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## Unaccompanied foreign minors in Italy between normative and educational needs

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### Abstract

Nowadays, unaccompanied foreign minors (UAMs) are a significant part of the migrants who arrive in Italy. Starting from the statistical analysis concerning the presence of UAMs in Italy, this paper aims to examine this complex phenomenon and to investigate the legal and socio-educational issues regarding this vulnerable group of migrants. Recently, Italian government has shown a particular interest in the protection of these children who arrive in Italy, approving the Law No. 47 of 7 April 2017 on 'Provisions on Protective Measures for UAMs'. This law has amended the existing legislation on UAMs in order to strengthen the protection of these minors and to ensure a homogeneous application of the rules throughout the national territory. Therefore, this study outlines the main measures introduced by Law No. 47/2017 and focus on the important educational role played by the so-called 'legal guardian' ('tutore') of UAM for safeguarding and ensuring the well-being and the full integration of the minor.

**Keywords:** Unaccompanied foreign minors, migration, Italy, educational issues, 'legal guardian'.

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## 1. Unaccompanied foreign minors in Italy by the numbers

According to recent Italian legislation [Law No. 47 of 7 April 2017, Provisions on Protective Measures for Unaccompanied Foreign Minors (UAMs), *Gazzetta Ufficiale* (GU), 2017], an UAM 'is a minor who has no Italian citizenship nor any other EU citizenship, who is for whichever reason in the territory of the State or who is otherwise subject to Italian jurisdiction, without assistance and representation from parents or other adults legally responsible for him according to the laws in force in the Italian legal system' (Article 2.1). These minors 'are holders of rights in the matter of the protection of minors with equal treatment of minors of Italian citizenship or of the European Union' (Article 1.1) and have been recognised by Italian law as minors who need special measures of protection 'because of their condition of vulnerability' (Article 1.2).<sup>1</sup>

The attention of the Italian state for this specific category of foreigners, in fact, must also be read in light of the numbers relating to UAMs which, in recent years, have experienced a strong increase.

On this side, the presence of UAMs in Italy is not a new phenomenon for our country.<sup>2</sup> However, since the beginning of the 1990s, it has assumed an increasing importance (Giovannetti, 2008, p. 198) and in the last few years,<sup>3</sup> the problem of their reception has become even more urgent, due to a significant increase in UAMs' arrivals in the Italian territory.

In particular, 2016 was a 'record year for landings in the Mediterranean' (Fondazione ISMU, 2017, p. 1) and the number of unaccompanied minors has reached figures never recorded before. In fact, the children who crossed alone the sea to reach Italy in 2016 were 25,846, while 13,026 in 2014 and 12,360 in 2015 (Ministero dell'Interno, 2016, p. 8). Therefore, UAMs have increased by 98.4% compared to arrivals in 2014 and even by 109.1% compared to 2015. Out of a total of 181,436 arrivals by sea registered in 2016, minors (accompanied and unaccompanied) landed on our shores were 28,223 therefore, the UAMs were 14.2% of all arrivals by sea and 91.6% of the total number of minors landed on Italian shores (Fondazione ISMU, 2017, p. 1; Lopresto & Giannotta, 2017, p. 146). On this last issue, the ISMU Foundation observes that 'on the whole collective of minors disembarked, the weight of the component of unaccompanied minors has been growing over time: in 2014, they constituted 49% of the total; in 2015, 75% (out of 16,500) while in this last year, 92% of the over 28,000 minors have landed' (Fondazione ISMU, 2017, p. 2).

The data analysed, provided by the Ministry of the Interior and concerning the arrivals by sea on the Italian coasts,<sup>4</sup> are very important for outlining the picture of the presence of UAMs, but they are not exhaustive. These data, actually, do not take into account 'minors who are intercepted in the rest of the territory and who travel [...] on trucks or other vehicles, relying, having no alternatives, to traffickers' (Save the Children, 2017b, p. 26).

It is therefore important to consider also the data provided by the Ministry of Labour and Social Policies which records the UAMs who have been reported to the authorities and who are present in

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<sup>1</sup> Unless otherwise indicated, all translations of quotations are mine.

<sup>2</sup> According to Campani and Salimbeni (2006) this phenomenon has developed in Italy since the 50s and 60s and has grown in the following decades in four different phases. For a concise and precise description of the phases, see also Accorinti (2015, p. 60).

<sup>3</sup> At the end of 2010, there was the fifth and more recent phase, following the events linked to the so-called "Arab Spring" and involving countries such as Egypt, Tunisia and later Syria (North Africa, but also the Middle East), with a sudden increase of migration flows between Mediterranean shores (the Sicilian coast in particular), leading the Government to declare a state of national emergency (18 February 2011). [...] From 2010, migration flows began increasing again, reaching 7,750 minors in 2011; 7,575 in 2012; 8,461 at the end of 2013' (Accorinti, 2015, p. 61).

<sup>4</sup> For more information provided by the Ministry of the Interior, collected until October 31, 2017, see the publications directly available on the Ministry website and in particular at the following link: <http://www.libertaciviliimmigrazione.dlci.interno.gov.it/it/documentazione/statistica/cruscotto-statistico-giornaliero>

the Italian reception facilities<sup>5</sup>: ‘the number of UAMs in Italy on 31 December 2016 is of 17,373, 45.7% more than the 11,921 admissions registered on 31 December 2015 and 25.3% more than the 10,536 presences on 31 August 2016 (Fondazione ISMU, 2017, p. 3; Ministero del Lavoro e delle Politiche Sociali, 2016, p. 4);

The most recent data available allow us to add that on 31 August 2017 that there are 18,486 UAMs in Italy. At the same date of the previous year’s survey, the minors were 13,862 while at 31 August 2014 there were 8,944. Therefore, there is a significant increase of UAMs, which in percentage terms is + 33.6% compared to 2015 and even + 106.7% compared to 2014 (Ministero del Lavoro e delle Politiche Sociali, 2017, p. 5).

In addition, on 31 December 2016, untraceable unaccompanied minors were 6,561, while on 31 May 2017 they were 5,433. These are foreign minors who are not included in the Italian reception system and have lost track.<sup>6</sup>

The data provided by the Ministry of Labour and Social Policies, concerning UAMs accepted in Italian facilities, allow us to know other important information,<sup>7</sup> including the type of reception for these minors and the paths started for their integration.

