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UNRRA (EUROPEAN REGION).

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Date of Paper	RECORD	FROM ROOM
Date Registered		SUBJECT
19/1/45		<u>LEGAL PROBLEMS ON UNACCOMPANIED CHILDREN IN ASSEMBLY CENTRES</u>

NOTE. This file must always be passed on VIA the REGISTRY.

(48102D) WLP 768/274 3m 8/45 HJR & L Gp 51

Referred to	Date	Referred to	Date	Referred to	Date
Mr. Valk	18/6/46	Mr. Parly Registry	16/1/47 20.1.47		
Mr. Parly		Mr. Parly Registry	22/1/47 25.1.47		
Miss Gifford (36)	10/7	Mr. Kender	18/2/47		
Mr. Parly	23/7/46	PARIS			
Miss Parly	2/8	Parly	9/4/47 PA 9/4/47		
Miss Parly	19/8	Parly	9-7-47		
Mr. Parly	23/7/46	Registry			
Miss Parly	4/9	Parly	4-9		
1. Miss Kender	20.9.				
2. Miss Parly	1/10				
Mr. Parly	1/10/46				
Mr. Parly	4/10/46				
REGISTRY	14/10				
Mr. Parly	30/10/46				
Mr. Parly	18/12/46				
Registry	19.12.46				
Mr. Parly	30/12/46				
Registry	31.12.46				

NOTE. - Do not retain this File unnecessarily.

41224

Reference FKK/AFM

To : Miss Selene Gifford
From : Frances K. Kernohan *F.K.K.*
Subject: CCE meeting 17th September, 1946.

1. You will recall that the report on Unaccompanied Children was included on the Agenda for July 23rd meeting and by decision of the Chair, was not discussed.
2. This particular report will not be included on the Agenda for 17th September, but the Chairman may have discussion on it.
3. Miss Gibbons suggests that you bring your Child Care Consultant in the event questions are raised in connection with the report. She also suggests that the Division be prepared with appropriate up-to-date information; figures etc., if available.

30th August, 1946.

Frances K. Kernohan

18th July, 1946.

To: Miss Selene Gifford, Director, Welfare and
Repatriation Division, ERO.

Attention: Miss Rhea Radin.

From: Miss Deborah Potts, Child Care Consultant.

Comments on Annex No.1, CCE (46) 53. Report
submitted by UNRRA, German Operations, on
Unaccompanied United Nations Children in Germany.

1. The report submitted by UNRRA German Operations on unaccompanied United Nations children in Germany, was prepared at the request of the Director General at the end of May, and submitted for his information. In early June it was reviewed in ERO where a statement, "Unaccompanied Children in Germany and Recommended Action by the Military Authorities", was prepared and sent to Germany, which has initiated the action necessary with the military authorities.

The statement was sent also to Austria and Italy where its applicability is under consideration.

2. In July the German Operation reported that discussions with the military authorities are progressing satisfactorily and the status of discussions in the three western zones are as follows:-

- (a) U.S. Zone. The Child Care Consultants have been working closely with the military authorities in outlining recommendations for the protection of the unaccompanied children of undetermined nationality and in outlining procedures to be followed in the search for United Nations children.
- (b) British Zone. Child Care Consultants have worked with the military in considering procedures on the search for children and their subsequent protection and care, and directives on child care have been issued by the military.
- (c) French Zone. The Child Care Consultants are discussing the problems with the military authorities in the French Zone at present.

3. On the specific points needing clarification and decision in the general statement issued by ERO, the position is as follows:-

- (a) Guardianship.

Military authorities have been approached informally and the recommendation made by ERO, "that in each zone a military government officer be appointed guardian" is under consideration.

- (b) Determination of Nationality.

The procedure to be established to determine nationality in cases where one or more countries disputes the issue is under consideration. It is anticipated that Review Boards with representatives of the military and the governments concerned will be established.

- (c) Adoption.

The adoption of unaccompanied children is under consideration by the military authorities with particular reference

to providing protection to the child in those instances where it has been agreed by all concerned that adoption is the best plan for him.

(d) Custody of Illegitimate Children.

This question is also under consideration at the present time.

(e) Age of Choice.

Most of the governments and specifically Czechoslovakia, Poland and Yugoslavia, have stated 18 as the minimum age at which a child is free to make a decision as to his future. Since these national governments have assumed responsibility of guardianship for their unaccompanied children, no question arises with regard to children whose nationality has been determined.

For children whose nationality cannot be determined UNRRA has recommended to the military that the age of 16 be accepted as the age at which a child may make his own decision, and the age to which the protection of guardianship should extend.

4. Status of Plans for Expansion of Search for Children.

To investigate the situations of unaccompanied children already reported and to follow new clues, the staff for child search is being expended in the current quarter and it is anticipated that 187 persons will be assigned to this work.

Deborah B. Pents.
Child Care Consultant.

DHP/LB.

not used

MINUTE SHEET.

Reference.....

WE 24.

11th July, 1946.

To: Miss Selene Gifford, Director, Welfare and Repatriation Division.

From: Miss Deborah Pentz, Child Care Consultant.

Annex I to C.C.E. (46)53.
(Report submitted by UNRRA, German Operations.,
on U^{II} accompanied United Nations Children
in Germany.)

The following comments on Annex I to CCE (46)53 may be helpful in replying to questions from government representatives of the CCE.

1. This report was prepared at C.H.Q. Germany at the request of and for the Director General for his information. It was not intended that it would be used as the basis for action.
2. The material in the report was reviewed in the ERO by the Child Care Consultant, the assistant Legal Adviser to the General Counsel, together with the Child Care Consultant C.H.Q. Germany during the Relief Services Conference in May. As a result of the review, and on the basis of the action considered desirable to recommend to the military authorities, an agreed statement was drawn up in the ERO and issued in June, (Statement on Problems Relating to Displaced Unaccompanied Children in Germany, and Recommended Action by the Military Authorities).
3. This agreed ERO Statement has been sent to C.H.Q. Germany for:-
 - (a) as a basis for any discussion which may be necessary with Zone Military Authorities.
 - (b) for the guidance of the C.H.Q. and Zone Child Welfare Specialists.
 - (c) as an overall statement on the subject of childrens' problems for the Allied Control Commission.

It has also been sent to most of the other UNRRA Missions in Europe and is being currently discussed in Austria by the Child Care Consultant. In Italy its applicability is being discussed with the military authorities and Mission staff (apparently groups of unaccompanied Polish children have been brought illegally from Austria into Italy and the situation is being investigated.)

4. Discussions with the military authorities are going ahead:-
 - (a) American Zone: the Child Care Consultants have been invited by the military authorities to outline recommendations for the protection of the unaccompanied children of undetermined nationality, and to cover the procedure to be followed in the search for United Nations Children.
 - (b) British Zone: the Child Care Consultants have worked with the military in issuing directives on the search for children and their subsequent protection and care.
 - (c) French Zone: the Child Care Consultants are discussing the problems with the military authorities.

MINUTE SHEET.

Reference.....

-2-

The recommendation for guardianship of children of undetermined nationality by the military is being considered in each of the Zones in which UNRRA operates.

5. Age of Choice:

Most of the governments consider the age of 18 years as the minimum at which unaccompanied children may decide whether to return to their own country or choose another country for resettlement, and since the national governments assume the responsibility of guardianship for their unaccompanied children, no question arises with regard to children whose nationality has been determined.

For children of undetermined nationality the experience of Child Welfare Staff in the field indicates that these children are generally mature enough at the age of 16 to make decisions concerning their future. UNRRA is therefore recommending to the military that in their case 16 be accepted as the age of decision, and the age to which the protection of guardianship should extend.


In some instances children of determined nationality under 18 years have relatives or friends in countries other than their own, whom they wish to join. In such instances it sometimes seems desirable that their national liaison officers might make an exception on their behalf.

6. Determination of Nationality:

Procedure to be established to determine nationality in cases where one or more country disputes the issue, is under consideration. It has been suggested that review boards with representatives of the military and the governments concerned should be established.

7. Plan for Expansion of Search for Children:

To investigate the situations of unaccompanied children already reported and to follow new clues, the staff for child search is being expanded in the current quarter, and it is anticipated that 187 persons will be so assigned. (N.B. The Czech Child Search Team organized by Mme Benesh has been called forward).


DEBORAH B. PENTZ.
Child Care Consultant.

cc. Miss Radin.
Mrs. Lloyd.

DBP/MAV/LS.

11th July, 1946.

To: Mrs. Lloyd, Portland Place.

From: Miss Deborah Pentz, Child Care Consultant.

*memorandum dated
27 June*

Attached herewith copy of Statement of Problems
Relating to Unaccompanied Children and Recommended Action
by Military Authorities, sent to us by the Germany Operation,
for your information. We regret that it has not been possible
to get this to you sooner.

DEBORAH B. PENTZ.
Child Care Consultant.

DEF/LS.
Encl.

26th June 1946

To: Miss D. Pentz,
~~Assistant~~ Child Care Consultant

From: Mrs. Charlotte T. Lloyd,
Assistant Legal Adviser

Subject: USFET Directive on Unaccompanied Children:
Adoption and Review Board Provisions

1. I gave you last week my comments on most of the provisions of the proposed USFET Directive suggested by Miss Blackey for use in the U.S. Zone of Germany. This minute brings you my comments on Draft B of the adoption provisions which we passed over last week and my conclusion with respect to UNRRA's participation on the proposed Review Board.
2. The considerations governing adoptions listed in paragraph 3 should apply to the adoptions permitted by liaison officers as exceptions to the general prohibition on adoptions of children of determined nationality as well as to adoptions of children whose nationality cannot be determined.
3. Consideration (a) in paragraph 3 does not adequately express the purpose which was evidently in mind. I suggest it be re-worded as follows :-

"There must be as great certainty as the circumstances permit that the child is an orphan, in particular sufficient time must have elapsed since efforts were initiated to locate parents or relatives to permit response to the enquiries. Furthermore, all reasonable efforts must have been made to accumulate evidence which might establish the child's nationality."
4. The proposed requirements in paragraph 3(b) that adoptions must be consummated in conformity with the German adoption law and the adoption law of the country to which the prospective parents belong may be impossible of achievement in many, if not all, instances. This is true where the adoption law of the country of the parents contains provisions which require the presence of the parties within the jurisdiction of the law or where the one law conflicts with the other. I, therefore, suggest that this provision in 3(b) be modified to say "in conformity to the extent possible with the adoption law of the country of the prospective parents".
5. If the purpose of investigating adoption applications is to determine the qualifications of the prospective parents, then the adoption applications should be referred to an authorised agency in the country in which the prospective parents reside.
6. *It seems important that*
My most important recommendation is that a guardian ad litem be appointed in every adoption proceeding to protect the interests of the child. Otherwise, there is no person in the proceeding who officially represents the child and looks after his interests. Such a guardian would, among other things, be authorised to request the transfer or review of the proceedings in the German court to a military government court.
7. My conclusion with respect to participation by UNRRA on the Review Board is that such participation would be outside the scope of UNRRA's powers since the Board would be making decisions which UNRRA itself is not empowered to make. This is particularly true of decisions determining nationality of children in cases of conflicting claims and decisions concerning the ultimate disposition of the child.

Charlotte T. Lloyd
Charlotte T. Lloyd.

12th June, 1946.

To: Mr. Dudley Ward,
General Counsel.

From: Charlotte T. Lloyd.

Subject: Your comments on Statement on Problems of Unaccompanied Children

1. Yesterday you raised with me two matters with respect to the Statement on problems relating to displaced unaccompanied children in Germany which I sent you with my note of 5th June. These matters were the following:-

- a) A decision should be made on a high administrative level at ERO as to whether ERO should not recommend definitely to the military authorities in Germany the establishment of the age of 14 or 16 as the age at which an unaccompanied child's decision against repatriation would be effective.
- b) The effect on unaccompanied Baltic children of the proposed policy on consultation on Baltic matters with the Soviet Union should be examined.

2. With respect to both these matters I can report as follows:-

(A) I discussed this first point with Miss Gifford who intends to discuss it with Miss Gibbons. The reason why the age of 16 was impliedly and not expressly recommended in the statement was that the Child Care Consultant, Miss Aves, doubted whether we should ask the military to take a position contrary to the decisions of several of the member governments.

b) The second point was not discussed with Miss Gibbons because of lack of time, but I gave my conclusions on it to Miss Aves who will discuss the matter with Miss Gifford as soon as possible.

(B) 3. My conclusions are that if the consultation policy is applied to the determination of eligibility of Balts, i.e., whether a given individual is a German Balt, it should be applied in the same way to determining eligibility of unaccompanied children who may be believed to be German Balts. The procedure for determining eligibility is a matter for UNRRA to decide. However, consultation with the Soviet Union with respect to the repatriation of Baltic children would not result in the repatriation of such children so long as the military authorities refrain from recognising Soviet authority for this purpose. If the military authorities agree to accept guardianship of non-repatriable children the unaccompanied Baltic children would be included. Even if the military authorities do not establish the system of guardianship, the present military directives would prevent the repatriation of unaccompanied children without the approval of each individual case by the military authorities.

I am sending a copy of this note to Miss Gifford and Miss Aves.

Charlotte T. Lloyd
Charlotte T. Lloyd.

cc. to Miss Gifford
Miss Aves

CTL/ebt

(A) I would suggest that, this is a matter for UNRRA to decide even if the military accept guardianship, it should be for UNRRA to stand out for what it considers the fittest age of choice.

(B) I agree with Mrs Lloyd on this, but it would be wise to be ready with a statement should the Russians raise the matter at one of your meetings.

Miss Gibbons

J.W.
18/6

Reference WE 24

12th June, 1946.

To: Miss Aves,
Child Care Consultant.

From: Charlotte T. Lloyd,
Legal Adviser.

With Dr. Simon's consent I am sending you herewith
a copy of the paper he has prepared for General Morgan
entitled "Guardianship of Displaced Children".

Charlotte T. Lloyd
Charlotte T. Lloyd.

Copy to Dr. Simon

CTL/ebt

To: Miss ~~Agnes~~

I would like this or something similar to go to all Missions as a matter of information - It contains material on standards which all Missions should read even if they are not faced with the same problems.

It should also go into our monthly report I think

S. Gifford

4 June

Mrs. Valk. To prepare covering
memo. to Austria, Sweden & other
Finns.

P. J. Aves 5/6/46

You would clear with Mrs. Ward of course?

Reference.....

WE 24.

To: Miss Aves,
Child Care Consultant.

4th June, 1946.

From: Charlotte T. Lloyd,
Legal Adviser.

I am returning herewith File WE 24, Legal Problems of Unaccompanied Children in Assembly Centres, and the copy of the draft of the OMGUS Statement on Principles for determining citizenship of United Nations' displaced persons which Miss Blackey gave me, and which I believe is the only copy in ERO.

I note that in the Minutes of the meeting we had on March 26th with Mr. Van Hyning on the subject of guardianship (which Minutes I have tagged for reference in WE 24), Mr. Van Hyning was of the opinion that the "IGCR might be advised on any scheme of guardianship when worked out and included in discussions with the Military on it if this seemed appropriate". I think such procedure would be worthwhile and suggest that a copy of our statement embodying recommendations for military action be sent to IGCR.

Charlotte T. Lloyd
Charlotte T. Lloyd.

CTL / ebt

12 April. 1946.

To:- Miss G.M.Aves, Child Care Consultant,
Welfare and Repatriation Division.

From:- Charlotte T.Lloyd. Legal Adviser.

Subject: A plan for guardianship of unaccompanied displaced children.

The following is a proposal advanced for discussion purposes of a plan to provide guardianship for unaccompanied displaced children under UNRRA's care in Germany. This proposal is built upon the decision reached by Mr. Van Hynning that the military in each zone should constitute itself guardian of all unaccompanied children in the zone. I have developed the proposal in consultation with Dr. Simon and have placed it in concrete terms on the assumption that it will be necessary for UNRRA to propose a definite plan if it expects action by the military. I am advised that the military will be willing to consider establishing a system of guardianship if the initiative and the recommendations on the system to be established come from UNRRA. Although parts or all of this proposal may have to be discarded in the light of the information on guardianship developments, you will have on your return from Germany, I am roughly outlining the proposal in order to have a draft for us to work from.

1. Action by military. I think the following propositions have been agreed to in substance. If not, they may need to be decided:

- (a) The system of guardianship for these children should be established by the military authorities since they are the governing power of Germany.
- (b) The guardian should be a military official as there is no suitable alternative. UNRRA itself would have to obtain powers of guardianship from its Council and such a course is hardly worth while, even if it were administratively advisable, in view of UNRRA's short life. Moreover, the guardianship should be related to a permanent office rather than placed upon random individuals, since the guardian should be a guardian of all children falling within a designated class and not a guardian selected for one or more particular children. A military official is preferable to an official of UNRRA or a voluntary agency, again because of the limitations on UNRRA's activities and duration.
- (c) The guardianship system should be set up by the Allied Council in order to assure uniformity within Germany.

2. The System to be established: Because of the important humanitarian and political problems involved in the guardianship of these children, a Council of Guardianship should be established as the policy-making body, composed of representatives of the four occupying armies. UNRRA and the I.G.C. could serve as advisors to this group. The Allied Council, possibly on a recommendation of the Council of Guardianship, would appoint a single guardian for each zone. This guardian could delegate, under his own supervision, various functions to local military officials. The guardian would serve as the guardian of all the children in the zone who fell within a defined class and who were certified to the guardian by UNRRA as coming within that class. The purpose of the certification would be to provide an official designation of each child becoming a military ward.

3. The Children affected: A review of the discussions of this matter in the various relevant files suggests the following definition of the children who should be brought under this military guardianship. They are children who are (a) displaced persons (b) under 18 years of age (c) unaccompanied, meaning not accompanied by a parent or legal guardian, and (d) of undetermined nationality or stateless, or of determined nationality but unable or unwilling to be repatriated. The guardianship would terminate with respect to any child who

/ no longer

no longer came within the class, i.e. became 18, repatriable, or re-associated with a parent. There may be some question as to whether children with relatives should be excluded, in the judgment of the UNRRA Welfare officer, or if the relatives came within some definition of close relatives. It seems to be generally accepted that children who are repatriable should not have their legal status affected by any guardianship arrangements while they remain displaced persons, but that the necessary guardianship should be provided by their home country after their return.

4. Functions and termination of Guardianship: The function of a guardian is, of course, to stand in place of a parent. His most important responsibilities will be; to protect the ward's property interests, to authorize adoption in such unusual cases as may require such a permanent relationship to be created, to authorize marriage, and to make decisions with respect to ultimate resettlement. The guardian would also have to arrange for the passing on of the guardianship to the appropriate individual or agency who will have the permanent care of the ward, inside or outside the military zone. The custodial responsibility would throughout the military guardianship remain in UNRRA. With respect to most of the guardianship functions I presume that any decisions of the guardian would be made with the advice of the appropriate UNRRA Welfare Officer.

5. Immediate procedure. The immediate step to be taken is to decide within ERO on the system of guardianship which we wish to recommend, and then to decide through what channels, military or governmental, our recommendations should be advanced. If a system of guardianship should be applied to Austria as well as Germany, an approach to the occupying powers might be preferable to an approach directly to the Allied Councils in these countries.

P.S. I believe the main points of the foregoing plan are consistent with the basic decision on the matter reached informally within the Administration at Atlantic City.

C.T.L.
Charlotte T. Lloyd.
Legal Adviser.

cc D.Ward.
L.C.Stephens.
Dr.Simon.
M.Valk.

CTL/mjm.

Copy of memorandum (undated.) brought back from
(addenda are Miss Sibbons) Guardianship of Unaccompanied Children. 6, 8, 2

Washington
Sibbons

1. The problem of legal guardianship arises particularly in relation to unaccompanied children at present being cared for in child care centres in Germany and Austria, and unaccompanied children at present in German institutions. The need for a determination arises for the following reasons:-

- (a) Children are being moved from Germany without any legal protection.
- (b) Children in German homes and institutions need to be removed and this cannot be done except by a person or agency with legal authority.
- (c) It is necessary to protect children who are being illegally "adopted".
- (d) Determination is necessary in order to take appropriate action for subsequent adoption.
- (e) It is necessary to have this determination made before plans can be made for the resettlement of unaccompanied children.

2. Present Situation.

Up to the present time approximately 6600 unaccompanied children have been found in Germany, a large proportion are being cared for by UNRRA in child care centres. Of this number approximately 4900 have been found in the American Zone. The ages vary from infants up to 18. The nationality of a large majority of these children has been established, but there are some instances where there is no presumptive nationality. This problem arises not only in the case of children of unknown nationality, but also in the case of children whose parents were former residents of Esthonia, Lithuania and Latvia and children of ex-enemy nationality (Hungarian, Rumanian, and German Jewish children) where there are no accredited governmental representatives.

2. Points for Consideration.

← agreed by Wash. & RO st¹¹

- (a) It is assumed that the question of legal guardianship does not arise in the case of children whose United Nations nationality is established since in these cases this is the responsibility of the United Nations governments.
- (b) It is assumed that UNRRA, ^{Shandell} as a temporary agency, is not in a position to assume legal guardianship.
- (c) Are the military government authorities the appropriate authorities to assume legal guardianship until a permanent organisation is set up for this purpose?
- (d) If military government does assume this responsibility UNRRA can assist by documenting individual cases so that it may be easy for an appropriate organisation to assume legal guardianship for children in the residual group and by acting as a consultant and agent to military government in locating "hidden" children and by caring for them pending final disposition.

yes

8th April, 1946

NOTE OF MEETING ON MARCH 26th, 1946 ON "GUARDIANSHIP".PRESENT:-

Mr. Van Hyning.
Miss Kernohan.
Mrs. Lloyd.
Miss Penman.
Mr. Stephens.
Mrs. Valk.

1. The main object of the meeting was to clarify the relationship of the I.G.C.R. to any scheme for Guardianship of unaccompanied children that the Administration is instrumental in working out.
2. In view of the I.G.C.R.'s overall interest in resettlement of refugees it had been thought that it might be the appropriate authority to ~~interest~~ ^{interest} in with the legal guardianship of unaccompanied children, particularly since these children who needed guardianship were likely to be persecutees or of undetermined nationality.
3. Mr. Van Hyning said that it was clear that I.G.C.R. was not the appropriate agency to interest in assuming legal guardianship for unaccompanied children since its future was undetermined, and its functions, as UNRRA's, would most probably be taken over by the proposed U.N.O. Committee on Refugees and Displaced Persons. Moreover, a recent letter from Sir Herbert Emerson had shown that I.G.C.R. was not in a position to assume, for example, a supervisory function even in relation to voluntary societies participating in re-settlement schemes. (Incidentally, this letter had stated that I.G.C.R.'s mandate only extended to German and Austrian Refugees, the Stateless (Nansen) and Spanish Republican refugees. Yugoslav dissidents are specifically excluded).
4. Mr. Van Hyning did not think that the U.N.O. Committee would be the authority either to be invested with legal guardianship or to invest some other agency with legal guardianship. He thought that Military Government in Germany and Austria was the authority from which such guardianship would come through whatever courts of law they operated and that this function would later devolve upon whatever Civil Government came into being in Germany.
5. The Administration should work out a unified scheme for the British, U.S. and French Zones in Germany for the guardianship of unaccompanied children by the Military and discuss this with the Military who had already indicated willingness to co-operate along these lines.
6. Mr. Van Hyning agreed that I.G.C.R. might be advised of any scheme for guardianship when worked out and included in discussions with the Military on it if this seemed appropriate.
7. For the purpose of working out guardianship requirements, Mrs. Lloyd might find it useful to examine material on a similar kind of guardianship found necessary for refugees and evacuees during the war in Great Britain (Refugee Children's (Guardianship) Act).
8. Mention was made that Dr. Simon (Legal Adviser, CHQ Germany) was still in hospital and that before he returned to Germany, the question of guardianship would be thoroughly discussed with him. For this reason, Mrs. Lloyd and Mr. Stephens did not propose to reply to Dr. Simon's letter of 19th January on "Guardianship of Unaccompanied Children".

M.A.V.

8th April, 1946.

1. I agree that it would be well for R.S. to complete documentation as soon as possible.
2. I would suggest that Mrs. Lloyd should consider from legal angle and should set out any action that can usefully be taken as regards this aspect of problem.

To: Mr. Dudley Ward Mr. Stephens

D.W. 11/3

From: Louis C. Stephens

Re: Guardianship of Displaced Children

At Miss Aves request I have discussed this subject further with her and Mrs. Valk of Welfare and Repatriation Division. Previously the position had been that owing to the fact that UNRRA's responsibility is a temporary one, our office felt the Administration should not take steps to assume legal guardianship of unaccompanied displaced children, and that our powers as custodians of such children were sufficiently broad to enable this Administration to take in their behalf any action required for their interim welfare. That is, the Administration need not seek to acquire the status of legal guardian in order to protect and care for unaccompanied displaced children for the time being in its custody.

Without derogating from this position, however, it seems desirable to recognise another - that although UNRRA's responsibility is temporary and its powers are adequate to deal with the direct interim problems of child welfare, the Administration should initiate any action during the remaining months which the long term welfare of the child requires, and which is within our competence.

That guardians should be appointed for all unaccompanied children eventually, and indeed as early as possible, does not seem questionable. It follows that although UNRRA does not consider itself the proper agency to become guardian of these children, it should do what it can toward arranging for the appointment of appropriate agencies or persons as guardians.

Some preliminary work is necessary, both legally and administratively, and it is with this it is proposed we should start. On the legal side we shall require a survey of guardianship requirements affecting the children in our care, and following this, consultation with military government authorities and probably after that with the home governments of children whose nationality or probable nationality is ascertainable. On the administrative side it will be necessary to complete documentation of unaccompanied children, with particular reference to their place of birth, and nationality of parents, insofar as these facts may be determined.

Action on the appointment of guardians, the terms of responsibilities and authority, and other details, will require close collaboration with military government authorities who, while they appear to realise the existence of the problem, are not clear on how to proceed. This may be understandable in view of their preoccupation with more urgently pressing problems; but it rather emphasises the need for UNRRA, with its more specialised responsibilities, to take the problem in hand. At least in the American Zone, the Military have evinced a willingness to follow UNRRA's lead, and even a desire that we should initiate proposals.

Miss Aves strongly urges that we move on this, and plans in any event to follow through with the documentation which is the chief administrative action required at the moment. She states it is already well on its way to completion.

Our part would consist principally of a preliminary survey of legal requirements, the preparation of a proposal in broad terms, and discussions of such a proposal with military government authorities, in continued collaboration, of course, with the Welfare and Repatriation Division.

I should be glad for an opportunity to discuss this with you briefly.

11th March, 1946

9th March, 1946.

NOTE OF DISCUSSION WITH MR. STEPHENS (ASSISTANT TO GENERAL COUNSEL), ON GUARDIANSHIP OF UNACCOMPANIED CHILDREN. 4th MARCH, 1946.

Miss Aves: said that the question of UNRRA's guardianship of unaccompanied children was frequently raised by Welfare Staff who felt that they would be in a ~~strong~~ position to protect the individual child's interests if UNRRA were recognised as the legal guardian of the child.

Mr. Stephens: said that as a quasi-corporate entity invested with power and responsibility for the care of children as given by its Resolutions, UNRRA had authority to deal with unaccompanied children and was, broadly speaking, their legal custodian.

From the strictly legal point of view, it would be very difficult to create UNRRA a legal guardian of a stateless child because nobody could state - in the present ^{knowledge} ~~stage~~ of international law - what particular laws would be applicable to the case of a particular stateless child; there was also no uniformity with regard to the law governing the powers that a guardian should have with respect to children of mixed nationality. In order to know what was being created if a guardian ~~were~~ appointed for such children, all the relevant laws of all the continental systems would have to be studied and the case of each individual child would have to be studied in relation to these legal systems.

Mr. Stephens did not feel, however, that anything would be gained by the fact of legal guardianship (supposing it were a practical possibility) that could not be met by UNRRA's administrative action based on UNRRA's custodial powers.

However, (again supposing legal guardian-ship were practical), UNRRA would not be the appropriate agency to invest with such guardianship because of its temporary character and the resulting impossibility of undertaking a continuing relationship.

Miss Aves: thought that the latter agreement was not necessarily unanswerable since it could be argued that I.G.C. or its successor could carry over UNRRA's responsibility as guardian. She described how, during the war, the British Government had become the "guardian" of miners from the Channel Islands and had appointed the Ministry of Health as its effective agent in this connection.

Mr. Stephens: said that in the UNRRA situation, the Military Government in Germany would be analogous to the British Government in the Channel Island situation. In fact in Germany, UNRRA did ultimately derive its custodial powers from Military Government.

But what in fact are the functions of a guardian? The outstanding function is that of controlling property interests, which could hardly apply in the case of displaced children.

Miss Aves: said that some displaced children did indeed have property interests and that was one of the problems exercising the child welfare workers.

Mr. Stephens: said that in no event could UNRRA have the legal capacity to enter into litigation on behalf of a non-repatriable person - this was all part of the larger question of the claims of individual German Jews about which the Allied Control Commission is not yet ready to pronounce an opinion or to take action; so that legal guardianship would not help with regard to a child's property rights.

Miss Aves: pointed out that because of UNRRA's weak position in terms of "guardianship", ~~the~~ UNRRA Staff could ^{not} exercise any discretion with regard to long term solutions for the child i.e. the claims of ~~the~~ ^{the} child.

schemes put forward by groups favouring Palestinian, U.S. or even French immigration were thrust upon the children and a choice made along the lines of "first come, first served" rather than by what was for the good of the individual child. She thought that there was something to be said for the view that guardianship would have allowed the children at least to discuss their future with their UNRRA guardians".

Mr. Stephens: said that guardianship could not - as in the case of the control of property rights instanced above - confer upon UNRRA duties and responsibilities that were outside the scope of UNRRA resolutions. Thus UNRRA, even as a guardian could have no part in resettlement which was outside the scope of its resolutions.

On the other hand, Mr. Stephens said it was clear from the points raised by Miss Aves that it was in the long-range interest of minor unaccompanied children that they should have legal guardians. Notwithstanding the temporary nature of UNRRA's care, as custodian of these children, action should be taken by UNRRA during its tenure of office to bring about legal guardianship of whatever agency was appropriate - probably not UNRRA itself but within the framework of Military Government. Action to be taken was broadly of two kinds:-

(i) on the administrative side, the gathering together of all pertinent data on the children i.e.:-

- a). birth place,
- b). nationality of parents,
- c). history of residence of child in country by country with dates, accompanied by the best documentary evidence for a), b), and c).

(ii) on the legal side, the preparing of the ground

- a). by ascertainment of and research into the range of the laws involved, and
- b). in the light of these facts, the preparing of a legal programme with Military Government.

Mr. Stephens undertook to draft a joint Minute along these lines for consideration of the General Counsel and hoped to be able to undertake the legal work involved in (ii).

Miss Aves: said that the administrative work involved in (i) was already being carried out in the field. She added that C.H.Q. Germany had been asked by the Military in the U.S. Zone to put on paper what action it would consider helpful for Military Government to take with regard to children. It would be helpful to discuss this statement with Mr. Stephens when it was ready and such a statement might be helpful in connection with the action to be taken regarding both (i) and (ii).

Mr. Stephens also undertook to draft a new reply, in the light of the foregoing discussion, to Dr. Simon's letter of 19th January, 1946.

hmv

N.B. In an earlier discussion on guardianship with an UNRRA Child Welfare Officer (Bob Schmalts) the need for administrative action emerged along the following lines:-

- (i) classification of the authority actually given to national liaison officers by their Governments in regard to children.
- (ii) the issuing of a directive covering UNRRA's powers as custodian of unaccompanied children including its powers over "hidden" children once within its care, i.e. that in no case should they be handed back to the German authorities pending the handing over to U.N.O. or some other international authority.

21 xx

DESPATCHED BY
REGISTRY

27/8/46

WR.24

DES NO 2966

24th August, 1946.

To: Chief of Operations, Germany
UNRRA C.H.Q. Arolsen.
Att: Relief Services.

From: George W. Rabinoff, Acting Director,
Welfare and Repatriation Division.

Subject: Statement of Problems Relating to Displaced
Unaccompanied Children in Germany.

We have just received a letter from UNRRA Headquarters, Washington requesting that we send them three additional copies of your report on the above subject, which you forwarded to us under cover of your letter dated 19th July, your reference: MB/JG. As the copies are not available here, will you please send us immediately a few copies.

George W. Rabinoff,
Acting Director
Welfare and Repatriation Division.

ER/NB.



DES 408154

21 XX

WR.24

DISPATCHED
REGISTERED
27/8/46

24th August, 1946.

To: General Counsel,
UNRRA Headquarters,
1344 Connecticut Avenue,
Washington 25, D.C.
Att: Mr. A.H. Robertson.

From: George W. Rabinoff, Acting Director,
Welfare and Repatriation Division, ERO.

Subject: Statement of Problems Relating to Displaced
Unaccompanied Children in Germany.

In reply to your letter dated August 12th,
Dispatch No. 6731, requesting additional copies of the
Statement of Problems Relating to Displaced Unaccompanied
Children in Germany, we have no additional copies here but
have requested Germany to send us a few.

As soon as we have received the copies from
Germany, we will forward them to you.

George W. Rabinoff,
Acting Director
Welfare and Repatriation Division.

ER/NB.



OUTGOING CABLE

WE 80/2/1

ORIGINATED BY:- Welfare & Repat. Div.
Miss Deborah Pentz.

LONDON.....TO.....VIENNA

NO.1839

(EN CLAIR)

DATED:- 21st August, 1946.
12.55 hours.



ATTENTION RELIEF SERVICES.

Reference your cable 2258.

1. UNRRA authority to deal with documentation and collection for repatriation of United Nations unaccompanied minor children derives broadly from Council Resolutions 1, 10, 57, 71, 92.
2. However actual performance of UNRRA functions as authorised by resolutions is dependent upon consent of governing authority in territory concerned. In accordance with article 4 paragraph (a) of UNRRA agreement with Austrian Government authority in Displaced Persons matters is reserved by Allied Council thus UNRRA requires consent of military authorities for operations in Austria involving displaced children.
3. We have copy agreement British Zone signed Chapman UNRRA and Lt. Gen McCreery undated which we assume is BTA 24th August 1945, referred to by Baxton in telephone conversation 14th August. If assumption correct text appears in conformity with principle that UNRRA Operations are subject to military consent.
4. London has not been furnished specific information concerning military authorisation such operations and it is requested you clear with Mission Legal Adviser as to whether such authorisation has been granted to UNRRA locally and if so extent of application to questions your cable.
5. Your information telephone conversation concerning paragraph 4 your cable indicates actual circumstances as:
 - (A) UNRRA has acted only under order of Military Government in moving children, and
 - (B) The Austrian organizations which has been responsible originally for placing children in foster homes have in some instances removed children from such homes and turned them over to UNRRA care.
6. London awaiting full statement re 49 Yugoslav children for possible use with government representatives when and if request for London action made by Mission.

VB/JT

UTGOING CABLE

WR
WE 80/2/1

Originated by:-

Welfare and Repatriation Div.
Miss Deborah B. Pentz.

LONDON.....TO.....VIENNA.

NO. 1846
En Clair.

D. 22nd August, 1946.
17.54 hours.

Attention Relief Services. Re your Cable 2258.

1. UNRRA authority to deal with documentation and collection for repatriation of United Nations unaccompanied minor children derives broadly from Council Resolutions 1,10,57,71,92.
2. However actual performance of UNRRA functions as authorised by resolutions is dependent upon consent of governing authority in territory concerned. In accordance with article 4 paragraph (2) of UNRRA agreement with Austrian Government authority in displaced persons matters is reserved by Allied Council. Thus UNRRA requires consent of Military authorities for operations in Austria involving displaced children.
4. London has not been furnished specific information concerning Military authorisation such operations and it is requested you clear with Mission Legal Adviser as to whether such authorisation has been granted to UNRRA locally and if so extent of application to questions your cable.
5. Your information telephone conversation concerning paragraph 4 your cable indicates actual circumstances as
 - (a) UNRRA has acted only under order of Military Government in moving children, and
 - (b) The Austrian organizations which had been responsible originally for placing children in foster homes have in some instances removed children from such homes and turned them over to UNRRA care.
6. London awaiting full statement re 49 Yugoslav children for possible use with government representatives when and if request for London action made by Mission.

AMW/EMI.

W R 214

21/6

DESPATCHED BY
REGISTRY

16th August, 1946.

Miss Gwendoline Chesters,
86, Ladbroke Road,
Holland Park, W.11.

Dear Miss Chesters,

May we acknowledge and thank you for your paper on unaccompanied children which arrived about a week ago. Due to the fact that the office has been in the process of moving and all files and correspondence were packed for about a week it has not been possible to acknowledge your paper before.

It came just before Miss Aves left and whilst we were considering the possibility of forwarding it to the Swiss Study Weeks we received an invitation asking that a representative of UNRRA attend the sessions, which are to be held in September. Therefore, the chance of getting material there was eliminated. Decision on sending an UNRRA representative is held up pending Miss Gifford's return at the conclusion of the Fifth Council Session.

Miss Aves requested before her departure that we send you the attached registration card which is used in the vocational guidance center in Vienna. Do let us hear from you at your convenience; the new telephone number is Langham 3090, and Miss Pentz with whom you will probably wish to speak is at present on Extension 315. In Miss Pentz's absence you can always talk with Miss Kernohan who can be reached on Extension 206.

Yours faithfully,



George W. Rabinoff,
Acting Director,
Welfare and Repatriation Division.

DHF/LS.
Encl.

Miss Penman -

At Mrs. Lloyd's suggestion I am sending you the attached file WE 24 T.J.I. as I understand your office hold additional copies of Statement of Problems relating to Displaced Unaccompanied Children in Germany, asked for in Mr. Robertson's letter to Mr. Ward.

You will also no doubt note Mr. Robertson's request to be kept informed of further developments.

Maymie Brisson

Secretary to Mr. Ward.

To Mrs. Rand

This was sent to me in 21/8 1948

WR 24

UNITED NATIONS
RELIEF AND REHABILITATION ADMINISTRATION

1344 CONNECTICUT AVENUE
WASHINGTON 25, D. C.

VIA AIR MAIL

AUG 1 2 1946

6731

Dudley Ward, Esq.
General Counsel
U. N. R. R. A.
11 Portland Place
London W-1, England



INDEXED

Dear Dudley:

Thank you for your letter of 19th July enclosing a copy ~~a copy~~ of the Statement of Problems Relating to Displaced Unaccompanied Children in Germany. I have been very interested to read this and would be grateful if you would keep us informed of any further developments.

Could you please send me three more copies of this document (actually only one came with your letter and not two, as stated). We are now assembling a collection of documents relating to UNRRA's DP operations for presentation to the UN Secretariat in connection with the initiation of the work of the International Refugee Organization, and I should like to give them copies of the Statement on Unaccompanied Children.

Sincerely yours,

A. H. Robertson

A. H. Robertson



UNRRA
CENTRAL HEADQUARTERS FOR GERMANY
APO 757 OR BAOR

WR 24

16th August, 1946.

