

Children in Migration 2019

EMN Synthesis Report

**Access to housing and education
for children in migration:
challenges and good practices**

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Introduction

- Prepared on 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 included in the report, based on their research
- 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 Commission Communication:

- 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 given their vulnerability.

- 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 - access to housing

- 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.
 - 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.

Providing adequate reception - access to housing

- Some Member States and Norway often prioritise accommodation in apartment units for **families with children** (CY, FI, LT, SE, NO)
- **Unaccompanied minors applying for international protection** mostly hosted in specific reception centres (varies depending on length of procedure or specific needs of the child)
 - Norway: UAM over 15 live in special reception centres operated by immigration authorities, while UAM younger than 15 live in care centres operated by child welfare authorities
 - Portugal: establishment of Shelter House for Refugee Children (CACR) to provide children a stable environment
- Conversely, some Member States accommodate UAM in general reception facilities, but in units separated from adults



Providing adequate reception - access to housing

- Other reception facilities: residential accommodation or group homes for children and foster care (if under 16)).
- In about half of the Member States, UAM not applying for asylum have access to the same accommodation and services



Providing adequate reception - access to education

- Access to education is a basic right for children and made available to them as early as possible in all Member States and Norway (mostly within 1-3 months of arrival)
 - Access provided varies depending on: where the minor is accommodated, capacity of the local institutions, their age, learning requirements, knowledge of the local language and vulnerability)
- More than half of Member States provide the same access to education irrespective of whether the child applies for international protection
 - Some special programmes exist, e.g. Belgium, Luxembourg and Poland have made tutoring available to ease minors' transition into the general education system.
- Most Member States and Norway grant access to education to irregularly staying children with families.
 - E.g. in Latvia, irregularly-staying children have access to education during return procedures and while in detention (this also happens in Slovakia).



Ensuring swift and effective access to status determination procedures and procedural safeguards

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 (e.g.: asylum applications) concerning minors in line with the urgency principle.

- Member States provide for the appointment or designation of a custodian to unaccompanied minors (guardian or representative).
- Most Member States reported there are procedures or measures implemented to provide information in a child-friendly manner.
 - Sweden developed a mobile application with the purpose of providing information to unaccompanied minors on their rights and the asylum procedure. Belgium and Italy are working on similar digital platforms

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

- 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.
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- Detention of UAMs in view of return is legally permitted in 14 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 implemented (namely, duty to report, geographical restrictions, surrendering of travel documents, financial deposits).
 - Some Member States reported to have used EU funds for the development of alternatives to detention for minors, e.g. to develop specific facilities and strengthen the social services system (BG & FR).



Ensuring durable solutions for minors - integration

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.

- Member States generally do not have a specific policy or strategy for the integration of minors of a migrant background.
- Examples of national programmes:
 - 'Integration ambassadors' in Austria visit schools and serve as examples of successful integration in Austria
 - Germany implements national programmes dedicated to the integration through sport of young people with a migration history and young refugees



Ensuring durable solutions for minors - resettlement

- 12 Member States prioritise the resettlement of UAM or families with children
 - Belgium, Sweden and Norway implement quotas for the resettlement of unaccompanied minors or families with children.
 - France and the Netherlands may prioritise the resettlement of families with children in case of particular vulnerabilities

Report package

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Children in Migration

Report on the state of implementation in 2019 of the 2017 Communication on the protection of children in migration

March 2021



PROTECTION OF CHILDREN IN MIGRATION IN MEMBER STATES AND NORWAY – STATE OF PLAY IN 2019

EMN INFORM 2021

In 2017, the European Commission published a Communication on the protection of children in migration.¹ This sets out actions to reinforce the protection of all third-country national migrant children at all stages of migration to and within the EU, at EU and national levels. This Inform summarises the results of the 2019 Report on the state of implementation of

the Communication on the protection of children in migration. It maps the progress made by EU Member States and Norway as regards the recommended actions laid down in the Communication. Additional material was contributed by NGOs² at the request of the European Commission, and based on recent research on relevant topics.

