Exploring the Challenges Faced by Social Workers in Managing the Cases of Unaccompanied Minors in the Child and Youth Care Centres in Polokwane Municipality

by

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DECLARATION

I, declare that the mini-dissertation hereby submitted to the University of Limpopo, for the Master degree in Development in Planning and Management has not previously been submitted by me for a degree at this or any other University, that it is my work in design and in execution, and that all material contained herein has been duly acknowledge.

Nkwana MJ

_____	_____	_____
Surname	Signature	Date

DEDICATION

To my brother P.P. Nkoana, you are the reason for what I become today. Thank you for your great support and encouragement and for believing in me. I am very grateful to you; you are my inspiration. To my mother, M.J. Nkwana, thank you for the continuous care; you are my role model. To all my children and grandchildren, the thought of you kept me going, you are my pillar of strength.

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- To the Department of Social Development for allowing me to conduct my research within their organisation.
- To the respondents in the research, thank you for agreeing to participate in my study.

ABSTRACT

Since transition from the system of apartheid to democratic rule, South Africa became the destination for many migrants and refugees from across the African continent. Many children are travelling alone or become separated from their care givers or parents once they reach the country. The migration of residents of other African countries, particularly Zimbabwe, into the Limpopo province has resulted in the increase in the number of unaccompanied minors within the province, in Polokwane and the child protection system, and it requires collaborative intervention. The child protection system, particularly in the Child and Youth Care Centres, has unaccompanied minors who remain in the system for more than the stipulated time in relation to the Children's Act 38 of 2005.

The aim of the study was to explore the challenges faced by social workers in managing the cases of unaccompanied minors in Child and Youth Care Centers in Polokwane. This study employed a qualitative case study research design and one-on-one interview as a primary data collection method. The qualitative data was analysed using a thematic approach.

The findings of this study indicate that most of unaccompanied minors were in dire situation and lack proper documentation. The findings also revealed that there were a number of critical child protection challenges that existed in the management of the cases of unaccompanied minors by government officials. The study further highlighted that social workers were not adequately capacitated and there was lack of intersectoral collaboration and insufficient resources to deal with the multiple issues that affect unaccompanied minors in Polokwane.

It is therefore recommended that the social worker should also be capacitated regarding different items of legislation that deal with unaccompanied and foreign children in order to ensure proper implementation of the Acts. Department of Social Development must also popularise and provide training to social workers and all relevant stakeholders on the guidelines on separated and unaccompanied minors living outside their country of origin. DSD should make an amendment of the Children's Act to include unaccompanied minors and also ensure that all stakeholders are trained. The researcher also recommends coordination of service among government departments in order to ensure an effective and integrated child protection system.

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LIST OF ABBREVIATIONS

ARC-CRSA - Alternate Report Coalition - Children's Rights South Africa
CPO - Child Protective Organisation
CYCC - Child and Youth Care Centre
DSD - Department of Social Development
DRC - Democratic Republic of Congo
DHA - Department of Home Affairs
DSW - Designated Social Worker
HCBC - Home Community Based Care
IOM - International Organisation for Migrants
ISS - International Social Services
LAC - Local Authority Circular
LPEC – Limpopo Provincial Ethical Committee
NGO - Non-Profit Organisation
RRO - Refugee Reception Officer
SA - South Africa
SAPS - South African Police Service
UNHCR - United Nations High Commissioner of Refugees
UNICEF - United Nations International Children's Emergency Fund
UASC - Unaccompanied and Separated Children
UAM - Unaccompanied Asylum-Seeking Minor
UMR - Unaccompanied Minor Refugee
URM - Unaccompanied Refugee Minor
UCT - University of Cape Town

CHAPTER 1: OVERVIEW OF THE STUDY

1.1. Introduction

Refugees are a global problem which affects most countries, both developed and developing. Three quarter of the world refugees are children and some of these children are unaccompanied minors (Swart, 2009). The United States experienced rapid growth in the number of unaccompanied children entering the United States and Mexico border between 2011 and 2014, when arrests increased from 15 949 to 68 551 before falling back to a projected flow based on the five months of 2015 of about 39 000 for the year, assuming current trends continue (Rosenblum, 2015:3). A recent UN Global Report (UNHCR, 2015b) stated approximately 65 000 refugees are in South Africa, and it is estimated that 50% of these refugees are children who enter the country daily.

After 1994, South Africa became the destination for many migrants and refugees from across the African continent. Many children are travelling alone or become separated from the care-giving adult once reaching the country and they are then referred to as unaccompanied minors. Alternate Report Coalition (2015) indicates that many accompanied migrant children in the country do not have an asylum claim but they are economic migrants, and often children are in need of care and protection. Most of these unaccompanied minors are often undocumented as their entry into the country is illegal (Mothapo, 2017). Their cases are dealt with in terms of the Children's Act so that they are protected from deportation by obtaining an order from the children's court. Currently, most unaccompanied refugee minor population in South Africa is Zimbabwean, with roughly 1,500 URMs living in the Musina area (Fritsch, Johnson & Juska, 2010). They further indicated that South African government is unable and unwilling to provide services for URMs, and locally run shelters lack the capacity to handle the amount of children who need their services.

A survey on children in the Child and Youth Care Centres highlighted that children spend extended periods of time in care, with 41 per cent spending more than five years in care because of challenges in tracing their family of origin (Mothapo, 2017).

This blocks up the system as no durable solutions are being found. Hence there is an increase in the number of unaccompanied minors within the child protection system particularly child and youth care centres.

1.2. Problem statement

Burns and Grove (2011:60) describe the research problem as an area of concern with gaps that need solution and improvement or it is a distinction between the way things are and the way they ought to be. To support the above, Welman, Kruger and Mitchell (2006:12) indicate that defining the research problem involves narrowing down the general research topic in order to focus on a particular research problem which is small enough to be investigated.

The migration of citizens of other African states into the province Limpopo has resulted in an increase in the number of unaccompanied minors within the child protection system, particularly in the child and youth care centres, and it needs collaborative intervention. Child and Youth Care centres, has unaccompanied minors who remain in the system for more than two years as stipulated time in relation to section 159 of the Children's Act 38 of 2005 (Mothapo, 2017). The researcher's observations as a social worker is that, Child and Youth Care centres that are full to capacity and there are also delay in finalising the cases of unaccompanied minors due to several challenges. These challenges include lack of identifying particular, untraceable families from the country of origin for reunification purpose, non-finalisation of placement, infrastructure, and other related problems (Rosenblum, 2015). Hence, the researcher finds it necessary to embark on the study to explore the challenges faced by the social workers in managing cases of unaccompanied minors.

1.3. Aim of the Study

The aim of the study was to explore the challenges faced by social workers in managing the cases of unaccompanied minors in Child and Youth Care Centres in Polokwane

1.4. Objectives of the study

The specific objectives of the study are to:

- Examine the current strategies that are used by social workers to manage cases related to unaccompanied minors.
- Determine the challenges faced by social worker in managing cases of unaccompanied minors.
- Recommend measures that can be used to improve management of unaccompanied minors.

1.5. Research Questions

In order to address the objectives, the following research questions were envisaged:

- What are the current strategies that are used by social workers to manage cases related to unaccompanied minors in the area of the study?
- What are the challenges faced by social worker in managing cases of unaccompanied minors within the area of study?
- Which measures can be used to improve management of unaccompanied minors?

1.6. Significance of the Study

The study on the challenges faced by social worker towards managing cases of unaccompanied minors in Polokwane will assist in the following ways:

- The study will assist stakeholders to identity challenges faced by social workers in the management of unaccompanied minors.
- It will assist policymakers to amend and develop policies and strategies that will minimise challenges and enable smooth running of services within the field of study.
- It will assist different departments to identify current programs that are used by social workers in managing cases related to unaccompanied minors in the area of study.
- It will add new insight into managing cases of unaccompanied minors.

1.7. Definition of Concepts

Unaccompanied minors

The Immigration Act no 1 of 2002 defines an unaccompanied minor as a child under the age of 18 years who travels alone (Republic of South Africa, 2002:4)

Child protection system

According to the UNICEF Strategy (2008:12-13) it is the set of laws, policies and services needed across all social sectors especially social welfare, education, health, security and justice, to support, prevent and respond to protection-related risks.

Child and youth care centre

According to the Children's Act no. 38 of 2005 section191 (1) a child and youth care centre is a residential facility that provide care and programme to more than six children outside their family environment (Republic of South Africa, 2005:178).

Social worker

The Children's Act no. 38 of 2005 defines a social worker as a person who is registered in terms of the Social Service Professional Act no.110 of 1978 (Republic of South Africa, 2005:31)

1.8. Outline of dissertation

The outline of the research study is as follows:

Chapter one:

Introduction and background: This chapter gives an introduction to the study and the background. It outlines the motivation for and significance of the study. It also highlights the aim and objectives which are ultimately linked to the research questions

Chapter two:

Chapter two consists of the literature review: The main focus will be the legislative framework in relation to unaccompanied minors, immigrants and refugees. The chapter puts an emphasis on the methodological approach.

Chapter three:

Research design and Methodology: Chapter three describes the research methodology used in the study, the research design, sampling method, population of the study and gives the rationale for choosing the methodology.

Chapter four:
Collection, Analysis and Interpretation: The chapter four includes the interpretation of data, the objectives and the research questions.

Chapter five:
Conclusion and Recommendation: Chapter five entails the summary, conclusion, findings and the recommendations.

CHAPTER 2: LITERATURE REVIEW

2.1. Introduction

According to International Organisation for Migration (2012), migration is considered to be a global phenomenon of the 21st century, as more people live outside their place of birth. It is estimated that 175 million people are living outside their country of origin (IOM, 2012). It is also indicated that 1 in every 35 people is a migrant (IOM, 2012). IOM further defines migration as the movement of people within and across the borders from one region to another for economic reasons, better opportunities or to escape natural disaster, war or famine. To a certain extent this also applies to children who migrate with or without their parents or under adult supervision. However, there is no legal definition of migrant in either national legislation or international instrument.

Furthermore, there are many reasons why people migrate and some of those reasons are either push or pull factors. In these recent years, the world has witnessed a lot of conflict, political instability and economic crisis which has led to people fleeing their countries. The statistics of the United Nations High Commissioner for Refugees indicate that 51 per cent of the world's refugees are children, with momentous discrepancies between regions and countries (UNHCR, 2012). Cross-border movements of children, includes those who are alone and those who are in the company of their family members, and take place on a large scale in all regions of the world (UNHCR, 2012).Since 2012, there has been a rise in the flow of people to Europe in particular (Nelson, Price & Zubrzycki, 2017). Out of 1.7 million asylum application that were made all over the world in 2014, more than 34 000 were made by minors who had fled without their family (UNHCR, 2015b:6).

South Africa is also home to thousands of unaccompanied migrant children from neighbouring countries, especially Zimbabwe (UNICEF: 2011). Labour demands, economic crises, urbanisation, entrenched poverty, political instability and conflict contribute to the increase in global movement of people (Bartlett, 2015). Therefore, managing cases of unaccompanied minors and providing child protection services has become a pressing concern in all regions as these children are in need of care and protection like any other children. In this chapter the researcher will review literature with special focus to the following topics: international and national context of unaccompanied minors, legislative framework, challenges faced by social workers in

providing child protection services to unaccompanied children, and the conceptual framework.

2.2. Unaccompanied Minor

The researcher will begin by addressing the advancement of terminology related to refugees/asylum, migrants and how this group of children are identified and studied globally. Then, next, the researcher will introduce asylum seekers and refugees who are children and clarifying some pragmatic issues with the way terms are used interchangeably in practice and research.

Since post-apartheid era, South Africa has attracted cross-border migration at an extraordinary scale (Crush, 2011). For instance, from 2006 to 2011, the country received the world's highest annual number of asylum applications (UNHCR, 2013). It has been challenging to establish the total number of cross-border migrants staying in South Africa (Crush, 2011). The number of registered asylum seekers and recognized refugees is currently in surplus of 300 000 persons (UNHCR, 2015a). South Africa has become the destination for tens of thousands of migrants and refugees from across the African continent (Landau & Duponchel, 2011). In fact, hundreds of thousands of people who fled their country for South Africa include thousands of unaccompanied refugee children (Landau & Duponchel, 2011).

An unaccompanied foreign child is a child who seeks refuge in South Africa on his or her own without any family or company; meanwhile undocumented children refer to both accompanied and unaccompanied children (Van der Burg, 2009). Guidelines on separated and unaccompanied minors has acknowledged that there is an increasing number and vulnerability of separated and unaccompanied foreign children in South Africa. 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). Based on the researcher's experience as a social worker, these children normally enter the country without receiving formal refugee status. Over and above, for a social worker

to be able to render a comprehensive and effective services to unaccompanied minor he or she needs to have knowledge of different legislations and guidelines, and how they integrate with one another.

Unaccompanied children are persons under the age of majority, in the country other than their own, who are not accompanied by parents, a guardian or other adult who by law is responsible for them. An unaccompanied minor is any child who is found in the Republic without a parent or guardian or relative, therefore without visible means of support. The understanding of the unaccompanied minor is reliant on the knowledge of the concepts of asylum seeker, refugee, and immigrant. It is best this be explored more in the literature.

Commonly, the term “refugee” likely refers to images of flight from danger and lack of place to call home, and lack of basic necessities for survival (Lee, 2012). The 1967 United Nations Protocol on Refugees defined the term refugee as persons who are forced to cross international borders because of fear of prosecution based on race, religion, nationality, membership in a particular social group or political opinion and who have no protection within their own country (UNHCR, 2000:19). In 2008, the UNHCR reported that there were 11.4 million refugees worldwide (Lee, 2012). Refugee populations have been the focal point of study for more than 60 years and much can be learned about the present situation from earlier work (Lee, 2012). However, there was a gap in the literature in relation to unaccompanied children until recently, when the issues of child protection became of essence and due to the increase of children crossing international borders. The above statement is supported by the UNHCR report which indicated that in 2009 more than 18 700 asylum applications submitted were children coming from 71 countries, with the highest number of applications coming from Afghan and Somali children (Lee, 2012).

On the other hand, there are two terminologies (asylum seekers and refugees) that are used interchangeably and there is also a thin line between them, hence the researcher finds it important to define and distinguish between these terms.

In terms of the Refugee Act 130 of 1998, asylum seeker means a person who is seeking recognition as a refugee in the Republic (RSA, 1998:6). This means a person who fled from their country of origin to another country, to escape war and violence

and has formally applied for refugee status, but has not been granted yet. Once the application has been approved, the person will now be recognised as a refugee.

In terms of the Refugee Act No.130 of 1998, refugee refers to any person who has been granted asylum in terms of this Act (RSA, 1998:6). This is a person from another country who has fled to South Africa to escape war or prosecution, and whose asylum application has been approved and has been granted refugee status under the Refugee Act No.130 of 1998. Understanding these terminologies will be helpful for social workers to differentiate between the different categories, which will assist them to come up with the right intervention.