INDEXED

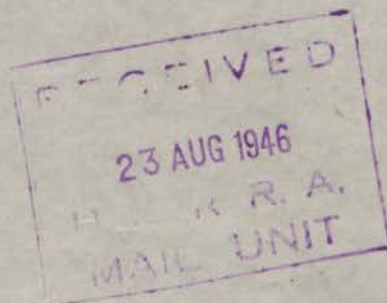
TO: European Regional Office, UNRRA, London, W.1.
(for the attention of Child Welfare Consultant).

SUBJECT: UNACCOMPANIED CHILDREN: COMPILATION AND USE
OF INFORMATION.

We are enclosing herewith five copies of Order No. 67, which has just been compiled and distributed in the three Zones. It is hoped that this will assist in the consolidation and utilisation of all sources of material on unaccompanied children.

Carl H. Martini

Carl H. Martini.
Assistant Chief of Operations.
(Relief Services).



MB/JG.

Encs: 5 copies. /



U N R R A
CENTRAL HEADQUARTERS D.P. OPERATIONS, GERMANY

ORDER NO: 67.

SUBJECT: Unaccompanied Children:
Compilation and Use of Information.

12th August, 1946.

1. PURPOSE.

- a All sources of information which may reveal the location of United Nations' children in Germany are of vital importance. It is UNRRA's responsibility to explore these sources to the fullest extent possible and to ensure that the information is compiled and used in such a way as to accomplish maximum results.
- b The purpose of this order is to co-ordinate Child Tracing and Child Welfare activities at CHQ and in the Zones in order to achieve the objective stated above, and to outline a plan for obtaining, routing and using such information.

2. APPLICABILITY. This order will govern the activities of all UNRRA echelons in connection with the compilation and use of information relating to unaccompanied children.

3. POLICY.

- a There shall be close co-ordination between Child Tracing and Child Welfare staffs at CHQ and in the zones in all activities involving the search for and the location and registration of unaccompanied children.
- b All information secured as to the whereabouts of these children shall be made available promptly to both staffs.
- c There shall be joint planning in the development of procedure and field operations on the part of both staffs.

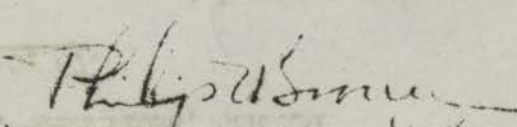
4. PROCEDURE.

a Responsibility of Central Headquarters.

- (1) The Records Division of the Central Tracing Bureau, which includes a Documentary Intelligence Section is responsible for gathering all data which may assist the zone tracing bureaux to discover documents or records which may reveal the death or whereabouts of United Nations' nationals in Germany. The evidence accumulated thus far at CTB has been sifted concerning adults who were in concentration camps, prisons, hospitals, labour camps, or Prisoner of War Camps. A similar compilation will be developed by the Child Tracing Section of CTB on the sources relating to children, including evidence or clues indicating the methods and routes used in carrying out mass movements of children into Germany.
- (2) The CTB, including Child Tracing Section, and the Child Welfare staff at CHQ will be jointly responsible for pursuing clues and sources in other countries.
- (3) CTB will make an inventory of all documents and records which have been discovered in each Zone.
- (4) As this and other material is located and analysed, the findings will be forwarded to zone tracing bureaux, Child Welfare staffs and to national governments for appropriate use.

b Responsibility of the zones.

- (1) Two search directives have been issued by military authorities which, if effectively implemented, should provide a complete census of United Nations' children in Germany. The first search directive issued by A.G. (CORG/M(45)22) and operative in each zone, requires that all German records relating to deaths, births, adoptions or employment of United Nations' nationals be turned over to military government authorities and in turn to zone tracing bureaux. The second search directive (CORG/M(46)12) was for the specific purpose of locating individual unaccompanied children and required that lists be prepared giving identifying information on such children and their present whereabouts. It is the responsibility of the zones to take the necessary steps with the Military to ensure -
 - (a) complete returns from German sources and
 - (b) transfer of all records and lists to Child Tracing and Child Welfare staffs.
- (2) The zone director will negotiate a working arrangement between UNRRA and the appropriate military authorities responsible for collecting the information from German officials. This will include a plan for routing all records and lists to UNRRA and a procedure for checking all returns so that the areas failing to report or reporting incompletely may be discovered and follow-up action taken.
- (3) Since the machinery for tracing and search varies in the three zones each zone director will establish a working agreement between the Tracing Bureau and Child Welfare staffs in his zone to achieve the most effective method of routing information and lists to Child Welfare workers for investigation. With regard to the public records and documents submitted by German officials to military authorities and from there to zone tracing bureaux, the latter will be responsible for sifting such records and listing all unaccompanied children. These lists will then be routed to the Child Welfare staffs for follow-up. Such sifting will not be necessary in the case of the lists required from German officials since the search directive specifies that unaccompanied children are to be reported on separate lists. Such lists will be made available to Child Welfare staffs at the earliest possible time.
- (4) All unaccompanied children will be registered with the Child Tracing Section CTB as soon as possible after location. If the zonal tracing bureau does not make such registrations, the zone director will work out a plan whereby copies of the lists are forwarded to CTB by the Child Welfare staffs, when such lists are received by them. This plan will serve as a stop-gap until such time as the individual case records on the children are completed and forwarded.
- (5) To ensure complete coverage of all institutions, the zone director will effect a plan whereby military government authorities in conjunction with the zone tracing bureau will be asked to submit the names and location of institutions housing children to Child Welfare staffs for their information and use. The lists of individual children submitted by German officials are to be checked against the lists of institutions, in order to discover any discrepancies in reporting.
- (6) Each zone director will be responsible for developing and expediting a plan utilising, in addition to the above, all possible sources and methods of locating unaccompanied children. This will include co-ordination with the appropriate military authorities and national government representatives and, where indicated, with German agencies.


F.E. MORGAN,
Lieutenant-General,
Chief of Operations, Germany.

U N R R A
CENTRAL HEADQUARTERS D.P. OPERATIONS, GERMANY

ORDER NO: 67.

SUBJECT: Unaccompanied Children:
Compilation and Use of Information.

12th August, 1946.

1. PURPOSE.

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- b The purpose of this order is to co-ordinate Child Tracing and Child Welfare activities at CHQ and in the Zones in order to achieve the objective stated above, and to outline a plan for obtaining, routing and using such information.

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3. POLICY.

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F. E. Morgan
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F. E. Morgan
F. E. MORGAN,
Lieutenant-General,
Chief of Operations, Germany.

INCOMING CABLE

DESPATCHED FROM CABLE SECTION
TIME 0930 HRS.
DATE 12/8 1946

Action: Relief Services Dept.
Miss Gibbons.

VIENNATO.....LONDON

No. 2258
En clair

Dated: 12th August, 1946
Rec'd: 12th August, 1946
13.42 hrs.

Attention Welfare and Repatriation Division. Please clarify immediately UNRRA's authority to deal with the documentation and collection for repatriation of United Nations unaccompanied minor children. Above clarification needed in connection with letter received here 7th August from P.W. and D.P. Division, Allied Commission for Austria, British Element, over signature Colonel Logan Gray, Director P.W. and D.P. Division. "Subject unaccompanied displaced children."

1. Reference your letter 12th July, with accompanying draft of a Military Government Instruction concerning the search by UNRRA for displaced children living outside camps.
2. The whole question of the disposal of such children is at present under consideration by this division in consultation with other divisions and with the Austrian Ministry of the interior. You will be informed immediately a decision is reached.
3. It should however be pointed out that in view of the terms of the new control agreement this would not appear to be an appropriate moment to introduce legislation which would give arbitrary powers to any non-Austrian body.
4. It has come to the notice of this division that, in spite of the fact that UNRRA have so far been granted no such powers, certain UNRRA Officers have during the last weeks been visiting Austrian homes and removing children from the care of foster parents irrespective of the wishes of the latter. Apart from the fact that these methods have no legal backing it will be appreciated that much difficulty will arise-and indeed has already arisen-with regard to the repatriation of these children.
5. Will you please issue instructions that pending a decision on the policy to be followed in this matter UNRRA Officers will cease the practice of entering private Austrian homes to search for and extract displaced children.
6. In the meantime this division has ordered that repatriation of children so collected shall not take place". Miss Aves entirely familiar this situation. Please advise soonest.

MR/BCJ



600 **URGENT & IMPORTANT**

ADVANCE ACTION COPY - UNCHECKED

1946 AUG 12 PM 1 42

Noted
13/8.

Vienna

CABLE No.	2258	FROM	Vienna
DATED	12.8.46	REC'D	12.8.46
ACTION	Miss Gibbons (WR)		
ATTENTION	Mr. Rabmoff.		

GB L LAM 4116

TX100 S S 17 WIEN RADIO 339 12 1235 ETAT =

UNRRA LONDON =

2258 FROM UNRRA VIENNA TO UNRRA LONDON

ATTENTION WELFARE AND REPATRIATION DIVISION PD PLEASE

CLARIFY IMMEDIATELY UNRRAS AUTHORITY TO DEAL WITH THE

DOCUMENTATION AND COLLECTION FOR REPATRIATION OF UNITED

NATIONS UNACCOMPANIED MINOR CHILDREN PD ABOVE CLARIFICATION

NEEDED IN CONNECTION WITH LETTER RECEIVED HERE 7TH AUGUST FROM

PW AND = 50 =

DP DIVISION CMA ALLIED COMMISSION FOR AUSTRIA CMA BRITISH

ELEMENT CMA OVER ~~SIGNATURE~~ SIGNATURE COLONEL LOGAN

GRAY DIRECTOR PW AND DP DIVISION PD QUOTE SUBJECT

UNACCOMPANIED DISPLACED CHILDREN PD 1 REFERENCE YOUR LETTER

~~XX~~WLY12 JULY WITH ACCOMPANYING DRAFT OF A MILITARY

GOVERNMENT INSTRUCTION ~~CONCERNING~~ CONCERNING THE SEARCH BY

UNRRA FOR DISPLACED CHILDREN = 1 00=

LIVING OUTSIDE CAMPS PD 2 THE WHOLE QUESTION OF THE DISPOSAL OF

SUCH CHILDREN IS AT PRESENT UNDER CONSIDERATION BY THIS

DIVISION IN CONSULTATION WITH OTHER DIVISIONS AND WITH THE

AUSTRIAN MINISTRY OF THE INTERIOR PD YOU WILL BE INFORMED

IMEDIATELY A DECISION IS REACHED 3 IT SHOULD HOWEVER BE = 150 =

POINTED OUT THAT IN VIEW OF THE TERMS OF THE NEW CONTROL

AGREEMENT THIS WOULD NOT APPEAR TO BE AN APPROPRIATE MOMENT

TO INTRODUCE LEGISLATION WHICH WOULD GIVE ARBITRARY POWERS TO

ANY NONAUSTRIAN BODY 4 IT HAS COME TO THE NOTICE OF THIS

DIVISION THAT IN SPITE OF THE FACT THAT UNRRA HAVE SO FAR ~~BEEN GRANTED~~

~~XXXXX~~ BEEN GRANTED NO SUCH POWERS CERTAIN UNRRA OFFICERS HAVE

DURING THE LAST WEEKS BEEN VISITING AUSTRIAN HOMES AND REMOVING

CHILDREN FROM THE CARE OF FOSTER PARENTS IRRESPECTIVE OF

TE WISHES OF THE LATTER PD APART FROM THE FACT THAT

THESE METHODS HAVE NO LEGAL BACKING = 250 =

IT WILL BE APPRECIATED THAT MUCH DIFFICULTY WILL ARISE DASH AND

INDEED HAS ALREADY ARISEN DASH WITH REGARD TO THE

REPATRIATION OF THESE CHILDREN 5 WILL YOU PLEASE ISSUE

INSTRUCTIONS THAT PENDING A DECISION ON THE POLICY TO BE FOLLOWED

IN THIS MATTER UNRRA OFFICERS WILL CEASE THE PRACTICE OF

ENTERING PRIVATE AUSTRIAN HOMES TO SEARCH FOR AND

EXTRACT DISPLACED CHILDREN 6 IN THE MEANTIME

THIS DIVISION HAS ORDERED THAT REPATRIATION OF CHILDREN SO

COLLECTED SHALL NOT TAKE PLACE ~~XXXXX~~ PLACE UNQUOTE MISS AVES

ENTIRELY FAMILIAR THIS SITUATION PLEASE ADVISE SOONEST +++

SENT 13335/12 PMM++++

NR 24

UNRRA
CENTRAL HEADQUARTERS FOR GERMANY
APO 757 OR BAOR

9 August, 1946.

TO: European Regional Office, UNRRA.
(Attention: Welfare and Repatriation
Division)

SUBJ: ROUTING OF CORRESPONDENCE CONCERNING
UNACCOMPANIED CHILDREN - U.S. Zone.

INDEXED

1. Thank you for your letter of 1 August confirming the procedure which we are instituting in the U.S. Zone for correspondence direct to Austria.
2. This procedure will probably be extended to the British and French Zones in the near future.

Carl H. Martini

Carl H. Martini
Assistant Chief of Operations
(Relief Services)

on action necessary
ok



MB/nj.



W.R.24

DES NO. CONFIDENTIAL.
3223

DESPATCHED BY
REGISTRY

1615

13th August, 1946

To: Chief, Austrian Mission,
Vienna.

Attention: Relief Services, Child Welfare Section.

From: George W. Rabinoff, Acting Director, Welfare and
Repatriation Division, ERO.

We think you will be interested in the draft of the proposed UNRRA directive on children which has been worked out by the military in conference with the Child Care Consultants in Germany. We understand from Miss Aves that Austria is encountering some of the problems in relation to children with which the German Operation is dealing, and we are, therefore, sending this as a matter of interest to you. You will realize that since it has not yet been issued it must be treated as an extremely confidential document.

George W. Rabinoff,
Acting Director,
Welfare and Repatriation Division.

DHP/LS.
Encl.



Des. No. 2691

WR 24.

REPATCHED BY
REGISTRY

16th
13th August, 1946.

To: Chief, D.P. Operations, Germany,
UNRRA C.H.Q. Arolsen.

Attention: Miss Eileen Blackey.

From: George W. Rabinoff, Acting Director,
Welfare and Repatriation Division, ERO.

We wish to acknowledge and thank you for the draft of the proposed directive on children to be issued by USFET.

This certainly is definite in placing responsibility and should clarify the situation with regard to unaccompanied children.

We have taken the liberty of forwarding a copy of this draft to the UNRRA Mission in Austria which is in the process of developing relationships with the military in regard to unaccompanied children. We have advised them that the document is for their confidential information, and we are sure that it will be helpful and useful to them.

DBP/LS.

George W. Rabinoff,
Acting Director,
Welfare and Repatriation Division.



WR24

13th August, 1946.

Miss Gwenoline Chesters,
86, Ladbroke Road,
Holland Park, W.11.

Dear Miss Chesters,

May we acknowledge and thank you for your paper on unaccompanied children which arrived about a week ago. Due to the fact that the office has been in the process of moving and all files and correspondence were packed for about a week it has not been possible to acknowledge your paper before.

It came just before Miss Aves left and whilst we were considering the possibility of forwarding it to the Swiss Study Weeks we received an invitation from the Swiss Study Weeks asking that a representative of UNRRA attend the sessions, which are to be held in September, therefore the chance of getting material there was eliminated.

We are hoping to consider plans for you to attend the Swiss Study Weeks more definitely and as soon as a decision is reached we will get in touch with you about it.

Miss Aves requested before her departure that we send you the attached registration card which is used in the vocational guidance center in Vienna. Do let us hear from you at your convenience, the new telephone number is Langham 3090, and Miss Pents with whom you will probably wish to speak is at present on Extension 315.

Yours faithfully,

George W. Rabinoff,
Acting Director,
Welfare and Registration Division.

P
WR/MS.
Encl.

14/8

EUROPEAN REGIONAL OFFICE

ROUTING SLIP

Date

9 Aug 1946

TO:

FROM:

Registry
D. Henry

The attached is sent to you for the following action as indicated by check marks:

1. Comments and return to

2. Read and forward.

3. Prepare reply for signature

4. For your information.

5. Take necessary action.

6. For filing.

7. Other action

Mrs. Penry

170a, Gt. Portland Street

For information,

LTR 24

2nd August, 1946

Dear Dr. Langrod,

I know you recognise the need for early and sympathetic consideration of outstanding problems relating to non-repatriable unaccompanied displaced children. I hope so much that the appropriate body will be able to start on resettlement plans within the next few months. It is so bad for these children to live in the artificial environment of an assembly or children's centre, however good the arrangements for care may be, and moreover these children grow up and should be able to make their new roots at as early a stage as possible.

I enclose some brief notes which set out the points to which I hope special attention may soon be directed.

Many thanks for your interest and kind co-operation in this as in many other matters. I hope we may meet again, even though I am now returning to the Ministry of Health.

Yours sincerely,

Geraldine M. Aves.

RESETTLEMENT

According to present information the unaccompanied children for whom resettlement plans will be required are comparatively few in number. It seems probable that they will not exceed 5,000, even if the search for "hidden" children continues to have some success. Up-to-date figures are available from D.P. Operations, and will of course be furnished in detail by UNRRA when requested.

It has been the practice of UNRRA to secure complete details of the history of each individual child in order (a) to assist in tracing procedures which may lead to the speedy reuniting of children with their relatives, and (b) to provide a background of knowledge which may influence the present care and future plans made for the individual. This process of documentation and tracing takes a considerable time, and may have to be continued after UNRRA ceases to function, as may indeed the search for United Nations children among the German population. It will be necessary to ensure that all appropriate records relating to individual children should be taken over by the successor agency.

An examination of new openings for resettlement is urgently required of the responsible agency, as well as further consideration of existing schemes. These need to be considered in relation to their intrinsic merit, and also in relation to their appropriateness for particular groups and individuals. Although the total number of eligible children may be relatively small, the detailed work involved will be considerable, if the needs and interests of individual children are to be safeguarded.

Under the terms of its Resolutions, UNRRA has not been authorised to deal with resettlement. When, however, resettlement schemes have been put forward, the military authorities have very understandably recognised the advantages of getting a permanent plan made for some of the children concerned. In the absence of a body which would consider resettlement from an overall point of view, particular schemes have received a priority and have been operated by agreement between the sponsoring agency and the military authorities. At the request of the military, UNRRA may facilitate such plans for children under its care by making information about eligible children available to the agency, but has no responsibility either for the determination of children eligible for resettlement nor for the actual selection of children. This means that there is, at the present time, no overall authority responsible for considering:

- (a) the merits of a particular plan in relation to the individual children put forward;
- (b) the co-ordination of the activities of the various agencies concerned with resettlement;
- (c) the adequacy of existing resettlement schemes, and the possible openings for other resettlement plans.
- (d) the appropriateness of existing care in providing an orientation towards the countries to which the children are to be resettled.

There are two resettlement plans in progress in Germany at present: the movement of children to Palestine under the auspices of the Jewish Agency for Palestine, and the United States Immigration scheme which is operated by the U.S. Committee for the Care of European Children. These schemes are of course recognised as desirable but the selection of children for these schemes and the release of children for permanent resettlement in other countries clearly requires urgent consideration from an overall standpoint by the appropriate agency.

There is the further need to consider measures both for the legal protection of the unaccompanied child in relation to permanent settlement and for the continuation of care pending resettlement arrangements.

Guardianship - the unaccompanied displaced child who is stateless, or of unknown nationality or otherwise non-repatriable, does not have the legal protection which a State normally accords to orphans and other deprived children. It was considered that it was not appropriate for UNRRA, as a temporary organisation, to undertake the function of legal guardian. Whilst in Germany the military authorities are discharging some of the functions of guardian on behalf of these children, this does not apply to all similar groups of children elsewhere. In Sweden, for example, where unaccompanied displaced children were moved for a temporary period of care, it has been difficult for the Swedish authorities to know how far to proceed regarding resettlement plans for these children outside Sweden in the absence of any clear authority to examine the resettlement arrangements in the country to which individuals or agencies have wished to move the children. It seems imperative that the responsible agency should establish a system of guardianship which would provide for the transfer of guardianship responsibilities to the social agency or individual into whose care the child is placed for permanent resettlement.

Adoption - the possibility of the adoption of an unaccompanied non-repatriable child depends in part on the establishment of a guardianship system, since the services of a guardian are needed to authorise an adoption. It has seemed very desirable that no adoptions should take place until such time as an agency competent to act on behalf of the children has been established and is in operation. A certain number of "adoptions" however are taking place with the sanction of the military authorities in Germany, and while it is hoped that certain safeguards will be applied by the military when an adoption is being considered, it will be essential for the new responsible organisation to review at an early date the conditions under which the adoption of unaccompanied, non-repatriable children may take place.

Continuation of Search for "Hidden Children". - it may be necessary to continue the search for these children after UNRRA's responsibility has come to an end if there is evidence that there is still hope of discovering some more of them. In this event the successor agency will have to arrange for the continuation of the activities of the search teams and, in any event, must arrange for machinery to be set up to deal with the problems of individual children who come to light from time to time after the period of systematic search is over.

Continuity of Care Pending Resettlement - it will be necessary to continue the type of service UNRRA is providing for unaccompanied children until resettlement plans have been considered and put into effect. Qualified child care staff will be required in order that resettlement is handled with maximum safeguards for the welfare of the individual child, and that adequate supervision is available to maintain standards in children's centres. In these centres carefully selected staff will continue to be needed for the temporary care and education of the children. Every effort should be made to retain the services of suitable persons whom the children already know and trust, in order to minimise the strain of further changes for children whose main problem has for years been one of complete insecurity.

DESPATCHED BY
REGISTRY

170a Great Portland Street,
MUSEUM 6898.

XXXXXXXXXXXXXXXXXXXX

1st Aug.

30th July, 1946.

WR 24

DEI. No. 2334

To:, Chief, D.P. Operations, Germany,
UNRRA Central Headquarters, Arolsen.
Attention: Relief Services.
From: Selene Gifford, Director, Welfare and
Repatriation Division, ERO.

Routing of Correspondence concerning Unaccom-
panied Children - United States Zone.

This will confirm the statement made by Miss Pentz to Miss Bucke in a telephone conversation with ERO has no objection to the procedure you are considering for routing of correspondence in relation to unaccompanied children in the U.S. Zone, direct to Austria rather than through C.H.Q. This seems like a sound plan and should facilitate action where necessary, and since you have planned that copies of such correspondence will be sent to Headquarters in Germany for information, you will be able to control policy and be currently informed.

Selene Gifford,
Director,
Welfare and Repatriation Division.

DEP/LS.

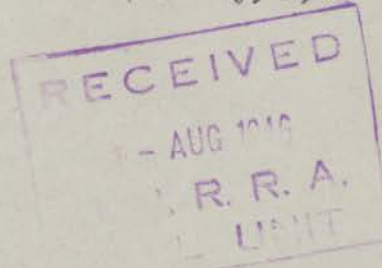


WR 24

UNRRA
CENTRAL HEADQUARTERS FOR GERMANY
APO 757 OR BAOR

27th July, 1946.

Miss Deborah Pentz,
European Regional Office,
UNRRA,
London, W.1.



INDEXED

Dear Deborah,

I am enclosing some items which I think will be of interest to you.

1. Draft of the Proposed USFET Directive on Children.
2. Draft of a joint Child Tracing and Child Welfare Bulletin.
3. Copy of my memo to General Morgan re my trip to Poland.

Sincerely yours,

Eileen Blackey

Eileen Blackey.

EB/JG.



C O P Y.

HEADQUARTERS
US FORCES: EUROPEAN THEATRE.

AG

APO 757
July, 1946.

SUBJECT: Unaccompanied Children.

TO:

References: SHAEF CA-49 Part 2 Section 7.

USFET/UNHRA Agreement, 19 February, 1946.

USFET AG 383, 7 GEC-AGO, 21 February, 1946.

GEC(US) AGO 91.4 (CO), 25 March, 1946.

USFET AG 383, 7 GEC-AGO, 11 May, 1946.

GEC(US) AGO 91.4 (CO), 14 May, 1946.

Purpose: To define and set forth the responsibilities in the U.S. Zone for unaccompanied children as hereinafter defined and the procedure for location, recovery, care, repatriation, resettlement and/or otherwise dealing with such children.

Responsibilities:

(a) The Theatre Commander and his subordinate commanders are responsible for the discovery, care, repatriation and otherwise dealing with said unaccompanied children in the U.S. Zone and will use all available resources to discharge this responsibility. The duties and functions thereunder may be delegated to various agencies but this overall responsibility is theirs and will continue to be such until relieved of such responsibility by higher authority. Responsibility for unaccompanied children of known nationality will be transferred to their respective national governments as soon as circumstances permit.

(b) UNHRA is hereby empowered and authorized to advise, aid and assist the military authorities in the discharge of the latter's responsibility hereinbefore described and will possess, exercise and perform the powers, privileges, rights and functions as hereinafter outlined.

Definitions: For the purpose of this directive the terms

(a) "Children" shall refer to persons who were under 18 years of age ✓
as of 1 January, 1946.

(b) "Unaccompanied Children" shall include and refer to any child, legitimate or illegitimate, born in or brought into Germany since 1 October, 1938, one of whose parents is known or suspected to be a national of one of the

United Nations or (in case of a child brought into Germany) who is of unknown parentage and who is not now living with either parent, grandparent, uncle, aunt, adult brother or sister. This includes those children in the foregoing categories who have been adopted or have been taken in by a German family or institution since 1 October, 1938. An illegitimate child shall fall into the category of unaccompanied children if abandoned or custody is relinquished by its mother.

Procedure:

(a) UNRRA has established and will establish when requested assembly centres and children's centres for the care and custody of unaccompanied children. Unaccompanied children shall be removed or surrendered into the care and custody of UNRRA whenever it appears to be in the best interests of the child to do so, said determination to be made by UNRRA and/or relevant National Liaison Officer.

(b) UNRRA has activated and is activating search and registration teams to aid and assist the military authorities in the location, discovery, care and disposition of unaccompanied children, and it is the policy of this command to provide every facility and opportunity available therefor. Military formations and organisations are enjoined at all echelons to make use of such assistance and to provide whatever co-operation is requested by said UNRRA teams.

(c) Any child welfare investigating officer, or other officer, duly authorised by UNRRA shall for the above purposes have the power to do all or any of the following things, namely:

(1) To enter any premises or place where he has reason to believe an unaccompanied child is or has been residing.

(2) To make such examination and enquiry including the examination of documents and records as may be necessary for ascertaining the whereabouts of any unaccompanied child.

(3) To examine either alone or in the presence of such other person as he thinks fit, every person whom he finds in such premises or place whom he has reasonable cause to believe to be an unaccompanied child or to be in possession of knowledge of the whereabouts of any unaccompanied child.

(4) To remove into the custody and care of UNRRA with the written authorisation of the local Military Government Detachment any child which in his opinion fulfils the aforesaid definition of unaccompanied children. Such removal shall take place only when in his opinion it is in the best interests of the child to do so.

(d) The said teams and members thereof will be provided by Displaced Persons' Division, G-5, USFET, with appropriate authorization to carry out their functions. A copy of such authorization is hereto annexed and marked "Annex A".

Nationality:

(a) The initial determination of U.N. nationality for the purposes of temporary care and custody will be made by UNRRA.

(b) Final determination of such nationality shall only be made by and with the consent and approval of the Senior Liaison Officer U.S. Zone, of the nation of which the child is presumed to be a national or his designated representative.

(c) In cases of dispute between or among Liaison Officers of two or more nations the matter will be referred to a Review Board hereinafter described.

(d) In all cases of doubt where no decision can be made as to the nationality of the child but the child is known to be or presumed to be of non-enemy nationality, the said child shall be considered of "undetermined nationality".

Review Board: A review board for the recommendation of future policy, for the settlement or review of questions of nationality and for the decision of any other questions referred to it with reference to unaccompanied children shall be established on a zonal level and shall be composed as follows:

(a) One representative from Displaced Persons' Division, G-5, USFET,

(b) One representative from Public Welfare Section, Public Health and Welfare Branch OMG(US).

(c) One representative from Judge Advocate General's Office USFET.

(d) One representative from UNRRA Child Welfare Branch, U.S. Zone, who shall sit in an advisory capacity, without voting power. Questions may be referred to said board for determination only by the following:

(a) UNRRA U.S. Zone Director.

(b) Any Senior Liaison Officer, U.S. Zone.

(c) Chief Public Welfare Officer, OMG(US).

(d) Chief, Displaced Persons' Division, G-5, USFET.

The decision of the board shall be final in all cases.

Adoption: Unaccompanied children are under the care of the military authorities and UNRRA, and no action in regard to custody or adoption of such children shall be taken without specific authority of this Headquarters, notice of such action to the Child Welfare Branch, U.S. Zone Headquarters and notice, where the nationality

of the child in question is known, to the Senior Liaison Officer, U.S. Zone, of the nation of which said child is a national. Such authorization will be issued only after receipt of advice from UNRRA Zone Headquarters and where notice has been sent to the Liaison Officer as described above, after receipt of the consent of the nation concerned.

Repatriation:

(a) Repatriation and/or resettlement of unaccompanied displaced children shall have the authorization of this Headquarters. Such authorization will be issued only after receipt of advice from UNRRA Zone Headquarters.

(1) As to the circumstances under which the children will be repatriated and/or resettled.

(2) That the children are not residing with a parent, grandparent, uncle, aunt, adult brother or sister.

(3) If the child is 16 years of age or over, that said child consents to such repatriation or resettlement.

(b) The repatriation or resettlement of children whose nationality has been determined will require the additional approval in each case of the appropriate national liaison officer.

(c) Children without the protection of a national government or without national liaison representation or of undetermined nationality (including the stateless) or of proven ex-enemy nationality but assimilated to displaced persons' status shall be released from custody for the above purpose only on the authority of this Headquarters as described above.

All letters or other directives the provisions of which are in conflict with the contents of this directive are modified to the extent that they are inconsistent herewith.

C O P Y.

Annex A.

TO WHOM IT MAY CONCERN:

FROM: Commanding Officer, Displaced Persons' Division, G-5, USDPET.

SUBJECT: Authorization.

Reference: USDPET AG (present directive) Unaccompanied Children.

1. The bearer of this authorization, _____

is an accredited Child Welfare Investigating Officer and is hereby authorized to search for, register and/or with proper authority, remove into the custody and care of UNRRA any or all unaccompanied children of United Nations' nationality.

2. For these purposes but not limited thereby he shall have the authority to enter any German home or institution, to interview any child, or any individual who may have information on unaccompanied children and/or to examine or review any documents or records which may contain any information on unaccompanied children.

3. Local military detachments (U.S. Army or Military Government) when called upon shall provide any and all aid or assistance required to enforce such entry, examination and/or removal.

_____(signature).

_____(title).

(signature of bearer).

authenticated: _____
Chief UNRRA Zone Security Officer.

DRAFT.

U N R R A
CENTRAL HEADQUARTERS D.F. OPERATIONS, GERMANY.

BULLETIN NO.

Subject: Unaccompanied Children:
Compilation and Use of Information.

3th July, 1946.

1. PURPOSE.

- a. All sources of information which may reveal the location of United Nations' children in Germany are of vital importance. It is UNRRA's responsibility to explore these sources to the fullest extent possible and to ensure that the information is compiled and used in such a way as to accomplish maximum results.
- b. The purpose of this bulletin is to co-ordinate Child Tracing and Child Welfare activities at GHQ and in the Zones in order to achieve the objective stated above, and to outline a plan for obtaining, routing and using such information.

2. APPLICABILITY.

This bulletin will govern the activities of all UNRRA echelons in connection with the compilation and use of information relating to unaccompanied children.

3. POLICY.

- a. There shall be close co-ordination between Child Tracing and Child Welfare staffs at GHQ and in the Zones in all activities involving the search for and the location and registration of unaccompanied children.
- b. All information secured as to the whereabouts of these children shall be made available promptly to both staffs.
- c. There shall be joint planning in the development of procedures and field operations on the part of both staffs.

4. PROCEDURE.

a. Responsibility of Central Headquarters.

- (1) The Records Division of the Central Tracing Bureau, which includes a Documentary Intelligence Section is responsible for gathering all data which may assist the Zone tracing bureaux to discover documents or records which may reveal the death or whereabouts of United Nations' nationals in Germany. The evidence accumulated thus far at CTB has been sifted concerning adults who were in concentration camps, prisons, hospitals, labour camps, or Prisoner of War Camps. A similar compilation will be developed by the Child Tracing Section of CTB on the sources relating to children, including evidence or clues indicating the methods and routes used in carrying out mass movements of children into Germany.
- (2) The CTB, including the Child Tracing Section, and the Child Welfare staff at GHQ will be jointly responsible for pursuing clues and sources in other countries.
- (3) CTB will make an inventory of all documents and records which have been discovered in each Zone.
- (4) As this and other material is located and analysed, the findings will be forwarded to Zone Tracing Bureaux, Child Welfare staffs and to National Governments for appropriate use.

b. Responsibility of the Zones.

- (1) Two search directives have been issued by military authorities which, if effectively implemented, should provide a complete census of United

Nations' children in Germany. The first search directive issued by ACA (CORC/M(45)22) and operative in each Zone, requires that all German records relating to deaths, births, adoptions or employment of United Nations' nationals be turned over to Military Government authorities and in turn to Zone Tracing Bureaux. The second search directive (CORC/M(46)12) was for the specific purpose of locating individual unaccompanied children and required that lists be prepared giving identifying information on such children and their present whereabouts. It is the responsibility of the Zones to ensure

- (a) complete returns from German sources and
- (b) transfer of all records and lists to Child Tracing and Child Welfare staffs.

- (2) The Zone Director will negotiate a working arrangement between UNRRA and the appropriate military authorities responsible for collecting the information from German officials. This will include a plan for routing all records and lists to UNRRA and a procedure for checking all returns so that the areas failing to report or reporting incompletely may be determined, discovered and follow-up action taken.
- (3) Since the machinery for tracing and search varies in the three Zones, each Zone Director will establish a working agreement between the Tracing Bureau and Child Welfare staffs in his Zone to achieve the most effective method of routing information and lists to Child Welfare workers for investigation. With regard to the public records and documents submitted by German officials to military authorities and from there to Zone Tracing Bureaux, the latter will be responsible for sifting such records and listing all unaccompanied children. These lists will then be routed to the Child Welfare staffs for follow-up. Such sifting will not be necessary in the case of the lists required from German officials since the search directive specifies that unaccompanied children are to be reported on separate lists. Such lists will be made available to Child Welfare staffs at the earliest possible time.
- (4) All unaccompanied children will be registered with the Child Tracing Section of OTB as soon as possible after location. If the Zonal Tracing Bureau does not make such registrations, the Zone Director will work out a plan whereby copies of the lists are forwarded to OTB by the Child Welfare staffs, when such lists are received by them. This plan will serve as a stop-gap until such time as the individual case records on the children are completed and forwarded.
- (5) To ensure complete coverage of all institutions, the Zone Director will effect a plan whereby Military Government authorities in conjunction with the Zone Tracing Bureau will be asked to submit the names and location of institutions housing children to Child Welfare staffs for their information and use. The lists of individual children submitted by German officials are to be checked against the lists of institutions, in order to discover any discrepancies in reporting.

24th July, 1946.

TO: Lt.Gen.Sir F.E.Morgan.

SUBJECT: INTERCHANGE OF INFORMATION BETWEEN POLAND AND GERMAN OPERATION
WITH RESPECT TO UNACCOMPANIED POLISH CHILDREN; VISIT OF CHILD
WELFARE CONSULTANT TO POLAND.

1. The above proposal is based on an accumulation over a five months period of problems concerning the location, identification and repatriation of Polish unaccompanied children. A visit to Poland by the Child Welfare Consultant of this Headquarters is requested for the purpose of executing more effectively the activities carried on in Germany by UNRRA Child Welfare staffs on behalf of Polish children, and for the purpose of co-ordinating these activities with those being carried on concurrently in Poland. This project is solely for the purpose of enabling the German operation to discharge its responsibilities in respect to child search and repatriation of children.

2. It is imperative that a working arrangement between UNRRA Germany and the appropriate welfare agencies in Poland, including the UNRRA Mission, be established for the following reasons:

a. Poland has more unaccompanied children in Germany than has any other nation and the task of locating, identifying and repatriating them is a big one. Polish children particularly the older ones who have been in UNRRA Centres for the many months preceding the opening up of repatriation, are now resisting repatriation partly because of their past experiences in Poland but primarily because of the long period of anti-repatriation indoctrination to which they have been subjected. Out of 800 Polish unaccompanied children who were eligible for repatriation some months ago, for instance, only 200 were willing to be repatriated. The number of repatriates is steadily being increased, but in order to encourage full repatriation, specific measures must be taken. These should include:

- (1) printed materials on Poland designed for adolescents to inform them of educational opportunities in Poland, vocational training facilities, plans for location of their families etc.
- (2) exchange of letters between children who have been repatriated and those still in Germany.
- (3) use of movies to depict the life and activities of families and children now in Poland.

- (4) the acquisition of Polish personnel from Poland, such as teachers, recreational leaders, or priests, to work in our Children's Centres on the orientation of these children to their own country.

An important corrolary to the above need is that of interpreting to the Polish agencies what has happened to their children while they have been living in German institutions and families. They are quite thoroughly Germanised and know only the German language and German culture. They receive some reconditioning in our Centres before returning to Poland but there is still much to be done after they reach Poland to help them in assuming a normal way of life. This requires joint planning between welfare staffs in the two countries. These activities cannot be satisfactorily implemented unless there is:

- (a) an initial conference with agencies in Poland concerned with these problems, and
- (b) a continuing exchange of information and experiences directed toward the return of these children under the most constructive conditions possible.

- b. The repatriation of Polish children already located is only part of the proble. There still remains the major task of uncovering the many thousands of Polish children who have not yet been recovered from German homes and institutions. In carrying on this work, the UNRRA Child Search and Investigation teams have discovered numerous clues and have accumulated a large amount of important information with regard to mass movements of these children from Poland to Germany. This information contains leads as to the whereabouts of children who may be scattered along the transport routes through Czechoslovakia and Silesia or who are in institutions in Poland. This information is of such a nature and of such volume that it must be interpreted at the time it is turned over and joint plans for its use must be made between those who know the story at this end and those who will be doing the follow up in Poland.

3. We should like to summarise for your attention the interest which has been expressed in such a plan by various sources:

- a. Dr. Mittlestaedt, the Polish Red Cross representative at CHQ, has on several occasions recommended a visit to Poland by someone from our Child Welfare staff.
- b. Colonel Bibrowski of the Polish Repatriation Mission in Berlin has extended a verbal invitation and has offered to confirm it in writing.
- c. The UNRRA Polish Mission has for many months urged a closer liaison with them on matters affecting both operations.
- d. The Welfare and Repatriation Division of ERO has stated in writing a recommendation to the effect that the Child Welfare Consultant of CHQ be sent to Poland. This visit can be timed

24th July, 1946.

-3-

to coincide with the visit of IRO's Child Welfare Consultant to Poland.

