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STUDY ON THE REQUIREMENTS
SPECIFIC TO CHILDREN TRAVELLING
ALONE OR ACCOMPANIED, LEGALLY
ENTERING OR LEAVING THE MEMBER
STATES/ASSOCIATED COUNTRIES



HOME/2010/EBFX/PR/1001

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LIST OF ABBREVIATIONS

API	Advance Passenger Information
CYP	Children and Young Persons
DCEM	(French) Document de circulation pour étranger mineur
DGAIA	Spain's Directorate General for the Care of Children and Adolescents
EIAA	Spain's Team for Attention to Children and Adolescents
EU	The European Union
EU/AC	EU Member State/ Schengen Associated Country
Europol	The European law enforcement agency
Frontex	The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU
GBA	(Dutch) Gemeentelijke Basisadministratie (Municipal Personal Records Database)
HQ	Headquarters
IATA	International Air Transport Association
ICAO	The International Civil Aviation Organisation
IOM	International Organization for Migration
NGO	Non-governmental organisation
PNR	Passenger Name Record
SBC	Schengen Borders Code
SIRENE	Supplementary Information Request at the National Entry
SIS	Schengen Information System
TCN	Third-country national
TIR	(French) Titre d'Identité Républicain
UKBF	United Kingdom Border Force
UM	Unaccompanied Minors
UN	United Nations
UNICEF	United Nations Children's Fund
UNHCR	The Office of the United Nations High Commissioner for Refugees
VIS	Visa Information System
QA	Quality assurance

LIST OF COUNTRIES

AT	Austria
BE	Belgium
BG	Bulgaria
CH	Switzerland
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
FI	Finland
FR	France
FYROM	Former Yugoslav Republic of Macedonia
HU	Hungary
IE	Ireland
IS	Iceland
IT	Italy
LI	Liechtenstein
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	the Netherlands
NO	Norway
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
UAE	United Arab Emirates
UK	United Kingdom

EXECUTIVE SUMMARY

This study examined the legislation and practices in all 31 EU Member States and Schengen Associated Countries concerning the *requirements specific to minors, travelling alone or accompanied, legally entering or leaving the Member States/associated countries*. The so-called Passport Regulation¹ as amended by Regulation EC no 444/2009² contains a request for the Commission to present a report on this topic and, if necessary, appropriate initiatives in order to ensure a common approach regarding the rules for the protection of children crossing the external borders of the Member States/Associated Countries. Against this background, the task of the study was to point out where the legislation and practices of the study countries differ from each other, and whether some gaps or problem areas exist. The study has also assessed the functioning of the "one person-one passport" principle, as set out in Article 1(1) of the modified Passport Regulation, particularly regarding border crossings of children. The aim of the study is to provide conclusions based on the views of border guards and other stakeholders about the benefits and potential gaps related to this principle. The study was conducted through desk research, more than 200 interviews and 11 case studies in the period from December 2011 to December 2012 by a consortium consisting of Ramboll Management Consulting (lead contractor) and Eurasylum Ltd.

Main conclusions

The study showed that the **one person-one passport principle** has been well received by all relevant stakeholders. Most stakeholders considered that the principle has made travelling of children safer and the border crossings faster, insofar as it is now possible for border guards to actually identify a child as being the person in the passport. This was previously not possible if the child was inscribed in his/her parent's passport. This principle has been in place in several Member States for years on the basis of national law. Other Member States recently phased out the family passport by 26 June 2012, which marked the end of the transition period provided by the Regulation. The study indicated no challenges in this regard. Some border guards did point out that it had become somewhat more challenging to link a travelling child to his/her parent, especially when they did not share the same surname. The idea of including information on the child's legal guardian(s) in the child's passport was broadly supported among the interviewees. Furthermore, challenges still exist concerning the rapidly changing appearance of children. This means that the children are often not recognisable from passport pictures that are several years old.

Apart from the **Schengen Borders Code**, few concrete requirements exist in the form of legislation or guidelines in the study countries concerning children who are travelling alone or accompanied. In addition to the Schengen Borders Code, the study countries mainly referred to the **Community Code on Visas**³ (for visa-obliged TCN children) and the requirements and rules

¹ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, OJ L 285, 29.12.2004.

² Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States. OJ L142, 6.6.2009.

³ Regulation (EC) No 810/2009.

of **carriers**. The study findings show that the Schengen Borders Code is not considered to be specific enough by certain actors (including Frontex) as a basis for border guards to carry out border checks on children. More detailed guidelines and best practice examples could facilitate the work of the border guards when conducting border checks on children. At the same time, the study has shown that it would be difficult to capture the situations faced by the border guards only in formal rules and procedures. Given a wide variety of cases involving border checks on minors that might be impossible to be classified into a legislative act, it seems that there is a need to explore alternative ways to provide further guidance to the border guards, be it guidelines, training or other means to help in the checks on children.

Despite the limited regulation and harmonisation of the area, the practices employed by border guards in the checking of children are relatively similar between study countries. Check-lists or the like rarely exist for border guards to go through when a child comes to the border. Instead, it is very much a question of individual assessments of the situation and the actual contact between border guard and child that determine whether the border guard's suspicions are raised or not. The practices employed by the border guards seem to be based on a mixture of professional training, guidelines, experience and common sense.

The **degree of cooperation between border guards and carriers** differs between countries. Some study countries experience active and formalised cooperation between carriers and border guards, for example in detecting suspicious situations, but this is by far not always the case. The study findings show that at the borders where good cooperation does exist between carriers and border guards, there is generally a better chance to detect children at risk since suspicious situations detected by check-in personnel are always referred to the border guards.

When the border guards do identify a possible situation of risk, their procedures and knowledge of available **national coordination mechanisms** seem to differ from one study country to another. The case studies showed that the border guards usually know what to do in different situations, but it can be difficult to follow the established procedures in particular circumstances (i.e. detection of a situation of risk during early or late hours). It is also not always clear when there is a need to involve other actors in cases concerning children.

One common measure for safeguarding children travelling across borders is the requirement for **parental consent**. In most study countries, parental consent is established through the requirement for parental authorisation in the application for a child's passport. Out of the 31 study countries, 20 mentioned that supporting documents providing parental authorisation are required to apply for a passport. Some of the study countries have additional requirements for the children and/or accompanying adults to carry and present supporting documents, i.e. parental authorisation stating the consent of the parent(s) for the child to leave the country. There are differences in the approaches of the study countries about whether this authorisation is required from EU/AC nationals (IT, PL, PT), own nationals of the country (BG, LT, LV, RO) or from TCN children (BE, CY, ES, FR, LV, MT, PT). Yet another method for ensuring that the child is travelling with the right authority from his/her legal guardians consists of checking **custody arrangements** at the border. The study shows that in many countries information on custody arrangements is relatively difficult for border guards to obtain, especially on short notice.

On the basis of the study, it is not possible to conclude whether children are better protected in the countries where parental authorisation forms are in use. Most border guards pointed out that parental authorisation forms are easy to forge. Also, since the models differ from one country to another, what is considered as a valid authorisation in one study country may not be so in another. There are therefore several stakeholders who speak for the development of a standardised parental consent form for travels in and out of the Schengen area (Frontex) or internationally (ICAO).

While **information** on passport and visa requirements is readily available to all travellers in several languages, it seems to be difficult for travellers to find concrete information about any other requirements, particularly concerning supporting documentation such as parental

authorisation. The information is often only available in the language of the country, and where it does exist, is difficult to locate or even contradictory to other sources of information.

Recommendations

On the basis of the findings of the study presented above, there could be a potential move towards 1) more harmonised requirements, or 2) more harmonised practices.

Harmonised requirements

- 1) There are three options in terms of harmonisation of requirements:
 1. **Harmonisation of the requirements by introducing an EU/Schengen standard parental consent form**, required by children to carry if they cross EU/Schengen external borders in any Member State.
 2. **Harmonisation through a removal of the existing requirements for parental consent forms** in the countries where they exist.
 3. Maintenance of the **status quo** and acceptance of many different requirements, leaving it up to the countries to decide for themselves whether or not they wish to require parental consent for travelling children.
- 2) There are currently little data and statistics available concerning border crossings of children. Better monitoring of children crossing borders, including statistics on the numbers of trafficking/abduction cases detected at the border crossing points, would be required to determine whether parental consent forms are an effective tool for preventing abduction and/or child trafficking. Therefore, the collection of data and statistics on children crossing borders should be improved.
- 3) If it is decided to introduce a standard parental consent form, it could be relevant to look towards a "**model consent to travel form**" in the form of a machine-readable "sticker". This has been considered by the Permanent Bureau of the Hague Conference on Private International Law and is in line with the general tendency towards more digitalisation and automation, even in travel documents.
- 4) Concerning the one person-one passport principle, it is recommended to examine whether there could be an easy way for parents to submit an updated picture of a child to the authorities, thus "updating" the passport without having to apply for a completely new passport.

Harmonised practices

- 5) The Schengen Borders Code and its Handbook provide limited guidance on how to deal with children legally crossing borders. Given the wide variety of cases involving border checks on children that may be impossible to classify into a legislative act (e.g. when it is justifiable for border guards to request supporting documents from a child and/or the accompanying adult(s)), it seems that a need exists to look at alternative ways to provide further guidance to the border guards. This could be through guidelines, training or other means to help in the checks on minors, and must emphasise the need to respect the best interests of the child. The Commission's project to develop specific guidelines for consular services and border guards on the identification of victims of trafficking in human beings could be helpful in this respect, in particular if it provides specific guidance on border checks of children. Once there is progress regarding this recommendation, it is important to ensure **broad awareness-raising in the form of basic training modules concerning border checks of children**.
- 6) The improvement in the border guards' ability to recognise suspicious situations should be supported by concrete information on the steps to be taken once a child has been identified as being at risk. This is why it should be recommended for **Member States to ensure that official national coordination mechanisms exist (in the form of national guidelines or circulars) at all Schengen external borders**.
- 7) Since active cooperation between the border guards and carriers is key in identifying children at risk, the Member States should be encouraged to initiate **awareness-raising campaigns among the carriers and their personnel working at check-in desks**.

The awareness-raising measures could increase the chances of identifying children at risk before they cross the Schengen border.

- 8) It should also be recommended for Member States to look into **the possibility of ensuring direct access for border guards to custody information**. This would help in the swift resolution of unclear situations at the border, and if all border guards had access to such information in their own country, **the national contact points for minors (Annex 37 of the Border Guards Handbook) could be more effectively utilised when sharing such information to the border guards in another country**.
- 9) It is difficult for travellers to find information on the requirements and practices applied by the study countries for children travelling. This creates a need for a **centralised source for such information in order to minimise the number of hindrances for children to travel freely**. It is recommended to introduce (or support the development of) **a platform or database similar to the EU Immigration Portal**, where the Member States would supply information on both legal requirements and recommended good practices for the kind of documentation required from children travelling alone or accompanied by one adult.

1. INTRODUCTION

This document contains the draft final report of the *Study on the requirements specific to minors travelling alone or accompanied, legally entering or leaving the Member States/Associated Countries* (HOME/2010/EBFX/PR/1001).

1.1 Objectives and scope of the study

The study at hand is the first of its kind to map and analyse the requirements specific to children travelling alone or accompanied, legally entering or leaving the Member States/Associated Countries. It responds to a number of objectives.

The so-called Passport Regulation⁴ as amended by Regulation EC no 444/2009⁵ contains a request for the Commission to present a report on the requirements for children travelling alone or accompanied and crossing the external borders of the Member States. It also requests the Commission to present appropriate initiatives where necessary to ensure a common approach regarding the rules for the protection of children crossing the external borders of the Member States. Against this background, the task of the study was to point out where the legislation and practices of the study countries differ from each other, and whether some gaps or direct problem areas exist.

The study objective was to also consider circumstances in which the requirements imposed by the Member States/Associated Countries (or the lack of such requirements) could lead to situations where the rights of the child are not sufficiently protected. On the basis of this, the aim of the study was to assess whether any initiative at the EU level may bring added value with respect to both the objective of the protection of children and their rights and the free movement of EU citizens. In the scope of this study, the protection of children covers both child abductions and trafficking in human beings.

Finally, as the one person-one passport principle set out in Article 1(1) of the modified Passport Regulation came into force on 26 June 2012, during the data collection phase of the study, one of the objectives of the study was to assess the principle from the point of view of border crossings of children, as well as provide conclusions on the views of the border guards and other stakeholders concerning the benefits and potential gaps related to the principle.

The aim of the study was to collect and analyse the relevant information in the 31 Member States and Schengen Associated Countries, without assessing the feasibility or impacts of any potential initiatives or amendments. Based on the study, the Commission should be able, if necessary, to propose initiatives as requested in the Passport Regulation.

⁴ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, OJ L 285, 29.12.2004.

⁵ Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States. OJ L 142, 6.6.2009.

1.1.1 Starting point

In order to respond to the request set out in the Passport Regulation, it was pivotal to secure an overview of the different legislations and practices relating to children crossing the border of EU Member States and Schengen Associated Countries. This included an assessment of the challenges and problems the Member States face in terms of protecting children from the risks of abduction and trafficking in human beings, as well as potential best practices to be used as the basis for proposed improvements. Moreover, it was important to assess whether the legal requirements and practical conditions – and/or perhaps the differences existing between Member States – potentially inhibit the free movement of EU citizens and their family members.

One of the starting points for the study was identifying that while the rules concerning *travel documents* required of children tend to be similar from one EU/AC country to another, there were indications that the rules concerning *the supporting documents* needed for getting the passport and/or for crossing borders differed from one study country to another. Moreover, it seemed that differences exist concerning the practices employed from one country to another when conducting border checks of children. In addition to legislation, the objective of this study was to provide a realistic view of what happens at the border crossings, whether they are land, sea or air borders. This entailed a description of how the legal requirements are implemented at an operational level by the border guards.

The Commission's report on the current situation regarding the EU Agenda for the Rights of the Child⁶, released in February 2011, shows a lack of reliable, comparable and official data which could be used as a basis for developing evidence-based policies. In particular, the Commission indicated a need for more information on methods to prevent crimes against children. Some of the information in the study can be considered valuable in this regard.

1.1.2 Scope

The study covers all 27 EU Member States as well as the four Schengen Associated Countries (CH, IS, LI, NO), hereinafter collectively referred to as the "study countries".⁷

The study has not looked at requirements for crossing borders in general, i.e. the report will not provide a complete list of requirements applicable to travellers who cross borders within or in and out of the Schengen area. Instead, the study specifically looks at the requirements **applicable only to children, be they EU citizens or third-country nationals** (hereinafter: TCN), as opposed to adults.⁸

Moreover, an important limitation to the scope of the study was the exclusion of children illegally crossing the borders, or children crossing the borders with the goal of applying for asylum in their country of destination.

In the report, the term "child" corresponds to the Convention on the Rights of the Child: in principle, a child means every human being below the age of eighteen years. TCNs are persons who are not nationals of an EU Member States or a Schengen Associated Country. In the context of this study, the term "children travelling alone" is used when referring to children both from EU Member States and Schengen Associated Countries (EU/AC), as well as TCN children travelling unaccompanied by an adult.

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. An EU Agenda for the Rights of the Child. COM(2011) 60 final, 15.2.2011.

⁷ It should be noted that five EU Member States (BG, CY, IE, RO, UK) are currently not members of the Schengen area, and this may be reflected in some differences in the requirements to children at the border control Bulgaria and Romania are currently in the process of joining the Schengen area and have already apply certain provisions of the Schengen acquis (e.g. Schengen Borders Code).

⁸ In the majority of the cases requirements or practices applicable to both adults and children are not referred to, but in case the requirements are included in the report and they are both valid for adults and migrants, this is stated clearly.

The study aimed at all times to differentiate between findings concerning EU/AC national children on the one hand and TCN children on the other hand. It became clear during the course of the study that this division was not possible for the final report. Most practices apply to all children; where this is not the case, it is clearly stated in the text.

1.2 The political and legislative framework

Freedom of movement is one of the fundamental rights and freedoms accorded to EU citizens by the Treaties. This right applies to all citizens, both adults and children. Following the adoption of Directive 2004/38/EC, the freedom of movement is also granted to all family members of EU citizens, irrespective of their country of origin and of their age.

While children enjoy the same rights to free movement as adults, children travelling, alone or accompanied, require particular attention due to their vulnerability and the EU commitment to the protection of children from crimes such as abduction or trafficking in human beings. These commitments/obligations are discussed below.

In relation to trafficking in human beings, the EU has both transit and source countries among its Member States, but is as a whole primarily a destination region. An important issue in relation to this study and its focus on legal migrants is the movement of children who are victims of trafficking in human beings within the EU area. Research shows, for example, that some Bulgarian children are working and living under harsh conditions in the streets in Greece. By definition, if these children have been moved from Bulgaria to Greece with the purpose of exploitation, they are considered victims of trafficking in human beings. However, research shows that the economic activities carried out in the streets are most often family based, thus they are likely to have been accompanied by an adult, possibly a parent or other family member. This makes interception, for example by border guards, very difficult.

1.2.1 Relevant legal framework at EU and international level regarding the protection of children

The EU's dedication to the protection of children and their rights is framed, *inter alia*, by the UN Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union.

The **UN Convention on the Rights of the Child**, in particular Article 3, requests that the States' Parties ensure that the best interests of the child are a primary consideration.⁹ It obliges the signatory states "to prevent abduction of, the sale of or traffic in children for any purpose or in any form"¹⁰.

Accordingly, in **the Stockholm Programme** the EU emphasises the importance of systematically and strategically taking the rights of the child into account, as proclaimed in the UN Convention on the Rights of the Child and in the Charter of Fundamental Rights, with a view toward ensuring an integrated approach.¹¹ The European Council also calls for the Commission to identify measures the EU can bring added value to in the field of preventing the abduction of EU children across the borders of EU Member States and away from the Schengen area. These could also include measures targeted at protecting children who are victims of trafficking in human beings and children travelling alone.

The present study should also be seen in the broader context of the **EU Agenda for the Rights of the Child**, which was put forward by the Commission in February 2011.¹² This agenda is based on the increased emphasis placed on the rights of the child in the **Lisbon Treaty**, where

⁹ The issue of the rights of children from the point of view of children affected by international migration has been recently in the focus of the Committee on the Rights of the Child, which follows the implementation of the UN convention. The Day of General Discussions, held on 28 September 2012 was dedicated to discussions on this specific topic.

¹⁰ Convention on the Rights of the Child. Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49; art. 35.

¹¹ Stockholm Programme, 2009, Council document 17024/09, section 2.3.2.

¹² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. An EU Agenda for the Rights of the Child. COM(2011) 60 final, 15.2.2011.

the EU is explicitly required to promote the rights of the child. One of its central objectives is to make the rights of the child an integral part of the EU's fundamental rights policy. Related to this is the Commission's Action Plan on Unaccompanied Minors (2010-2014)¹³, which was drawn up in order to increase the protection of unaccompanied minors entering the EU, and is particularly relevant to this study due to the recommendations concerning the prevention of child trafficking. The recommendations state, for example, that child victims of trafficking in human beings should be referred to specific services in the country where they are found.¹⁴

The **Charter of Fundamental Rights** of the EU states that all children should have the right to maintain direct contact and a personal relationship with both parents, unless this is contrary to the child's interests.¹⁵ Moreover, Article 24 states that the child's best interests must always be a primary consideration of public authorities and private institutions.

The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (hereinafter the 1980 Hague Convention) aims to further build cooperation toward improving the protection of children in international abduction situations. The EU Member States received authorisation to sign the convention through the adoption of the **Council Decision 2003/93/EC**. The EU retains exclusive competence for the provisions of the Convention that fall within the scope of **the Brussels II Regulation**¹⁶ regarding divorce and parental responsibility. Through the adoption of the Brussels II Regulation, the EU is committed to preventing the abduction of EU children across the borders of EU Member States; for example, in cases with parents of different nationality and/or custody battles where children risk being abducted by one of their parents.

A central piece of legislation concerning trafficking in human beings is **Directive 2011/36/EU** on preventing and combating trafficking in human beings and protecting its victims¹⁷, which replaces Council Framework Decision 2002/629/JHA. The Directive binds Member States to take necessary measures to criminalise and prevent trafficking in human beings. They should give special attention to children, ensuring them specific assistance and support as well as proactive measures. The transposition period runs until 6 April 2013, the date when Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive.

With regard to children travelling, another important piece in the EU legislative framework is the Passport Regulation as amended by **Regulation 444/2009**, which introduced the principle of one person-one passport. According to the Regulation, passports and travel documents shall be issued as individual documents; family or other group passports can no longer be issued. The Regulation set a transitional period by which the principle had to be implemented on 26 June 2012 at the latest. From then on the inscriptions of children details in parents' and legal guardians' passports became invalid.

The principle aims to safeguard children by ensuring an improved identification of the individual child. It thereby ends the practice where children could travel when simply inscribed in a parent's passport. The International Civil Aviation Organization recommended this step at their 2002 Council meeting with the hope that it could prevent the abduction of children and the unauthorised entry of children.¹⁸

The main provisions concerning the border crossings of children at the external borders of the Schengen area are specified in the **Schengen Borders Code**¹⁹ and its annex²⁰. They provide

¹³ Communication from the Commission to the European Parliament and the Council: Action Plan on Unaccompanied Minors (2010 – 2014). COM (2010) 213 final, 6.5.2010.

¹⁴ Ibid, p. 7.

¹⁵ Art. 24.