Based on the above, most literature and different scholars focus on specific categories of unaccompanied minors, like only refugee or asylum seekers, given the challenges which the particular area or country is experiencing during the time of the research. More particularly, it is important to note that most countries are experiencing the challenges of refugees only. On the other hand, other literatures put specific emphasis on unaccompanied refugees, minor or asylum refugee children and unaccompanied migrants minors. As a result, the researcher finds it crucial to review the literature of these categories of unaccompanied children. However, in the context of this research the focus will encompass both the unaccompanied asylum seekers, refugees and migrants.

2.3. International and National Context of Unaccompanied Minors

There is no universal tally of unaccompanied and separated children (UASC) who seek asylum or who are identified as refugees (UNHCR, 2015a). Countries use different definitions of such children and do not always record them separately from children who are in the company of their families (UNHCR, 2015b). This is despite the fact that in child protection systems, all children who are without parental care or separated from their primary caregiver are considered vulnerable to exploitation and abuse, and they are in need of special protection.

Since 2006, the United Nation High Commissioner for Refugees were obliged to compile annual statistics of asylum applications presented by Unaccompanied Asylum-seeking Children (UASC), based on the information available to the Office. In 2015, UNHCR reported that 112 305 UASC applied for asylum in 83 countries – mainly Afghans, Eritreans, Somalis and Syrians (UNHCR, 2015b:17). However, this is not a

complete picture, as it did not include statistics from all countries, including three important asylum countries: Russian Federation, South Africa and the United States of America. In addition, UNHCR's statistics for asylum applications is compiled on an annual basis. It does not include UASC who are identified as refugees, nor does it reflect total numbers of both asylum-seeking and refugee UASC.

2.3.1. Australia

Barrie and Mendes (2011) state that, in February 2010, there were 745 unaccompanied humanitarian minors aged 0–19 years in Australia. Australia receives a less number of unaccompanied asylum seekers each year (Barrie & Mendes, 2011). In Australia, support is provided for unaccompanied asylum-seeking children and young people under the Unaccompanied Humanitarian Minor Programme, as a joint venture between federal and state level governments (Barrie & Mendes, 2011). Those unaccompanied children who have been given refugee and humanitarian visas for settlement in Australia are placed in foster care by the state and government child welfare agencies (Barrie & Mendes, 2011). Those who have not yet been offered refugee status remain in mainland detention and are cared for by non-government organization which specializes with the care of minors (Barrie & Mendes. 2011).

However, research has indicated that many unaccompanied children were provided with accommodation under the less supportive section 17, which does not include the local authority taking responsibility for looking after the child or young person (Stanley, 2001). Following a growing acknowledgement that large numbers of children were being provided only with basic accommodation under section 17, a government guidance, known as Local Authority Circular 13(LAC) 2003 was issued by Department of Health in 2003 to explain how placements for UASCs should be made (Stanley, 2001).

2.3.2. Ghana

Most of the refugees in Ghana are Liberians who fled to the country during the 18-years-long civil war in their country (Swart, 2009). It was further indicated that refugees live in the camp called Buduburam, which was established in 1990 and was intended to serve 3000 refugees only, but the camp became home to roughly 42 000 refugees. This means the camp is congested, given the initial capacity. Moreover, due to poor environment, hundreds of unaccompanied children living in the camp are uneducated

and often work as child labourers. In 2004 there were 214 children in the camp who were separated from their parents as a result of the conflict in Liberia, and also a group of 569 children who were accompanied by their parents but later abandoned and had to fend for themselves (Swart 2009). According to the UNHCR (2015) in 2003 there was 700 separated and unaccompanied children between the age of one and twenty at the camp.

However, there were several impediments to the full realisation of the socio-economic rights of UMR. In Ghana there is a challenge of legislation in as far as protection is concerned, which results in a sub-standard system of protection for UMR. According to Ghana law, there is lack of reference to the situation of UMR or refugees in general and there is no particular reference to the rights of refugees in their 1992 constitution. The refugee law 1992 does not specifically mention UMR and the Children's Act 560 of 1998 makes no reference to the circumstances of refugee children. The only reference made is in section 3 which states that no child shall be discriminated against because he or she is a refugee.

In general, there is no law in Ghana which sets out policy or guidelines which guide the involved stakeholders in the protection and treatment of UMR. The gap in the legal framework governing refugee children in Ghana indeed inhibits and impedes the recognition of the rights of UMR living in the country.

2.3.3. South Africa

Hadland (2008, cited in Sobantu & Warria, 2013) indicates that South Africa has been an attractive destination for refugees and job seekers because of the favourable conditions created by a new era of democracy since 1994, as well as its political and economic stability. Evidence from different studies shows that there are large numbers of children who are coming into South Africa (Chivagure, 2011). A huge number of asylum seekers in South Africa are from the Democratic Republic of Congo (DRC), while there are substantial groups from Somalia, Nigeria, Pakistan and Zimbabwe (Sobantu & Warria, 2013). Yet this population of children crossing the border into South Africa seems absent from debates on child protection, gender and migration studies.

Even though there is a big difference in the estimates of adults and children seeking asylum in South Africa, the UNHCR (2011) reported that South Africa received more than 207 000 individual asylum applications in 2008 and a further 222 300 applications

in 2009. A current report by UNHCR (cited in Laughland & Evershed, 2013) indicates that South Africa had the highest number of asylum seekers at 230 442, which accounts for 24.6% of the total number of people seeking asylum globally (Sobantu & Warria, 2013). This could be higher, as it is reported that South Africa is Africa's largest recipient of new individual asylum applications (Sobantu & Warria, 2013). With regard to children, 21 300 unaccompanied minors and separated children lodged new individual asylum applications in 72 countries in 2012 (Sobantu & Warria, 2013).

2.4. Legislative Framework

The convention of the rights of the child (1989) laid the foundation for international child protection law. This convention places a responsibility on states to make sure child protection through the passing and implementation of national laws, and that the best interest of the child is always paramount. South Africa is a signatory to the key international and regional frameworks which set out to protect the rights of refugee children (Sobantu & Warria, 2013). South Africa gives effect to this international obligation through a number of national legal instruments. These frameworks clearly outline that member states must observe the principle of the best interest of the child, and ensure that children are given care and protection, to ensure their psycho-emotional, socio-cultural and physical development (Sobantu & Warria 2013).

Refugee children in South Africa are protected by the Constitution (Act No. 108 of 1996), the Children's Act (No. 35 of 2005), the Refugees Act (No. 130 of 1998) and the Immigration Act (No. 13 of 2002) (Sobantu & Warria, 2013). The South African Constitution sec. 9(3) clearly states that refugees should not be discriminated against. In addition, the Children's Act prescribes and endorses the best interest of the child as being paramount, whereas the Refugee Act mandates social workers to assist refugee children to apply for refugee status in the country as part of statutory intervention (Sobantu & Warria, 2013).

Each and every piece of this legislation has a role to play in changing the life of an unaccompanied minor. Listed below are the legislations and their brief importance in the life unaccompanied child:

The South African Constitution, Act no. 108 of 1996, section 28 highlights the rights of the children and that the best interest of the child is of utmost importance in every matter concerning the child (RSA. 1996).

The refugees Act No.130 of 1998 provides for the reception into South Africa of asylum seeker, and relevant international legal instruments, principles and standards relating to refugees (RSA, 1998). The Children's Act, No.38 of 2005, also gives effect to the right of the children as contained in the Constitution, and it sets out principles in relation to care and protection of children (RSA, 2005).

Likewise, the Immigration Act, no.13 of 2002, provides for the regulation of admission of foreigners to, their residence in and their departure from the Republic and for matters connected therewith (RSA, 2002).
Along with the above legislative and policy frameworks, the Department of Social Development developed guideline for service to Unaccompanied and Separated Children outside their country of origin. The guideline serves to assist staff of Social Development in carrying out their duties with regard to separated and unaccompanied foreign children in South Africa (DSD, 2011). There is also a memorandum of understanding between Zimbabwe and South Africa regarding tracing, reunification or alternative care placement of unaccompanied and separated children in South Africa and Zimbabwe. It serves to formalize the working agreements between the two countries to ensure the best interest of undocumented and unaccompanied minors. The aim of the agreement is to ensure that children who cross the border are able to realize their rights to food, shelter, education, health and psychological support, and are not exploited or abused (DSD, 2011).

Chivagure (2011) and Van Baalen (2012) cited in Sobantu and Warria (2013:569) indicated that regardless of having a system of legal instruments and a framework dedicated to protecting the rights of refugees in South Africa, refugee children continue to be vulnerable, discriminated against and marginalised.

2.4.1. The Constitution of the Republic of SA

The constitution is central to promoting human right in South Africa. Section 28 of the Constitution of the Republic of South Africa (Act No. 108 of 1996) sets out the rights of all children in South Africa (RSA, 1996). It makes no differences between a citizen

and a non-citizen, therefore this applies to all children within the borders of this country. It states that every child has the right to the following:

The Constitution provides refugees and asylum seekers with the most direct access to securing their rights. Most of the rights set out in the Constitution are not solely applicable to South African citizens; rather they cover to all foreign nationals living within its borders, including foreign unaccompanied children. 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,” the right to “basic nutrition, shelter, basic health services and social services,” and the right to “be protected from maltreatment, neglect, abuse or degradation” (RSA,1996), The Constitution also provides that “a child’s best interests are of paramount importance in every matter concerning the child”.

2.4.2. Refugees Act

The Refugees Act, No.130 of 1998, provides for the reception into South Africa of asylum seeker relevant international legal instruments, principles and standards relating to refugees (RSA. 1998). The Refugees Act, as amended in 2008, seeks to protect children and adults who were forced to leave their countries of origin as a result of fear of persecution, violence or conflict.

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, as follows:

“(1) Any unaccompanied child who is found under circumstances that clearly indicate that he or she is an asylum seeker and a child in need of care contemplated in the Children's Act, 2005 (Act No. 38 of 2005), must—

(a) be issued with an asylum seeker permit in terms of section 22; and

(b) in the prescribed manner, be brought before the Children's Court in the district in which he or she was found, to be dealt with in terms of the Children's Act, 2005.”

Contrary to the aim of the Immigration Act, the Refugees Act prohibits people from being refused entry into the country, expelled, and returned to another country if that individual falls into a category of asylum/refugee. While many oppose the Refugees Act that, is not applicable to unaccompanied minors from Zimbabwe due to their unique reasons for entering South Africa. Arguably under section 2 of the Act, South

Africa should be prohibited from refusing entry, expelling, and returning these minors to their country of origin.

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 the reality is the documentation for unaccompanied children in the asylum process remains a challenge. A large number 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 and this is because South African laws view children below 18 as lacking full capacity and therefore they can only interact with the law when duly assisted by their parents or guardian.

This approach fails to take cognisance of 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). Moreover, the Refugees Act states that the children need to be assisted in applying for asylum. The Children's Act provides a legal instrument that could possibly be used in enforcing children's right to seek asylum. Social workers and CPOs on the other hand, once they remove a child from harmful environment and place them in temporary safe care, and get the court order from the children's court, consider their work is complete (Ncumisa & Popo, 2016).

2.4.3. Children's Act

The Children's Act No.38 of 2005 also gives effect to the right of the children as enclosed 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 (Chigucare, 2011:13). The main objective of the Act is to promote protection, development and the well-being of the children as well as giving effect to the public's obligation concerning the well-being of children in terms of the international instruments that are mandatory to the Republic (Barberton, 2006). 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 and protection (RSA, 2008).

When unaccompanied minors are found to be in need of care and protection, then similar to the South African child, the minor must be placed in a child and youth care centre, his or her personal circumstances investigated by the social worker and the

children's court and finalized in accordance with the Children's Act. Chapter 9 of the Act gives the processes in dealing with a child in need of care and protection. Section 150 of the Children's Act no 38 of 2005 outlines the situations in which a child may be found to be in need of care and protection (RSA, 2005).

However, the Children's Act is silent about unaccompanied minors, it does not identify particular vulnerabilities of foreign children such as unaccompanied minors and separated refugee children, and hence there is a tendency of social workers and magistrates to focus only on social welfare. Ncumisa and Popo (2016) support the above statement in that there should be an interaction between section 32 of the Refugees Act and Chapter 9 of the Children's Act. They further argue section 32 of the Refugees Act provides for the referral of unaccompanied refugee children to the Children's Court through the Children's Act, so the Act needs to reflect this provision by empowering the magistrate with the power to make such order.

South Africa's Children's Act of 2005 gives effect to the constitutional rights of children as set out in section 28 of the Bill of Rights and is the major source of protection for all children in South Africa, regardless of their origin, status or nationality (RSA, 2005). Unfortunately, the Children's Act does not specifically make reference to foreign or refugee children, and while the Department of Social Development has contended that specific mention of foreign children was not necessarily as the legislation applies to all children, the effect of this gap has debatably led to restrictive interpretations of the Act and thus caused many foreign children to fall through the cracks rather than straight within the child protection system in South Africa (Ncumisa and Popo, 2016).

2.4.4. Immigration Act

The new democratic government of South Africa replaced the Aliens Control Act of 1991 with the Immigration Act of 2002 in order to align the country's immigration policies and practices with the government objectives of tolerance. The Act become effective in 2003 and was later amended in 2004.

The Immigration Act, no.13 of 2002, provides for the regulation of admission of foreigners to, their residence in and their departure from the Republic and for matters connected therewith (RSA, 2002:2). The Immigration Act of 2004 defines foreigner as an individual who is not a citizen and an illegal foreigner as an individual who is in South Africa in violation to the Act, or without a legal permit. Section 23 provides for

the asylum seeker's permit which provides for protection up to 14 days for those who enter the country and qualify for refugee status, but do not yet have legal documentation in South Africa. This section allows the Director General of the DHA to issue the asylum permit to a person who at the port of entry claims to be an asylum seeker. If a person after 14 days does not report to one of the five RROs to apply for asylum under section 21 of the Refugees Act, then by the end of the 14 days' asylum transit permit, the individual is then classified as an illegal foreigner under the Immigration Act.

However, there is an exception which is given to a specific group of foreigners as designated by the Minister of Home Affairs and would provide legal basis to respond to the circumstances of unaccompanied foreign minors and Zimbabwean nationals in South Africa. If special conditions exist, then the Minister of Home Affairs may grant a foreigner the right of permanent residence for a specified or unspecified period of time. Advocates argue that the unique situation and push factors for Zimbabwean unaccompanied minors should qualify as different situations.

The Act permits for the automatic deportation of all persons whom an immigration officer has suspicion to believe to be an illegal foreigner. This contradict the immigration regulations of 2005 which provide that unaccompanied minors are not subject to detention and make it illegal to deport such minor without respect to the procedural processes under the Children's Act 38 of 2005.