4. We should also like to point out the requests coming from our Child Welfare staffs in the field for information concerning Polish methods of child care and education, since such information is needed by our staffs if they are to do an effective job with the Polish children who are constantly being located and brought into Children's Centres. This is particularly necessary in view of the fact that most of these children are so thoroughly Germanised that they must be taught to speak Polish and to learn the ways of their country.

5. Over a period of months, a considerable number of UNRRA personnel have gone to Poland with the repatriation trains and have brought back valuable observations, but this information is spotty and is often based on brief and incomplete data. It places the Child Welfare staff at CHQ in a rather untenable position when these increasingly frequent reports are circulated and we ourselves are unable to present helpful and authentic information to the field.

6. For the reasons outlined above, we consider the exchange of visits with Poland on the problem of unaccompanied children as of the greatest urgency. May we have your early consideration of the matter?

Carl H. Martini.
Assistant Chief of Operations.
(Relief Services).

EEB/JG.

OG 21/3/11.

Copy OG 25/1/12.

Copy for WR.

OUTGOING CABLE

DG

Copy for WR24

ORIGINATED BY:- Office of the General Counsel.
Mr. Charles T. Lloyd.

LONDON.....TO.....WASHINGTON

No. 8897

(EN CLAIR)

DATED:- 20th July, 1946.
11.55 hours.

Davidson from Ward.

Your 10570. 2 copies airmailed you today of statement relating to Problems of Displaced Unaccompanied Children in Germany. Prior copy mailed 4th June to Director General attention Welfare and Repatriation. Copies of minutes of consultation meeting 20th June sent by airbag 4th July to you and DDG Welfare and Repatriation. Minutes of further meeting will be similarly sent.

DD/JT



OUTGOING CABLE

WR 24X

DP 111

WR 8 vol.2

DP 38/10/X

Originated by:-

Welfare and Repatriation
Division.

Consultants Branch

Mr. Glen O. Ratcliff.

LONDON.....TO.....ARLSEN

No. 2580

En Clair

D. 20th July, 1946

1405 hrs.

Information requested our 1956 and paragraph 4 C,
our 2199 still not received.

DD/IGT

DG 2/-/3/1
Copy DG 25/-/2
Copy WR.

INCOMING CABLE

INDEXED

Copy WK 24
u RS.3.

DG

ACTION: Office of Gen. Counsel
Mr. Dudley Ward

WASHINGTON..... TO..... LONDON

No. 10570
En Clair

D. 16th July 1946
R. 17th July 1946
10.09 hrs

For Ward from Davidson. Interested in discussions about unaccompanied children in your staff meetings, unable trace Lloyds memorandum referred to 31st May, please forward another copy. Also interested in any records of Resolution 92 meetings.

BG/IF

WE 214 Resp. no.
6655.

19 July, 1946.

A. E. Davidson, Esq.,
General Counsel,
UNRRA Headquarters,
1344 Connecticut Avenue,
WASHINGTON, D.C.

My dear Al,

As I am informing you by cable in response to your cable 10570, I am transmitting herewith by airmail two copies of the Statement on Problems Relating to Displaced Unaccompanied Children in Germany, and Recommended Action by the Military Authorities, together with copies of the memoranda to the Director General, attention Welfare and Repatriation Division, dated 4th June, with which this statement was despatched to Washington. With the 4th June transmission, there was included a copy of the covering minute of 1st June to the Chief of Operations, Germany, from the Welfare and Repatriation Division at ERO which transmitted this statement for such use as GHO might find most practicable in negotiations with the military authorities. As indicated in the minutes of our staff meeting of 31st May, this statement is based upon material compiled by the Child Welfare Officer at Arolsen, in response to an informal suggestion from the Allied Control authorities for a general statement on this subject, and was revised and expanded by Mrs. Lloyd to state the ERO position on the legal problems.

You have no doubt noticed in reports of subsequent staff meetings that copies of this statement have gone to Austria and Italy for consideration of its applicability to problems there and that the recommendations in the statement are being informally considered by USFET officials in the drafting of a comprehensive directive on unaccompanied children in the U.S. Zone of Germany. In connection with consultations by the GHO Child Welfare Officer with USFET officers on this directive, two of the legal points involved in this statement received further treatment by this office. We recommended that a guardian ad litem be appointed in such adoption proceedings as the military might authorize to protect the interests of the child. Otherwise, unless the military had assumed the guardianship recommended in the statement, there would be no person in the proceeding officially representing the child and looking after his interest. It was suggested that such a guardian could request the transfer of the proceedings from the German court to a military government court or a review of its proceedings. This office also advised that participation by UNRRA on a review board which made decisions determining the nationality of children in cases of conflicts and concerning the ultimate disposition of children would be outside the scope of UNRRA's powers.

I am informed by the Welfare and Repatriation Division that negotiations with the military are proceeding smoothly and that the Division will report to Washington if any action by HQ appears to be desirable.

I will keep you informed of any important legal pronouncements in this field.

Yours sincerely,

Dalley Ward
General Counsel

cc to: Mr. Aickin
Mrs. Lloyd
Miss Clifford (W.R. Div)
Miss Pente (W.R. Div)



DESPATCHED BY
REGISTRY

20.7.46.
(Mr. Mullison)



CH/abt

UNRRA
CENTRAL HEADQUARTERS FOR GERMANY
APO 757 OR BAOR

19th July, 1946.

RECEIVED

TO: European Regional Office, UNRRA, London, W.122 JUL 1946
(for the attention of Miss Deborah Pentz)

U. N. R. R. A.
MAIL UNIT

SUBJECT: REPORT ON UNACCOMPANIED UNITED
CHILDREN IN GERMANY.

We are enclosing, for your information, five copies of a report, prepared by the Child Welfare Consultant, concerning the problem of unaccompanied children in Germany.

Carl H. Martini

Carl H. Martini.
Assistant Chief of Operations.
(Relief Services).

MB/JG.

Encs: 5 copies.



no action

NB The attached report is the one prepared by CHQ Child welfare consultant for the Director General & was circulated to the CCE as annex I to CCE (46) 53
See also the summarized version
from CHQ with sources of
NAV
2317

REPORT ON UNACCOMPANIED UNITED NATIONS'
CHILDREN IN GERMANY.

I. Introduction.

1. United Nations' unaccompanied children in Germany present clear testimony of the attacks made upon the family and national life of the European countries. These children were brought forcibly into Germany either with their families or in groups of "stolen" children. Many are now orphans and many are still separated from their parents, some for as long as four or five years.

2. National Governments have charged UNRRA with the responsibility for finding their children and providing care for them until such time as they can be repatriated. This program of location and care of unaccompanied children is carried on under the auspices of the various occupying powers in Germany and is subject to military policy. There have been approximately 10,000 children found to date, but many more thousands are still to be uncovered. Countries are unable to estimate how many children have been removed but they are making every effort to secure a census of their cities and towns to secure lists of their lost children. In addition a census of all United Nations' people still in Germany has been required of German officials by military authorities.

II. How the Problem Originated.

3. Children were as much a part of Nazi calculations and planning as were armies and countries. Raids were made on countries such as Poland, Czechoslovakia, Yugoslavia, Belgium and Holland for the purpose of rounding up children and transporting them into Germany. The purpose behind this was two-fold - to deplete the population of the countries which Germany was trying to conquer and to replenish her own population. The children brought forcibly into Germany under this scheme were placed in specially arranged collection points, screened as to their physical and mental desirability and then put through a period of "Germanisation". Their names were changed, they were taught the German language and indoctrinated with Nazi teachings. Those children who were found most desirable were placed out for adoption with selected Nazi families. Of those who failed to meet the required standards, some were turned over to other organizations for experimental purposes or extermination, and the remainder found their way into various German institutions or labor camps. In addition to the abduction of individual children, entire schools or institutions of children were moved into Germany from other countries, in some instances in order to evacuate them from the fighting zones, in other instances to use them for the promulgation of Nazi doctrines through the Hitler Youth Movement. These children are today scattered throughout Germany and an organized search is being made for them by UNRRA on behalf of their governments.

4. There were other children brought into Germany, usually with their families. Jewish children, with or without their families, were taken from their homes, placed in concentration camps and were in most instances exterminated. Only those

Jewish children who were old enough or strong enough to work survived. Today, the Jewish orphans in Germany represent a group ranging in age from 14 years to 20 years. At the time of liberation, these young people were all found in concentration camps and have since been living in DP camps, Children's Centres, or in German communities. These children are adolescent in years, but old in experience and suffering. Their one aim is to get out of Germany.

5. Other children who were brought forcibly into Germany were those who came with families of slave laborers, usually farm workers. Many of these children are still with their families in the DP Camps but because of bombings and movements of armies, many of this group were separated from their parents in Germany or were orphaned.

6. Also among the unaccompanied children still in Germany are those who were born here of United Nations' parents, usually out of wedlock, and who are now orphaned or abandoned.

III. How the Problem came to light.

7. Immediately after liberation in the Spring of 1945, millions of people were repatriated to the Western countries in an incredibly short period of time and the accompanying operation had to be handled on an emergency basis. It was not until the mass repatriation was over and the attention of UNRRA teams could be turned to the groups of displaced persons who were unable to leave Germany that the special problem of unaccompanied children began to emerge. They were found first in DP Camps where adults, usually of their own nationality, were taking care of them. The numbers in the camps were few, however, compared to the thousands which countries insisted were in Germany. By September, 1945 there was full recognition on the part of UNRRA, Military Authorities and National Governments that a systemised plan for the location and identification of these children had to be put into effect. Such a plan was worked out and put into operation in the U.S., British and French Zones.

IV. Development of Program to Date.

8. The search for these children, the investigation necessary to determine their identity and nationality, and the program necessary for their care and repatriation have presented problems of considerable magnitude.

9. The steps involved in trying to locate these children are these:

- a. Military directives have been issued to German officials to report specific identifying information on all United Nations' children who have been brought into or who have been born in Germany. This provides a major source of information on the whereabouts of these children, but many others are located through clues which the welfare officers pick up in their visits to German institutions or in their interviews with children already located.
- b. In each Zone, special Child Investigation teams are assigned to follow up on the children reported.

These children have been so successfully "Germanised" after a period of years in Germany that considerable interviewing skill and language facility are necessary to extract the pertinent information which will re-establish the identity of the child. The child himself is interviewed and any adults who are now with him are required to give whatever information they may have concerning the child's past. Any documents or papers which might help to identify the child are usually non-existent. All possible information is gathered on each child and compiled into an individual record, which for most of these children represents the first and only claim to their true identity. A copy of each record is sent to the Child Tracing Section of the UNRRA Central Tracing Bureau. This section initiates enquiries immediately to locate parents or relatives named in the child's record. Letters of enquiry are sent to all parts of the world, radio broadcasts are used, and lists of the children found are printed and distributed to organisations and publications in an effort to find parents or relatives. The reunions of children with their families have been dishearteningly few in number thus far. Many of the parents who are dead have not yet been reported and many of those still living have not yet been contacted in their own countries because of breakdown of communications and the frequent shifting of population. However, where the nationality of the children has been definitely established, they can be sent to children's homes in their own countries where the search for their families can be continued.

V. Problems Affecting Location and Repatriation.

10. The decisions necessary to the identification and repatriation of these children have had to be worked out with the representatives of the National Governments concerned. National laws must be applied in determining whether or not countries have a legitimate claim to the children, particularly those who were born in Germany, and National decisions must be abided by in determining what children are acceptable for repatriation. Countries are demanding that their children be found and sent home as quickly as possible and in their very real need for children, they are sometimes over-zealous in their claims. They are determined in their refusal to repatriate children whose parents have been Nazi collaborators or sympathisers. This affects children known as "Volksdeutsch" and often children born of part-German parentage.

11. The children who are being located fall into the following categories as to nationality status:-

- a. Those who can be clearly identified as belonging to a particular country and are therefore repatriable. This is the largest group.
- b. Those whose countries of origin can be clearly established but whose countries are not represented in Germany by repatriation officers. These children are from the Baltic countries or are persecuted from ex-enemy countries, such as Hungary.

- c. Those of undetermined nationality. These are children who are known definitely to be non-German but on whom there is not sufficient information to determine the country of origin.
- d. Jewish children constitute a special category in that they will not be repatriated unless they so choose. Jewish children of any nationality may be considered for resettlement elsewhere. This has been uniformly agreed by the liaison officers of Czechoslovakia, Yugoslavia and Poland. Representative Jewish Committees have assumed responsibility for decisions affecting unaccompanied children.

12. Plans for the disposition of unaccompanied children are being considered and proposals to move them out of Germany to other countries are in process. These proposals fall into two groups - those which are made by duly authorized agencies interested in the resettlement of children and those unauthorized attempts to move children to other countries which have been made at various times by political groups. There are two emigration plans in progress at present, namely, movements of children to Palestine, under the auspices of the Jewish Agency for Palestine, and the emigration of a group of children to the United States under the sponsorship of the U.S. Committee for the Care of European Children. In addition to these two emigration plans devised specifically for children, a small number of children will be going to England under the plan of the British Government which has offered to grant visas to DEs in Germany who have close relatives in England. These moves are recognized as desirable and authentic but the release of children for permanent resettlement in other countries involves legal measures and responsibilities which have not as yet been clearly defined. Over the past months, four instances have come to the attention of UNRRA of attempts on the part of various groups to carry out unauthorized moves of children to other countries. In order to prevent much illegal transfers of children there needs to be a more clear-cut recognition of guardianship responsibilities on the part of military authorities. To regularize movement of orphan and unaccompanied children and to prevent any further unauthorized departures, USFET has issued a Directive (AG 383. GEC-AGO - 11 May, 1946) which requires that permission of USFET be obtained before any child may leave the U.S. Zone.

13. The movement of any of these children out of Germany focuses attention immediately on the need for legal safeguards and the determination of legal responsibility for:-

a. Guardianship.

The group of children under discussion in this statement are minors without the protection of adult family members. They must, in matters, concerning their care and disposition, be under the legal guardianship of the occupying governments of Germany. Responsibility for guardianship, while implied and accepted, has never been translated into concrete terms and issued as a statement of policy by the military authorities. The fact that a statement has not been issued makes it difficult to provide effective safeguards for these children particularly in relation to unauthorized adoptions, desertion by parents, illegitimacy and transfers to other countries.

UNRRA acts in the capacity of temporary custodian of these children. This responsibility too has been implied but never officially established in the three Zones. Thus UNRRA's position is uncertain and its staff finds it necessary to establish policies and make decisions without the support of military authority.

b. Age of Choice.

The age at which a child may decide for himself whether he wishes to return to his own country or choose another country for resettlement is a matter on which decisions should be reached. In Poland, Yugoslavia and Czechoslovakia, the age of 18 years is considered the age of individual choice. Unaccompanied children from these countries are not free to make a decision with regard to repatriation or resettlement unless they are 18 years old or over. The agencies sponsoring the two emigration projects now in progress consider that any child of 16 years or over may make this decision for himself. UNRRA has always considered an unaccompanied child as any child under 18 and has made reports to repatriation officials on this basis. It is apparent to anyone working with this group of young people that at 16 they are in most instances quite capable of making a decision with regard to repatriation or resettlement. If a minimum age limit for such decisions could be arrived at either between the military authorities and the national governments or solely by military authorities, it would do a great deal to clarify the issue throughout the Zones. It would be UNRRA's recommendation that 18 be retained as the age limit for conducting the search for United Nations' children but 16 be established as a minimum age for making a choice concerning repatriation or resettlement. This is not in harmony with the present requirements of the countries concerned, but it is UNRRA's opinion that some modification of their regulations might be solicited.

c. Nationality Status.

Unaccompanied children whose nationality status cannot be now determined constitute a comparatively small group, but one for which important legal decisions need to be made. These are children on whom sufficient evidence is available to substantiate the fact that they are non-German, but on whom there is not enough identifying information to establish unquestionably their country of origin. On some of these children no clues are available, on others the information is such that the nationality of the child may be disputable. Continuing efforts are being made to uncover further facts concerning these children, and it is possible that given sufficient time for information to accumulate, some of them may eventually be identified as to nationality. There will be others whose country of origin and/or whose personal identity may never be known. These children more than any others are in need of legal safeguards. It is UNRRA's opinion that

these children should be declared the wards of occupying governments of Germany and as such should retain their displaced persons' status until such time as a duly authorised organisation can declare them to be stateless and consequently eligible for disposition.

d. Illegitimate Children.

The problem of illegitimacy has serious legal and social import. The number of children who are being born out of wedlock among displaced persons in Germany is on the increase, and the circumstances of the situation often place a premium on desertion or even infanticide. While there is full recognition of the fact that wherever possible these children should be kept with their mothers, it is equally essential to recognise that in certain cases the removal of the child from the mother is necessary in order to safeguard the life and interests of the child. With regard to these children it is UNRRA's recommendation that protective procedures be developed by which UNRRA may be duly authorised:-

- (1) to take any child into care when the abuse and neglect of the mother endangers the life of the child.
- (2) to accept from an unmarried mother the temporary custody of her child when circumstances indicate that she intends to desert it or when she herself cannot manage to care for it.

The problem of illegitimacy, as all other problems concerned with unaccompanied children, cannot be ignored. As the workers in the field are confronted with such problems, they work out what seems to them sound and desirable solutions, but this is a heavy responsibility and one which should be executed only with the official backing of the occupying government. UNRRA recommends that the protection of children born out of wedlock be recognised as a responsibility of the occupying governments and that as part of their responsibility they provide legal safeguard for these children.

e. Adoptions.

Adoptions of unaccompanied United Nations' children constitute another area in which legal and social protection is indicated. The original instructions issued by SHAEF (CA/d9 - May 1945, Part II Sec. 7) provide that under no circumstances should children be permanently placed nor should any plans for adoption be consummated. It was the intention of this statement to prevent the adoption of unaccompanied children until such time as orphan status could be determined and the necessary official procedures could be established. Such procedures have not been established, and it is UNRRA's recommendation that the military authorities reaffirm their policy with regard to adoptions, and that a military directive be issued stating the decisions of the National Governments with regard to adoption.

14. It is imperative that the treatment of these problems be similar in all three Zones in which UNRRA operates. However, attempts to secure quadripartite agreement on the questions of guardianship, nationality, status and removal of children from German homes have been recognised as futile by the Displaced Persons Directorate and the Legal Directorate of the Allied Control Commission. This throws the responsibility for deciding the questions upon the military authorities of each Zone. There has already been strong indication of the fact that this will lead not only to great variation in approach to the problems, but to policies which are opposed to the requests of the National Governments. UNRRA, in each Zone, under direction from Central Headquarters is, however, pursuing these matters with the military authorities, in order to endeavour to obtain the greatest degree of uniformity in the three Zones consistent with the adequate protection of the interest of the child.

VI. Care of Unaccompanied Children.

15. Children without parents or relatives to care for them may be cared for in DP Camps where specialised children's services are developed for them, or in Children's Centres set up especially for the care of unaccompanied children. The location of children has been so rapid that it has not been possible to expend facilities sufficiently to bring all children into UNRRA Centres. This is particularly true where children are found in groups of a hundred or more. These children must be left in the German communities for the time being, but they are registered and the welfare officers are keeping in touch with them. Repatriation plans are now under way for children whose nationality has been definitely established. This will include several thousand children, most of whom will be going to Poland, Czechoslovakia and Yugoslavia. As additional children are found, they will be repatriated as quickly as possible.

16. The task is a continuing one. As the children already located leave Germany for their own countries or new homelands, others are found and brought under care to await repatriation or resettlement. The length of the task will depend on two things - the extent of the problem as revealed by information now coming in, and the personnel available to permit registration of these children. The longer these children remain in German families and institutions, the more difficult it is to extricate them. Operations in Germany are now definitely directed toward the reinstatement of German governmental machinery and it becomes increasingly more difficult to secure settlement of issues affecting displaced persons, particularly children.

VII. Recommendations.

17. It should be recognised by UNRRA administration and military authorities that the problem of locating United Nations' children in Germany is now beginning to reach its peak. If the undertaking is to be completed within the next six months, the present programme must be greatly accelerated and expanded. This means the acquisition of additional personnel, both technical and clerical, and flexibility of personnel policy with regard to their recruitment and assignment. Recruitment from voluntary agency sources and the employment of qualified displaced persons should be given priority since these people have a knowledge of the languages and cultural backgrounds of the children concerned.

18. A decision has been taken by the Legal Directorate of A.C.A. that the legal problems affecting United Nations' unaccompanied children cannot be dealt with on a quadripartite level since agreement by the four powers with regard to policies cannot be reached. This means that the occupying power of each Zone must develop its own policies and procedures with regard to the problems of location and registration, guardianship, determination of citizenship, adoptions and illegitimacy.

UNRRA has outlined these problems, together with the recommended policy action, for presentation to military authorities in each Zone. The British and U.S. Zones have already formulated directives on some of these issues at the instigation of UNRRA, but there needs to be more evident recognition on the part of the occupying powers through their home governments of the significance of these problems and an acceptance of their responsibility for handling them. It is important, for instance, that the U.S. War Department and State Department be aware of the problems as UNRRA sees them and that they lend support to the recommendations as made by UNRRA for the U.S. Zone.

Cognisance should be taken of the fact that the Berlin area presents a unique problem in that the Sector lines are more difficult to maintain than Zone lines. With respect to the location and documentation of children, this points to the need for co-ordinating the work under one person.

19. Clues as to the circumstances under which these children were brought to Germany and the destinations to which they were sent abound in the numerous records and documents of the Nazi party and in the files of German agencies and organisations. The Herculean task of following up these clues and centralising this source material has only just begun. More concentrated effort must be applied to this project both by the military and by UNRRA in order to provide the important leads necessary to uncover these children. The primary responsibility for this activity rests with the Central Tracing Bureau, but there is joint planning by tracing and Child Welfare staffs with regard to the problem. Military support in obtaining such records from the German sources is absolutely essential.

20. Much more remains to be done by way of co-ordinating the departure of children from Germany with their reception in their own countries. This is particularly true of Poland since the vast majority of repatriable unaccompanied children are Polish. It is imperative that a close working relationship be established between the German operation and Poland in order to ensure an exchange of information and a co-ordination of activities relating to unaccompanied children.

An important corollary to this proposal is that of following clues which originate in Germany but which lead to the uncovering of children in adjacent countries, particularly Austria, Czechoslovakia and Poland. These countries were used by the Nazis as transport

routes and many children were scattered along these routes because of bombings, army movements and the cessation of the war. It is important that the threads be followed with the countries concerned so as to complete the search for these children.

Prepared by - Hiloon Blackoy.
Child Welfare Consultant.
June 24th, 1946.

U N R R A
CENTRAL HEADQUARTERS FOR GERMANY
SUMMARY STATEMENT ON UNITED NATIONS'
UNACCOMPANIED CHILDREN IN GERMANY.

Summarized version
of CCE(46)53 Annex I
prepared for Berlin
General

1. The Problem.

- a. A large number of United Nations' children are hidden in German homes and institutions. Ten thousand have already been located. It is believed that several hundred thousand may still be hidden.
- b. The true number of "hidden" children cannot be determined until several current activities bring further results. One source of information will be the returns on a census ordered by the military authorities of all United Nations' children now in Germany. This will reveal not only the children who were stolen and brought in here but also those born here of United Nations' nationals. Another source will be the lists of missing children now being compiled by the countries whose children are in Germany.
- c. Many children were exterminated or were casualties of the war. It is important to verify these deaths.
- d. The sources of UNRRA responsibility and authority are indicated in the attached appendix.

2. Current Operations.

- a. Child Search teams in the three Zones are locating and registering the children. German orphanages, nurseries and hospitals are being systematically covered. Children taken by German families for foster home care or adoption are also investigated.
- b. All possible information about each child is secured and his case is registered with the Central Tracing Bureau where enquiries are initiated to locate parents or relations. Cases are then presented to National Liaison Officers for determination of citizenship, after which the children are removed from German homes or institutions and placed in UNRRA centres.
- c. Unaccompanied children are cared for in DP camps with special children's services provided, or in children's centres set up specially for their care. Because of the limitation of facilities and the length of time required to document children and establish their nationality, many are still living in German institutions or communities. These children are recorded, however, and UNRRA staff is keeping in touch with them.
 - (1) Those children whose citizenship is definitely established are repatriated. While awaiting repatriation, the children are oriented with respect to their own country and language.
 - (2) There are, in addition to the group of repatriable children; (a) a considerable number of Jewish children (approx. 4,000 to date) most of whom will not return to their countries of origin; (b) children of disputed citizenship; and (c) children whose citizenship cannot be determined because of lack of information. These groups will remain under care until legal decisions concerning guardianship are taken and plans made for resettlement.
 - (3) There are now approximately 6,600 unaccompanied children in UNRRA centres and 2,400 in German institutions or communities. Since last fall approximately 1,000 children have been repatriated or have gone to other countries for temporary or permanent care.

/3. Future Plans.

3. Future Plans.

- a. Clues as to the circumstances under which these children were brought into Germany and the destinations to which they were sent appear in the numerous records of the Nazi party and in the files of German organisations. Pursuit of these clues, centralization and analysis of this mass of material will be enlarged and accelerated.
- b. Progressive steps are being taken to outline the relative responsibilities of UNRRA and the military authorities. A further order is being prepared to bring about the coordination of the efforts of the military agencies and of the UNRRA Zones and Central and Zone Tracing Bureaux.
- c. Continued efforts are being made to bring about a recognition on part of the occupying powers of the significance of the location and care of unaccompanied children and active acceptance of their responsibility for location, repatriation, guardianship, determination of citizenship, adoptions, and illegitimacy.
- d. A closer working relationship is being developed with Poland including planned interchange of visits between the Child Welfare staffs of UNRRA Poland and UNRRA Germany. This will make possible the coordination of the departure of children located in Germany with their arrival in the home country.
- e. Austria, Poland and Czechoslovakia were used as transport routes. Many children were scattered in these countries due to bombings, Army movements and the cessation of the war. A complete search requires that clues originating in Germany be followed up by an interchange of visits with the Child Welfare staffs in these countries also.
- f. Additional personnel, both technical and clerical, will be assigned to follow up on the leads and clues as rapidly as these leads are developed. The present operation is being accelerated and expanded in order to locate as many children as possible within the remaining six months of the UNRRA programme.

CARL H. MARTINI
Assistant Chief of Operations.
(Relief Services)

26/6/46.

U N R R A
CENTRAL HEADQUARTERS FOR GERMANY

SOURCES OF UNRRA'S RESPONSIBILITY AND AUTHORITY.

1. Resolutions on Policy - UNRRA Council.

- No.1 - Relating to Scope of the Activities of the Administration.
Sec.II.
- No.10 - Relating to Policies with Respect to Displaced Persons.
Sec. I, 2.
- No.71 - Relating to Functions of the Administration with respect to
Displaced Persons.
- No.92 - Relating to Displaced Persons Operations.

2. Administrative Memo. No. 39 - SILEF.

- Section II - a (1), (6)
- " II - b (4).

3. Military Directives.

Allied Control Authority.

- (1) CORC/M (45) 22, Nov. 25, 1945.
"Conduct of Searches by German Authorities in connection with
living United Nations' Children".
- (2) CORC/M (46) 12.
"Census and Registration in Germany of United Nations' Children".
March, 1946.

British Zone.

- (1) Ref: FWDP/58050/Pol.
"Unaccompanied Children".
- (2) HQ/011119/Sec.P.
"Census and Registration of United Nations' Children in the
British Zone of Germany." April 16, 1946.

U.S. Zone.

- (1) AG.383. 7 GEC - AGC
"Repatriation and Resettlement of Orphan and Unaccompanied
Children". May 11, 1946.

4. UNRRA.

- (1) "Registration and Identification of Displaced Unaccompanied
Children in Enemy Territory".
Prepared by Welfare Division, E.R.O. - January, 1945.
- (2) "Child Care: Policy and Programme" - General Bulletin No.78,
C.HQ., Germany - April 15th, 1946.

UNITED NATIONS
RELIEF AND REHABILITATION ADMINISTRATION
ITALIAN MISSION
ROME.

WR 24

Your
Ref No. MAV/MCL/WE.24.

DES.402258.

R.S.3.7-2

2nd July, 1946.

INDEXED

TO: The Director,
Welfare & Repatriation Division,
UNRRA, E.R.O.
170A, Gt. Portland Street,
LONDON, W.1.

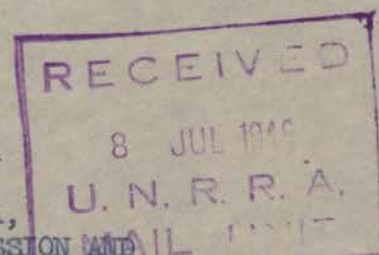
FROM: UNRRA, Italian Mission, Rome.
(Bureau of Relief Services).

SUBJECT: Statement on Problems relating to Displaced Unaccompanied Children in Germany, and Recommended Action by the Military Authorities.

1. We wish to thank you for your Statement on problems relating to Displaced unaccompanied children in Germany, and covering letter of the 20th June under above reference.
2. It is our feeling that these considerations of general policy regarding the subject of displaced unaccompanied children is timely.
3. We are conducting an intensive survey to determine the applicability of these principles and procedures in Italy, and we are also discussing this entire matter with Allied Forces Headquarters for their information and guidance.
4. A number of situations have recently arisen in Italy, particularly in the case of a group of unaccompanied Polish children allegedly brought illegally from Austria into Italy where UNRRA's responsibilities as well as Military and United Nations Government responsibilities for unaccompanied children need clarification and consolidation to ensure protection to these children.



A. A. Sorieri
A.A. Sorieri,
DEPUTY CHIEF OF MISSION AND
CHIEF BUREAU OF RELIEF SERVICES.



HM/jeb.

c.c. Displaced Persons Div. (2).
Chief of Mission's Office.
Legal Adviser.
File.

DESPATCHED BY REG. 111 OUT FILE

11th Street, Portland Street,

WR 24

Dec - No. 1647

29th June, 1946.

15 July 46

To: Chief of Operations, Germany,
UNRRA Central Headquarters, Arolsen.

Attention: Relief Services - Miss Blackey.

From: Welfare and Repatriation Division, ERO.

USPET Directive on Unaccompanied Children.

We regret having delayed in sending the comments of our Legal Division on Draft B in the proposed directive on Displaced Children which you submitted for consideration in ERO. As we have pointed out on previous occasions we believe that it would be more desirable for no adoptions to take place until such time as an agency competent to act on behalf of unaccompanied children of undetermined nationality has been established and is in operation. However, in view of the information which you have given us, namely, that some adoptions will take place it does seem desirable that certain safeguards should be established when the adoption is being considered. We submit the following comments on Draft B of the proposed directive for your consideration:

The considerations governing adoptions listed in paragraph 3 should apply to the adoptions permitted by liaison officers as exceptions to the general prohibition on adoptions of children of determined nationality as well as to adoptions of children whose nationality cannot be determined.

Consideration (a) paragraph 3 does not adequately express the purpose which was evidently in mind. I suggest it be re-worded as follows:-

"There must be as great certainty as the circumstances permit that the child is an orphan, in particular sufficient time must have elapsed since efforts were initiated to locate parents or relatives to permit response to the enquiries. Furthermore, all reasonable efforts must have been made to accumulate evidence which might establish the child's nationality".

The proposed requirements in paragraph 3(b) that adoptions must be consummated in conformity with the German adoption law and the adoption law of the country to which the prospective parents belong may be impossible of achievement in many, if not all, instances. This is true where the adoption law of the country of the parents contains provisions which require the presence of the parties within the jurisdiction of the law or where the one law conflicts with the other. I, therefore, suggest that this provision in s(b) be modified to say "in conformity to the extent possible with the adoption law of the country of the prospective parents".

If the purpose of investigating adoption applications is to determine the qualifications of the prospective parents, then the adoption application should be referred to an authorised agency in the country in which the prospective parents reside.

It seems important that a guardian ad litem be appointed in every adoption proceeding to protect the interests of the child. Otherwise, there is no person in the proceeding who officially represents the child and looks after his interests. Such a guardian would, among other things, be authorized to request the transfer or review of the proceedings in the German court to a military government court.

These comments are sent for your information and consideration and hope the assistance to you in formulating your material.

W. Lloyd

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170a Great Portland Street,

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WR 24

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These comments are sent for your information and consideration and we hope they will be of some assistance to you in formulating your material.

U. N. R. R. A.

CENTRAL HEADQUARTERS FOR GERMANY
APO. OR BAOR

27th June, 1946.

TO: European Regional Office, London, W.1.
Welfare and Repatriation Division.
(for the attention of Child Care Consultant)

SUBJECT: STATEMENT ON PROBLEMS RELATING TO UNACCOMPANIED
CHILDREN AND RECOMMENDED ACTION BY MILITARY
AUTHORITIES.

1. We have received your communication of June 1st attaching a copy of the proposed statement on unaccompanied children to be presented to the Allied Control Authority.
2. We are most appreciative of the assistance which the Child Welfare and Legal Divisions of ERO have given us in reviewing this material and in clarifying the proposed policies on legal problems.
3. We have discussed further with the Child Welfare people in the field the proposal made by the Legal Division that each occupying power provide for the appointment of a Military Government Officer as guardian. We are all agreed that if the Military can be persuaded to see the need for such a step and if it does not jeopardise the progress which is now being made in regard to legal problems, such a course should be pursued in each Zone. In our discussions in London, it was pointed out that in reality the military authorities are accepting their guardianship responsibilities in that the Displaced Persons Division in each Zone is promoting policies and making decisions on specific problems. They may prefer to continue in this way rather than formalise their guardianship through the actual assignment of this responsibilities to any one individual or group. Actually, at the present time, the Displaced Persons Division in each Zone serves in the capacity of guardian.
4. It has been decided that the proposal for guardianship will be discussed informally by the Child Welfare specialists in each Zone with the D.P. Legal Division in each Zone, in order to determine whether this is a proposal which they feel should be put to them officially.
5. We are most anxious to have some further clarification from ERO on the matter of adoptions. When Miss Pentz was here, we discussed two possible approaches to adoptions and indicated that the Zones and CHQ favoured the policy which would permit adoptions under very controlled circumstances. When Miss Pentz returned to London she took with her a rough draft of these two proposals, together with other draft material for a proposed military directive in the U.S. Zone. Since then we have had several telephone conversations on the subject, but have as yet had no definite recommendation from ERO.
6. At the present time we are holding up the statement to the Allied Control Authority and also the proposed directives for USFET and BAOR pending the decision with regard to adoption policy. Would it be possible for us to have some word from you on this as soon as possible? We should like to point out that this proposed policy if acceptable to the military will replace the original SHAFF statement prohibiting adoptions. Such a rigid policy is no longer realistic, since adoptions are actually occurring both among DPs and

among military personnel and it seems to us more reasonable to safeguard adoptions of children than to prohibit them.

7. We shall keep you informed of developments in the field on these legal problems relating to children and will forward to you a copy of the proposal as it is finally prepared for ACA.

SGD. CARL H. MARTINI.
Assistant Chief of Operations, Germany.
(Relief Services)

EB/JG.

UG24.

UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION
GREECE MISSION

HEADQUARTERS — 4, CHURCHILL STREET, ATHENS

TELEGRAPHIC ADDRESS
UNRRA-GREECE
TELEPHONE: 30-761

RECEIVED

8 JUL 1946

U. N. R. R. A.
MAIL UNIT

Your Ref.:

Our Ref.: DP/469B/3031

Date June 27, 1946

European Regional Office
UNRRA
11 Portland Place
London, W 1

INDEXED

Attention Director Welfare Repatriation
Division

Gentlemen:

UG24 This is to acknowledge receipt of your letter of June 20 and to thank you for the enclosed document on the problems relating to displaced unaccompanied children in Germany. This document is being read with interest.

Yours very truly,

Philip Sanford.

Philip Sanford
Chief Repatriation Section



NR 24 VOL II

UNRRA

CENTRAL HEADQUARTERS FOR GERMANY

AFG:757

OR

BAOR

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INDEXED

3-JUL 1946

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Welfare & Repatriation Division.
(for the attention of Child Care Consultant).

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RECEIVED
MILITARY GOVERNMENT
JUL 1946
OFFICE OF THE
MILITARY GOVERNMENT
OFFICIALS

27.6.46.

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7. We shall keep you informed of developments in the field on these legal problems relating to children and will forward to you a copy of the proposal as it is finally prepared for ACA.

Carl H. Martini

Carl H. Martini.
Assistant Chief of Operations, Germany.
(Relief Services).

EB/JG.

MUScum 6893 Ext. 103

IMP/MCL/WE

WR 24.

DESPATCHED BY
REGISTRY

DES HD 1667

170A Ct. Portland St.,
W.I.

TO: UNHRA Central H.Q. for Germany,
Attn: Relief Services,
Arolsen, BACH.

24th June 1946

SUBJECT: Draft Directive on Unaccompanied Children in the US Zone

The attached copy includes notes incorporated in the draft material under consideration for a recommendation as a directive on unaccompanied children in the US Zone.

Miss Blackey and Miss Pentz have had an opportunity to discuss this by telephone and we are sending the attached for confirmation.

There will be some further discussion on draft B covering adoption which we will forward to you later.

Selene Gifford

Director

Enc. 1

DESPATCHED BY
REGISTRY

Culture & Repatriation Division

c.c. Miss Blackey, DES HD
Mrs. Lloyd.

1668



18th June, 1946.

DRAFT

C O P Y

PREAMBLE

1. Statement of U.S. Army's basic responsibility with respect to orphan/unaccompanied children (UN)
2. Ideas with respect to UNHRA.

SUBJECTS

1. Guide for general decision on citizenship status without necessary validating claim.
2. Location of children.
3. Disputed claim of Liaison Officers (Review Board).
4. Authorisation to enter/search Institutions private homes and effect removal.
5. Adoption (REF: Admin. Memo 39)
6. Abandoned children.
7. Age at which child can make own decisions.
8. Authorisation to remove children.

COMMENT

We note that a statement on No. 6, Abandoned children, and No. 7, Age at which Child can Make own Decisions, is not included in the body of the statement.

We assume that since abandoned children will fall into one of the broad general categories of children of united nations nationality, children of enemy status, or children of undetermined nationality, and that since the method of care for such children has been specified, that these children will be included.

It does seem important that a definite statement be included in the draft indicating the age at which the child may be considered responsible to make his own decisions. In the definition of the term "unaccompanied children" the draft states, "this to include any child born or arriving in Germany since October 1st, 1938, who was under 16 years of age on 1st January 1946" It was our understanding that 13 was the age which UNHRA had established in its work for search and documentation of children.

Amendment to a Draft UNRRA Order on Unaccompanied
Children (Miss Pentz, Mrs. Volk, Mrs. Lloyd)

UNRRA'S RESPONSIBILITY

UNRRA has responsibility under the United Nations Agreement of 9th November, 1945, by which it was established, and the Resolutions of its Council for the care of displaced persons in Germany. Its responsibility in the United States Zone is defined in its Agreement with UNRRA of 19th February, 1946, and with respect to unaccompanied children is implemented by various military directives. This responsibility includes the performance of the following services in relation to unaccompanied children:-

1. Search for and identification of United Nations children in Germany and recommendation of the removal of such children in appropriate cases from German homes and institutions.
2. Complete registration of children and tracing of parents or relatives.
3. Temporary care in childrens' centers or displaced persons' centers.
4. Assisting the military authorities and national liaison officers in preparing and carrying out repatriation.
5. Assisting organisations undertaking the resettlement of unaccompanied children.