¹⁶ Brussels II Regulation (EC) No 2201/2003 was passed in an earlier version as (EC) No 1347/2000 of 29 May 2000.

¹⁷ Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. OJ L 101, 15.4.2011.

¹⁸ Annex 9 of the International Civil Aviation Organization's Council Meeting, March 2002.

¹⁹ Regulation 562/2006 of 15 March 2006.

²⁰ Ibid, Annex VII: Special rules for certain categories of persons.

limited rules and recommendations concerning border crossings by children. Apart from "particular attention to minors²¹", the Schengen Borders Code specifies that, in terms of accompanied children, it is necessary to check that the persons accompanying the children "have parental custody over them". This should, in particular, be done when the child is accompanied by only one adult, or where the border guards suspect that the child may have been unlawfully removed from the custody of the legal guardian. In cases of "serious grounds for suspicion", further investigations shall be carried out by the border guards. With respect to children who are travelling unaccompanied, thorough checks are to be carried out by the border guards. These checks should cover the travel documents and supporting documents in order to ensure that the child is not leaving the territory against the wishes of their legal guardian.

The Handbook for Border Guards²² is somewhat more specific on the tasks of the border guards, stating that if any doubt exists concerning the authorisation of the child to cross the border on exit, the border guards should contact the national contact point of the Member State of the child's nationality or residence. If this information gives rise to any suspicion of abduction or unauthorised exit, the border guards may refuse the exit of the child, or collect all available information concerning the destination of the child and the person accompanying him/her.

The **Directive on Advanced Passenger Information²³** is relevant because it aims to improve the border check by requiring air carriers to communicate information on passengers to EU border check authorities. This should facilitate the possibility for border guards to look in advance into cases and ensure a more effective border check.

For TCN children entering the Schengen area and falling under visa obligation, the requirements for obtaining the visa are laid down in **the Community Code for Visas (Visa Code)²⁴**. As far as children are concerned, the Visa Code requires their visa application forms to be signed by a person exercising parental authority or legal guardianship²⁵.

The provisions of the **Free Movement Directive²⁶** provide EU citizens and their family members with the right to move and reside freely within the territory of the EU. According to the Directive, EU citizens can move freely with a valid identity card or passport. If the EU citizen does not have the necessary travel documents, the Member State concerned shall, before turning them back, give such persons every reasonable opportunity to obtain the necessary documents, have the documents brought to them within a reasonable period of time, or to corroborate or prove by other means that they are covered by the right of free movement and residence.

Behind the discussion concerning individual passports and parental authorisation is the overall goal of ensuring that the best interests of the child are taken into account and that the rights of the child are respected. At the same time, such documents may potentially prove to hinder the free movement of children in the EU. Challenges have for example been identified with respect to the registration and recognition of documents relating to the civil status of children. While such documents may be required for exit and/or entry from one Member State, difficulties also exist in relation to the recognition (involving translations and proof of authenticity) of such documents. The Commission is currently working on facilitating the mutual recognition of civil status documents across the EU with a view to proposing measures in this respect in 2013.²⁷

²¹ The Borders Code and its Handbook uses the notion of "minor", nevertheless for the sake of consistency the study refers to "child/children".

²² Commission Decision of 19.3.2010 establishing the Handbook for the processing of visa applications and the modification of issued visas. C(2010) 1620 final and subsequent amendments.

²³ Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data.

²⁴ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243/1, 15.9.2009.

²⁵ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code); Article 11.

²⁶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, OJ L 158, 30.4.2004.

²⁷ COM(2011) 60 final, pp. 6-7.

1.3 Short description of the research method applied

The study's methodology entailed two main phases based on the objectives of the study:

1. Compiling an inventory of the relevant legislation in all Member States/Schengen Associated Countries applying to EU/AC citizens and TCNs.
2. Analysing the application of the requirements in practice in selected Member States/Schengen Associated Countries.

1.3.1 Compiling an inventory of the relevant national law

Based on the study questions defined in the Terms of Reference and agreed together with the Commission during the inception phase, the study team developed an inventory template for all 31 study countries. The data to be collected covered all relevant legislative measures in the area of children travelling alone or accompanied, including the requirements for travelling accompanied/unaccompanied (documentation, accompanying persons etc); the border control phase; custody arrangements; and information provided to travellers.

The data collection was initially done through a desk study of existing legislation, guidebooks or other relevant guidelines available to the border guards; however, it was noticed early on that such documents rarely existed. Interviews with national authorities, such as ministries, agencies and border guards, were then conducted in all of the countries concerned to supplement the gaps where legislation, guidebooks or guidelines did not exist. A total of 108 interviews were carried out during this phase of the study. Many of these interviews concentrated on practices rather than legislation, as it was often the case that no specific legislation, apart from the Schengen Borders Code, existed in this field. This explains why the results of the study are in many cases based only on description of practice rather than concrete paragraphs from legislation or guidelines.

The finalised inventories were verified and approved by the national authorities in all of the study countries. The data from the inventories was drawn together and condensed into a synthesis of legislative requirements in terms of children travelling accompanied or unaccompanied, and concentrated in particular on the differences between the countries' legislation and guidelines. The results of this work can be found in chapter 2.

1.3.2 Analysing the application of the requirements in practice

The legislative inventories revealed a number of interesting cases and practices that were studied in more detail in the next phase of the study. More specifically, 11 case studies were conducted in eight Member States/Schengen Associated Countries:

Table 1: An overview of the case studies

Country	Schengen/ non-Schengen EU/ Associated Country	Case studies carried out
Bulgaria	Non-Schengen EU	<ol style="list-style-type: none"> 1. A land border (Bulgarian-Turkish land border) Case: TCN children 2. An air border (Sofia international airport) Case: EU/AC children
Finland	Schengen	<ol style="list-style-type: none"> 3. An air border (Helsinki-Vantaa airport) Case: TCN children 4. A land border (Vaalimaa) Case: EU/AC children
Malta	Schengen	<ol style="list-style-type: none"> 5. A sea border (harbour in Valletta)²⁸

²⁸ Before the case study visit it was recognised that there are no ferry connections from Malta to third countries. This is why the case study was extended to cover both sea and air borders (Valletta Harbour and the Luqa airport).

		Case: TCN children
The Netherlands	Schengen	6. An air border (Schiphol airport) Case: EU/AC children
Portugal	Schengen	7. An air border (Lisbon airport) Case: TCN children
Spain	Schengen	8. A sea border (Port of Barcelona) Case: TCN children ²⁹
Switzerland	Associated Country	9. An air border (Zurich airport) Case: EU/AC children ³⁰
UK	Non-Schengen EU	10. An air border (Heathrow airport) Case: TCN children 11. A sea/land border (the English Channel) ³¹ Case: EU/AC children

All of the case studies covered several different specific characteristics: Schengen and non-Schengen countries, entry and exit, EU/AC and TCN children, children travelling alone and accompanied, as well as three types of borders: air, sea and land. During the case study visits, on-site group interviews were conducted with border guards, personnel in check-in counters/ticket counters (air and sea) and/or other staff members expected to check the documents of the children. All interviews³² concerned both children travelling *alone and accompanied*.

During the interviews, the so-called "case vignettes" approach was used. On the basis of this approach, the respondents were presented with concrete cases/examples and were then asked to explain step-by-step what they would do in that specific situation. The case vignette was used to describe the specific procedures and then to ask if those procedures differed depending on the country the children were travelling to/from. Case vignettes thereby enabled the study team to explore how the same case would be handled in different settings. More importantly, it prevented the case studies from being based on too general and too hypothetical cases. This allowed a more in-depth analysis that:

- described every little step of the process;
- explained why the step was taken;
- explained and exemplified cases where the step had not been taken or another procedure had been followed.

The case vignettes were developed based on the findings from the legislative inventories, and they used interesting legislation and practices as their starting point. All case vignettes were agreed upon with the European Commission during the interim phase of the study.

Relevant stakeholders on the national level were also interviewed in the eight case study countries during the case study phase. These interviews were used to balance the findings from the group interviews with views on the functioning of the current system, any challenges encountered, and on more concrete information, such as on parental abductions and child trafficking in the country in question. All in all, 120 persons participated in the group interviews and individual stakeholder interviews in eight study countries.

The case study research was complemented by a "mystery shopping" exercise, where the availability of the information to travellers concerning selected study countries was tested in practice by a fictional traveller. This traveller conducted research on the Internet on requirements for children to travel and sent e-mails with request for information to travel organisers and actors in the case study countries.

²⁹ There are direct ferry connections between Barcelona and for example Tangier in Morocco.

³⁰ In 2010, Zurich airport served almost 15,000,000 EU passengers. See: http://www.zurich-airport.com/Portaldata/2/Resources/documents_unternehmen/investorrelations/Statistikbericht_2010.pdf.

³¹ The case study covers all the different modes of crossing the English Channel, i.e. Eurostar, ferries and the Eurotunnel.

³² Where relevant. For example at the Finnish-Russian land border all persons crossing the border have to be onboard a vehicle, which means that children will not be able to cross the border unaccompanied by a person who is licensed to drive for example a car.

The findings from the case studies were drawn together in the form of an analysis of the application of the legislation in practice, presented in more detail in chapter 3.

The views on the national level were furthermore balanced by interviews with EU and international level stakeholders during the final phase of the study. A total of 11 interviews were carried out with nine different organisations. These findings are reported in more detail in chapter 4. The stakeholder interviews (together with additional stakeholder interviews on the national level) showed that the topic was often considered too specific for the stakeholders to have concrete views on. The number of organisations working in this field seems to be limited in many of the study countries, and while it was considered easier to discuss parental abductions and child trafficking in general, the aspect of border crossings was rarely something the interviewees could express any opinions about. This is reflected in the findings presented in the case studies in chapters 4-6.

1.4 Contents of the report

The report is divided into six chapters. Following this introduction, **chapter 2** contains the synthesis of key differences in legislation concerning requirements specific to children travelling in the study countries. This chapter has been structured according to four different aspects of requirements for children travelling alone or accompanied, as specified in the figure below:

Figure 1: Four aspects of requirements for children travelling alone or accompanied

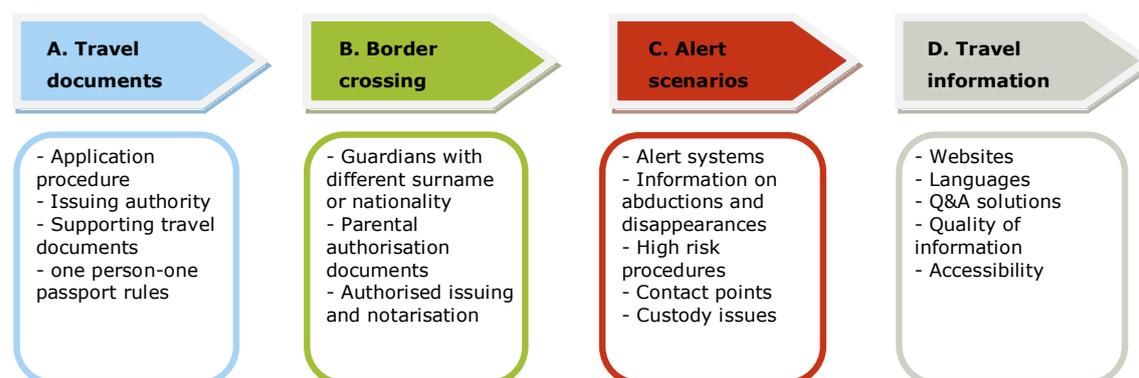


Chapter 3 presents the analysis of the application of requirements in practice in the eight case study countries, examined through 11 case studies. **Chapter 4** consists of the findings of stakeholder interviews at EU and international levels, and **chapter 5** presents the conclusions of the study. Both of these chapters are structured based on the study objectives, such as issues of child protection and freedom of movement. Finally, recommendations for future action are presented in **chapter 6**.

2. SYNTHESIS OF KEY DIFFERENCES IN LEGISLATION

This chapter provides a synthesis of key differences in the legislation of the study countries. The synthesis starts out with an introduction of the general requirements for travelling children, and is then structured around four areas of requirements for children travelling alone or accompanied: (A) the issuing of travel documents, (B) the border crossing phase, (C) alert scenarios, and (D) available travel information. Figure 2 below specifies the research subjects covered under each of the areas.

Figure 2: Key considerations



The synthesis presents the main differences between the study countries for each of the topics covered in order to provide a cross-analysis of countries with the most and least strict regulations, as well as to identify country-specific challenges at this stage of the study.

The synthesis highlights differences between Schengen and non-Schengen countries in addition to differences between requirements concerning EU/AC and TCN children. The last section of the synthesis provides general conclusions highlighting key findings and issues that deserve particular attention.

2.1 Introduction

All Schengen Countries are obliged to follow the Schengen Borders Code³³ that specifies the rules for the checking of travelling children. Border guards shall pay particular attention to children, whether travelling accompanied or alone, and they should make sure that children do not leave the territory against the wishes of the person(s) having parental care over them. With respect to children who are travelling alone, thorough checks are to be carried out by the border guards. These checks should cover the travel documents and supporting documents in order to ensure that the child is not leaving the territory against the wishes of their legal guardian.

2.1.1 National legislation concerning children travelling alone³⁴

With the exception of the Schengen Borders Code, most study countries did not have national legislation in place specifying rules applicable to **children travelling alone**. Instead they referenced the implementation of the Schengen Borders Code, as detailed above, the regulation of carriers (see 2.1.2 below), and the suggestion/requirement for supporting documents such as parental authorisation (see 2.2 and 2.3.2). A limited number of study countries mentioned specific national requirements.

Requirements specific to EU/AC children:

Six study countries (BG, IT, LT, LV, PT, RO) stated specific national legislation concerning EU/AC children travelling alone. Bulgaria requires only children of Bulgarian nationality to show a

³³ Regulation (EC) No 562/2006 Annex VII, Section 6.

³⁴ This chapter concerns the existence of specific rules for the categories of children who can travel **unaccompanied**. Specific rules or practices by carriers concerning children who are travelling **accompanied** were not identified in this part of the study.

parental authorisation form when travelling alone or with only one parent. In Latvia, the Law on Children Right's Protection states that children can cross the border alone after reaching the age of mandatory education, which is 6-7 years of age. When leaving the country, children of Latvian nationality must present a notarised consent of at least one guardian. This requirement is not valid upon entry and only applies to Latvian nationals. Two study countries (IT, PT) have legislation dealing **with both the entry and exit** of children travelling alone. In Italy, children under the age of 14 cannot travel alone unless they have a special authorisation. In Portugal, EU/AC children can travel alone with parental authorisation duly signed by a legal guardian when entering or exiting Portugal.

Cyprus does not have national legislation dealing with the **entry and exit** of children travelling alone. However, as noted in policy and practice of both the Cypriot Police and airlines, children up to the age of 12 cannot travel alone, but EU national children aged between 15 and 17 may travel alone.

Two study countries (LT, RO) have national legislation focusing **only on the exit** of children travelling alone who are citizens of the respective Member State. In Lithuania, a Lithuanian child may travel alone to a non-Schengen country only if s/he has parental authorisation documents. In Romania, Romanian children cannot travel outside of Romania alone unless they have their parent or legal guardian's agreement. These documents are required on top of the travel document (passport/ID card).

Requirements specific to TCN children:

With regard to the **entry of TCN children**, many study countries cited that they followed the guidelines in the Schengen Borders Code and the EU Visa Code. According to the EU Visa Code, children applying for a Schengen visa must submit their application form signed by their parents or legal guardians³⁵. Furthermore, consent of parental authority or legal guardian is required as supporting documentation to a visa application when a child does not travel with a parent or legal guardian.³⁶ Thus, border guards generally assume that a visa obliged TCN child with a valid travel document has the authorisation from his/her parents to travel alone, so the subject was largely unaddressed in the inventories by study countries.

Three study countries (BE, FR, PT) mentioned national legislation focusing on the **entry** of children from third-countries. In Belgium, a TCN child **entering** Belgian territory alone will be accepted only if the authorities are certain that the person welcoming/supervising the child has the rightful authority to do so. If there is no way for the authorities to prove a family link or official parent authorisation of the receiving person, the **authorities can deny entry to the child**. In France, TCN children can travel alone or accompanied by someone other than their legal guardian(s) if they can show that the legal guardian(s) has given permission for the travel and, in case there is a need for it, the authorities can contact the legal guardian(s) of the child. When **entering** Portugal, TCN children cannot travel alone unless a legal guardian in Portugal is authorised to take responsibility for the child for the duration of the stay. When **exiting** Portugal, TCN children resident in Portugal travelling alone will not be allowed to cross the border unless they are accompanied by someone holding parental responsibility or someone holding a legally certified authorisation granted by the child's legal guardians. This does not apply when a non-resident TCN child exits the country³⁷.

³⁵ Regulation (EC) No 810/2009 Article 11, Section 1.

³⁶ Regulation (EC) No 810/2009, Annex II.

³⁷ Article 31 of the Law 23/2007 of 4th of July is not applicable when a third-country national child who is not a resident in Portugal is exiting the country. Therefore, in such case, an authorisation granted by the person who holds parental custody is not required.

2.1.2 Carriers' regulation on children travelling alone

Concrete rules were left in almost all cases to carriers, such as airlines, which often have regulations and procedures regarding the treatment of children travelling alone (e.g. an unaccompanied minors' service³⁸). A few examples of carrier regulations are highlighted below.

In general, air carriers have quite sophisticated procedures for handling children travelling alone. Only small differences in age and documentary requirements exist between carriers. This is mostly due to the guidelines issued by the International Air Transport Association (IATA), which works on simplifying and standardising regulations and procedures for air carriers across the world. More information about IATA and its guidelines will be presented in the chapter on the EU/international stakeholder interviews (4.1.2).

Box 1: Examples of requirements on children travelling alone by air carriers

Air border:

British Airways

Children under the age of 5 must be accompanied during a flight. Unaccompanied children between 5 and 12 years of age can travel using the Skyflyer Solo service. The service must be booked at least 48 hours in advance of the flight's departure, and full details of parents' address, contact details as well as information on the adult picking up the child at the arrival point must be provided. The service is subject to a fee. The child will be escorted by an employee from one of the airline's dedicated children teams from check-in to the aircraft and, on arrival, from the aircraft through immigration control and baggage reclaim to the person meeting the child.

Unaccompanied children are not allowed on any journeys involving a night-stop, transfer or stopover exceeding six hours. Children between 12 and 17 years requesting assistance can also be registered as unaccompanied children by following the same booking process.

KLM

KLM has a compulsory "unaccompanied minor-service" for children up to 15 years of age for a fee of 50 EUR on European direct flights and 75 EUR on intercontinental direct flights. Children younger than 5 years are not allowed to travel unaccompanied, and the service is optional for children between 15 and 17 years of age. A parent or guardian aged 18 years or older must register the child at the check-in desk at least 2½ hours before departure and show valid ID. A special handling advice form must be handed in at the check in identifying the exact person who is authorised to meet the child in the airport at arrival.

³⁸ The carriers call the service offered to children travelling alone an "Unaccompanied Minors' service" or an UM-service. This term is used in the report only when referring to the specific service provided by carriers and the authors acknowledge that the term "unaccompanied minor" is usually understood to mean "third-country nationals or stateless persons below the age of eighteen, who arrive on the territory of the Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they have entered the territory of the Member States" (Council Directive 2001/55/EC, Art. 2).

Border crossings of children travelling alone at sea and land with ferries, coach services and railways are regulated by more diversified procedures. A few examples are presented below:

Box 2: Examples of requirements on children travelling alone by sea carriers

Sea Border:

Tallink (Estonia)

Tallink divides its children regulations into age groups depending on the type of cruise. These age limits are also a general practice on other ferry companies operating in the Baltic sea:

Overnight cruise:

- 0-20 year-olds must be accompanied by:
 - Mother, father, or legal guardian;
 - A family member (excluding sibling under 30) that has been authorised by legal guardian;
 - Another person, authorised by guardian form.

Day cruise:

- 15-17 year-olds may travel alone with written consent of guardian;
- 0-14 year-olds: same requirements as for 0-20 year olds on overnight cruises.

Baleària (Spain)

In general in Spain, ferry companies do not have a special service for allowing unaccompanied children to travel. With respect to TCNs, the ferry companies can be fined by the Ministry of the Interior for allowing TCN children to travel unaccompanied, as specified in Law 4/2000 regulating the rights and freedoms of TCNs in Spain. Baleària does not accept children under the age of 13 to travel unaccompanied, but all people above the age of 13 are considered adults and can therefore themselves accompany children.

Box 3: Examples of requirements on children travelling alone by land

Land Border:

Eurostar (Rail)

Children under the age of 12 cannot travel unaccompanied on Eurostar trains. However, Eurostar will consider allowing children aged between 13 and 17 to travel unaccompanied based on an individual assessment of the situation. A Eurostar agent must be contacted for specific arrangements regarding the travel, and the child (if under the age of 17) must have written consent from a parent/legal guardian.

VR (Rail)

The Finnish national railways allow children to travel to and from Russia and state no age limits for children travelling alone onboard their trains. The children are considered as under the responsibility of their parents - even if they are travelling alone. This means that the carrier is not liable for taking care of the children during the course of the travel and they are also not liable should anything happen to the child.

