



Unaccompanied minors in the EU – European policy responses and research

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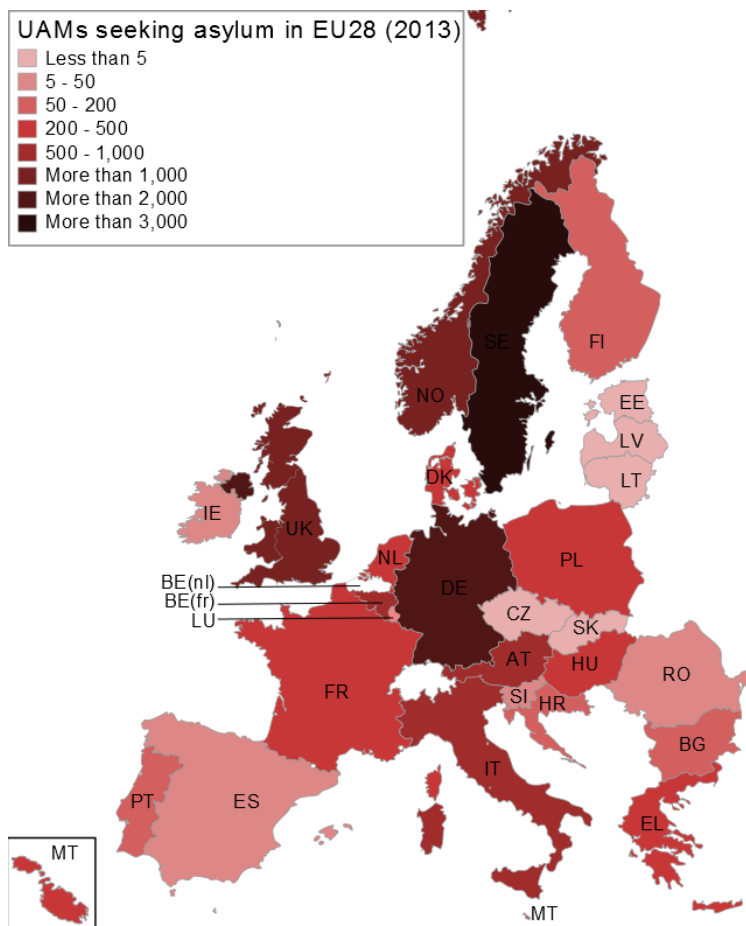
Presentation overview

- Overview of the phenomenon
- EU policy responses
- 2014 EMN study on UAMs:
 - Background & Objectives
 - Thematic coverage
 - Progress & Preliminary results