DEFINITION

For the purpose of this directive the term "unaccompanied child" means any child born or arriving in Germany since 1st October, 1938, who is under 18 years of age, and in the United States Zone of Germany, and whose nationality may come within either of the following categories:-

- (a) Either or both of whose parents could be presumed to have United Nations nationality or a status assimilated to the status of United Nations nationals.
 - (b) Who himself may be presumed to have United Nations nationality or a status assimilated to the status of United Nations nationals.
- Any child having the foregoing qualifications comes within this definition even though he was adopted by a German family or placed in a German Institution after 1st October, 1938, and at present is residing in such a home or institution.

DRAFT

AUTHORISATION TO SEARCH FOR CHILDREN

Draw attention to Military Directive requiring German authorities to report all United Nations children.

UNRRA investigates all reports, locates children, registers them, refers to liaison officers with the objective of restoring them to their own countries and their own families.

UNRRA, through its Child Welfare Officers and Child Search and Registration Teams is authorised to conduct an active search for children. (Specific Authority for search cited and Local Military Government Detachments are requested to issue statements - Copy two paragraphs of form suggested (15 May 1946, page 2). Enforcement paragraph - Any person who wilfully delays or obstructs a Child Welfare Officer in the exercise of any power under paragraph (No. of above paragraph) of this Directive, or who fails to give such information or to produce such documents or records or conceals or prevents any persons from appearing before or being examined by a Child Welfare Officer shall, upon conviction by a Military Gov. Court, suffer such punishment as the court may determine.

Statement to be included under "Removal of Children from German Homes and Institutions".

Factors determining whether a child should be removed from a home or institution are the following:-

1. Before action for removal of a child can be initiated, nationality must be clearly established, or in the event that nationality cannot be determined there must be evidence which clearly establishes the child as non-German. The time and circumstances of his removal are by considerations of his individual welfare.

2. Invalidation of Adoption.

In cases where United Nations children have been adopted by German families and invalidation of the adoption is recommended by the national liaison officer or UNRRA or the military, the procedure for the invalidation of the adoption shall be as follows:

Application to the court for annulment of the adoption contract (provided for under the Law of April 12th, 1938)

Gesetz über die Änderung und Ergänzung familienrechtlicher Vorschriften, RGBl. 1, 380 Article 5, para 12) must be initiated by military government. The request for such action on the part of the military government may be made on behalf of the child either by the liaison officer of the country concerned or by an UNRRA official.

DRAFT

PROBLEMS IN DETERMINATION OF NATIONALITY

1. Cases in which there is evidence that the child is non-German but where information is not sufficient to establish definitely his country of origin.
2. Children brought into Germany from a known country but whose nationality in that country cannot be clearly established.
3. Children found in Germany under circumstances which indicate their parents were probably of United Nations origin or where limited information available points to the United Nations nationality.

COMMENT

In view of the fact that problems in the determination of nationality are covered more fully and more adequately in the next section of which the heading is the same in the original draft, it is recommended that the above be omitted.

DETERMINATION OF NATIONALITY.

1. Responsibility for determining nationality of unaccompanied children rests with the duly authorized repatriation officer of the country in which nationality is indicated. All decisions regarding the disposition of children whose nationality has been determined are ultimately the responsibility of their government.

a. Conflicting Claims.

- i. Cases in which there are conflicting claims on the part of two or more countries in regard to nationality of the child will be referred for decision to the Review Boards described in Section.....
- ii. Cases in which there is a conflicting claim that the child has ex-enemy nationality will also be heard by the Review Board provided that the request for review is endorsed by military government.

b. Ex-enemy.

- i. All unaccompanied children whose nationality is determined to be German will be referred to military government for care and disposition by German welfare authorities.
- ii. In instances where the child is determined to be non-German but is of ex-enemy nationality he will be referred to the appropriate military authorities for care and disposition by them.

c. Undetermined Nationality.

- i. In all cases where nationality cannot be determined and there is evidence that the child is not of ex-enemy nationality the child will be treated as having United Nations status. Such children will be termed to be of "undetermined nationality" until further investigation or decisions prove nationality. Children of "undetermined nationality" will be eligible for care by UNRRA. Decisions affecting their disposition will be the responsibility of the military on the advice of UNRRA. Guides to the provisional determination of nationality status are as follows:-

- (a) Children brought into Germany from a known country but whose nationality in that country cannot be clearly established, will, upon acceptance by that country, be considered as having nationality in the country of origin.
- (b) Children found in Germany, or brought into Germany, under circumstances which indicate their parents were probably of United Nations origin, or assimilated in status, will, upon acceptance by that

country be considered as having the nationality of the country of which their parents were thought to be nationals.

- (c) If the government of the country of origin does not acknowledge that status and accept the child for repatriation, the child will be considered to be of "undetermined nationality" unless there is evidence more clearly defining his status.

DRAFT A

Adoption of Displaced United Nations Children

Adoptions in Germany of United Nations children and children assimilated to them in status now in Germany are prohibited as stipulated in SHARP CA/89, Part II Section 7.

National governments have in general prohibited the adoption of their orphan children now in Germany. The following decisions have been given specifically by Poland, Czechoslovakia, and Yugoslavia with regard to adoptions of their nationals.

1. In cases where adult nationals wish to adopt a child of their own nationality, they are advised to wait until after repatriation to initiate adoption proceedings.
2. Adults who have decided not to be repatriated will not be permitted to adopt orphan children of their nationality. Such children are to be repatriated.
3. Unaccompanied children of one country cannot be adopted by the nationals of another country. Such children must be returned to their own countries.

In conformance with paragraph one, children whose nationality is undecided because of the conflicting claims of two or more countries and children whose nationality cannot be determined may not be made available for adoption in Germany.

REVIEW BOARDS

Establish at USFET and at Divisions, Review Boards on problems affecting unaccompanied children, particularly problems of determination of nationality, but also questions involving welfare, best interests and disposition of children of undetermined nationality.

Composition of Boards - Representation from Army Displaced Persons including legal, Military Government Public Welfare, and National Liaison Officers.

Provision that liaison officers of individual countries are represented when issues involve children who may be their nationals are under consideration.

(Permanent representation of the National Liaison element, specific appearance of a member when issues involving their country are discussed).

Comment

The question has been raised whether UNRRA since it does not in itself have authority to dispose of United Nations children can sit on a board where it shares responsibility for such authority. This question is under consideration by the Legal Division but aside from the legal point which may be involved there is some question as to whether UNRRA would not be in a stronger position by carrying out the function of assembling information and presenting evidence to the Review Board for consideration rather than being a member on such a Board.

Authority of Jurisdiction

1. To review evidence and make decisions in cases which involve conflicting claims of nationality.
2. In cases of children of "undetermined nationality" and those who are non-repatriable to make decisions on recommendations presented affecting the care, protection, and welfare of such children. This includes:-
 - (a) release for immigration or resettlement.
 - (b) authority to decide removal from German homes or institutions.
 - (c) action for protection of property rights or claims.
 - (d) authority to place children in the care of qualified agencies.
 - (e) authority to decide other matters for the welfare of the child.

Comment

You will note that No. 1 and 3 under the heading "Authority of Jurisdiction", as written in the original draft have been omitted. Since the three national governments whose children form the largest group coming to the attention of UNRRA have informed us of the policy for determination of nationality of their citizens, it does not seem that the Review Board should assume the function of establishing policies for determination of nationality. We note in the draft that the Committee working on the draft directive had not decided on what issues the proposed Review Board would review and make decisions at the Division level. Since the meeting at which the draft was prepared, you have received the draft on unaccompanied children from E.R.O. in which it was recommended that the military assume guardianship for unaccompanied children of United Nations nationality. It is E.R.O.'s considered opinion that the assumption of this function by the military is desirable. If such assumption does not seem possible and the establishment of Review Boards to assume function of guardianship for the military is considered a more practical device based on experience in the field, the establishment of Review Boards on which UNRRA personnel should not sit, for the reason stated in the comment above, will probably form a workable substitute.

18th June, 1946.

DRAFT

C O P Y

PREAMBLE

1. Statement of U.S. Army's basic responsibility with respect to orphan/unaccompanied children (UN)
2. Idem with respect to UNRRA.

SUBJECTS

1. Guide for general decision on citizenship status without necessary validating claim.
2. Location of children.
3. Disputed claim of Liaison Officers (Review Board).
4. Authorisation to enter/search Institutions private homes and effect removal.
5. Adoption (REF: Admin. Memo 39)
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AUTHORISATION TO SEARCH FOR CHILDREN

Draw attention to Military Directive requiring German authorities to report all United Nations children.

UNRRA investigates all reports, locates children, registers them, refers to liaison officers with the objective of restoring them to their own countries and their own families.

UNRRA, through its Child Welfare Officers and Child Search and Registration Teams is authorised to conduct an active search for children. (Specific Authority for search cited and Local Military Government Detachments are requested to issue statements - Copy two paragraphs of form suggested (15 May 1946, page 2). Enforcement paragraph - Any person who wilfully delays or obstructs a Child Welfare Officer in the exercise of any power under paragraph (No. of above paragraph) of this Directive, or who fails to give such information or to produce such documents or records or conceals or prevents any persons from appearing before or being examined by a Child Welfare Officer shall, upon conviction by a Military Gov. Court, suffer such punishment as the court may determine.

Statement to be included under "Removal of Children from German Homes and Institutions".

Factors determining whether a child should be removed from a home or institution are the following:-

1. Before action for removal of a child can be initiated, nationality must be clearly established, or in the event that nationality cannot be determined there must be evidence which clearly establishes the child as non-German. The time and circumstances of his removal are by considerations of his individual welfare.

2. Invalidation of Adoption.

In cases where United Nations children have been adopted by German families and invalidation of the adoption is recommended by the national liaison officer or UNRRA or the military, the procedure for the invalidation of the adoption shall be as follows:

Application to the court for annulment of the adoption contract (provided for under the Law of April 12th, 1938)

Gesetz über die Änderung und Ergänzung familienrechtlicher Vorschriften, RGBl. 1, 380 Article 5, para 12) must be initiated by military government. The request for such action on the part of the military government may be made on behalf of the child either by the liaison officer of the country concerned or by an UNRRA official.

DRAFT

PROBLEMS IN DETERMINATION OF NATIONALITY

1. Cases in which there is evidence that the child is non-German but where information is not sufficient to establish definitely his country of origin.
2. Children brought into Germany from a known country but whose nationality in that country cannot be clearly established.
3. Children found in Germany under circumstances which indicate their parents were probably of United Nations origin or where limited information available points to the United Nations nationality.

COMMENT

In view of the fact that problems in the determination of nationality are covered more fully and more adequately in the next section of which the heading is the same in the original draft, it is recommended that the above be omitted.

DETERMINATION OF NATIONALITY.

1. Responsibility for determining nationality of unaccompanied children rests with the duly authorised repatriation officer of the country in which nationality is indicated. All decisions regarding the disposition of children whose nationality has been determined are ultimately the responsibility of their government.

a. Conflicting Claims.

- i. Cases in which there are conflicting claims on the part of two or more countries in regard to nationality of the child will be referred for decision to the Review Boards described in Section.....
- ii. Cases in which there is a conflicting claim that the child has ex-enemy nationality will also be heard by the Review Board provided that the request for review is endorsed by military government.

b. Ex-enemy.

- i. All unaccompanied children whose nationality is determined to be German will be referred to military government for care and disposition by German welfare authorities.
- ii. In instances where the child is determined to be non-German but is of ex-enemy nationality he will be referred to the appropriate military authorities for care and disposition by them.

c. Undetermined Nationality.

- i. In all cases where nationality cannot be determined and there is evidence that the child is not of ex-enemy nationality the child will be treated as having United Nations status. Such children will be termed to be of "undetermined nationality" until further investigation or decisions prove nationality. Children of "undetermined nationality" will be eligible for care by UNRRA. Decisions affecting their disposition will be the responsibility of the military on the advice of UNRRA. Guides to the provisional determination of nationality status are as follows:-

- (a) Children brought into Germany from a known country but whose nationality in that country cannot be clearly established, will, upon acceptance by that country, be considered as having nationality in the country of origin.
- (b) Children found in Germany, or brought into Germany, under circumstances which indicate their parents were probably of United Nations origin, or assimilated in status, will, upon acceptance by that

country be considered as having the nationality of the country of which their parents were thought to be nationals.

- (e) If the government of the country of origin does not acknowledge that status and accept the child for registration, the child will be considered to be of "undetermined nationality" unless there is evidence more clearly defining his status.

DRAFT A

Adoption of Displaced United Nations Children

Adoptions in Germany of United Nations children and children assimilated to them in status now in Germany are prohibited as stipulated in SHAEF CA/39, Part II Section 7.

National governments have in general prohibited the adoption of their orphan children now in Germany. The following decisions have been given specifically by Poland, Czechoslovakia, and Yugoslavia with regard to adoptions of their nationals.

1. In cases where adult nationals wish to adopt a child of their own nationality, they are advised to wait until after repatriation to initiate adoption proceedings.
2. Adults who have decided not to be repatriated will not be permitted to adopt orphan children of their nationality. Such children are to be repatriated.
3. Unaccompanied children of one country cannot be adopted by the nationals of another country. Such children must be returned to their own countries.

In conformance with paragraph one, children whose nationality is undecided because of the conflicting claims of two or more countries and children whose nationality cannot be determined may not be made available for adoption in Germany.

REVIEW BOARDS

Establish at USFET and at Divisions, Review Boards on problems affecting unaccompanied children, particularly problems of determination of nationality, but also questions involving welfare, best interests and disposition of children of undetermined nationality.

Composition of Boards - Representation from Army Displaced Persons including legal, Military Government Public Welfare, and National Liaison Officers.

Provision that liaison officers of individual countries are represented when issues involve children who may be their nationals are under consideration.

(Permanent representation of the National Liaison element, specific appearance of a member when issues involving their country are discussed).

Comment

The question has been raised whether UNRRA since it does not in itself have authority to dispose of United Nations children can sit on a board where it shares responsibility for such authority. This question is under consideration in the Legal Division but aside from the legal point which may be involved there is some question as to whether UNRRA would not be in a stronger position by carrying out the function of assembling information and presenting evidence to the Review Board for consideration rather than being a member on such a Board.

Authority of Jurisdiction

1. To review evidence and make decisions in cases which involve conflicting claims of nationality.
2. In cases of children of "undetermined nationality" and those who are non-repatriable to make decisions on recommendations presented affecting the care, protection, and welfare of such children. This includes:-
 - (a) release for immigration or resettlement.
 - (b) authority to decide removal from German homes or institutions.
 - (c) action for protection of property rights or claims.
 - (d) authority to place children in the care of qualified agencies.
 - (e) authority to decide other matters for the welfare of the child.

ent

You will note that No. 1 and 3 under the heading "Authority of Jurisdiction", given in the original draft have been omitted. Since the three nationalities whose children form the largest group coming to the attention of UNRRA are of the policy for determination of nationality of their citizens, it was suggested that the Review Board should assume the function of establishing determination of nationality. We note in the draft that the draft directive had not decided on what issues the proposed Board would review and make decisions at the Division level. Since the draft was prepared, you have received the draft on unaccompanied children which it was recommended that the military assume guardianship of United Nations nationality. It is E.R.O.'s assumption of this function by the military is desirable. It is possible and the establishment of Review Boards to assist the military is considered a more practical solution. In the field, the establishment of Review Boards on which UNRRA would be represented for the reason stated in the comment above, will be more effective.

MUSEum 6898 Ext. 103

DMP/MCL/WE

170A Gt. Portland St.,
W.I.

TO: UNRRA Central H.Q. for Germany, 24th June 1946
Attn: Relief Services,
Arolsen, BAOR.

SUBJECT: Draft Directive on Unaccompanied Children in the US Zone

The attached copy includes notes incorporated in the draft material under consideration for a recommendation as a directive on unaccompanied children in the US Zone.

Miss Blackey and Miss Pentz have had an opportunity to discuss this by telephone and we are sending the attached for confirmation.

There will be some further discussion on draft B covering adoption which we will forward to you later.

Selene Gifford
Director

Enc. 1

Welfare & Repatriation Division

c.c. Miss Blackey,
Mrs. Lloyd.

18th June, 1946.

DRAFT

C O P Y

PREAMBLE

1. Statement of U.S. Army's basic responsibility with respect to orphan/unaccompanied children (UN)
2. Idem with respect to UNRRA.

SUBJECTS

1. Guide for general decision on citizenship status without necessary validating claim.
2. Location of children.
3. Disputed claim of Liaison Officers (Review Board).
4. Authorisation to enter/search Institutions private homes and effect removal.
5. Adoption (REF: Admin. Memo 39)
6. Abandoned children.
7. Age at which child can make own decisions.
8. Authorisation to remove children.

COMMENT

We note that a statement on No. 6, Abandoned children, and No. 7, Age at which Child can Make own Decisions, is not included in the body of the statement.

We assume that since abandoned children will fall into one of the broad general categories of children of united nations nationality, children of ex-enemy status, or children of undetermined nationality, and that since the method of care for such children has been specified, that these children will be included.

It does seem important that a definite statement be included in the draft indicating the age at which the child may be considered responsible to make his own decisions. In the definition of the term "unaccompanied children" the draft states, "this to include any child born or arriving in Germany since October 1st, 1938, who was under 16 years of age on 1st January 1946" It was our understanding that 18 was the age which UNRRA had established in its work for search and documentation of children.

Amendment to a Draft USFET Order on Unaccompanied
Children. (Miss Pentz, Mrs. Valk, Mrs. Lloyd)

UNRRA'S RESPONSIBILITY

UNRRA has responsibility under the United Nations Agreement of 9th November, 1943, by which it was established, and the Resolutions of its Council for the care of displaced persons in Germany. Its responsibility in the United States Zone is defined in its Agreement with USFET of 19th February, 1946, and with respect to unaccompanied children is implemented by various military directives. This responsibility includes the performance of the following services in relation to unaccompanied children:-

1. Search for and identification of United Nations children in Germany and recommendation of the removal of such children in appropriate cases from German homes and institutions.
2. Complete registration of children and tracing of parents or relatives.
3. Temporary care in childrens' centers or displaced persons' centers.
4. Assisting the military authorities and national liaison officers in preparing and carrying out repatriation.
5. Assisting organisations undertaking the resettlement of unaccompanied children.

DRAFT

DEFINITION

For the purpose of this directive the term "unaccompanied child" means any child born or arriving in Germany since 1st October, 1938, who is under 18 years of age, and in the United States Zone of Germany, and whose nationality may come within either of the following categories:-

- (a) Either or both of whose parents could be presumed to have United Nations nationality, or a status assimilated to the status of United Nations nationals.
- (b) Who himself may be presumed to have United Nations nationality or a status assimilated to the status of United Nations nationals.

Any child having the foregoing qualifications comes within this definition even though he was adopted by a German family or placed in a German institution after 1st October, 1938, and at present is residing in such a home or institution.

DRAFT

AUTHORISATION TO SEARCH FOR CHILDREN

Draw attention to Military Directive requiring German authorities to report all United Nations children.

UNRRA investigates all reports, locates children, registers them, refers to liaison officers with the objective of restoring them to their own countries and their own families.

UNRRA, through its Child Welfare Officers and Child Search and Registration Teams is authorised to conduct an active search for children. (Specific Authority for search cited and Local Military Government Detachments are requested to issue statements - Copy two paragraphs of form suggested (15 May 1946, page 2). Enforcement paragraph - Any person who wilfully delays or obstructs a Child Welfare Officer in the exercise of any power under paragraph (No. of above paragraph) of this Directive, or who fails to give such information or to produce such documents or records or conceals or prevents any persons from appearing before or being examined by a Child Welfare Officer shall, upon conviction by a Military Gov. Court, suffer such punishment as the court may determine.

Statement to be included under "Removal of Children from German Homes and Institutions".

Factors determining whether a child should be removed from a home or institution are the following:-

1. Before action for removal of a child can be initiated, nationality must be clearly established, or in the event that nationality cannot be determined there must be evidence which clearly establishes the child as non-German. The time and circumstances of his removal are by considerations of his individual welfare.

2. Invalidation of Adoption.

In cases where United Nations children have been adopted by German families and invalidation of the adoption is recommended by the national liaison officer or UNRRA or the military, the procedure for the invalidation of the adoption shall be as follows:

Application to the court for annulment of the adoption contract (provided for under the Law of April 12th, 1938)

Gesetz über die Änderung und Ergänzung familienrechtlicher Vorschriften, RGBl. 1, 380 Article 5, para 12) must be initiated by military government. The request for such action on the part of the military government may be made on behalf of the child either by the liaison officer of the country concerned or by an UNRRA official.

DRAFT

PROBLEMS IN DETERMINATION OF NATIONALITY

1. Cases in which there is evidence that the child is non-German but where information is not sufficient to establish definitely his country of origin.
2. Children brought into Germany from a known country but whose nationality in that country cannot be clearly established.
3. Children found in Germany under circumstances which indicate their parents were probably of United Nations origin or where limited information available points to the United Nations nationality.

COMMENT

In view of the fact that problems in the determination of nationality are covered more fully and more adequately in the next section of which the heading is the same in the original draft, it is recommended that the above be omitted.

DRAFT.

DETERMINATION OF NATIONALITY.

1. Responsibility for determining nationality of unaccompanied children rests with the duly authorized repatriation officer of the country in which nationality is indicated. All decisions regarding the disposition of children whose nationality has been determined are ultimately the responsibility of their government.

a. Conflicting Claims.

- i. Cases in which there are conflicting claims on the part of two or more countries in regard to nationality of the child will be referred for decision to the Review Boards described in Section.....
- ii. Cases in which there is a conflicting claim that the child has ex-enemy nationality will also be heard by the Review Board provided that the request for review is endorsed by military government.

b. Ex-enemy.

- i. All unaccompanied children whose nationality is determined to be German will be referred to military government for care and disposition by German welfare authorities.
- ii. In instances where the child is determined to be non-German but is of ex-enemy nationality he will be referred to the appropriate military authorities for care and disposition by them.

c. Undetermined Nationality.

- i. In all cases where nationality cannot be determined and there is evidence that the child is not of ex-enemy nationality the child will be treated as having United Nations status. Such children will be termed to be of "undetermined nationality" until further investigation or decisions prove nationality. Children of "undetermined nationality" will be eligible for care by UNRRA. Decisions affecting their disposition will be the responsibility of the military on the advice of UNRRA. Guides to the provisional determination of nationality status are as follows:-

- (a) Children brought into Germany from a known country but whose nationality in that country cannot be clearly established, will, upon acceptance by that country, be considered as having nationality in the country of origin.
- (b) Children found in Germany, or brought into Germany, under circumstances which indicate their parents were probably of United Nations origin, or assimilated in status, will, upon acceptance by that

country be considered as having the nationality of the country of which their parents were thought to be nationals.

- (c) If the government of the country of origin does not acknowledge that status and accept the child for repatriation, the child will be considered to be of "undetermined nationality" unless there is evidence more clearly defining his status.

DRAFT A

Adoption of Displaced United Nations Children

Adoptions in Germany of United Nations children and children assimilated to them in status now in Germany are prohibited as stipulated in SHAEF CA/d9, Part II Section 7.

National governments have in general prohibited the adoption of their orphan children now in Germany. The following decisions have been given specifically by Poland, Czechoslovakia, and Yugoslavia with regard to adoptions of their nationals.

1. In cases where adult nationals wish to adopt a child of their own nationality, they are advised to wait until after repatriation to initiate adoption proceedings.
2. Adults who have decided not to be repatriated will not be permitted to adopt orphan children of their nationality. Such children are to be repatriated.
3. Unaccompanied children of one country cannot be adopted by the nationals of another country. Such children must be returned to their own countries.

In conformance with paragraph one, children whose nationality is undecided because of the conflicting claims of two or more countries and children whose nationality cannot be determined may not be made available for adoption in Germany.

REVIEW BOARDS

Establish at USFET and at Divisions, Review Boards on problems affecting unaccompanied children, particularly problems of determination of nationality, but also questions involving welfare, best interests and disposition of children of undetermined nationality.

Composition of Boards - Representation from Army Displaced Persons including legal, Military Government Public Welfare, and National Liaison Officers.

Provision that liaison officers of individual countries are represented when issues involve children who may be their nationals are under consideration.

(Permanent representation of the National Liaison element, specific appearance of a member when issues involving their country are discussed).

Comment

The question has been raised whether UNRRA since it does not in itself have authority to dispose of United Nations children can sit on a board where it shares responsibility for such authority. This question is under consideration by the Legal Division but aside from the legal point which may be involved there is some question as to whether UNRRA would not be in a stronger position by carrying out the function of assembling information and presenting evidence to the Review Board for consideration rather than being a member on such a Board.

Authority of Jurisdiction

1. To review evidence and make decisions in cases which involve conflicting claims of nationality.
2. In cases of children of "undetermined nationality" and those who are non-repatriable to make decisions on recommendations presented affecting the care, protection, and welfare of such children. This includes:-
 - (a) release for immigration or resettlement.
 - (b) authority to decide removal from German homes or institutions.
 - (c) action for protection of property rights or claims.
 - (d) authority to place children in the care of qualified agencies.
 - (e) authority to decide other matters for the welfare of the child.

Comment

You will note that No. 1 and 3 under the heading "Authority of Jurisdiction", as written in the original draft have been omitted. Since the three national governments whose children form the largest group coming to the attention of UNRRA have informed us of the policy for determination of nationality of their citizens, it does not seem that the Review Board should assume the function of establishing policies for determination of nationality. We note in the draft that the Committee working on the draft directive had not decided on what issues the proposed Review Board would review and make decisions at the Division level. Since the meeting at which the draft was prepared, you have received the draft on unaccompanied children from E.R.O. in which it was recommended that the military assume guardianship for unaccompanied children of United Nations nationality. It is E.R.O.'s considered opinion that the assumption of this function by the military is desirable. If such assumption does not seem possible and the establishment of Review Boards to assume function of guardianship for the military is considered a more practical device based on experience in the field, the establishment of Review Boards on which UNRRA personnel should not sit, for the reason stated in the comment above, will probably form a workable substitute.

8th June, 1946.

C O P Y.

DRAFT.

PREAMBLE.

1. Statement of U.S. Army's basic responsibility with respect to orphan/unaccompanied children (UN)
2. Idem with respect to UNRRA.

SUBJECTS.

1. Guide for general decision on citizenship status without necessary validating claim.
2. Location of children.
3. Disputed claim of Liaison Officers (Review Board)
4. Authorization to enter/search Institutions private homes and effect removal.
5. Adoption (REF: Admin. Memo 39)
- X 6. Abandoned children.
- X 7. Age at which child can make own decisions.
8. Authorization to remove children.

DRAFT.

UNRRA'S RESPONSIBILITY.

UNRRA has responsibility for the following services in relation to unaccompanied children:

1. ^{Search for} Location and identification of ^{making available for repatriation} United Nations children in Germany.
in appropriate cases ^{Recommend the removal of such children}
x Removal of such children from German homes and institutions.
2. Complete registration of children and tracing of parents or relatives.
3. Temporary care in children's centers or displaced persons centers.
- x 4. ^{He will be liaison officers in Britain & carrying out repatriation plans} Assisting ~~in plans~~ for repatriation or resettlement.
5. Assisting agencies undertaking ~~the~~ resettlement of

DRAFT.

DEFINITION.

*or who himself could be
presumed to have United
Nations Nationality*

For the purpose of this directive the term "unaccompanied child" means
any child born ~~in~~ or arriving in Germany since 1 October 1938 who was under
14 16 years of age on the 1 January 1946, either or both of whose parents could
be presumed to have United Nations ^{Nationality} Displaced Persons status, and who at present
is not in the immediate care of either or both parents or the care of a close
relative. This definition is intended to include any child who can be pre-
^{frequently qualification we thought it was adopted by a German family}sumed to be eligible for United Nations Displaced Persons status and who is
in the U.S. Zone of Germany, of ⁴⁾unknown parentage, or who was adopted by a
German family or placed in a German institution ^{at} since 1 October 1938 and at
present is residing in such a home or institution.

DRAFT.

AUTHORIZATION TO SEARCH FOR CHILDREN.

Draw attention to Military Directive requiring German authorities to report all United Nations children.

UNRRA investigates all reports, locates children, registers them, refers to liaison officers with the object and their own families.

UNRRA, through its Child Welfare Registration Teams is authorized to

(Specific Authority for search of to issue statements - Copy two per Enforcement paragraph - Any person fare Officer in the exercise of a graph) of this Directive, or who such documents or records or conc before or being examined by a Child Military Gov. Court, suffer such p Statement to be included under "Re Institutions".

In cases where United Nations Child there is documentary evidence to ~~used is to be removed from~~ governed by the following regulations:

1. Before action for removal be clearly established, or determined there must be a non German. *The time is by consideration of his*
2. The adoptive parents must their claim to the child.

3. Application to the courts for annulment of adoption contract (provided for under the law of 12 April 1938, Gesetz über die Änderung und Ergänzung familienrechtlicher Vorschriften., RGBL. 1, 380 Article 5, para 12) must be initiated by Military Government. The request for such action on the part of the Military Government may be made on behalf of the child either by the Liaison Officer of the country concerned or by an UNRRA official.

In cases where United Nations Removal for G. Home & Inst

1. Determination of

1. Factors is determining whether a child should be removed from a home or inst are the following:

~~a child should be transferred to a child's care as soon as possible~~

Invalidation of Adoption

In cases where UN children have been adopted by G. ~~It is hereby announced that the procedure of invalidation of the adoption is rec by the nat liaison officer or Unrra or the military, the procedure for the invalidation of the adoption shall be as follows:~~

DRAFT.

AUTHORIZATION TO SEARCH FOR CHILDREN.

Draw attention to Military Directive requiring German authorities to report all United Nations children.

UNRRA investigates all reports, locates children, registers them, refers to liaison officers with the objective of restoring them to their own countries and their own families.

UNRRA, through its Child Welfare Officers and Child Search and Registration Teams is authorized to conduct an active search for children.

(Specific Authority for search cited and Local Mil. Gov. Detachments are requested to issue statements - Copy two paragraphs of form suggested (15 May 1946, page 2).

Enforcement paragraph - Any person who wilfully delays or obstructs a Child Welfare Officer in the exercise of any power under paragraph (No. of above paragraph) of this Directive, or who fails to give such information or to produce such documents or records or conceals or prevents any persons from appearing before or being examined by a Child Welfare Officer shall, upon conviction by a Military Gov. Court, suffer such punishment as the court may determine.

Statement to be included under "Removal of Children from German Homes and Institutions".

In cases where United Nations Children have been adopted by German families and there is documentary evidence to prove this, ^{of} ~~removal of the child must be~~ ^{and when it is determined that} ~~governed by the following regulations:~~ ^{child is to be removed from a family or an institution}

1. Before action for removal of a child can be initiated, ^{naturally} citizenship must be clearly established, or in the event of that citizenship cannot be determined there must be evidence which clearly establishes the child as non German. ^{The time & circumstances of his removal are by considerations of his individual welfare.}
2. The adoptive parents must present certified adoption papers to substantiate their claim to the child.
3. Application to the courts for annulment of adoption contract (provided for under the law of 12 April 1938, Gesetz uber die Anderung und Erganzung familienrechtlicher Vorschriften., RGBl. 1, 380 Article 5, para 12) must be initiated by Military Government. The request for such action on the part of the Military Government may be made on behalf of the child either by the Liaison Officer of the country concerned or by an UNRRA official.

DRAFT.

Cases in which a
~~Need for~~ Determination of citizenship. *Nationality is necessary.*

Problems in the determination of Nationality

1. Cases in which there is evidence that the child is non-German but where information is not sufficient to establish definitely his country of origin.
2. Children brought into Germany from a known country but whose ^{*nationality*} citizenship in that country cannot be clearly established.
3. Children found in Germany under circumstances which indicate their parents were probably of United Nations origin or where limited information available points to United Nations nationality.

*+ add
note*

Nationality
Determination of Citizenship

Responsibility for determining *nationality* citizenship of unaccompanied children rests with the duly authorized repatriation officer of the country in which *nationality* citizenship is indicated. All decisions regarding the ~~welfare or disposition~~ of children whose *nationality* citizenship has been determined are *ultimately* the responsibility of their governments.

a) Cases in which there are conflicting claims on the part of two or more countries regarding citizenship of the child will be referred for decision to the Review Boards described under Section.....

b) Cases in which there is a conflicting claim that the child has *ex-enemy nationality* German citizenship will also be heard by the Review Boards, provided that the request for review is endorsed by Military Government.

a) All unaccompanied children whose *nationality* citizenship is determined to be ~~German~~ will be referred to Military Government for care and disposition by German Welfare Authorities.

ex-enemy b) In instances where the child is determined to be non-German but is *ex-enemy nationality* he will be referred to ~~military~~ the appropriate military authorities for care and disposition. In all cases where citizenship cannot be determined and there is evidence that the child is *not ex-enemy*, the child will be *termed as having* presumed to have United Nations' status.

Such children will be termed as of "undetermined *nationality* citizenship" until further investigation or decision proves *nationality* citizenship. Children of undetermined *nationality* citizenship will be eligible for care by UNRRA. Decisions affecting disposition will be the responsibility of the military, on the advice of UNRRA, until a United Nations organization qualified to accept guardianship is ready to assume responsibility.

Guides to the provisional determination of *nationality* citizenship status are as follows.

a) 1. Children brought into Germany from a known country but whose *nationality* citizenship in that country cannot be clearly established, will, upon acceptance by that country, be considered as having *nationality* citizenship in the country of origin.

b) 2. If the government of the country of origin does not acknowledge that status and accept the child for repatriation, the child will be considered as of "undetermined nationality" until there is evidence more clearly defining his status.

c) 3. Children found in Germany, or brought into Germany, under circumstances which indicate their parents were probably of United Nations origin, or assimilate status, will be ~~considered citizens of the country of which their parents were thought to have citizenship.~~ *referred to the appropriate national* When limited evidence *can be used for determination of status upon acceptance by that* country be considered as having *nationality* nationality in the country of which their parents were thought to have *nationality*.

available points to no one country, the child will be considered as of undetermined nationality.

4. In all cases where there is evidence that a child is non)German, and not of ex-enemy origin, though evidence is not sufficient to establish a country of origin or probable ^{nationality} citizenship of the parents, the child will be considered as of undetermined nationality.

DRAFT A.

Adoption of displaced United Nations Children.

Adoptions in Germany of United Nations children now in Germany are prohibited as stipulated in SHAEF CA/d9, Part II Section 7.

*and children assimilated
when in status*

National governments have in general prohibited the adoption of their orphan children now in Germany. The following decisions have been given specifically by Poland, Czechoslovakia, and Yugoslavia with regard to adoptions of their nationals.

1. In cases where adult nationals wish to adopt a child of their own nationality, they are advised to wait until after repatriation to initiate adoption proceedings.
2. Adults who have decided not to be repatriated will not be permitted to adopt orphan children of their nationality. Such children are to be repatriated.
3. Unaccompanied children of one country cannot be adopted by the nationals of another country. Such children must be returned to their own countries.

Conformance
In conformance with paragraph one, children whose citizenship is undecided because of the conflicting claims of two or more countries and children whose citizenship cannot be determined may not be made available for adoption. *in Germany.*

nationality

Review Boards.

must be stated

Establish at USFET and at Divisions, Review Boards on problems affecting unaccompanied children, particularly problems of determination of citizenship, but also questions involving welfare, best interest and disposition of children of undetermined citizenship.

Composition of Boards - Representation from Army Displaced Persons including legal, Military Government Public Welfare, UNRRA, and National Liaison Officers. Provision that liaison officers of individual countries are represented when issues involve children who may be their nationals are under consideration. (Permanent representation of the National Liaison element, specific appearance of a member when issues involving their country are discussed)

Authority of Jurisdiction.

1. Establish policies for determination of citizenship, or provisional ^{nationality} citizenship status, in cases which are in doubt because of insufficient information, or because there is no applicable law or established policy.

2. Review cases involving conflicting claims regarding citizenship.

3. Make decisions regarding citizenship status in such cases.

4. In cases of children of "undetermined citizenship", and the Balts, ^{nationality} of those who are non-refugees,

make ^{decisions or} recommendations ^{presented before} affecting their care, protection and welfare. This includes the

example, release for immigration or resettlement, ^{the} authorize ^{authorisation}

placement in care of qualified agencies, ^{authority for} ^{of the child} make decisions in the interest

of the child regarding removal from the German ^{home or institution} provide protection ^{provision action for}

of their property rights or claims, such as compensation. UNRRA re-

commendation required in all such cases.

Boards at Division level will review individual cases and make decisions (On what issues?) Board at USFET level to establish policies, outline procedure, and hear appeal cases. Cases may be brought up before the boards by:

DP Division, USFET.

UNRRA.

Mil. Gov. on behalf of Germans.

National Liaison Officers.

Agencies or individuals authorized to act on behalf of the child.

Voluntary agencies authorized to operate in Germany in making immigration or other plans for children.

Include

Taken by hand to Vienna

MUScum 6898

170A St. Portland Street,
W.I.

NAV/REL/WR.24

21 June 1946

To : Chief of UNRRA Mission to Austria,
Schwarzenberg Platz 16,
Vienna,
Austria. Attention: Relief Services

Subject : Statement on Problems Relating to Displaced Unaccompanied
Children in Germany, and Recommended Action by the Military
Authorities.

1. The attached statement represents the result of extended consideration in the H.R.O. of appropriate policy and procedure to recommend to the military authorities in Germany in relation to the legal protection of unaccompanied displaced children there.

2. The statement has been prepared in the General Counsel's Office in consultation with the Child Care Consultant and utilises material submitted by the Child Welfare Specialist at C.H.Q., Germany. The intention is to present it to the Allied Control Commission in Germany as an overall statement by UNRRA on the subject of children's problems and action recommended. It is also intended for the guidance of the C.H.Q., and Zone Child Welfare Specialists in Germany and as a basis for any discussions which may take place with zone military authorities.

3. You may find the material useful for the guidance of Child Welfare staff as it relates to similar problems of unaccompanied children in Austria. It may also be useful in any development of the subject with the military authorities.

It is, of course, recognised that the action recommended in the statement is not appropriate in some respects to the Austrian Operation and that, in any case, careful adaptation to the situation there would be necessary.

4. Miss Aves' visit should provide a useful opportunity for discussion of the statement as it relates to the problems of displaced unaccompanied children in Austria.

5. We would like to have your recommendations on the applicability of the statement to the Austrian Operation.

Enc: 1

Selene Gifford,
Director,
Welfare & Repatriation Division

c.c. Mrs. Lloyd
Lt.-Col. Charley

MUSEum 6898 Ext. 40

170A Gt. Portland Street,
W.1.

MAV/MCL/WE.24

26/6/46
26/6/46
95
26/6/46
June 1946

DES NO 2288

To : Chief of UNRRA Mission to Italy,
Ina Building, 3rd Floor,
Via S. Nicola da Tolentino,
Via 23 Marzo,
Rome, Italy.