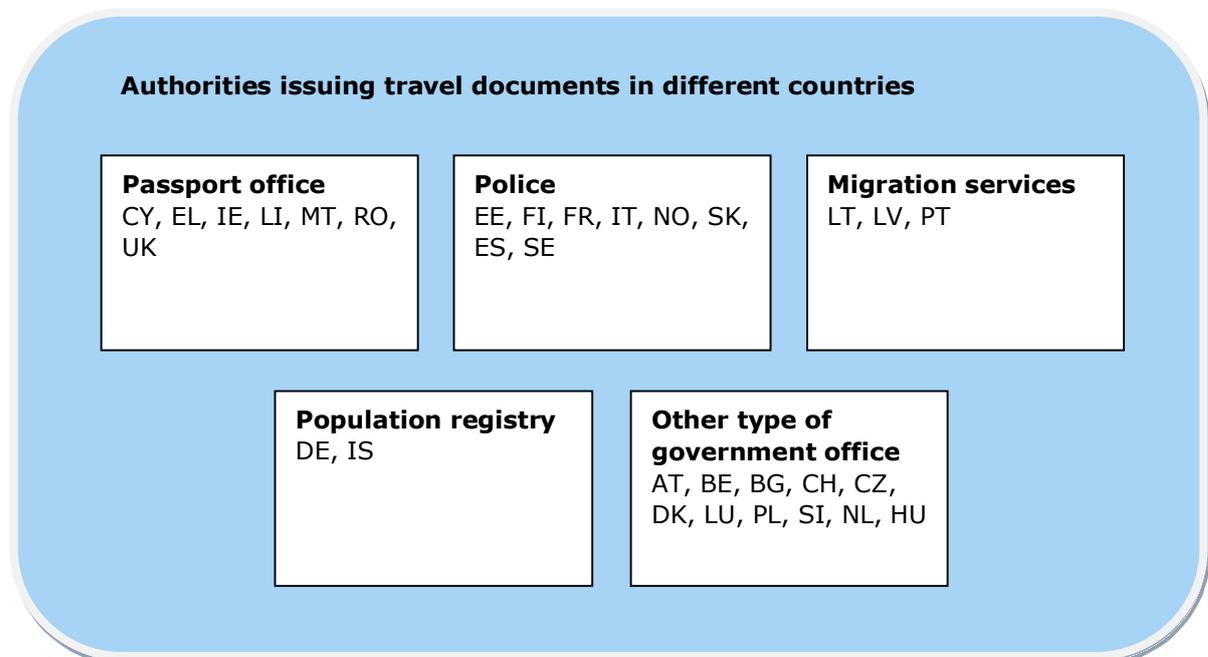
2.2 Issuing of travel documents

The majority of the study countries have similar requirements to legally enter or exit the country for children as for adults, namely a national ID or passport, and a visa (if needed). The **requirements rarely differ between children travelling alone and children travelling accompanied**. While some exceptions exist for children who are accompanied (see section 2.2.4), children travelling alone are always required to have their own travel documents. The national ID suffices for EU/AC children travelling alone within the EU/EEA, and a passport is in general required for children to travel outside the EU/EEA³⁹. For TCNs travelling alone, a passport and a visa (if needed) are usually enough to enter or exit a Member State.

2.2.1 The authority issuing travel documents

The necessary **travel documents for EU/AC children** are obtained according to the same requirements as for adults. The types of organisation/authority that issue passports are: **specific passport offices** (CY, EL, IE, LI, MT, RO, UK); **migration services** (LT, LV, PT); **police** (EE, FI, FR, IT, NO, SK, ES, SE); **population registry offices** (DE, IS, HU) or **other government offices** (AT, BE, BG, CH, CZ, DK, LU, PL, SI, NL). Most study countries cited the ability for nationals to apply and receive passport services via a consulate or embassy abroad.

Box 4: Different authorities in charge of issuing passports



All but five of the study countries issue identity cards to their own nationals. For the five that do not (DK, IS, IE, NO, UK), a passport is the accepted travel and identity document. The other 26 study countries have slightly varying uses of national identity cards for their own nationals and children.

In nine of the study countries (AT, CH, DE, FI, FR, LI, LV, NL, SE, SI), the identity card is optional and can be used for identity reasons instead of as a passport. In Germany, for instance, it is compulsory to have either an ID card or a passport from the age of 16. In Sweden, on the other hand, the ID card is fully optional and can be issued to nationals from the age of 13; however, if under 18 then the child must be accompanied in person to the issuing office by at least one legal guardian when applying for the ID card.

³⁹ An EU/AC child can enter and leave his/her country on the basis of an ID card, but when it comes to travelling abroad it depends on the legislation of the third country that the child is travelling to, and possible bilateral agreements between countries, whether the child will be allowed to enter without a passport or not.

National identity cards are compulsory in 16 of the study countries from the age of 6 (PT), 12 (EL, CY), 14 (BG, EE, HU, RO), 15 (BE, CZ, IT, LU, SK), 16 (LT) or 18 (PL, MT).

In Belgium, children under the age of 12 can have a "KidsID" (an electronic version of an identity card) but it is not accepted in every country, even within the EU. From 12 years old on, Belgian children must have their own identity card.

2.2.2 Application procedure

As with adults, generally a valid ID (if applicable), recent photograph, birth certificate, and previous copies of passports (if applicable) are the required documents for obtaining a passport for a child. In addition, most study countries (AT, BE, BG, CH, CZ, DK, EL, FI, FR, IT, LT, LV, NO, PT, RO, SK, NL) claimed that children over the age of 12 must, similar to with adults, **come in person** in order to submit their fingerprints in accordance with EC Regulation 444/2009. In Estonia, however, the passport can be **applied for via mail/email** if the passport is being renewed within two years or if the child is under the age of 6. Fingerprints taken within the past two years are still considered valid for being used in the application of the new passport. The child should be present at least once in the application procedure, either at the submission or when receiving the personal document⁴⁰. Other rules were mentioned in the UK, where the applicant is not required to come in person unless an interview is deemed necessary by the competent authorities. Other study countries mentioned no restrictions or rules with respect to who should submit the passport application.

2.2.3 Supporting documentation in relation to travel documents

20 study countries (CY, DE, EE, FI, EL, FR, HU, IE, IT, LV, MT, NL, NO, PT, RO, SK, SI, ES, SE, UK) cited the need for **supporting documents in the form of parental authorisation** in connection with a passport application.

Parental authorisation/consent is required by most study countries as a supporting document to a passport application, although the age requirement varies among study countries. Nine study countries (AT, CH, CZ, EE, LV, SI, PT, RO, UK) require **written authorisation** from or the application filled out by one parent/legal guardian. Ten study countries (CY, DK, EL, FI, IE, NL, NO, MT, PL SE) require written authorisation from both parents, although in Cyprus EU/AC children aged 15-17 are not required to have supporting documents. Five study countries (BE, DE, ES, LT, SK) require **one parent to be present** with the child during the application process. Four study countries (BG, FR, HU, IT) explicitly stated that **both parents must be present** with the child during the application.

⁴⁰ According to internal instructions of the Office of Citizenship and Migration Affairs in "Procedure on issuing of personal identification documents". When issuing a personal document for a child under 15 s/he should be present at least once (either by the submission of documents for issuing personal identification document, or by receiving of personal identification document) fingerprinting?.

Box 5: Need for parental authorisation when applying for passport

Is parental authorisation needed when a child applies for a passport?				
		YES		NO
		From one parent/guardian	From both parents/guardians	ICE, LI, LU
Written authorisation		AT, CH, CZ, EE, LV, SI, PT, RO, UK	CY, DK, EL, FI, IE, NL, NO, MT, PL, SE	
Come in person		BE, DE, ES, LT, SK	BG, FR, HU, IT	

2.2.4 Rules related to one person-one passport

Requirements specific to EU/AC children:

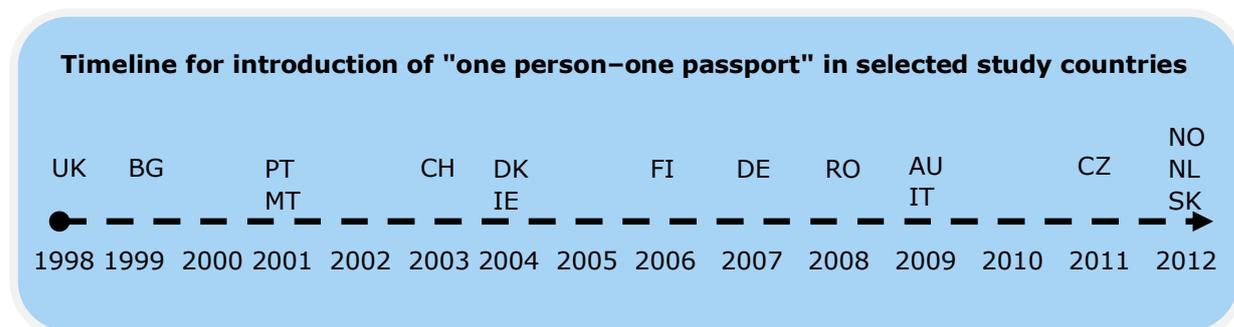
Previously, at least 16 of the study countries (AU, BG, CH, CZ, DE, DK, FI, IE, IT, MT, NL, NO, PT, RO, SK UK) allowed their own national children to be inscribed in their parents' passports instead of requiring the child to carry his/her own passport. In response to Regulation (EC) No 444/2009, study countries are now implementing the **one person – one passport**⁴¹ principle, which implies that as of 26 June 2012 Schengen countries must require children to carry their own passport.

Several study countries phased out the family passport well ahead of the end of the transposition period for the one person – one passport principle on 26 June 2012 (see Box 6). Some examples are presented below.

For Denmark, the change took place in 2004; those under the age of 15 could travel accompanied if they were inscribed in a parents' passport before 1 October 2004. In Austria, children under 18 could no longer be registered in another person's passport after June 2009. In Germany, children aged 12 and under could travel until 1 November 2007 if they were inscribed in their parents' passport, but required a specially issued children's passport after this date. Italian children have needed their own personal passport to exit the country to a third country since 2009. The family passport in the Czech Republic has been phased out since June 2011, when children aged 10 or under could no longer be inscribed in their parents' passport. In Slovakia, Slovak children under the age of 5 years could travel without a travel document before 2012 if they were inscribed in one of their parent's passports.

⁴¹ REGULATION (EC) No 444/2009 Preamble (6)

Box 6: Adoption of the "one person – one passport" principle



Of the **non-Schengen countries**, Ireland has required all Irish nationals to have a passport in only their own name since 2004. In the UK, the one person-one passport principle has been in use since 1998.

Requirements specific to TCN children:

For TCN children without a separate passport, 15 study countries (BE, CZ, DK, ES, FI, DE, IS, IE, IT, LT, LV, NL, NO, RO, SE) mentioned that they allow an accompanied child to **travel if inscribed in his/her parent's passport**, provided the name, sex, and age of the child are also included in the parent's passport.

B

2.3 Border control-phase

Schengen countries implement a variety of measures during the border control phase to ensure that the child is travelling with the right authority from his/her legal guardians and that they are not at risk. In addition to the rules specified in the Schengen Borders Code for the border check of children, which the border guards are obliged to follow, examples of such measures/instruments are: checking supporting documents at the border (see 2.3.2); ensuring proper training of border guards; cooperating with national and foreign contact points (see 2.4.2); and national and international databases (see 2.4.3). Some Schengen countries have put additional measures in place. The Netherlands, for example, has an **official parental authorisation template** provided by KMar. However, this document is not required as a prerequisite for entry or exit; rather, it is recommended and can smoothen the border check. The Czech Republic has issued additional instructions to border guards on how to handle situations with travelling children in the form of a manual that elaborates on the Schengen Handbook.⁴² In Finland, Chinese interpreters are stationed at the Helsinki-Vantaa airport in order to efficiently question travellers to and from China, including scenarios involving the travel of children.

For the most part, **non-Schengen countries** utilise the same measures, but some have procedures and regulations differing from the other study countries. Bulgaria and Romania, while still following the Schengen Borders Code for EU/AC children, have national legislation requiring the child to have **parental consent via supporting documents**. These requirements only apply to nationals of Bulgaria and Romania, respectively (see 2.3.2). The UK, unlike other EU countries, does not perform comprehensive exit checks at its borders. However, border guards may check children against the watch-list of children subject to a High Court Order, which de-bars their departure from the UK (these children are known as 'wards of the court').

2.3.1 Guardians with different surname or nationality than the child

The practical requirements in the border control-phase vary depending on different scenarios when there are differences between a guardian and child in terms of appearance, surname, nationality or when the parent/guardian is divorced, single or widowed. Most study countries (AT,

⁴² Czech police have noted, however, that in practice it is difficult to evaluate cases at the border due to: lack of legal instruments for border police to use, lack of information (e.g. databases of court decisions concerning custody), and the fact that gathering information from children is often difficult.

CH, CY, DE, DK, EE, FI, IE, IT, LI, MT, NO, PL, PT, SK, SI, SE, UK) cited **differences in appearance, nationality, or strange behaviour** as reasons to arouse suspicion in the border guards. In such cases, further questioning and other measures, such as contacting the legal guardian or utilising national and EU level databases, can be employed.

Five study countries (EL, FR, IS, LU, NL) mentioned **different surnames as a 'heightened risk'** scenario that requires further questioning/verification. Latvia stated that different surnames are not considered a reason for suspicion if supporting documents contain all of the necessary information. Romania also noted that supporting documents for Romanian children are used to thwart attempts by parents to travel without the consent of the other parent.

A number of study countries (BG, CY, EE, EL, ES, FI, IS, LV, LU, MT, NO, PL, SI) noted the use of the Schengen Information System (SIS), INTERPOL, or national registry databases (BG, CY, FI, IS, NO) as methods for screening children and accompanying adults. The SIS provides access to authorities, including border guards, to alerts on persons and objects.⁴³ The SIS II Decision⁴⁴ makes it possible for the Schengen countries to place alerts in the SIS on, among others, missing persons who must be placed under protection and/or whose whereabouts must be ascertained.⁴⁵ The SIS is especially used in TCN cases.⁴⁶ However, a general limitation of the SIS is that it is only useful if a decision has been taken to include an alert in the system, and the Schengen countries seem to have very different practices in this respect. The INTERPOL database provides information on, for example, criminal records, missing persons and victims of child sexual exploitation.⁴⁷ Cyprus noted that while it checks all EU/AC children under the age of 12, it checks **all TCNs regardless of age** in the 'Stop List' database, which is the national database Cyprus has linked to INTERPOL.

With regard to the **parents' marital situation**, most study countries have parental consent requirements in place (see 2.2.3 and 2.3.2), either in passport/visa applications or supporting documents. Otherwise, the border guards will question or contact the parents to determine the relationship of the child to the parent. In Finland, border guards have access to the National Population Information System, where they can check for instance if the child and accompanying adult live at the same address.

2.3.2 Requirements for parental authorisation or other supporting documents for a child leaving or entering the Member State⁴⁸

According to the Schengen Borders Code, which all Schengen countries are required to follow, border guards must check that the persons accompanying children have parental care over them, especially when children are accompanied by only one adult and serious grounds exist to suspect that they may have been unlawfully removed from the custody of the person(s) legally exercising parental care over them⁴⁹. One of the measures applied by the border guards to ensure that the child is travelling with the right authority of his/her legal guardians is the requirement for the child and accompanying adult(s) to carry supporting documents, such as a **parental authorisation**, when crossing the border.⁵⁰ When required, these supporting documents usually exist in addition to the parental authorisation that may be required when applying for passports

⁴³ Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II), OJ L381, 28.12.2006.

⁴⁴ Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II), OJ L205, 7.8.2007.

⁴⁵ This is applicable both to children and adults.

⁴⁶ C (2006) 5186, "Practical Handbook for Border Guards (Schengen Handbook)", Page 18.

⁴⁷ INTERPOL database: <http://www.interpol.int/INTERPOL-expertise/Databases>.

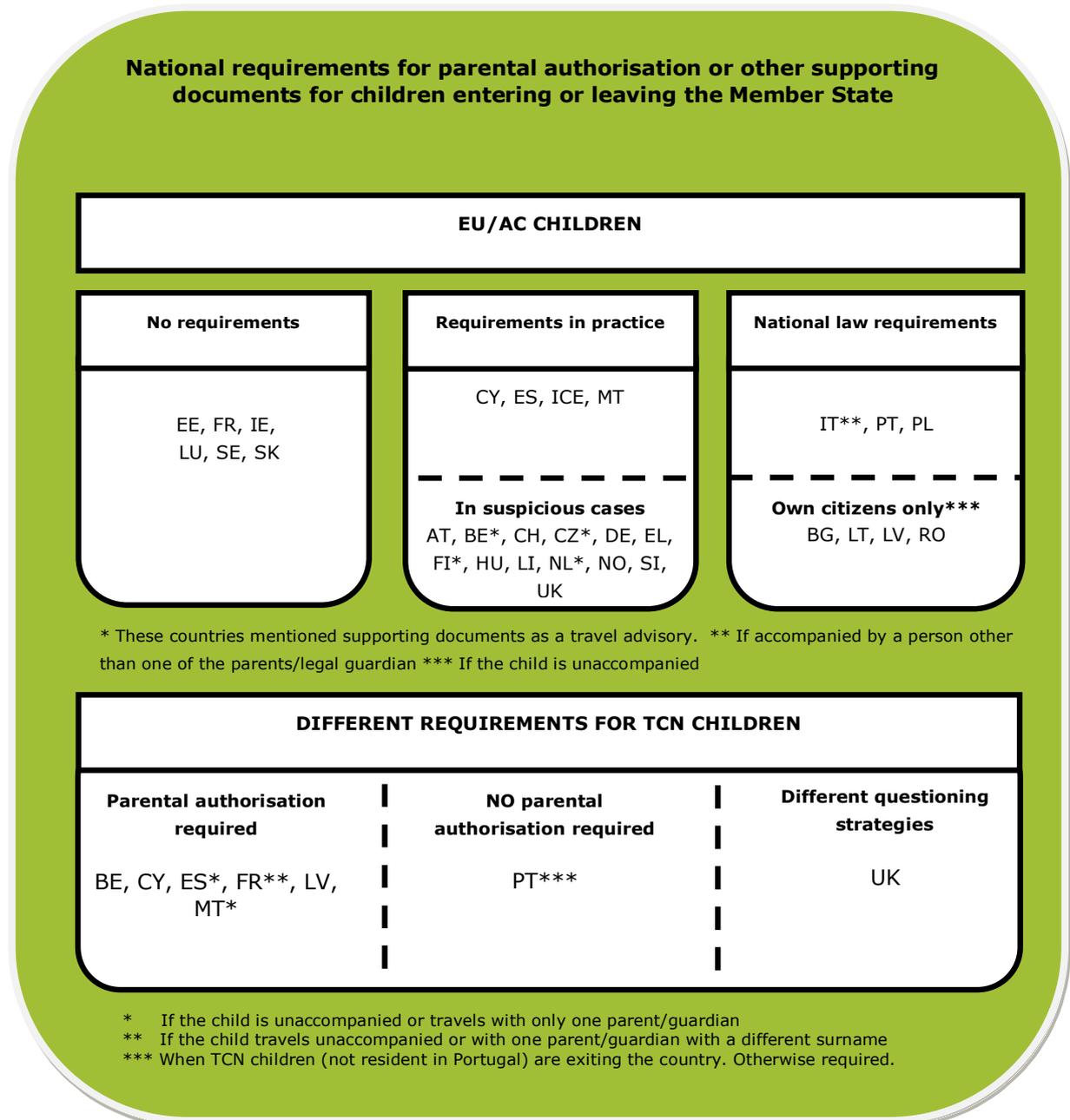
⁴⁸ Here it is relevant to point out that differences in terms of requirements for parental authorisation should be seen in the light of differences in family law from one Member State to another, and in particular with respect to the laws regulating sole custody and joint custody.

⁴⁹ Reg. (EC) No 562/2006 of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L105/31.

⁵⁰ Aside from the border crossing, a few study countries mentioned circumstances where supporting documents may be required. Germany cited traffic controls, and both Germany and Austria cited local police as having the authority to check for documents. Poland claimed that supporting documents could be asked for at anytime. Luxembourg stated that police have the authority to request documentation from TCNs at anytime, which is the practice in many other Member States.

and/or visas (see section 2.2.3). Most study countries also entitle carriers the right to enforce their own requirements as their main method of authorising parental consent.

Box 7: National requirements for parental authorisation or other supporting documents



Requirements specific to EU/AC children:

Italy, Portugal and Poland are the only study countries that require supporting documentation from all EU/AC children. In Italy, a person accompanying an Italian child, or an EU/AC child resident in Italy, other than the child's parents must present a **declaration of consent**, called *dichiarazione di accompagnamento*. Poland requires parental authorisation legalised by a notary, but its form is not standardised. If the child is travelling alone, Portugal requires by law⁵¹ a legally certified authorisation granted by the person holding parental custody.

A few study countries (CY, ES, IS, MT) provided examples of supporting documentation required more in practice than in national law. Cyprus, while it does not require by law the checking of

⁵¹ Law 23/2007 of 4th of July Article 31.

supporting documentation, does request supporting documentation in practice when a child is travelling without both parents. This is done in the form of a standardised form issued by the Cypriot Police. EU/AC children aged 15-17 are not required to have supporting documents and EU/AC children aged 13-15 are in practice not requested to show supporting documentation. Spanish children, particularly those travelling unaccompanied, who are leaving Spain for a non-EU/EEA destination need **parental authorisation issued by the Spanish police** in practice but not by law. Iceland stated that many children travelling alone carry written statements on normal paper, which would be checked and cross-checked before the parents would be contacted. Malta has no requirements for supporting documentation in national law; however, the Principal Immigration Officer is legally empowered to request further documentation as s/he may deem fit according to the circumstances. In practice the border guards (and ultimately the Principal Immigration Officer) may require further information and questioning as well as the provision of supporting documentation.