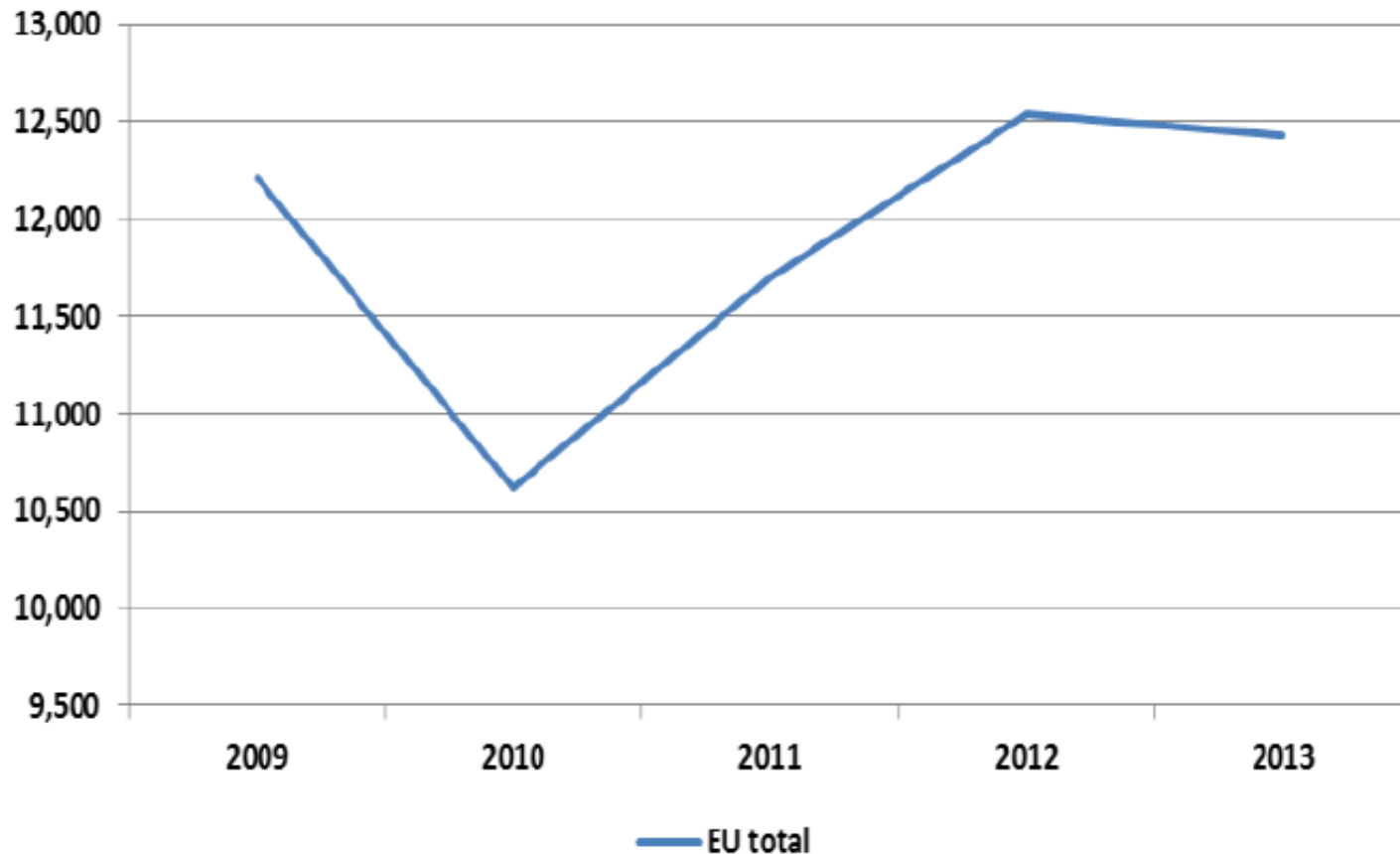
Overview of the phenomenon of unaccompanied children in the EU