Nonetheless social workers and presiding officers view it as sufficient to obtain a court order placing children in places of care and barely go past providing for legal documentation needs of the children. Subsequently, a children's court inquiry does not guarantee any document to legalise a stay of foreign child in South Africa when the child is not a refugee. Hence, we end up with children who reach the age of maturity and face the danger of being arrested, detained and deported.

Although the Minister can issue the transit permit in terms of section 23 of the Act, this section is practical to unaccompanied minors as it requires children to have a legal guardian. Nonetheless, the government has not voiced an intention to allow unaccompanied asylum minors to apply for this permit without guardian, which as a result limits the effectiveness of the Act and access to the full recognition of their rights under South African law.

2.5. Processes to follow when assisting separated and unaccompanied foreign children

The issue of unaccompanied minors has become a hot subject lately in social policy and social work across countries (Sandermann & Zeller, 2017). During reception social workers are some of the professionals that have contact with unaccompanied minors first and they are there throughout the whole processes of the case (Çelikaksoy & Wadensjö, 2017). The level at which social workers are positioned within the immigrants and refugees services, they must be prepared and understand what is working with this group means for them hence this study (Haidar, 2017). Social workers have been mentioned several times as a group of professionals that have much interaction with unaccompanied minors and providing support for them is an inter and intra professional task (Wright, 2014). This calls for all the stakeholders involved to understand the roles that each hold to ensure that the services provided to the unaccompanied minor are effective (Tham, 2018).

It is important to outline and discuss the processes to be followed by social workers working with unaccompanied minors, to highlight the issues that they come across when working with this minors and clarify roles amongst them. It is important for social workers working with unaccompanied minors to bear in mind that this children have generally been through traumatic situations, so clarity in roles among stakeholders could reduce the overlapping of roles and also fill the gaps that could be created by doing roles of others and minimize possible harm (Ambrose-Miller & Ashcroft, 2016).

The Department of Social Development has developed guideline on separated and unaccompanied children outside their country of origin. The aim of the guideline is to assist staff of the department in fulfilling their obligations with regards to separated and unaccompanied foreign children in South Africa. The Guideline has indicated a number of social workers and other stake holders' responsibilities as follows: (DSD, 2012:5):

- *Identification of an unaccompanied or separated child: it can be done by anyone including police, immigration officials, social worker, NGOs and community. Children who are identified should then be referred to a social worker or 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, investigating and tracing 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; and*
- *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 give recommendation for formal placement or a durable solution for the child which is the permanency plan, taking into consideration the views of t*he child.

Lacroix (2008) suggests that social workers need to make a connection between international and local legal instrument. Globally, social work with URMs is undertaken variously depending on the context in which the practice is located (Nelson, Price & Zubrzycki, 2017). For example, Barrie and Mendes (2011, as cited by Nelson, Price & Zubrzycki, 2017) indicated that in the United Kingdom, after initial screening, identification and age assessment, unaccompanied asylum-seeking children are cared for by local authorities in placements under the 1989 Children's Act. In support of the statement, Wright (2014) indicate that social workers can plan a key role in initial screening, supervision and support in placement and where required, social workers prepare unaccompanied asylum-seeking children to be returned to their countries of origin. In addition to the process to be followed as stipulated in the guideline when dealing with cases of separated and unaccompanied minors, the diagram below illustrates the steps to be followed when dealing with cases of children in need of care and protection as stipulated in the Children's Act no 38 of 2005.

In addition below is a flow chart by International Organisation for Migration (2012) that illustrate the steps that should be followed by social workers when attending to cases of unaccompanied minors.

Flow Chart of Social Work Case Management.

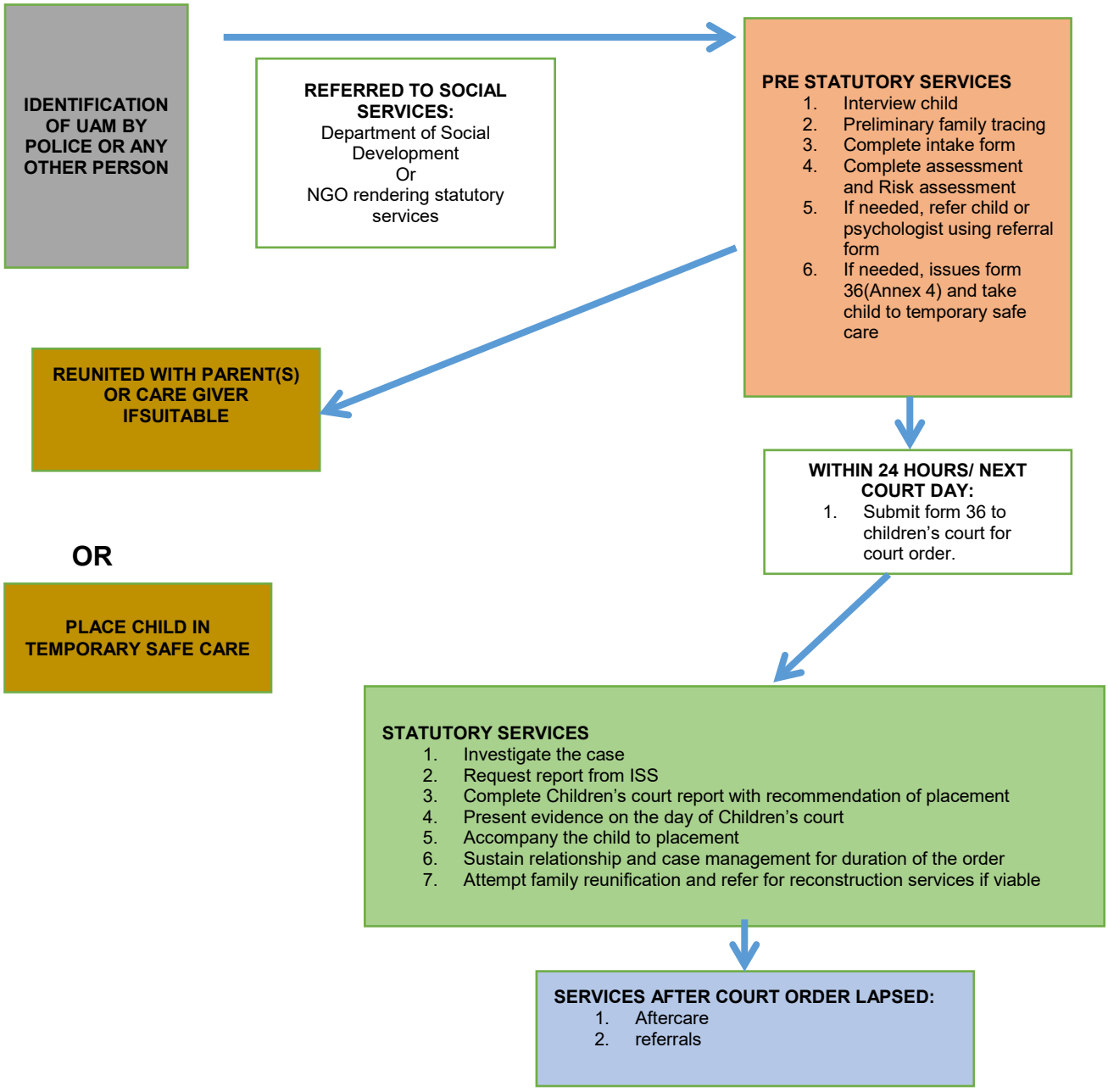

Figure 2.1 (IOM, 2012:128)

In general all processes to be followed are similar, this is evidence as highlighted by different authors below who are in agreement with steps illustrated in the above flow chart. All unaccompanied children entering South Africa should be presumed in need of care and protection (Kohli, 2006). This is important because the Children's Act states that a child deemed in need of care and protection must be taken to a place of safety and a Children's Court enquiry should be opened (Wallin & Ahlström, 2015). Subsequently, a social worker must investigate to confirm that the child is indeed in

need of care and protection and must issue the Children's Court with a report. Any social worker who does sufficient investigation of the situations surrounding an unaccompanied child, will understand that documenting that child is a precedence (IOM, 2017). Though, this is not the case in practice. Should the social worker, after completing an investigation, believe such child is not in need of care and protection, that child must be brought before the Children's Court (Sloth-Nielson & Ackerman, 2016). Contained in this legislative requirement is the view that the Children's Court will act as a safety net for that child in determining whether s/he is in need of care and protection, and it is suggested that it is not only the responsibility of the social worker to make such determination, but also the responsibility of the Children's Court (SCCT, 2019). A Children's Court enquiry should be opened for every unaccompanied child as unaccompanied minors meet the requirements to be declared a child in need of care and protection under a number of grounds listed in the Children's Act (Mahmoudi & Mothapo, 2018). Once that determination is made, a social worker is designated as 'guardian' for that child.

The fact that social workers are not regarded as the legal guardians of unaccompanied minors awaiting a court endorsement of legal guardianship may present an obstacle when children attempt to apply for the relevant permit to legalise their stay in the country and apart from social workers, no other 'legal guardian' exists to assist these children (Wallin& Ahlström, 2015). On the contrary indicated Fritsch et al (2010) that the Department of Home Affairs most often does regard social workers as guardians for the purposes of making an asylum claim, although many social workers are not trained in Refugee Law and are unable of determining if a child should be directed to make such asylum claims. Apart from a social worker, it does not appear to be any separate guardianship system for unaccompanied minors.

However, they further shown that while no legal provisions exist allowing the guardianship of unaccompanied children by NGOs for the purposes of lodging an asylum claim, it appears that the Department of Home Affairs in Musina has allowed Save the Children UK (SCUK) to do just that.

Based on the above it is not certain, whether guardianship covers beyond simply assisting minor with obtaining the relevant documentation or providing general guardianship for the remainder of their minor lives. Failure to provide a child with appropriate documentation could result in the child facing detention and deportation

upon reaching the age of majority. These bring us to the discussion around challenges faced by social workers when dealing with cases of unaccompanied minors.

2.6. Challenges that are faced by social workers in managing the cases of unaccompanied minors.

In terms of the Children's Act (Act 38 of 2005), a social worker is "a person who is registered or deemed to be registered as a social worker in terms of the Social Service Professions Act, 1978 (Act 110 of 1978) (RSA, 2015:20). Meanwhile a designated social worker delivering designated child protection services, according to the Children's Act (Act 38 of 2005), is defined as *"a social worker in the employ of:*
(a) the department or a provincial department of social development
(b) a designated child protection organization
(c) a municipality".

The Act further defines the designated child protection services referred to in section 105(b) of the Act which stipulates that child protection services are services related to:

i. *Prevention services*
ii. *Early intervention services*
iii. *The reunification of children in alternative care with their families*
iv. *The integration of children into the alternative care arrangement*
v. *The placement of children in alternative care, and*
vi. *The adoption of children, including inter-country adoption.*

According to Bosman-Sadie, Corrie and Swanepoel (2010), child protection services include investigations and reports for Children's Court.

Managing cases of unaccompanied minors within the child protection system is an important process, but how to do it becomes a problem to most of the social workers. Lack of legal documentation delays the process and in addition lack of adequate information of social workers and magistrates of the legal framework and procedures relating to unaccompanied foreign children contribute to this problem (Schreier, 2011). 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 refugees' and migrant's issues from social work perspectives. The National Association of Social Workers (2008) requires the profession to take responsibility for ethical practice and research activities relevant to unaccompanied refugee minors.

Social work is a profession guided by a commitment to values and ethics. Social workers provide direct and indirect services to unaccompanied refugee minors through case management, clinical therapy, foster parenting training, advocacy and more (Lee, 2012). With special knowledge and skills, a social worker working with URMs is in a position to advocate for change in structures that produce social justice (Lee, 2012). He further stated that the value of dignity and worth of the person is at the centre of the relationship between social workers and URMs.

Competence is also a value that guides social worker; however, in order to practice skill with URMs, an evidence-base of knowledge and skills that inform best practices requires on-going research. Hence the researcher has decided to embark on this research in order to study the effectiveness of their service to unaccompanied minors and the challenges that they have encountered.

Although all social workers are placed at risk, there is global recognition of the particularly demanding nature of DSW (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 at the underlying picture and make decisions about the safety of the children involved. Their statutory responsibilities means they have limited time and resources to investigate and reflect and the need for speed is another restraint.

The ability to adjust and progress productively within a threatening environment, where one's life and functioning are challenged, is regarded as human resilience (Masten & Wright, 2010). Mindful of the above-mentioned risks (especially in DSW), and given the important role that South African DSWs play in implementing the constitutional rights of children and mandated duties by the Children's Act (Act 38 of 2005) is to care and protect children.

However there are many more challenges which this study will explore within the area of study, which will give an overview of challenges for effective protection of unaccompanied minors.Research conducted by Mahmoudi & Mothapo (2018) does suggest that language barriers present a 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 the best when dealing with vulnerable persons. On the contrary Westwood (2012) said that when language is a barrier social worker worry if the children are getting the accurate information from the interpreters. Survey conducted suggest that large percentage of the children originate from French-speaking African countries (Burundi, the DRC and Rwanda) and language is also an obstacles 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 (Scalabrini Centre of Cape Town Report, 2019).

In summary communication challenges that social workers come across while interacting with unaccompanied minors are cultural difference, language barrier and the behaviour the unaccompanied minors show when they are not happy with a decision made (Zwebathu, 2018). Some difficulties include the provision of incorrect personal details required to trace families regardless of reports indicating that some children have been known to go home for Christmas and then return again, while having claimed not to have a family, which in turn inhibits efforts made for reunification (Mahmoudi & Mothapo, 2018).

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).

Haidar (2017) said that at times migration policies and migration agency at times limits the work social workers. Social workers are often caught between upholding professional standard like putting the child first and performing their job mandates, this is common among social service social workers (Wright, 2014;).

Migrant children are regarded as dependants of the adult/s that accompany/ies them. Insofar as the provision of their own views is concerned, legislation does not speak directly to taking into account the child's opinion into consideration. Section 33 of the Refugees Act simply makes provision for dependants to obtain the status given to their primary care-giver (Mahmoudi & Mothapo, 2018). There is nothing to indicate that children are given the chance to present their own claims or express themselves in such a setting. This is contrary to the responsibilities contained in the UNCRC, which provides that states are obliged to provide a child the chance to express his or her views in matters concerning them, particularly judicial or administrative proceedings. Insofar as unaccompanied children are concerned, the Refugees Act is silent on how to approach such claims, and rather refers the matter to the Children's Court, which hypothetically assigns that child a social worker who assists in making a claim for asylum.