As regards the first aspect, out of the 18,486 minors present in Italy on 31st August 2017, 93.4% has been accepted at reception facilities (on 31 December 2016 they were 92.5%), while 3.3% has been placed with private individuals (on 31 December 2016 it was 4%). For the remaining 3.4%, from the reports received to the General Directorate, the type of placement cannot be identified (on 31 December 2016, it was the remaining 3.5%) (Ministero del Lavoro e delle Politiche Sociali, 2016, p. 9, 2017, p. 13). Therefore, we can affirm that the Italian reception system for these children is almost entirely based on more or less authorised structures, while the assignments to private individuals are still few.

Finally, taking into account the integration paths carried out by minors, this information can be obtained from the data on the favourable opinions that the Committee for Foreign Minors issues towards those foreign minors in custody or subjected to protection who are reaching the age of majority may request the conversion from a residence permit for minor age or custody to a residence permit for study, access to employment or subordinate work, provided that they have been admitted to a project of social and civil integration for a period of no less than two years (Ministero del Lavoro e delle Politiche Sociali, 2017, p. 16). From 1 January 2017 to 31 August 2017, the total number of opinions issued was 1,222. By extending the period, from 1 January 2016 to 31 December 2016, the total number of opinions issued was 2,246, 439 less than in 2015 (when they were 2,685) (Ministero del Lavoro e delle Politiche Sociali, 2016, p. 12).

In addition, we know the number of opinions issued in 2016 divided according to different types of integration paths performed by minors who have reached the age of majority. The integration path most frequently achieved was the scholastic and training one, which involved 78.7% of former minors. On the other hand, 21.2% of the opinions issued concerned foreign students who have achieved a

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<sup>5</sup> The Ministry of Labour and Social Policies and in particular the General Directorate for Immigration and Integration Policies elaborates and publishes on the institutional website statistical reports on the UAMs (see the link: <http://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/minori-stranieri/Pagine/Dati-minori-stranieri-non-accompagnati.aspx>). These data cannot be directly compared with the data of arrivals because they include all the children accepted, including those traced on Italian territory and not necessarily arrived by sea (Save the Children, 2017b, p. 38). Furthermore, also this information is not exhaustive because not all the competent authorities promptly report the presence of foreign minors without reference figures in the reception facilities, or their sudden removal’ (Save the Children, 2017b, p. 26). However, these data are very useful for focusing more accurately on the picture of UAMs.

<sup>6</sup> For more details on foreign untraceable minors, see the Ministero del Lavoro e delle Politiche Sociali (2016, p. 4, 2017, p. 5).

<sup>7</sup> For data on the nationality of the UAMs, their age and gender, see the Ministero del Lavoro e delle Politiche Sociali (2016, pp. 2–4, 2017, pp. 5–6 and 11).

socio-economic integration in our country (Ministero del Lavoro e delle Politiche Sociali, 2016, p. 13). Similar data were recorded in the period January–August 2017: out of a total of 1,222 opinions issued, 82.9% concerned foreigners who completed scholastic and training integration paths and the remaining 17.1% foreigners with socio-working integration paths. From these data emerges the importance of training and work, both seen as essential factors for the tangible integration of foreigners.

Therefore, the framework outlined is useful for understanding the relevance of the analysed phenomenon. It is a picture that can be hardly clarified, at least from a statistical point of view. It is worthwhile to consider the phenomenon of UAMs in the effort of grasping the real dynamics in their complexity, in order to understand the real needs of these foreign minors who come alone in Italy looking not only for protection and safeguard but also for integration.

## **2. The condition of unaccompanied foreign minors: Legal and socio-educational issues**

Foreign minors who arrive alone in Italy represent a significant component of migratory flows in our country not only from the numerical point of view, but also because of their peculiarities.

UAMs choose themselves to undertake the migration project with or without the consent of their family and they face the journey alone, often in conditions of serious danger, looking for better opportunities for life. Once they arrive in Italy, they do not have parents or family members who can take care of them, according to Italian law,<sup>8</sup> and they often live in situations of instability and illegality.

Actually, the condition of these children is much more complex, so this category of foreign minors and their specific problems is worth analysing closely.

First of all, the category of ‘unaccompanied minor’ includes different types of minors: minors who come to Italy to be reunited with their parents, but do not have requirements for regular reunification (the so-called ‘partially UAM’); children who arrive illegally in Italy for work reasons and with projects often shared by the family; children victims of trafficking and/or exploitation; minors seeking asylum or with temporary protection measures for humanitarian reasons (Accorinti, 2015, p. 2).<sup>9</sup>

These typologies simplify a much more articulated phenomenon (Bertozzi, 2005, p. 25). The reasons underlying the migrant project of UAMs (the so-called ‘push and pull factors’) ‘are very diversified and lead to the construction of different patterns that are not unique nor exclusive; rather, they combine in many ways in the experiences of these migrant children’, ending up to significantly influence their different expectations (Bertozzi, 2005, p. 27).

More specifically, the economic reason is undoubtedly one of the most important reasons that push the UAMs to leave. They are often children who live with families in conditions of economic precariousness and social hardship in their country; somehow, they feel compelled to help their family and so they decide to emigrate to seek better opportunities to work or study. Their parents can share the child’s decision to leave and can also support him in the migration project. On the other hand, it may also happen that the minor has made an independent choice or even in conflict with the family. In any case, these are projects requiring an ‘early’ responsibility to be taken with respect to the young age of these teenagers and, as Bertozzi observes, with respect to the western model of adolescence.<sup>10</sup>

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<sup>8</sup> In Italy a foreign minor can be entrusted with a formal provision to a family member, who becomes the legal guardian, provided that he is a relative within the fourth degree and is legally resident (Giovannetti, 2008, p. 108).

<sup>9</sup> In this regard, see also Campani, Lapov and Carchedi (2002) and Bertozzi (2005).

<sup>10</sup> In fact, there is a different view of adolescence, which mainly characterises the Arab countries, according to which the youngsters, in the transition to adulthood, are part of a very solid social and community frame. This frame motivates them to contribute to meet collective needs and, above all, to take on their own social role even from the age of 14 (Bertozzi, 2005, p. 27).

Emigration can also represent a social phenomenon, as relatives or friends have already taken this path and they constitute factors of attraction for those minors who decide to follow the same migration experience. Not only the stories and migratory experiences of relatives and friends, but also the European welfare models, conveyed by the mass media, can push foreign minors to change their lives: these adolescents, in the absence of valid perspectives for their future, are fascinated and intrigued by new patterns of living and consuming, not characterised by deprivation; thus, they are ready to emigrate (Bertozzi, 2005, p. 29).