Twelve Schengen study countries⁵² (AT, BE, CH, CZ, DE, EL, FI, HU, LI, NL, NO, SI) mentioned, in line with Annex VII of the Schengen Borders Code⁵³, that their border guards **reserve the right to ask for supporting documents** if something appears suspicious. The UK also mentioned that their border guards reserve the right for further checks at the border in suspicious situations. Apart from checking supporting documents, border guard checks include questioning children and the parents, checking national and international databases (see section 2.4.3), and contacting the parents of the child and/or national records (e.g. court decisions, custody arrangements) in order to verify the child's purposes for travel (see sections 2.4.1, 2.4.2, 2.4.3).⁵⁴

In France, groups of children travelling without their parents must be **registered at the prefecture**. The person in charge of the trip must provide the authorities with a list of the children taking part in the trip, an authorisation from each child's parents, as well as a photo of any child who does not have a passport.

Requirements specific to own citizens:

Four study countries (BG, LT, LV, RO) noted that parental authorisations were only required of their own citizens. In Bulgaria, Latvia, and Lithuania, supporting documentation is required only when exiting the country. Furthermore, in Lithuania, if children are travelling in a group, the travel agent will have to produce a list of all travelling children and adults who accompany them on the travel, in addition to parental authorisation for each travelling child. In Romania, supporting documentation is required for both entry and exit. In all four of these countries, authorisation is only needed if a child is travelling unaccompanied, with one parent, or with a person who is not a parent/guardian of the child.

Requirements specific to TCN children:

Eight study countries (BE, CY, ES, FR, LV, MT, PT, UK) cited **differences in treatment of TCNs** in relation to supporting documentation. In Belgium, children travelling alone entering the Belgian territory will only be accepted if the authorities are certain that the person welcoming them has the authority to do so. This is done either by proving a family link or by providing a parental authorisation. In Cyprus, all TCN children travelling unaccompanied are required by the border guards to have parental authorisation. In Malta, the parental authorisation is required only of visa national children travelling alone or with just one parent/another adult. In practice this means that it can be required to produce all supporting documentation required when applying for a visa (such as signed parental consents, documentary evidence to verify the purpose of travel, place of accommodation, insurance and travel itinerary) on arrival in Malta.

⁵² Of these Belgium, Czech Republic, Germany, Finland and the Netherlands recommend bringing supporting documents as a travel advisory, meaning that they recommend travellers to bring supporting documentation especially when the child is travelling unaccompanied or with someone other than the child's parents or legal guardian to simplify proceedings at the border, in case a need for additional information should arise.

⁵³ REGULATION (EC) No 562/2006 Annex VII, Section 6.

⁵⁴ Pursuant to Section 55 of the Borders, Citizen and Immigration Act 2009.

Portugal requires parental authorisation from EU/AC children and TCN children resident in Portugal on entry and exit, but not from non-resident TCN children exiting the country. France requires supporting documents from TCN children if the child is travelling alone or with an adult with a different surname. In Latvia, if the parent accompanying the child is not a national of an EU/AC country, the parent must present a notary-authorized permit signed by the other parent. Spain, on the other hand, requires parental authorisation or a family record book if the child is unaccompanied or not with a parent and if something appears suspicious. The UK stated that written consent is of very little value for TCNs, implying that border guards focus more on **questioning strategies and competencies learned from training** than on checking the supporting documents when examining a TCN entering the country.

2.3.2.1 Authorities issuing supporting documentation

The study countries that require supporting documentation for travel of EU/AC children and/or TCN children (see above for specifications) do so via various authorities. Spain uses the police as an issuing authority. In France, local administrations provide the supporting document, or "*autorisation de sortie de territoire*". The UK mentioned different government agencies that issue various documents needed for proof of parental authorisation (e.g. birth certificates, divorce certificates, naturalisation documents). Portugal and Cyprus have standardised parental authorisation forms. In Portugal, the form is issued by the Aliens and Border Service, and in Cyprus the form is issued by the Cypriot Police. Furthermore, in Cyprus the parental authorisation form must be verified at either a court, a township, citizen services centre, or the border guards. The presence of both parents is required for the verification. If outside Cyprus, a non-standardised form can be drafted and signed in Cypriot consulates. Lithuania and Hungary do not have a specific issuing authority or template for parental authorisation, but they do require relevant data to be included in the authorisation, such as parent information, child information, signatures, etc.

2.3.2.2 Requirement to notarise supporting documentation

Some study countries (AT, BE, BG, LT, LV, MT, PT, RO, SK), while not having specific issuing authorities for supporting documents, cited the **use of notaries to verify parental authorisation**. In Austria and Belgium, it is recommended to use a notary but not required by law. In Lithuania, a consular official or head of eldership (the smallest administrative unit in Lithuania) may also approve the supporting documents. Two study countries (ES, UK) claimed that notarised supporting documents are needed in some cases. Spain requires documents to be notarised according to the rules of the home country. The UK stated that non-official supporting documents generally must be notarised, but enquiries are normally made to establish fact.

2.3.2.3 Translation of supporting documentation

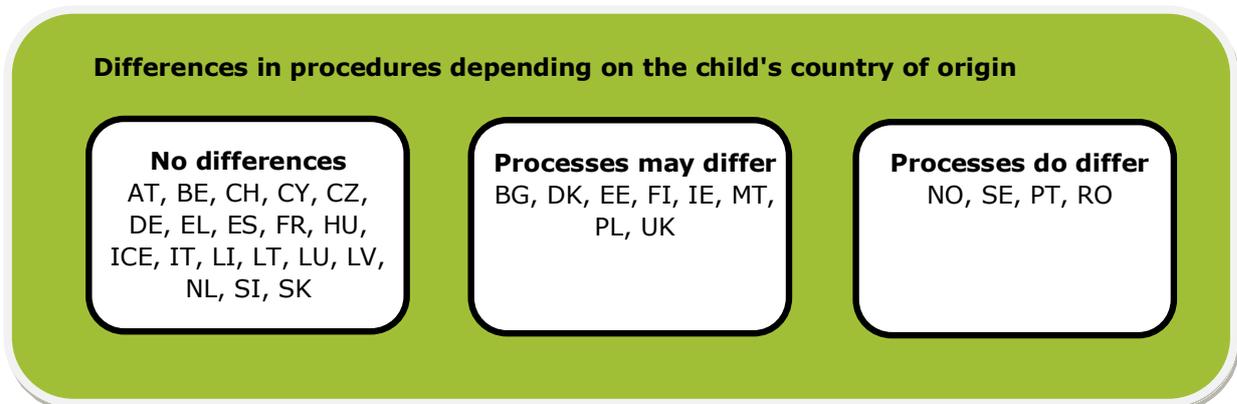
Although there are no laws requiring the **translation of supporting documents** in any Member State, four study countries (FI, EL, DE, UK) claimed that border guards will attempt to translate the documents if the translation is helpful in resolving a risk scenario. In Slovakia, if the supporting documents are not in Slovak or Czech, a notarised official translation is required. In Latvia, although not required, the border guard has the right to request a notarised official translation. In Cyprus, the border guards reserve the right to request a Greek or English translation of parental authorisation. Two study countries (LV, PT) mentioned that in cases where supporting documentation is not in the national language, border guards may contact the embassy or consulate of the country of origin in order to verify the document. Malta requires visa-nationals to translate their documents into English. A few study countries (CH, NL, HU) accept documents in other commonly known languages, for example English, German and French.

2.3.3 Differences depending on the child's country of origin in requirements and procedures for the border check of a child

In the majority of the study countries (AT, BE, CH, CY, CZ, DE, EL, ES, FR, HU, IS, IT, LI, LT, LU, LV, NL, SI, SK), the child's country of origin or, for example, known trafficking routes do not alter the requirements and procedures for a child at the border check of a child, **depending on their country of origin** or for example concerning known trafficking routes.

Certain study countries (BG, DK, EE, FI, IE, MT, PL, UK) indicate that the **processes may differ based on pre-defined profiles**. These are often based on common occurrence. Examples were provided by NO, SE, PT and RO. Norway stated that border police are especially attentive to children of non-Norwegian ethnic origin travelling alone and leaving Norway. In Sweden, there are no differences in the official requirements, but in practice the border guards pay special attention to travellers from certain countries. In Portugal and Romania, the procedures do differ. In Portugal, due to **known trafficking routes**, the border guards more thoroughly analyse the documents of children entering the country from, in particular, Senegal and Guinea. The passports are analysed, the visa issuing authorities are contacted and the accompanying adults must submit their contact details. In Romania, the border guards pay special attention to Romanian children exiting the territory towards countries that are known to be targeted by traffickers (for begging, criminal activities or sexual exploitation). Also, the border guards pay extra attention when checking the supporting document and the criminal record of the accompanying adult, and may even inform other police structures for further surveillance if the documents are in order but reason still exists for suspicion.

Box 8: Differences in procedures based on the child's country of origin



2.4 Alert scenarios



In the border control phase, border guards across the study countries have somewhat differing practices for detecting and handling alert scenarios where there is a heightened risk that children are subject to trafficking in human beings, abduction or any other illegal activity involving the crossing of the border.

2.4.1 Existence of child-specific alerts checked by the Member State when a child is crossing the border

All Schengen countries refer to the **Schengen Borders Code as the main source regulating alerts** to be checked. According to the Schengen Borders Code, the border checks of all TCNs (no difference is made between adults and children) upon entry and exit should include a consultation of alerts on persons in the SIS and reports in national data files.⁵⁵ If applicable, the Visa Information System (VIS) shall also be consulted.

⁵⁵ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), Art. 7.

All study countries apart from Lithuania declare to not have any national rules or guidelines in addition to the Schengen Borders Code. Lithuania applies a specific instruction in addition to the Schengen Borders Code for child specific alerts. According to this, particular attention shall be paid to all children who travel alone, with only one of their parents, or accompanied by foster parent(s) or unrelated persons. The instruction sets recommendations for evaluating the child's emotional state/spotting unnatural behaviour concerning the relation between the child and the adult, and provides guidance for dealing with suspicious cases. **Child-specific alerts are in use** in the Netherlands (*amber alert*), in France (*alerte enlèvement*, or child abduction alert) and in Switzerland (*alerte enlèvement Suisse*). In France, for instance, the authorities put forward the "alerte enlèvement" when a child has been abducted. When a decision has been taken by the authorities to trigger the alert, it will be launched by the police and be sent directly to the media and other parties who have signed a cooperation agreement with the authorities. These include highways, TV and radio, internet, public notice boards and social media (Facebook). Finland uses a border check application called Ratas, which makes it possible to define concrete profiles that will be subject to a more thorough check. If profiles correspond to a specific flag in Ratas, such as in cases of child abduction, the persons will be checked more carefully. The UK has implemented a Child Rescue Alert, which is a tool available to Senior Investigation Officers for use in abduction or kidnap cases involving a child. The Child Rescue Alert has been in use since 2002, first regionally and by 2005 nation-wide. The decision to launch a Child Rescue Alert is taken by Senior Investigation Officer on the lead police force. The Child Rescue Alert goes to the media who can publish details surrounding the child's disappearance. Subsequently, the public are asked to call a specific telephone number should they have information that may help locate the child.

2.4.2 Available information regarding children who have been reported missing/abducted

No important differences exist between the processes of the study countries on receiving information on **children who have been reported missing or abducted**. The Schengen countries all refer to the SIS as their main source of information (see 2.4.1).

If there is reason for suspicion, border guards can contact **the national contact points** on minors, and if there is a hit (e.g. missing child), they can contact the SIRENE bureaux in the child's country of origin (with respect to EU/AC children). Through this source, the border guards can receive information on any possible alerts in the national systems. The SIRENE bureaux have been set up in all Schengen countries to assist with obtaining supplementary information for SIS by acting as the contact point between a Member State creating an alert (e.g. missing child) and one achieving the match.⁵⁶ For cases involving TCN children, the border guards can check the (non-child specific) Europol and INTERPOL databases, as well as contact the airport of departure or relevant authorities in the child's home country (such as embassies). When applicable, countries can also contact the designated Hague Convention contact points in the signatory states.

Among the non-Schengen countries, Bulgaria mentioned the existence of specific contact centres also dealing with missing/abducted children that cooperate with the police in Romania, Greece and FYROM,. Cyprus and Ireland referred to Europol and INTERPOL, and Romania referred to the SIS. In the UK, alerts can be initiated through the Border Agency's Advance Passenger Information System.

2.4.3 Signals at the border if a child has gone missing in the Member State

Commonly, the disappearance of a child is registered in a **national database** that the border guards have access to and that will alert them when scanning the child's passport as they cross the external border. Such databases and practices are reported in the majority of study countries (BG, CH, CY, CZ, EE, EL, FI, FR, HU, IE, LI, MT, NL, NO, RO, SE, SI and SK). In Bulgaria, for example, the information sent to the border includes the ID information of the child, distinctive characteristics, picture, date and time of when the child went missing, as well as information

⁵⁶ Commission Decision 2008/334/JHA of 4 March 2008 adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II), OJ L 123 of 8.5.2008.

about the persons possibly accompanying the child. In the Netherlands, the alerts include information on where, when and in what **type of a situation the child went missing**. In addition, age, physical description and photograph are signalled. In some countries, additional alerts (daily alerts, e-mails, Internet) can be sent to the border crossing points with information on missing children (AT, EE). In Germany, the border guards receive information on missing children and the authority that should be contacted in case the child is apprehended at the border.

In Portugal, the border guards receive information on missing children through the Aliens and Borders Service, who issue ad hoc alerts based on information from the police. Some study countries specify that a search notification is only submitted via the national register if there is suspicion of a crime (AT, DK, ES, IS, LV, LT and PL). For example, in Spain the search notification includes photographs of both the child and the adult.

Six countries (DK, LV, IT, PL, ES, SE) report that a notification will also go out to **airlines booking systems**.

The Schengen countries also refer to the **Schengen Information System**, enabling the authorities of the participating Member States to have access to alerts on persons, including missing persons. In general, each Member State has the ability to decide on the "Schengen relevance" of each case. However, the Convention Implementing the Schengen Agreement⁵⁷ clearly states that data on missing persons shall be entered into the system, in particular when the missing person is a minor. It seems nevertheless that there are important differences in the study countries' use of missing person alerts. Equally, internal procedures can cause differences in how fast the alert is created in the SIS, depending on whether the first officer at the scene may authorise the alert or whether the decision is made by a judicial authority.

The last revision of the SIRENE Manual in July 2011⁵⁸ incorporated enhanced provisions that provide for descriptive detail on missing persons assessed as being at risk and highlight the urgency of such cases.

In cases of abduction, it is possible for the responsible authorities to specify whether they suspect that the abductor may attempt to leave the Schengen area through an external border in another Member State. Sweden specifies that a notification will only be made in the SIS system if a crime is suspected (i.e. a prosecutor makes the decision to classify the abduction as a criminal case). According to the SIS II Decision, when a child whom an alert has been created for in the SIS is met at a border, the border guards are obliged to communicate the whereabouts of the child to the Member State that issued the alert.⁵⁹

In the UK, no specific requirements exist on what must be signalled at the border. In most cases where potential abduction is an issue and where there is a court order, either the Police or High Court/Department of Justice will notify the border agency and request that the child's details be included on a watch-list.

2.4.4 Specific requirements concerning missing or abducted children

The majority of the study countries (AT, BE, BG, CH, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HU, IS, IE, IT, LI, LV, MT, PL, RO) **classify missing children as just being missing** until there are indications or circumstances that lead the investigating authorities to suspect an actual abduction. The suspicions may be caused for example by one parent going missing simultaneously with the child or by ongoing divorce proceedings. In four countries (LU, SK, SI and NL) all such children are considered missing. Slovakia also specifies that in cases of abduction, a child is considered both missing and abducted. No guidelines exist on how such

⁵⁷ The Schengen acquis - Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders. OJ L239, 22.9.2000.

⁵⁸ Commission Implementing Decision 2011/406 of 1.7.2011 amending the SIRENE Manual.

⁵⁹ Council Decision 2007/533/JHA, Art. 33.

children should be considered in Portugal, while in Sweden the status is decided by the prosecutor. In Lithuania a pre-trial criminal investigation is necessary in order to declare the child both missing and abducted. In the UK the overriding consideration is whether the child is at risk and likely to be unlawfully taken out of the country.

Aspects relating to international child abductions are regulated in the 1980 Hague Convention. Since all study countries covered by this mapping exercise, apart from Liechtenstein⁶⁰, are contracting states of this Convention, **parental abduction of children is usually considered a civil case**.⁶¹ In several study countries (BG, CZ, CY, DK, EL, ES, HU, IE, IT, LI, LV, MT, NO, PL, PT, RO and SK) parental abduction is considered a civil case until there is clear proof that a crime has happened. For example, Portugal specifies that a disappearance of a child as such is not a crime. In Romania, the procedures and rules for investigating missing or abducted children are described in the "Manual of good practices regarding the actions to be taken by the police in the case of children missing, victims of abuses, or trafficking in persons or child pornography on Internet"⁶².

Seven study countries (CH, DE, EE, FI, LT, SE, UK) indicate that **both civil and criminal cases are possible** depending on the situation. In Finland missing children are treated as civil cases, while child abduction is treated as a criminal case. In Germany the case is considered either from the objective of preventing danger to the child (civil case) or criminal prosecution (abduction). In Sweden the prosecutor decides whether the case is civil or criminal (the child must be below the age of 15 in order to suspect illegal abduction of a child; if a child is above the age of 15 then the crime is regarded as an illegal abduction for an adult). In the UK making a child a ward of court requires a civil action, but issues around abduction raise criminal considerations. In the Netherlands, the case can be civil (cf. the 1980 Hague Convention) or criminal, following the "find, arrest and guide back-procedure", which is triggered if one of the parents/guardians has initiated a legal procedure. In Estonia, the following cases are considered: civil case (if the child is missing in the sense of the Hague Convention); criminal case (if a child is not handed over to the legal guardian despite court order, or a disappearance of a child is related to a possible offence); or administrative procedure (if a child is missing). In Lithuania, the child is considered abducted if there is evidence or reasoned suspicion that a crime has taken place. As mentioned above, a criminal pre-trial investigation is necessary for missing minors to be included into the police search systems. However, legally, a person is declared missing by court in a civil law proceeding. This is more for dealing with property issues/other matters of civil law jurisdiction than for actually searching for missing persons. This means that both civil and criminal cases are possible in Lithuania.

The cases are mainly **treated as criminal cases** in six study countries (AT, BE, FR, IS, LU, SI). In Belgium pressing charges is not always recommended to keep options open.

⁶⁰ http://www.hcch.net/index_en.php?act=conventions.status&cid=24.

⁶¹ The 1980 Hague Convention considers civil aspects only. A part of the Convention's design concerns whether or not a child abduction is illegal or not. In this respect the Convention is implemented in different ways by the signatory states. Some countries have copied the civil law (family law) definition of *illegal* in criminal law, while other countries have not done so. This means that the study countries may have different remedies to find the child in terms of inquiry and enforcement.

⁶² <http://www.editura.mai.gov.ro/documente/biblioteca/2007/bune%20practici/bune%20practici.pdf>.

Box 9: Standard classification of cases of missing children

How study countries normally treat cases of missing children		
Civil case until clear proof of crime	Both possibilities	Criminal case
BG, CZ, CY, DK, EL, ES, HU, IE, IT, LI, LV, MT, NO, PL, PT, RO and SK	CH, DE, EE, FI, LT, NL, SE, UK	AT, BE, FR, ICE, LU, SI

Depending on the nature of the case, in the majority of the study countries (BG, CY, DE, DK, EL, ES, HU, IS, FI, LI, LU, LV, NO, SK, SI, RO, SE, PL) the police authorities are **responsible for both missing and abducted children**. The border guards (EE), *carabinieri* (IT) or the national republican guard (PT) can also have the responsibility, depending on the type of authority that first registered the case. In several study countries the social welfare services share the responsibility with the police (AT, CZ, IE, MT), and for example in Austria, the youth welfare services are always involved when the custody of the child is not clearly solved.

In the Netherlands the police will be involved only in a minority of the abduction cases, such as when the person accompanying the child does not cooperate or disappears. France has two central authorities responsible for international cases, which are the special offices for international cooperation in civil and criminal cases. In Belgium, an organisation specialising in missing children (Child Focus) is responsible for the abduction cases until criminal charges are pressed and the police take the case. In Switzerland the civil cases are dealt with by the guardianship offices and the local civil court, and the criminal cases by the local criminal prosecution offices, including the police. In Lithuania the criminal police are involved once a pre-trial investigation has started, but in the non-criminal cases missing children are searched by NGOs and child protection services. However, such search activities do not involve searching a missing person who has crossed the border. The UK mentions several responsible authorities, including the police, Courts/Department of Justice, Criminal Prosecution Service, Local Authorities and the Home Office.

However, in cases of international parental abductions, the Central Authorities of the 1980 Hague Convention have the responsibility for the case.