On the contrary, stakeholders lack the knowledge and understanding of the relevant legislation, policies and procedures, resulting in poor implementation and protection of migrant children (Westwood, 2012). The law does not provide for unaccompanied children to make asylum claims independently from their guardian, establishing a view and interpretation of the law held by many that apart from the Children's Court, there is no alternative means by which to make an asylum claim as an unaccompanied minor(Zwebathu, 2018). Even if the children are taken to children's court route, they remain asylum seekers until they have reached the age of 18, during which time not only are they never interviewed, their status remains as that of an asylum seeker, which requires regular renewal (Fritsch et al, 2010). Social workers are faced with ethical dilemmas in their work, the results show that when it comes to advocacy they wish they could do more but loyalty to their employers and the implementation of legislation constrains them (Wright, 2014).

Basically, unaccompanied minors who approach refugee reception centres for asylum on their own are turned away merely because they are believed to lack the legal ability to sign a statement (Mothapo, 2017). Moreover, practical difficulties children have in gain access to the asylum system and handling their claims has made them to belief that, children are not permitted to claim asylum themselves. Therefore, children are not afforded the chance to make an asylum claim on their own, never mind to consider their views or prioritising and speeding their cases (Mothapo, 2017). Social workers felt the migration agency did not do enough on making an allowance for the cases of

unaccompanied minors, call for holistic assessment of cases, and that they feel they do not have much influence on decisions made by migration agency (Zwebathu, 2018). Tham (2018) shows that social work with unaccompanied minors presents high job demand with low control which may lead to work related stress.

The South African Department of Social Development's guidelines (2015) acknowledges the state's responsibilities as set out in the UNCRC, however, it fails to mention asylum in the guideline. It provides for registration and documentation of children, to be conducted in an age appropriate and gender sensitive manner, in a language the child understands, by professionally qualified persons. But then again it fails to stipulate which document these children should be assisted with.

Once more, whether this takes place in practice, is uncertain as research has shown that due to a lack of data available, any precise findings relating to unaccompanied children is difficult to make (International Organisation for Migration, 2017).

In terms of Children's Act 38 of 2010, section 155(2) stipulates that the designated social worker must investigate and compile a report determining if a child is in need of care and protection, of which investigation must include family tracing. Concern exist that, the time frame of 90-days within which to undertake the investigations and to compile the report is inadequate, given the difficulties surrounding family tracing (Mothapo, 2017).

Regardless of the practical challenges, the Department of Social Development's Guideline on Separated and Unaccompanied Minors (2015) stipulates that if it is in the best interests of the child concerned, reunification with family in the country of origin should be done in collaboration with the International Social Services and other applicable organisations within the country of origin. Social workers are required to contact local authorities from child's country of origin through the International Social Services in order to attempt family reunifications.

Department of Social Development Annual Report (2017) indicated that International Social Services (ISS) involve social work services related to unaccompanied and separated migrant children, and trans-national families; and support and reunification services to children whose parents are imprisoned in other countries. Furthermore the report shows that during this year 2016/17, a total of 77 new referrals were received,

and 26 cases closed, leaving the Department with 313 cases that are still active. The research has shown that though communication with developed countries is most often speedy, providing feedback to social workers in time from those countries can sometimes result in frustration and delays (SCCT, 2019). However, the Department of Social Development Annual Report (2017) highlighted that ISS functions only in certain African states, leaving a huge gap with respect to information sharing between African states.

On the other hand institutional placement of these children should be a last resort but that, it should rather be temporary whilst family-based solutions are pursued. This exposes South Africa to the blunt reality that unaccompanied minors are often placed in institutions longer, rather than placed with foster families or reunited with their own family, often with many remaining in institutional care (Mahmoudi & Mothapo 2018).

To address the growing need for a response to deal with unaccompanied and separated minor children, the Department established a national intergovernmental/ sectoral steering committee, which has produced a comprehensive mapping study and accompanying implementation plan (Department of Social Development Annual Report, 2017). The report emphasized that this platform will be used to engage stakeholders with the aim of enhancing collaboration and joint planning, and addressing the many challenges and procedural barriers faced by this category of children and youth. This indicate the importance of collaboration of different stakeholders for the benefit of unaccompanied children.

CHAPTER 3: METHODOLOGY

3.1. Introduction

This chapter deals with the research design and methodology adopted in this study. The previous chapter discussed in detail the relevant theoretical concepts and empirical studies related to the subject of the study. It presented a review of vast literature on unaccompanied minors, the global and local perspectives, the legislative framework, the processes of managing cases of unaccompanied minors and challenges faced by social workers in managing the cases of unaccompanied minors.

The purpose of this chapter is to elucidate the relevance of the research design and methodology adopted in this study and to describe the sample selection, data collection and analysis. Methodology is the concept that refers to the choice we make about the case to study, methods of data gathering, forms of data analysis, et cetera, in planning and executing a research study (Silverman, 2011:15). Thus methodology defines how one will go about studying any phenomenon. This chapter is subdivided into different sections. The first section starts off by presenting the choice and rationale of the research design, followed by a discussion on the motivation for selecting the sampling technique, data collection and analysis methods. Finally, this chapter presents the trustworthiness of the study and ethical considerations.

3.2. Choice and Rationale of Research Design

According to Mouton (2010:74), research design is a plan or blue print on how you intend conducting the research. To support the definition, Welman, Kruger & Mitchell (2006:52) define research design as the plan according to which we obtain research participants (subject) and collect information from them. Furthermore, De Vos, Strydom, Fouche and Delport (2011:143) quoted Monette, Sullivan and De Jong (2008:9) who define research design as a plan outlining how observation will be made and how the researcher will carry out the project.

This study takes a qualitative approach, which is a way of studying social reality and is significant in exploring, describing, or explaining social phenomenon (Leavy, 2014). It is typically about making a choice to support words over numbers (Gair & Van Luyn, 2016). This study takes the epistemological position, described as the interpretivist. According to Murkerji & Albon (2018) this approach acknowledges that there are several meanings people accredit to their actions and that it attention is on gaining full

understanding on an issue as opposes to making broad view about the world. This study attempts to understand challenges faced by social workers working with cases of unaccompanied minors and getting information directly from the social workers themselves. The researcher had chance to interact with the participants and get a full and comprehensive understanding of the subject matter. Knowing the experiences of social workers working with unaccompanied minors offers a holistic perspective from the participants themselves, not just concentrating on what others think of them, by actually getting to know their day to day activities, their roles and stating the difficulties they have as they function in their roles.

In this study, the researcher adopted an anti-positivist paradigm to understand the challenges faced by social workers in managing the cases of unaccompanied minors, using subjectivist techniques.

In line with the anti-positivist paradigm and due to the nature of this study, the researcher used the qualitative research approach to obtain rich qualitative data to understand the challenges faced by social workers in managing the cases of unaccompanied minors. Qualitative researchers look at the sequence of events and pay attention to what happens first, second, third, and so on (Leavy, 2014). Because qualitative researcher examines the same case or set of cases over time, they can see an issue evolve, conflict merge, or a social relationship develop (Neuman, 2014).

The researcher used a qualitative case study design in order to conduct an in-depth investigation of a subject under study, a problem in a real-life setting using a combination of interviews, personal observations, and document analysis. Case study design enables the researcher to discover a wide variety of social, cultural, and political factors potentially related to the phenomenon of interest that may not be known in advance (Neuman, 2014).

For the purpose of this study, the researcher identified two Child and Youth Care Centres in Polokwane, which are Polokwane Welfare Complex and Samaritan Children's Home. Polokwane Welfare Complex is a government owned institution. It is a complex which consists of four units: temporary safe care, children's home, secure care and Khuseleka one stop center. Samaritan Children's Home is a registered child protection organization in Polokwane.

3.3. Population of the study

This study was conducted in Child and Youth Care Centres in Polokwane, which are Polokwane Welfare Complex and Samaritan Children's Home. There are three Child and Youth Care Centres which are Polokwane welfare complex, Samaritan childrens home and Ngwana house.

Polokwane Welfare Complex is a government owned institution. It is a complex which consists of four units namely temporary safe care, children's home, secure care and Khuseleka one stop centre. Samaritan Children's Home is a registered child protection organization in Polokwane. Ngwana house is registered child protection organization. It is registered with the Department of Social Development as a place of safety which care for the abandoned and orphaned babies between birth and 24 months. Amongst the three centres only two accommodate unaccompanied minors and the other one caters for abandoned and orphaned babies only. As a result the research was only conducted in two centers which is Polokwane welfare complex and Samaritan children's home.

Welman, Kruger and Mitchell (2007) define population as a group of potential participants to whom you want to generalize the result of the study. The target population of the study was constituted primarily by all social workers working within the two Child and Youth Care Centers, including the supervisors and coordinators. These groups are included in the target population because of their knowledge of and involvement in the activities of the two centres.

3.4. Sampling

A sample consist of elements or a subset of the population considered for actual inclusion in the study, or it can be viewed as a subset of measurements drawn from a population in which we are interested (De Vos, Strydom, Fouche & Delport, 2011). Sampling refers to the process used to select a portion of the population for the study (Creswell et al., 2010). There are two types of sampling; probability sampling and non-probability sampling.

Non-probability sampling is a sampling technique in which some units of the population have zero chance of selection or where the probability of selection cannot be accurately determined. This type of sampling techniques includes quota, convenience, snowball and purposive sampling. In this study, the researcher used a non-probability

purposive sampling technique as it involves the selection of participants purposively using the researcher's own judgment.

The purposive sampling was employed because this study is based on the non-positivist paradigm and qualitative case study design. Purposive sampling is a sampling method that involves selecting a participant purposely because of the qualities they have, the researcher chooses what needs to be known and finds people who can and are eager to give information by virtue of their experience (Etikan, Musa & Alkassim, 2016). This study required to interview social workers, who are working with unaccompanied minors or have worked with unaccompanied minors. The researcher purposefully selected social workers in CYCC where these children are placed in temporary safe care and coordinators of the programme at the district and provincial level. The selected participants were understood to be well informed in the area of unaccompanied minors and were the correct candidates to talk about roles of social workers. The aim was to concentrate on participants with the above-mentioned characteristics for the sake of making this study relevant. Accordingly, eight (8) social workers and four (2) supervisors and (2) coordinators were selected for this study. The total sample size for this qualitative study was 12 based on the data saturation.

3.5. Data Collection

Qualitative data was collected from both secondary and primary sources. Primary data refers to data collected by researcher through interactions with respondents (Hall, 2004) and secondary data is defined as data that were collected by someone other than the user (De Vos, 2005). In this study, the researcher used interview, observation and document analysis detailed below.

- **Interview**

The primary data was collected through one-on-one interviews for the purpose of obtaining first-hand information from the social workers, to explore their challenges faced when handling cases of unaccompanied minors and also to explore their opinions and views. The interview is a method of data collection in which an interviewer obtains responses from participants in a face to face encounter, through a telephone call or by electronic means, and they are the most direct method of obtaining facts from the respondent (Brink, Van der Walt, and Van Rensburg, 2012).

The researcher had conducted semi-structured interviews with 12 participants (8 social workers and 2 supervisors and 2 coordinators) using a face-to-face method and semi-structured interview schedule**.** Semi-structured interview is a method of data collection which includes the researcher asking a person who has know-how on a topic questions and following up on their answers with a purpose to get as much information as possible (Morris, 2015). The researcher was able to direct the conversation but at the same time letting the interviewee to be free and express themselves they want to. Semi-structured interviews allowed the interviewer to probe more and gave the interviewee an opportunity to ask for clarification, when they did not understand the questions or when the language was not clear (Brink, Van der Walt & Van Rensburg, 2012). This allowed the social workers to tell their story, giving their understanding on the challenges they face when dealing with cases of unaccompanied minors.

The interview guide was in English and the interviews were also conducted in English, as it was the only common language between the researcher and participants. The duration of the interviews was between thirty minutes to forty-five minutes. All interviews conducted in this study were semi-structured interviews and it was face to face interviews. The participants were given an opportunity to select time, date and place for their interviews. The interviews were conducted in a conducive environment, they were all conducted in the social workers' offices and this allowed for the social workers to be comfortable. The interviews were recorded, for smooth uninterrupted data collection.

- **Existing document analysis**

During this study, secondary data was collected and analysed from relevant documents such as: policy documents, research reports, articles, journals, books, reports, and internet sources. The purpose of document analysis is to obtain additional qualitative data related to the subject of the study. The analytic procedure involves finding, selecting, assessing and combining data contained in documents. Document analysis produces data extracts, quotations, or entire passages that are then organised into major themes, categories, and case examples specially through content analysis (Labuschagne, 2003).Triangulation is the use of numerous source or reference to draw conclusions of what constitutes the truth about a single phenomenon, and to bring clarity to and understanding of that phenomenon (Brink et al, 2012). Documents analysis helps you to triangulate the claim about your research

because, it allows you to refer to numerous source, serves several purpose and to combine this document review with, for example, interviews. Documents serve many purpose as they offer historical background, point possible interviews question, offers means of following developments and monitor progress over the period of a project and provide means of verifying that progress or indeed other claims. Documents offer specific and unchanging information which is not affected by the presence of the researcher. It also help the researcher guard against the accusation that the study findings are simply and manufactured article of a single method, single source, or a single researcher's bias.

- **Observation**

Non-participant observation is one of the qualitative data collection methods which involves collecting data without interaction with the participants of the study. As a social worker the researcher conducted observations through attending meetings and visiting the centres to get additional information related to the research. The researcher was engaged in the non-participant observations for the reason, that the researcher may have limited or no access to a particular group (like magistrate and other role players from other departments and NGO) and therefore may not have the opportunity to engage in participant observation. For example the researcher was interested to study the social behaviours, interactions of social workers in the children's court, wherein the court proceedings was observed. On the hand the researcher was engaged in the non-participant observation, when social workers had meetings with other role players to discuss cases of unaccompanied minors for the purpose of coming up with intervention. In those two different settings the researcher observed that social workers played different roles like for instance, in court the social worker serves as the expert witness while in the meeting the social worker was plying the advocacy role.

3.6. Data Analysis

According to Leedy and Ormrod (2014), data analysis involves reducing collected data to a manageable size, developing summaries, looking for patterns or categories and applying statistical techniques. There are both quantitative and qualitative data analysis methods. In this study, data analysis involves inductive qualitative thematic analysis technique. A qualitative analysis encompasses non-numerical examination

and interpretation of observation, for the purpose of discovering underlying meanings and patterns of relationships, while quantitative analysis includes numerical representation and the manipulation of observations for the purpose of describing and explaining the phenomena that those observations reflect (Babbie & Mouton, 2006). In this study, the researcher started by transcribing the field note followed by coding the data using codes identified from the data. Secondly, the coded data was classified into themes and sub-themes. Thirdly, the researcher provided interpretation of the data and cross-examination with the relevant literature. Finally, the researcher presented the findings in the form of textual and direct quotation.