UAMs seeking asylum in the EU

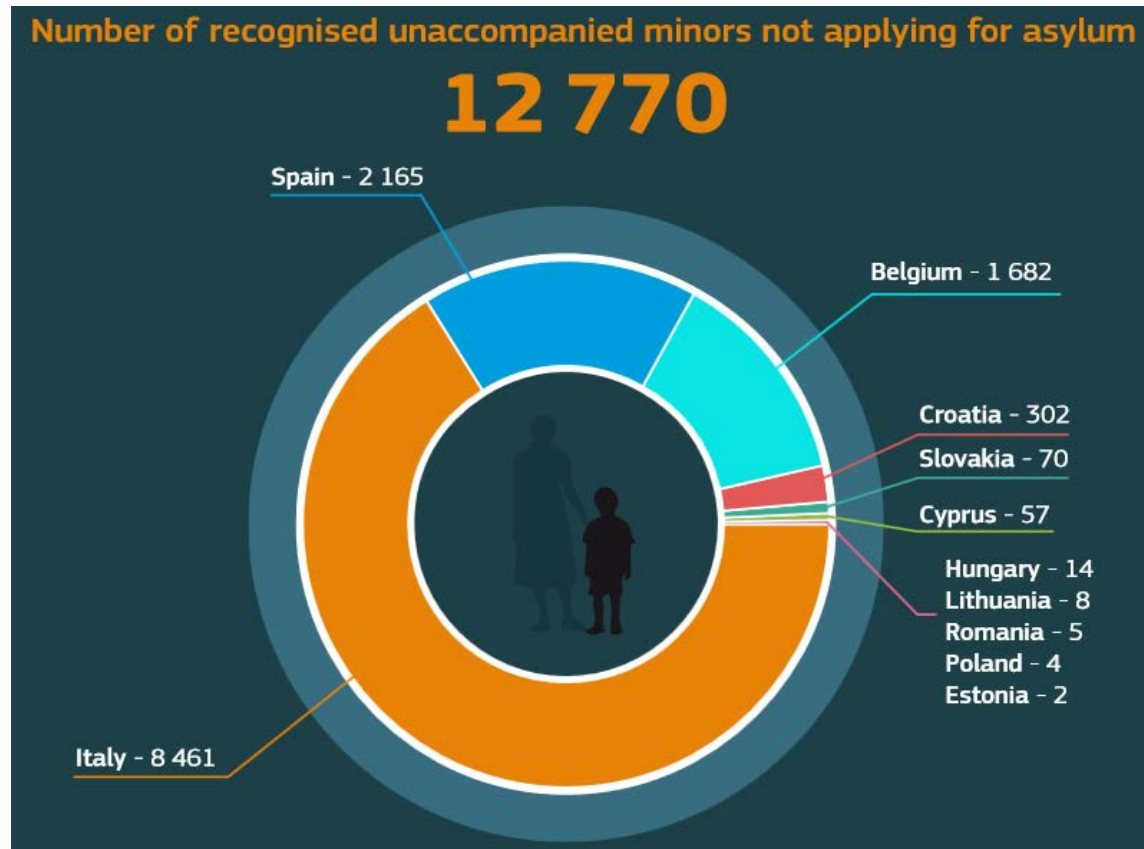


- The number varies significantly across MS. The lowest numbers 0-5 are observed in CZ, LT, EE, LV and SK and the highest 1,000+ in NO, UK, DE and SE.
- Total number : 12.685
- 10.600 boys and 2.080 girls.
- Afghanistan (3.295), Somalia (1.580), Syria (1.020), Eritrea (710), Morocco (525).

UAMs seeking asylum in the EU



UAMs not seeking asylum in the EU





EU policy response



EU Agenda for the Rights of the Child

- Commission Communication of July 2006 *Towards an EU Strategy on the Rights of the Child* -> EU policy to promote and safeguard the rights of the child
- New Commission Communication and Agenda for the Rights of the Child 2011-2014:
 - 11 actions aimed at making justice systems within the EU more child-friendly and improving children's well-being
 - Action 6: ***Supporting the exchange of best practices and the improvement of training for guardians, public authorities and other actors who are in close contact with unaccompanied children.***

Action Plan on Unaccompanied Minors

- Measures directed at:
 - **Preventing** the unsafe migration and trafficking of children and increasing protection capacities in non-EU countries;
 - **Protecting** unaccompanied minors detected at the border or on the EU territory by applying reception measures and providing procedural guarantees until a durable solution is found;
 - Identifying **durable solutions** based on the child's best interests (return, international protection, resettlement).
- Mid-term review of the Action Plan on UAMs (2012)
- European Parliament resolution on the situation of UAMs (2013)



Pilot projects

1. Identifying good practices in, and improving, the **connections between actors** involved in reception, protection and integration of unaccompanied minors (Save the Children Sweden)
2. To search and protect unaccompanied minors through the **SIS II**, fight against invisibility (Ministry of Interior-Sirene)
3. **In whose best interest?** Exploring unaccompanied minors' rights through the lens of migration and asylum procedures (Science and Research Centre, Slovenia)
4. Best practice in determining and implementing **durable solutions** for separated children in Europe (Irish Refugee Council)
5. No Longer Alone: Advancing **Reception Standards** for Unaccompanied Children (ECRE)
6. Safeguarding **Unaccompanied Migrant Minors** from **Going Missing** by Identifying Best Practices and Training Actors on Interagency Cooperation (Missing Children Europe)