There is the risk of confusion in cases of abduction. Although there may be a suspicion of abduction, the only tangible fact early in the case is that the child is missing. If the decision is taken to treat a case as one of abduction, it is still possible to keep the missing person enquiry open and circulate the subject as a missing person in the SIS. Indeed, the enhanced provisions in the SIRENE Manual allow for the rapid dissemination of information on the disappearance, including a description of the circumstances. Accordingly, even if the legal route chosen when the child is found is under the Hague Convention, the fact that the missing child has been found will allow for judicial action, which otherwise might not have been the case. Even when a Member State decides that such matters are civil law there is nothing in Article 101(1) of the Convention Implementing the Schengen Agreement that precludes the use of the SIS by the competent judicial authorities in order to locate the missing child.

2.4.5 Procedure if the child is deemed to be at risk at the border

Most study countries cited **a general procedure of checking the validity of the custody** of the child through supporting documents. If the situation is still unclear and/or suspicious, border guards will reach out to national contact points (if the child is a national of an EU/AC country) or

embassies/consulates (if the child is a TCN). In general, special attention is paid to the situation when children are from third-countries and/or travelling unaccompanied.

Bulgaria and Finland claimed that travel/supporting documents do not always allow for risks to be detected since it can be difficult for border guards to detect a risk scenario if the child and adult have valid documentation. For EU/AC children, several study countries (AT, BG, CH, CY, DK, EL, LU, LV, MT, PL, RO) mentioned the use of national contact points in order to verify custody arrangements or relation of the child to the accompanying adult⁶³. This is in line with the Border Guards Handbook, which states that "If there is doubt whether a minor who is a citizen of the EU or a third country national legally residing in the EU is authorised to cross the border on exit, the national contact point of the Member State of the minor's nationality or residence should be contacted."⁶⁴ The Schengen Handbook also states that the border guards should, when there are concerns about the right of parental care, collect information on the accompanying person and their travel destination, and forward this information to the national contact points of nationality or residence of the minor.⁶⁵ Iceland and Malta also mentioned that in practice, the border guard should inform a supervisor in cases where child trafficking is suspected.

A number of study countries (BG, DE, EL, FR, IE, NL, PL, SI,) stated that the border guards have the **right to detain the child**. Ireland was the only Member State to state that the border guards might immediately detain the accompanying parent for questioning. Some study countries (AT, CY, DK, DE, EE, LT, NL, PL, RO, UK) listed the national agencies that will be contacted to coordinate with or hand over the child. These national services provide welfare services for suspected victims of trafficking in human beings, although France and Portugal mentioned this guarantee only in cases of TCNs. Belgium specified that children travelling alone and lacking relevant documentation (such as parental authorisation) and children considered at risk are placed at an **observation and orientation centre for children** when entering the Belgian territory.

In Estonia, border guards perform questioning if a risk scenario is detected, and then they demand a written explanation from the accompanying adult for why the child is travelling with him/her and not the parent/guardian. The case is then recorded in an information system and a special unit, NCC, of the Police and Border Guard is contacted.

For risk cases in the Netherlands, a child cannot cross the border without having their parents (if unaccompanied) or other parent (if accompanied) visit the police station in the country of residence and sign a statement of consent to be faxed to the border guards.

Czech Republic's border guards may require the accompanying adults to fill out a questionnaire providing details of themselves, the child in question, the child's family and the purpose of the journey.

Lithuania and Latvia mentioned that no cases of trafficking in human beings have been discovered through routine checks by border guards.

Nine study countries (BG, CY, CZ, EE, ES, IS, IT, LV, PL) mentioned that a child detected to be at risk will be placed in protective services and/or sent back to the child's parents. All study countries, according to the 1980 Hague Convention, are required to promptly return the child to the country of origin if there is a parental abduction from one contracting state to another⁶⁶. In Bulgaria, for example, children at risk can be placed under police protection and child protection services will be informed. If the child is a victim of illegal activity, such as trafficking in human

⁶³ Commission Recommendation of 25/VI/2008 Annex (2), Section (e).

⁶⁴ Commission Recommendation of 25/VI/2008 amending the Recommendation establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons (C (2006) 5186 final), p. 7.

⁶⁵ Commission Recommendation of 25/VI/2008 amending the Recommendation establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons (C (2006) 5186 final), p. 7.

⁶⁶ Convention on the Civil Aspects of International Child Abduction, 25th October 1980, Article 1(a).

beings, s/he will be placed in a crisis centre or a family-run centre. In the Czech Republic children who are, based on reasonable grounds for suspicion, suspected of being victims of trafficking in human beings will be passed to the care of the national child protection services.

2.4.6 Contact points in third countries

The majority of the study countries **do not have specific contact points in third countries** that can be contacted with respect to children in general. The lack of contact points was mentioned specifically by BE, CZ, DE, DK, EE, ES, FI, FR, IS, IE, LI, LT, LU, NL, NO, SI and SE.

In practice the relevant embassies and diplomatic missions will often be contacted. This is mentioned by ten study countries (AT, BG, DE, FI, HU, IE, LT, LV, MT, UK). Some study countries have bilateral agreements about cooperation on issues concerning children with specific countries (for example AT, BG, DK, FI, LT, PT), making contact easier. Austria has a bilateral contact with Moldova, particularly in exchanging information in the field of trafficking in human beings. Portugal has such a contact point with Brazil, and UK has a liaison officer posted at the Copenhagen airport in Denmark. Such airline liaison officers were also mentioned by Finland, where, for example, the border guards have posted airline and immigration liaison officers in Russia, China, India, Estonia and Latvia. Other study countries contact international organisations, such as INTERPOL (CY, EL, SK, SI), International Social Services (MT), or NGOs (UK).

As is the case with respect to other EU/AC countries, when the study countries need to contact a *non-Schengen country* in relation to parental abductions, they refer to the 1980 Hague Convention Central Authorities that exist in each of the 63 contracting states.

When the study countries contact the authorities in third countries for information about children, the response times differ to a high extent. Most study countries were not able to specify how long the response would take, as this depends on the channel used and the type of case. This is why it is not possible to provide an assessment of how quickly assistance can be received from third countries.

2.4.7 Custody arrangement checks and procedures for verifying the authorisation for the child travelling across the border

As mentioned above, should there be any doubt of whether the child is authorised to cross the border on exit the border guards in the Schengen countries should contact the national contact point of the Member State of the child's nationality or residence.⁶⁷ However, whether this information is available or not to be shared with the border guards in other Schengen countries depends on whether the information is available to the border guards in the Schengen country being contacted. This differs from one country to another, as specified below.

Requirements specific to EU/AC children:

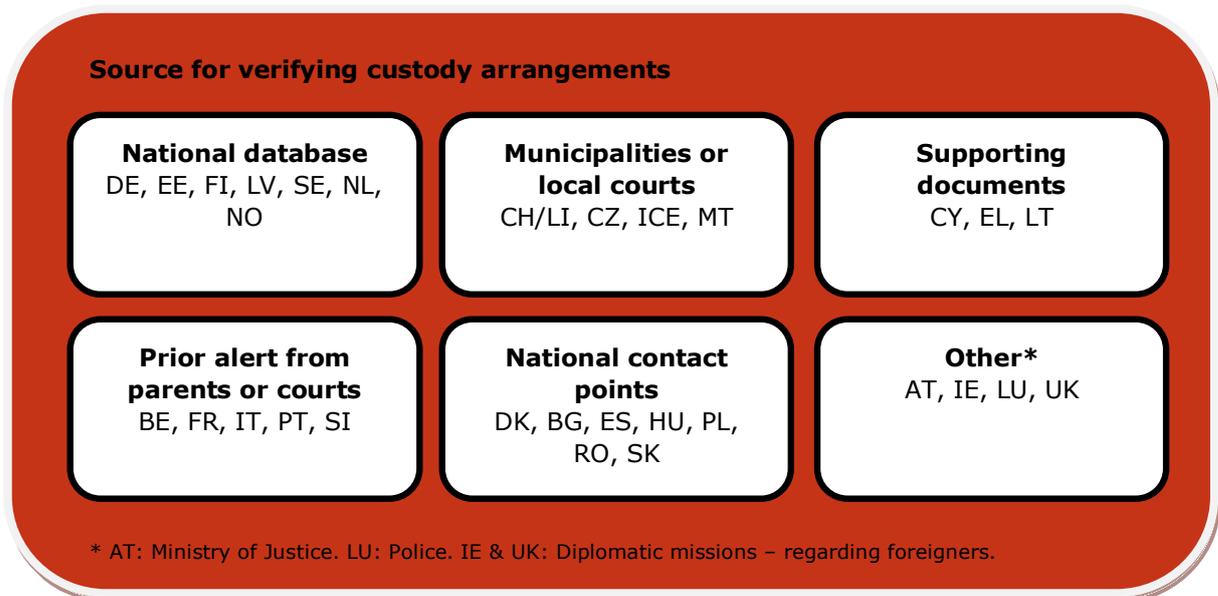
With regard to **checking custody arrangements** dealing with children within their own country, study countries explained that border guards check national databases (if available), supporting documents (if required in law or practice), and if necessary, reach out to local municipalities or foreign embassies for further verification. Two study countries (FR, LI) specified that border guards do not have access to information about custody arrangements, and Bulgaria stated that there is no need for border guards to verify custody arrangements.

The primary method of verifying custody arrangements at the border differs from one Member State to another. Seven study countries (DE, EE, FI, LV, SE, NL, NO) mentioned the use of **national databases or population registers**, although this only applies to nationals of the respective country. Four study countries (CH, CZ, IS, MT) said that **municipalities and local courts** can be contacted for information regarding custody arrangements. Three study countries

⁶⁷ Commission Recommendation of 25/VI/2008 amending the Recommendation establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons (C (2006) 5186 final), p. 7.

(CY, EL, LT) referenced **supporting documents**, such as documentation of the custody arrangement or written consent of the child's parents/guardians, as the primary method of verifying custody arrangements. Five study countries (BE, FR, IT, PT, SI) stated that they need **prior alerts** from either parents or courts to verify custody arrangements and detect alert scenarios concerning custody. In Belgium, this means that information on custody arrangements is only available to the authorities at the initiative of the parents. In France, a parent having sole custody must notify the authorities in order for the authorities to have this information and to help avoid parental abductions by the other parent. In Portugal, the parent not with the child may contact the borders service and request that the child not be able travel; this request is valid for 6 months.

Box 10: Primary method for verifying custody arrangements



Luxembourg claimed that they contact the relevant department at the police (RIFO) for such information, and Austria handled custody information via their Ministry of Justice.

Ireland and the United Kingdom both use contacts in the other EU/AC countries to verify custody arrangements. Ireland, for instance, uses its diplomatic missions within the EU to check for custody arrangements for children within the EU.

Requirements specific to TCN children

Many study countries (AT, BG, DK, DE, ES, HU, LU, LV, PL, RO, SK) referenced the Schengen Borders Code practice of contacting contact points (in relation to TCNs legally residing in the study countries)⁶⁸ or foreign embassies/consulates (BG, EE, HU, IE, MT, UK).

D

2.5 Information provided to travellers

In order to comply with the requirements for children crossing borders, it is important that the relevant information is accessible to travellers in a language they understand. The research conducted by the study team showed that while countries have **websites with information on travel documents and visa requirements**, some study countries (CH, CY, FI, EL, IE, IT, MT, NO, SK) do not have easily accessible information via websites with specific mention of children at border checks.

The study team identified four countries (BG, NL, LV, RO) that maintain official websites where **child-specific information** can be found. The organisation in charge of the website varies. Bulgaria has information on document requirements for Bulgarian children on the Ministry of Interior and border guard websites, available in Bulgarian and English. The Netherlands has

⁶⁸ REGULATION (EC) No 562/2006 Annex VII, Paragraph 4.

information on its Ministry of Defence website⁶⁹, available in Dutch and English. Latvia has information on its Ministry of Foreign Affairs, border police, and Ministry of Interior websites, available in Latvian, English, and Russian. Romania lists the information concerning procedures for Romanian children at the border on its border guard website and has information aimed at non-Romanian children in English.

Box 11: Information to travellers about requirements for children crossing borders

Selected websites with travel information about children

The Romanian Border Police: www.politiadefrontiera.ro/

The website contains information both in Romanian and English on requirements for children travelling, including the Schengen Practical Handbook.

The Dutch Ministry of Defense: www.defensie.nl

The website contains useful information in Dutch and English about potential problems when travelling with children – including issues when surnames of a child and guardian differ. The website includes links to other relevant websites such as the International Child Abduction Center: www.kinderontvoering.org

Many study countries (BG, CY, CZ, DK, EE, ES, FR, IT, EL, LV, RO, SK, SE, UK) also referred to the websites of carriers, such as airlines, that have child-specific travel information available in the national language and, usually, in English. Examples of the specific requirements carriers impose to children are provided in section 2.1.2.

The study team found one Member State, Belgium, with a **discrepancy between official guidelines and information provided via national websites**. The official Belgian websites do not provide information concerning parental authorisation documents, but according to the study team's information, border guards/travel companies may ask for them in practice. The information provided on Belgium's websites is available in French, Dutch, German, and English.

2.6 Conclusions on the legal requirements

A number of key differences between study countries' requirements to travelling children – both in legislation and, more clearly, in practical procedures – have been identified.

General requirements

All Schengen Countries are bound by the Schengen Borders Code⁷⁰, which specifies the rules for border checks of children. Study countries refer to a large extent to these rules, especially Annex VII Section 6. They also largely refer to the Visa Code⁷¹ for visa-obliged TCNs, as well as to the regulations carriers have that apply specific rules of when children are allowed to travel alone and what supporting documents they are required to have.

For children travelling accompanied, the Schengen Borders Code requires border guards to check the validity of the accompanying adult's parental authority over the child. In cases where only one parent is accompanying the child, the situation must be handled more carefully. Most study countries do not have any other legal requirements concerning children travelling accompanied. For children travelling alone, the Schengen Borders Code states that border guards must ensure that the children do not leave the territory against the wishes of the parents by means of checking travel documents and supporting documents. Study countries not part of the Schengen area follow procedures similar to the Schengen Borders Code (e.g. questioning the child and

⁶⁹ The Royal Marechaussee (KMar), which is the Dutch border police, is a department under the Dutch Ministry for Defence.

⁷⁰ Regulation (EC) No 562/2006.

⁷¹ Regulation (EC) No 810/2009.

adult, asking for travel/supporting documents, and verifying the custody situations with national contact points).

For visa-obliged children entering a Schengen country, parental authorisation is required to obtain the visa. Therefore, border guards generally assume that the parents of a child holding a Schengen visa have consented to the child's travel.

Apart from the Schengen Borders Code and the Visa Code, most study countries do not have specific national regulations for checks on travelling children. Only seven study countries have introduced specific legislation concerning children travelling alone across borders. These rules apply either for EU/AC nationals (four countries), TCNs (one country) or both (two countries). Airlines have relatively streamlined procedures and special unaccompanied minors services for taking care of children travelling alone. For other types of carriers, such as ferry companies and railways, the requirements and procedures are more arbitrary and the age definitions of children vary quite remarkably.

Issues for further consideration:

There are a limited number of study countries that have adopted national legislation concerning travel of children apart from the Schengen Borders Code. It is important to look into whether the border guards and other stakeholders consider the current legislation and practices to be sufficient to ensure the safety of children travelling alone.

Differences in carriers' rules may lead to confusion among passengers and pose a hindrance to the free movement of children inside the Schengen area.

Also, the question of parental authorisation from non-visa nationals must be further examined.

A

Travel documents

The travel documents for EU/AC children are obtained according to the same requirements as for adults. The study countries make use of the passport application to verify parental consent of the child's travel; 20 study countries mentioned that supporting documents in the form of parental authorisation are required in order to apply for a passport. The requirements differ from one Member State to another on whether this authorisation can be submitted in writing or whether one or more parents must be present in person when applying for the passport.

Issues for further consideration:

In theory, parental authorisation for a passport seems to be a broadly used measure to ensure that children travel with the right authority of their parents. However, passports are valid for a long time, and the family arrangements may have changed since the application for a passport was submitted together with parental consent. It is thus relevant to look closer into other mechanisms the study countries may use to fill this gap.

B

Border control phase

While the procedures and practices used by border guards when checking children crossing borders largely follow the Schengen Borders Code and its Handbook, they differ slightly among study countries. For the most part, the majority of the study countries cited differences in appearance, nationality, or strange behaviour as a reason to arouse suspicion in the border guards. Furthermore, five study countries mentioned different surnames as a factor that may induce further checks or enquiries.

National points of contact (e.g. officers in consulates, national anti-trafficking organisations, and regional government authorities) and processes for the border guards' verification of parental authorisation for EU/AC and TCN children vary between the study countries. Similarly, some study countries have national instruments for border guards that include measures not inscribed

in the Schengen Handbook, such as the Czech Republic's border guard handbook and specific training programmes for border guards in the UK.

Slightly more than half of the study countries have supporting documentation requirements for children travelling alone or with only one parent, most often in the form of documents authorising parental consent for the child leaving the country. Some study countries require that one parent/guardian sign off on the parental authorisation, while other study countries require the authorisation of both parents/guardians. The requirements concerning whether or not these supporting documents must be notarised also differ among study countries.

For children travelling alone, the Schengen Borders Code provides the basis for a thorough checking of supporting documents. Otherwise, the majority of the study countries do not require supporting documents by law, and instead reserve the right to ask for them in practice. There are also differences in the approaches of the study countries concerning whether supporting documents are required from all passengers, only from EU/AC nationals, only from TCNs, or only from their own citizens. The approaches also differ concerning requirements to show supporting documents upon entry or exit. Furthermore, all study countries allow carriers, such as airlines, to enforce their own regulations concerning travel and supporting documents that are usually stricter than those of the official Member State policy.⁷²

Issues for further consideration

It is important to look more closely at the concrete practices of when a child crossing a border gains additional attention from the border guards. What are the concrete signs that make a border guard check the child and accompanying adult, if any, more closely?

Furthermore, it is relevant to look into the countries that require parental authorisation or other supporting documents in law or in practice. It is important to find out what the concrete practices are at the border. Are the documents always checked? Are the documents never checked (even when required by law) and what are the consequences for the travellers?

Moreover, it will be interesting to look more closely at the practice for checking some travellers more carefully than others depending on their country of origin and known trafficking routes.

Alert scenarios

Concerning specific alert scenarios, the study countries reported no important differences in their processes of receiving information on children reported missing or abducted. The Schengen countries all refer to the SIS as their main source of information in suspicious cases and for information on missing children, as the SIS makes it possible for the Member States to place alerts on missing persons in the system. The Member States can provide descriptive details on missing persons assessed as being at risk and can highlight the urgency of such cases. In cases of abduction, it is possible for the responsible authorities to specify whether they suspect that the abductor may attempt to leave the Schengen area through an external border in another Member State. However, the SIS is only helpful and makes data available to the border guards when the Member States insert the case in the system. If a border guard senses suspicious activity, they can also contact the national contact points in the child's country of origin (for EU/AC children).

The majority of the study countries treat cases of parental abduction as civil law cases. In seven study countries the cases can be both civil and criminal, and in six study countries the cases are mainly treated as criminal cases. The children are mainly classified only as "missing", until there is strong evidence or circumstances to support the suspicion of an actual abduction.

⁷² As specified in COUNCIL DIRECTIVE 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data, carriers have the obligation to transmit at the request of the authorities responsible for carrying out checks on persons at external borders, by the end of check-in, information concerning the passengers they will carry to an authorized border crossing point through which these persons will enter the territory of a Member State. While no specific obligations exist concerning children, the carriers have to submit information such as the number and type of travel document used, nationality, full names, the date of birth and the border crossing point of entry.

The procedures applied at the border when a child is deemed to be at risk differ from one Member State to another. The child can be detained in some study countries, but several other study countries place the child in protective services and/or send the child back to his/her parents.

It is relevant to study further in case studies the likelihood of detecting risks of trafficking in human beings and abduction based on the level of documentation of travellers provided at the border check. Finland and Bulgaria noted that strict requirements for (travel) documents do not necessarily allow for detecting children at risk at the borders, since child trafficking or abductions of children can happen with valid travel and supporting documents.

Finally, different means and levels of information are available to the border guards if they sense a need to check the custody arrangements of a child at the border. In some study countries, the border guards have direct access to national databases or population registers, while local courts must be contacted in others. In five study countries, prior requests by courts or parents are necessary in order for the border guards to have a valid reason to check custody arrangements.

Issues for further consideration

It is relevant to look closer into the statement that the border guards find information on missing and abducted children through the SIS or INTERPOL databases. Are these always checked by the border guards or only in situations of risk? What other procedures are available?

The referral mechanisms in the study countries also deserve more attention. Is it clear to the border guards who to contact from the social services or similar agencies when a child is at risk? Are there concrete processes for doing so?

D

Travel information

The travel information regarding procedures and regulations for travelling children is not particularly easy for travellers to find. While most airlines have information on their websites regarding their own travel procedures for children travelling alone, other types of carriers have very few details on the procedures and requirements. A few study countries also have their own official websites with relevant information about requirements for travelling children, but the standards of the websites vary.

Issues for further consideration:

If the practices of the different countries and carriers differ to such a high extent, is it possible for travellers to find information not only on the legislation, but also on the practices for children travelling accompanied or unaccompanied?

The above conclusions served as the first step towards identifying gaps and best practices in the study countries. These were studied further in the 11 case studies, the findings of which can be found in the following chapters.