- Transcribing Interviews

Transcription of interviews refers to the process of changing recorded interviews into manuscript (King & Horrocks, 2010). It can be done partly or word for word, the researcher transcribed the recording word for word for all the twelve interviews conducted. This made it simple to recognise the similarities and differences in the information that participants provided even before starting the analysis. The researcher listened to the recording a number of times to ensure what was written, was what the participant had said.

- Thematic Analysis

Due to the qualitative nature of this study, the researcher used a thematic analysis method. Thematic analysis is a method of data analysis that identifies themes within collected data and one of its advantages is that it is not attached to any theoretical stance, making more it flexible. (Maguire & Delahunt, 2017). They further indicate that thematic analysis identifies themes in the data that the researcher finds fascinating; these are then used to address research issue, it is not just the summarizing of data but interprets and makes sense of the data using the themes.

Braun & Clarke (2006) provide six steps of thematic analysis; familiarising oneself with the data, generating initial codes, search for themes, reviewing themes, defining themes and writing of the report. They state that these steps are not lined, and one may need to be go back to certain step to come up with a good analysis. According to the authors, coding refers to the most basic segment, or element, of the raw data or information that can be accessed in a meaningful way while a theme captures

something important about the data in relation to the research question, and represents some level of patterned response or meaning within the data set.

This study made use of thematic analysis as it classifies codes in the data that can be developed into themes that address the research questions. The researcher familiarised herself with the data by first listening to the audio recordings a number of times and after transcribing and read through the transcripts. While reading the researcher could notice some similarities and differences in the responses. Codes was done manually by highlighting interesting parts and repeating patterns. Subsequently subthemes and themes were created through grouping of these codes. Afterward reviewing the themes and sub themes, some were merged and became statements. Themes and sub-themes were resulting from the questions that were asked for better presentation of the findings.

3.7. Ethical Considerations

According to Welman, Kruger and Mitchell (2007) there were ethical considerations to which the researcher paid attention when conducting the research, which were as follows:

- **Approval letter:** With particular reference to the study, the researcher compiled a letter to the department requesting approval to conduct the study within the Department of Social Development and using their human resources as the respondent and in this case they are social workers in child and youth care centres. An ethical clearance was obtained from Turfloop Research Ethical Committee, to allow the researcher to conduct the study.
- **Informed consent:** The researcher obtained the permission from the respondents after they were informed about the purpose of the interview and the investigation. A consent form was designed for the respondents to give permission in writing to participate in the study.
- The respondents were assured of their **right to privacy**. For instance, they were informed that the identity of the respondents will remain anonymous. The researcher has reassured the respondents of the confidentiality by indicating that their identity will not be disclosed and they will remain anonymous. The permission was obtained from the respondents by developing and giving a

questionnaire to them to give consent prior to the study after a detailed explanation of the study and its purpose.

- **Protection from harm:** The respondents were given the assurance that they will be indemnified against any physical and emotional harm. The researcher has ensured that respondents will not be exposed to an environment or situation that will harm them either physically nor professionally.
- **Involvement of the researcher:** Researchers guard against manipulation respondents or treating them as objects rather than individual human beings. The research has upheld integrity and honesty all the time.
- **Aftercare of respondents:** The end of the study can often be an anxious period for participants and aftercare was provided. It was offered in a form of debriefing, including seeking feedback on the process. After a sensitive area was explored, arrangement was made to ensure the participants have information of to where they can obtain further support if they feel it is needed. The researcher in this study was a social worker by profession with experience in trauma debriefing and counseling; in case the respondents were in need of further support, she was in a position to provide assistance and refer them for further intervention if necessary. The researcher provided the respondents with her contact details in order to keep continuous contact if a need should arise. The researcher provided feedback of the research to the respondents and offered them the opportunity to describe what the process was like for them.

3.8. Conclusion

This chapter focused on the research methodology which provided the fundamental framework under which the study on the challenges faced by social workers in dealing with cases of unaccompanied minors was conducted. The methodology gives comprehensive information in relation to the selected research design which was considered to be the suitable for the kind of study which was embarked upon. The methodology also gave an overview with regard to the area of study, the targeted population, sample selected, method, size, data collection and analysis methods and the ethical issues which were taken into consideration during the study.

CHAPTER 4: DATA PRESENTATION AND INTERPRETATION

4.1. Introduction

This chapter aims to present the findings of the investigations conducted. The findings of this research are based on opinions, experiences and suggestions with regard to the challenges faced by social workers in managing the cases of unaccompanied minors in the Child and Youth Care Centres in Polokwane Municipality. Data was collected through interviews with social workers with the focus on social workers in child and youth care centres, Capricorn district, and provincial coordinators on CYCC and unaccompanied minors.

The aim of the study was to explore the challenges faced by social workers in managing the cases of unaccompanied minors in Child and Youth Care Centres in Polokwane. The objectives of the study were to assist stakeholders to identity challenges faced by social workers in the management of unaccompanied minors, ways for policymakers to amend and develop policies and strategies that will minimise challenges and enable smooth running of services within the field of study, for different departments to identify current programs that are used by social workers in managing cases related to unaccompanied minors in the area of study, and to add new insight into managing cases of unaccompanied minors.

The strategy employed was through face to face interviews, and appointments with social worker were made. The interviews were mainly conducted during lunch to avoid distraction during the interviews and to avoid the interruption of service delivery. This assisted the researcher to get the full attention of the respondents during the interviews. The interview schedule was used as a guide to collect data.
Regarding gender of participants, 92% of the participants were female while only 8% were male. As a helping profession, social work often regarded as a woman-dominated field.

With regard to work experience, 90% of the participants had 5 to 10 years of experience practising as social worker. Fewer than10% of the respondents had more than 10 years' experience as social worker and they hold senior positions which include social work supervisors, and district and provincial coordinators for the programmes.

The following section presents findings from qualitative study using themes and sub-themes as indicated in the table below:

Table 4.1 classification of themes and sub-themes

Themes	Sub-themes
Management of cases	Situation of unaccompanied minors
	How cases were managed
	Perception on case management
	Process of case management
	Case management system
	The effectiveness of case management
Challenges faced by social workers	Types of challenges
	Stakeholder involved
	Roles of stakeholders
	Policies/ guidelines used in case management
Suggestions to improve case management	Strategies to improve case management
	Support needed for social workers

4.2. Management of cases

4.2.1. Situation of unaccompanied minors

According to the findings, the respondents have three different views about the situation of unaccompanied minors which is that these children are in a dire situation as they live in the street, begging, stealing and mostly exposed to abuse and exploitation. Some of the respondents indicated that these children are normally in a vulnerable situation because they are exposed to many things that will harm their well-being as children. They can be exposed to abuse, exploitation and some might be involved in criminal activities like stealing in order to survive. The findings are confirmed by literature which indicates that children who leave their home, community and country are at risk of economic or sexual exploitation, abuse, neglect and violence (IOM, 2012:14). The report also indicates that migrant children are often attracted to the city areas where they believe they will get employment or means of survival. Moreover, these unaccompanied and separated children often face discrimination and trouble in accessing basic services, and are at high risk of violence, exploitation and abuse (Van der Burg, 2009).

> “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”. (Respondent no. 3 social worker, interviewed on 27/04/2019).

> “These children are normally found roaming the street in the cities. They survive through begging, stealing and are mostly exploited by adult. 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 seeker. They are here for economic reasons” (Respondent no.11 provincial coordinator, interviewed on 09/05/2019).

Other respondents said that most of these children are said to be Zimbabwean nationals. It was indicated that they leave their countries due to different reasons like poverty, and economic and political instability in their country. Some are said to have left their country without their families knowing. This could mean their families don’t know their whereabouts and they are regarded as missing. However, their challenge is that they don’t have documents and they don’t qualify as asylum seekers, which makes intervention by the social worker difficult. The report by UNICEF (2011) highlights that, South Africa is a home to thousands of unaccompanied child migrants from neighbouring countries, especially Zimbabwe. Presently, nearly the entire unaccompanied refugee minor population in South Africa is Zimbabwean, with approximately 1,500 URMs living in the Musina area alone (Fritsch, Johnson & Juska, 2010). Most of these children are often undocumented as their entry into the country is irregular (Mothapo, 2017).

> “Majority of these children are from Zimbabwe and only few are from other neighbouring countries. We find them in quite big numbers in Messina as it is next to the border. They are also found more in Polokwane city because it is easy for them to survive through begging in the street. They came to the country without their parents or guardian; however, there are those who came here with their relatives and parents, and at a later stage became separated from them for some reasons. Sometimes it is because their parents were deported back to their country of origin’’ (Respondent no.12 provincial coordinator, interviewed on 10/05/2019).

> “Their reasons for leaving their country of origin are related to poverty, abuse, and political unrest within their country. Those are the reasons that we hear from them when they are interviewed” (Respondent no.2 social worker, interviewed on 13/04/2019).

> “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" (Respondent no.8 social worker supervisor, interviewed on 14/03/2019).

The result gathered also that, shows most of the cases are brought to the attention of the social worker by community members who see them roaming the street and some of these cases are referred by the police. The police, when they find these children, take them to CYCC with form 36 and then refer the case to a social worker for further intervention. This is also stipulated in the DSD Guideline for unaccompanied and separated minor outside their country of origin (2015) indicating that identification can be done by anyone including police, immigration officials, social worker, NGOs and community. It further indicates that children identified should then be referred to a social worker or police official.

> "The situation is dire because they are begging in the street, they do not have documents and they are not used to the life of being in a restrictive environment like CYCC. Most of them end up absconding and going back to the street. The situation is dire, painful and it calls for assistance. They are here unaccompanied, meaning they are without the company of parents or an adult'' (Respondent no.10 social worker, interviewed on 26/03/2019).

> "Most of the unaccompanied minors who come to South Africa are Zimbabwean nationals because they are told thing are better in South Africa. They use trucks as a mode of transport without the knowledge of the truck driver, and if it arrives at the cities the pip and if they see it looks fine is then that the will climb off. Most of them go without the knowledge of their families. These cases are normally brought to the attention of the social worker by police after they pick these children on the street'' Respondent no.1 social worker, interviewed on 14/03/2019).

Based on the above-mentioned findings most of these unaccompanied children are of Zimbabwean nationals, they all don't have documents and these cases are normally referred to social workers by police and community members. The study also revealed that these children are in a vulnerable situation as they might be exposed to abuse and exploitation. These children are normally identified by police and community at large, and they then refer them to the social worker for further intervention. Schreier (2011) indicates that children from as far away as countries like Somalia, Democratic Republic of Congo and Zimbabwe are migrating and crossing the borders of South Africa without their parents, relatives or caregivers. The reality of migrant children is that they are more often than not, enter their host countries with no formal

documentation, which is problematic insofar as identity and age assessments is concerned (Westwood, 2012).

4.2.2. How cases are managed

The study shows that the first thing to do once these children are found is to place them in CYCC, and placement into CYCC can either be done by the social worker or police with form 38. Evidence also shows that documentation for these children is also a priority issue. This is as stipulated in the DSD Guideline for unaccompanied and separated minor outside their country of origin (2015), indicate the first process as identification of an unaccompanied or separated child. Furthermore it also highlight that identification can be done by anyone including police, immigration officials, social worker, NGOs and community. Children who are identified should then be referred to a social worker or police official.

> “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 CYCC depending on the age of the child and 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 issue a hand-written registration of birth’’ (Respondent no.2 social worker, interviewed on 13/04/2019).

> “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 CYCC 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 crime’’ (Respondent no.11 social worker, interviewed on 09/05/2019).

> “When these children are found, they are taken to CYCC pending the investigation and tracing of the family’’ (Respondent no.12 social worker, interviewed on 10/05/2019).

However, the study also revealed that some of these children being placed in the CYCC abscond and go back onto the street and this could be because they are not used to be in a restrictive environment as they have spent most of their time on their own.

> “We remove children in terms of the Children’s Act using form 36, although most of them we fail to apprehend because they run away. Those whom we can remove with form 36, we then place in temporary safe care, trace their families and for those we can, we repatriate back to their country of origin’’ (Respondent no. 3 social worker, interviewed on 27/04/2019).

Findings also show that the other most important step is to interview these children, although another statement made by one of the respondents shows that most often than not the children are lying; they don't tell the truth. Some difficulties include the issue of children giving an incorrect personal details required to trace families, notwithstanding reports indicating that some children have been known to go home for Christmas and then return again, while having claimed not to have a family, which in turn prevents efforts made for reunification (Mahmoudi & Mothapo, 2018).

> "Social workers are interviewing the children in order to gather information about their background which will assist at a later stage for tracing of the family'' (Respondent no.10 social worker, interviewed on 26/03/2019).
>
> 'It is very difficult to get the truth from these children. Their story is always changing and it makes it difficult to win their trust so that they can open up. The families are untraceable, especially Zimbabweans, because of inconsistent information'' (Respondent no.7 social worker, interviewed on 14/03/2019)

Based on the evidence, it shows similarities in that all respondents are in agreement that the first step once children are found is to place the child in CYCC, although it is highlighted by one of the respondents that sometimes these children abscond and go back to the street. The results gathered emphasised the importance of interviewing these children in order to gather information about their background. However, it is indicated that it is difficult to get the truth from these children in most cases. Evidence also showed that documentation of these children should be a priority. Children's act states that a child presumed in need of care and protection must be taken to a place of safety and a Children's court enquiry should be opened (Wallin & Ahlstrom, 2015). Guidelines on separated and unaccompanied minors, section 6.1, specifically state that unaccompanied children should be assumed to be children 'in need of care and protection and may be placed in temporary safe care' (DSD, 2015a). The report by UNHCR (2016) highlighted that, however in some cases, children themselves may resist contact with social workers or any authority because they fear interruption of their journeys, detention and deportation.

4.2.3. Perception on case management

The study revealed that there are two opinions about whether these cases are well managed or not. The results show that almost all of the respondents believe that these cases are not well managed. This opinion is based on different reasons:

> “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 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’’ (Respondent no.10, social worker, interviewed on 26/03/2019).

> “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 then are 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’’ (Respondent no.1, social worker, interviewed on 14/03/2019).

> “Majority of these cases are not well managed because most cases take time or years to be finalised. Social workers get stuck alone and they don’t consult for assistance. We tend to know about the cases only if there is a query by CYCC because the orders of the children have lapsed meaning the children are there illegally’’ (Respondent no.11, provincial coordinator, interviewed on 09/05/2019),

On the other hand, other respondents believe cases are well managed particularly on the side of the social worker, except that things are not managed well on side of the district up to the national level as there is no feedback on cases that they have submitted long time ago.