Then, there are foreign minors who come to Italy to reunite with their parents, but do not have ‘the requirements for a regular reunification, and so they remain legally “alone”’ (Bertozzi, 2005, p. 29). In the same condition, we can find those who undertake the journey with parents or family members, but for various reasons (for example, the death of these figures) remain alone in Italy.

Alongside these reasons, there are other more problematic and dangerous situations that can push children and adolescents to leave their country. In fact, many of these minors arrive in our country to escape from wars, persecutions or situations of serious political crisis, looking for protection or asylum. Their migratory course is often characterised by several stages and a continuous redefinition of the destination. In fact, it may happen that children enter Italy in order to go to other European countries; but these countries expel them and sent them back to Italy, as it is the first country they went to when they entered the European Union.<sup>11</sup>

In addition, there are exploited minors, victims of criminal organisations, who are involved in human beings trafficking or in illicit activities (prostitution, drug dealing, theft and the like).<sup>12</sup> These minors ‘cannot be considered “alone,” as there are adult exploiters who “look after” them, subjecting them to experiences with heavy psychological repercussions’ (Bertozzi, 2005, p. 29).

Therefore, there are different reasons for UAMs’ departure, which ‘often translate into logistically similar migratory paths and which, however, have different outcomes depending on the meetings and opportunities offered in the country of arrival’ (Bertozzi, 2005, p. 30).

The experience of the trip for these young migrants is characterised by the uncertainty and the variability of travel times, of the journey and sometimes even of the destination, since in the vast majority of cases the migrants travel on illegal itineraries, designed specifically to avoid control systems. Travel can be self-managed—‘self-made traveller’ (Giovannetti & Pacini, 2016, p. 12)—or organised by people who encourages illegal immigration. Moreover, the means of transport can differ according to the country of origin of minors.<sup>13</sup>

Once young migrants arrive in Italy, these foreign minors face experiences that can decisively influence their future (Giovannetti & Pacini, 2016, p. 12). There are, in fact, minors who are included in the group of compatriots who can direct them to the reception services of local administrations or volunteers, but it may also happen that the same group introduces them to illicit activities. Other minors can also arrive without any contact and if they are not intercepted by police forces, they are left at the mercy of impromptu meetings with people who can determine more or less positive outcome of their migratory project.

The condition of illegality, the lack of opportunities and the financial needs of UAMs strongly exposes them to the risk of deviance: criminal networks lure these minors looking for immediate gain and exploit them in illegal activities such as being street hawkers or the begging, drug dealing, theft, prostitution (both female and male).<sup>14</sup> However, once discovered, these foreign minors emerge from

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<sup>11</sup> For more information on the particular treatment of foreign minors seeking asylum or seeking refugee status and the specific regulations relating thereto, see Bertozzi (2005, pp. 37–38) and Giovannetti (2008, pp. 110–113).

<sup>12</sup> On minors victims of trafficking and on their specific protection and reception paths, see Giovannetti (2008, pp. 113–115).

<sup>13</sup> For further information about the types of migration routes based on nationalities, see Bertozzi (2005, pp. 30–31).

<sup>14</sup> A detailed description of the deviant paths of UAMs has been made by Bertozzi (2005, pp. 32–37).

their invisibility and have a double clash against the Italian repressive system. On one hand, they lose their freedom by entering into juvenile detention centres, but on the other hand, they are granted rights for the first time. Actually, in prison they have the opportunity to meet lawyers, psychologists, educators, doctors and similar figures that allow them to start training courses of study or work and also, recreational activities. However, according to Bertozzi (2005, p. 34), these are ‘temporary rights, often destined to vanish with the achievement of the age of majority and the end of the penal measure’.

Even UAMs who are included in reception paths in designated structures or are in foster care with families and who are entering the age of majority, find several integration problems, because they cannot easily find a home, a job and above all regularise their stay in Italy. In fact, the minors who obtained a general residence permit for minor age risk expulsion, because their permission is hardly to be converted into a residence permit for study or work (Rebughini, 2006, p. 38). It happens that these young foreigners, ‘who know Italian and who have studied or have done work internships, are expelled with forced provision and sent back to their country of origin, thwarting the welcoming efforts of social structures’ (Rebughini, 2006, p. 38).<sup>15</sup> It may also happen that the threat of expulsion at the age of eighteen push many of them to go into hiding, just approaching the age of majority (Campani & Salimbeni, 2006, p. 18). The situation is quite better for those minors with a permit for custody who, at the age of eighteen, get their permit converted for work and study reasons, especially if they can show that they have followed a path of work or training (Rebughini, 2006, p. 38).

Ultimately, the situation of UAMs has peculiarities compared to minors and to other groups of migrants, due to the uncertainty and precariousness of the migratory experience and of the stay in our country.<sup>16</sup> In fact, they are children who, in addition to having a series of further difficulties (the minor age, the absence of family, the exposure to criminal networks, etc.), live in the legal uncertainty and in the precariousness of social integration (Bertozzi, 2005, p. 25).

In addition, these children are mostly teenagers who have often gone through a psychological trauma (before, during or after the trip) and who face the impact with another culture at a very sensitive time in their lives, when they are in the process of shaping their identity (Barone, 2016, p. 12). In this process, they cannot always rely on figures of reference; therefore, it becomes difficult for them to carry out a positive reworking of their identity in terms of a composite, solid and ‘multiple’ identity, that is the basis of effective integration in the socio-cultural context of arrival.<sup>17</sup>

Moreover, from a legal point of view, minors who come to Italy alone are in a situation of ambivalence: as minors, they need protection because they are alone, but at the same time, they are considered irregular migrants who feed irregular immigration and phenomena of deviance that must be fought.

More precisely, in Italy, the protection of UAMs ‘is part of our Constitution, which guarantees rights to foreigners and protection to minors, without distinction of nationality’ (D’Elia, 2007, p. 72).

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<sup>15</sup> For a detailed legal examination on residence permits issued to UAMs and on the possibilities of conversion once they reach the age of majority, see Moyersoen and Tarzia (2002, pp. 21–22).

<sup>16</sup> Lopresto and Giannotta (2017, pp. 148–149) state that the condition of the minors just arrived in Italy is characterised by disorientation, due to a spatial and temporal suspension, and by an exception regime that generates social exclusion with effects on medium and long term.