Attention: Welfare & Repatriation Division.

Subject : Statement on Problems Relating to Displaced Unaccompanied
Children in Germany, and Recommended Action by the Military
Authorities.

1. The attached statement on problems relating to unaccompanied displaced children in Germany, including questions of guardianship, adoption and illegitimacy, is forwarded for your information.
2. The statement relates specifically to the problem of the unaccompanied displaced child in Germany, and in particular to recommended action by the military authorities there. Nevertheless it is based on considerations of general policy regarding the subject of displaced unaccompanied children, and has therefore a wider application.
3. We would like to have your recommendations on the extent to which the principles and procedures outlined in the paper have a bearing on similar problems amongst the displaced persons population in Italy.

Enc: 1

Selene Gifford
Director
Welfare & Repatriation Division

c.c. Mrs. Lloyd
Miss Sviggum

MUSEum 6898 Ext. 40

DESPATCHED BY
REGISTRY

20/6/46

170A Gt. Portland Street,
W.I.

MAV/MCL/WE.24

DES HD1692

20th June 1946

To : Chief of UNRRA Mission to Yugoslavia,
Kralja Ferdinand No. 5,
Belgrade,
Yugoslavia.

Attention: Relief Services

Subject : Statement on Problems Relating to Displaced Unaccompanied
Children in Germany, and Recommended Action by the
Military Authorities.

1. The attached statement on problems relating to unaccompanied displaced children in Germany, including questions of guardianship, adoption and illegitimacy, is forwarded to you for your information.
2. While the matters discussed in the paper relate specifically to the situation in Germany, and any action at present recommended will be the subject of discussion with the military authorities there, we think that you will be interested to know of the Administration's policy in general in this connection, and of the procedures which have already been worked out in Germany with the repatriation representatives of the national Governments.

Selene Gifford

Director

Welfare & Repatriation Division

Enc: 1

c.c. Mrs. Lloyd
Mr. Roger Carter

DESPATCHED BY
REGISTRY

20/6/46
JS

MUSEum 6898 Ext. 40

170A Gt. Portland Street,
W.I.

MAV/MCL/WE.24

~~20/6/46~~ June 1946

DES NO 2216

To : Chief of UNRRA Mission to Poland,
35 Hocha Street,
Warsaw,
Poland.

Attention: Relief Services

Subject : Statement on Problems Relating to Displaced Unaccompanied
Children in Germany and Recommended Action by the
Military Authorities.

1. The attached statement on problems relating to unaccompanied displaced children in Germany, including questions of guardianship, adoption and illegitimacy, is forwarded to you for your information.
2. While the matters discussed in the paper relate specifically to the situation in Germany, and any action at present recommended will be the subject of discussion with the military authorities there, we think that you will be interested to know of the Administration's policy in general in this connection, and of the procedures which have already been worked out in Germany with the repatriation representatives of the national Governments.

Selene Gifford
Director

Welfare & Repatriation Division

Enc: 1

c.c. Mrs. Lloyd
Mr. Roger Carter

DESPATCHED BY
REGISTRY 20/6/46
75

MUSEum 6898 Ext. 40

170A Gt. Portland Street,
W.I.

MAV/MCL/WE.24

20th June 1946

DEW 1399

To : Chief of UNRRA Mission to Czechoslovakia,
Palac "Atlas" Kralovska 1,
Prague 10,
Czechoslovakia.

Attention: Relief Services

Subject : Statement on Problems Relating to Displaced
Unaccompanied Children in Germany and Recommended
Action by the Military Authorities.

1. The attached statement on problems relating to unaccompanied displaced children in Germany, including questions of guardianship, adoption and illegitimacy, is forwarded to you for your information.
2. While the matters discussed in the paper relate specifically to the situation in Germany, and any action at present recommended will be the subject of discussion with the military authorities there, we think that you will be interested to know of the Administration's policy in general in this connection, and of the procedures which have already been worked out in Germany with the repatriation representatives of the national Governments.

Selene Gifford

Director

Welfare & Repatriation Division

Enc: 1

c.c. Mrs. Lloyd
Mr. Roger Carter

DESPATCHED BY
REGISTRY 20/4/46
PS.

MUSEum 6898 Ext. 40

170A Gt. Portland Street,
W.I.

MAV/MCL/WE.24

19/6 June 1946

DES NO 2406

To : Chief of Mission to Greece,
Tameon Buildings,
4 Churchill Street,
Athens.

Attention: Relief Services

Subject: Statement on Problems Relating to Displaced Unaccompanied
Children in Germany, and Recommended Action by the
Military Authorities.

1. The attached statement on problems relating to unaccompanied displaced children in Germany is forwarded for your information.
2. While the statement relates it to the situation specifically met with in the German Operation, much of the material in the paper is based on policy and procedure in connection with displaced unaccompanied children which is of general interest and has a wider application.

Selene Gifford
Director

Enc: 1

Welfare & Repatriation Division

c.c. Mrs. Lloyd
Miss Sviggum

DESPATCHED BY
REGISTRY

6th June, 1946.

WE24

Dr. Simon,
Room 21,
University College Hospital,
Gower Street, W.C.1.

Dear Dr. Simon,

I am sending you for your files the final copy of the statement on Problems relating to Unaccompanied Children in Germany and recommended action by military authorities, and a copy of the memorandum by Miss Gifford, Director of the Welfare and Repatriation Division, to General Morgan dated 1st June which transmitted this statement. The new sentences concerning adoption which we worked out over the telephone last week are included in Part III (E)(b). I can assure you that we were all very pleased to have your concurrence in this statement.

I hope you are steadily improving and that I shall have a chance to see you again soon.

Sincerely,

Charlotte T. Lloyd

Enc:
GTL/ebt



*Yale by
H. W. Adams*

4th June, 1946.

To:- Director General, UNRRA, Washington.
Attention Head of Welfare and Repatriation Division.

From:- Welfare and Repatriation Division, E.R.O.

Subject:- Statement on problems relating to unaccompanied children
and recommended action by Military Authorities: June 1946.

1. We are forwarding a copy of the above statement together with a copy of our covering minute of June 1st, to the Chief of Operations, Germany.
2. You will observe from paragraph 8 of the covering minute that at this stage the statement is sent to you for information only. We shall be writing to you again if further action seems desirable.

WILLIAM GIFFORD,
Director,
Welfare and Repatriation Division.

NAV/EC.

170a, Gt. Portland Street.

XXXXXXXXXXXXXXXXXXXX

WE. 24.

1st June. 1946.

To: Chief of Operations, UNRRA C.H.Q. Arolsen.
attention: Relief Services.

From: Welfare and Repatriation Division. ERO.

Subject: Statement on Problems Relating to Unaccompanied Children
and Recommended Action by Military Authorities.

1. As you are aware, the General Counsel's Office has for some time been considering appropriate policy, and procedure to recommend to the military authorities in relation to the legal guardianship of unaccompanied children.
2. Advantage has been taken of Miss Eileen Blackey's presence in London to discuss with her a draft paper on this subject and certain other problems relating to such children.
3. Advantage has also been taken of the availability of Dr. Simon to discuss with him the legal problems involved. He has reviewed this statement and concurs in it.
4. It is understood that in recent conversations in Berlin, carried out by the Child Welfare Specialist of C.H.Q. it became apparent that representatives of the Allied Control Commission would value an overall statement by UNRRA on the subject of children's problems and action recommended.
5. The attached statement has been drawn up by the General Counsel's Office, in consultation with this division, and based to a considerable extent on the draft paper submitted by your Child Welfare Specialist.
6. It is hoped that this statement may be useful to you,
 - (a) for submission to the Allied Control Commission.
 - (b) for the guidance of the CHQ and Zone Child Welfare Specialists.
 - (c) as a basis for any discussion which may be necessary with Zone Military Authorities.
7. We attach some importance to the question of guardianship. Will you kindly let us know if you propose to follow this up with the Allied Control Commission. If this does not seem appropriate to you, we should propose to recommend to Washington that the UNRRA point of view be put to the War Department, the War Office and the French Authorities. This may in any case prove desirable since the problem is met with to a less extent in countries outside Germany.
8. We are at this time sending the statement to Washington for information only.
9. We should appreciate any comments you may have on the recommendations contained in this statement.

GMA/MW.

cc General Counsel.
Dr. Simon.
Miss Eileen Blackey.
Colonel Charley.
Washington

Selene Gifford,
Director,
Welfare & Repatriation Division.

STATEMENT ON PROBLEMS RELATING TO
DISPLACED UNACCOMPANIED CHILDREN IN GERMANY,
AND RECOMMENDED ACTION BY THE MILITARY AUTHORITIES.

I. PURPOSE.

This statement is prepared to bring to the attention of the appropriate military authorities in Germany the social and legal problems which should be considered in the care of unaccompanied United Nations' children. The purpose of this statement is to indicate the nature of the problems and to recommend necessary action by military authorities.

II. BACKGROUND AND INFORMATION.

For the past eight months, the problem of United Nations' children displaced in Germany, without parents or legally responsible relatives to care for them, has become increasingly more extensive and serious in its proportions. The increase in the number of such children is due primarily to the fact that an UNRRA programme for the location of United Nations' children who are living in German homes and institutions has been in operation in the British, U.S. and French Zones since last September.

This programme moved slowly in the early months because information as to the whereabouts of the children was difficult to secure. Several requests for such information have been made of German officials by military authorities. The CDPX directive (Ref. No. S.15031) issued in August, 1945, requested registration of all United Nations' persons living outside Assembly Centres. Through this registration some unaccompanied children have been reported. In addition, records from German sources, particularly from various ex-Nazi organisations, have been discovered, and through them the whereabouts of other unaccompanied children have become known.

In November, 1945, a military directive (CORC/M(45)22) on the registration of displaced persons was issued by Allied Control Authority. This directive was implemented in all Zones by January and is bringing to light additional unaccompanied United Nations' children. To date approximately 8,500 unaccompanied United Nations' children have been found, but the estimates given by National Governments, particularly Poland, Yugoslavia and Czechoslovakia, indicate that many more children of these countries are still to be located.

There is now sufficient evidence both from ex-Nazi sources and from National Governments to establish the fact that organised raids were made on the countries adjacent to Germany for the purpose of removing large groups of children and bringing them into Germany where they were placed in German families and institutions. The N.S.V. (Nazi Welfare Organisation) was the Nazi organisation responsible for carrying out this scheme. Children were taken from their towns and villages and brought into Germany by truck or trainload. After a period of "Germanisation" they were placed out in German families, preferably those of high Nazi standing, or in German institutions.

Since the liberation of United Nations' peoples in Germany, National Governments have been pressing for the return of their own children. Because of the ways in which the raids were conducted and because of the mass movements of people during the war, countries are not able to give accurate estimates of the numbers of children they have lost. Some of the Eastern *European* countries, however, are now requesting a census of cities, towns, and villages as a means of determining how many of their people have been lost and if possible how many children were removed to Germany.

One of the major tasks of UNRRA is to locate these children and through investigation to secure all available information to be used as a

basis for determining their nationality.

The children who are being located fall into the following categories:-

1. The vast majority of the children found can be clearly identified as belonging to a particular country and are therefore repatriable.
2. A second group are those whose countries of origin can be clearly established, but on whom no action can be taken at the present time. These children are from the Baltic countries or are the persecutees from ex-enemy countries, such as Hungary.
3. The third group of children are those of undetermined nationality. These are children who are known definitely to be non-German, but on whom there is not sufficient information to determine the country of origin.
4. Jewish children constitute a special category in that they will not be repatriated, unless they so choose. Jewish children of any nationality may be considered for resettlement elsewhere. This has been informally agreed by Liaison Officers of the three countries of Poland, Czechoslovakia, and Yugoslavia. Representative Jewish Committees have assumed responsibility for decisions affecting unaccompanied Jewish children.

III. PRESENT PROBLEMS AND ACTION RECOMMENDED.

In view of the many serious problems which are arising with regard to the care and disposition of these children, it is important that action be taken which will ensure their protection. It is unfortunate that the location of these children is beginning at a time when the Displaced Persons programme is approaching liquidation. It is important that the necessary machinery be maintained for the location, registration and care of displaced United Nations' children.

Since these children are without the protection of adult family members or legal guardians, they require the legal protection which a state would ordinarily accord to orphan and deprived children. The responsibility for this protection falls upon the occupying governments of Germany, but it has thus far been only partially accepted. Occasional directives have been issued for the protection of these children, such as those in the U.S. and British Zones, prohibiting the movement of children except on certain conditions, but there has been no clear-cut recognition of legal responsibility for these children on the part of the military authorities, nor has there been provided the full protection which these children need.

The areas in which military action is most needed are outlined below. In some cases the action required is the formulation and promulgation of governing policy, and in other cases the establishment of procedures under which action may be taken.

(A) Determination of Nationality.

Before an unaccompanied child can be repatriated his specific nationality must be determined. Moreover, there must be reasonable certainty that a child is a United Nations' national before he can be moved from a German home or institution into UNRRA's care pending repatriation or resettlement. Principles

for the determination of nationality in various complex cases, such as cases of children of parents of different or unknown nationality, have been worked out by the Czech, Polish and Yugoslav Governments, and in a less elaborate way, by other United Nations. However, procedures are needed for deciding doubtful and difficult cases on a uniform basis in the three zones which will bring to bear on these cases the ultimate responsibility of the military authorities for the movement of children. The setting up of a review board by the military authorities in each zone, including representation of UNRRA and the national government concerned, would be useful in this regard.

(B) Age of Choice.

The age at which a child may decide for himself whether he wishes to return to his own country or choose another country for resettlement is a matter on which some decision should be reached.

In Poland, Yugoslavia and Czechoslovakia, the age of 18 years is considered the age of individual choice. In other words, unaccompanied children from these countries are not free to make a decision with regard to repatriation or resettlement unless they are 18 years or over. On the other hand, the agencies sponsoring the two emigration projects now under way, namely, the emigration of Jewish children to Palestine and the emigration of orphan children to the United States, consider that any child of 16 years may make this decision for himself.

For the purpose of location and registration UNRRA has always considered an unaccompanied child to be any child under 18 years and has made reports to repatriation officials on this basis. It would be our recommendation that 18 be retained as the age limit for conducting the search for United Nations' children. It is apparent to anyone working with this group of young people that by the age of 16 they have in most instances made some decision as to their wishes with regard to repatriation or resettlement. If a minimum age limit for such decisions could be arrived at between the military authorities and the national governments, it would do a great deal to clarify this issue throughout the Zones.

(C) Custody of Illegitimate Children.

Another problem which has serious legal and social import is that of illegitimacy. The number of children born out of wedlock among displaced persons in Germany is on the increase and the circumstances of the case often place a premium on desertion or even infanticide. While there is full recognition of the fact that wherever possible these children should be kept with their mothers, it is equally essential to recognise that in certain cases provision for the care of the child apart from the mother is necessary in order to safeguard the life and interests of the child. As the workers in the field are confronted with such problems, they work out what seem to them sound and desirable solutions. The need to provide legal protection for children born out of wedlock should, however, be recognised as a responsibility of the occupying governments, and any measures taken for such protection should carry with them the official backing of such governments.

It is our recommendation that procedures be developed by which UNRRA may be duly authorised:-

1. To take a child into its care when the abuse and neglect of the mother endanger the life of the child or amount to legal cruelty in the view of the occupying military government.
2. To accept from an unmarried mother the temporary custody of her child when circumstances indicate that she intends to desert it.

(D) Custody of Hidden Children.

Policy and procedure need to be established governing the circumstances in which, and the methods by which, children in German homes and institutions who have been identified as United Nations' children may be transferred to UNRRA centres for custody. Instructions on this subject have been provided to some extent in at least one zone, but official and uniform policy and procedures are needed for all three Western zones. The policy should be one which will foster the recovery of United Nations' children, and the procedures should allow for application of child welfare considerations through the advice of UNRRA's child welfare officers.

(E) Adoptions.

(a) Future adoptions.

Adoptions of unaccompanied United Nations' children constitute another area in which legal and social protection is indicated. To the best of our knowledge, there has been no change in the original instructions issued by SHAEF (CA/d9 May, 1945, Part II, Section 7) to the effect that under no circumstances should children be adopted or placed in permanent homes. It was the intention of this statement to prevent the adoption of unaccompanied children until such time as orphan status could be determined and the necessary official procedures could be established.

It has not, of course, been possible to prevent some children from being taken by families with whom they may have been living but to whom they are not related. Possibly some of these children should eventually be made eligible for adoption, but there is a definite responsibility on the part of the military authorities and UNRRA to determine insofar as it is possible to do so whether these children have parents or any relatives still living. It is equally obligatory that the countries to whom these children belong be consulted with regard to the possible adoption of their orphan children.

Over the course of many months, informal working agreements have been reached with the repatriation representatives of the various countries on the matter of adoptions. The following decisions have been given by Czechoslovakia, Poland and Yugoslavia with regard to the adoption of their nationals:

1. In cases where adult nationals wish to adopt a child of their own nationality they are advised to wait

until after repatriation and to initiate adoption proceedings in their own countries. Adoptions completed in Germany will not be recognised in the home country.

2. Adults who have decided not to be repatriated will not be permitted to adopt orphan children of their nationality. Such children must be repatriated.
3. Unaccompanied children of a determined nationality cannot be adopted by adults of another nationality. Such children must be returned to their own countries.

We should like to recommend that the military authorities reaffirm the SHAEF policy with regard to adoptions and that a military directive be issued stating the decisions of the national governments with regard to adoption of children of determined nationality. It is not within the scope of UNRRA to promote adoptions of children who are non-repatriable, since permanent placing for such children is the responsibility of the successor agency. If the military authorities, nevertheless, intend to further adoption in certain individual cases, proper procedures should be outlined and the conditions under which adoptions may take place, should be defined.

Past Adoptions by Germans.

(b) Direction by the military authorities is needed on the circumstances in which, and the methods by which, the adoption of United Nations' children by German families may be invalidated. The United Nations from whom children were kidnapped during the war are without exception determined to recover their children. This is particularly true, of course, where the parents have been discovered. Military authorities on German Law have indicated that the adoption of such children was valid because although the children were illegally obtained, the adoptions were carried out through the regular legal German machinery and were entered into in good faith by the adoptive parents. This conclusion may be questioned in view of the original abduction of the child, and the non-compliance with the requirement of the German adoption law that the consent of the natural parent be obtained. However, even if these adoptions are not considered void, it is clear that they might be invalidated by action of the occupying governments, either by legislation or court action in individual cases. UNRRA recommends, that careful consideration be given to the desirability of providing for the annulment of adoptions by general enactment in order to assist in the recovery of United Nations children. It is ready to assist in the carrying out of invalidation procedures by the identification of instances of such adoptions and otherwise.

(F) Guardianship.

(a) Need.

For those children who are not to be repatriated protection of their long term interests is needed. The protection of the permanent interests of those children who are now being repatriated can await their return to their homeland. The establishment of new personal relations through their adoption or through the appointment of a guardian can best be handled by the appropriate agencies of their own country. But with respect to the non-repatriable children, attention needs to be given promptly

to their special legal needs. For these children we recommend that the Military authorities provide a system of guardianship.

(b) System of guardianship recommended.

It is recommended that the military authorities establish a Military Government guardianship for the unaccompanied non-repatriable displaced children in each of the three Western Zones. If possible, the Allied Control Council should establish this guardianship by directive and continue uniformity of action by the establishment of a guardianship committee with representation from the four occupying powers or the three most concerned. If action by the Allied Control Council in the near future is improbable, it is recommended that the Commanders in Chief of the Armies of Occupation, who are the military governors in each zone, establish a system of guardianship as uniformly as possible. It is recommended that in each zone a military government officer be appointed guardian by the Commander in Chief, the function to relate to the office rather than to the individual incumbent. The guardian should serve as guardian for all the children who fall within the designation of wards. The class of children to be brought under the Military Government guardianship would be composed of children who are: (a) displaced persons (b) under 18 years of age (c) unaccompanied by parent or legal guardian (d) stateless or of undetermined nationality or of determined nationality but unable to be repatriated.

The guardianship would be instituted by the certification to the guardian by UNRRA of individual children as coming within the class. This would provide the necessary identification of those children who became wards of the Military Government. The guardianship would terminate with respect to any child who no longer came within the class, i.e. became 18, repatriable, or re-associated with a parent. The guardianship would also terminate upon determination by the guardian that a relative or other responsible person was available, and appropriate to serve as individual guardian for an individual child.

Military Government regulations or directives would be necessary to provide for the establishment and functioning of a system of guardianship. The duties of the guardian would presumably be defined in such a way as to meet the need for legal protection described in the first paragraph above. It is assumed that the regulation would require the advice and recommendations of the Child Welfare Officers of UNRRA and such voluntary agencies as might be interested before final action by the guardian. The regulations should also allow for the transfer of guardianship responsibility to the social agency or individual into whose care the child is placed for permanent resettlement, and to such successor international refugee organisation as may be equipped to assume such responsibility. The custodial responsibility for children within UNRRA care should remain with UNRRA throughout the Military Government guardianship.

IV. SUMMARY.

The problems presented and the actions recommended by military authorities are summarised as follows:-

1. The provision of procedures for deciding doubtful and difficult cases on a uniform basis involving the determination of nationality for the purposes of repatriation and removal from German homes and institutions. The setting up of review boards is particularly recommended.
2. The establishment of the minimum age for making a choice of repatriation or resettlement.
3. The recognition by the occupying governments of their responsibilities for the protection of illegitimate children, and the establishment of procedures by which the taking into custody by UNRRA of neglected or deserted illegitimate children may be duly authorised.
4. The formulation of policy and procedure for transferring custody to UNRRA of children in German homes or institutions who have been identified as United Nations' children, consistent with the desire of the United Nations for the recovery of their children.
5. The reaffirmation of the policy prohibiting adoptions of repatriable children with the exceptions agreed by the national governments.
6. Direction as to the circumstances in which, and the methods by which, the adoption of United Nations' children by German families may be invalidated.
7. The establishment of a system of guardianship, and the designation of a military government official as guardian, for the unaccompanied displaced children who are not to be repatriated.

Taken to Summary by board
3.6.45

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170a, Ct. Portland Street.

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WE. 24.

1st June. 1946.

To: Chief of Operations, USRA G.H.Q. Arolsen.
attention: Relief Services.

From: Welfare and Repatriation Division. HRO.

Subject: Statement on Problems Relating to Unaccompanied Children
and Recommended Action by Military Authorities.

1. As you are aware, the General Counsel's Office has for some time been considering appropriate policy, and procedure to recommend to the military authorities in relation to the legal guardianship of unaccompanied children.
2. Advantage has been taken of Miss Hilson Blackby's presence in London to discuss with her a draft paper on this subject and certain other problems relating to such children.
3. Advantage has also been taken of the availability of Dr. Simon to discuss with him the legal problems involved. She has reviewed this statement and concurs in it.
4. It is understood that in recent conversations in Berlin, carried out by the Child Welfare Specialist of G.H.Q. it became apparent that representatives of the Allied Control Commission would value an overall statement by USRA on the subject of children's problems and action recommended.
5. The attached statement has been drawn up by the General Counsel's Office, in consultation with this division, and based to a considerable extent on the draft paper submitted by your Child Welfare Specialist.
6. It is hoped that this statement may be useful to you,
 - (a) for submission to the Allied Control Commission.
 - (b) for the guidance of the CH; and Zone Child Welfare Specialists.
 - (c) as a basis for any discussion which may be necessary with Zone Military Authorities.
7. We attach some importance to the question of guardianship. Will you kindly let us know if you propose to follow this up with the Allied Control Commission. If this does not seem appropriate to you, we should propose to recommend to Washington that the USRA point of view be put to the War Department, the War Office and the French Authorities. This may in any case prove desirable since the problem is not with to a less extent in countries outside Germany.
8. We are at this time sending the statement to Washington for information only.
9. We should appreciate any comments you may have on the recommendations contained in this statement.

Yours,

Selene Gifford,
Director,
Welfare & Repatriation Division.

cc General Counsel.
Dr. Simon.
Miss Hilson Blackby.
Colonel Charley.

UNRRA GENERAL HEADQUARTERS FOR GERMANY.
A R O L S E N .

STATEMENT ON PROBLEMS RELATING TO DISPLACED
UNACCOMPANIED CHILDREN IN GERMANY, AND
RECOMMENDED ACTION BY THE MILITARY AUTHORITIES.

1. PURPOSE.

This statement is prepared to bring to the attention of the appropriate military authorities in Germany the social and legal problems which should be considered in the care of unaccompanied United Nations' children. The purpose of this statement is to indicate the nature of the problems and to recommend necessary action by military authorities.

2. BACKGROUND AND INFORMATION.

For the past eight months, the problem of United Nations' children displaced in Germany, without parents or legally responsible relatives to care for them, has become increasingly more extensive and serious in its proportions. The increase in the number of such children is due primarily to the fact that an UNRRA programme for the location of United Nations' children who are living in German homes and institutions has been in operation in the British, U.S. and French Zones since last September.

This programme moved slowly in the early months because information as to the whereabouts of the children was difficult to secure. Several requests for such information have been made of German officials by military authorities. The COMEX directive (Ref.No.S.15031) issued in August, 1945, requested registration of all United Nations' persons living outside Assembly Centres. Through this registration some unaccompanied children have been reported. In addition, records from German sources, particularly from various ex-Nazi organisations, have been discovered, and through them the whereabouts of other unaccompanied children have become known.

In November, 1945, a military directive (COMEX/M(45)22) on the registration of displaced persons was issued by Allied Control Authority. This directive was implemented in all Zones by January and is bringing to light additional unaccompanied United Nations' children. To date approximately 8,500 unaccompanied United Nations' children have been found, but the estimates given by National Governments, particularly Poland, Yugoslavia and Czechoslovakia, indicate that many more children of these countries are still to be located.

There is now sufficient evidence both from ex-Nazi sources and from National Governments to establish the fact that organised raids were made on the countries adjacent to Germany for the purpose of removing large groups of children and bringing them into Germany where they were placed in German families and institutions. The N.S.V. (Nazi Welfare Organisation) was the Nazi organisation responsible for carrying out this scheme. Children were taken from their towns and villages and brought into Germany by truck or trainload. After a period of "Germanisation" they were placed out in German families, preferably those of high Nazi standing, or in German institutions.

Since the liberation of United Nations' peoples in Germany, National Governments have been pressing for the return of their own children. Because of the ways in which the raids were conducted and because of the mass movements of people during the war, countries are not able to give accurate estimates of the numbers of children they have lost. Some of the Eastern countries, however, are now requesting a census of cities, towns and villages as a means of determining how many of their people have been lost and if possible how many children were removed to Germany.

One of the major tasks of UNRRA is to locate these children and through investigation to secure all available information to be used as a basis for determining their nationality.

The children who are being located fall into the following categories:-

1. The vast majority of the children found can be clearly identified as belonging to a particular country and are therefore repatriable.

2. A second group are those whose countries of origin can be clearly established, but on whom no action can be taken at the present time. These children are from the Baltic countries or are persecutees from ex-enemy countries, such as Hungary.
3. The third group of children are those of undetermined nationality. These are children who are known definitely to be non-German, but on whom there is not sufficient information to determine the country of origin.
4. Jewish children constitute a special category in that they will not be repatriated, unless they so choose. Jewish children of any nationality may be considered for resettlement elsewhere. This has been informally agreed to by Liaison Officers of the three countries of Poland, Czechoslovakia and Yugoslavia. Representative Jewish Committees have assumed responsibility for decisions affecting unaccompanied Jewish children.

III. Present Problems and Action Recommended:

In view of the many serious problems which are arising with regard to the care and disposition of these children, it is important that action be taken which will ensure their protection. It is unfortunate that the location of these children is beginning at a time when the DP programme is approaching liquidation. It is important that the necessary machinery be maintained for the location, registration and care of displaced United Nations' children.

Since these children are without the protection of adult family members or legal guardians, they require the legal protection which a state would ordinarily accord to orphan and deprived children. The responsibility for this protection falls upon the occupying governments of Germany, but it has thus far been only partially accepted. Occasional directives have been issued for the protection of these children, such as those in the U.S. and British Zones, prohibiting the movement of children except on certain conditions, but there has been no clear-cut recognition of legal responsibility for these children on the part of the military authorities, nor has there been provided the full protection which these children need.

The areas in which military action is most needed are outlined below. In some cases the action required is the formulation and promulgation of governing policy, and in other cases the establishment of procedures under which action may be taken.

(A) Determination of Nationality

Before an unaccompanied child can be repatriated his specific nationality must be determined. Moreover, there must be reasonable certainty that a child is a United Nations' national before he can be removed from a German home or institution into UNRRA's care pending repatriation or resettlement. Principles for the determination of nationality in various complex cases, such as cases of children of parents of different or unknown nationality, have been worked out by the Czech, Polish and Yugoslav Governments, and in a less elaborate way, by other United Nations. However, procedures are needed for deciding doubtful and difficult cases on a uniform basis in the three zones which will bring to bear on these cases the ultimate responsibility of the military authorities for the movement of children. The setting up of a review board by the military authorities in each zone, including representation of UNRRA and the national government concerned, would be useful in this regard.

(B) Age of Choice

The age at which a child may decide for himself whether he wishes to return to his own country or choose another country for resettlement is a matter on which some decision should be reached.

In Poland, Yugoslavia and Czechoslovakia, the age of 18 years is considered the age of individual choice. In other words, unaccompanied children from these countries are not free to make a decision with regard to repatriation or resettlement unless they are 18 years or over. On the other hand, the agencies sponsoring the two emigration projects now under

y, namely, the emigration of Jewish children to Palestine and the emigration of orphan children to the United States, consider that any child of 16 years or over may make this decision for himself.

For the purpose of location and registration UNRRA has always considered an unaccompanied child to be any child under 18 years and has made reports to repatriation officials on this basis. It would be our recommendation that 18 be retained as the age limit for conducting the search for United Nations' children. It is apparent to anyone working with this group of young people that by the age of 16 they have in most instances made some decision as to their wishes with regard to repatriation or resettlement. If a minimum age limit for such decisions could be arrived at between the military authorities and the national governments, it would do a great deal to clarify this issue throughout the Zones.

(C) Custody of Illegitimate Children.

Another problem which has serious legal and social import is that of illegitimacy. The number of children born out of wedlock among displaced persons in Germany is on the increase and the circumstances of the case often place a premium on desertion or even infanticide. While there is full recognition of the fact that wherever possible these children should be kept with their mothers, it is equally essential to recognize that in certain cases provision for the care of the child apart from the mother is necessary in order to safeguard the life and interests of the child. As the workers in the field are confronted with such problems, they work out what seem to them sound and desirable solutions. The need to provide legal protection for children born out of wedlock should, however, be recognized as a responsibility of the occupying governments, and any measures taken for such protection should carry with them the official backing of such governments.

It is our recommendation that procedures be developed by which UNRRA may be duly authorized:-

1. To take a child into its care when the abuse and neglect of the mother endanger the life of the child or amount to legal cruelty in the view of the occupying military government.
2. To accept from an unmarried mother the temporary custody of her child when circumstances indicate that she intends to desert it.

(D) Custody of Hidden Children.

Policy and procedure need to be established governing the circumstances in which, and the methods by which, children in German homes and institutions who have been identified as United Nations' children may be transferred to UNRRA centres for custody. Instructions on this subject have been provided to some extent in at least one zone, but official and uniform policy and procedures are needed for all three Western zones. The policy should be one which will foster the recovery of United Nations' children, and the procedures should allow for application of child welfare considerations through the advice of UNRRA's child welfare officers.

(E) Adoptions.

(a) Future adoptions.

Adoptions of unaccompanied United Nations' children constitute another area in which legal and social protection is indicated. To the best of our knowledge, there has been no change in the original instructions issued by SHAEF (CA/d9 May, 1945, Part II, Section 7) to the effect that under no circumstances should children be adopted or placed in permanent homes. It was the intention of this statement to prevent the adoption of unaccompanied children until such time as orphan status could be determined and the necessary official procedures could be established.

It has not, of course, been possible to prevent some children from being taken by families with whom they may have been living but to whom they are not related. Possibly some of these children should

eventually be made eligible for adoption, but there is a definite responsibility on the part of military authorities and UNRRA to determine insofar as it is possible to do so whether these children have parents or any relatives still living. It is equally obligatory that the countries to whom these children belong be consulted with regard to the possible adoption of their orphan children.

Over the course of many months, informal working agreements have been reached with the repatriation representatives of the various countries on the matter of adoptions. The following decisions have been given by Czechoslovakia, Poland and Yugoslavia with regard to the adoption of their nationals:

1. In cases where adult nationals wish to adopt a child of their own nationality they are advised to wait until after repatriation and to initiate adoption proceedings in their own countries. Adoptions completed in Germany will not be recognized in the home country.
2. Adults who have decided not to be repatriated will not be permitted to adopt orphan children of their nationality. Such children must be repatriated.
3. Unaccompanied children of a determined nationality cannot be adopted by adults of another nationality. Such children must be returned to their their own countries.

We should like to recommend that the military authorities reaffirm the UNRRA policy with regard to adoptions and that a military directive be issued stating the decisions of the national governments with regard to adoption of children of determined nationality. It is not within the scope of UNRRA to promote adoptions of children who are non-repatriable, since permanent placing for such children is the responsibility of the successor agency. If the military authorities, nevertheless, intend to further adoption in certain individual cases, proper procedures should be outlined and the conditions under which adoptions may take place, should be defined.

Past Adoptions by Germany.

(b) Direction by the military authorities is needed on the circumstances in which, and the methods by which, the adoption of United Nations' children by German families may be invalidated. The United Nations from whom children were kidnapped during the war are without exception determined to recover their children. This is particularly true, of course, where the parents have been discovered. Military authorities on German law have indicated that the adoption of such children was valid because although the children were illegally obtained, the adoptions were carried out through the regular legal German machinery and were entered into in good faith by the adoptive parents. This conclusion may be questioned in view of the original abduction of the child, and the non-compliance with the requirement of the German adoption law that the consent of the natural parent be obtained. However, even if these adoptions are not considered void, it is clear that they might be invalidated by action of the occupying governments, either by legislation or court action in individual cases. UNRRA recommends that careful consideration be given to the desirability of providing for the annulment of adoptions by general enactment in order to assist in the recovery of United Nations children. It is ready to assist in the carrying out of invalidation procedures by the identification of instances of such adoptions and otherwise.

F. Guardianship.

(a) Need.

For those children who are not to be repatriated protection of their long term interests is needed. The protection of the permanent interests of those children who are now being repatriated can await their return to their homeland. The establishment of new personal relations through their adoption or through the appointment of a guardian can best be handled by the appropriate agencies of their own country. But with respect to the non-repatriable children, attention needs to be given promptly to their special legal needs. For these children we recommend that the Military authorities provide a system of guardianship.

(b) System of guardianship recommended.

It is recommended that the military authorities establish a Military Government guardianship for the unaccompanied non-repatriable displaced children in each of the three Western Zones. If possible, the Allied Control Council should establish this guardianship by directive and continue uniformity of action by the establishment

of a guardianship committee with representation from the four occupying powers or the three most concerned. If action by the Allied Control Council in the near future is improbable, it is recommended that the Commanders in Chief of the Armies of Occupation, who are the military governors in each zone, establish a system of guardianship as uniformly as possible. It is recommended that in each zone a military government officer be appointed guardian by the Commander in Chief. The function to relate to the office rather than to the individual incumbent. The guardian should serve as guardian for all the children who fell within the designation of wards. The class of children to be brought under the Military Government guardianship would be composed of children who are: (a) displaced persons (b) under 18 years of age (c) unaccompanied by parent or legal guardian (d) stateless or of undetermined nationality or of determined nationality but unable to be repatriated.

The guardianship would be instituted by the certification to the guardian by USMRA of individual children as coming within the class. This would provide the necessary identification of those children who become wards of the Military Government. The guardianship would terminate with respect to any child who no longer came within the class i.e. became 18, repatriable, or re-associated with a parent. The guardianship would also terminate upon determination by the guardian that a relative or other responsible person was available, and appropriate to serve as individual guardian for an individual child.

Military Government regulations or directives would be necessary to provide for the establishment and functioning of a system of guardianship. The duties of the guardian would presumably be defined in such a way as to meet the need for legal protection described in the first paragraph above. It is assumed that the regulations would require the advice and recommendations of the Child Welfare Officers of USMRA and such voluntary agencies as might be interested before final action by the guardian. The regulations should also allow for the transfer of guardianship responsibility to the social agency or individual into whose care the child is placed for permanent resettlement, and to such successor international refugee organization as may be equipped to assume such responsibility. The custodial responsibility for children within USMRA care should remain with USMRA throughout the Military Government guardianship.

VI. SUMMARY.

The problems presented and the actions recommended by military authorities are summarized as follows:-

1. The provision of procedures for deciding doubtful and difficult cases on a uniform basis involving the determination of nationality for the purposes of repatriation and removal from German homes and institutions. The setting up of review boards is particularly recommended.
2. The establishment of the minimum age for making a choice of repatriation or resettlement.
3. The recognition by the occupying governments of their responsibilities for the protection of illegitimate children, and the establishment of procedures by which the taking into custody by USMRA of neglected or deserted illegitimate children may be duly authorized.
4. The formulation of policy and procedure for transferring custody to USMRA of children in German homes or institutions who have been identified as United Nations children, consistent with the desire of the United Nations for the recovery of their children.
5. The reaffirmation of the policy prohibiting adoptions of repatriable children with the exceptions agreed by the national governments.
6. Direction as to the circumstances in which, and the methods by which, the adoption of United Nations children by German families may be invalidated.
7. The establishment of a system of guardianship, and the designation of a military government official as guardian, for the unaccompanied displaced children who are not to be repatriated.

June, 1946.

GERMANY,
May, 1946

NR 24

ATTACHMENT 16

U.N.R.R.A.
CENTRAL HEADQUARTERS FOR GERMANY
APO 757 U.S. ARMY.

COPY.

16th May, 1946.

TO: UNRRA Headquarters. British Zone.
U.S. Zone.
French Zone.

INDEXED

SUBJECT: DECISIONS AFFECTING STATUS AND REPATRIATION
OF UNACCOMPANIED CHILDREN.

Various problems relating to the status and repatriation of unaccompanied children, which have been discussed with the Chief Liaison Officers for some time, were reviewed recently with the Repatriation Missions in Berlin. It has been difficult for countries to give decisions on the many complex problems arising out of the displacement of their nationals in Germany, particularly those concerning children.

The attached statement of decisions and recommendations is issued as a guide to the child welfare workers in the Zones. This material was developed in an informal way through conferences with officials of the various governments. It does not represent written agreement with such governments.

The information given is limited to Poland, Yugoslavia and Czechoslovakia, since the children of these countries constitute almost the entire group of unaccompanied children still in Germany.

Decisions with regard to the repatriation of children of countries other than these have been available for months, and can be secured from appropriate Liaison Officers. If such information is not available in the field, and there is need for a statement similar to this for other countries, CHQ should be advised.

If a particular decision seems detrimental to the interests of the individual child, UNRRA staff has the responsibility for careful interpretation of the case to the Liaison Officer and, if indicated, for requesting review by the Chief Liaison Officer of the Zone.