> “Actually, they are well managed because initially, let me say. With social workers we do the necessary procedures. But I believe it is not well managed with the intervention of the province and through maybe our district manager where they can intervene and assist us on how to manage them effectively. Some of them you do the necessary procedure, you write a report for the ISS, you go through the province, I did that, I even have an email print out to show that email was sent to ISS. But you don’t get any feedback. After three months, six months you follow up, they will just tell you a lot of stories. What I was told was that there was a person working at the national office doing ISS and the person resigned and the new one who came doesn’t know about the cases. I was even wondering as to how can that be: is that because even if there was

> no handing over personally, there was supposed to be administrative records were a person can take over from where someone has left off and you were thinking everything is gone and you are waiting for the feedback. It is really frustrating to us'' (Respondent no.8, social worker, interviewed on 14/03/2019).

Based on the evidence gathered, most of the respondents are of the opinion that these cases are not well managed based on the fact that social workers don't know how to handle these cases, they are stuck alone and they consult for assistance. On the other hand, evidence also revealed that there is a delay by international social services to attend to these cases let alone to give either feedback or updates to social workers about the status of the case. However, the findings show that, 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 relation to the implementation of policies.

Schreier (2011) supports the findings when saying that 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 guideline on separated and unaccompanied children outside their country of origin in South Africa, which states that action to assist separated and unaccompanied children that are outside their country of origin requires long term commitment, often lasting years, by the stakeholders involved (DSD, 2015a).

4.2.4. Processes of case management

The results gathered show the similarities in attending to these cases of unaccompanied children. The processes followed when dealing with cases of unaccompanied minors is always the same as the ones that are followed when dealing with children who are in need of care and protection.

> "Like I have indicated earlier, these children are normally found by the police and they will then take them to CYCC with form 36. The CYCC will notify the province and the district concern at the same time. The case will be allocated to the social worker. Upon receipt of the case the social worker will within 24 hours or the next working day open the children's court inquiry in order to receive the order to place the child in temporary safe care which is valid for 3 months pending the investigation. After receiving the court order the social worker will start with the investigation which will include interview with the child

in order to gather information about the background of the child and information that will assist with the tracing of the family. Social worker will also engage the Department of Health for age estimation and Home Affairs to assist with documentation of the child in whatever way possible, as they are normally without documents. The social worker will then write the reports, one for court form 38 and the other report for request for ISS to assist with tracing of the family or any relative of the child from the country of origin. The social worker will also then go back to court to present the findings of the investigation and make the recommendation. The recommendation is for the temporary safe care order be renewed for another three months to allow the social worker to finalise the investigations or for the child to be placed in a children's home pending repatriation after the outcome of ISS, of which the order of the children's home is reviewed every two years. On the other hand, the report will be forwarded to ISS and then we wait for the outcome of the tracing which will determine the next intervention'' (Respondent no.11, provincial coordinator, interviewed on 09/05/2019).

"After the case is referred by the police, the social worker will check as to where the child was placed and request a copy of form 36, and then refer the case to the area social worker. The social worker will then continue with investigations. Within 24 hours the social worker needs to open the children's court enquiry. The court will issue the temporary safe care order which is valid for 90 days pending the investigations. Within 30 days the social worker will investigate and compile a report (form 38). The social worker will need to appear again in court to present her finding and recommendations (Respondent no.9, district coordinator, interviewed on 26/03/2019).

Based on the above-mentioned results it indicates that social workers generally are the main role players in the implementation of the Children's Act and more particularly they are required to perform certain functions as stipulated in the Act and other policies.

The information guide on the management of statutory services in terms of the Children's Act 38 of 2005 highlighted the statutory interventions by the social worker including removal of the child to temporary safe care with or without a court order, investigation of the child's circumstances and his family and compiling a report advising the children's court as to whether a child is in need of care and protection (DSD, 2012). All unaccompanied children entering South Africa should be deemed to be in need of care and protection (Kohli, 2006). This is significant because the Children's Act states that a child declared in need of care and protection must be taken to a place of safety and a Children's Court enquiry should be opened (Wallin & Ahlström, 2015). Subsequently, a social worker must investigate to confirm that the child is indeed in need of care and protection and must issue the Children's Court with a report.

Processes for managing these cases are also highlighted in the guideline for separated and unaccompanied children outside their country of origin in SA, as follows: unaccompanied minors should have an immediate access to temporary safe care facilities , within 72 hours the social worker will investigate the matter and conduct full assessment, the children will then be taken for medical report or age assessment, furthermore family tracing procedure must be initiated without delay and children who cannot immediately be reunited with their families or community of origin will then appear before the children's court (DSD, 2012). It further states that the social worker will within 90 days appear before the children's court and present the findings and recommendations and the child will then be placed in an alternative placement pending child reunification with the community or country of origin

4.2.5. Case management system in the department

Evidence gathered indicates that DSD has systems in place; however, they are not followed or followed to the letter, there are no time lines; if there is, they are not adhered to and most social workers are not well aware of those systems.

> "The system is there, but the people who administer the system, I think they lack knowledge of what is it that they must do in order to ensure that the cases are handled timeously. Each process should have a time frame, either the case is from social worker, social work supervisor, district coordinator, provincial to national. Each one of us must have a time frame that we adhere to, at least four weeks; after each person is done with the intervention they are supposed to render to the case that would help the children and will actually do justice to them'' (Respondent no.10, district coordinator, interviewed on 26/03/2019).

> "The system is that we have established the statutory unit and this unit concentrates on cases that need statutory intervention, they do canalisation of the reports. The procedure is that the social worker, after compiling the report, will give it to the social work supervisor for quality assurance and then it will be submitted to the statutory unit which will canalise the report; they check compliance with legislation, and whether the social worker has quoted the right Act. Thereafter the report will be returned for corrections, amendments or it will be endorsed. Furthermore, the unit is holding district and provincial panels to discuss complex cases and the panel will include the cases manager who is the social worker and the social work supervisor. The panel serve to give guidance, direction, ensures compliance and addressing the challenges for the purpose of finalising cases'' (Respondent no.11, social worker, interviewed on 09/05/2019).

> ‘’There is a case management system in a form of panel meetings and consultation with individual social workers. Over and above, South Africa has signed a memorandum of understanding with Zimbabwe to look into issues of unaccompanied and separated minors and also that the minister of labour and social welfare which they commit themselves to receive their children back, so the Government of Zimbabwe need their children back. These also make it easier to deal with cases of children from Zimbabwe’’ (Respondent no.12, provincial coordinator worker, interviewed on 10/05/2019).

Based on the results gathered it is evident that DSD has systems; however, there is a challenge of implementation. The DSD Guidelines provide sufficient guidance on the initial assessment phase that a social worker must undertake when a child is identified as separated or unaccompanied. In this regard, the Guidelines on separated and unaccompanied minors state the following:

“Children who are identified as separated or unaccompanied should be referred to a social worker or police official. Unaccompanied children should be assumed to be children ‘in need of care and protection’ and may be placed in temporary safe care. If the current care circumstances of separated children do not put them at immediate risk, separated children may be assessed by a social worker without being placed in temporary safe case. However, if the separated child appears to be a victim of an exploitative or abusive relationship, he or she should immediately be placed in temporary safe care” (DSD, 2015a). It further highlights the process of tracing the family and, after the family has been found, reunite and repatriate. Any social worker who does a sufficient investigation of the circumstances surrounding an unaccompanied child, will understand that documenting that child is precedence, though this is not the case in practice (IOM, 2017).

Perception on the effectiveness of case management system

The findings indicate that respondents have two different opinions about the effectiveness of the system. They are of the opinion that the systems that are in place are not working while some believe that the systems are affective the only challenge is the implementation. Respondents showed that the system is not working based on concerns they raised in relation to International Social Services which they said is not assisting as there are only few success stories.

> “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 may be we find a suitable family for this child so that they can be raised in South Africa to prevent them remaining in the CYCC and disadvantaged them from the opportunity to grow up in a family setting'' (Respondent no.1, social worker, interviewed on 14/03/2019).
>
> "In my opinion the system is there but 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'' (Respondent no.2, social worker, interviewed on 13/04/2019).
>
> "It does not assist much because we are not aware of them'' (Respondent no.4, social worker, interviewed on 21/03/2019).

Meanwhile other respondents believe that the system is working; the only challenge is that the system is not well implemented and most of the social workers are not aware of it.

> ''It assists in a way that at the end the children are able to be returned to their family of origin'' (Respondent no.5, social worker, interviewed on 14/03/2019).
>
> ''It assists a little bit, 10%, and the way the system is created is very nice, but the people who need to enforce it are the ones failing the system'' (Respondent no.10, district coordinator, interviewed on 26/03/2019).

Based on the result it is evident that there is a need for International Social Services to capacitate social workers on their roles and what is expected of them, in order to ensure proper implementation. The findings also show that there is no collaboration between the international social services and social workers.

According to guidelines on international social services it is essential that all ISS correspondence be acknowledged as soon as it is received and this will ensure that all role players stay informed (DSD, 2015). It further show that one should indicate what steps will be followed and, if possible, give an indication as to the timeframe needed to respond to the request. However, this is not implemented in practice, hence there are a lot of challenges in relation to these cases.

4.3. Challenges faced by social worker

4.3.1. Types of challenges experienced

Evidence gathered shows similarities of challenges faced by social workers. They are experiencing quite a number of challenges when rendering cases of unaccompanied minors, ranging from operational to administrative support

> “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, the child is staying in a CYCC, is a challenge on its own. The fact that the best interest of the child is not really given priority in the situation according to me is a challenge’’ (Respondent no.1 social worker, interviewed on 14/03/2019).

> “The other challenge is on legislation: it would help if the department can do more to capacitate social workers on policies around unaccompanied minors and migration in general and not only social workers who are dealing with the case but all social workers’’ (Respondent no.2, social worker, interviewed on 13/04/2019).

> “There is a lack of support by the supervisor and the children themselves sometimes 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’’ (Respondent no. 3, social worker, interviewed on 27/04/2019).

> “These children are undocumented. 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. 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 CYCC and the management board of CYCC on Chapter 13 on their roles as the board’’ (Respondent no.9, social worker, interviewed on 26/03/2019).

> “Social workers and supervisors are not consulting or seeking advice when encountering challenges hence they are stuck with cases. ISS is not giving feedback nor updates to the cases referred to them. We lack knowledge about different legislation around issues of migration and unaccompanied children’’ (Respondent no.11, provincial coordinator, interviewed on 09/05/2019).

The above-mentioned results show that there are many challenges that are hampering service delivery to unaccompanied children. Among other challenges mentioned by

respondents are that these children are undocumented, often don't tell the truth about their background which make their cases take long to be finalised, and there is lack of knowledge by social workers which means there is no capacity building, and lack of support from the management. On the other hand the ISS takes time to give feedback of cases referred for family tracing.

This finding is supported by the literature which states that numerous unaccompanied children do not possess documents because of the circumstances which lead 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 traveling conditions (Sobantu & Warria, 2013). The research has shown that while communication with developed countries is most often speedy, providing feedback to social workers in time from African countries, can oftentimes result in frustration and delays (SCCT, 2019). However, the Department of Social Development Annual Report (2017) highlighted that ISS only functions in a number of African states, leaving a notable gap with respect to information sharing between African states.

4.3.2. Stakeholders involved in case management

Findings reveal that there are similarities in the responses and that there is a range of role players and officials that have role and responsibilities, in relation to cases of unaccompanied minors.

> "The stakeholders who are involved in case management of unaccompanied minors are Justice, Home Affairs and Department of Health'' (Respondent no.2, social worker, interviewed on 13/04/2019).

> "The stakeholders who play a role in these cases are SAPS, child and youth care workers, nurses and social workers'' (Respondent no. 3, social worker, interviewed on 27/04/2019).

> "I will firstly say SAPS, Home Affairs and also communities like HCBC'' (Respondent no.4, social worker, interviewed on 21/03/2019).

> "Other stakeholders who are involved rendering services to these children are Department of Health, Department of Home Affairs, SAPS, Department of Justice and Constitutional Development and NGOs such as Save the Children and International Organisation on Migration'' (Respondent no.11, provincial coordinator, interviewed on 09/05/2019).

The abovementioned findings indicate that even if social workers are the main role players in the implementation of the Children's Act and in dealing with cases of

unaccompanied minors, there is a need for integration of service with other stakeholders like magistrates, Department of Home Affairs officials, nurses and doctors as they each have a significant role that they are playing in assisting these children.

During reception of unaccompanied minors social workers are some of the professionals that get in contact with first and they are present all through the processes of the case (Çelikaksoy & Wadensjö, 2017). However the fact that social workers are not considered the legal guardians of unaccompanied minors pending a court confirmation of legal guardianship may create a problem when children apply for the relevant permit to regularise their stay in the country and apart from social workers, no other 'legal guardian' exists to assist these children (Wallin& Ahlström, 2015).However, stakeholders lack the knowledge and understanding of the relevant legislation, policies and procedures, resulting in poor implementation and protection of migrant children (Westwood, 2012). This is also supported by the UNHCR report which emphasises that an effective child protection system is an integrated system in which all actors are engaged around the common goal of child protection (UNHCR, 2016). It further emphasises the importance of close cooperation between law enforcement personnel who are mainly having a first encounter with these children at the border and other child protection actors in order to minimise loopholes in the child protection system.

4.3.3. Roles of various stakeholders

The results gathered show that all the respondents have the same understanding of the role and responsibilities of each stakeholder in working with cases of unaccompanied minors.

> Respondent no.1 (social worker, interviewed on 14/03/2019): Department of Justice is assisting by issuing the order of placement, Home Affairs is manually registering the birth of these children and Health assists in estimating the age of the child.

> Respondent no. 3 (social worker, interviewed on 27/04/2019): SAPS are also responsible to remove the child to temporary safe care. Child and youth care workers are the ones who are asking for care of the children in CYCC on a daily basis, while nurses are assisting in determining the age of the child, check the overall wellbeing physical wellbeing of the child and give treatment if they are diagnosed with a certain illness. Social workers are responsible to investigate the background of the child and trace where the child comes from.

> Respondent no.11 (provincial coordinator, interviewed on 09/05/2019): Department of Health assist with assessment of the overall health of the child and determining the age of the child. Department of Home Affairs assists with documenting these children. Department of Justice and Constitutional Development assist in holding children's court enquiries, finalise cases and issue the relevant order. SAPS ensure that children are well protected by taking them off the street. Meanwhile IOM and Save the Children is assisting with repatriation of these children after their families are traced.

Based on the information gathered, it is evident that the social worker is not the only one who deals with cases of unaccompanied minors but also other stakeholders. Section 4 of the Children's Act mandates that implementation of the Act should include organs of state across all levels of government and the responsibilities must be done in an integrated, coordinated and uniform manner (RSA, 2005). Furthermore, all role players must cooperate in maintaining uniform, coordinated and integrated service delivery to children.