<sup>17</sup> The concept of multiple or plural identity refers to the idea according to which identity is not something rigid and immutable (Giusti, 2009, p. 26), but something that is structured through the continuous comparison with otherness. The possibility of building a ‘balanced identity, solid and open to comparison and exchange with others’ depends from the ‘game of relationships that are established between subjects-other-world, starting from meaningful adults (like parents)’ (Pinto Minerva, 2004, p. 11). Through the promotion of this identity and the dialogue between other identities and cultures, it becomes possible, in the current multicultural contexts, to think about creating a civil, peaceful, supportive and democratic society (Pinto Minerva, 2004, p. 14).



In addition, our country, implementing the international legislation,<sup>18</sup> has developed a complex system of child protection. This system is based on the criterion of the best interests of the child, to whom all fundamental civil, political, social and economic rights must be recognised as well as the rights to be listened and legally represented (D'Elia, 2007, p. 72; Moyersoer & Tarzia, 2002, p. 10; Ronfani, 2011, p. 206). On the other hand, the immigration legislation,<sup>19</sup> with the aim of defending State borders and controlling illegal immigration (Ronfani, 2011, p. 217), has become increasingly restrictive in granting protection of migrants' rights (D'Elia, 2007, p. 73). As regards UAMs, the Legislative Decree on immigration, referring to the principle of the child's best interests, forbids expulsion, except in specific cases, and recognises other fundamental rights to these children (Ronfani, 2011, p. 219). It also promotes assisted repatriation, to favour reunification with the family of origin—only in specific situations.<sup>20</sup> Yet, the repatriation solution has raised several doubts and negative criticisms both in the juridical field and amongst social workers (Giovannetti, 2008, pp. 109–110). In addition, laws on immigration have included restrictive measures regarding the possibility of UAMs to stay in Italy when they reach the age of majority and stricter criteria for the conversion of their residence permit (Ronfani, 2011, pp. 229–230).

According to the legal literature, the legislation on UAMs is incomplete and fragmentary, subject to frequent changes and wide margins of discretion.<sup>21</sup> Therefore, it does not always favour the rights of the minor, but rather addresses the issue of UAMs as a mere problem of public order falling within the scope of security policies (D'Elia, 2007, pp. 74–75).

Then, two contrasting representations of the UAM emerge: on one hand, the child is a victim to be saved and protected, and he is deprived of his capacity as an individual with his own resources.<sup>22</sup> On the other hand, the child is a '*grand enfant*', a young immigrant worker or job seeker, a 'vagabond' and 'dangerous' teenager who risks fueling the ranks of crime and therefore, is frightening and must be controlled (Ronfani, 2011, pp. 229–230).

The condition of UAMs, in addition to arousing particular interest from a legal-legislative point of view, also raises a series of issues on a social and pedagogical perspective that cannot be avoided (Barone, 2016, p. 15). On the contrary, these minors represent a 'test for the social policies to face ambivalent and constantly changing situations' (Giovannini, 2005, p. 8).

The Italian welfare system, focusing on the promotion of the socio-economic well-being of the population, has to respond to crucial issues that also concern UAMs. It has to ensure social inclusion, to avoid marginalisation and deviance; it has to promote citizenship rights (political, civil and social ones); it has to foster generational fairness, recognising the great contribution, in terms of manpower and wealth that young foreigners offer to the ageing Italian population. These are the main issues

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<sup>18</sup> See the Convention on the Rights of the Child signed in New York on November 20, 1989 and ratified in Italy by Law No. 176 of May 27, 1991 and also the European Convention of Strasbourg on the Exercise of Rights of the Child, on 25 January 1996, made enforceable in Italy through Law No. 77 of March 20, 2003. For a concise and complete picture on both international and national regulations, see Moyersoer and Tarzia (2002, pp. 7–10).

<sup>19</sup> The immigration legislation was been issued by Legislative Decree No. 286 of 25 July 1998. For subsequent amendments to the law, see D'Elia (2007, pp. 73–74).

<sup>20</sup> That is to say, in the case in which the family can adequately welcome the minor or an adult can take care of the child. In this regard, see Bertozzi (2005) on p. 76 and note 19 of p. 87.

<sup>21</sup> In this regard, we refer to Bertozzi (2005, pp. 84–91) and to the contributions of D'Elia (2007, pp. 74–75) and Ronfani (2011, pp. 224–226) in which it is possible to trace an extensive legal bibliography.

<sup>22</sup> According to Monacelli and Fruggeri (2012, pp. 30–31) this representation of the UAM as a subject in need of help and without any resources, falls within the 'perspective of the lack' from which derives an assistance approach, of an ethnocentric nature. This perspective accompanies a model of intervention for the UAMs called 'substitution model'. It is a model, 'based on the assumption of family deficiency, that severs the bonds between the child and the family, proposing itself as a suitable substitute for guaranteeing support, care and protection' to the minor (Monacelli & Fruggeri, 2012, p. 31).

that, according to Bertozzi, must be dissolved for an effective and real integration of UAMs.<sup>23</sup> Above all, social policies, in order to be adapted to population changes, must rethink these minors as active individuals who participate in their own process of integration and who are included in a network of relationships and in a community (neighbourhood, associations, etc.). This is a 'community care' that takes on the problems of its members (Bertozzi, 2005, pp. 59–65).

More precisely, it is a matter of adopting the perspective of 'resilience', as Monacelli and Fruggeri (2012, p. 230) defines it. In this perspective, the emphasis is on the resources that these minors can activate in coping with the phenomena they are involved in. In this sense, these children have a past characterised by more or less positive experiences and affections in the country of origin, in the present they live with experiences and relatively solid relationships in the host country and it is necessary to start from these factors to help building a future that meets their expectations (Monacelli & Fruggeri, 2012, p. 32). In the same perspective, unaccompanied minors, as young adolescents, can re-elaborate their experience and traumas and can be able to build plural and complex identities, which are the result of the encounter and the positive comparison with the surrounding context (Barone, 2016, p. 12).

The representation of the minor as a subject capable of discerning, expressing preferences or opinions and self-determining existential choices that emerges from the international law we have already mentioned.<sup>24</sup>

Moreover, the idea of the community taking charge of minors' needs is the basis of the recent international and national social policies that promote the right of the minor to have a guide family; and, in case of non-suitability of the family of origin, the right to be entrusted (Bertozzi, 2005, p. 60). In that respect, the figure of the public guardian for minors has been introduced, as a guarantor who supervises and promotes the rights of minors (Bertozzi, 2005, p. 60). The goal is essential to build a series of significant relationships that represent an additional resource for UAMs.