3. ANALYSIS OF THE APPLICATION OF REQUIREMENTS IN PRACTICE IN EIGHT MEMBER STATES/ASSOCIATED COUNTRIES

The findings of the 11 case studies verified that although the study covers 31 countries (EU Member States and Schengen Associated Countries), several commonalities exist between the study countries in terms of their approach to dealing with children crossing borders. The overall findings from the case studies are:

- Confirmation that very little regulation exists in this area. A limited number of countries have national legal requirements in place, apart from the Schengen Borders Code, to govern the travel of children, accompanied or unaccompanied. There are only a few countries where the border guards must follow concrete national procedures when children cross the border.
- Similarity among countries of practices applied at the border. This may be based on training, guidelines or just common sense, but border guards tend to assess and apprehend similar factors when encountered with a child and their (potentially) accompanying adult at the border check point.
- Lack of great differences in practices applied to EU/AC nationals, own citizens of the country, or TCNs.

Due to the latter point, the findings from the case studies are not presented separately for EU/AC and TCN children. The procedures generally apply to all children and are thus described together. In the few examples where this is not the case, it is specified to whom the requirements/practices apply.

3.1 Introduction

The synthesis of legal requirements above showed that the issue of children travelling across borders is not highly prioritised in most countries. Apart from the Schengen Borders Code, very few countries have specific national legal requirements and/or guidelines for the border checks of children (as opposed to adults). The protection of children at risk at the border thus relies to a large extent on the practices of the border guards. This finding was largely confirmed by all 11 case studies. A more detailed description and comparison of the practices of border guards is provided in section 3.3 below, while this section focuses on the case study findings regarding carriers' requirements and practices, standards for training provided to border guards and cooperation structures (between border guards and carriers) at border crossings.

3.1.1 Requirements and procedures of carriers

In the majority of the study countries, child-specific rules and requirements for travellers are to a large extent left to the carriers to define. The case studies showed that the requirements for and protection of children are most prominent when children are travelling by air and unaccompanied.

All airlines have unaccompanied minors (UM) services, which are mandatory for children below a certain age travelling alone, and are subject to a service fee. Fees and the definition of a child (age) differ but the procedures are quite similar⁷³: Children travelling alone must check-in manually (at a special check-in counter at some airports, e.g. in Zurich), and an adult must accompany the child to the check-in and fill in or hand over the required form containing information on the travel and designated person to collect the child upon arrival. In some cases, the parent (or other adult) accompanying the child to the check-in can get permission to see the child through to the gate; otherwise, a designated ground staff member will accompany the child through the border check and to the plane. It appears that children travelling under the UM service pass the border check without any further enquiries or checks other than regular

⁷³ This can be partly accredited to the IATA guidelines developed for their member airlines: IATA - Passenger Services Conference Resolutions Manual. Recommended Practice 1753: Interline handling procedure for unaccompanied minors. 28th edition, June 2008.

document checks. At least, this was reported by border guards in both Finland and Switzerland, who said they assume that the airlines ensure the protection of the child and parents' consent for the journey. On the other hand, in Zurich, the check-in personnel at the UM check-in counter said that they do not verify the identity of the person seeing the child off. In Helsinki, the Finnair personnel reported that they do check the ID of the adult but do not enquire about custody arrangements. From Schiphol airport in the Netherlands, it was reported that the adult seeing the child off is required to prove the authority to do so.

Though there are small variations in the airlines' procedures and requirements, the different UM services generally have similar standards, and the children travelling with this type of service are considered safe under the protection of the carrier. However, it was reported in the UK that because guardians must pay for the UM service, it is not unusual for them to approach "a stranger" in the departing airport and ask them to accompany the child. To this end, the Swiss check-in personnel also noted that it is fairly easy for an adult to claim that s/he is now accompanying a child originally registered to travel unaccompanied, and the personnel are not authorised to look further into the situation.

The airlines do not consider themselves responsible for children travelling with an adult or children travelling alone but not with the UM service (12 is usually the age limit for the UM service to no longer be obligatory, although some set the age limit at 15). Therefore most airports have no established procedures for ground and airline personnel on how to detect and handle situations of children at risk. This is handled on a case-by-case basis and left to be governed by the circumstances in each specific encounter and the interaction between the border guard and the child. The UK is the exception, as British Airways issues guidelines to its staff reflecting the UK legislative requirements on safeguarding the interests of the child and trains its staff to be aware of potential risks to children.

Case study findings from other types of borders (i.e. land and sea borders) show that the requirements of other types of carriers differ and are generally not specifically attentive or equipped to deal with children travelling. In at least one case study country, the finding was that neither the ferry companies nor the border guards pay much attention to the situation or behaviour of children travelling. They simply check that the travel documents are valid and do not make further enquiries or take further actions at clearly legal border crossings. There is no specific protocol for dealing with children and safeguarding their rights at the border, and neither border guards nor personnel from the ferry companies receive special training on this issue. Similarly, in another case study, it was found that company processes do not exist with the ferry line dealing with or documenting incidents involving children. However, it was regarded as standard procedure to contact the police if any problems or concerns arise prior to or during the voyage. However, there would have to be substantial grounds for doing so. The check-in personnel for the ferry line do not have a mandate to make further enquiries if, for example, a child's and their accompanying adult's surnames do not match. Children rarely travel unaccompanied on these routes. If they do, the parents are seen at check-in, the purser is told who is meeting them and then they check that this occurs on arrival.

3.1.2 Advance Passenger Information (API)

In most countries, passenger lists and information are routinely shared between the carriers and the border guards, and in many countries the border guards also make use of the information in screening and profiling, especially for ferries and flights. Meanwhile, there are variations between the countries in terms of whether the information is checked routinely, only in certain cases or rarely. In Portugal, flights from countries considered "high-risk" (e.g. Senegal, which is a country associated with trafficking in human beings) are always monitored. In Finland, profiling is conducted by the border guards on a daily basis based on the Advance Passenger Information (API) provided by the airlines, but the profiling is rarely directed specifically at children. The border guards noted that it is challenging to pick persons out of the lists, as the information provided is limited. For similar reasons, as far as children are concerned, the UK border guards do not generally conduct profiling of API and there were no pre-arrival screening mechanisms using API or other data. A victim of child trafficking could be of any nationality and be holding

any type of document, and therefore not easily be picked out from a list. Nevertheless the various cooperation groups at the UKBF working in the field of safeguarding children may use the API to analyse trends, and from them any relevant information or attention points will be passed on to the border guard staff operating the first line check.

In the case studies conducted at sea borders, it was also reported that ferry and cruise companies provide passenger information to the border guards. In Spain, all ferries are required to submit a list of passengers 24 hours prior to arrival or departure from the port. The list must include: name and surname of passengers, date of birth, nationality, number and type of travel document and visa number when it is required. Border guards check the passenger list with the SIS and/or INTERPOL databases and verify that no problems exist with any of the passengers. Similarly in Malta, the ferry companies send passenger lists in advance and notify about last minute changes, which allows for the border police to check against issued alerts or warnings in various systems. With the advance passenger information, the border guards are able to gather some information on a child's situation prior to their arrival or departure from the port. This procedure, however, would not be carried out routinely, but only if there were particular factors providing grounds for suspicion in a specific situation.

A general finding from the case studies is that information is made available to the border guards and screening and profiling is conducted on the information – in some countries routinely, in others in specific cases. However, the routine screening is not specifically aimed at detecting children at risk, because the API has a rather limited value in this regard. In what concerns children, the practices can be said to be reactive rather than proactive, meaning that the API will be used in case there is an alert or warning issued through the established systems and databases or by a carrier detecting a suspicious situation.

3.1.3 Training of staff

In the majority of the study countries, the border guards receive training on the issue of children crossing borders. Three countries, Spain, the Netherlands and Switzerland, however, reported that the training of border guards does not explicitly pay attention to issues related to children. In the Netherlands, there are internal presentations made by the Youth and Vice department to create awareness among border guards of the particular risks involved when children travel across borders. In Switzerland, part of the training for border guards also focuses on "risk countries", which are for example associated with known trafficking routes. Training on these issues as such also relates to children.

In the UK, Portugal, Malta and Finland, part of the border guards' basic training is specifically focused on the check of children and issues related to safeguarding children. In Portugal, border guards are trained on entry and exit of children and on detecting cases of child trafficking in their basic training. They are presented with several case studies and trained on the procedures they must follow when such cases occur. The police officers and civilian immigration officers conducting checks at the Maltese borders all receive mandatory training in child protection and rights of the child. In the UK, all border guards also receive mandatory training regarding safeguarding children. All members of staff with regular contact with children receive additional training in this area, which highlights warning signs to look for when dealing with children. One of the aims of the training programme is to help identify those who may possibly be victims of trafficking in human beings. Members of staff are trained to deal with different types of travellers and have basic training in relation to children and young people. These countries also provide specialised training for those members of the border guards with regular contact with children. In the UK, the special training courses are organised by social services, police and other organisations involved in child protection. The aim is to ensure one of these specially trained officers works on every shift. In the curricula of Finnish border guards, particular emphasis is placed on the specific characteristics of border checks of children. These include concentrating on profiling, clothing, flight routes, as well as when the tickets were booked, i.e. the reservation is considered more suspicious if it was made right before the journey rather than well in advance. The border guards are also trained to talk freely, not formally, with children.

In Bulgaria, although the basic curriculum does not specifically focus on children, it is part of the border guards' annual professional qualification courses, which focus on identification of false documents, language skills, trafficking in human beings and child protection issues.

In most of the countries, the interviewed carriers reported that they do not receive any particular training on child protection issues. The Swiss air personnel, for example, are trained on how to deal with children (especially those travelling unaccompanied) as a special type of passenger, but not to focus on detecting risks related to travelling children. Two exceptions are Malta and the UK. Air Malta staff (ground staff and cabin crew) are trained in safeguarding children, ensuring that they know the signs of possible abduction and know what action to take. This is part of the initial training and also of refresher training which must be repeated each year. In the UK, British Airways personnel are trained to be aware of potential risks to children. Eurostar also developed training to raise awareness about the issues of child abduction and trafficking in human beings amongst their staff. The training includes information about child abduction, child trafficking, common signs staff should look out for and what action staff should take if they notice suspicious activity. The training is currently provided to new members of terminal staff as part of their induction process, and Eurostar is investigating whether to also roll the training out to existing staff.

3.1.4 Cooperation structures

At some border crossing points the cooperation between the carriers and border guards functions well. In these cases, for example, the check-in personnel always alert the border guards if they identify a potential risk scenario. In other countries, the check-in personnel of airlines state that they have no responsibility apart from checking that the travel document and ticket of the passenger match with the person wanting to travel.

Portugal, the UK, Bulgaria (Sofia airport) and Finland (Helsinki-Vantaa airport) reported good lines of communication and (more or less) established procedures for cooperation between the border guards and cabin and ground personnel. In Portugal, the employees at the check-in counters and the air carriers contact the Aliens and Borders Service whenever any suspicious situation arises from the point of view of child trafficking. In the UK, British Airways regularly meet and consult with the UK Border Force at Heathrow. P & O ferries also mentioned that they have very close links to the UK Border Force and to the French Police (PAF). Alerts from the UK Border Force or the PAF can be entered in the P & O booking data with a requirement to alert the UK Border Force or the PAF when the person(s) concerned arrive for check-in.

In Finland, the border guards interviewed were also very positive about the level of cooperation between the border guards and the airlines at Helsinki-Vantaa airport. The airlines contact the border guards right away if they notice something suspicious regarding a passenger, anywhere in the world, any time of the day. They check with the border guards if they should transport a questionable person, and the border guards provide training to the airlines, for example concerning travel document identification.

At Sofia airport in Bulgaria, it was found that the effective cooperation with airlines and the direct telephone contact between officials at the check-in desks and border point stations help clarify irregular situations at an early stage, before the check-in of passengers is finalised. This prevents several problems in the future process if the adult or the child is not allowed to leave the country. In contrast to the experience of the airlines, the interviewed bus company representatives expressed concern that their communication with the border guards and the whole system of the Ministry of Interior is very restricted and one-sided. The bus companies are regularly demanded to give reports to specialised units in the Ministry of Interior for travel information they have on searched children or investigated adults using their services. On the other hand, the border guards are very slow in responding to any requests made to them by the bus companies.

The Netherlands reported that, although there are examples of good practice in terms of cooperation between airline ground staff and border guards, it cannot be said that there is systematic cooperation, not even in the case of the national carrier KLM. Cooperation is mostly

ad hoc and depends on the intuition of the ground staff of the airline performing check-in procedures. Nevertheless, there have been examples on how this cooperation – although ad-hoc and non-formalised – has helped safeguard children at risk at Schiphol airport (see example box below).

Box 12: Example of how cooperation between check-in personnel and border guards may lead to detecting a child at risk

An example from the Netherlands air border at Schiphol

A Dutch girl of Pakistani origin had been checked onto a flight to Pakistan from Schiphol airport. She was signalled by border guards in the arrivals area after having checked in and passed security. She had been delivered to the check-in counter by her family and looked unusually uncomfortable. Therefore, the check-in officer of the airline asked her in private whether everything was in order and whether she actually wanted to go. After she had admitted she did not want to go, it turned out she was meant to enter into an arranged marriage upon arrival in Pakistan. In order to not raise the suspicion of the family who apparently arranged the marriage, the girl was checked in as usual but her luggage was sent to the baggage claim area in the arrival hall instead of onto the flight. She was instructed to go to the arrival area herself after having passed security. In order to keep her away from her family who had checked her in, she was taken care of by the Youth and Vice department of KMar, which brought her into contact with and delivered to a women's shelter.

In Switzerland, there is also no organised, official collaboration between the check-in personnel and the border guards. Here, the interviewed check-in personnel recalled different examples of situations with children where something raised their suspicion. However, in such situations they are neither required nor encouraged to act and there are no established procedures for how to handle the potential suspicion of a travelling child being at risk. In Spain, the personnel at the ferry line's ticket counters noted that in their view, the border guards are responsible for detecting cases of potential risk. Similarly, the interviewed ground staff at Schiphol airport noted that they do not consider themselves to have any formal responsibility for detecting possibly risky cases of children travelling. They see checking the documents (ticket and identity match) as their main task.

In several of the interviews in different countries (e.g. FI, NL and CH), it was also brought up that the potential role check-in staff can play in terms of detecting possibly suspicious cases when servicing children is becoming ever smaller as a result of the growing proportion of passengers using remote (i.e. over the internet) or automated check-in (at the airport). This means that in a fair share of cases, ground staff encounter passengers for the first time at the boarding gate. Any questions of whether an adult has the right to accompany a child or not are left to the authorities; if the child managed to pass the border check, it is considered that there is nothing the ground staff can add to the control.

It should also be pointed out that some study countries have posted one or several border guards as "airline liaison officers" to work at the busiest hubs of an airline and support the airline staff by going through passenger lists and identifying suspicious passengers. Of the case study countries, Finland and Portugal mentioned the existence of such liaison officers, and the synthesis of legislation (see Chapter 2) showed that the UK also posted such liaison officers at airports outside the UK.

Box 13: Good practices and gaps related to general requirements

GOOD PRACTICES

- Border guards receive specialised training in safeguarding children in the UK. Even airline ground and cabin crews receive training in the protection of children and the need to be alert to trafficking.
- Well-established collaboration between border guards and check-in staff and child specific training of both parties in Malta is believed to be helpful for identifying possible cases of concern.
- The check-in personnel also feels certain responsibility and alert competent authorities if they consider the minor is at risk.

GAPS

- Not all border guards are trained in the specific aspects related to border control of children.
- It was mentioned that because the unaccompanied minor service is not free, guardians can approach a stranger at an airport and ask them to take the child on the flight. Moreover, it is not checked in all cases whether the adult seeing the child off has the authority to do so.
- There are not always well established structures for cooperation between the border guards and the carriers.
- The Advance Passenger Information is systematically provided by the carriers to the border guards (in the EU countries), but it is not often used to check specifically on children, mainly due to the limited added value of the available information.

3.2 Travel documents and visas

Passports (or visas) are considered in most countries as a method of parental authorisation, as the parents must submit their consent for their child to apply for a passport or a visa. The task of the case studies was among others to look at the extent to which passports and/or visas are considered sufficient documentation for parental authorisation at the borders.

Another highly important point to be studied in the case studies concerned the principle of one person – one passport, introduced by Regulation 444/2009 into the 2004 Passport Regulation. The case studies aimed to assess whether this principle has led to any problems in practice, whether certain guidelines should be elaborated at the EU level in order to respond to these problems, and ultimately – based on the experience of the practitioners - whether the Commission should consider introducing changes to the Passport Regulation, such as inserting the name of the person/s responsible for the child in the passports. This is discussed in section 3.2.3 below.

3.2.1 Findings concerning travel documents and visas

It was confirmed in most case study countries that if the passport is in order (in particular for citizens of that country), there are usually no further checks carried out. For example in Spain, it was mentioned that children receive particular attention from the border guards, but in practice the control that border guards have on children entering or leaving the Schengen area (regardless of nationality) is basically documental; if the documents for travel are valid, a trafficking case can go unnoticed.

The issue of IDs was rarely mentioned by the border guards, as the case studies mainly concentrated on the border crossings at Schengen external borders, where – in principle - passports are necessary.

It was mentioned that for TCN children travelling on their parents' passport and when a visa is necessary, the visa is very helpful since it includes a recent picture of the child.

The Dutch authorities mentioned that visas issued by the UK authorities are very helpful, as the visa explicitly states that it is valid only when the child is travelling with certain adults (usually

the parents or legal guardians). This makes border checks of children more secure and efficient, according to the Dutch border guards.

3.2.2 Supporting documents in relation to avoiding parental abductions

Concerning parental abductions, it was mentioned that when a child has dual citizenship of an EU/AC and a third country, it is possible that even though the child does not have an EU/AC passport, a parent with an intention of carrying out a parental abduction may acquire another passport for the child in the other country of nationality. In these cases the child does cross the border with a valid passport and with his/her parent, usually thinking that they are going on a holiday.

Several examples were mentioned by the Finnish authorities and stakeholders concerning the possibility to limit the use of the passports to prevent parental abductions. For Finnish citizens, the applicant can request a limited territorial validity of a passport. In this way it is possible to prevent the child from travelling to specific countries, for example when there is a risk of parental abduction. In practice, there are very few cases where passports have limited territorial validity. Furthermore, it was recommended by the Finnish Association for Abducted Children that in order to prevent parental abductions, either the child should not have a passport, or the passport should be in the custody of a third party, such as a lawyer, social worker or the police. It is also possible for the parents to get a note included in the Finnish passport registry, stating that both parents must be present in person when applying for a passport for the child (and not only with signatures). Another possible measure is to contact the consulate of the country from which the other parent originates and to send a letter with a copy of the custody decision, stating that the other parent holding custody of the child does not give his/her consent for the child to apply for a passport.

3.2.3 The one person-one passport-principle

In general, the case studies confirmed that the one person-one passport principle has made travelling for children safer, insofar as it is now possible for the border guards to actually identify the child as being the person on the passport. This was previously not possible if the child was inscribed in his/her parent's passport. For example, it used to be possible for a parent with several children to only travel with one child without it being necessary to show which of the children s/he was travelling with. Such instances were mentioned in the UK, where cases were identified of children who were brought into the country with a family passport, left in the country, and subsequently other children entered the country using the same family passport. The border guards also mentioned that the new principle facilitated their work. The Swiss border guards mentioned that it is beneficial to be able to send child-specific information through their systems, such as alerts, by attaching it to the child's personal passport rather than to the parents'.

The length of validity of children's passports was commented on in several interviews. In Finland, the introduction of the one person-one passport principle was attached to a reform in passport validity, reducing the maximum validity period from ten to five years.⁷⁴ However, even the five-year validity was criticised by several border guards, as there are still big differences in the appearance of a 1-year old and 5-year old child. The UK border guards proposed that there should be an easy way for parents to submit a more recent photo to update a passport without getting a completely new passport.

Other recommendations generated by the case studies included the inclusion of the names of the legal guardians of the child in the child's passport. This would make it possible to directly restore the link between the legal guardians and the child without hampering the security benefits provided by the individual passport of the child. For example in Finland, the border guards mentioned that now that family passports are no longer used, the cases where children have a different surname than their parents have become more challenging to solve and so are checked more carefully.

⁷⁴ Law on Passports, 671/2006, §14.

In some of the case studies, the proposal came up to impose the principle of one person-one passport to TCNs travelling to the EU/EEA countries, i.e. to require all travellers entering the EU/EEA countries to have their own personal passport. This issue was raised as a way to point out that even though the one person-one passport principle has made travelling safer for children, it is only applicable to the countries applying the legislation, meaning TCN children can still be included in their parents' passports.

Box 14: Good practices and gaps related to travel documents

GOOD PRACTICES

- Visas issued by the UK authorities explicitly state that they are valid only when the child travels with certain adults.

GAPS

- Children with dual citizenship (EU/AC and third-country citizenship) can still use the other passport to exit the Schengen area, even if the other parent has not given his/her permission for an EU/AC passport.
- Even though the one person-one passport principle has made travelling safer for EU/AC children safer, there is no general requirement for TCN children to carry their own passport when entering the EU/EEA countries.