This information should be made available to all child welfare staff immediately. A copy of this statement will be sent to the Repatriation Mission of each country with the suggestion that it be relayed to officers in the field.

Please advise us of any problems arising out of these decisions, and submit any information or case situations which will be useful in working toward a solution of these problems.

Carl H. Martini.
Assistant Director.
(Relief Services).

U.N.R.R.A.
CENTRAL HEADQUARTERS FOR GERMANY
APO 757 U.S. ARMY.
Relief Services Department.

Subject: Decisions Affecting Status and
Repatriation of Unaccompanied
Children.

Date: May 15, 1946.

Ref: General Bulletin 78.

I. YUGOSLAV CHILDREN.

INDEXED

1. Nationality Status and Repatriation.

- a. Unaccompanied Yugoslav children who have been identified and accepted as such by the Liaison Officers are to be repatriated to Yugoslavia as soon as conditions permit. The age of 18-years is considered by the Yugoslav Government as the minimum age at which individuals may make their own decisions concerning repatriation.
- b. No Yugoslav children may be removed from Germany to countries other than their own without official clearance and release by the Chief Yugoslav Liaison Officer of the Zone.
- c. The Yugoslav Government has requested that Yugoslav children found to be living in German families or institutions be removed and repatriated to their own country.
See further discussion of this point on Page 5.
- d. The child of a legal marriage between a Yugoslav and a national of any other country assumes the nationality of the father. Example: Yugoslav father and French mother - the child is Yugoslav. Yugoslav mother and Polish father - the child is Polish. If abandoned by the father, the Yugoslav mother and her child may be repatriated to Yugoslavia if she wishes.

In instances where a Yugoslav was married to a German prior to the war, such marriages are recognised, and if there are children of such marriages now in Germany, the cases should be taken up with the Liaison Officers on an individual basis.

- e. The following decisions relate to marriages or relationships which have taken place since April 6, 1941:

A child born of part Yugoslav and part German parentage (either by legal marriage or out of wedlock) may be repatriated to Yugoslavia under the following circumstances:

- (1) If the father is Yugoslav and wishes to take the child back to Yugoslavia with him, both he and the child may be repatriated. The German mother, however, will not be permitted to enter Yugoslavia. It should be remembered, however, that if the child has been born out of wedlock of a German mother, the child is technically German and the Yugoslav Government has no

legal claim to the child. If, however, the mother is dead, or has abandoned the child, repatriation of the child to the father's country may be a possibility. Such cases should be presented to the Liaison Officers and military authorities individually.

- (2) If the mother is Yugoslav and wishes to return to Yugoslavia with the child she may do so. The German father, however, will not be permitted to enter Yugoslavia. If the child has been born in wedlock of a German father, the child is German. If the parents are divorced or the father has deserted his family, or is dead, the repatriation of the mother and child to Yugoslavia will be acceptable to the Yugoslav Government.
- (3) With relation to the group of Volksdeutsch Yugoslav children now in Germany, the Liaison Officers will personally screen such children and decide which ones are acceptable for repatriation. Only those Volksdeutsch living in Yugoslavia who have participated actively with Yugoslavia against the Nazis will be permitted to remain in Yugoslavia. Any children of these families who are now in Germany will be permitted to rejoin their families in Yugoslavia.

It has been recommended by the Yugoslav Repatriation Mission in Berlin that lists of all Volksdeutsch children be submitted to the Mission. The names will then be sent to Yugoslavia to be screened in relation to the standing of the families of the children. The lists will then be returned indicating which children may be repatriated. Since the true Volksdeutsch families are already in the process of expulsion from Yugoslavia, it seems wisest to determine definitely which children may be returned before planning a repatriation move. The children whose families will be expelled into Germany could more effectively be joined with their families in Germany. Yugoslav Liaison Officers are willing to relay to the expellees information concerning the whereabouts of their children in Germany so that families may be reunited here.

2. Yugoslav Jewish Children.

The Yugoslav Government is interested in having Yugoslav Jewish children return to their country, but if they do not wish to return and elect to go to some other country for permanent stay, they may do so. In cases of younger Jewish children, decision may be made for them by Jewish adults or organisations responsible for their welfare.

3. Adoption of Yugoslav Children.

No adoptions of Yugoslav children should take place in Germany. If Yugoslav adults have been caring for a Yugoslav child and wish to adopt him, they should be encouraged to wait until after repatriation. Adoption proceedings carried out under the laws of their own country will have more validity

and will offer more safeguards for the child. The child may, of course, continue to stay with his prospective adoptive parents in Germany and may be repatriated with them.

Yugoslav adults who decide they do not wish to return to Yugoslavia will not be permitted to keep Yugoslav children whom they have taken into foster care. Under the decision taken by the Yugoslav Government, these children must be repatriated to their own country. However, such cases should be discussed individually so that the best interests of the child may be considered.

No Yugoslav child may be adopted by the nationals of another country, even though he may have been in their care in Germany. Such children should be removed and returned to Yugoslavia. These cases should be taken up individually with the Liaison Officers.

II. POLISH CHILDREN.

1. Nationality Status and Repatriation.

- a. All Polish, non-Jewish unaccompanied children are to be repatriated to Poland. The Polish Government considers that children under 18-years of age are minors and therefore subject to repatriation.
- b. No unaccompanied Polish children are to be removed from Germany to countries other than their own without official clearance and release by the Chief Polish Liaison Officer of Repatriation for the Zone.
- c. Polish children found to be living in German homes or institutions are to be moved and returned to Poland. (See Page 5).
- d. Polish children without family ties in Poland and with close relatives in other countries may be sent to those countries if it is considered in the best interests of the child. Such cases must be cleared with the Polish Liaison Officers.
- e. A child born out of wedlock takes the nationality of the mother. An illegitimate child born of a German mother and Polish father is considered to be a German child. However, the father of the child may acknowledge paternity. If the German mother is dead or has abandoned the child, the father of the child, if proved to be Polish, is entitled to take the child with him to Poland and establish his legal rights to the child there.
- f. An illegitimate child born of a Polish mother is of Polish citizenship and therefore repatriable to Poland. The father of the child (in cases where he is non-Polish) may acknowledge his paternity but in establishing his status as the father, he must do so according to Polish law. Only in cases where the mother is dead or has abandoned the child, will the acknowledged father have any claim to the child.
- g. In cases where Polish women deported to Germany between the years 1939 and 1945 have married Germans during that period, special consideration will be given provided the husband is dead or has

deserted his family. Although the Polish woman lost her Polish citizenship through marriage, she and her children may be considered for repatriation to Poland. Such cases should be referred to the Polish Repatriation Mission in Berlin for decision.

- h. The Polish law considers that any child born in wedlock takes the citizenship of the father.

2. Polish-Jewish children.

Jewish children may be repatriated to Poland if they so choose. If not, they may themselves elect to go to another country, or, in the case of young children, plans may be made to send them to other countries for resettlement.

3. Adoption of Polish Children.

The same decisions which have been issued with regard to the adoption of Yugoslav children are to be applied to the adoption of Polish children.

III. CZECHOSLOVAK CHILDREN.

1. Nationality Status and Repatriation.

The Ministry of Foreign Affairs, Prague, has issued a statement to the effect that Czechoslovakia is interested in recovering as many of their Czech or Slovak people as possible, particularly children who have a claim to Czech or Slovak citizenship. The following decisions have been given with regard to the status and repatriation of unaccompanied children.

- a. A child born in wedlock of a Czech father is a Czech.
- b. In cases of mixed marriages between Czechs and Germans, each case will be carefully screened, and a decision with regard to repatriation will be given on the merits of each situation.
- c. A child born out of wedlock of a Czech mother and German father is a Czech. The mother and child may be repatriated, or if the child is alone, he may be repatriated.
- d. A child born out of wedlock of a Czech father and a German mother is a German child. If, however, the child is an orphan or has been deserted by the mother, the Czech Government will consider him for repatriation to Czechoslovakia.
- e. Any Czech children found to be living in German families or institutions are to be removed and repatriated to Czechoslovakia.
- f. No Czech children may be sent to any country other than their own without clearance and release through the Chief Liaison Officer of the Zone.

2. Czech-Jewish Children.

The Czech Government is eager to have Jewish children repatriated, but no restrictions will be placed on their resettlement elsewhere if that is their choice, or the decision of Jewish adults or organisations who are responsible for their welfare. Jewish children whose parents are known to be

1. Czechoslovakia, however, must be repatriated to their home country.

3. Czech Children with Relatives in Other Countries.

Czech orphans who have no family ties in Czechoslovakia but who have close relatives in other countries will be permitted to join such relatives if it is thought to be the best solution for the child. Such cases, however, will need to be cleared individually with the Czech Liaison Officers.

4. Adoption of Czech Children.

The decisions outlined for the adoption of Yugoslav children are also concurred in by the Czech Government and should be considered the basis for handling such cases in the Zones.

Not all the questions concerning the status of unaccompanied children are answered here for all three countries. This is because decisions on some phases of the problem have not yet been secured from the governments. As additional or revised information is made available, it will be relayed to the field. Several of the points covered in this summary require further exploration and consideration, not only with the governments concerned, but with the military authorities responsible for the execution of policies relating to unaccompanied children. These are discussed below:

1. The age at which young people may decide whether they wish to return to their own countries or go to some other country to live is still unsettled in that there is variance between what governments are recommending and what is actually taking place. For instance, in the U.S. Zone, under the regulations of the U.S. Immigration Service, American Consulates may accept applications for visas from anyone of 16-years of age and over. Decisions made by military authorities with regard to individual cases also indicate that 16-years is the age which they consider acceptable in matters relating to repatriation or resettlement.

In view of the difference of opinion still existing with regard to this question, and until such time as this difference can be adjusted, any cases involving age of consent should be taken up individually with National Liaison Officers and military authorities, rather than applying an arbitrary age limit.

2. The decisions given by these National Governments with regard to adoption of their children should be adhered to insofar as it is within UNRRA's power to do so. With the revival of German legal structure, however, German courts, under military government supervision, are becoming increasingly available to all residents of Germany, whether German citizens or foreigners. This means that in some areas, at least, it may be possible for displaced persons to file application for adoption of a child quite independently of any decision by their own government. In such cases, however, the German law requires that the applicant meet the conditions of the adoption laws of Germany and of his own country. Procedures relating to adoption are still under discussion, but additional information will be available soon.

Another aspect of the adoption problem is that of United Nations' children who were adopted by German

families during the Nazi regime. National Governments have demanded that their children be located and removed, but this cannot be done without proper legal authority, and possibly a court decision setting aside the original adoption. This question is now in the process of decision and until a clarification of the problem is issued by military legal authorities, all cases where actual adoptions took place will have to be held pending. It is anticipated that a statement on German adoptions will be issued soon.

Don't forget
CARL H. MARTINI
Assistant Director.
(Relief Services).

Prepared by:-

Eileen Blackey,
Child Welfare Consultant.
May 13, 1946.



44 GMA
Miss Sufferd (ERO)
For your information

U.N.R.R.A.
CENTRAL HEADQUARTERS FOR GERMANY
APO 757 U.S. ARMY.

COPY.

INDEXED

(3 copies)

16th May, 1946.

TO: UNRRA Headquarters. British Zone.
U.S. Zone.
French Zone.

WR 60/4
24

SUBJECT: DECISIONS AFFECTING STATUS AND REPATRIATION
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Please advise us of any problems arising out of these decisions, and submit any information or case situations which will be useful in working toward a solution of these problems.

Carl H. Martini.
Assistant Director,
(Relief Services).

U.N.R.R.A.
CENTRAL HEADQUARTERS FOR GERMANY
APO 757 U.S. ARMY.
Relief Services Department.

Subject: Decisions Affecting Status and
Repatriation of Unaccompanied
Children.

Date: May 15, 1946.

Ref: General Bulletin 78.

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- c. The Yugoslav Government has requested that Yugoslav children found to be living in German families or institutions be removed and repatriated to their own country.
See further discussion of this point on Page 5.
- d. The child of a legal marriage between a Yugoslav and a national of any other country assumes the nationality of the father. Example: Yugoslav father and French mother - the child is Yugoslav. Yugoslav mother and Polish father - the child is Polish. If abandoned by the father, the Yugoslav mother and her child may be repatriated to Yugoslavia if she wishes.

In instances where a Yugoslav was married to a German prior to the war, such marriages are recognised, and if there are children of such marriages now in Germany, the cases should be taken up with the Liaison Officers on an individual basis.

- e. The following decisions relate to marriages or relationships which have taken place since April 6, 1941:

A child born of part Yugoslav and part German parentage (either by legal marriage or out of wedlock) may be repatriated to Yugoslavia under the following circumstances:

- (1) If the father is Yugoslav and wishes to take the child back to Yugoslavia with him, both he and the child may be repatriated. The German mother, however, will not be permitted to enter Yugoslavia. It should be remembered, however, that if the child has been born out of wedlock of a German mother, the child is technically German and the Yugoslav Government has no

legal claim to the child. If, however, the mother is dead, or has abandoned the child, repatriation of the child to the father's country may be a possibility. Such cases should be presented to the Liaison Officers and military authorities individually.

- (2) If the mother is Yugoslav and wishes to return to Yugoslavia with the child she may do so. The German father, however, will not be permitted to enter Yugoslavia. If the child has been born in wedlock of a German father, the child is German. If the parents are divorced or the father has deserted his family, or is dead, the repatriation of the mother and child to Yugoslavia will be acceptable to the Yugoslav Government.
- (3) With relation to the group of Volksdeutsch Yugoslav children now in Germany, the Liaison Officers will personally screen such children and decide which ones are acceptable for repatriation. Only those Volksdeutsch living in Yugoslavia who have participated actively with Yugoslavia against the Nazis will be permitted to remain in Yugoslavia. Any children of these families who are now in Germany will be permitted to rejoin their families in Yugoslavia.

It has been recommended by the Yugoslav Repatriation Mission in Berlin that lists of all Volksdeutsch children be submitted to the Mission. The names will then be sent to Yugoslavia to be screened in relation to the standing of the families of the children. The lists will then be returned indicating which children may be repatriated. Since the true Volksdeutsch families are already in the process of expulsion from Yugoslavia, it seems wisest to determine definitely which children may be returned before planning a repatriation move. The children whose families will be expelled into Germany could more effectively be joined with their families in Germany. Yugoslav Liaison Officers are willing to relay to the expellees information concerning the whereabouts of their children in Germany so that families may be reunited here.

2. Yugoslav Jewish Children.

The Yugoslav Government is interested in having Yugoslav Jewish children return to their country, but if they do not wish to return and elect to go to some other country for permanent stay, they may do so. In cases of younger Jewish children, decision may be made for them by Jewish adults or organisations responsible for their welfare.

3. Adoption of Yugoslav Children.

No adoptions of Yugoslav children should take place in Germany. If Yugoslav adults have been caring for a Yugoslav child and wish to adopt him, they should be encouraged to wait until after repatriation. Adoption proceedings carried out under the laws of their own country will have more validity

and will offer more safeguards for the child. The child may, of course, continue to stay with his prospective adoptive parents in Germany and may be repatriated with them.

Yugoslav adults who decide they do not wish to return to Yugoslavia will not be permitted to keep Yugoslav children whom they have taken into foster care. Under the decision taken by the Yugoslav Government, these children must be repatriated to their own country. However, such cases should be discussed individually so that the best interests of the child may be considered.

No Yugoslav child may be adopted by the nationals of another country, even though he may have been in their care in Germany. Such children should be removed and returned to Yugoslavia. These cases should be taken up individually with the Liaison Officers.

II. POLISH CHILDREN.

1. Nationality Status and Repatriation.

- a. All Polish, non-Jewish unaccompanied children are to be repatriated to Poland. The Polish Government considers that children under 18-years of age are minors and therefore subject to repatriation.
- b. No unaccompanied Polish children are to be removed from Germany to countries other than their own without official clearance and release by the Chief Polish Liaison Officer of Repatriation for the Zone.
- c. Polish children found to be living in German homes or institutions are to be moved and returned to Poland. (See Page 5).
- d. Polish children without family ties in Poland and with close relatives in other countries may be sent to those countries if it is considered in the best interests of the child. Such cases must be cleared with the Polish Liaison Officers.
- e. A child born out of wedlock takes the nationality of the mother. An illegitimate child born of a German mother and Polish father is considered to be a German child. However, the father of the child may acknowledge paternity. If the German mother is dead or has abandoned the child, the father of the child, if proved to be Polish, is entitled to take the child with him to Poland and establish his legal rights to the child there.
- f. An illegitimate child born of a Polish mother is of Polish citizenship and therefore repatriable to Poland. The father of the child (in cases where he is non-Polish) may acknowledge his paternity but in establishing his status as the father, he must do so according to Polish law. Only in cases where the mother is dead or has abandoned the child, will the acknowledged father have any claim to the child.
- g. In cases where Polish women deported to Germany between the years 1939 and 1945 have married Germans during that period, special consideration will be given provided the husband is dead or has

deserted his family. Although the Polish woman lost her Polish citizenship through marriage, she and her children may be considered for repatriation to Poland. Such cases should be referred to the Polish Repatriation Mission in Berlin for decision.

- h. The Polish law considers that any child born in wedlock takes the citizenship of the father.

2. Polish-Jewish children.

Jewish children may be repatriated to Poland if they so choose. If not, they may themselves elect to go to another country, or, in the case of young children, plans may be made to send them to other countries for resettlement.

3. Adoption of Polish Children.

The same decisions which have been issued with regard to the adoption of Yugoslav children are to be applied to the adoption of Polish children.

III. CZECHOSLOVAK CHILDREN.

1. Nationality Status and Repatriation.

The Ministry of Foreign Affairs, Prague, has issued a statement to the effect that Czechoslovakia is interested in recovering as many of their Czech or Slovak people as possible, particularly children who have a claim to Czech or Slovak citizenship. The following decisions have been given with regard to the status and repatriation of unaccompanied children.

- a. A child born in wedlock of a Czech father is a Czech.
- b. In cases of mixed marriages between Czechs and Germans, each case will be carefully screened, and a decision with regard to repatriation will be given on the merits of each situation.
- c. A child born out of wedlock of a Czech mother and German father is a Czech. The mother and child may be repatriated, or if the child is alone, he may be repatriated.
- d. A child born out of wedlock of a Czech father and a German mother is a German child. If, however, the child is an orphan or has been deserted by the mother, the Czech Government will consider him for repatriation to Czechoslovakia.
- e. Any Czech children found to be living in German families or institutions are to be removed and repatriated to Czechoslovakia.
- f. No Czech children may be sent to any country other than their own without clearance and release through the Chief Liaison Officer of the Zone.

2. Czech-Jewish Children.

The Czech Government is eager to have Jewish children repatriated, but no restrictions will be placed on their resettlement elsewhere if that is their choice, or the decision of Jewish adults or organisations who are responsible for their welfare. Jewish children whose parents are known to be

in Czechoslovakia, however, must be repatriated to their home country.

3. Czech Children with Relatives in Other Countries.

Czech orphans who have no family ties in Czechoslovakia but who have close relatives in other countries will be permitted to join such relatives if it is thought to be the best solution for the child. Such cases, however, will need to be cleared individually with the Czech Liaison Officers.

4. Adoption of Czech Children.

The decisions outlined for the adoption of Yugoslav children are also concurred in by the Czech Government and should be considered the basis for handling such cases in the Zones.

Not all the questions concerning the status of unaccompanied children are answered here for all three countries. This is because decisions on some phases of the problem have not yet been secured from the governments. As additional or revised information is made available, it will be relayed to the field. Several of the points covered in this summary require further exploration and consideration, not only with the governments concerned, but with the military authorities responsible for the execution of policies relating to unaccompanied children. These are discussed below:

1. The age at which young people may decide whether they wish to return to their own countries or go to some other country to live is still unsettled in that there is variance between what governments are recommending and what is actually taking place. For instance, in the U.S. Zone, under the regulations of the U.S. Immigration Service, American Consulates may accept applications for visas from anyone of 16-years of age and over. Decisions made by military authorities with regard to individual cases also indicate that 16-years is the age which they consider acceptable in matters relating to repatriation or resettlement.

In view of the difference of opinion still existing with regard to this question, and until such time as this difference can be adjusted, any cases involving age of consent should be taken up individually with National Liaison Officers and military authorities, rather than applying an arbitrary age limit.

2. The decisions given by these National Governments with regard to adoption of their children should be adhered to insofar as it is within UNRRA's power to do so. With the revival of German legal structure, however, German courts, under military government supervision, are becoming increasingly available to all residents of Germany, whether German citizens or foreigners. This means that in some areas, at least, it may be possible for displaced persons to file application for adoption of a child quite independently of any decision by their own government. In such cases, however, the German law requires that the applicant meet the conditions of the adoption laws of Germany and of his own country. Procedures relating to adoption are still under discussion, but additional information will be available soon.

Another aspect of the adoption problem is that of United Nations' children who were adopted by German

families during the Nazi regime. National Governments have demanded that their children be located and removed, but this cannot be done without proper legal authority, and possibly a court decision setting aside the original adoption. This question is now in the process of decision and until a clarification of the problem is issued by military legal authorities, all cases where actual adoptions took place will have to be held pending. It is anticipated that a statement on German adoptions will be issued soon.

Don't get lost
CARL H. MARTINI
Assistant Director.
(Relief Services).

Prepared by:-

Eileen Blackey.
Child Welfare Consultant.
May 13, 1946.

Portland Street.

OUT FILE
DEPATCHED BY
REGISTRY

12/5/46

9th May. 1946.

NR. 21 35540 1760

To: The Director-in-Chief, Austrian Operations, Central H.Q. Vienna,
(attention Relief Services)
From:- Director, Welfare & Repatriation Division.

Subject: UNRRA Material regarding Guardianship and Adoption of Unaccompanied Children.

1. During a telephone conversation with Mr. Mathiasen, Miss Barton asked if Miss Aves would let her have any material dealing with the above subject. The questions are under consideration at the present time, and there is as yet no written material. While no decisions have yet been taken, the thinking may be said to be broadly as follows:

Guardianship.

It is recognised that unaccompanied displaced children do not have the legal protection which a state normally gives to orphans and other deprived children, and it is thought that those children who are stateless or of unknown nationality or otherwise non-repatriable, require the protection of a guardian until their permanent resettlement. It is also recognised that UNRRA is not the proper agency to assume guardianship because of the temporary character of its services. UNRRA has therefore under consideration for discussion with the military authorities, a proposal concerning the establishment of a military government guardianship in Germany for these children. It is intended that the regulations providing for the system of guardianship, would provide for the transfer of guardianship responsibilities to the social agency or individual in whose care the child is placed for permanent resettlement. Any proposal of this kind would naturally be considered at the appropriate time in relation to any special conditions existing in Austria.

Adoption.

The possibility of adoption depends in part on the establishment of a guardianship system, since the services of a guardian are needed to authorise any adoption, and to accept the relinquishment by the parent of a child for the purposes of adoption. The whole question of adoption is being studied by UNRRA Legal Advisers in Germany in relation to the problems which have arisen there. It is hoped to be able to give staff in the field some guidance as the result of these studies, and no doubt the information will also be pertinent to similar problems arising in Austria. It is a complex question because of the variation in legal adoption procedures as between different countries.

Clearly, until the question has been clarified in reference to unaccompanied children, adoptions cannot be sanctioned. UNRRA's thinking, and also it is believed, the thinking of national liaison officers in Germany, with regard to unaccompanied children of known nationality, is that if they are returning to their countries of nationality in the care of families to whom they are not related, any adoption procedures can only be undertaken after their return home.

2. We hope that the above information will be useful to you pending decisions on policy, which will, of course, be discussed with you at the appropriate time, insofar as they relate to displaced children in Austria.

Selene Gifford,
Director,
Welfare & Repatriation Division.

LAV/107

C O P Y.

10 May 1946.

MEMORANDUM.

SUBJECT: Adoption of Children and Related Problems.

TO: UNRRA Central Hqs., APO 757, U.S. Army.

Attn: Miss Eileen Blackey, Child Welfare Consultant.
through UNRRA Liaison Office, ACA Bldg.

Reference is made to the conversations which Miss Blackey had with Mr. Dickman of this Division on the above subject. Following Miss Blackey's suggestion the problem of annulment of adoption contracts under existing German law has been studied. The situation is as follows:

1. Section 1768 of the Civil Code of Germany contains a provision whereby a contract of adoption can be rescinded by way of an annulment contract between the adopter and the adopted child.
2. In addition to this provision such annulment can take place by way of a procedure established under the law of 12 April 1938 (Gesetz über die Änderung und Ergänzung familienrechtlicher Vorschriften usw., RGBl. I, 380).

Article 5, para. 12 of this law, which is still in effect, provides that an adoption contract can be annulled by a decision of the court, if reasons, either in the person of the adopter or of the child, make it imperative as a matter of public policy to have the contract annulled.

3. Para. 13 provides that the application for annulment may be filed by the higher administrative authority (höhere Verwaltungsbehörde). This higher administrative authority shall file such an application only in cases where an urgent public interest in the annulment of the adoption contract exists.

4. It is understood that this law was passed under the Nazi regime, its provisions were designed to annul adoption contracts in cases where it turned out that the adopter and the adoptee were of a different racial origin. The law, nevertheless, is still on the books and may well be used for carrying out the policies of the Allies which, in many cases, will call for the annulment of contracts of children that were forcibly taken from the countries of their origin and were brought to Germany to become "Hitler's children".

5. The filing of the application to have an adoption contract annulled which, under the law just quoted, has to be done by the higher administrative authority, will have to be initiated by Military Government. It can be expected that, if the facts of the undesirability of the continuation of these adoption contracts, seen from the Allied point of view, are presented to the Courts, they will respond favourably to requests for annulment.

6. Such application can, of course, only be filed on the basis of the merits of each individual case. If such cases should turn upon wholesale such individual procedure might not do and legislation, either zonal, Laender or quadripartite, may be necessary to remedy the situation.

Charles Fahy.
Director.

Telephone BERLIN 76-5211
OMGUS 42178.

C O P Y.

10 May 1946.

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Charles Fahy.
Director.

Telephone BERLIN 76-5211
OMGUS 42178.

C O P Y.

6 May 1946.

TO: Dr. Dickman.
Legal Division, OMGUS.

SUBJECT: ADOPTIONS OF UNITED NATIONS' CHILDREN.

At your request, I am submitting some illustrative situations which point up the problems UNRRA Child Welfare workers are meeting in their work with United Nations' unaccompanied children.

There are two quite different angles to the adoption problem as we see it. There is first the question of recovering and repatriating children of other countries, who were brought forcibly into Germany during the war years and given to German families for adoption. The second part of the problem is concerned with the requests which are now coming in from various individuals to adopt United Nations' orphan children who are still in Germany.

With regard to children who have been adopted by German families in the past, the following facts are important. These are United Nations' children who were removed from their own countries and families by force, and brought into Germany under the sponsorship of the N.S.V. These children were put through a process of "Germanisation" and placed with selected German families, either for adoption or foster care. We do not know as yet how many adoptions actually took place, but we are beginning to find cases which make it necessary that some decision be given with regard to their status.

National Governments have made it quite clear that they want all of their children, who have been placed in German families or institutions, removed and taken into UNRRA Children's Centres to await repatriation. Many such children have already been located in German orphanages, nurseries, and other children's institutions, but the search for children in individual homes is just beginning. It is recognised that there are serious social as well as legal implications in the removal of these children. Many of them may be quite attached to the German families with whom they are; the process of separating them, and the readjustment to their own families and culture will not be easy. However, it is important to weight the long time advantage to these children of regaining their own identity, and being reunited with their own families or

relatives. Aside from the consideration which should be given to the children individually, there is the very legitimate claim which the countries have to these large numbers of children who were stolen from them. The points of this particular problem which we feel need clarification are:-

1. Are adoptions of United Nations' children by German families, which took place between the years 1939/1945, still valid?
2. If not what is the official source of their invalidation?
3. If they are still valid, how can procedures be instituted to have them rescinded? Must this be done on a case by case basis? If so, can the National Government of the child concerned bring the case to court? In such instances, is there review of the court's decision by the appropriate military government authorities, in order to ensure objective consideration of the case?

I do not have with me specific facts concerning individual cases, but I am summarising here two situations which may help in pointing up the problem. One case is that of a three year old Polish child, who has been located in the care of a German family. The family claims that the child was legally adopted by them two years ago and they refuse to relinquish her. It has been unquestionably established that the child is Polish.

The second case does not represent an actual adoption but presents some of the same questions. A 14-year old Polish boy was found to be living with a German family in a refugee camp at Mosbych. The case was reported to the child welfare worker of a nearby UNRRA team, who discovered the following facts:-

While the mother was interned in a German forced labour camp in Silesia, she entrusted the care of the child to a German family. During the Russian offensive the German family, together with the boy, was evacuated to Western Germany. The German family acknowledged all the facts of the case, but refused to give up the child. The UNRRA worker, and the Polish Liaison Officer, referred the case to the Military Government Officer concerned, and secured permission to remove the child and bring him to an UNRRA Children's Centre. This was done, but subsequently the German foster mother took the case to a higher Military Government Officer who ordered that the child be returned to the German family. The case has now been appealed by the Chief Polish Liaison Officer to the Displaced Persons' Division, USFET.

As you see, it is necessary to work out a fair and consistent legal procedure which can be followed in cases such as those described above.

The second major problem concerns applications for the adoption of United Nations' children still in Germany. To the best of our knowledge, there has been no change in the original instructions issued by SHAEF (CA/49, MAY 1945, Part II, Section 7) stating that under no circumstances should children be permanently placed, nor should any plans for adoption be consummated. It was the intention of this statement to prevent the adoption of children during the period following liberation, when there was confusion and uncertainty with regard to the identity of children. If the thinking of the occupying governments is now in the direction of permitting adoption, such a policy should be stated in an official release to all persons concerned with the problem; a definite procedure, and set of conditions under which adoptions may take place, should be formulated. This is important for two reasons - to prevent unauthorized adoptions, and to make possible the consideration of applications which are legitimate and sincere.

If it is going to be possible for interested persons to place applications for the adoption of children, it is important that the following points be taken into account.

1. The Governments of countries whose children are still in Germany in large numbers have made it clear that they will not permit the adoption of their children by nationals of another country. They are insistent that their unaccompanied or orphan children be repatriated.

They have agreed that where children no longer have family ties in their own country, but have close relatives elsewhere in the world, these children may be sent to join the relatives provided it seems best for the child.

It should be pointed out also that Jewish children are not included in the above group. Poland, Yugoslavia and Czechoslovakia will permit their orphan children of Jewish faith to be resettled in other countries, through adoption or otherwise.

2. Even though it is many months since some of these children were found, it is still not an established fact that those whose parents have not been located are orphans. The tracing of families and relatives is often a long and painstaking task, and to permit the adoption of children whose orphan status may be in doubt would be disastrous for everyone concerned. In addition to this, children are being located every day, and it is imperative that no disposition be made of them until sufficient time has elapsed to indicate that efforts to tracing parents and relatives are not bringing results.

When adoptions take place under more normal circumstances, namely, when the prospective adoptive parents and the child are in the same country, most adoption laws require that the adoptive parents meet certain requirements with regard to financial security, moral standards, and desirable personal qualities.

It seems important that any orphan child in Germany who is eligible for adoption should be given every guarantee of a good home, and that the same efforts should be made to evaluate the prospective adoptive home as would be the case in the country to which the child is going. This would mean that any applications coming from other countries, or from the nationals of other countries who are now in Germany, should be referred to recognised Child Welfare agencies in these countries for investigation and recommendation before the child is released for adoption. This will delay the procedure, it is true, but to permit adoptions of children, who, by the very nature of their past experience will require unusually well qualified adoptive parents, without setting up at least a minimum of legal and social safeguards is courting trouble.

It would be extremely helpful if all military, military government, and UNRRA personnel in the field could be issued a clear statement of policy on adoptions, together with the procedures and conditions under which adoptions may take place. If this could be made applicable to the U.S., British and French Zones, the problems would be considerably simplified. If this is not possible, perhaps a general statement of principles could be agreed upon, which would be implemented as each Zone thought best.

EILEEN BLACKKEY.
Child Welfare Consultant.
UNRRA Central Headquarters.

U.N.R.R.A. B.A.O.R.

CHILD WELFARE SERVICES.

9th May 1946

PROJECTED PLAN FOR NEXT THREE MONTHS.

Child Welfare Services must be increased for the next three months in order to meet UNRRA's obligations to the children of the United Nations. It is hoped that at the end of this time there can be a clear indication of the problem and a suggested plan can be formulated. Whether UNRRA or some other agency is responsible following this time is immaterial but it is essential that the type of problem be clearly recognized and the number of children concerned be stated. In order to reach this goal certain steps must be taken at Zone level and at District or Regional levels.

ZONE RESPONSIBILITY.

At Zone level our major responsibility must be the formulation, in co-operation with the Policy and Legal Divisions of PW/DP Division, of Policy statements dealing with legal matters. The particular areas which need definition by the legal authorities are those relating to adoption, age of choice, guardianship, nationality status and illegitimate children. These questions will not be determined on a quadripartite basis by A.C.C. in Berlin but must be a responsibility assumed by the occupation government of each Zone. It is UNRRA's responsibility to take the leadership in presenting these questions to Policy and Legal Division and helping them in determining decisions which will be socially acceptable. Illustrative material pointing up the individual questions which arise is needed from the field.

INVESTIGATION OF "HIDDEN CHILDREN"

A Military Government directive dated 30-4-1946 is being distributed throughout the Zone by 40,000 notices printed in German and posted on every Military Government notice board. This directive defines UNRRA's responsibility in investigating children of United Nations' parentage who are reported to be living in German institutions or with German families. These notices are to be posted by 17-5-1946 and reports are due from Burgomasters within 60 days. A report is due to the Secretariat on 17th June and another on 17th July as to the number of children reported, their believed nationality and the disposition of the case. There is a penalty to be imposed on persons withholding information and it is anticipated that this census will bring forth a considerable number of children not now known. It is not possible to anticipate the exact numbers so that it is difficult to plan for the investigations to be made by UNRRA personnel following the reporting of the names.

ADDITIONAL STAFF.

Budget lines have been approved for the appointment of 10 Child Welfare Investigators at Zone level at grade 6. These persons will not be qualified Welfare Officers but may be other UNRRA personnel who can demonstrate their ability to interview persons and have language qualifications. In addition to these UNRRA Child Welfare Investigators a number of Voluntary Agency personnel will be made available for this work. It is suggested also that UNRRA Welfare Officers whose team responsibilities are ending be given an opportunity to work in this program at their present grade in order that the work can be done quickly and while there is qualified staff in the field.

In addition to investigators in the field clerical help must be increased at both Zone and District or Regional levels. It is recommended that 2 additional clerk typists be assigned at Zone level and that districts be authorized to appoint 1 clerk typist for every three investigators in the field. In addition one English speaking short-hand secretary, or preferably an administrative assistant should be assigned to the Welfare Officers at

District or Regional levels.

ORGANIZATION AT DISTRICTS OR REGIONAL LEVELS.

It is recommended that at the district or regional levels the Child Welfare Officer appoint a qualified team Welfare Officer as supervisor of the Child Welfare Investigators in the District. An alternative plan would be for the Child Welfare Officer to assign a team of one to three or four Child Welfare Investigators to each area Welfare Officer. The details of the organization of the program at the district or regional level should be determined by the District Director and his Welfare staff. An important thing to keep in mind is the need to do a big job in a short period of time. A free hand is necessary in permitting the Welfare staff at District levels to utilize team Welfare Officers who might be released at this time.

There will be some DPs who are qualified to work as Child Welfare Investigators under the close supervision of the UNRRA Welfare Officers. It is recommended that these persons be employed as UNRRA class 2 employees after screening has been done by the appropriate Liaison Officer.

REPATRIATION.

Repatriation of children will take careful planning some of which has already been done by the District Child Welfare Officers. It is part of the program which in the main should be finished before 1st July 1946.

At Zone level plans should be formulated with the appropriate Child Welfare authorities in countries receiving unaccompanied children so that a uniform plan be devised which will facilitate the movement of the children from Germany and guarantee satisfactory care for them when they are returned to their home countries.

CHILDREN'S CENTRES.

The supervision and possible development of children centres or homes must continue hand in hand with the location and investigation program as there will be instances where children must be removed from their present quarters and placed under the care of UNRRA pending more permanent plans for them. In all Districts some children centres are now in operation and it is likely that with the repatriation going forward new centres may not be necessary. Welfare staffs must be prepared to open centres to meet special requirements when such requirements are known.

SUMMARY.

In order to meet the current responsibility due to children in time to formulate a projected plan for the residual group, Welfare staffs at Zone and Districts or Regional levels must immediately be increased. At Zone level it is recommended that two clerk typists be added to the clerical staff and that if the numbers of children reported by the burgomeisters warrant it that by July 1st an assistant Child Welfare Officer be appointed. At District level it is recommended that the Child Welfare Investigator positions grade 6 be filled immediately and that in addition all available Voluntary Agency personnel be assigned to this work. D.P.'s should be selected and prepared for the work in anticipation that a way be found to make them class 2 employees. Directors should look for competent clerical help at the ratio of one to three Child Welfare Investigators in the field plus competent secretarial or administrative help at the District office. If the Child Welfare Investigators work out of area offices and possibly in some cases from team offices on a temporary basis additional transport should not be required. If additional transport is necessary it is urged that the needs be communicated to Zone Transport Officer as quickly as possible.

Anthony T. Pearce

Child Welfare Consultant.

6th May, 1946.

TO: Dr. Dickman
Legal Division, OMERS

SUBJECT: ADOPTIONS OF UNITED NATIONS' CHILDREN

At your request, I am submitting some illustrative situations which point up the problems UNRRA Child Welfare workers are meeting in their work with United Nations' unaccompanied children.

There are two quite different angles to the adoption problem as we see it. There is first the question of recovering and repatriating children of other countries, who were brought forcibly into Germany during the war years and given to German families for adoption. The second part of the problem is concerned with the requests which are now coming in from various individuals to adopt United Nations' orphan children who are still in Germany.

With regard to children who have been adopted by German families in the past, the following facts are important. These are United Nations' children who were removed from their own countries and families by force, and brought into Germany under the sponsorship of the N.S.V. These children were put through a process of "Germanisation" and placed with selected German families, either for adoption or foster care. We do not know as yet how many adoptions actually took place, but we are beginning to find cases which make it necessary that some decision be given with regard to their status.

National Governments have made it quite clear that they want all of their children, who have been placed in German families or institutions, removed and taken into UNRRA children's centres to await repatriation. Many such children have already been located in German orphanages, nurseries, and other children's institutions, but the search for children in individual homes is just beginning. It is recognised that there are serious social as well as legal implications in the removal of these children. Many of them may be quite attached to the German families with whom they are; the process of separating them, and the readjustment to their own families and culture will not be easy. However, it is important to weigh the long time advantage to these children of regaining their own identity, and being reunited with their own families or relatives. Aside from the consideration which should be given to the children individually, there is the very legitimate claim which the countries have to these large numbers of children who were stolen from them. The points of this particular problem which we feel need clarification are:

1. Are adoptions of United Nations' children by German families, which took place between the years 1939/1945, still valid?
2. If not what is the official source of their invalidation?
3. If they are still valid, how can procedures be instituted to have them rescinded? Must this be done on a case by case basis? If so, can the National Government of the child concerned bring the case to court? In such instances, is there review of the court's decision by the appropriate military government authorities, in order to ensure objective consideration of the case?