Within this reflection, there is one last aspect completing the picture of the issues raised by unaccompanied minors. This is the UAMs' educational needs that, in our opinion, enact socio-pedagogical policies, truly effective for the full integration of these minors.

'The educational needs of UAMs—says Bertozzi (2005, p. 88)—represent a central theme for social policies not only because they recall the rights to education enshrined in the *Convention on the Rights of the Child* (1989), but above all because they need complex answers which take into account several factors'. It is necessary, indeed, to consider the peculiar aspects of these minors (being alone, adolescent age, cultural diversity, the search for a job and so on) to build educational paths suited to their needs. In this perspective, the Italian school must find quality solutions such as promoting a diversified educational offer, enhancing professional learning and implementing work experience (Giovannini, 2005, p. 10). Ultimately, it is essential to develop training courses that are connected to the labour market so that the full and lasting insertion of the minors into the social context can be determined.

In addition, the Article 29 of the *Convention on the Rights of the Child* states that education must favour the development of the child's personality and of his mental and physical faculties and attitudes, in all their potential, respecting his identity, his cultural values and the national values of the country he lives in. Furthermore, educational actions must prepare the child to assume the responsibilities of life in a free society, in a spirit of understanding, peace, tolerance and equality.<sup>25</sup>

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<sup>23</sup> For more information on the welfare state in Italy and the topics just mentioned, refer to Bertozzi (2005, pp. 40–58).

<sup>24</sup> Reference should be made to the Convention on the Rights of the Child (1989) and to the Strasbourg Convention on the Exercise of the Rights of the Child in 1996. For further information and references to the Italian legislation on this subject, see Bertozzi (2005, pp. 62–65).

<sup>25</sup> The full text of the Convention on the Rights of the Child can be found at the link: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>



This means that education plays a crucial role for UAMs and for the construction of their identity, which must be a plural and complex identity.<sup>26</sup> In this same perspective, the building of relationships within the community as meaningful resources for these children must provide that there are also educational relationships. In our opinion, on this side, the figure of the public guardian for the minor has a great value; the guardian, as a guarantor of the minor, must also have an educational value.

In light of the considerations concerning the peculiarities of the condition of UAMs and their legal and socio-educational needs, it is worthwhile to focus our attention more specifically to the latest new laws regarding unaccompanied minors and the figure of the public guardian for minors.

### 3. The new law on unaccompanied foreign minors

Since the mid-1990s, in Italy, a series of regulations concerning UAMs have been issued and these regulations emerged as disorganised and partly conflicting (Bertozzi, 2005, p. 84). Thus, this complicated and ambiguous legislative framework has created huge problems in the orientation of judicial and social operators, who have adopted heterogeneous and sometimes dubious legitimacy practices (Giovannetti, 2008, p. 99).

In this context, the local authorities have played a central role: the municipalities, in fact, ‘as subjects responsible for receiving the child and activating the network of social services’, had to face the problem of foreign minors who arrive in Italy alone.<sup>27</sup> In essence, they had to manage the unpredictability of disruptive flows of UAMs and had to confront the complex issues related to their taking charge. This aspect entailed major investments (from the economic, social and operational point of view) by the municipalities that were forced ‘to reconsider their welfare system’ (Giovannetti & Pacini, 2016, p. 14).<sup>28</sup>

In 2014, there was a first important step towards the construction of Italian reception system for UAMs: during the Unified Conference of July 10, the government, the regions and local authorities reached an agreement which expressed the need for a *multi-level governance*, that is, a cooperative intervention by the government, local authorities and the third sector for the management and taking charge of UAMs. More precisely, this system, managed by the Ministry of the Interior, consists in two phases.<sup>29</sup> The first phase—of short duration—consists in the first reception of foreign minors alone in highly specialised government structures, identified and authorised by the regions and located throughout the national territory. These structures are specifically set up to perform the identification functions, any assessment of the age and status of these minors, as well as to quickly start the possible reunification with the family in the country of origin or with relative parents also in other EU countries (Giovannetti & Pacini, 2016, p. 16). After the period of prompt reception, during which the immediate admission and appointment of the tutor represent the ‘main instruments of protection and

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<sup>26</sup> The education for the construction of plural identities and the dialogue between cultures is the basis of Intercultural Pedagogy which, as a pedagogical science, aims to respond in an educational key to the challenges of today’s multi-ethnic and multicultural society. For further information, refer to Pinto Minerva (2004, pp. 13–14) and to Sani (2016, pp. 17–22).

<sup>27</sup> ‘In Italy, the centrality of local government in migration policies and in particular in the management of reception and social integration in the territory of particularly vulnerable groups (refugees, unaccompanied minors and victims of trafficking), has been increasing alongside with the processes of decentralisation, that is with the institutional and administrative reforms that, during the 1990s, gave the Municipalities ever greater autonomy even in the area of service policies’. For further information see Giovannetti and Pacini (2016, p. 13).

<sup>28</sup> According to Giovannetti and Pacini (2016, p. 15), the Municipalities ‘took charge of the absence of standardised procedures at the national level, of the lack of an appropriate interinstitutional link, of the absence of any support from the central government to the elaboration and implementation of policies, and the lack of sufficient tools and resources to adequately follow the management of individual cases. Each territorial reality has developed diversified practices [...]’.

<sup>29</sup> For a detailed description of the phases—presented here with synthesis—and of the various subjects involved in the UAM hosting process, as well as for the various protection paths of these minors, see Giovannetti (2008, in particular pp. 101–107) and Giovannetti and Pacini (2016, pp. 15–17).

protection' for UAMs (Giovannetti & Pacini, 2016, p. 18), if relatives are not identified, nor assisted repatriation or family fostering are arranged (Giovannetti, 2008, p. 104), the second phase of reception must be actualised. This phase provides for the second level reception of all UAMs at the SPRAR network structures (System for asylum seekers and refugees), adequately strengthened and financed (Giovannetti & Pacini, 2016, p. 16). Moreover, in this stage, the planning of a long-term educational project is assured and it is aimed at the social inclusion of these children, which can generally last until their age of majority (Giovannetti, 2008, p. 105).