EMN study

Policies, practices and data on UAMs in 2014

Objectives and scope

- **Update** the 2008/09 EMN study, to inform about changes in MS policies and practices which have occurred since, including new comparable statistics;
- **Fill knowledge gaps** identified by the previous EMN study.
- Confirmed UAMs and UAMs who claim to be children but whose age is doubtful
- UAMs who are seeking asylum or have been granted international protection;
- UAMs who are *not* seeking asylum, including those who entered irregularly and/ or are in a trafficked situation;
- UAMs reaching 18 years of age whilst in the care of public authorities.

Thematic coverage of the study

- Section 1: Motivations and circumstances for entering the EU
- Section 2: Entry and assessment procedures including border controls
- Section 3: Reception arrangements, including integration measures
- Section 4: Disappearances
- Section 5: Transition to adulthood
- Section 6: Return practices, including reintegration
- Section 7: EU and international legislative framework



State of play

- Twenty (draft) National Reports
- Draft 1 of the Synthesis Report: late December 2014
- Draft 2 prepared on the basis of COM and EMN NCPs' comments
- Published early 2015

Motivations and circumstances for entering the EU

Motivations

- Fleeing persecution or serious harm and seeking protection
- Economic and aspirational reasons (including education)
- Family reunification
- Victims of THB
- Gender-specific reasons (forced sexual exploitation, sale of children)

- UAMs do not want to reveal motivations or do not know why they have arrived in a MS (smuggling routes to Europe)

Circumstances

- Transit to another MS – from Eastern to Western European states
- Facilitated illegal entry/ smuggled

Prevention programmes

Limited number/part of general development cooperation programmes:

- Measures for prevention of recruitment of child soldiers, forced prostitution and establishment of protection centres
- Investment in education in third countries to improve access (*educational aspirations constitute one of the reasons for fleeing third countries and seeking protection in the EU*)
- Awareness-raising campaigns on migration and asylum procedures in the EU /MS

Entry and apprehensions

- Asylum-seeking UAMs may not be refused entry at the border
- Non-asylum seeking UAMs may be refused entry if they do not fulfill the entry requirement. Some MS apply exceptions (e.g. non-refoulement, grounds of being a minor)
- Approaches to apprehensions of non-asylum seeking UAMs vary:
 - Some MS may **detain UAMs at the border** in order to establish their identity;
 - Other MS may place UAMs in '**bridge**'/ **initial reception facilities** or allocate them to municipalities which look after general reception of UAMs
 - Immigration authorities in MS may or may not establish contact with child protection authorities
- **Training** of border guards and/ or police authorities in MS mostly in relation to identification of **victims of THB**

Safeguards in the asylum procedure

- **Guardian/ legal representative:**
 - As soon as an asylum-seeking UAMs is identified at the border/ as soon as possible during the asylum procedure;
 - In some MS the guardian submits an UAM's application for asylum; in other MS an UAM can submit an application in his/ her own right beyond a certain age (14 or 16 years old)
- Most MS provide UAMs with an opportunity **to be heard** during an asylum interview; some MS provide assistance by an **interpreter**
- Most MS state that they implement the principles of the best interest of the child by **avoiding undue delay** when considering UAM's asylum claims; some MS prioritise UAM's asylum applications over those submitted by adult TCNs

Age assessment

- **Some MS do not have an age assessment** procedure in place
- Some MS undertake a more in-depth examination (e.g. as part of the asylum investigation), which may or may not include a medical examination
- Most MS state that this is undertaken as a measure of last resort
- In some MS age assessment **is subject to the informed consent** of the UAM's guardian, whilst in other MS it is subject to the informed consent of both the child and his/ her guardian
- In most MS the result of the age assessment can be contested as part of the appeal of a negative asylum decision; in other MS, there is a separate appeal procedure