4.3.4. Specific policies and guidelines used in these cases

The results reveal that most of the respondents are using only the Children's Act when intervening in cases of unaccompanied minors. On the other hand Ncumisa and Popo (2016) indicate that Children's Act is silent about unaccompanied minors and it does not recognise specific vulnerabilities of foreign children. Similarly there is no synergy between section 32 of the Refugees Act and Chapter 9 of the Children's Act. They further argue that section 32 of the Refugees Act provides for the referral of unaccompanied refugee children to the Children's court through the Children's act, so the act need to reflect this provision by empowering the magistrate with the power to make such order. This finding is with accordance with Westwood (2012) highlighting that stakeholders lack the knowledge and understanding of the relevant legislation, policies and procedures, resulting in poor implementation and protection of migrant children.

> "Normally we use the Children's Act, which is the main one that we are using. I don't know if there are other ones that are used but normally Children's Act is what I use'' (Respondent no.7, social worker, interviewed on 14/03/2019).

> "Yes, first is the Children's Act. It is our act that governs us and guides us on what to follow when working with children. But it also has a challenge because it only guides us on how to manage children in general, so when coming to

> foreign nationals it is silent'' (Respondent no.8, social worker, interviewed on 14/03/2019).

Other respondents have shown that besides the Children's Act, they use other legislation to intervene in cases of unaccompanied minors.

> "The policies that we apply are Children's Act, Immigration Act, Refugees Act and the draft guideline on separated and unaccompanied minors'' (Respondent no.11, provincial coordinator, interviewed on 09/05/2019).

> "Children's Act 38 of 2005 and also Birth and Registration Act, the Constitution of South Africa and Child Justice Act also assist'' (Respondent no.5, social worker, interviewed on 14/03/2019).

The above-mentioned results show that each and every piece of this legislation has a role to play in changing the life of an unaccompanied minor, therefore it is very import for social workers to have knowledge of different Acts in order to be able to provide proper intervention. The findings also show that there is a need to use both the Children's Act and other relevant legislature when working with unaccompanied children. Unfortunately, the Children's Act does not make reference to foreign or refugee children, and while the Department of Social Development has opposed that specific mention of foreign children was not necessary as the legislation applies to all children, the effect of this gap has debatably led to restrictive and exclusionary interpretations of the Act and thus caused many foreign children to fall through the cracks rather than directly within the strong child protection system in South Africa (Ncumisa and Popo, 2016). However, the literature indicates the gap in relation to the implementation of the Act. It indicates that besides South Africa having a well-developed legal and policy framework for securing the right of children, there are a number of critical child protection gaps that exist in terms of the implementation of the framework for unaccompanied or separated foreign children by Magistrates, Social Workers and Department of Home Affairs' (DHA) officials in particular (Schreier, 2011).

Suggestion to improve case management

4.4.1. Suggestions by respondents

The study reveals that there are a lot of different suggestions made by respondents; however, most of the respondents emphasise a need to be capacitated on how to handle these cases and on different legislation and the result also shows a need to also capacitate other stakeholders.

> ''Firstly, I can say there is a knowledge gap in relation to these cases. I think we should be capacitated, and not only social workers but also other stakeholders, so that we can be on the same level of understanding; so that when one comes across these cases they should know the procedure to follow. The communities also need to be informed so they can assist in identifying these children and refer to stakeholders involved with these cases. It is then that these cases will be handled properly'' (Respondent no.4, social worker, interviewed on 21/03/2019).

> ''Social workers need to be capacitated in handling these cases and also home affairs officials'' (Respondent no.5, social worker, interviewed on 14/03/2019).

> ''I think the department must capacitate social workers to enable them to be able to deal with these cases'' (Respondent no.6, social worker, interviewed on 14/03/2019).

Other respondents suggest that red tape be reduced in order to speed up the process.

> ''Remove ISS from the picture, number one, I don't see their role, is my opinion. I see them as delaying the progress. They are wasting our time. If they are removed for the process, we will be able to communicate with social workers from the neighbouring countries. Management should give us powers to communicate directly with our counterparts form the other side. We will keep on renewing the order of placement of children in CYCC because there is no feedback from ISS'' (Respondent no.7, social worker, interviewed on 14/03/2019).

On the other hand, one of the respondents made a statement that suggests that South Africa should engage a country like Zimbabwe to see how best they can address the cases of these children.

> "Yes, I think so, I think the Zimbabwean government and the South African government can have some sort of an agreement in terms of managing the children because we have a lot of them in South Africa and we know why a lot of them are here. But when we have to intervene in terms of assisting these children there are a lot of limitations based on their citizenship. I think if these two countries can have some sort of memorandum of understanding for the best interest of the children to say if we have children who are of Zimbabwean nationality maybe can we bring them to Zimbabwe so that when they are there, they will have a shelter that side. It will be easy to link them with their families. Or the South African authority can say if they are in South Africa and they cannot be linked with their families you can place children in adoption or in foster care or do something to ensure that the children get a safe home. So, I

> believe these two countries can have a form of understanding'' (Respondent no.1, social worker, interviewed on 14/03/2019).

Others have raised their suggestions differently from the above respondents, indicating that they wish national DSD can develop a manual that will guide them on step by step processes of dealing with these cases and on the other hand others hope for the development of new policies that particularly focus on these children as a positive contribution to the finalisation of the cases.

> "I think it should start from national level were they should develop a manual or a guideline on how foreign nationals should be managed and it should be a straight forward procedure that will enhance our service delivery to these children because at the end it frustrates even these children'' (Respondent no.8, social worker, interviewed on 14/03/2019).

> "Provision of intensive training on different legislations and their application is required. There is a need for intersectoral collaboration with other stakeholders for effective service delivery to unaccompanied children. Provide resources to social workers'' (Respondent no.11, social worker, interviewed on 09/05/2019).

Based on the result of the research it shows that the respondents have different suggestions based on the challenges that each respondent has encountered when dealing with cases of unaccompanied children. However, the majority of respondents have emphasised the need for capacity building of social workers and all role players who work with these children.

The recommendations of the research conducted by UCT Refugees' Rights Unit support the findings of this research. They urge government to widely publicize and provide ongoing training to all relevant stakeholders on these guidelines for dealing with unaccompanied and separated foreign children in South Africa (Schreier, 2011). It further urges the DHA to gazette regulations to operationalize the Refugees Amendment Act and provide the much-needed guidance to its officials on procedures to follow when dealing with unaccompanied and foreign children.

The report by UNHCR (2016, 36) has shown that there are a number of good examples of regional cooperation between states, international organisation and non-governmental organisations to provide a cross-border child protection system and this includes cross-border coordination between Mozambique and Zimbabwe, SA and Zimbabwe and between Zambia and Zimbabwe. It further shows that these working groups are chaired by the government and other non-governmental actors, seek to

establish effective communication between social workers and law enforcement agencies, strengthen coordination to identify the best solution for an individual child, improve protocols and guidelines for family tracing and reunification. This indicates disagreement with the findings that social workers are not familiar with this document or have no knowledge of what it entails, which lets them operate in vacuum. There is a gap in the implementation of the policies and the Act.

4.4.2. Alternative strategies

The result gathered indicates that the respondents have different alternative strategies in mind. Normally the recommendations are based on the conclusion made when encountering certain challenges.

> “Children’s Act must be amended, in order to include unaccompanied and separated minors’’ (Respondent no.5, social worker, interviewed on 14/03/2019).
>
> “There should be an amended policy that will face out ISS and allow social workers to communicate with social workers from the neighbouring countries’’ (Respondent no.7, social worker, interviewed on 14/03/2019).
>
> “There is a need for new policies and to finalise the draft guidelines on separated and unaccompanied minors’’ (Respondent no.9, social worker, interviewed on 26/03/2019).
>
> “There should be a guideline that has a timeline for each process. There should be a protocol that is easy and allows children to be reunited with their family, not be kept for so long in South Africa. Protocol on unaccompanied minors needs to be developed’’ (Respondent no.10, social worker, interviewed on 26/03/2019).
>
> “Not alternative policies per se, but national to finalise the draft policy on separated and unaccompanied minors. Amendment of the Children’s Act particularly section 150 to include unaccompanied minors must be done’’ (Respondent no.11, social worker, interviewed on 09/05/2019).

The statement above indicates a need to develop new alternative strategies and to review the existing strategies. This includes to develop a protocol on the management of cases of separated and unaccompanied minors, finalisation of the draft policies on separated and unaccompanied children outside their country of origin, and amendment of the Children’s Act to include unaccompanied children and guidelines on international social services to specify an estimated timeline for a particular process in order to minimise the delay of the finalisation of these cases. Ncumisa and Popo

(2016) indicated that there should be a synergy between section 32 of the Refugees Act and Chapter 9 of the Children's Act. Schreier (2011) highlighted that, aside from the Children's Act there is a guideline that details the international and domestic legal standards that must be met for the protection of this vulnerable group of children, which is not readily available and once finalised it will be implemented, i.e. DSD Guidelines, and currently there is no other official document in the public domain on foreign children in South Africa.

4.4.3. Support needed for social workers

The evidence reflects different views of the respondents as to whether the Department is giving support to social workers who deal with cases of accompanied minors or not. Evidence reveals that most of the respondents feel that the Department is not giving them support; they are left to fend for themselves.

> "To be honest with you I will say the department is not supporting us in any way; we have been stuck with these cases for ever, since these children were infants and they are now toddlers and the department has been aware of the situation. I think only now when they realise the seriousness of the situation, is only when they try to be supportive. But is not so much of a support because they are still referring the cases to ISS which goes through the national office. We do not know what delays the process there, we don't know even who is managing the cases there. There is no feedback whatsoever and when the social worker calls, is only when you will be told something and I never had a positive feedback. They will say whatever document is missing or the report is a wrong format and for me I will say there is lack of support from the department. So, the social worker is stuck alone, challenged and frustrated in their space. Even the system is failing us because it is limiting us and this is a poor child who needs a home, who can have a suitable family, but because the child is born in another country different from ours there are things that we cannot do and it is unfortunate, it is a sad reality, you just can't do anything'' (Respondent no.1, social worker, interviewed on 14/03/2019).

> "There is no support from supervisors, however. Sometimes they let social workers fend for themselves: they must be hands-on. Supervisors should have more knowledge in order to give better support. Supervisors are not confident enough to say I never dealt with this case or not sure of what should happen. At least if they had better knowledge, they will also be able to provide better support, as in seeing through the whole process. It is easy to make mistakes in these kinds of cases. If they were able to take you through step by step and knew and understood what they are doing, I think that's better support for me'' (Respondent no. 3, social worker, interviewed on 27/04/2019).

Some of the respondents indicated that the Department is giving then the support that they need which enables them to render their services effectively.

> “Social workers are getting support from district coordinators in relation to guiding them on how to handle a particular case, provision of resources in the form of emails, telephones for the purpose of liaising and advocating on behalf of these children. Most of the cases are stuck at the provincial office, cases are returned several times for corrections’’ (Respondent no.10, district coordinator, interviewed on 26/03/2019).

> “There is a lot of support system in place, we have a social work supervisor who mentors and guides social workers, there is also district and provincial panel meeting which is constituted by coordinators of different programmes wherein they assess the cases and the procedure to follow and check compliance with relevant legislation. Over and above this there is also a statutory unit which is doing canalisation of the cases to ensure professionalism’’ (Respondent no.12, provincial coordinator, interviewed on 10/05/2019).

Based on the abovementioned findings social workers seemed to feel that they are not getting the support they need from the management. Meanwhile the coordinators at the district and provincial level feel they are giving enough support to enable social workers to provide service to unaccompanied children in a form of consultation with individual social workers and holding of district panels to discuss cases. The findings of the research are confirmed by Kohli (2007) who stated that often social workers work alone, without the benefits of clear guidance from policy or research.

4.5. Conclusion

This chapter presented the results of the study by focusing on challenges faced by social workers in dealing with cases of unaccompanied children. The chapter began by showing the demographic profile and the experiences of the respondents, and demonstrated the nature, and the magnitude of the problem experienced by social worker when dealing with cases of unaccompanied children. The study has also indicated some suggestions and strategies to improve case management.

CHAPTER 5: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1. Introduction

As previously mentioned, the aim of this study was to explore the challenges faced by social workers in managing the cases of unaccompanied minors in Child and Youth Care Centers in Polokwane. The objectives of the study were:

- To examine the current strategies that are used by social workers to manage cases related to unaccompanied minors.
- To determine the challenges faced by social workers in managing cases of unaccompanied minors.
- To recommend measures that can be used to improve management of unaccompanied minors.

The researcher has begun by summarising the major points raised by the respondents in the study which are the challenges faced by social workers in managing cases of unaccompanied children, and then followed with the suggestions they made and furthermore the strategies to deal with these challenges in order to improve the management of the cases of these children. Summaries of the major findings of the study follow below.

5.2 Summary of key findings

5.2.1. Management of cases

Based on the evidences, the situation of unaccompanied children was dire, as these children find themselves in a vulnerable situation.

- **Situation of unaccompanied minors**

Evidence has shown that more often than not these children are exposed to abuse, exploitation and child trafficking. The research findings have also highlighted the fact that most of these children are from Zimbabwe as the country is sharing a border with Limpopo, and these children do not have a refugee claim. The research also revealed that almost all of these children do not have documents.

- **How cases were managed**

The research has also revealed that, although there are clear guidelines on the processes to be followed when dealing with cases of unaccompanied children, these cases are not well managed. The result showed that social workers and DHA officials have lack of knowledge on how to handle these cases.

- **Perception on case management**

The evidence gathered also revealed that social workers are of the view that the cases of unaccompanied minors are difficult and complex to deal with, hence they take a long time to be finalised.

- **Process of case management**

The research has shown that the processes of managing these cases of unaccompanied minors are enshrined in the Children's Act and are the same as the procedure for dealing with the cases of children in need of care and protection. There is no mention of unaccompanied minors in the Children's Act except the guidelines developed by the DSD.

- **Case management system**

Furthermore, the case management system does not give clear guidance on how to deal with these cases and on the other hand research also revealed that there is a delay by international social services to attend to these cases, let alone to give either feedback or updates to social workers about the status of the cases referred.

- **The effectiveness of case management system**

The case management system is not effective as, the research showed that, in practice, there is no proper communication between service providers and ISS nor

acknowledgement of receipt and feedback about the cases referred to them by the social workers.

5.2.2. Challenges facing social workers

- **Types of challenges**

The research revealed that these children do not have documents, which makes it difficult for social workers to intervene, particularly when the child does not have a refugee claim. However, the research has also shown that most often than not these children do not give accurate and credible information regarding their background because they do not want to be repatriated back in to their country. This makes family reunification impossible. Moreover, the evidence gathered has revealed that social workers are not trained on how to deal with cases of unaccompanied minors and there is also a lack of the resources. The study has also shown that social workers do not have knowledge about different legislation and policies including the departmental policies that deal with issues of unaccompanied minors.