KEY POINTS TO NOTE

- **All in line with the 2017 Communication, European Union (EU) Member States and Norway set in place rules to ensure that an official with adequate training in dealing with children is present during the identification and registration procedure of minors and provide special training to border guards/police authorities to identify minors and victims of trafficking.**
- **The majority of Member States and Norway accommodate families with children applying for asylum in general reception facilities for asylum seekers, while unaccompanied children are usually accommodated in special reception centres.**
- **While most Member States provide for the appointment or designation of a guardian or representative to unaccompanied minors recorded within the asylum system, half also provide for the appointment or designation of representatives for unaccompanied minors who are not applying for asylum but are recorded within other migration procedures.**
- **Detention of unaccompanied minors and minors with families is legally permitted in several EU Member States, although this is reportedly only implemented as a last resort and under strong safeguards to protect the wellbeing of the child.**
- **Member States generally do not have a specific policy or strategy for the integration of minors of a migrant background. However, national programmes promoting the integration of migrant children through sport and other leisure or cultural activities are implemented in some Member States, and new developments were reported in 2019 in relation to the integration of minors.**
- **Member States collected different types of data in relation to children in migration. All Member States and Norway collect data on the number of children applying for asylum, as well as their age and nationality. Disaggregated data on whether children are accompanied or unaccompanied, their gender and place of reception are not available in all Member States.**
- **In 2019, less than half of the Member States made use of EU funding (mostly from the Asylum, Migration and Integration Fund (AMIF)) for programmes prioritising the protection of unaccompanied children and/or families with children.**
- **Non-governmental organisation (NGO) research points to remaining challenges and gaps in the practical implementation of legislation and policies to protect children in migration across the EU, (i.e. guardianship, identification of unaccompanied minors, and minors who are victims of trafficking).**



CHILDREN IN MIGRATION: HOW DO EU MEMBER STATES AND NORWAY PROTECT THEIR RIGHTS?

EMN FLASH #15 – 2021

Introduction to the EMN Report on the state of implementation in 2019 of the 2017 Commission Communication on the protection of children in migration

Background

In 2017, the European Commission published a Communication on the protection of children in migration.¹ This sets out actions to reinforce the protection of all third-country national migrant children at all stages of migration to and within the EU, at EU and national levels. This Inform summarises the results of the 2019 report on the state of implementation of the Communication on the protection of children in migration. It maps the progress made by EU Member States and Norway as regards the recommended actions laid down in the Communication. Additional material was contributed by NGOs² at the request

of the European Commission, and based on recent research on relevant topics. How do EU Member States protect children in migration and what is the state of implementation of the 2017 Communication Communication? What measures are in place in relation to the identification and reception of children from third countries? How is guardianship organised at national level and what safeguards are in place for the return of minors? At a glance, the main research findings are introduced below.

Key findings

- **In line with the 2017 Communication, European Union (EU) Member States and Norway set in place rules to ensure that an official with adequate training is present during the identification and registration procedure of minors and provide special training to border guards/police authorities to identify minors and victims of trafficking.**
- **The 2017 Communication calls for safe and appropriate accommodation and the provision of support services to secure the child's wellbeing. The majority of Member States and Norway accommodate families with children applying for asylum in general reception facilities for asylum seekers, while unaccompanied children are usually accommodated in special reception centres.**
- **The 2017 Communication places special importance on strengthening guardianship systems. While most Member States provide for the appointment or designation of a guardian or representative to unaccompanied minors recorded within the asylum system, half also provide for the appointment or designation of representatives for unaccompanied minors who are not applying for asylum but are recorded within other migration procedures.**
- **Detention of unaccompanied minors and minors with families is legally permitted in several EU Member States. However,**
- **in line with the 2017 Communication, this is reportedly only implemented as a last resort and under strong safeguards to protect the wellbeing of the child.**
- **The 2017 Communication highlights the importance of early integration. Member States generally do not have a specific policy or strategy for the integration of children of a migrant background, although national programmes promoting the integration of migrant children through sport and other leisure or cultural activities are implemented in some Member States. New developments were reported in 2019 in relation to the integration of minors.**
- **In 2019, fewer than half of the Member States made use of EU funding (mostly from the Asylum, Migration and Integration Fund (AMIF)) for programmes prioritising the protection of unaccompanied children and/or families with children.**
- **Non-governmental organisation (NGO) research points to remaining challenges and gaps in the practical implementation of legislation and policies to protect children in migration across the EU, (i.e. guardianship, identification of unaccompanied minors, and minors who are victims of trafficking).**

1 Communication from the Commission to the European Parliament and the Council: the protection of children in migration (COM(2017) 211 final), available at <https://eur-lex.europa.eu/legal-content/EN/summary/?uri=CELEX:32017C0211>, communication on the protection of children in migration, en.pdf

2 The following NGOs provided input for this Report: Missing Children Europe, European Network on Statelessness, Red Cross EU Office, Danish Refugee Council (DRC), Defence for Children International Belgium, Project Pay, PICUM, and Refugee Rights Europe.

FIND OUT MORE

- **About the report:** https://ec.europa.eu/home-affairs/content/emn-report-state-of-play-children-migration_en
- **About the EMN:** https://ec.europa.eu/home-affairs/content/emn-what-is-it_en
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