grants. It should be emphasised that the rights-based approach requires a particular focus on addressing discrimination and inequality in order to safeguard the rights and well-being of marginalised children, including unaccompanied refugee minors (Dinbabo, 2013).

The management of cases of unaccompanied minors

According to Greenff and Chetty (2018), case management refers to linking the identified migrating child with systems that provide him/her with the needed services and/or resources to facilitate a safe transit and initial placement during their migratory journey. These authors further state that case management involves steps such as: identifying and documenting an unaccompanied minor; assessing the needs of the minor; developing an individual case plan for the minor; starting the case plan by making use of direct support and referral services; following up and review; and finally closing the case (Greenff and Chetty (2018). In South Africa, the Children's Act of 2005 provides clarity on the case management of vulnerable children. As the implementing agency, the Department of Social Development (DSD) guidelines also stipulate the procedures and roles by officials in managing the cases of vulnerable children, including unaccompanied refugee minors to ensure access to effective child

protection services.

This study engaged participants to determine the efficiency of case management procedures for unaccompanied minors. According to the respondents, these children are mostly found by the police during patrols in the city or else when they are arrested for petty crimes. The police will then take them to the CYCCs and after that the case will normally be referred to the social worker for further attention or to a probation officer if the child has committed a crime. The documentation should be done as a priority, as stipulated in the DSD guidelines for unaccompanied and separated minors outside their country of origin (DSD, 2015). Once the case has been reported, a social worker has to seek a temporary placement for the child. To effect this, a social worker takes the case to a court and places the child in a CYCC, depending on the age of the child. If the birth of the child has not been registered, the social worker needs to approach the Department of Home Affairs (DHA), the department responsible for birth registrations. In most cases, because the children are undocumented, the matter has to be referred to the Department of Health (DoH) for age estimation before the DHA issues a hand-written registration of birth. The following extracts capture participant responses:

The first thing that I must do as a social worker, once the case has been reported, is to seek temporary placement for the child. I have to go to court and place the child in CYCCs depending on the age of the child. Also, if the birth of the child is not registered, one needs to involve Home Affairs and, in most cases, because they are undocumented, you have to go to the Department of Health for age estimation before Home Affairs issues a hand-written registration of birth (P2 social worker, 13 April 2019).

Mostly they are found by police when they are patrolling in the cities, or else they are being arrested for petty crimes. The police will then take them to CYCCs and after that they will normally refer the case to the social worker for further attention or to a probation officer if the child has committed a crime (P11 social worker, 09 May 2019).

According to the respondents of this study, after the placement of the minors into CYCCs, they are interviewed to obtain more information regarding their status. Some difficulties during interviews, include: the children provide incorrect personal details required to trace families; some children have been known to go home (Zimbabwe) for Christmas – while having claimed not to have a family – and then return to South Africa. This prevents reunification efforts made by social workers (Mahmoudi and Mothapo, 2018). Despite this challenge, the social workers interview the children in order to gather information about their background that will assist at a later stage for tracing of the family. Respondents further highlighted that it is very difficult to get the truth from these minors as their stories always change, which

make it difficult to win their trust. In addition, this complicates the situation and the families are untraceable because of inconsistent information. However, in practice there are several challenges, including a highly restricted immigration system, an overburdened and poorly functioning asylum system, and an under-resourced, unsuitable child protection system, leaving the minors extremely vulnerable to arrest, detention, exploitation and abuse (Andersen et al., 2016).

Perceptions of case management

The rights-based approach (RBA) seeks accountability and respect for the rule of law in terms of the management process and promotes an integrated and comprehensive approach towards ensuring the rights of people in general and more specifically child protection (Dinbabo, 2013). The authors of this paper argue that it is important to build the capacity and empower various implementing agents. However, the respondents of the study are of the opinion that the cases are not well managed, based on the fact that social workers do not know how to handle these cases. Participants also revealed that there is a delay by International Social Services (ISS) to attend to these cases, let alone to give either feedback or updates to social workers about the status of the case. In practice, there is no proper communication between service providers and ISS nor acknowledgement of receipt and feedback about the cases referred, which indicates that there is a gap in the implementation of policies.