3.3 Border control phase

As the above analysis has shown, apart from the Schengen Borders Code, there are not many requirements regarding the specific border checks of children in most countries. The general findings from the desk research were confirmed by the case studies in that the protection of children and detection of potential risks at the borders is left to the practices of the border guards. These practices are based on experience, knowledge from training and briefings (in some countries), their instincts and gut feeling. The circumstances of the meeting between individuals are what determine the practice. The following section looks closer at these practices and the "tools" that border guards employ when facing children at the borders. The comparative description will focus on those practices specific to children, not the general practices for border checks applied to all travellers.

3.3.1 Established and routine practices of border guards

The descriptions from the case studies showed that the checks on children in the study countries are generally set up quite similarly and according to the Schengen Borders Code, with separation of EU/Schengen and non-EU/Schengen nationals, and first and second line checks. As outlined in the section above on travel documents, if the travellers – including children – present the required and valid documents as well as fulfil the other entry conditions, they are usually allowed to pass through the check without further investigation. That is, unless something is out of the ordinary or some factor in the situation arouses the border guards' suspicion. These possible factors are outlined further below. Firstly, the few standard procedures for checks on all children found in the case study countries are discussed.

Child-specific standard procedures

In Bulgaria, verification of the travel document in the national border control Automatic Information System (AIS; linked to the SIS) is *always* applied to children (EU/AC national adults are not checked in the system). The AIS includes, for example, information on whether there is a ban for the child to leave the country. Such a ban can be issued by the competent authorities in the Ministry of Interior if there is a signal that a Bulgarian child is at risk of being subjected to

illegal activity⁷⁵. Moreover, special attention is always paid to children. The standard procedure is that the border guard must always make direct contact with the child in order to observe his/her behaviour, condition, reaction to an accompanying adult, etc.

In Portugal, special attention is paid to children arriving on flights from high-risk countries; these flights are always monitored. For example, a child arriving from Senegal is considered to be potentially at risk. Border guards therefore carry out more thorough checks by asking about the purpose of the visit, as well as whether the child is travelling alone or accompanied and, if this is the case, by whom. Destination addresses and contact details may also be requested.

In the UK, the Border Force places high priority on child protection. The border guards maintain a high degree of vigilance in order to combat trafficking in human beings, particularly involving children. Thus, special attention is always paid to children arriving at the border check, and their document check is always supplemented by enquiries and/or further checks to ensure the arriving child's welfare and safety is not compromised in any way. If a child is for instance travelling alone and will be met by an adult (other than a parent/legal guardian) at the airport, the border guard may conduct relevant checks on this person, their address and all those registered as residing there, before allowing the child to leave the primary checkpoint.

Three of the case study countries require children to present proof of parental consent for the travel at the border crossing. In Malta, this requirement is applied and enforced only for visa nationals, while it is a requirement in Spain and Portugal for all children to present proof of consent from one parent if the child is accompanied only by the other parent, or from both parents if the child is travelling alone or accompanied by a third person. In Spain, the border guards always carry out a document check (including the required supporting documents) on children who enter or leave the Schengen area, mainly to avoid a situation whereby a child with a custody arrangement report leaves the country accompanied by one parent but without the consent of the other parent. The findings related to practices in relation to parental consent forms are described in more detail in a separate section below.

Factors that will potentially arouse border guards' suspicion

While border guards routinely conduct more thorough checks of children than adults in some countries, in others they only make further enquiries or checks (besides those of the travel document) if something seems out of the ordinary or if there are specific circumstances that call for further attention. Across the board, the border guards agreed that the following factors could potentially raise their suspicion or induce them to follow up the passport check with a few enquiries: i) if the child and the accompanying adult have different surnames; ii) if the child and accompanying adult have dissimilar appearance; iii) the behaviour of the child and/or the interaction between the child and a potential accompanying adult seems unusual; iv) if the child and accompanying adult do not speak the same language; and v) based on the country of departure or destination, e.g. countries associated with known trafficking routes.

If suspicion of the border guard is raised at the first line check, s/he will follow up by asking questions about the journey, the relationship between the adult and the child (if accompanied), etc. If possible (depending on language, age, etc.), the border guard will always attempt to make direct contact with the child and pose the questions to him/her directly. Much of the work is based on observations and on how the child and the accompanying adult are behaving. In general, children are considered rather open in the sense that it is easy to see if they are not comfortable with the adult. The border guards at the first line may also use a few other "tools" to assess the situation, such as check the stamps in the passports of a child and adult travelling together to see if they have previously travelled together and entered/exited the country at the same time. The border guard can also check where the passports were issued; if the child is travelling to the country where the passport was issued, the case seems less suspicious. Other tools are to check how old the passports are and whether the persons travelled a lot on the same route. If the person(s) has travelled a lot on the same route, the guard checks whether they

⁷⁵ This special protection mechanism procedure is regulated by Instruction Nº I3-207 from 15.02.2006 for the application of art. 76a, issued by the Ministry of Interior, Ministry of External Affairs and the Child Protection Agency.

appear like someone who can afford to travel a lot. Even in countries with no national requirements to present supporting documents, the border guards of the Schengen countries are required by the Schengen Borders Code to ask an accompanying adult for supporting documentation, for example a document supporting their statements about their relation to the child, such as a birth certificate of the child or a statement of consent for the journey from one or both parents.

If there are strong suspicions about the validity of their statements or the supporting documents, the person(s) can be moved to a second line check for further investigation.

Box 15: Example of how border guards' enquiry may lead to detecting at child at risk

An example from the UK air border at Heathrow

An adult male (35 years) and child (15 years), both Americans, sought to enter as visitors for a month. The adult presented an 'authorisation to travel letter' from the boy's mother, notarised by a lawyer in the United States and dated the day before. Suspicions were raised when the adult was unable to provide, when requested, the names of the child's parents and siblings. They had no accommodation booked and no proof of return ticketing. All of the man's previous travel in his passport was to Cambodia, Indonesia and Malaysia, and the boy's passport had been issued the day before travel. Upon interviewing both parties independently, the Border Officer considered that there were too many discrepancies and referred the case to Paladin, which is a joint Police/Border Force Child Protection Team with an investigative role. Paladin is led by the police and based at Heathrow but offers support to Border Officers at other ports around the UK and US Homeland Security. Both the man and child were refused entry and returned to Houston on separate flights. The adult in question was arrested on arrival in the US, and incriminating evidence was found on his laptop and in his luggage proving that the child was at risk and not travelling with the authority of his/her parents. The adult was consequently charged on five counts and the boy was hospitalised and referred to Child Protection.

The border guards generally considered that the checks and tools employed are quite similar regardless of whether the child is travelling alone or accompanied. However, children travelling alone usually receive more attention (on some routes simply because children travelling alone on e.g. ferry lines are quite rare). Otherwise the interview methods are quite similar, although follow-up checks and investigations are adapted to the situation, meaning that for children travelling alone, the parents might (if possible) be contacted and questioned about the journey.

At airports, children below the age of 12 (for a few airlines below 15) travelling alone will always travel with the UM service and thus be accompanied through the border check by a member of the airline staff. Parents can still purchase the UM service for their children if the children are travelling alone and are above the age of 12. According to border guards' experience at airports, children above 12 years rarely travel alone – if they are not accompanied by airline personnel (UM service) or another accompanying adult, they most often travel with friends.

Although legally minors, children between 16 and 18 years old are usually considered as adults and treated as such. It is not uncommon for 16-17-year olds to travel alone. They are considered adults by the carriers and allowed to travel unaccompanied.

Procedures for further checks in case of suspicion

If the border guards at the first line check find that further investigation is needed after asking a few shorter, "standard" questions, they send the travellers to the second line for further checks of the documents and the facts.

Comparing the statements of the border guards, there are differences between the countries (and border crossing points) with regards to what it takes for travelling children to be sent to the second line check. In the Netherlands, the border guards reported that there is almost always secondary examination if a child and accompanying adult claiming to be a parent/legal guardian have different surnames. Both persons are taken out of the queue and brought to a separate immigration office for further questioning. This situation is even considered to be somewhat more risky than when the child travels unaccompanied.

In Switzerland, on the other hand, the border guards stated that while different surnames is a factor that will catch their attention and induce further questioning, they are also aware that it is not uncommon for parents/legal guardians and their children to have different surnames. In Switzerland, the child and accompanying adult will only be sent to the second line if there are also other factors that cause doubt about the alleged family relation. To verify the stories and explanations given by the child and (potential) accompanying adult, the border guards at the second line check have different techniques and "tools". For example, they may ask for a proof, such as a family photo or a birth certificate. If there is suspicion that the child might be travelling without the (other) parent(s)' consent, the border guards may contact the Swiss authorities, if the child is a Swiss citizen, or the SIS-contact point in the home country if the child comes from another Schengen country, to get more information regarding e.g. the custody situation and/or to contact the parent(s). The border guards may also simply ask the accompanying adult for the contact information for the (other) parent(s)/legal guardian(s). However, this may not be sufficiently secure as the adult may give a false telephone number. Thus, the border guards will seek verification of the identity of the person on the phone by asking control questions to the person claiming to be the parent/legal guardian about the child and the adult travelling with him/her.

At the second line check, the border guards can also interview the child and adult separately and compare their stories. This interview must be in line with the recommendations of the Commission Action Plan on Unaccompanied Minors, which states that "whenever unaccompanied minors are detected, they should be separated from adults, to protect them and sever relations with traffickers or smugglers and prevent (re)victimisation"⁷⁶. In several of the interviews it was mentioned that these second line checks and interviews are carried out by specially qualified personnel, and that the border guards are sensitive to the particular situations involving children so as to not upset or frighten the child in the process. More information on the specific control mechanisms during and after second line checks is provided below in section 3.4.

The use of electronic border checks for travelling children

There are different practices for children in airports with automated border checks in place. While an automated border check is available to all EU/EEA/Swiss and Japanese nationals in Finland, including children, in Portugal electronic border check is available only for EU citizens above the age of 18. Thus, children are always subject to a personal, manual check.

The interviewed Finnish border guards noted that they did not always feel comfortable letting children use the automated border crossings, as in those cases no additional questions are posed to the children. The person supervising the automated gates has the possibility to leave the control room to talk to the child, in theory, but in practice this is rarely done, as all other gates will have to be closed while the supervising officer is away from his/her post.

⁷⁶ Communication from the Commission to the European Parliament and the Council: Action Plan on Unaccompanied Minors (2010 – 2014). COM(2010)213 final, 6.5.2010, p. 9.

3.3.2 The use and verification of parental authorisation forms

Among the case study countries, Bulgaria requires **its own nationals** to only bring a notary certified written agreement for travel from the absent parent or both parents, if the child is travelling across the border alone or in the company of only one parent. In practice, the documents are only checked upon exit from Bulgaria.

Spain requires **all children** travelling alone, accompanied by only one parent/legal guardian, or by an adult other than their parent(s)/legal guardian(s) to present a legalised and duly translated travel authorisation from his/her legal guardian(s). The travel authorisation must be presented and it is always checked along with the travel document by the border guards and/or carriers' personnel.

In Portugal, it is mandatory to present the proof of parental authorisation for travelling children and this will be checked at the border. On the other hand, the parental authorisation for entering or leaving the country is not considered as the ultimate proof, since such authorisations are sometimes forged. Thus, border guards also check other details to establish support for alleged family relations. For instance, they give high importance to visas and to the information indicated on all of the accessible databases (national, SIS and INTERPOL). Border guards also pay attention to the plane ticket number, since family members usually present tickets with sequential numbers.

In Malta, travelling children and accompanying adults, especially if they are visa-nationals, may be asked to present supporting documents. For non-visa nationals, no supporting documentation is formally required for travel to Malta. However, if on arrival in Malta an immigration officer has reason for concern about a child, they can demand supporting documentation from the child and/or any person accompanying them.

Switzerland reported that, although no requirements exist to present supporting documents at the border when travelling with a child, the border guards are allowed to hold back passengers if they suspect that the child is potentially at risk. In such situations, they always encourage the passengers to do everything within their power to justify their position (i.e. get the proof of the alleged family relation and custody arrangements) to get the issue resolved quickly.

The interviewed border guards in the Netherlands also stated that although there is no requirement to present such documentation, more suspicion is raised if any is missing, such as a verifiable signature of the parent giving consent, a copy of his or her passport and a telephone number where the parent can be contacted for verification. These are considered key elements of a proper consent note. Also, a birth certificate of the child that states his/her parents can help lower suspicion.

In Finland, the border guards explained that, in general, the approval of both parents is necessary to exit Finland. However, documents showing the approval, such as parental authorisation forms, are not carried by many passengers, so it is up to the border guard to decide if more information is needed or not. The border guards pointed out that it is difficult to decide in suspicious situations, when a parental authorisation form does not exist, or when it is difficult to prove its authenticity. In those cases the border guards continue investigations in the second line, for example by trying to contact the parent(s) not travelling with the child and the relevant authorities (depending on the nationality of the child) to elicit more information about the child and, for example, the custody arrangements.

It is currently not mandatory for someone to show a letter of authority from a parent or guardian to accompany a child to the UK. However, the Border Force does advise that if a person is not a parent or guardian, there is no harm in carrying supporting documentation, such as a consent letter, that provides the parents' contact details in case a border force officer chooses to conduct any additional checks. This helps minimise any delays that may occur. The same was conveyed by border guards in some of the other countries who said that, when asked, they always advise

travellers to bring supporting documentation when children are involved, even though it is not a requirement.

In the countries with an official requirement to carry proof of parental consent, border checks of children are not problem free in practice, and some of the interviewed border guards were slightly sceptical about the usefulness of such documents.

In Bulgaria, it was reported that some complications may appear when a child has dual citizenship, as it is not possible to detect whether the child uses his/her non-Bulgarian passport. If one of his/her parents is a Bulgarian citizen and s/he has not given a written agreement for the child to travel abroad, the child should not be allowed to cross the border. However, if the child does not declare his/her Bulgarian citizenship, complications may appear in verifying the agreement of the Bulgarian parent. Some of the interviewees in Bulgaria furthermore expressed the opinion that the requirement of the Bulgarian law for explicit written notary declaration from the missing parent, or from both parents when the child travels unaccompanied or with only one parent, is an unnecessary additional complication of the procedure and causes frequent problems at the border. The problems are mainly due to the lack of required documents, as the travellers either neglected to bring them or were not informed about the need to present supporting documentation. According to the border guards, the lack of required parental authorisation is the most common complication occurring with respect to children at the Bulgarian border crossing points. The logic of the argument to not impose such a requirement is that the procedure for issuing a passport for the child by itself requires the explicit agreement and authorisation of both parents. This means that if they have agreed for the child to have an international passport, they have agreed for the child to be able to travel. If a situation arises later, then a signal can always be sent to the border and a ban on exit from the country for the child can be issued by competent authorities if required. Moreover, the requirement for authorised agreement to travel from one of the parents of the child can be easily used for interfamily manipulative situations between two parents, thus having an impact on the right to free movement of both the child and one of the parents.

The Portuguese border guards raised the issue that parental authorisations allowing children to enter or exit the country can easily be forged. The current Portuguese system of parental authorisations allowing children to exit the country may represent a gap. As a general rule, in the case of divorce, both parents hold parental custody. This means that one of them may exit the territory with the child without the permission of the other parent. This may result in the easier execution of child abductions. Nevertheless, when in doubt, border guards may contact the other parent.

Box 16: Good practices and gaps related to the border control phase

GOOD PRACTICES

- In most of the countries that require parental authorisation, good practices are in place for verifying the documents' authenticity, such as contacting the (other) parent(s), asking control questions to establish that they are who they claim to be, etc.
- For minors below a certain age limit, it is considered safer to be subject to manual border checks.
- It is considered good practice to have a border guard on duty with special training in dealing with children and young persons in every shift at a border-crossing point.

GAPS

- In some of the countries that require parental authorisation, it was considered that such forms can easily be forged.
- The standards of judgement around what is a cause for concern about the potential risks to a child and what it takes for travellers to be sent on to the second line check can differ from one country to another. In some countries differences in surnames of the child and accompanying adult will almost always induce further checks at the second line, while in other countries border guards will only hold the travellers back if they do not trust the information and story given at the first line check.
- In most countries, if nothing appears to be out of the ordinary when checking travel documents, the identification of risks is based on the border guard's own experience.

3.4 Alert scenarios

The practices concerning alert scenarios examined in the case studies were based on the conclusions of the synthesis of key differences in legislation, where it was pointed out that the alert mechanisms and situations should be paid closer attention to where risk is identified at the border. The case studies examined the border guards' use of different alert systems and what happens if an alert is found in the system or when the border guards suspect a child is at risk. Furthermore, the case studies looked more closely into the referral mechanisms that are in place in the study countries in order to find out what the referral processes are when a child is suspected or found to be at risk, and whether these processes are clear to all actors involved. This chapter first examines what happens at the border in **situations of risk**, when an alert is found in the system, or when the border guards suspect the child is at risk, including which authorities or other actors will be involved. Then, a more general presentation of the existence of official or unofficial **referral mechanisms** is provided.

3.4.1 Situations of risk

In principle, **any existing alerts in the national systems and SIS are discovered** when the passport of the child (or accompanying adult) is scanned. As mentioned above in section 2.6, if nothing comes up when a passport is scanned, most border guards will not pay more attention to the case if there are no signs of a need for additional attention (for signs indicating a need for additional attention, see section 3.3.1 above). This was confirmed by the Swiss border guards, who stated that if no information comes up on SIS, such as an issued alert, then there is no means for detecting parental abduction or risk. This is an interesting finding considering that, as mentioned in Chapter 2, it is up to each Member State to decide on the "Schengen relevance" of each case and whether an alert will be posted in SIS or not. However, as it was not specified by the interviewees what concrete alert is meant, it is not possible to assess whether this might have an impact on the safety of children crossing borders.

It is also worth noting that there is currently very limited data on the number of incidents where children are thought to be at risk.

Alerts

The alerts can be inserted into the systems in different ways. In Malta, a swift notification system exists between the airport, port police and courts concerning decisions on the custody and travel of children. This was considered to strongly deter the abduction and kidnapping of children. In Finland, cases of parental abductions that have been notified to the police will pop up when the passport is scanned. There are however also cases where the parents contact the border post directly and warn the border guards about a potential parental abduction. In Bulgaria, children (as opposed to adults) are always checked in the national information system, despite their nationality.

In Portugal, if the system shows that one of the legal guardians has issued a travel ban on the child, s/he cannot enter (in case the child is not resident in Portugal) or leave Portuguese territory (in case the child is resident in Portugal).⁷⁷ If entry of the child not residing in Portugal is refused, the child is returned to his or her country of residence. On the contrary, if the exit of the child residing in Portugal is refused, the case must be decided by a judge, involving both the parents and the Public Prosecutor. The latter represents and defends the best interest of the child.

Representatives of Finnair mentioned that due to Finnish data protection rules, it is not possible for airlines to set permanent alerts on a specific person in their system. A person's flight reservation details can only be found manually (and not based on a permanent alert) based on parameters such as date or destination of travel. This means that any suspicions of, for example, parental abduction must be accompanied by a travel date or travel destination before the airline is able to check their registers for information. In Switzerland, it is not possible for the authorities to issue warnings to the airlines about persons suspected of parental abduction who should not be allowed to travel with their child. However, it is possible for the border guards to check passenger lists of specific flights if they have received information on a missing child travelling on the flight. This may lead to the border guards holding back the child and accompanying adult upon arrival.

Verifying information on custody arrangements

In the Netherlands, any suspicion would, in principle, lead to checking the GBA database, which is the Dutch municipal basic administration database that contains information on, among others, parental authority or guardianship. However, there are limitations to this database that make it difficult at times for KMar to check its available data. Also, database information is only available for children residing in the Netherlands. The KMar, or any other law enforcement authority does not have direct access to the system. Instead, requests for information must be channelled via the Child Protection Council, which is not sufficiently operative in light of the 24/7 needs at the border.

In Finland, information concerning custody arrangements of children residing in Finland can be checked by the border guards in the Finnish national Population Information System, which is available to the border guards 24/7.

Procedures in situations where risks have been detected

In situations where risks are detected, children and accompanying adults, if any, are always brought to the second-line check. In some countries, special rooms exist for children to be moved and feel more comfortable. This is not the case in all of the countries. One usual method is to separate the child and adult from each other.

In Bulgaria at the Sofia airport, if technical verification irregularities and potential danger for the child are confirmed as a consequence of the interview, the border guards at the second line check inform the child protection department under the Directorate for social assistance of the Sofia

⁷⁷ Even if the parent does not have legal custody over the child, s/he has nonetheless visiting and other rights, which could be jeopardized if his/her ban could not be enforced.

municipality. The child protection department must send a representative to the airport to take the child and direct him/her towards the rest of the internal legally prescribed procedure for assessing the child's situation and his/her placement with the family, crisis centre or institution. If a representative from the child protection department or the State Agency for Child Protection is impeded from immediately arriving at the airport, the child is placed temporarily in the so-called special "pedagogical room" at the Regional Police Department responsible for the airport, so that police protection can be secured for the child. If the accompanying adult has committed the *corpus delicti* of a crime according to the Bulgarian Criminal Code (e.g. usage of false or altered documents or attempted trafficking in human beings), s/he can be detained for 24 hours in the local police department and then referred to a prosecutor for investigation and opening of a criminal court case.