Yet, according to Giovannetti and Pacini (2016, p. 18), even though reception system for the UAMs has been set up, this system is still characterised 'by the strong heterogeneity of social and socio-educational policies, by the absence in this field of a single social model and by the different local effect of the phenomenon'. In addition, there are a number of problems in this system that should be solved: the lack of places in the first and second reception facilities; difficulties in the identification procedures of minors, because there is no univocal method that provides unequivocal answers; long time for the appointment of the guardian and for the issue of the residence permit; the steady decrease in financial and human resources [...] in the local administrations (Giovannetti & Pacini, 2016, pp. 18–21). On this same point, the Fondazione ISMU (2017, p. 5) notes that 'the reception system mainly foresees the community placement for minors, structures with objectives and methodologies of intervention often in opposition with the peculiar needs of these minors, while [...] the non-residential custody is not much applied, also due to the small number of families available to welcome these adolescents, and the inclusion in semi-autonomous paths near the age of majority'.

In May 2017, Law No. 47 of April 7, *Provisions on Protective Measures for UAMs*, came into force<sup>30</sup> and, as a consequence, a series of amendments to the current legislation on unaccompanied minors are introduced in order to give unity to the legislation. At the same time, the protection tools for these minors are strengthened and greater homogeneity is ensured in the application of the provisions throughout the national territory (Ministry of Labor and Social Policies, 2017, p. 3).

Firstly, the legislation introduces the absolute prohibition of rejection at the border of all UAMs (Article 3). Moreover, for the first time the procedures for age assessment and identification of minors (Article 5) are regulated with the assistance of cultural mediators and tutors and with a multidisciplinary perspective, which is respectful for the psychological and physical integrity of the minor (Lopresto & Giannotta, 2017, p. 148). In this way, greater assistance is guaranteed to the alone child and, more in general, uniformity at national level is ensured (Save the Children, 2017a).

In addition, the maximum term of stay in the UAM reception facilities is reduced from 60 to 30 days (Article 4). After this deadline, minors must be duly placed in the SPRAR network structures (Article 12), if it has not been possible to activate other protection and protection paths, in compliance with the best interests of the minor. In this perspective, the importance of carrying out family surveys is reiterated in order to verify the existence of family members who can take care of the child (Article 6) or if there are the conditions for assisted repatriation (Article 8).<sup>31</sup>

On this same front, the development of family fostering is promoted as a priority solution with respect to placement in reception facilities. To this end, the law establishes that local authorities encourage actions to implement awareness and training of careers (Article 7).

In order to empower the assistance and protection measures of the UAMs, in addition to fostering, the law also provides for the creation of lists of voluntary guardians in each juvenile court. These

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<sup>30</sup> The Law, published in GU Apr. 21, 2017, can be directly consulted at the following link: <http://www.gazzettaufficiale.it/eli/id/2017/04/21/17G00062/sg>

<sup>31</sup> 'The responsibility for assisted repatriation also passes by an administrative body, the Directorate General for Immigration and Integration Policies of the Ministry of Labour and Social Policies, to the Juvenile Court, a body constitutionally dedicated to determining the minor's interests' (Save the Children, 2017a).

voluntary guardians must be selected, adequately trained and available to take charge of the protection of UAMs (Article 11).

A national information system of the UAMs has also been activated; it provides for the compilation of a 'social file' of the minor, a file containing all the useful information for the elaboration of long-term projects more suited to the needs and well-being of the minor (Article 9).

With regard to residence permits, the unused ones are eliminated; for example, a residence permit awaiting custody, for custody assignment, for integration of the minor. The only two types are the residence permit for minor age and for family reasons (Article 10).<sup>32</sup>

The new law also introduced measures concerning the right to education and health to overcome bureaucratic obstacles that over the years have not allowed unaccompanied minors to fully exercise these rights (Save the Children, 2017a). In fact, they were given the opportunity to enrol in the National Health Service not only after the issue of the residence permit, but also during the release process of the permit, awaiting its release (Article 14). In addition, educational and training institutions are encouraged to adopt specific measures to help the fulfilment of the basic education of these children as well as to activate agreements to promote specific apprenticeship programmes. As for the UAMs who have reached the age of majority before the end of the study courses, they are given the opportunity to acquire the final study titles (Article 14).

In this perspective, the right of the minor to be heard in administrative and judicial proceedings and his/her right to legal assistance are also strengthened. More precisely, in addition to emotional and psychological support in every step of the procedure, UAMs are given the opportunity to participate by means of a legal representative in all proceedings concerning them and to be heard about it (Article 15). The minor also has the right to be informed of the advisability of appointing a trusted attorney and to avail himself/herself of legal aid paid by the State in every stage of the procedure (Article 16).

Finally, particular attention is given to child victims of trafficking; the law guarantees them a specific assistance programme that ensures adequate reception and psycho-social, health and legal assistance, providing long-term solutions, even beyond their age of majority (Article 17).

In a nutshell, these are the main innovations of Law No. 47 of April 7 which reiterates the principle of the best interests of the child and strengthen the measures for the reception and protection of the UAM; thus, this law seems to favour the idea that the UAMs must be legally considered not so much as foreigners, but rather as minors in particular a condition of vulnerability.

Moreover, the promotion of foster care of voluntary guardians and of the rights (health education, and right to be heard) of these children by this new law seems to go in the same direction as the more recent socio-educational perspectives, which favour the image of the UAMs as subjects able to build meaningful relationships, subjects who take actively part in their own process of integration into the society.

Yet, this legislation, 'seen with great favour by experts and subjects involved in the care and the protection of migrant children', raises concerns. This happens mainly because in several parts the law is restated, as a matter of precaution, that the adoption of these measures must be achieved within the limits of human, financial and instrumental resources available under current legislation or otherwise without new or greater burden on public finance (D'Odorico & Di Pascale, 2017).

Finally, it should be noted 'the attention paid to the paths of those leaving the reception system, which is still too little' (Fondazione ISMU, 2017, p. 5). Although, in fact, Article 13 of the text of the law gives some indications on the accompanying measures towards the age of majority and long-term

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<sup>32</sup> The law, to the same Article 10, specifies that the minor can directly request the permit of stay at police headquarters, even before the appointment of the guardian.

integration, actually there are no specific details that really allow to take charge of the minor in the long term, a process which would be useful for his/her full and effective integration.<sup>33</sup>

#### 4. The figure of the voluntary guardian: What educational role?

Italian law guarantees protection to all UAMs: it is in fact mandatory to start the protection process for these minors, through the appointment of a guardian.<sup>34</sup>

According to Turri (2005, pp. 129–130), the institute of protection is the only tool offered to MNSA to grant them in practice the rights that they are entitled. In fact, these minors, like all minors, are subjects of law and not mere objects of protection; so, they must be able to exercise their rights. For this purpose, the figure of the guardian is fundamental. The guardian, acting as a parent, has to represent the foreign minor in the exercise of his/her rights and in his/her best interests.