Schreier (2011) concurs that the lack of sufficient knowledge by social workers and magistrates of the legal framework and procedures pertaining to unaccompanied foreign children, contributes directly to the delay in the finalisation of these cases. The evidence also reaffirmed the DSD's guidelines on separated and unaccompanied children outside their country of origin in South Africa, which states that action to assist separated and unaccompanied children who are outside their country of origin, requires long-term commitment, often lasting years, by the stakeholders involved (DSD, 2015).

Below are extracts from participants' perceptions of case management:

Cases are not well managed. I submitted a case of a child from Nigeria in January 2019 to the ISS and even to date no response, feedback or update received. It is now three months; when making a follow-up, you only get one sentence: "We are still busy with the case." DSD is actually contributing towards not assisting these children according to the norms and standards of the Children's Act (P10, social worker, 26 March 2019).

I don't think they are well managed, there is a lot of mismanagement, and cases are not well managed as we do not have direct contact with ISS or the person referring the cases. There is a lot of red tape between the social worker and ISS. Many a time the information does not reach the manager, only when follow-up is made by the case manager, they are then told they used the wrong

format or the social worker from the other country or ISS is no longer working there. If a social worker can have direct contact with the counterpart from the other side, maybe this process will be less complicated (P1, social worker, 14 March 2019).

Perceptions of the effectiveness of the case management system

According to Magqibelo et al. (2016), there are several legislative frameworks to ensure that unaccompanied minor refugees have access to the most basic human rights, which include regional, national and international declarations pertaining to children. These include, the United Nations Convention on the Rights of the Child (UNCRC) (1989), the African Charter on the Rights and Welfare of the Child (ACRWC) (1990), and the Children's Act (Act 38 of 2005) as amended by the Children's Amendment Act (Act 41 of 2007). However, the authors argue that a number of protection gaps, especially in terms of implementation of these frameworks, still exist (Willie and Mfubu, 2016; Magqibelo et al., 2016) due mainly to the lack of sufficient legal paths for the documentation of foreign minors, lack of coordination between the various state departments, and lack of knowledge about the relevant laws.

Participants of this study also expressed their disappointment regarding the effectiveness of the system. Despite a few successful cases, most participants believed that the case management processes and procedures governing unaccompanied minors are not effectively implemented because most of the social workers lack awareness about the system and that there is inadequate collaboration between the ISS and social workers. As a result of the lack of progress and delays, the executions of cases by the social workers were inefficient. One of the participants of this study indicated that they wished for social workers to be given the authority to directly trace the families of the children or find a suitable family so that the child can be raised in the family set-up rather than remaining for long periods in the CYCCs. In line with this finding, Andersen et al. (2016) pointed out that despite the legislation and guidelines that provide a comprehensive system of protection and care for children in South Africa, there still remains a profound gap in the ability of social services to meet their statutory duties to vulnerable children. The following extracts from participant responses concur with the literature:

In my opinion I don't think it is because the cases are still not moving. There is no progress yet, and in my opinion, I would wish if things can be done differently, in the sense that if social workers can be given the authority to not work via the ISS which takes a very long period. If they can be given the authority to trace the families of the children themselves or if there is no one coming forth, maybe we find a suitable family for this child so that they can be raised in South Africa to prevent them remaining in the CYCCs and disadvantage them from the opportunity to grow up in a family setting (P1,

social worker, 14 March 2019).

In my opinion, the system is there, but it is not working. There are few successful cases. Social workers will end up stuck with these cases because they will not be solved. Maybe if the ISS can be decentralised up to the provincial level, maybe it might work because it might be that they are having high caseloads or insufficient human resources (P2, social worker, 13 April 2019).

