



Children in Migration 2019

EMN Synthesis Report

7th Joint Meeting of the Informal expert group on the rights of the child and the Informal expert group on the protection of children in migration

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Introduction

- EMN Synthesis Report to be published in February 2021
- Prepared on the basis of national contributions from 26 EMN NCPs submitted in response to a questionnaire developed by the EMN in conjunction with the European Commission.
 - Case studies provided by NGOs to be included throughout the report
- Maps the progress made by Member States in the implementation of the recommended actions laid down in the 2017 Commission Communication on the protection of children in migration.
- The following categories of migrant children have been taken into account in the report:
 - Accompanied minors/families with children;
 - Separated children;
 - Unaccompanied minors.



Swift and comprehensive identification and protection (1)

According to the 2017 Communication:

- Migrant children crossing borders may encounter different Member State authorities and must always be identified and registered as children;
- Migrant children should be prioritised in all border-related procedures and receive adequate support from especially trained staff;
- The identification of a person as a minor is of crucial importance as this can influence subsequent procedures and treatment due to their vulnerability (risk of exploitation & human trafficking).

- Most MS & NO reported that an official with adequate training in dealing with children is present during the identification and registration procedure
- In some countries, interviews with (unaccompanied) minors are conducted by personnel trained in investigative interviewing to detect VHT (i.e. PEACE model)

Swift and comprehensive identification and protection (2)

- Measures to ensuring child-friendly processes:
 - In most Member States, border guards/police authorities receive special training to help identify minors and victims of trafficking
 - Member States generally reported that officials who perform the identification and registration of minors make sure that the collection of biometric data of minors is done in a child-friendly and gender-sensitive manner.
 - Officers wearing plain cloths
 - Giving children the time to adapt to their surroundings
 - Having male and female officers



Providing adequate reception

- Reception conditions should be in line with the EU acquis, including any necessary support services to secure the child's best interests and well-being
 - This can include independent representation, access to education, healthcare, psychosocial support, and leisure and integration-related measures.
- The majority of Member States and Norway accommodate families with children applying for asylum in general reception facilities for asylum seekers, while unaccompanied minors are usually accommodated in special reception centres.
 - In some Member States, families are as much as possible accommodated in separate residential units/rooms within the general reception centres.
 - All MS reported that they ensure that staff dealing with minors are properly trained (some MS apply a strong accreditation procedure) to avoid child abuse and there is ongoing monitoring of the quality of services and facilities.



Ensuring swift and effective access to status determination procedures and procedural safeguards (1)

Member States should focus their efforts on:

- strengthening guardianship authorities/institutions;
 - implementing reliable multi-disciplinary age and non-invasive assessment procedures;
 - ensuring swift and effective family tracing, within or outside the EU;
 - priority is given to cases (i.e. asylum applications) concerning minors, as well as to the relocation of unaccompanied minors from Greece and Italy.
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- Member States provide for the appointment or designation of a custodian to unaccompanied minors (guardian or representative) recorded within the asylum system
 - Around half of Member States also appoint or designate a representative for unaccompanied minors not applying for asylum but recorded within other migration procedures

Ensuring swift and effective access to status determination procedures and procedural safeguards (2)

- Most Member States reported there are procedures or measures implemented to provide information in a child-friendly manner (i.e. mobile applications which provide information to UAM on their rights and the asylum procedure)
- Most Member States & NO prioritise the treatment of asylum applications of UAM
- In most Member States, medical examination is only used for the purpose of age assessment only after all other (non-invasive) methods and procedures have been exhausted and the age of the individual is still not determined
 - If after the medical examination the doubt subsists the individual continue to be treated as a minor
- Family reunification under favourable conditions is granted generally when the UAM obtains the international protection status => best interests of the child



Detention for the purpose of return of unaccompanied minors and families with children (1)

The 2017 Communication provides that:

- administrative detention of children should be in line with EU law, exclusively in exceptional circumstances, where strictly necessary, only as a last resort, for the shortest time possible, and never in prison accommodation;
- where there are grounds for detention, everything possible must be done to ensure that a viable range of alternatives to the administrative detention of children in migration is available and accessible.

- Detention of families with children is allowed but as a measure of last resort and to prevent absconding and for a shortest period of time
 - MS have different approaches to implement it

Detention for the purpose of return of unaccompanied minors and families with children (2)

- Detention of UAM is legally permitted in several EU Member States but many of them reported that it is only implemented as a last resort
- Strong safeguards were put in place to protect the well-being of the child
 - Various alternatives to detention were implemented in several Member States (namely, duty to report, geographical restrictions, surrendering of travel documents, financial deposit)
- Voluntary and forced return are foreseen for UAM however, they have to fulfil certain criteria
- Some Member States (i.e. BG & FR) reported to have used EU funds for the development of alternatives to detention for minors, e.g. to develop specific facilities to help prepare for the return and to strengthen the social services system.



Ensuring durable solutions for minors (1)

The identification of durable solutions should explore all possible options, including:

- integration in the host country and resettlement
- family reunification and return to the country of origin

In relation to integration and resettlement:

- importance of early integration to support children's development into adulthood;
 - the use of resettlement and other legal pathways for children, particularly of the most vulnerable children, such as unaccompanied minors and separated children.
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- Member States generally do not have a specific policy or strategy for the integration of minors of a migrant background
 - Some Member States reported that reception facilities, carers and representatives do a great deal of the work around the integration of migrant children, and implement national programmes promoting the integration of migrant children through sport and other leisure or cultural activities



Ensuring durable solutions for minors (2)

- Several Member States specifically reported new developments in relation to the integration of minors in 2019, notably:
 - provision of language training and the introduction or transformation of bodies responsible for migrant integration and the protection of minors
 - national programmes dedicated to the integration of UAM and migrant children through sport
- 13 Member States & NO prioritise the resettlement of UAM or families with children



Transition into adulthood (1)

The 2017 Communication encourages Member States to:

- provide guidance, support and opportunities for continuing education and training to children in that transitional phase, in particular, for migrant children in State care (just as it is the case for EU national children in the very same situation).
- There is no specific legal framework (neither EU law, nor international law) covering the specific situation of unaccompanied minors turning 18 years of age.
- Once they turned 18 years of age => treated like adults if they still in the asylum procedure
 - If there is no legal grounds for them to stay in the Member State they can be returned



Transition into adulthood (2)

- Generally, when unaccompanied children reach the age of majority, they are required to leave the child protection system (i.e. childcare facilities and guardianship system -> some MS transfer them to adult accommodation).
- Some Member States allow those who turn 18 years of age to stay in their care placement or child-specific accommodation until they finish the school year, and in some cases, until they complete their vocational training or higher education studies.
- Some Member States grant unaccompanied children a residence permit to pursue vocational training or employment when turning 18 years of age.
- Some Member States carry out a care assessment when UAM turn 18 years of age -> evaluate the young adults' needs to elaborate an integration plan.
- Some Member States and NO begin to organise the transition to adulthood a few years before the UAM actually turn 18.



Cross-cutting issues

The 2017 Communication highlights:

- That data on migrant children are very fragmented and not always comparable, thus hampering the identification of children's needs.
- The need for Member States to collect more detailed and disaggregated data on children in migration to inform policy developments and make better use of child support services.

- Collection of information is only centralised in 5 Member States
- The type of data collected on children in migration varies among Member States and for the different categories of children.
- Some Member State collect information of UAM going missing
- In 2019, less than half of the Member States made use of EU funding (AMIF) for programmes prioritising the protection of unaccompanied children and/or families with children (i.e. integration, reception, provision of mental health, support and training for staff working with UAM).