

ACCESS TO EARLY CHILDHOOD EDUCATION AND CARE FOR UNDOCUMENTED CHILDREN IN EUROPE¹

The importance of early childhood education and care (ECEC) for child development and well-being is well established at European level.² This has found to be particularly the case for children from socially and economically disadvantaged backgrounds, including migrants, to address inequality and challenges faced by disadvantaged children, through early intervention. The benefits for migrant children, in terms of language and pedagogical support, have also been recognised.

Very limited access for undocumented children

However, undocumented families, often experience difficulties in gaining access to early years education for their children. Depending on the organisation of public early childhood education and care services, undocumented families face a range of legal, financial and administrative barriers. Legal exclusion from qualifying for publicly-subsidized pre-school education/ kindergartens and support programs, as well as administrative barriers, such as requirements for documents such as proof of address or employment for registration, effectively prevents access to ECEC services, even when there are no additional legal barriers. Undocumented families also face a high level of discretion from administrators/ management, with registration frequently denied due to lack of awareness of rights and obligations related to undocumented families, concerns over inclusion and support needs, or simply, discrimination. While early years education is optional, it is discrimination to exclude children due their or their parent's residence status.

For example, debate over access to non-compulsory education in Italy was provoked by the Municipality of Milan introducing a measure preventing undocumented children from being registered in pre-schools. The measure was found by the court of Milan to be discriminatory and contrary to the right to education enshrined in the UN Convention on the Rights of the Child and domestic legislation,³ which it interpreted to include all school grades. However, this interpretation is not always accepted and implemented, with undocumented children often denied access to non-compulsory education, including vocational courses as well as early years education.⁴

¹ The following information has been partially compiled from PICUM (2011) "The Rights of Accompanied Children in an Irregular Situation", Paper prepared by PICUM, Platform for International Cooperation on Undocumented Migrants for UNICEF Brussels Office November 2011 for the Fundamental Rights Agency 2011 Annual Conference on "Dignity and rights of irregular migrants".

² European Commission, COM(2011) 66 final, "Early Childhood Education and Care: Providing all our children with the best start for the world of tomorrow", 17 February 2011, available online at: http://ec.europa.eu/education/school-education/doc/childhoodcom_en.pdf; Council of the European Union, "Conclusions on early childhood education and care", 6 May 2011, available online at: <http://register.consilium.europa.eu/pdf/en/11/st09/st09424.en11.pdf>; see also European Commission Recommendation "Investing in Children: Breaking the cycle of disadvantage", C(2013) 778 final, Brussels, 20.2.2013, available at: http://ec.europa.eu/justice/fundamental-rights/files/c_2013_778_en.pdf

³ Court of First Instance (Milan) decision of 11.02.2008

⁴ Elena Rozzi, "Undocumented migrant and Roma children in Italy: between rights protection and control" in: Jacqueline Bhabha (ed.) *Children without a State: a global human rights challenge*, MIT Press, Cambridge, Massachusetts, 2011, p. 189

Importance of ECEC services for undocumented children

Further, it is important to note the importance of access to quality ECEC services for undocumented children. Undocumented families are among the most vulnerable to poverty and social exclusion in Europe, and the often precarious working conditions of parents can make it extremely difficult for them to provide quality early childhood education and care for their children themselves. Research from the US referring to professional indicators for measuring early development of cognitive skills⁵ found that several aspects of undocumented parent's lives can limit the early development of their children. The factors highlighted are sparse social networks, lower-quality jobs, less access to stimulating professional child care, and fewer financial resources to invest in children, which increase parental stress and reduce the amount of stimulation that parents can provide and purchase for young children.⁶ Unable to claim any income support, another issue is that parents who are unable to access publicly-subsidised child care and nursery facilities may be left with no other option than to take their children to their workplace or leave their children with unlicensed child minders, in order to work to support their families.

Examples of promising practices

- Italy

In Italy, there are examples of inclusive practice by local governments. In March 2010, the municipality of Florence publicly acknowledged the right of undocumented children to attend nursery school.⁷ Other major cities have followed suit: Torino and Genova both explicitly announced, almost immediately after Florence, a declaration that their municipalities have no obligation to check the residence permits of parents.⁸

- Belgium

The Flemish Ministry of Education is conducting an information campaign with the slogan "Look what I can do".⁹ The aim of this campaign is to improve participation in early- age education (years 3-6), especially amongst new migrants and children with foreign language mother tongues. Parents with an insecure residence status, including undocumented migrants, are a particular target group for this campaign. To achieve its aim they provide organizations, professionals and parents that come in contact with people who have an insecure status, with information and materials to encourage parents to send their children to non-compulsory kindergarten (*kleuterschool*). They are especially keen to get migrant children to attend this level so that they start getting integrated into the educational system at an early age and have less difficulties, for example with the language, once they enter the obligatory education from age six years onwards.

⁵ Mullen Scales of Early Development

⁶ H. Yoshikawa (2011) *Immigrants Raising Citizens: Undocumented Parents and Their Young Children*, Russell Sage Foundation, New York, page 135-136 c.f. UNICEF (2012), "Access to Civil, Economic and Social Rights for Children in the Context of Irregular Migration", Submission to the UN CRC Day of General Discussion on "The rights of all children in the context of international migration", 28 September 2012.

⁷ La Repubblica, "Maternecomunali per baby clandestini", 12 March 2010, available online at: <http://ricerca.repubblica.it/repubblica/archivio/repubblica/2010/03/12/materne-comunali-per-baby-clandestini.html> (Cf. PICUM Newsletter, March-April 2010, p. 13, available online at: http://picum.org/picum.org/uploads/archives/nl_en_01-0304-2010_0.pdf)

⁸ La Stampa, *Padoin: "Siaifiglideiclandestini al nido, lo dice la legge"*, 1 April 2010, available online at: <http://www3.lastampa.it/torino/sezioni/cronaca/articolo/177332/> and Elvio Pasca, "Bologna. Asili nido vietati ai clandestini", 8 April 2010, available online at: <http://www.stranieriinitalia.it/attualita-bologna.asili-nido-vietati-ai-clandestini-10732.html>

⁹ See www.kleuterparticipatie.be