Yet, the opening of the protection process, also characterised by the immediacy and the subsequent timely appointment of a guardian, has not always happened quickly and uniformly throughout the country (Giovannetti & Pacini, 2016, p. 20).<sup>35</sup>

In order to cope with these problems, we have already noted that the new Law No. 47 of 7 April 2017, in Art. 11 provides more precise and unambiguous indications for the identification and appointment of the guardian. More specifically, the Article reads: ‘Within ninety days from the date of enforcement of this law, a list of voluntary guardians is established at each juvenile court; selected and adequately trained private citizens available to take on the protection of an UAM can be enrolled in this list by the regional guarantors and the autonomous provinces of Trento and Bolzano for children and adolescents, [...]’.<sup>36</sup>

In application of the law, the Authority for Children and Adolescents on 20 June 2017 published on its institutional website.<sup>37</sup> *The Guidelines for the selection, training and registration in the lists of voluntary guardians*,<sup>38</sup> elaborated to provide national shared intervention guidelines to ensure effective application of guardians’ function. On this front, the *Guidelines* specify that the voluntary guardian ‘embodies a new idea of legal protection [...]: a guardian not only for the legal representation of the minor, but also a guardian who is attentive to the relationship with the tutelary, who interprets needs and problems of the minor’ (Autorita garante per l’infanzia e l’adolescenza, 2017b, p. 1).

In this perspective, according to the *Guidelines*, it is essential to pursue the principle of the best interests of the child. This means promptness in the appointment of the guardian; non-discrimination against the child; participation of the minor in the exercise of his/her rights. This situation also

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<sup>33</sup> More specifically, the Article refers above all to cases of unaccompanied minors who have reached the age of majority and who can obtain a residence permit for study, access to employment or self-employment, after receiving a positive opinion from the Committee for foreign minors, provided they follow a social and civil integration project for a period of no less than two years. In this regard it is specified that ‘failure to issue the requested opinion cannot legitimize the refusal of renewal of the residence permit’. In addition, the same article states that ‘when an unaccompanied foreign minor, at the age of majority, despite having undertaken a path of social integration, needs a prolonged support aimed at the success of this path aimed at autonomy, the court for minors, even on the request of the social services, can order the assignment to social services by a motivated decree, in any case not later than the twenty-first year of age’ (Article 13).

<sup>34</sup> More precisely, the Article 343 of the Civil Code states that the protection process of minors must be started when the parents, due to death or for another reason, are unable to exercise parental authority. The distance between parents is, of course, one of the causes of this impossibility (Turri, 2005, p. 130).

<sup>35</sup> As Giovannetti (2008, p. 104) observes, the minor’s protection provided by our legal system seems to be rather subordinated to the ‘availability’ of the minor, who sometimes does not remain in Italy or is placed with relatives.

<sup>36</sup> For the law article, see the following link: <http://www.gazzettaufficiale.it/eli/id/2017/04/21/17G00062/sg>

<sup>37</sup> In this regard, see: <http://www.garanteinfanzia.org/>

<sup>38</sup> The Guidelines are directly available at the following link: <http://garanteinfanzia.s3-eu-west-1.amazonaws.com/s3fs-public/documenti/Linee%20guida%20tutori%20volontari.pdf>

requires an impartial and independent tutor who acts with transparency and responsibility and uses an appropriate set of skills and knowledge (Autorita garante per l'infanzia e l'adolescenza, 2017b, pp. 1–2).

Therefore, the guardian, as 'motivated person, sensitive to the best interests of the child', has to perform specific functions: to carry out legal representation; to pursue the recognition of the rights of the child; to promote the psycho-physical well-being of the person of minor age; to monitor the paths of education and integration and also, the conditions of reception and protection of the minor; to manage the possible patrimony of the minor (Autorita garante per l'infanzia e l'adolescenza, 2017b, p. 3).

In order to perform these functions—which take place on a free and voluntary basis—the tutor must be appropriately selected and trained. Therefore, the guidelines provide for a selection procedure, through the preparation of an open public call for proposals to be divided into three phases. After a first phase of pre-selection of candidates, according to the qualifications declared in the application, a second training phase is scheduled. At the end of this second phase, candidates are placed in a special list of guardians established at each Juvenile Court (Autorita garante per l'infanzia e l'adolescenza, 2017b, p. 2).

As regards the training of guardians, the Authority for Children and Adolescents has prepared a targeted and multidisciplinary planning with the aim of ensuring a homogeneous training content for guardians all over the national territory. This programming is divided into three modules (to be carried out for a total of 24/30 hours).<sup>39</sup> The first phenomenological module provides information and data on the UAMs and on the national reception system. The second legal module examines rights and duties of the guardian in all the procedures in which he/she is involved (from the assessment of the age of the child to the accompaniment towards the age of majority) in the light of the current law. Finally, there is a psycho-social health module which provides tools to identify the needs of the minor (e.g. to recognise post-traumatic stress disorders, possible pathologies, mistreatment and abuse), to build an effective relationship and at the same time guaranteeing the child's right to health (Autorita garante per l'infanzia e l'adolescenza, 2017a, p. 1).

Following the documents prepared by the Authority for the Childhood and Adolescence, the various regional guarantors and the autonomous provinces issued calls for the selection of voluntary guardians and started training courses.

Therefore, it seems that the figure of the voluntary guardian has been not only fully recognised, but also effectively promoted throughout the national territory.

However, what has been expressed up to now according to the *Guidelines* does not fully explain the educational function that we believe the guardian must possess and this consequently prevents to provide an adequate pedagogical training for the tutor.