Challenges faced by social workers

The study found that there are numerous challenges that are hampering service delivery to unaccompanied children. Among other challenges mentioned by respondents, is the fact that these children are undocumented. According to Sobantu and Warri (2013), numerous unaccompanied children do not possess documents because of the circumstances which led to them leaving their homes, with documents being confiscated by immigration offices or police, or getting lost during the trip, or becoming illegible because of travelling conditions. These children are undocumented and the relevant department does not show full cooperation and commitment to deal with the matter. As a result, children are not attending school and are not getting other important services, simply because of having no documentation. The following extracts from participant responses bear testimony to this unfortunate reality:

They do not have documents and then it becomes a big challenge with us because at the end you don't know what to do with this child. The child can't be registered at a school; they can't get a birth certificate where you can say these children can be fostered and get a grant; you get stuck (P8 supervisor, 14 March 2019).

These children are undocumented. The Department of Home Affairs is not cooperative, nor willing to assist with the issue of documentation. Children are not attending school due to lack of documentation (P9 social worker, 26 March 2019).

The second challenge, as identified by participants, is that these children often do not tell the truth about their background, which causes their cases to take long before being finalised. On the other hand, the ISS takes time to give feedback of cases referred for family tracing. Tracing the families is also a challenge, as the ISS is not effective, because many cases are not finalised. The fact that the cases are active for a very long time and there is no progress, is like a back-and-forth kind of a situation and is a challenge on its own. The fact that this child is in limbo, the child does not have a family that they can be linked to, and the child is staying in a CYCC, is a challenge on its own. This implies that the best interest of the child is not really given priority in the situation, which is a massive challenge, as confirmed by these

interview extracts:

Sometimes children are not willing to cooperate, not willing to either participate or give information. There is a lack of resources like telephones, so phoning other countries is a hassle; there are no landlines and sometimes one has to go to other offices to make calls (P3, social worker, 27 April 2019).

Tracing the families is also a challenge, as ISS is not effective because many cases are not finalised. Capacity-building was last conducted in 2012 and it was not on unaccompanied children in particular, but it was on case management, of cases in CYCCs and the management board of CYCCs, on Chapter 13 on their roles as the board (P9 social worker, 26 March 2019).

Thirdly, there is lack of knowledge on the part of social workers, which suggests that they are not well-capacitated and lack adequate support from management. There is also a lack of support by their supervisors, and the children themselves are often not willing to cooperate, or to participate and provide information. Additionally, there is lack of resources like telephones, so phoning other countries is a problem; there are no landlines and sometimes social workers have to go to other offices to make calls. Hence, it would help if the department could do more to capacitate social workers on policies around unaccompanied minors in particular, and on migration in general, and not capacitate only social workers who are dealing with the cases, but all social workers.

CONCLUSION AND RECOMMENDATIONS

It can, therefore, be concluded that the cases of unaccompanied minors are not well managed and there are challenges with regards to the management of these cases. Regardless of the solid international legal framework and South Africa having a relatively well-developed legal and policy framework governing child protection, there are a number of critical child protection gaps that exist in terms of the implementation of these frameworks for unaccompanied or separated foreign children by government officials. Furthermore, social workers and other stakeholders are not capacitated on dealing with cases of unaccompanied minors. Lack of intersectoral collaboration and social workers without resources aggravate the challenges. The following recommendations are drawn, based on the findings:

- The respective government departments should allow unaccompanied asylum-seeking minors to apply for permits under section 31(2) (b) of the Immigration Act, which will be a sustainable solution, which will ultimately lead to a permanent solution for these minors.
- The concerned government department should provide social work resources in order to render services and implement guidelines for the benefit of the foreign children whom they are obligated to protect.

- The relevant social workers and care workers should be capacitated on different legislations that deal with unaccompanied and foreign children in order to ensure proper implementation of the law.
- The responsible department should make an amendment to the Children's Act to include unaccompanied minors in section 150 of the Act.
- The concerned government department should develop a practice note that will effectively provide guidance in relation to the Refugees Amendment Act to its officials on procedures to follow when dealing with unaccompanied and foreign children.
- There should be coordination and integration of services among the relevant government departments wherein each stakeholder plays their role, as mandated by their respective departments, to ensure that the rights of unaccompanied children of migrants and refugees are protected.

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