- **Stakeholders involved**

The research has shown there are other role players in relation to these cases; however, there is no strong intersectoral collaboration. Based on the findings of the research the respondents mentioned several stakeholders who play an important role in these cases which are, to name a few, magistrates, Department of Home Affairs, officials, nurses and doctors

- **Roles of stakeholders**

The research has revealed that each and every stakeholder mentioned in this study has a significant role that they are playing in assisting these children.

- **Policies / guidelines used in case management**

The research has portrayed that most of the social workers are not familiar with the Acts and policies that deal with unaccompanied children or have no knowledge of what they entail, except the Children' Act. On the other hand, the Children's Act is silent about unaccompanied children.

5.2.3. Suggestions to improve cases management

The study has shown that the respondents are of the opinion that there is a need to make changes in how thing are done in order to improve case management of unaccompanied minors.

- **Strategies to improve cases management**

Based on the findings the respondents felt a need to reduce red tape, particularly by removing ISS in the process, and they feel social workers should be given the latitude to communicate with their counterparts in the neighbouring countries to deal with the cases of these children and that the Southern African countries should make agreement with the neighbouring countries concerning child protection issues.

- **Support needed for social workers**

Based on the research there was a need for social workers and other stakeholders to be trained on how to deal with these cases and different pieces of legislation.

The result of the research has shown that the respondents wish that the Children's Act could be amended and that the department should develop a protocol on management of cases of unaccompanied minors.

5.3. Conclusion

Given the challenges, and the suggestions provided during the study by the respondents, the researcher has therefore made the following conclusions. Most of unaccompanied children do not possess documents because of the circumstances which lead them leave their homes and documents getting lost during the trip, or becoming illegible because of traveling conditions.

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.

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 researcher therefore concluded that the cases of unaccompanied minors are not well managed and there are challenges with regards to the management of these cases. It is therefore recommended that the Department of Social Development should consider the following recommendation which emerge from the study:

5.4. Recommendations

5.4.1. Documentation

The Department of Home Affairs should allow UAMs 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. This will enable DHA under this section to issue these children with legal documents more particularly because most of the children who are in Limpopo are from Zimbabwe, and they do not have a refugee claim.

This is affirmed by Schreier (2011:33) who indicated that viable options for foreign children who have been placed by the Children's Court, and who do not have a refugee claim or cannot be reunited with family or otherwise returned to their home country, is to apply to the Minister of Home Affairs in terms of section 31(2)(b) of the Immigration Act for a Ministerial Exemption. Ncumisa and Popo (2016:437) concur with the above author by saying identification and documentation of the child should be a priority. After the child has been removed from any immediate danger, the child must be documented without delay and should not have to wait for the finalisation of the children court inquiry, DHA is the first to encounter the child who qualifies for refugee status and seems to be in need of care and protection. They further indicate that it is easier for the trafficked child to slip back into the hands of the traffickers and without documents they are also unable to access social services.

5.4.2. Resources

DSD should provide social work resources in order to render service and implement guidelines for the benefit of the foreign children that they are obligated to protect.

5.4.3. Capacity building of social workers and other stakeholders.

DSD must also popularise and provide training to social workers and all relevant stakeholders on the guidelines on separated and unaccompanied minors living outside their country of origin. The findings of the research have revealed that most social workers are not familiar with this document.

The social worker should also be capacitated on different legislations that deal with unaccompanied and foreign children in order to ensure proper implementation of the Act. According to the research conducted by Schreier (2011:34) the Department of Home Affairs should allow UAMs 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.

DSD must also popularise and provide training to social workers and all relevant stakeholders on the guidelines on separated and unaccompanied minors living outside their country of origin. The social worker should also be capacitated on different legislations that deal with unaccompanied and foreign children in order to ensure proper implementation of the Act. The research conducted by Schreier (2011: 93) agrees with the findings of the research and stated that protection gaps in the child care and protection system include an unclear interface between the refugee regime and the child protection regime, inability to access legal documentation, and the poor level of knowledge of the legal and protection frameworks by government and frontline service providers.

5.4.4. Amendment of the policies.

DSD should make an amendment to the Children's Act to include unaccompanied minors in section 150 of the Act. Most of the challenges faced by social workers when dealing with cases of unaccompanied minors are worsened by the fact that Children's Act makes no mention of foreign children and does not recognise specific vulnerabilities of certain categories of these children such as unaccompanied foreign and separated refugee children. This is affirmed by the research recommendation

made by Ncumisa and Popo (2016:437) indicating that the Act should include terms expressly stating the different legal categories that such children fall into and how they should be dealt with taking into account their specific needs. There should be a synergy between section 32(2) of the Refugees Act and Chapter 9 of the Children's Act. Section 32 of the Refugees Act provides for the referral of unaccompanied refugee children to the children's court through the Children's Act. Therefore the Children's Act needs to reflect this provision by empowering the magistrate with the power to make such an order.

DHA should develop a practice note that will practically provide guidance in relation to the Refugees Amendment Act to its officials on procedures to follow when dealing with unaccompanied and foreign children.

5.4.5. Intersectoral collaboration

There should be coordination of service among government departments wherein each stakeholder plays their role as mandated by their department to ensure that the rights of unaccompanied children of migrants and refugees are protected. There is a need to bridge the gap between Social Development, Department of Home Affair and Child Protection as children often fall through the administrative cracks. The fact that one department determine the immigration status of the children and the other one separately deals with the overall welfare and access to rights, creates an inconsistency in how cases of separated and unaccompanied minors are handled. This lack of coordination creates an inconsistency, lack of focus on the best interest of children, and presents a barrier to developing a durable solution.

5.5. Limitations of the study.

According to De Vos et al. (2011), problems are never completely eliminated from any study and this study was no exception. The following were the limitations of the study:

- The study only focused on child and youth centres in Polokwane;
- The sample size was limited, as the target group only included those social workers who are dealing with unaccompanied minors and their supervisors as well as their coordinators.

5.6. Area for future research

The sample is too small because of the sample saturation, therefore there is a need for future research on this topic. The research should be expanded to all social workers working in the child care and protection system and other CYCCs in the province.

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08 November 2017

MJ Nkwana (9631723)
TURFLOOP GRADUATE SCHOOL OF LEADERSHIP
Masters of Development in Planning and Management (Course Work)

Dear Ms MJ Nkwana

FACULTY APPROVAL OF PROPOSAL

I have pleasure in informing you that your Masters proposal served at the Faculty Higher Degrees Committee meeting on **18 October 2017** and your title was approved as follows:

"Exploring the Challenges Faced by Social Workers in Managing the Cases of Unaccompanied Minors in the Child and Youth Care Centres in Polokwane Municipality".

Note the following: The study

Ethical Clearance	Tick One
Requires no ethical clearance Proceed with the study	
Requires ethical clearance (Human) (TREC) (apply online) Proceed with the study only after receipt of ethical clearance certificate	√
Requires ethical clearance (Animal) (AREC) Proceed with the study only after receipt of ethical clearance certificate	

Yours faithfully,

Sc. Co.

Prof MP Sebola
Chairperson: Faculty Higher Degrees Committee

CC: Dr AA Asha, Supervisor, Dr KS Milondzo, Acting Programme Manager and Prof MX Lethoko, Acting Director of School

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TURFLOOP RESEARCH ETHICS COMMITTEE CLEARANCE CERTIFICATE

MEETING: 05 July 2018

PROJECT NUMBER: TREC/134/2018: PG

PROJECT:

Title:	Exploring the challenges faced by social workers in managing the cases of unaccompanied minors in the child and youth care Centres in Polokwane Municipalities.
Researcher:	MJ Nkwana
Supervisor:	Dr AA Asha
Co-Supervisor:	N/A
School:	Turfloop Graduate School of Leadership
Degree:	Master of Development in Planning and Management

PROF TAB MASHEGO
CHAIRPERSON: TURFLOOP RESEARCH ETHICS COMMITTEE

The Turfloop Research Ethics Committee (TREC) is registered with the National Health Research Ethics Council, Registration Number: **REC-0310111-031**

Note:
i) **Should any departure be contemplated from the research procedure as approved, the researcher(s) must re-submit the protocol to the committee.**
ii) **The budget for the research will be considered separately from the protocol.**
PLEASE QUOTE THE PROTOCOL NUMBER IN ALL ENQUIRIES.

CONFIDENTIAL

LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE PREMIER

Office of the Premier

Research and Development Directorate

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LIMPOPO PROVINCIAL RESEARCH ETHICS

COMMITTEE CLEARANCE CERTIFICATE

Meeting: 27th February 2019

Project Number: LPREC/39/2018: PG

Subject: Exploring the Challenges Faced by Social Workers in Managing the Cases of Unaccompanied Minors in the Child and Youth Care Centres in Polokwane Municipality.

Researcher: Nkwana MJ

Dr Tumiso Malatji

Acting Chairperson: Limpopo Provincial Research Ethics Committee

The Limpopo Provincial Research Ethics Committee (LPREC) is registered with National Health Research Council (NHREC) Registration Number **REC-111513-038.**

Note:

i. **This study is categorized as a Low Risk Level in accordance with risk level descriptors as enshrined in LPREC Standard Operating Procedures (SOPs)**

ii. **Should there be any amendment to the approved research proposal; the researcher(s) must re-submit the proposal to the ethics committee for review prior data collection.**

iii. **The researcher(s) must provide annual reporting to the committee as well as the relevant department.**

iv. **The ethical clearance certificate is valid for 12 months. Should the need to extend the period for data collection arise then the researcher should renew the certificate through LPREC secretariat. PLEASE QUOTE THE PROJECT NUMBER IN ALL ENQUIRIES**

CONFIDENTIAL

LIMPOPO
PROVINCIAL GOVERNMENT
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OFFICE OF THE PREMIER

TO: MS RESHOKETSWE MOKOBANE

FROM: DR T MALATJI

DEPUTY CHAIRPERSON: LIMPOPO PROVINCIAL RESEARCH COMMITTEE (LPRC)

DATE: 27th FEBRUARY 2019

SUBJECT: EXPLORING THE CHALLENGES FACED BY SOCIAL WORKERS IN MANAGING THE CASES OF UNACCOMPANIED MINORS IN THE CHILD AND YOUTH CARE CENTRES IN POLOKWANE MUNICIPALITY.

RESEARCHER: NKWANA MJ

Dear Colleague

The above researcher's research proposal served at the Limpopo Provincial Research Committee (LPRC) meeting on the 27th February 2019.

The committee has noted that the researcher has displayed the understanding and application of scientific research. The committee is satisfied with the research proposal.

Decision: The research proposal is granted full approval.

Regards
Acting Chairperson: Dr T Malatji

Secretariat: Ms J Mokobi

Date: 13/03/2019

LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF

SOCIAL DEVELOPMENT

TO: RESEARCH COMMITTEE

APPROVAL TO USE DEPARTMENT OF SOCIAL DEVELOPMENT'S FACILITIES

This certifies that Ms Nkwana MJ has presented the significance of her research study titled: **'Exploring the Challenges Faced by Social Workers in Managing the Cases of Unaccompanied Minors in the Child and Youth Care Centres in Polokwane Municipality**

Ms. Nkwana MJ research study

1. **The findings of the study**

- The study will assist stakeholders to identity challenges faced by social workers in the management of unaccompanied minors.
- It will assist policymakers to amend and develop policies and strategies that will minimise challenges and enable smooth running of services within the field of study
- It will assist different departments to identify current programs that are used by social workers in managing cases related to unaccompanied minors in the area of study.
- It will add new insight into managing cases of unaccompanied minor.

2. **Population and area of study**

The researcher will draw a sample in order to select 8 social workers from Polokwane Welfare Complex and CYCC Samaritan and two coordinators each from Capricorn District and Provincial Office.

In view of the above, this letter grants Ms. Nkwana permission to use the Department of Social Development facilities in Polokwane Municipality

Deputy Director: Population Development Unit

Mokobane R

25/02/2019

Date

Facility Letter Nkwana MJ Feb 2019

CONSENT FORM

Exploring the Challenges Faced by Social Workers in Managing the Cases of Unaccompanied Minors in the Child and Youth Care Centres in Polokwane Municipality

1. I confirm that I have read the information interview schedule for the above study, understand what it says and have asked any questions I have about the study. ☐
2. I agree to take part in a one-to-one interview that will be anonymous and used for the purposes of writing a research report. ☐
3. I agree that the interview schedules will be stored securely for academic purposes.
4. I understand that my participation is voluntary and that I am free to withdraw a☐ time either before or during the interview, without giving any reason.

☐

Signature of Participant: _____ Date: _____

INTERVIEW SCHEDULE

Instructions

- Please feel free to answer all questions.
- All information gathered will be confidential.
- You will remain anonymous.
- There is no wrong or right answer.

SECTION A DEMOGRAPHIC PARTICULARS

1. Name of organisation: _____

. What is your gender?

Male	
Female	
Other	

How many years have you been working as a social worker?

Less than 3 years	
3-5 years	
5-10 years	
More than 10 years	

2. How long have you been working in child care and protection service

Less than 3 years	
3-5 years	
5-10 years	
More than 10 years	

SECTION B

MANAGEMENT OF CASES

3. What is the situation of unaccompanied minors in Polokwane municipality?
4. Can you tell me about cases management of unaccompanied minors in your unit?
5. In your opinion do you think cases of unaccompanied minors are well managed?
6. What particular processes do you carry out when managing these cases?
7. What form of case management system does the department have?
8. How do these case management systems assist in managing cases of unaccompanied minors?

CHALLENGES FACED BY SOCIAL WORKERS.

9. What challenges have you experienced as a social worker in dealing with cases of unaccompanied minors?
10. Which other stakeholders are involved in case management of unaccompanied minors?
11. Please briefly explain their roles?
12. Which specific policies and guidelines do you apply in dealing with these cases?

SUGGESTIONS TO IMPROVE MANAGEMENT OF CASES OF UNACCOMPANIKED MINORS

13. What do you think should be done, to improve the management of cases of unaccompanied minors?
14. What alternative policies or guidelines are needed to improve the management of unaccompanied minors' cases?

15. What form of support system should the Department give to social workers in order to address these challenges?

Thank you for giving your time to participate in the study.

Anne Kruger Language Practice

- 19 Nooitverwacht, 105 Main Street, Paarl 7646
- tel 072 374 6272 or 021 863 2315
- annekruger25@gmail.com

To whom it may concern

DECLARATION OF LANGUAGE EDITING

I, Elsje Anne Kruger, hereby declare that I have personally read through the dissertation of Matlou Julia Nkwana and have highlighted language errors and checked references. The track changes function was used and the author was responsible for accepting the editor's changes and finalising the references. I did no structural rewriting of the content.

Yours faithfully

EaKruger

Date

30-10-2019