Residence permits granted to UAMs

- UAMs granted refugee status or other forms of international protection receive a permanent or long-term residence permit
- Non-asylum seeking UAMs may receive a **variety of temporary residence permits** (e.g. individual protection, humanitarian reasons, etc.)
- Some MS issue UAMs a residence permit for minors

Accommodation and other material reception provisions

- Two MS approaches to the reception of UAMs: **general and staged reception approach**, i.e. UAMs are first accommodated in initial reception/ 'brigde' facilities and later transferred to the general reception facilities where they stay until 18 years old
- Both asylum and non-asylum seeking UAMs are accommodated in reception and care facilities with **special provisions for minors or specifically for minors** – usually residential/ group housing facilities
- Some MS may place UAMs in **foster care**
- Most MS provide asylum/ non-asylum seeking UAMs with food and clothing as part of reception support, whilst other MS additionally provide pocket money



Integration support for UAMs

- Most MS provide **access to legal advice, healthcare, education and support to employment**
- Access to legal advice is primarily free of charge (provided by public counsel offices or NGOs with in-house lawyers)
- **Basic and emergency healthcare** is provided to UAMs in most MS; some MS also provide **mental health counselling**. Access and availability may vary between municipalities; in some MS non-asylum seeking UAMs may only be provided with emergency healthcare
- UAMs attend **mainstream schools** in most MS; some MS provide **language** training at school, or **preparatory classes**
- In most MS UAMs can access the **labour market** beyond a certain age (15 or 16 years old, i.e. when they have completed compulsory schooling). In some MS this is conditional upon receiving a residence permit and limited to a maximum number of days per year



Disappearances: data & possible reasons

- Very **limited data** available on the number of missing/ absconding UAMs (from 10 in some MS to more than 300 in other MS)
- Most MS do not have precise information on the profile of disappearing UAMs; some MS report that these were boys close to the age of majority
- Possible reasons include:
 - Transit to another MS (where UAMs have family/ friends, or it is more likely that they can access the labour market due to better economic conditions);
 - Negative asylum decision and/ or fear of deportation;
 - Victims of trafficking in human beings;
 - Avoid age assessment or fear that the age assessment will not confirm that they are minors.
- "Voluntary" disappearances vs disappearances linked to THB/smuggling
- In general, UAMs are most likely to disappear **within the first few days of arrival** in the MS or the reception/ care facility

Measures to prevent, react, report and deal with disappearances

- Limited information is available at present on whether MS have **preventative measures** in place regarding disappearances
- Some of the MS **measures to react to disappearances** include a missing children alert system or national hotline, accompanied leave and supervision of UAMs at the reception/ care facility, fingerprinting/ photographs, fast-track asylum procedure, etc.
- Disappearances are mostly **reported** to the police by the guardian or reception/ care facilities; a limited number of MS have an electronic information system where disappearances are recorded
- Few MS appear to have a **standardised procedure for dealing with disappearances**

Challenges associated with UAMs who go missing or abscond

- **Lack of data** and in some MS **lack of definition** of UAMs who go missing/ abscond
- **Ensuring safety** of UAMs – both those missing/ absconding who run the risk of being trafficked/ smuggled and those in the reception and care facilities
- Need for a more **coordinated national response** to disappearances in some MS
- Research on the **needs and increased support to particularly vulnerable groups** of UAMs who are prone to disappear (e.g. victims of trafficking)

Transition to adulthood

- **Two approaches:** some MS apply the relevant residence permit provisions for adults and no longer provide services for minors; other MS do not change or withdraw the residence permits granted to UAMs after they turn 18 years old, or extend UAMs' status/ access to rights until 21 years old
- **Support in advance** of the transition includes plans aiming to prepare UAMs to become independent in a limited number of MS
- With regard to **after-care**, many MS provide some kind of practical support or extended residence in residential housing until 21
- Challenges include a lack of information about the exact consequences of turning 18 and need for longer period preparing UAMs for the transition

Thank you



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