I do not have with me specific facts concerning individual cases, but I am summarising here two situations which may help in pointing up the problem. One case is that of a three year old Polish child, who has been located in the care of a German family. The family claims that the child was legally adopted by them two years ago and they refuse to relinquish her. It has been unquestionably established that the child is Polish.

The second case does not represent an actual adoption but presents some of the same questions. A 14-year old Polish boy was found to be living with a German family in a refugee camp at Mosbych. The case was reported to the child welfare worker of a nearby UNRRA team, who discovered the following facts.

While the mother was interned in a German forced labour camp in Silesia, she entrusted the care of the child to a German family. During the Russian offensive

the German family, together with the boy, was evacuated to Western Germany. The German family acknowledged all the facts of the case, but refused to give up the child. The UNRRA worker, and the Polish Liaison Officer, referred the case to the Military Government officer concerned, and secured permission to remove the child and bring him to an UNRRA Children's Centre. This was done, but subsequently the German foster mother took the case to a higher Military Government officer who ordered that the child be returned to the German family. The case has now been appealed by the Chief Polish Liaison Officer to the Displaced Persons' Division, USFET.

As you see, it is necessary to work out a fair and consistent legal procedure which can be followed in cases as those described above.

The second major problem concerns applications for the adoption of United Nations' children still in Germany. To the best of our knowledge, there has been no change in the original instructions issued by SHAEF (CA/39, May 1945, Part II, Section 7) stating that under no circumstances should children be permanently placed, nor should any plans for adoption be consummated. It was the intention of this statement to prevent the adoption of children during the period following liberation, when there was confusion and uncertainty with regard to the identity of children. If the thinking of the occupying governments is now in the direction of permitting adoption, such a policy should be stated in an official release to all persons concerned with the problem; a definite procedure, and set of conditions under which adoptions may take place, should be formulated. This is important for two reasons - to prevent unauthorized adoptions, and to make possible the consideration of applications which are legitimate and sincere.

If it is going to be possible for interested persons to place applications for the adoption of children, it is important that the following points be taken into account:

1. The Governments of countries whose children are still in Germany in large numbers have made it clear that they will not permit the adoption of their children by nationals of another country. They are insistent that their unaccompanied or orphan children be repatriated.

They have agreed that where children no longer have family ties in their own country, but have close relatives elsewhere in the world, these children may be sent to join the relatives provided it seems best for the child.

It should be pointed out also that Jewish children are not included in the above group. Poland, Yugoslavia, and Czechoslovakia will permit their orphan children of Jewish faith to be resettled in other countries, through adoption or otherwise.
2. Even though it is many months since some of these children were found, it is still not an established fact that those whose parents have not been located are orphans. The tracing of families and relatives is often a long and painstaking task, and to permit the adoption of children whose orphan status may be in doubt would be disastrous for everyone concerned. In addition to this, children are being located every day, and it is imperative that no disposition be made of them until sufficient time has elapsed to indicate that efforts to tracing parents and relatives are not bringing results.
3. When adoptions take place under more normal circumstances, namely when the prospective adoptive parents and the child are in the same country, most adoption laws require that the adoptive parents meet certain requirements with regard to financial security, moral standards, and desirable personal qualities.

It seems important that any orphan child in Germany who is eligible for adoption should be given every guarantee of a good home, and that the same efforts should be made to evaluate the prospective adoptive home as would be the case in the country to which the child is going. This would mean that any applications coming from other countries, or from nationals

of other countries who are now in Germany, should be referred to recognized child welfare agencies in those countries for investigation and recommendation before the child is released for adoption. This will delay the procedure it is true but to permit adoptions of children who, by the very nature of their past experience, will require unusually well qualified adoptive parents, without setting up at least a minimum of legal and social safeguards is courting trouble.

It would be extremely helpful if all military, Military Government, and UNRRA personnel in the field could be issued a clear statement of policy on adoptions, together with the procedures and conditions under which adoptions may take place. If this could be made applicable to the U.S., British and French Zones, the problems would be considerably simplified. If this is not possible, perhaps a general statement of principles could be agreed upon, which could be implemented as each Zone thought best.

Mileen Blackey
Child Welfare Consultant
UNRRA Central Headquarters

Miss Pentz

UNRRA CENTRAL HEADQUARTERS.
AROLSEN.

CONFIDENTIAL.

REPORT ON FIELD TRIP TO BERLIN.
MAY 1 - 10, 1946.

This trip to Berlin was made for the purpose of discussing problems concerning unaccompanied United Nations' children. Conferences were held with the following people:-

General Polachek	-	Chief, Czech Military Mission.
Colonel Bibrowski	-	Polish Repatriation Mission.
Major Meillon	-	French Repatriation Mission.
Madame de la Morlais	-	P. D. R., French Mission.
Major DeRosen	-	PW-DP Division, French.
Colonel Ward	-	PW-DP Division, British.
Lt. Col. Abbott	-	PW-DP Division, American.
Judge Madden	-	Legal Division, OMGUS.
Dr. Dickman	-	Legal Division, OMGUS.
Lt. Col. Carroll	-	CRX.
Miss Panchard	-	CRX.
Miss Samsonoff	-	Central Tracing Policy Board.
Mr. Kleinke	-	Child Welfare, OMGUS.
Lt. Col. Bevier	-	Director, Welfare Division, OMGUS.

Prior to this trip to Berlin, a draft paper was prepared by the Child Welfare Consultant to be used as a basis for discussions with Military Authorities and National Governments. This paper was concerned primarily with the legal and social problems connected with guardianship of unaccompanied children, determination of nationality status, adoptions, illegitimacy, and age of majority. In March, preliminary discussions were held with the authorities in Berlin on these same issues, but their approach to it then was still in the exploratory stage. It was hoped through this second round of conferences to arrive at certain decisions on a quadripartite basis. A summary of these conferences, together with conclusions and recommendations is given below.

Guardianship and Nationality Status.

The DP Divisions were not much further along in their solution of this phase of the problem than they were a month ago. The U.S. DP Division still feels that the proposed directive which they submitted several months ago is the solution. See copy attached. In the meantime, the French have submitted a proposal on the problem, but the Soviets and the British have made no counter proposals.

1. Discussions with British DP Division.

My visit to the British DP Division coincided with the

arrival of a cable from their War Office in answer to their referral of the U.S. proposal on determination of nationality for legal review. The report from the legal authorities of the British War Office states that British Military Government has no authority to legislate in Germany on matters affecting non-German people and that therefore they would not recommend that the British authorities in Germany make any proposal to the Allied Control Commission on this problem or concur in the action proposed by other powers.

Col. Ward expressed agreement with UNRRA's suggestion that no disposition be made of children of undetermined nationality until such time as a duly authorized agency could make some decision with regard to them and that in cases of disputable nationality, a board of review be established to examine the information available and arrive at a decision where possible. Col. Ward said he would be very glad to discuss our draft paper with their legal division, but he felt sure that their thinking would be in line with the recommendations made by UNRRA. He felt it advisable for UNRRA to present the problems and recommendations formally to the Allied Control Commission.

2. Proposal of French DP Division.

A copy of the proposal made by the French Government is attached to these minutes. This proposal was discussed with all three DP Divisions. The French, of course, feel it provides the necessary protection for children. The British and American Divisions do not concur in it. As one reads the proposal, it seems vague and nebulous, but in discussing it with Major Meillon, it is obvious that the French authorities have very specific ideas of the types of situations this proposal will cover. The chief objection made to the French proposal by the American DP Division is the lack of definition as to the scope and methods implied by the proposal. It is unquestionably true that the proposed directive could be interpreted as giving nations too comprehensive a claim to children now in Germany. Articles IV and VI are particularly opposed by the U.S. authorities because of the invasion such statements would permit of German legal and social machinery.

3. Discussions with U.S. DP Division.

I had several discussions with Lt. Col. Abbott of the U.S. DP Division in an effort to interpret further our objections to sections of the directive proposed by his Division. A copy of the proposed U.S. directive is attached to these minutes. The points on which we would take issue are these:

- (1) Any children born of stateless parents in Germany are to be declared German citizens.
- (2) Any children of undetermined nationality shall be declared German citizens.
- (3) United Nations' children who have been placed in German families or adopted by German families are not to be removed from those families for the purpose of repatriation unless it is thought to be "for the best interests of the child". The best interests of the child, however, is interpreted as meaning

"continued residence with a responsible person". Col. Abbott is not in agreement with the plan for locating and identifying United Nations' children who are now hidden in German families. He feels they should be left where they are unless they are being abused or poorly cared for. The fact that the National Governments are demanding that these children be found and repatriated is not being given due consideration by the U.S. DP Division. This is serious since the largest number of unaccompanied children are in the U.S. Zone. In my discussions with the Repatriation Missions, I urged that they present their demands with regard to their children in writing to the Allied Control Commission. Up to the present time, UNRRA has continually reminded military authorities of the decisions taken by National Governments with regard to their unaccompanied children, but the governments themselves have not made a formal presentation of their countries' decisions to the military authorities.

Col. Abbott refuses to consider any revisions of the U.S. proposal as it now stands. He reported that Col. Nickelsen has authorized the use of this draft directive as a guide in the U.S. Zone even though it has not as yet been officially released. It has been held up pending the possible concurrence of the other powers and the application of the directive on a quadripartite basis.

In my conference with Judge Madden, Director of the Legal Division, OMGUS, I discussed the problems as described in our draft paper and left a copy of it with him. He was very much interested in the problem and said he had been uninformed on the many real problems presented by United Nations' children. The Legal Divisions and the Legal Directorate, however, do not have the power to make policy. Their function is only in relation to the legality of certain proposed legislation or policy and the legal phrasing of such proposals.

4. Meeting of the Legal Directorate. A.C.C.

On Tuesday, May 7th, the question of guardianship and nationality status came up for discussion before the Legal Directorate. I was not present at this meeting, but Colonel Abbott gave me a detailed account of the discussion later in the day. Both proposed directives (U.S. and French) were used as the text of the discussion. No agreement by the four powers could be reached on either of them or on any compromise proposal. The British representative pointed out the decision made by the British War Office to the effect that British Military Government authorities could not legislate on behalf of non-German citizens and therefore they would not concur in either directive. He added that the British DP Division recommended holding all cases of undetermined nationality until such time as UNO or some other duly authorized agency could decide their disposition.

The U.S. representative reiterated the text of their

proposed directive as the policy recommended by their DP Division. There was disagreement among the powers on the same sections which UNRRA had questioned. The U.S. Division claims that the occupying power or powers constitute the law in Germany and are therefore in a position to legislate or make policy with regard to anyone in Germany, whether they be Germans or not. The other powers declined to concur in the draft proposal as submitted by the U.S. DP Division.

The French representative presented a counter-proposal drafted by the French DP Division and the French Repatriation Mission. This was thought to be too sweeping in its intent and not sufficiently clear cut as to what the rights of each country would be in relation to unaccompanied children. The French suggested the setting up of a French Commission to operate in Germany as trustees for all children with any claim to French nationality. In cases of French children adopted by German families, where considerable time might have to elapse before the adoption could be set aside, or in cases of children born out of wedlock of German girls and French fathers, this Commission would act as guardian and would make all decisions concerning support, education, and care of such children. This proposal was not concurred in by any of the other three powers.

The Soviet representative felt that there was no problem which needed settlement or action at a quadripartite level. No counter-proposal or recommendation was made by the Soviets on this problem.

As a result of this meeting, the Legal Directorate reported that no decisions concerning the guardianship and nationality status of unaccompanied United Nations' children could be reached on a quadripartite basis. The Directorate indicated that each Zone would have to handle the problem as they saw fit.

Adoptions of Unaccompanied Children.

The problem of adoptions had to be discussed from two angles, namely, the adoptions of United Nations' children by Germans which took place during the Nazi regime and secondly the requests now coming from various sources for the adoption of orphan United Nations' children who are still in Germany.

In my discussion with Judge Madden, he referred me to Dr. Dickman who is the authority on German law for OMGUS, since both phases of the adoption problem would involve utilization of German legal machinery, particularly in the U. S. Zone where German courts and German legal personnel have been so extensively reinstated. At the time of my discussion with Dr. Dickman, he had just completed a statement on the adoption of children in answer to three applications for children which had been submitted by American Army personnel. He had included in his statement permission to adopt not only German orphan children but United Nations' orphan children as well. He

was not informed as to the prohibitions placed on this by National Governments and will revise the paper accordingly. He asked that I give him a statement of the problem in more detail than was presented in our draft paper to AGC and include any examples of problems from the field. This was done (see copy attached) and on the basis of this, Dr. Dickman reviewed the German law and we had a conference on the problem later in the week. The following facts and recommendations resulted from these discussions.

1. With regard to United Nations' children already adopted by German families.
 - a. There seems to be general agreement among the legal people that the adoptions made during the Nazi regime even though sponsored by the N.S.V. are valid. This is due to the fact that the adoptions, though themselves perpetrated on illegal grounds, were carried out through the existing adoption laws and guardianship courts. One of two approaches may be made to this problem - either military authorities may set aside all adoptions made during 1938-1945 as illegal, or each case will have to be appealed individually on the basis of fraud, kidnapping etc. The first proposal would be difficult since it would invalidate many adoptions of German children which were in no way irregular. On the other hand, if each case has to be appealed in court, it will be a long drawn-out process.
 - b. A Nazi law passed April 12th, 1938 (German Gazette 1938, page 380), deals with the annulment of adoption contracts by court decision. The law was passed specifically to permit Germans who had adopted Jewish or part-Jewish children to have the adoptions invalidated and the children given up. The law provides that adoptions can be annulled by the courts for "moral reasons" or for "reasons of public interest". Dr. Dickman thought there might be a possibility of using this law for our present purpose of rescinding adoptions of United Nations' children.

In addition to this special law, there is in the German Civil Code a provision that an adoption can be set aside if it can be established that it was based on kidnapping, fraud, etc.

Dr. Dickman has asked that we submit to him several cases in detail so that they can be tested against the present German laws. In the U.S. Zone, if these cases must be presented individually with requests for cancellation, it will mean appealing the cases in German courts and the decisions will be made by German judges. I pointed out that if this is the only possible way in which these cases can be handled, it would be important to have a review of the decisions by Military Government authorities in order

to insure an objective and fair consideration of the cases.

2. With regard to applications for the adoption of United Nations' children still in Germany.

- a. Neither the DP Divisions nor Military Government seem to be adequately informed with regard to what is involved in the adoption of United Nations' children. There has been no co-ordinated approach to the problem and no instructions issued to all personnel in the field with respect to what can or cannot be done. I left with Dr. Dickman a copy of the draft paper which includes the decisions given by National Governments with regard to adoptions of their children by other Nationals.
- b. The draft opinion which had been prepared by Dr. Dickman in answer to the USFET request concerning applications for children by military personnel, gives a clear statement of German adoption procedure. See copy attached - Memo No. This procedure would be helpful in cases where German orphan children are under consideration, but as was pointed out in our discussion, the adoption of United Nations' children has been prohibited by most of the countries.

The above information was the result of discussions with the Legal Division of OMGUS, but it should be noted that the same angles of the problem have arisen in the other zones as well. The only difference will be in the methods developed by each Zone in handling the problem. The following recommendations came out of my discussion with Dr. Dickman, all of which might profitably be applied to the three Zones.

1. Instructions have been issued to all judges in the U.S. Zone setting forth what they can and cannot do with regard to the marriage law of Germany as it affects United Nations' nationals. Similar instructions should be issued with regard to German laws affecting children.
2. The military authorities of each Zone should issue a general order to both military and German personnel declaring unaccompanied United Nations' children to be under the care of the occupying governments and UNRRA and stating that no action with regard to custody, adoption, or movement of such children should be taken by the courts without specific authority of Military Government.
3. With specific reference to adoptions, an order should be issued, either separately or as part of the above, to the effect that no German court may take action either with regard to rescinding an adoption already consummated or processing an

application for adoption in cases where United Nations' children, or those thought to be United Nations' children, are involved without the approval of Military Government.

4. Pressure should be brought through military order to see to it that adoption records are turned over to Military Government authorities and UNRRA as provided for by the ACC directive calling for the registration of all United Nations' nationals.
5. Consideration should be given to the best method to be pursued for invalidating the adoptions of United Nations' children which were permitted to German families. If this is to be done by setting aside the law or portions of it, the military authorities of each Zone should be asked to undertake this. If it is to be accomplished through appealing each case, an authorized procedure should be prescribed by the military authorities in each Zone whereby Military Government officials upon the request of UNRRA or a National Liaison Officer may file proceedings for the annulment of the adoption contract.

Conclusions and recommendations.

This second series of discussions in Berlin indicates quite clearly that there is no hope of securing quadripartite action on the major issues relating to unaccompanied children. The Legal Directorate has definitely declined to take any decision with regard to guardianship and nationality status and has referred the problems back to the Zones for any action they think advisable. It may be that on some of the other phases of the problem, such as declaring null and void the adoptions which took place under the Nazi regime, it will be possible to secure concurrence at quadripartite level, but it seems dubious. Although no action on these problems can be expected in Berlin, it is extremely important that a careful watch be kept on what proposals are developing and what papers or directives are being prepared by the individual occupying governments. Even though such proposals may not emerge as Allied Control Commission legislation or directives, they do markedly affect what may happen in the particular Zone whose representatives in Berlin have made the proposal.

It was the consensus of opinion that the problems as encountered in the field, together with recommendations, should be formally presented by UNRRA to the Allied Control Commission.

As a result of these discussions and decisions, the following steps seem indicated.

1. A formal presentation of the problem by UNRRA to ACC.
2. Continuing liaison between CHQ and Repatriation Missions and Military authorities in Berlin to insure mutual clearance on all matters relating to unaccompanied children.
3. Conferences with each Zone to evaluate what has already been accomplished in getting the military authorities to meet these problems, and to lay down a plan of action which can be pursued by each Zone with its own military authorities.
4. Requests to the National Governments that they present their decisions and demands with regard to their unaccompanied children to the Military authorities in the Zones and to the ACC.
5. Presentation of materials to the appropriate representatives in UNO so that the group designated to study the problem of displaced persons may be informed with regard to the particular issues concerning unaccompanied children.

Other matters discussed in Berlin.

1. Conference with Gen. Polachek, Chief, Czechoslovakian Military Mission.

A visit was made to General Polachek to discuss with him what is being done with regard to the location and repatriation of Czech children.

General Polachek had asked General Meyer for information as to what was being done to find Czech children. I explained to General Polachek in detail the problems encountered in the field with regard to the location of children and described the plan now in operation in the three Zones for locating and documenting all United Nations' children. I explained that we work closely with Capt. Susiaky who is the Czech representative at C.T.B. and that all lists of Czech children are submitted to him as they are completed. Czech children have not been found in any large numbers to date and I stressed the importance of securing from Czechoslovakia any lists of lost children which the Czech Government might be able to provide. Gen. Polachek mentioned the Lidice children and stressed the importance of finding them. It was agreed that I would ask C.T.B. to keep him posted on all Czech children as they are located. General Polachek expressed satisfaction with the efforts being made to find Czech children, and would appreciate being kept informed with regard to future developments.

2. Conference with French Repatriation Mission.

Madame de la Morlais had talked with Gen. Meyer about the possibility of securing some UNRRA supplies for the children's home which she is operating in the French sector. There are now 17 children in the home but she expects to have this number increased to 90 in the future. These are children who are abandoned or who are brought in to the Mission by German unmarried mothers who claim the fathers of the children are French.

Madame de la Morlais explained that they are getting most of their supplies from the French Red Cross and the German community but that they are badly in need of powdered milk and baby food. An UNRRA team is to be assigned to the French sector in the near future. I suggested that Madame de la Morlais take the matter up with them, since they will be in a better position to evaluate the needs of the home and to give some general supervision to the use of the supplies. I pointed out that the same supplies are extremely short in all children's centres and that we may not be able to provide them in any great quantity. This is particularly true because UNRRA does not have these supplies but must requisition them from the military. Madame de la Morlais seemed very agreeable to the suggestion that the matter be discussed with the UNRRA team when it arrives. It is also expected that the Zone Welfare Officer from the French Zone will be able to spend some time in the French Sector when the UNRRA team first arrives, and can at that time discuss the matter with the P.D.R.

3. Conference with Col. Bibrowski - Polish Repatriation Officer.

Col. Bibrowski called to my attention the anti-repatriation propaganda that he feels is going on in many of the Polish camps. He showed me copies of approximately 15 camp newspapers in Polish which contained articles discouraging repatriation. He feels that UNRRA has responsibility for controlling these papers, and for eliminating such harmful propaganda. I asked if he would present this criticism in writing to Gen. Morgan and state specifically the dates and location of the camp newspapers which he had shown me. I assured him that we were as anxious as he to prevent this kind of propaganda and that CHQ would refer the problem to the Zones concerned upon receipt of his statement.

I discussed with Col. Bibrowski the importance of arranging transport for the repatriation of the unaccompanied Polish children who are now waiting. The Polish Red Cross trains were due in Germany some weeks ago but Col. Bibrowski explained that they had not yet had clearance from Warsaw and that he thought all available transport in Poland was tied up in moving the Poles back into Poland from the East. However, he felt convinced that the Red Cross trains could be brought into Germany some time in May.

We discussed the present status of the search for Polish

children and the amount of valuable information which is now known to UNRRA regarding lost Polish children. Col. Bibrowski feels it would be very valuable for me to visit Poland, both from the standpoint of relaying information to Polish agencies and officials and of getting an idea of the conditions in Poland and the ways in which plans for repatriation of children can be co-ordinated between Germany and Poland. I suggested that in view of the fact that Miss Heise in the U.S. Zone is so familiar with the information that has been accumulated concerning Polish children, she would be a more logical person to make the visit. Col. Bibrowski felt that it would be advisable for both of us to go, and he offered to extend an official invitation to that effect. He will forward this to General Morgan in the near future. It should be pointed out that the Polish Mission is still offended over the fact that UNRRA declined a previous invitation to send personnel to Poland.

4. Conference concerning individual cases of children.

I discussed with Miss Panchard of GRX plans for the return of four unaccompanied children from the Russian Zone. Written requests for these children were submitted to the Russian Repatriation Mission with copies to the Repatriation Missions of their own countries. GRX will secure permission from the Zones concerned for the return of these children if and when they are released from the Russian Zone.

5. Conference with French Repatriation Mission concerning USFET Cable.

During my conference with the French Repatriation Mission, Major DeRosen talked about the USFET cable that had just been released closing intake in the DP camps to all Nationals of France, Belgium, Holland and certain other countries. These governments are very concerned about this order, since they are still getting daily in Berlin groups of their Nationals who are coming through from the East as released PWs. These men are emaciated and too weak to travel without a period of care in camps along the way. Major DeRosen reported that the French, Dutch and Belgian Repatriation Missions had made a formal protest to Gen. McNarney. Major DeRosen asked that I deliver a copy of this letter to Gen. Morgan and expressed the hope that UNRRA would give thoughtful consideration to this problem.

Eileen Blackey.
Child Care Consultant.

May 14th, 1946.

8th April, 1946.

NOTE OF MEETING ON MARCH 26th, 1946 ON "GUARDIANSHIP".

PRESENT:→

Mr. Van Hyning.
 Miss Kernohan.
 Mrs. Lloyd.
 Miss Perman.
 Mr. Stephens.
 Mrs. Valk.

1. The main object of the meeting was to clarify the relationship of the I.G.C.R. to any scheme for Guardianship of unaccompanied children that the Administration is instrumental in working out.
2. In view of the I.G.C.R.'s overall interest in resettlement of refugees it had been thought that it might be the appropriate authority to ^{interest} ~~in~~ with the legal guardianship of unaccompanied children, particularly since these children who needed guardianship were likely to be persecutees or of undetermined nationality.
3. Mr. Van Hyning said that it was clear that I.G.C.R. was not the appropriate agency to interest in assuming legal guardianship for unaccompanied children since its future was undetermined, and its functions, as U.N.R.R.A.'s, would most probably be taken over by the proposed U.N.O. Committee on Refugees and Displaced Persons. Moreover, a recent letter from Sir Herbert Emerson had shown that I.G.C.R. was not in a position to assume, for example, a supervisory function even in relation to voluntary societies participating in re-settlement schemes. (Incidentally, this letter had stated that I.G.C.R.'s mandate only extended to German and Austrian Refugees, the Stateless (Nansen) and Spanish Republican refugees. Yugoslav dissidents are specifically excluded).
4. Mr. Van Hyning did not think that the U.N.O. Committee would be the authority either to be invested with legal guardianship or to invest some other agency with legal guardianship. He thought that Military Government in Germany and Austria was the authority from which such guardianship would come through whatever courts of law they operated and that this function would later devolve upon whatever Civil Government came into being in Germany.
5. The Administration should work out a unified scheme for the British, U.S. and French Zones in Germany for the guardianship of unaccompanied children by the Military and discuss this with the Military who had already indicated willingness to co-operate along these lines.
6. Mr. Van Hyning agreed that I.G.C.R. might be advised of any scheme for guardianship when worked out and included in discussions with the Military on it if this seemed appropriate.
7. For the purpose of working out guardianship requirements, Mrs. Lloyd might find it useful to examine material on a similar kind of guardianship found necessary for refugees and evacuees during the war in Great Britain (Refugee Children's (Guardianship) Act).
8. Mention was made that Dr. Simon (Legal Adviser, CHQ Germany) was still in hospital and that before he returned to Germany, the question of guardianship would be thoroughly discussed with him. For this reason, Mrs. Lloyd and Mr. Stephens did not propose to reply to Dr. Simon's letter of 19th January on "Guardianship of Unaccompanied Children".

THIS DRAFT PAPER HAS BEEN PREPARED AS A BASIS FOR
DISCUSSION WITH STAFF MEMBERS AND MILITARY AUTHORITIES.

APRIL 27TH, 1946.

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PROPOSED STATEMENT TO A.C.C. ON PROBLEMS RELATING
TO UNITED NATIONS' UNACCOMPANIED CHILDREN IN GERMANY.

I. PURPOSE.

This statement is prepared to bring to the attention of the appropriate military authorities in Germany, the social and legal problems which must be considered in the case of unaccompanied United Nations' children. The purpose of this statement is to indicate the nature of the problems and to recommend necessary action by military authorities.

II. BACKGROUND INFORMATION.

For the past eight months, the problem of United Nations' children displaced in Germany, without parents or legally responsible relatives to care for them, has become increasingly more extensive and serious in its proportions. The increase in the number of such children is due primarily to the fact that an UNRRA program for the location of United Nations' children who are living in German homes and institutions has been in operation in the British, U.S. and French Zones since last September.

This program moved slowly in the early months because information as to the whereabouts of the children was difficult to secure. Several requests for such information have been made of German officials by military authorities. The GDFX directive (Ref.No.8-15031) issued in August, 1945, requested registration of all United Nations' persons living outside Assembly Centres. Through this registration some unaccompanied children have been reported. In addition, records from German sources, particularly from various ex-Nazi organizations, have been discovered and through them the whereabouts of other unaccompanied children have become known.

In January, 1946, a second military directive (AG014.12 GEC-AGO) on the registration of displaced persons was issued and this is bringing to light additional unaccompanied United Nations' children. To date approximately 8,500 unaccompanied children have been found but the estimates given by National Governments, particularly Poland, Yugoslavia and Czechoslovakia, indicate that many more children of these countries are still to be located.

There is now sufficient evidence both from ex-Nazi sources and from National Governments to establish the fact that organized raids were made on the countries adjacent to Germany for the purpose of removing large groups of children and bringing them into Germany where they were placed in German families and institutions.

The N.S.V. (Nazi Welfare Organization) was the Nazi organisation created to carry out this scheme. Children were taken from their towns and villages and brought into Germany by truck or train-load. After a period of "Germanisation", they were placed out in German families, preferably those of high Nazi standing, or in German institutions.

Since the liberation of United Nations' peoples in Germany, National Governments have been pressing for the return of their own children. Because of the ways in which the raids were conducted and because of the mass movements of people during the war, countries are not able to give accurate estimates of the numbers of children they have lost. The Eastern countries, however, are now requesting a census of cities, towns and villages as a means of determining how many of their people have been lost and if possible how many children were removed to Germany.

One of the major tasks of UNRRA is to locate these children and through investigation to secure all available information which is used as a basis for determining their nationality.

The children who are being located fall into the following categories :-

1. The vast majority of the children found can be clearly identified as belonging to a particular country and are therefore repatriable.
2. A second group are those whose countries of origin can be clearly established but whose countries are not represented in Germany by repatriation officers. These children are from the Baltic countries or are persecutees from ex-enemy countries, such as Hungary.
3. The third group of children are those of undetermined nationality. These are children who are known definitely to be non-German, but on whom there is not sufficient information to determine the country of origin.
4. Jewish children constitute a special category in that they will not be repatriated, unless they so choose. Jewish children of any nationality may be considered for resettlement elsewhere. This has been informally agreed to by liaison officers of the three countries mentioned above. Representative Jewish Committees have assumed responsibility for decisions affecting unaccompanied Jewish children.

III. PRESENT PROBLEMS.

In view of the many serious problems which are arising with regard to the care and disposition of these children, it is important that action be taken which will ensure their protection. It is unfortunate that the location of these children is beginning at a time when the DP programme is approaching liquidation. It is important that the necessary machinery be maintained for the

location, registration and care of displaced United Nations' children.

The movement of any of these children out of Germany focuses attention immediately on the need for legal safeguards.

Proposals to move children out of Germany to other countries fall into two groups - those which are made by duly authorized agencies interested in the resettlement of children and those unauthorized attempts to move children to other countries which have been made at various times by political groups.

There are two emigration plans in progress at the moment, namely, movements of children to Palestine under the auspices of the Jewish Agency for Palestine, and the emigration of a group of children to the United States under the sponsorship of the U.S. Committee for the Care of European Children. These moves are recognized as desirable and authentic but the release of children for permanent resettlement in other countries involves certain legal measures and responsibilities which have not as yet been clearly defined.

Over the past months, four instances have come to our attention of attempts on the part of various groups to carry out unauthorized moves of children to other countries. These are children whose nationality has been clearly established and who are awaiting repatriation to their own countries. In order to prevent such illegal transfers of children, there needs to be a more clear-cut recognition of guardianship responsibilities on the part of military authorities.

1. Legal responsibility for unaccompanied children.

a) Guardianship.

Since the group of children under discussion in this statement are minors without the protection of adult family members, they must in matters concerning their care and disposition be under the legal guardianship of the occupying governments of Germany. This responsibility, while implied and accepted, has never been translated into concrete terms and issued as a statement of policy by military authorities. The fact that such a statement has not been issued, makes it difficult to provide effective safeguards for these children particularly in relation to unauthorized adoptions, desertion by parents, illegitimacy and transfer to other countries.

UNRRA acts in the capacity of temporary custodian of these children. This responsibility too has been implied but never officially established in the three Zones. Thus UNRRA's position is uncertain and its staff finds it necessary to establish policies and make decisions without the support of military authority.

Print
It is therefore recommended that a statement be issued by A.C.G. recognizing the legal responsibility which occupying governments have for unaccompanied children and formalizing the delegation of temporary custody to UNRRA.

b) Age of choice.

The age at which a child may decide for himself whether he wishes to return to his own country or choose another country for resettlement is a matter on which some decision should be reached.

In Poland, Yugoslavia and Czechoslovakia, the age of 18 years is considered the age of individual choice. In other words, unaccompanied children from these countries are not free to make a decision with regard to repatriation or resettlement unless they are 18 years or over. On the other hand, the agencies sponsoring the two emigration projects now under way, namely, the emigration of Jewish children to Palestine and the emigration of orphan children to the United States, consider that any child of 16 years or over may make this decision for himself.

For the purposes of location and registration, UNRRA has always considered an unaccompanied child as any child under 18 and has made reports to repatriation officials on this basis. It is apparent to anyone working with this group of young people that at 16 they are in most instances quite capable of making a decision with regard to repatriation or resettlement. If a minimum age limit for such decisions could be arrived at either between the military authorities and the national governments or solely by military authorities, it would do a great deal to clarify this issue throughout the Zones.

It would be our recommendation that 18 be retained as the age limit for conducting the search for United Nations' children but that 16 be established as a minimum age for making a choice concerning repatriation or resettlement. This, of course, is not in harmony with the present requirements of the countries concerned but it is our opinion that some modification of their regulations might be solicited.

c) Nationality status.

Unaccompanied children whose nationality cannot now be determined constitute a comparatively small group but one for whom important legal decisions need to be made. These are children on whom sufficient evidence is available to substantiate the fact that they are non-Germans, but on whom there is not enough identifying information to establish unquestionably the country of origin. On some of these children no clues are available, on others the information is such that the nationality of the child may be disputable.

Continuing efforts are being made on this group of children to uncover further facts concerning them and it is possible that given sufficient time for information to accumulate some of these children may eventually be identified as to nationality. There will be others, however, whose country of origin and/or whose personal identity may never be known. These children more than any others are in need of legal safeguards.

It is our opinion that these children should be officially declared the wards of the occupying governments of Germany and as such should retain their displaced persons' status until such time as a duly authorized organization can declare them to be stateless and consequently eligible for disposition.

d) Illegitimate Children.

Another problem which has serious legal and social import is that of illegitimacy. The number of children who are being born out of wedlock among displaced persons in Germany is on the increase and the circumstances of the situation often place a premium on desertion or even infanticide. While there is full recognition of the fact that wherever possible these children should be kept with their mothers, it is equally essential to recognize that in certain cases the removal of the child from the mother is necessary in order to safeguard the life and interests of the child. With regard to these children, it is our recommendation that protective procedures be developed by which UNRRA may be duly authorized -

- 1) To take any child into care when the abuse and neglect of the mother endangers the life of the child.

- 2) To accept from an unmarried mother the temporary custody of her child when circumstances indicate that she intends to desert it or when she herself cannot manage to care for it.

This problem of illegitimacy, like all other problems concerned with unaccompanied children, cannot be ignored. As the workers in the field are confronted with such problems, they work out what seems to them sound and desirable solutions, but this is a heavy responsibility and one which should be executed only with official backing of the occupying governments.

We should like to recommend that the protection of children born out of wedlock be recognised as a responsibility of the occupying governments and that as part of their responsibility they provide certain legal safeguards for these children.

e) Adoptions.

Adoptions of unaccompanied United Nations' children constitute another area in which legal and social protection is indicated. To the best of our knowledge, there has been no change in the original instructions issued by SHANP (CA/49 - May 1945, Part II Sec.7) to the effect that under no circumstances should children be permanently placed nor should any plans for adoption be consummated. It was the intention of this statement to prevent the adoption of unaccompanied children until such time as orphan status could be determined and the necessary official procedures could be established.

It has not, of course, been possible to prevent some children from being taken by families with whom they may have been living but to whom they are not related. It is certainly possible that eventually some of these children should be made eligible for adoption but there is a definite responsibility on the part of military authorities and UNRRA to determine insofar as it is possible to do so whether these children have their parents or any relatives still living. It is equally obligatory that the countries to whom these children belong be consulted with regard to the possible adoption of their orphan children.

Over the course of many months, informal working agreements have been reached with the repatriation representatives of the various countries on the matter of adoptions. The following decisions have been given by Poland, Czechoslovakia and Yugoslavia with regard to the adoption of their nationals :-

- 1) In cases where adult nationals wish to adopt a child of their own nationality, they are advised to wait until after repatriation and to initiate adoption proceedings in their own countries. Adoptions completed in Germany will not be recognized in the home country.
- 2) Adults who have decided not to be repatriated will not be permitted to adopt orphan children of their nationality. Such children must be repatriated.
- 3) Unaccompanied children of one nationality can not be adopted by adults of another nationality. Such children must be returned to their own countries.

We should like to recommend that the military authorities reaffirm their policy with regard to adoptions and that a military directive be issued stating the decisions of the national governments with regard to adoption. If it seems advisable to permit adoptions of some children, namely those who are unquestionably eligible for adoption, proper procedures should be outlined and the conditions under which adoptions may take place should be defined.

IV. SUMMARY.

The problems presented here and the accompanying recommendations are summarized below :

1. The legal guardianship of unaccompanied United Nations children is the responsibility of the governing military authorities. It is recommended that this responsibility be formally recognized and accepted by the appropriate military authorities so as to guarantee the protection of unaccompanied children and to facilitate any decisions with regard to them.

The care and welfare of these children has been considered by the Military to be the responsibility of UNRRA but this responsibility has not been recognized officially, except in the British Zone. We recommend, therefore, that the statement on guardianship include a clause delegating temporary custody of these children to UNRRA.

2. The minimum age at which unaccompanied orphan children may decide their own future has not yet been agreed upon, either among the Zones or with the National Governments.

It is recommended that National Governments through their Repatriation Missions be urged to consider sixteen as the age at which an orphan child may decide for himself whether he wishes to be repatriated and that the Allied Control Authority stipulate this age as the one to be in effect in the Zones.

3. There is a group of unaccompanied children whose nationality cannot be determined, but there is sufficient evidence available to indicate that they are non-German.

It is recommended that these children be declared the wards of the occupying governments and that they retain their displaced persons status until such time as a duly authorized organization can declare them to be stateless.

4. The number of illegitimate children among the United Nations population is on the increase. Protective legal procedures should be instituted for cases of neglect, desertion, paternity claims, and other similar problems.

It is recommended that proper authorization be provided by military authorities whereby UNRRA may officially take into care any child whose life is endangered because of the abuse or neglect of the mother.

5. The question of adoptions of United Nations unaccompanied children should be clarified.

Illegal or unauthorized adoptions are taking place. At the same time, legitimate requests are coming in asking for available children.

It is recommended that :

- (a) the decisions given by National Governments with regard to adoptions of their children be made known to all military and UNRRA personnel, and
- (b) if it is decided that adoptions of eligible children are to be made possible, specific legal and social safeguards be outlined whereby adoptions may be consummated legally and for the best interests of the child.

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

Office of the Deputy Military Governor.

DRAFT LETTER:

(file No.)

April 1946

SUBJECT: Principles for the Determination of the Citizenship
of United Nations Displaced Persons.

TO : To be directed to both Military and Military Govern-
ment:

It is desired that you promulgate the following instructions, defining the principles for the determination of the citizenship of displaced persons in Germany, to all agencies concerned:

1. In the absence of legal evidence to the contrary a person born of legally married parents shall be deemed to have the citizenship of his father, or, if the father is not a citizen of any state or is not known to be a citizen of any state, including Germany, the person shall be deemed a citizen of the country of his birth.
2. A person born of parents who are not legally married shall be deemed to have the citizenship of his mother, or, if the mother is not a citizen of any state or is not known to be a citizen of any state, including Germany, such person shall be deemed a citizen of the country of his birth.
3. A person of unknown parentage who was born in a known country outside of Germany shall be deemed to have the citizenship of the country of his birth.
4. A person of unknown parentage born in Germany, or a person of unknown parentage found in Germany and whose country of birth is unknown, shall be deemed a citizen of Germany.
5. A person whose citizenship has been determined under the foregoing provisions will have all the rights, privileges, and immunities accruing to him because of such citizenship

(including the right of repatriation) until and unless it is determined by a court of competent jurisdiction, or by the official agency having authority to administer the citizenship laws of the nation involved, that his citizenship is other than that provided by the foregoing principles. In case of conflicting decisions of such courts or agencies the foregoing provisions shall continue to apply.