In this regard, following the analysis of Muscara (2017, p. 286), there are several aspects characterising the professional educator and, more widely, educational professions. More specifically, there are three important features to satisfy: firstly, the action of the educator must be aimed at helping the autonomous choice of the individual ('activistic value'); secondly, it is important the relational ability of educator, since the relationship is essential to every type of effective interaction ('relational value'); finally, the educator must be capable to take care of the person who lives in difficult conditions, in an attempt to enhance the talents of the person during his growth process ('curative value').<sup>40</sup>

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<sup>39</sup> The file concerning the Volunteer tutor training is available at the link: <http://garanteinfanzia.s3-eu-west-1.amazonaws.com/s3fs-public/documenti/Moduli%20formativi.pdf>

<sup>40</sup> As stated by Muscara (2017, p. 271), the work of the educator is based on an educational relationship that leaves the student free to become an independent and responsible individual. Therefore the educator, in the encounter with the minor,



So, as we have observed, the *Guidelines* state that the guardian is an adult attentive to the relationship and he/she must interpret needs and problems of the child. He/she must also encourage the participation of the minor in the exercise of his/her rights, recognising the child himself the ability of self-determination. In these terms, the tutor's educational role seems clear. Yet, continuing to read the *Guidelines* and in particular the part on the functions of the guardian, the only expressly pedagogical reference concerns the duty of the guardian to monitor the educational and integration paths of the child. Basically, it seems that the figure of the guardian does not have pedagogical functions.

To confirm this, the *Training modules for the voluntary tutors* set up by the Guarantor Authority must be considered, and in particular, the psycho-social health module. Among the topics of the module there are tutors' strategies to identify the psycho-social needs of the child and to build an effective relationship. The reference to the educational needs of the child and to the pedagogical skills that the guardian should acquire is completely lacking.

In order to fill these gaps, we believe that the publication *Closing a Protection Gap. Reference standard for guardians of unaccompanied minors* (Defence for Children International Italia, 2011) is very useful. This publication proposes the standards that the guardian for MNSA should meet to carry out its protection task. The publication represents the conclusive result of the European project *Closing a protection gap for separated children in Europe*, co-funded by the European Daphne III Program, which was promoted in eight European Union countries (including Italy) with the aim to define a univocal and uniform profile and role of the tutor in Europe.<sup>41</sup> In essence, 10 standards have been drawn up and they represent an important theoretical reference, but they are above all a useful practical tool for guardians and can serve as valid objectives to be pursued and achieved (Gallizia & Furia, 2013, p. 9).

These standards can be used to better explain and detail the tutor's functions listed in the previously analysed *Guidelines*. For the purposes of our analysis, we just examine those standards that in some way can contribute to conferring an educational value to the figure of the guardian.

In this regard, the second standard says: 'The guardian makes sure that the child actively participates in every decision concerning himself/herself'. More precisely, the guardian provides the child with all the information concerning his/her rights and that allow him/her to make decisions, using a comprehensible language; the guardian listens to the child carefully and takes his/her point of view into account; the guardian is able to manage the child's expectations of participation; the guardian ensures that decisions will be shared and will be based on the child's point of view (Defence for Children International Italia, 2011, p. 9). Therefore, these tasks fully fall within the idea of the guardian as educator, who must promote the active participation of the child in the exercise of his/her rights, enforcing the self-determination of the child himself/herself.<sup>42</sup>

Moreover, standards 7 and 8 focus on the main features of the relationship between the guardian and the minor: the guardian treats the child with respect and dignity, that is, with an open attitude

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must assume a problematical attitude, that is an attitude that questions and does not stop on the surface, as it recognizes the value of the person and promotes that 'process of identity building [...] aimed at developing the individual, his/her talents and his/her future aspirations'.

<sup>41</sup> The eight project partners developed the standards for UAMs tutors based on interviews addressed directly to these minors and guardians and referring to the principles of the Convention on the Rights of the Child and other international directives. At the end of this research and analysis work, eight national reports were drafted, and the final publication of the project was elaborated following those eight reports. For more details on the project and its partners, see Defense for Children International Italia (2011, pp. 4–5). While for the continuation of the project *Closing a protection gap 2.0: promote the application of the reference standards for guardians of unaccompanied minors in practices, policies and legislation*, see Gallizia and Furia (2013).

<sup>42</sup> In other words, this standard is a good example of the 'activistic value' typical of the educational professions we referred to previously.



and without prejudices, a flexible and individualised attitude with respect to the specific needs of the minor. The guardian helps the child to preserve his identity and self-esteem. Furthermore, the tutor builds a relationship based on mutual trust, openness and empathy (Defence for Children International Italia, 2011, pp. 15–16).

In this description, we can clearly trace the elements of an educational relationship in which the guardian takes care of the individual, respecting its peculiarities and even encouraging the development process of its identity.<sup>43</sup>

Lastly, we must take into consideration the standard 10 that outlines the relevant and appropriate professional knowledge and skills of the guardian. Actually, they are much wider than those proposed by the Authority for the Protection of Children and Adolescents in the *Training modules*. In fact, the guardian must have not only a wide knowledge about the rights of minors, the legislation on immigration and asylum, the developmental psychology; the guardian must also know about the life conditions and the lifestyle in the child's country of origin and must have knowledge in intercultural communication. Moreover, the guardian is able to identify his needs for learning and updating, uses a pre-established work methodology, knows his/her personal and professional limits, seeks support when it is necessary; furthermore, the guardian is available for supervision and monitoring (Defence for Children International Italia, 2011, p.18). All these factors that build the competence of the guardian, according to Muscara (2017, p. 272), are common to every professional educator. More precisely, we are dealing with cultural and psycho-pedagogical skills; technical-professional skills; methodological and didactic skills; relational skills; 'reflective' skills and, last but not least, intercultural competences. According to the analysis of Muscara, the latter are the only ones that can enable the professional educator to face the increasingly multicultural contexts in which it is necessary to provide adequate services and valid projects for the integration of migrants.

On this same side, Santerini (2014, p. 12) specifies that there are three crucial competences for intercultural work that must be carried out by teachers and educators: 'understanding cultures, reducing prejudices, finding shared horizons'.

More generally, in our opinion, every professional figure with an educational value should acquire an intercultural mindset, that is a 'migrant thought' based on dialogical openness towards otherness.<sup>44</sup> Therefore, we believe that using this new mentality, guardians can face their protection task and can respond adequately to the needs of the UAMs because, as we have seen, these needs represent one of the most urgent and complex challenges of our multicultural and globalised society.

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<sup>43</sup> In this case it seems that we refer to the 'relational value' and the 'curative value', which are essential for the educational professions.

<sup>44</sup> Pinto Minerva (2004, p. 24) maintains that "migrant thought" is a "dynamic and erratic thought, able to get out of one's own point of view to know and meet others, and then return in itself enriched by the experience of confrontation and exchange with divergent thoughts and points of view."

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