6. The provisions of these instructions shall not be applied or implemented in such a way that it will:

a. Cause a child to be separated from a parent, natural or foster, with whom it has been residing, or

b. Cause separation of a child from a person who has been caring for him, where separation from such person would be detrimental to the best interests of the child. In this connection "the best interests of the child" are defined as being its continued residence with a responsible person.

7. The term "child" as used herein shall mean a person who is under fourteen years of age. The term "foster parent" shall mean any person who has legally adopted a child prior to the date of promulgation of these instructions. The term "person" shall mean any individual, regardless of age.

BY DIRECTION OF THE MILITARY GOVERNOR:

CONCURRENCE

Legal Division

Welfare Division

Political Division.....

Draft - Not for release.

R E S T R I C T E D

27 April 1946

DLEG/P(46)12
French Draft

ALLIED CONTROL AUTHORITY

LEGAL DIRECTORATE

Provisional Measures for the Protection
of Children Born of Displaced Persons in Germany

Note by the Duty Secretary

The attached document is the draft of a Directive establishing provisional measures for the protection of children born of displaced persons in Germany.

It has been prepared by the French delegation of the Legal Directorate in cooperation with representatives of the Political Advisor and of the Prisoner of War and Displaced Persons Division of French Group Control Council.

PHILIP E. BARRINGER
Major. GSC
Duty Secretary

R E S T R I C T E D

27 April 1946

R E S T R I C T E D

DLEG/P(46)12
French Draft

ALLIED CONTROL AUTHORITY

CONTROL COUNCIL

Directive No . . .

Provisional Measures for the Protection of
Children Born of Displaced Persons in Germany

Article I

The interested power, being one of the United Nations, may take under its protection children covered by the following Articles.

Article II

Legitimate or illegitimate children born in Germany after 1 September 1939 are subject to the protective measures of Article IV, when at least one of the parents is known to be a national of one of the United Nations or is believed to be such.

Article III

Children less than sixteen years of age on 1 January 1946, who arrived in Germany after 1 October 1938 and of whom at least one parent is known to be a national of the United Nations or is believed to be such, or else is unknown, may also enjoy this protection.

Article IV.

The interested protecting power shall have the right to take all necessary measures for the support, placement, education and, should the need arise, repatriation of the said children.

Article V

The Prisoner of War and Displaced Persons Directorate is charged with the execution of this Directive, through the Commanders of the several Zones of Occupation and of the Sectors of Berlin.

Article VI

Former provisions of German legislation may in no manner be considered to impede the execution of this Directive.

R E S T R I C T E D

D R A F T.

TO: Col. S.R. Mickelsen.
Displaced Persons' Division,
USFET, Frankfurt.

Date May 1946

SUBJECT: PRINCIPLES FOR THE DETERMINATION OF THE
CITIZENSHIP OF UNITED NATIONS' DISPLACED
PERSONS-DRAFT LETTER, OMGUS, APRIL, 1946.

We should like to submit for your attention and consideration our comments and recommendations with regard to the above document.

For many months UNRRA has been concerned about the increasing need for policies and decisions relating to unaccompanied United Nations' children in Germany. In each Zone, UNRRA staff has been presenting such problems as guardianship, determination of citizenship, adoptions and the location and removal of United Nations' children from German homes and institutions to the military authorities and to the National Governments concerned.

Informal working agreements have been arrived at with the various governments with regard to the criteria to be used for determining who are their children and the decision to be applied in the repatriation of their children. It has been difficult, however, to secure the accompanying military written policy which is essential to the execution of such requests on the part of governments. It has seemed to us highly desirable that such decisions be made at a quadripartite level, if possible, so that United Nations' children in three of the Zones might be treated in a similar manner. With this objective in mind, Miss Blackey, our Child Welfare Consultant at CHQ, has on several occasions discussed these problems with the DP Divisions, Military Government Welfare and Legal Divisions, and the

National Repatriation Missions in Berlin. At a meeting of the Legal Directorate on May 7th, 1946, it became apparent that the four powers could not concur in the proposals made by the U.S. and French delegates respectively and that the legal and social problems relating to un-accompanied children would have to be settled within the Zones.

It is our understanding that since no action has been taken by Allied Control Authority on these problems, the draft directive drawn up by the U.S. DP Division and the Legal Division of OMGUS may become the official policy of the U.S. Zone. When Miss Blackey went to Berlin on May 1st, 1946, she took with her a draft statement of the legal problems confronting UNRRA and the recommendations which have been secured from National Governments concerning them. She has had several discussions with Lt. Col. Abbott and the Legal Division of OMGUS on the directive proposed by them for the determination of citizenship. There are sections of the proposal which UNRRA feels discriminate against children who may have claim to United Nations' citizenship and one section in particular is in conflict with the request made by National Governments for the return of their nationals. The sections on which we should like to submit our comments are as follows.

Section 4

" A person of unknown parentage born in Germany, or a person of unknown parentage found in Germany and whose country of birth is unknown, shall be deemed a citizen of Germany."

This section will affect adversely the group of unaccompanied children whose identity and/or citizenship cannot be established. These are children on whom there is enough information to indicate that they were brought into Germany from other countries, but it is not possible to determine definitely their countries of origin. These children should be given the benefit of the doubt with regard to their citizenship and should not, as this section indicates, be designated as Germans.

A second group of children affected by this section are those born in Germany, one or both of whose parents are thought to be of United Nations' nationality. These are usually children born out of wedlock whose mothers have abandoned them, or children who as babies were placed by their mothers in German institutions for care while they worked in German factories or on farms. Some of these mothers have died or have been separated from their children by the evacuation of populations. While no tangible evidence is available in these cases, there is every indication that these children have a claim to United Nations' identity. Every effort should be made to make possible a realization of this claim rather than making these children German citizens.

Countries which have had their nationals displaced in Germany have expressed concern over the possibility of this section becoming policy. It should also be pointed out that if these children are declared to be Germans, they will have to be removed from UNRRA care and

the efforts now being made to establish their identity and trace possible relatives cannot be continued.

It is UNRRA's recommendation that the status of this group of children be continued as displaced persons and that any decisions with regard to them be withheld until the problem of displaced persons is taken over by an organisation duly authorised to decide their status.

Section 6

1) The provisions of these instructions shall not be applied or implemented in such a way that it will:-

- a. cause a child to be separated from a parent, natural or foster, with whom it has been residing, or
- b. cause separation of a child from a person who has been caring for him, where separation from such person would be detrimental to the best interests of the child. In this connection 'the best interests of the child' are defined as being its continued residence with a responsible person.

It is the opinion of UNRRA that this section places obstacles in the way of locating, identifying and repatriating the children of United Nations who have been displaced in Germany. It has always been UNRRA's understanding that assisting in the location and repatriation of these nationals is one of its major responsibilities. The National Governments themselves have made it clear that they expect UNRRA to do this.

Since September, 1945, UNRRA in the U.S., British and French Zones has been carrying out a plan for the

searching out of United Nations' children, registration of them, and in cases where nationality is definitely established, for their removal to UNRRA Centres to await repatriation. This has been in conformity with National Governments' requests and with the authorisation of local military authorities in the Zone.

The serious implications of removing children from the German families with whom they have been living for three, four or five years is fully recognised, but it is recognised also that it is important to consider the lifetime destiny of these children. They are not Germans and should not be raised as such. Many of them have parents or relatives waiting for their return. Even those who have no close relatives still living have a right to their own identity and the protection of their own countries.

It should be remembered that the United Nations which have unaccompanied children in Germany have made firm demands that these children be located and repatriated.

The phrase "for the best interests of the child" is a difficult one to interpret since it does not define who will make this determination. The interpretation of "best interests" as being "continued residence with a responsible person" leads to the assumption that the interest of the clause is to keep these children with the German families since this is the only "continued residence" they have known. We are cognisant of the importance of handling such removals with the greatest of skill and of the need for considering each case

individually, and appreciate that such a protective clause should be inserted, but it is our recommendation that this statement be amended to permit the location, identification and repatriation of these children.

Enclosure,, Draft of Problems and Proposals - A.C.A.

May 1946

INDEXED

UNRRA
CENTRAL HEADQUARTERS FOR GERMANY
APO 757
US ARMY

WR24

Subject: CHILD CARE: Policy & Programme. General Bulletin 78
15 April, 1946

I. BACKGROUND.

The care of displaced United Nations children has been a matter of concern to the military authorities and UNRRA since the beginning of the German Operation. During the months following liberation, large numbers of children were repatriated with their parents and the emergency nature of the programme during this period made it impossible to provide little more than the basic essentials of shelter and food. It was not until after this initial mass repatriation had been completed that the problem of children became visible and it was not until then that UNRRA was in a position to plan special services for the children left in Germany.

The problem of displaced children has had a two-fold aspect; namely, children displaced with their families and children who are not only displaced but are alone, without parents or relatives to care for them. Each of these groups has necessitated the development of policies and programmes relating specifically to their needs. These policies and programmes have emerged gradually out of the day by day experience in the Zones. This accumulated experience, together with other source material, now provides a basis upon which child care policies can be formalized and standardized for the three Zones.

The policies, programme and procedures set forth in this bulletin are to be considered as representing the framework within which UNRRA child care programmes and activities will be carried on.

II. POLICY.

Within the scope of the agreements entered into between UNRRA and the respective Zone military authorities, it is the policy of UNRRA to provide care and recognized child welfare services for accompanied and unaccompanied displaced children for whom UNRRA is authorized to care, and to carry on specific welfare and repatriation activities with regard to such children.

III. PROGRAMME.

UNRRA's child welfare policy shall be put into effect in terms of the following programmes :

1. Children in Assembly Centers.

It will be the responsibility of the Zones to take steps to ascertain the number of accompanied and unaccompanied children in Assembly Centers and to direct arrangements for their care.

Care for children in Assembly Centers will be directed toward :

Ensuring constructive family life for all children. For families with children, through providing separate family living arrangements and feeding facilities where possible; for unaccompanied children by arranging for foster care in families of their own nationality.

Providing such services as distribution of clothing, educational facilities, recreational activities, religious observances, informational service, individual and family counselling and, in the case of unaccompanied children, documentation and identification as stated in the third paragraph of (3) below.

Co-operation in the development of an adequate medical care program and in the setting up of special health services for mothers and babies.

2. Children in Children's Centers.

Zones are responsible for the establishment, when necessary, of children's centers for unaccompanied children who have no responsible adult to care for them or who are in need of convalescent or other specialized care.

In establishing children's centers, efforts will be made to ensure the equivalent of family life and to provide opportunities for maintaining familiar cultural patterns and traditions.

Child welfare services in Children's Centers will include the services mentioned above for Assembly Centers. These services may be provided within Children's Centers or they may in part be provided by an adjacent Assembly Center.

Attention should be given to ensure that the standards and nature of welfare care in such centers will not be such as to hinder repatriation.

3. Children Outside Assembly Centers.

In the case of accompanied children living outside Assembly Centers, the Zones will give all suitable services or assistance possible within the limitations of supplies and personnel.

In the case of unaccompanied children living in German homes or institutions, Zones have responsibility for the location, investigation and documentation of all children reported to be or indicated to be of United Nations nationality and for co-operating with the National liaison officers and military authorities in the removal of these children from German care in cases where such a decision is indicated.

Documentation procedure for unaccompanied children included interviews with all individuals knowing the child and with the child himself; complete registration of all facts and information concerning him; and the preparation of individual case records as a basis for determining nationality and identity and as a source for tracing parents and relatives.

For children removed from German homes and institutions UNRRA has responsibility for providing care in Assembly Centers or Children's Centers until such time as the children can be repatriated or other permanent plans can be made for them.

In the location, identification or removal of children, Zones will cooperate with the appropriate agencies, including national liaison officers and military authorities and will coordinate such activities within the staff. It is necessary to have a clear distinction between operations involving

tracing and record clearance on the one hand, and operations involving interviewing, documentation, care and movement of children on the other hand, with a definite division of responsibility between the staff units assigned to each operation.

4. Movement of Children.

UNRRA will facilitate the movement of children to their own countries or to other countries in conformance with plans agreed upon between military authorities and UNRRA and the receiving country.

Zones will have responsibility for assisting in the movement of children in the following ways :-

- a- Assisting in plans for the repatriation of children particularly unaccompanied children in Children's Centers.
- b Selecting children for temporary care in other countries and assisting in plans for their movement.
- c Assisting organizations engaged in resettlement activities by making available children who are eligible for selection and by preparation of children for movement to other countries.
- d Procedures for the above shall include the following :-
 - i Clearing with the appropriate military authorities concerning the release of any children whose countries do not have repatriation representatives in Germany.
 - ii Clearing with the appropriate military authorities on the release of unidentified children who because of particular circumstances may be eligible for placement in other countries.
 - iii Documenting individual unaccompanied children as described under 3) Children Outside Assembly Centers.

IV. IMPLEMENTATION.

Zone Directors will take the necessary action to implement the provisions of this Bulletin.

It will be the responsibility of the Zones to recognize and to bring to the attention of CHQ problems and situations which may require the formation of new procedures or the amendment of existing ones.

V. REFERENCE MATERIALS (See Appendix)

Attached to this Bulletin as Appendix A is a list of bulletins and statements issued by UNRRA on the care of children.



F.E. MORGAN.
Lieutenant-General
Chief of Operations, Germany.

UNRRA
CENTRAL HEADQUARTERS FOR GERMANY
AROLSEN.

15 April, 1946.

APPENDIX "A" TO GENERAL BULLETIN NO. 78.

INDEX OF BULLETINS AND STATEMENTS COVERING VARIOUS ASPECTS OF
CHILD CARE PROGRAMME.

- I. Policy Statements on Child Welfare, ERO and Washington D.C.
1. Report on Methods of Organizing Emergency Welfare Services of the Standing Technical Sub-committee on Welfare. (UNRRA, Washington, September 1944)
 2. General Bulletin 85 - General Policy Statement on UNRRA Welfare Operations in the Field. (ERO, UNRRA, November 8th, 1944.)
 3. Welfare Services in Assembly Centers - Youth Welfare. Welfare Division (ERO) April, 1945.
 4. Welfare Services for Displaced Persons in Assembly Centers. ERO (UNRRA) April, 1945.
 5. Recreation and Leisure Time Activities. ERO (UNRRA), March, 1945.
 6. Registration and Identification of Displaced Unaccompanied Children in Enemy Territory. ERO (UNRRA) (undated).
- II Policy, Program and Procedure Statements on Care of Displaced Children issued by UNRRA CHQ., Germany.
1. Standards of Care in Children's Centers, UNRRA CHQ., Germany, March 1946.
 2. Care of Displaced Persons Outside Assembly Centers (An Inter-Zone Conference Report) UNRRA CHQ. Germany.
 3. Policy on Education for Displaced Persons in Germany. UNRRA CHQ. Germany (December 1945) Admin.Order No.28.
 4. Procedure for the Tracing of Unaccompanied Children. Central Tracing Bureau and Welfare Division, UNRRA CHQ.
 5. Plan for Location and Documentation of United Nations Children in German Institutions and Families. UNRRA CHQ., February, 1946.
 6. Clarification of Responsibility regarding the Movement of Children to other Countries. UNRRA CHQ., March, 1946.
 7. Standards for Movements of Groups of Children. UNRRA CHQ., March, 1946.
 8. (Assistance in Repatriation)
Suggested Guide for Participation of UNRRA in Repatriation Activities. (Sections 1,2 and 3 of para. 5)
UNRRA CHQ., Appendix "A" of General Bulletin 65.

Carl H. Martini
Relief Services Dep't.

Prepared by:
Welfare Branch.

1. I agree that it would be well for R.S. to complete documentation as soon as possible.
 2. I would suggest that Mrs. Lloyd should consider from legal angle and should set out any action that can usefully be taken as regards this aspect of problem.
- D.W. 11/3
Mr. Stephens.

To : Mr. Dudley Ward
From : Louis C. Stephens.
Re : Guardianship of Displaced Children

WE 124

At Miss Aves request I have discussed this subject further with her and Mrs. Valk of Welfare and Repatriation Division. Previously the position had been that owing to the fact that UNRRA's responsibility is a temporary one, our office felt the Administration should not take steps to assume legal guardianship of unaccompanied displaced children, and that our powers as custodians of such children were sufficiently broad to enable this Administration to take in their behalf any action required for their interim welfare. That is, the Administration need not seek to acquire that status of legal guardian in order to protect and care for unaccompanied displaced children for the time being in its custody.

Without derogating from this position, however, it seems desirable to recognise another - that although UNRRA's responsibility is temporary and its powers are adequate to deal with the direct interim problems of child welfare, the Administration should initiate any action during the remaining months which the long term welfare of the child requires, and which is within our competence.

That guardians should be appointed for all unaccompanied children eventually, and indeed as early as possible, does not seem questionable. It follows that although UNRRA does not consider itself the proper agency to become guardian of these children, it should do what it can toward arranging for the appointment of appropriate agencies or persons as guardians.

Some preliminary work is necessary, both legally and administratively, and it is with this it is proposed we should start. On the legal side we shall require a survey of guardianship requirements affecting the children in our care, and following this, consultation with military government authorities and probably after that with the home governments of children whose nationality or probable nationality is ascertainable. On the administrative side it will be necessary to complete documentation of unaccompanied children, with particular reference to their place of birth, and nationality of parents, insofar as these facts may be determined.

Action on the appointment of guardians, the terms of responsibilities and authority, and other details, will require close collaboration with military government authorities who, while they appear to realise the existence of the problem, are not clear on how to proceed. This may be understandable in view of their preoccupation with more urgently pressing problems; but it rather emphasises the need for UNRRA, with its more specialised responsibilities, to take the problem in hand. At least in the American Zone, the Military have evinced a willingness to follow UNRRA's lead, and even a desire that we should initiate proposals.

Miss Aves strongly urges that we move on this, and plans in any event to follow through with the documentation which is the chief administrative action required at the moment. She states it is already well on its way to completion.

Our part would consist principally of a preliminary survey of legal requirements, the preparation of a proposal in broad terms, and discussions of such a proposal with military government authorities, in continued collaboration, of course, with the Welfare and Repatriation Division.

I should be glad for an opportunity to discuss this with you briefly.

11th March, 1946.

Notes - Special Review Committee - Unaccompanied Children
Date March 28th 1946 - Place UNRRA U. S. Zone Headquarters.

Presiding: C. J. Taylor, Director of Field Operations
for Mr. J. H. Whiting, Zone Director.

Attendance:

Lt. Col. Frank Dupree
Miss G. K. Richman
Miss Geraldine Aves
Miss Martha Branscombe

Lt. Ciechowski
Lt. Adamiak
Lt. Degorski
Mjr. Langer
Miss Pearl Morris
K. J. MacCormac
Mr. J. Troniak
Miss Cornelia D. Heise
Miss Helen Wilka

Miss Eileen Davidson

3rd Army
Asst. Director, Relief Services
UNRRA - E. R. O.
U. S. Committee for care of
European Children
Polish Liaison Officer
Polish Liaison Officer
Polish Liaison Officer
Polish Liaison Officer
UNRRA Liaison Officer
Mil. Gov. Public Welfare (Bavaria)
UNRRA, Director Team 566
Zone Child Welfare Specialist
Zone Repatriation and Immigration
Officer
District Child Welfare Officer
Regensburg

SUBJECT: The meeting was called for the purpose of discussing nationality problems relating to the unaccompanied children who were being found in German orphanages. It was felt that UNRRA Child Welfare Services needs wider thinking on the question of whether children were United Nations responsibility or should be considered German responsibility. It was hoped that a discussion would highlight the problems which needed policy decision and would point the way to a permanent review committee which is needed for handling many of the angles of this problem.

As a basis for discussion, Miss Heise presented the findings of the Search and Registration Team No. 566 in interviewing the children in the Kallmunz orphanage near Regensburg. 97 children were interviewed; the nationality of 42 was definitely indicated as follows:

Polish	11
Yugoslav	1
Latvian	2
Czech	1
Hungarian	8
German	19

The nationality of the remaining 55 is in doubt. There is indication that many of them may be German and yet factors in some of the cases pointed to the possibility of Polish background. A number of illustrative cases were made available to the committee for review in four different groups: Children whose nationality was thought to be definitely United Nations; children thought to be definitely German; Infants completely unidentified or with nationality not determined, and a group about whom there was considerable information but doubt as to nationality. Attention was drawn to the factors which the team pointed out as having bearing in the determination of nationality.

In discussion the question was raised as to whether UNRRA has responsibility for finding United Nations' children. If so, under what authorization? It was pointed out that the assumption of responsibility had grown up largely through practice but had been cleared with the military at a number of different points and was specifically stated by the army at others. 3rd Army as early as summer of 1945 asked an UNRRA team to accept responsibility for finding and caring for unaccompanied children in what was then the Eastern Military District, particularly the Munich area. UNRRA child welfare activities in the location and planning for children had been cleared with Displaced Persons Division, USFET on several occasions and were approved. The military has assigned tracing activities to UNRRA in the U. S. Zone and child searching is considered one of these activities. 3rd Army has recently endorsed UNRRA's participation in authorizing two search and registration teams. Miss Aves, Child Welfare Consultant, E. R. O. reported that E. R. O. has been informed of the child welfare activities in Germany in relation to finding and planning for unaccompanied children and has been in accord though there may be no specific expression of approval in file.

The second question involved decisions on a child's nationality and who is authorized to make them. It was generally agreed that the decision of the liaison officer in recognizing a child as his national should be accepted. No-one in the group had an answer as to whether any further clearance of nationality was required or whether the liaison officer's decision was final for all purposes. In the cases of children whose nationality cannot be determined in the light of the facts at hand, what is the competent authority to decide whether such children are entitled to United Nations status or should be considered the responsibility of the Germans. It was felt this was probably an army and UNRRA responsibility. Colonel Dupree drew attention to the fact that in accordance with military practice, a child of 15 and over is considered adult and should have security screening before he is taken into care. This applies only to children who are not recognized as nationals of one of the United Nations countries.

(contd.)

Should UNRRA's decision that children are German be accepted as valid and final? If so, at what level, team, district or Zone? It was pointed out that use of the German Tracing Bureau might be an added check on decisions regarding German nationality. The liaison officers present expressed the opinion that UNRRA's decision that children are German would be accepted by them as final unless specific facts proving the contrary were brought to attention. They made this statement with the recognition that there were so many doubtful factors in cases of this kind that errors were bound to occur. Some children accepted as Polish might later prove to be German and vice-versa. The opinion was expressed that the team should not alone bear the burden of the decision. The list might be sent to the appropriate liaison authority or to higher offices in UNRRA or to a review committee.

Removal of children from German homes and institutions constituted a problem. Cases in which nationality is clear have presented little difficulty, removals have been made with the authorization of the liaison officer and military government. Who is authorized to remove children whose nationality is in doubt but who are rather clearly non-German? It was felt that an answer needed to be given to this question and that removal of children of doubtful nationality should not be made until the authorization is clarified. The liaison officers suggested the assignment of a special liaison officer to do the interviewing in cases of doubtful nationality and to go into the question of removal of doubtful cases from the Germans.

The liaison officers reported the readiness of Poland to acknowledge the children who had lived in German Silesia and to arrange for their return to Poland if they wished. They were of the opinion that many of the doubtful cases in the illustrative group should be presented to the liaison officers they would give their decision in writing, wither that the child was acknowledged as a Polish national recognized by all that non-acceptance decisions might need to be revised from time to time as additional information became available about children or their families.

Conclusion: It was agreed that the following problems needed clarification with the military:

- (1) The validity of the liaison officer's decision that a child is his national. Is it effective and final for all purposes?
- (2) What is the competent authority to make decisions on children whose nationality is in doubt. It was the census of opinion that doubtful cases should be given the benefit of United Nations status and care unless there was definite proof to the contrary. It was recognized by all that the military was the competent authority, but which branch of the military, was in doubt.
- (3) Who has authorization to remove children from German homes?

(contd.)

- (a) When the child's nationality is clearly United Nations?
- (b) When nationality is in doubt?

(4) A review board was considered essential to advise UNRRA and the military on problems as illustrated in the above group of cases.

Recommended representation on such a board was that of :

- (a) Army - Displaced Persons
- (b) Military Government - Public Welfare
- (c) UNRRA
- (d) Liaison Officers

The suggestion was made that the army screening board, at present being organized, might be augmented in accordance with the above suggestions and directed to review children's cases. Colonel Dupree agreed to look into this possibility.

CDE.

RP/sg.

IC/937/113.
HWE/DLD.

4th February, 1946.

Dear General Mickelson,

I am writing to describe the position of the Intergovernmental Committee on Refugees in respect of the proposed migration to the United States under the terms of President Truman's directive of 22nd December 1945. This migration is a means of resettling refugees and as such is a movement in which the Intergovernmental Committee is interested.

I am assuming that the responsibility for implementing the directive is on the respective offices of the United States Government. But detailed case work, which includes the preparation of immigrants' cases for the United States Consular authorities, is likely to be performed by certain American private agencies which will send representatives to Germany for that purpose.

It is likely that the American military government in Germany and the American immigration authorities will wish the work of the agencies to be co-ordinated, and will wish such co-ordination to be more than a nominal responsibility.

Brigadier General S. R. Mickelson,
Chief, Displaced Persons Division,
CMG (U. S. Zone),
USFET Main APO. 757,
U. S. Army.

4th February, 1946.

Persons within the currently authorised programme of the Intergovernmental Committee are German and Austrian persecuted persons, Spanish Republican Refugees, and certain small groups of definitely stateless persons, not including recently denationalised Yugoslavs. The majority of places in the United States immigration quotas in the directive is for persons within the Intergovernmental Committee's currently authorised programme, but it is not known to what extent these places will be filled. Persons within the Intergovernmental Committee's currently authorised programme are mainly outside Displaced Persons Camps in Germany. The Intergovernmental Committee is willing to undertake such sponsorship, co-ordination and supervision of work for persons within its programme as may be requested by the American authorities.

Acting on advice from UNRRA Central H.Q. for Germany and at the request of the Displaced Persons Division of Office of Military Government (U.S. Zone), the Intergovernmental Committee in November formally invited HIAS and the Jewish Agency to be among its agents in the American Zone of Germany for the registration of stateless persons for resettlement. A similar invitation was informally extended to the International Migration Service. At that time it was informally agreed between Col. Cramer (then Executive Officer of the D.P. Division) and Mr. Malin (Vice-Director of the Intergovernmental Committee) that the Intergovernmental Com. should informally help the military government authorities in all their dealings with such voluntary emigration agencies. Recently, however, it has become clear that the military government authorities wish to have formal responsibility undertaken for such voluntary agency work beyond the limit of the Intergovernmental Committee's currently authorised programme. That responsibility cannot be undertaken by the Intergovernmental Com. There is in fact no international organisations that could undertake responsibility for all necessary work in Germany for the migration of persons outside the Intergovernmental Committee's current programme.

As this proposed migration is essentially an American enterprise, as regards both the present residence of the migrants and their destination, and as UNRRA and the Intergovernmental Com. being international organisations with definite limitations to their activities, any be neither comprehensive nor flexible enough to serve the purpose, it might be simpler for neither organisation to undertake formal sponsorship of the private agencies in this matter. This would not make impossible the provision of such facilities and assistance as either organisation might be able to offer to the agencies.

If, on the other hand, the American authorities consider the possible responsibility of UNRRA and the Intergovernmental Com. sufficiently complementary, it might be appropriate for there to be set up in Germany a quadripartite supervisory committee composed of representatives of the U.S. Military Government, U.S. Consular Authority, UNRRA, and the Intergovernmental Committee.

The matters described above have been discussed with the competent officials of UNRRA.

Yours sincerely,

Sgd: H. W. EMERSON.

Director.

Subject: Unaccompanied children.

30 Jan. '46

To: Senior	RUSSIAN	10	(8)
"	FRENCH	10	(7)
"	BELGIAN	10	(3)
"	DUTCH	10	(8)
"	CZECH	10	(3)
"	YUGOSLAV	10	(2)
"	POLISH (Prov) Gov	10	(7)
"	POLISH	10	(10)
"	DANISH	10	(1)
"	ITALIAN	10	(1)

1. Att. to UNRA Dist. HQ are two Child Welfare Workers, Miss Irene PAGE and Miss de YONG, whose primary concern is the discovery and documentation of unaccompanied children of Allied Nationality within the Corps District.

2. Many of such children are known to be in GERMAN Homes, where they are cared for by GERMAN families, in some cases well, and in others badly.

3. While Miss PAGE and Miss de YONG may do much towards discovering children who are being looked after by GERMAN families or GERMAN Institutions, they cannot always determine the nationality of the children which they discover, and even if they can, they must obtain confirmation from the Allied Liaison Officer of the country concerned.

4. It is presumed that the task of all Allied Liaison Officers themselves includes that of searching for children of their respective countries, and it is therefore most necessary that they should co-operate with Miss PAGE and Miss DE YONG in the work which they are doing, to their mutual advantage.

5. It is the policy of PW & DP Div. CONCOMB, subject to their approval in each case, that unaccompanied children whose nationality has been determined, should be repatriated as soon as possible. In case where doubt exists the children will be considered of "undetermined nationality" to be cared for under UNRA arrangements until such time as a Policy has been laid down for their disposal.

6. In view of the foregoing, all Allied Liaison Officers are asked to co-operate with UNRA Child Welfare to the best of their ability, in order to assist the liquidation of this particular class of DP.

7. Interviews with UNRA Child Welfare may be arranged on application to this HQ if desired, and cases of children discovered by that body, will be referred to Allied Liaison Officers by them, either through the Mil. Gov. R. Dets concerned or by this HQ. from time to time as they occur.

8. There are of course, many unaccompanied children whose nationality has already been determined, and who are being cared for by foster parents in Camps of their own nationality, and there is no intention of disturbing such arrangements.

signed Baitle
Brigadier
Chief of Staff
30 Corps District

Copy to: 102, 203, 206, 223, 704, 309/804, 819
(R) Mil. Gov. Dets.
UNRA (Child Welfare)

30 Jan. 1946.

Subject: Unaccompanied children.

102	(R)	HEL. Gov. Det.	(1)
205	(R)	" " "	(5)
206	(R)	" " "	(8)
223	(R)	" " "	(5)
309/804	(R)	" " "	(1)
704	(R)	" " "	(7)
819	(R)	" " "	(1)

1. The problems of the determination of the nationality repatriation and/or resettlement of unaccompanied children are now being taken up by CONCOMB on a quadripartite basis in order that a policy shall be laid down.

2. In the meantime every effort will be continued to repatriate but only on authority of FW & DP Div. CONCOMB. Such children whose nationalities have been determined, children of GERMAN origin will continue to be handed over to the GERMAN civil authorities, and children of undetermined nationality will be referred to UNRRA.

3. In this connection it is emphasised that Miss Irene Page and Miss De Jong, UNRRA Child Welfare, are available to give advice and assistance where required.

4. Authority CONCOMB PWDE/58650/Pol of 26 Jan. 1946.

signed R. Baillie Maj.
for Brigadier
Chief of Staff
30 Corps District

COPY to UNRRA Dist. H.Q. Child Welfare
APO/R/UR/SDS/H

Ext. 743.

HQ 30 Corps District
259/DP
Dec. '45

Subject: Unaccompanied children

102	(R)	M11	Gov	Det.	(1)
205	(R)	"	"	"	(5)
206	(R)	"	"	"	(6)
223	(R)	"	"	"	(3)
309/804	(R)	"	"	"	(1)
704	(R)	"	"	"	(7)
819	(R)	"	"	"	(1)

1. There appears to be a certain amount of misunderstanding concerning the care of welfare of unaccompanied children, at present being located and documented by UNRRA.
2. It is pointed out that unaccompanied children who fulfil the definition of a DP are just as much DPs as adults and as such are the responsibility of the (R) det in whose firm area they are situated.
3. UNRRA Welfare and Child Welfare workers are available throughout the Corps dist to advise, assist and recommend concerning the treatment of unaccompanied children and whilst they are willing to do as much as lies within their power the responsibility for such children as DPs nevertheless remains unchanged.
4. The general attitude to such welfare workers varies considerably in different areas. In some their advice is neither sought, nor welcomed, in others the tendency is to pass all responsibility on to their shoulders.
5. These workers are doing most valuable work in locating and documenting children which they uncover. You are requested therefore not only to ensure, whilst enlisting their services to the full, that they are given every facility and opportunity to assist but also to realise that such work as they may undertake does not as yet relieve (R) det comds from their overall responsibility.
6. It is not the policy of UNRRA to remove children from the care of Foster Parents in Camps where these are already suitable.

signed illegible
Brigadier
Chief of Staff
30 Corps District

RE/MH
APO/R/UR/SDS/H

Copy to: Miss Barton, UNRRA.

SUBJECT: Unaccompanied ChildrenH.Q. 30 Corps District
219/IF
6 Sept. 45.

102	212	711	} (R) Mil Gov. Dets.
104	223	712	
105	309/804	801	
109	326	805	
112	618	816	
201	623	817	
205	704	822	
206	708	829	

1. Miss Irene Page and Miss Yvonne De Jong UNRRA Reps have arrived this Corps Dist.

2. Their object is to tour the Corps Dist. document all unaccompanied children so far uncovered and ensure that NO such children have been omitted from existing returns.

3. They will tour the (R) Dets according to schedule at Appx "A"

4. IF Det Control will be responsible for provision of tpt to initial destination and thereafter each (R) Det will provide such tpt as each rep may require while located in its area and to her next destination.

5. (R) Dets will be responsible for provision of rations and accn. either at their own HQ or with the nearest UNRRA Team if convenient. They will also be responsible for notifying STA to the next (R) Det on the list.

Signed

For Brigadier
Chief of Staff
30 Corps District.

Copy to: IF Det Control HQ

UNRRA

Miss Irene Page

Miss Yvonne de Jong) UNRRA

Appx "A" to 219/IF
dated 16 Sep. 45.FIRST REP

711	Fallingb.otel	X 3277
708	Schnoverdingen	S 3305
801	Stade	S 2346
712	Verden	X 0182
223	Oldenburg	X 3307
816	Oldenburg	R 3307
309/804	Mappen	V 7057
104	Osnebrück	W 2111
829	Rusbeck	X 0096
105	Bad Rehburg	X 0132

SECOND REP

109	LUNEBURG	S 7921
201	GAUSEN	X 7038
704	Brunswick	X 9011
822	Brunswick	X 9011
112	Salzgitter	C 9286
817	Coalar	C 8573
326	Göttingen	C 5229
102	Hannover	X 3622
206	Colle	X 5950
618	Helm	X 4968

Tel: 2767.

Ref: FWDP/58050/Pol.

HQ FW & DP Division,
Main HQ,
Control Commission for Germany (BE)
BUNDE
B.A.O.R.

19 February 1946.

To: 1 Corps District (Mil Gov)
8 Corps District (Mil Gov)
30 Corps District (DP/PWX)
Zone Director
UNRRA.

SUBJECT:- Unaccompanied Children.

1. The problems connected with the tracing, determination of nationality, repatriation and re-settlement of unaccompanied children in the BRITISH Zone, whether in GERMAN foster homes or in D.P. camps, are now being considered on a quadripartite basis, with a view to the establishment of policies in this connection.
2. In the meantime, the repatriation of all unaccompanied children, except those of whose nationality there can be no doubt, should be withheld. All unaccompanied children whose nationality is undetermined should be handed over to the care of U.N.R.R.A.
3. Prior to the repatriation of any unaccompanied child of determined nationality, the advice of the U.N.R.R.A. area welfare officer should be obtained on the circumstances in which the child is being repatriated. It is understood that U.N.R.R.A. Welfare Officer will make a statement on the child's D.P.2 and D.P. 2/1, and will record the full name and address of the responsible adult to whom the child is being sent, and the relationship, if any, to the child.
4. All unaccompanied children of proved German nationality should be handed over to the appropriate German civil welfare authorities.
5. The term children is used to signify personnel up to 18 years of age.
6. A policy directive will be issued upon receipt of the necessary decisions.

??????????

Chief, FW & DP Division.

Copies to Adv. H.Q.
Political Division
Legal Division.

JS/OG

WE 241 240
2

UNRRA
CENTRAL HEADQUARTERS FOR GERMANY
APO 757 OR BAOR
ABOLSEN

INDEXED

File No. 470
19th January, 1946.

To : The General Counsel,
European Regional Office, London.

Subject: Guardianship of Unaccompanied Children.

1. During recent meetings of Child Welfare Specialists, the question of guardianship of unaccompanied children was discussed. I was present at these meetings on several occasions and my advice on this problem was asked for.

2. I was only able to tell the meeting that I had placed the problem before you and the American Military Authorities, but so far I had received no definite reply as to what the policy of UNRRA should be in this matter.

3. At the same meetings, the problem of adoption of unaccompanied children was brought to my attention. A great state of confusion seems to prevail in the German Operation as to this very delicate subject. For instance, in some Camps Polish families about to be repatriated decide to adopt "one or several children". In some way or another they get hold of the D.P. Card of the child, tear it up and make out another one which represents the child as being a member of the family which has decided to "adopt" it.

4. The Welfare Officers stated that they had no means of stopping this highly irregular proceeding, which apparently is going on with the connivance of the Liaison Officers concerned.

5. According to information given in the course of this meeting, the military authorities adopt a non-committal attitude. Their policy seems to be: the more persons we get out of Germany, whether children or not, the better.

6. It is obvious that this proceeding may have serious consequences for the children concerned. It is also obvious that this constitutes a criminal offence, at least according to French law, and it is, therefore, in my view, necessary to see to it that UNRRA does not become, whether directly or indirectly, a party to the crime.

7. I place these problems before you in order to enable you to give me, as soon as possible, your considered opinion about what we should do or not do in these matters. I myself cannot take, it seems to me, a decision on the subject, as these are matters of policy, which affect not only the German Operation, but UNRRA in general.

8. May I draw your attention to the fact that Miss Aves, Child Welfare Specialist, is on her way to London, where she should arrive in the next few days. As she has been present at these meetings, and has in fact, presided over them, she is much more informed than I personally am of the details, and I would suggest that you consult with her in order that you may be fully informed before replying to my query.

9. I shall myself, again, get in touch with the Legal Branches of the various Military Zones, in order to ascertain their policy on the matter.

Manfred Simon

MANFRED SIMON.
Legal Adviser.



March 26th 1946:

In view of the fact that the question of guardianship would be thoroughly discussed with Mr. Simon ^{and Miss Aves} by the legal advisers it was decided not to reply to the above letter at this stage

N.A.V.

Welfare & Rehabilitation D.