In Finland, the procedure depends on whether the child is at risk of being trafficked or abducted, or whether a concrete situation of child trafficking or parental abduction is identified. For situations where it has been identified that the child is at risk of being trafficked or abducted, the border guards contact the police. In a concrete situation where the border guards identify the travelling child as a victim of trafficking in human beings or parental abduction, both the adult and the child are taken to the second line control. The crime prevention unit of the border guards are contacted and the chief investigator decides whether to initiate criminal proceedings. At the Vaalimaa land border, it was mentioned that if the border guards find no valid reason to prevent the persons from continuing their travel, it is possible to create an alert on the person, making sure that a thorough check is carried out upon exit at the Finnish external border. The criminal investigation unit of the border guards is specialised in recognising the trafficking in human beings. They also work in close cooperation with the police. One person from the criminal investigation unit works each shift at Vaalimaa.

The Finnish border guards mentioned that the responsibility to present the necessary evidence always lies upon the border guards. This means that even though there are suspicions of foul play, but no proof of illegal activities, the border guards cannot prevent the persons from crossing the border. It is however possible to make notes in the border control application Ratas concerning any suspicions, which may be helpful if the person(s) cross the border another time.

In the Netherlands, if the check in databases (see above) does not clear the situation in a satisfactory way, the child is referred to the department for Youth and Vice of KMar at Schiphol, which has a specially designated area for the short-term reception of children over whom the authority has temporarily been lost. However, everything is done to limit the amount of time the child must stay at the airport. Via the Children's Rights Council and a juvenile court making a final decision on the question of whether the child may be allowed to travel unaccompanied, the child is referred to the Nidos Foundation⁷⁸, which is an independent guardianship and (family) supervision agency. In general, the guardianship counsels the child until the moment s/he can return to her/his country of origin. The relevant organisations (KMar Youth and Vice department, Juvenile Court, Children's Rights Council and Nidos) together investigate the possible next steps such as the child's transfer back to the country of origin. This includes co-operation with a Children's Rights Council in the country of origin. One possible next step is for the child to be picked up by a parent or adult exercising guardianship over the child. The total process may take time (up to several months). The length of this period when children are temporarily not under the authority of an adult (i.e. parent, guardian or a person to whom authority has been temporarily handed over) after being intercepted travelling alone or accompanied by an unauthorised adult is one of the main gaps identified in the Dutch case study. Claims were made during interviews that this can take up to a year, mainly due to the high number of formalities and procedures governing the cooperation between EU Member States in order to reunite the child with parents or guardians. This gap is illustrated by the example below, which was provided during case study interviews.

⁷⁸ Commissioned by the Dutch authorities, Nidos acts as guardian in the form of temporary guardianship for children who are temporarily not under the authority of an adult.

Box 17: Delays in the detention of children by authorities

An example from Schiphol airport

An 8 month-old baby arrived at the passport control at Schiphol airport with two adults of British nationality. The mother (of Afghan nationality) had been detained in Saudi Arabia with her oldest daughter after presenting false papers. The KMar border officers had to determine whether the two adults, claiming to be the baby's grandparents, should indeed be allowed to travel onwards. Due to suspicious circumstances, the baby was separated from (as later emerged) his grandparents.

The baby was, after interference of a judge, handed over to the NIDOS foundation under a preliminary guardianship. The grandparents travelled onwards to the UK. NIDOS started an investigation during which the mother was contacted in Saudi Arabia, source documents were studied from various countries (Afghanistan, the UK) and the grandparents were contacted again. NIDOS ordered a relative DNA investigation from the Netherlands Forensic Institute. It was the wish of the mother that the baby be united with the grandparents. After the DNA investigation confirmed that the two adults must be the grandparents, the judge assigned permanent authority over the baby to them. The whole episode took almost a full year, which was clearly not in the interest of the child.

In Portugal, border guards carefully consider cases where the parents are of different nationalities or the child is very young when detecting cases of parental abduction. When there is suspicion that a child is a victim of child trafficking, border guards lead him/her to a different room specially designed for the purpose. The special unit for trafficking in human beings in the Aliens and Borders Service then takes care of and logs the case. If entry into national territory is allowed, the child may be monitored by the department responsible for the investigation of trafficking in human beings. The Portuguese State is responsible for the protection of the child at this stage through the commissions on protection of children, which are under the supervision of the Public Prosecutors. Confirmed cases of child trafficking are communicated to the Observatory on Human Trafficking.

In Spain, the case study presented the concrete case of Catalonia, where, if a child is found abandoned or considered at risk, the law enforcement officers (including border guards) must immediately notify the DGAIA (Directorate General for the Care of Children and Adolescents) of the Government of Catalonia. The DGAIA will issue an administrative order of temporary custody for a child at risk, and the DGAIA department responsible for basic social attention will take charge of the child and immediately open a record of the case for enquiry. It also must provide immediate care and accommodation for the child by placing him/her in a centre for initial emergency placement. The case is then referred to the Team for Attention to Children and Adolescents (EIAA), a multidisciplinary unit which will be in charge of evaluating the situation and making the necessary enquiries to clarify the case. The child remains in the centre for initial emergency placement until his/her situation is clarified. The DGAIA assumes temporary custody of the child until the process of clarification is finalised. If the child cannot be repatriated and must remain under the care of the Spanish Child Protection System, the DGAIA will issue an administrative order of abandonment and automatically assume permanent guardianship of the child.

3.4.2 Referral mechanisms

The procedures presented above for situations where alerts are found or the child is otherwise considered to be at risk are often based on referral mechanisms specifying whom to contact in case the second-line check is inconclusive and further research is needed. In some countries, such mechanisms are clearly specified and followed, while in others they are based on ad hoc decisions. The case studies show that the border guards usually have knowledge of which social services they can contact, but there are not always concrete descriptions of when they need to be contacted and the process.

The UK and Bulgaria presented concrete referral mechanisms for children at risk. In the UK, the Paladin, which is a joint police and border force child protection team, is the main point of referral for cases of child protection. In September 2011, 73 child protection referrals were made to the Paladin team at London Heathrow. These referrals came from a variety of sources including Gatwick Airport, Stansted Airport and UKBF Juxtaposed Calais. The border guards at Heathrow airport also have a Children and Young Persons (CYP) daily log, and any referrals to Hillingdon Social Services are documented on a standardised referral form. There are Stage 1 and Stage 2 checklists which must be completed by the Duty Officer in addition to a National Referral Mechanism form for potential victims of child trafficking. Action between the various agencies is well-structured and co-ordinated, with good lines of communication. The interviewees pointed out that these processes have led to a significant increase in the number of children identified as being at risk and a reduction in the number of missing children.

The border guards in the UK also have at their use a potential timeline for a vulnerable child arriving in the UK, which is included in the border officer training courses. This timeline specifies the roles of the different actors:

Figure 3: Potential timeline of a vulnerable child arriving in the UK



Planning stage 3 months or more	First 48 hours		End of week 1	End of week 2	On-going
	First 6 hours	End of Day 2			
Planning by traffickers <ul style="list-style-type: none"> ▪ Convincing young person via grooming, threats and promises. ▪ Arranging false travel documents. ▪ Arranging passage into the UK. ▪ Begin exploiting young person before arrival. ▪ Script to tell authorities on landing. Plan for young person in UK, including who to contact after arrival.	Arrival into the UK. Assessment by border force staff. If young person referred to London Borough of Hillingdon, assessment and protection plan put in place. Young person placed according to risk.	First 48 hours – further work with young person about trafficking, staying safe and not following any instructions that they may have been given. No phone calls in or out, not allowed out without supervision. De-briefing activity between local authority, police and border force. Multi- agency investigations into circumstances. Intelligence sharing.	Police, border force, London Borough of Hillingdon continue to share information. Follow up enquiries. Adjust protection plan where necessary. This includes considering relaxing restrictions placed on young person if evidence indicates risk of harm has decreased. Evaluate behaviour and communications of young person. Continuous assessment of risks.	Formal strategy meeting held before the end of week 2. Reports from: <ol style="list-style-type: none"> 1. Police <ul style="list-style-type: none"> - Paladin - Borough Specialist Crime Directorate 5 of the Metropolitan Police 2. Border force <ul style="list-style-type: none"> - Casework - Intelligence - Terminals 3. London Borough of Hillingdon <ul style="list-style-type: none"> - Operational - Teams Look at trends between reports. Complete National Referral Mechanism Form.	Care of young person continues and allocated social worker works with the border force to establish a return to country of origin. May last for years, months or just a few weeks.
	HIGH RISK TIME INTENSIVE RESOURCES		MEDIUM – HIGH RISK		

Bulgaria introduced in 2010 a national "coordination mechanism for referral and processing of cases of unaccompanied children and children victims of trafficking returning from abroad".⁷⁹ It was created to provide effective coordination between all relevant authorities at national and local levels for taking care of children travelling alone and children who are victims of trafficking in human beings. It is important to point out that the mechanism is applied to both Bulgarian and non-Bulgarian national children. The coordination mechanism is applied if the unaccompanied child or the child a victim of trafficking in human beings is a foreign citizen with dual citizenship or without Bulgarian citizenship, or has been provided with special protection under the Law for Asylum and Refugees. It is obligatory to inform the State Agency for Refugees, the Migration Directorate under the Ministry of Interior, which issues a residence permit, and the National Anti-trafficking Commission.

In Portugal and Spain, in principle the responsibilities in situations of referral are clearly set. In Portugal, there are cases, where an unaccompanied child must remain on Portuguese territory, for example because no guarantee can be provided that the child will be given adequate fostering and assistance. In those cases a protection measure, such as refuge in an institution, shall be applicable in accordance with the Law on Protection of Children at risk. The Portuguese State is responsible for the protection of the child at this stage through the commissions on protection of children, which are under the supervision of the public prosecutors. In Spain, the responsibilities in cases of child trafficking are set out in the III Plan of Action against Sexual Exploitation of Children and Adolescents (2010 – 2013). This plan demands that the authorities provide safety, protection and specific assistance to victims who find themselves deprived of a close family environment. The police are responsible for any cases of suspected trafficking in human beings until there is evidence/reasoned suspicion that a crime has been committed, after which the prosecutor assumes responsibility. The child is admitted in the Spanish system of protection for children while the situation of the child is clarified.

The remaining case study countries (CH, FI, MT, NL) reported good cooperation between the different authorities and it seems that it is always clear to the border guards who to contact in situations of risk. In Switzerland, the cooperation covers both prevention efforts and the provision of a safe hand-over in cases of children who are returned to Switzerland or from Switzerland to another country. While these do not cover concrete referral mechanisms as such, the cooperation has resulted in a better understanding of what kind of information the border guards need if they are to help prevent abduction (e.g. photo of the child, etc.), and that warnings should only be issued to the border guards when there is a concrete suspicion of a risk. In Malta, the small size of the country supports the close linkages between all of the agencies involved in safeguarding children. It is possible to swiftly find information and expertise and to also cross-reference issues, such as domestic violence and parental abductions.

In Finland, however, the referral mechanism does not seem to be clearly specified, especially towards the social authorities. While the border guards at both border crossing points know *who* to contact, it was not completely clear *when* the authorities must be informed. The referral mechanisms seem to be working, even when based on ad hoc solutions, as specified in the example below:

⁷⁹ The full text of the mechanism in English is available at:
http://www.stopech.sacp.government.bg/?sid=professional_eng&ptype=news&nid=0000000086.

Box 18: Example of an ad hoc referral mechanism**An example from the Finnish-Russian land border**

A child aged 11-12 of Russian nationality had been residing in Norway for six months without his parents before attempting to exit Finland to Russia through the Vaalimaa land border with his mother, who had come to Norway to pick her child up. The border guards decided to refuse their exit from Finland due to suspicious behaviour and circumstances. Both were first moved to the second line check, and because the mother got highly agitated during this process, the border guards decided to call the family support centre in the nearby municipality and transfer both the child and the adult there. This was done in order to ensure that the child had not been abused, and that the mother was indeed the child's mother.

The border check officer stated that it was very important to calm the situation and ensure that the child was not afraid. An interpreter and a social worker interviewed the child, and he was separated from the mother. It was found out that the child had stayed with relatives in Norway for six months, although it was not clear why this was the case. After spending one night at the family support centre, the child and his mother were allowed to exit Finland. While no official referral mechanism exists, it was the border guards' own decision to call the social authorities and the family support centre. There are no fixed rules on how to deal with these situations, but each concrete case is decided together with the shift manager and other persons involved in the case.

In the Netherlands, the referral mechanisms are clear and there is good cooperation between the KMar (border guards), the Immigration and Naturalisation Service of the Ministry of the Interior and Kingdom Relations, the Youth Protection Council, a juvenile court, and the NIDOS foundation. All stakeholders interviewed stressed the fact that things go very well in many cases. Cooperation at the national level between various organisations is very constructive and all parties put the needs and rights of the child first.

Box 19: Good practices and gaps related to alert scenarios**GOOD PRACTICES**

- Active cooperation exists in some cases between carriers and border guards, in particular at airports. This cooperation can facilitate the work of the border guards and add an additional safety layer to the travelling children.
- The availability of direct access to national population registers where border guards can find out the custody arrangements etc. facilitates the work of the border guards.
- It is beneficial to have a very close linkage between all actors involved in safeguarding children, and to have a system of swift notification to police at the airport and port of court decisions on custody/travel of children.
- It can be a good idea for border guards to implement a Children and Young Persons daily log, which documents for example all referrals to social services.
- In certain study countries, clear referral mechanisms are established for what authorities to contact and when in alert situations.

GAPS

- Border guards do not always have access to relevant databases regarding custody arrangements, even for their own citizens.

3.5 Travel information

When people travel from one EU/AC country to another or to/from third countries, it is desirable to gather all necessary information on the requirements and conditions beforehand so as to make the journey as smooth as possible. A typical way to prepare for such travel is to look for

information on the Internet, preferably in a known language. However, even though countries may have a website with detailed requirements for travelling children, the website may not necessarily be easy to locate.

As a follow-up to the findings of the data collection concerning legislation in the study countries (see Chapter 2), this chapter examines the practical accessibility to online travel information concerning children *in selected cases*. The goal of this is to compare the practices found at the borders of the EU/AC countries included in our case studies with the online reality experienced by travellers who are looking for information before a travel.

A simple common-sense approach was employed based on the use of search engines such as Google and a few obvious websites such as the national tourism portals and websites of border guards and carriers. The accessibility of information was based on both the availability and language of the information located on the different websites.

3.5.1 Spain – TCN children entering the Schengen area

The first scenario explored was that of a Moroccan child with a valid visa travelling to Spain either accompanied or unaccompanied. Some websites of carriers, such as the ferry company FRS⁸⁰, indicated that the required travel documents for a child on such a travel include a valid visa and passport with photo of the child. Nothing specific was mentioned about the case of an unaccompanied child.

Somewhat more detailed information was found on the website for Spain's Tourism Office⁸¹ in a range of different languages, including all major and many smaller European languages, as well as various Asian and internationally used languages. Also, this website referred to the website of Spain's Foreign Ministry⁸² and included some of the same information on travel document requirements.

The websites stated that children from EU/AC countries travelling to Spain would need a parental authorisation document in addition to an ID or passport. However, nothing was mentioned about the requirements for TCN children on a similar journey. Instead, more general requirements for TCN travellers in Spain were listed, such as requirements for documents justifying the purpose and conditions of the stay in Spain, including documentation of possession of sufficient resources. Also, the Ministry of Foreign Affairs' website stated that the Spanish authorities may require specific documents depending on the purpose of the travel. No other details were found about the document requirements specific for travelling TCN children.

The website for Spain's Tourism Office provided an option to write directly to the Tourism Office using an online Q&A form. This was tested stating the need to get information on requirements for a TCN child from Morocco travelling to Spain. A reply was received within an hour giving the direct contact information for the Spanish Consulate in Tanger, Morocco, which was referred to as capable of answering the questions. Such a telephone call may be necessary, as it can be confusing to look for information online regarding required travel documents for TCN children going to Spain, and there may be doubts concerning the requirements to travelling children. No clear information was found regarding the age limit of a child or the specific requirements for TCN children travelling unaccompanied. It also was not clear whether a parental authorisation form is required, as it is for EU/AC children when they are accompanied by an adult other than a parent.

Comparison of legislation and practice

The difficulty of finding online information for TCN children travelling to Spain is most likely due to the fact that nothing except a passport and visa are officially required, according to the findings in the earlier part of the study on the legal requirements. The information found then corresponds quite well with the information gathered online. However, practice shows that the

⁸⁰ FRS: <http://www.frs.es/en/home-area/servicecenter/general-terms-and-conditions.html>.

⁸¹ Spain Info: http://www.spain.info/en/antes_del_viaje/consejos-practicos/requisitos/.

⁸² Ministry of Foreign Affairs and Cooperation, Spain: <http://www.maec.es/en/Home/Paginas/Practical%20information.aspx>.

border guards usually require parental authorisation from the child and/or family record for children travelling alone and for children travelling with an adult who is not their father/mother or with only one of the parents. The parental authorisation, like any other foreign public document, requires an apostille when it has been issued by a signatory country of the 1980 Hague Convention, or to be legalised when it is not part of the 1980 Hague Convention. Furthermore, children travelling alone are not allowed to travel by ferry in Spain. Unlike airlines, ferry companies in Spain do not provide an unaccompanied minors service.

3.5.2 France – TCN and EU/AC children entering the Schengen area

Another case explored online was of children travelling between the UK and France. The top hitting websites in a Google search on "Travel+documents+minors+France" included the website for the Airports of Paris⁸³ and EasyJet's⁸⁴ website about requirements for travel documents.

The information on these websites stated that a valid ID or passport is needed; however, other documents were also required depending on the nationality of the child. The websites indicated that a parental authorisation form is required for all children travelling alone by air as well as a filled-in identification sheet listing the name and address of the designated person to pick up the child.

For French children, according to the websites searched, a parental authorisation form from the police is necessary for children travelling unaccompanied. If the child is accompanied by one parent/guardian, a valid ID card or passport along with a Family Book or birth certificate is also required.

For foreign children resident in France, a special travel document, DCEM, is necessary to facilitate travel outside of France and re-entry.

All in all, quite extensive information is available regarding required travel documents for children in France. However, the rules were a bit more complicated than in many other countries because they specified differences in requirements not only between TCN and EU/AC children, but also between French and EU/AC children and between TCN children from abroad and TCN children with a resident permit in France. These distinctions were clearly listed on the websites, providing a good overview of the different requirements.

Comparison of legislation and practice

The information contained in the earlier part of the study regarding the legal requirements for travel documents corresponds quite well with the information found in this online information gathering exercise. However, practice shows that there might be additional requirements for cases where a child and accompanying adult do not share the same surname. The study shows that border guards - if in doubt - may in practice refuse children who do not have the same surname as their accompanying adult when crossing the border.

3.5.3 Bulgaria – TCN children entering Bulgaria

It was difficult to find relevant websites regarding required travel documents in English for TCN children travelling to Bulgaria. On the website for the Bulgarian Ministry of Foreign Affairs, only one page mentioned the issue of travelling children. This site explained the documents required to issue a visa to a child, stating that the applications must be submitted by a legal guardian.⁸⁵

The Ministry of Foreign Affairs' website contained sub-websites for all the Bulgarian embassies and consulates around the world. However, the pages with information for travellers were either "under construction" or contained no specific information regarding children.

⁸³ Airports of Paris: <http://www.aeroportsdeparis.fr/ADP/en-GB/Passagers/Procedure-practical-information/travel-document/>.

⁸⁴ EasyJet: http://www.easyjet.com/en/infants_and_children.html.

⁸⁵ Bulgaria's Ministry for Foreign Affairs: <http://www.mfa.bg/en/Pages/view/96>.

The Official Tourism Platform of Bulgaria⁸⁶ offered a wide range of information about travelling to Bulgaria in all of the main European languages as well as Russian, Japanese, Arabic and Hebrew. However, information regarding the necessary travel documentation (besides visa) for travelling of children was not available.

There was some useful travel advisory for tourists concerning issues such as border control procedures, visa requirements and national traffic rules on the website of the Ministry of Interior⁸⁷ and the Bulgarian border police. The information concerning specific requirements for children was at first not possible to locate in English. Upon second look, it turned out that one document existed in English on the website for the Bulgarian border police about the requirements for travelling children, but the English language document was located on the Bulgarian version of the website, making it difficult for a non-Bulgarian speaker to find it.

On the website of Bulgaria Air,⁸⁸ it was possible to read about the requirements for children travelling alone with the airline. A special unaccompanied minors service was available - much in the same style as those of many other European airlines. Children under the age of 12 can use the service if they fill in a special form with information from the parent/guardian containing names, addresses and contact information of the adults accompanying the child to and from the airports.

All in all, it seems very difficult to find sufficient information about the requirements for travelling TCN children entering and leaving Bulgaria.

Comparison of legislation and practice

The limited availability of information corresponds with the legal and practical requirements for TCNs to enter Bulgaria. In both legislation and practice, the only documents required are a passport and a visa, if needed. The country study for Bulgaria showed that specific requirements for additional documents apply only to Bulgarian children.

3.5.4 Portugal - TCN and EU/AC children entering the Schengen area

An obvious place to look for information when travelling to Portugal is the country's official tourism portal called "Visit Portugal"⁸⁹. Besides all of the descriptions and recommendations of tourist attractions, the website contains a brief and un-detailed description of the basic entry formalities. Here it was mentioned that a parental authorisation is needed when children from EU/AC countries travel unaccompanied to Portugal. The website additionally links to a range of other official websites when looking for further details on the requirements.

One website mentioned was that of the Ministry of Foreign Affairs⁹⁰, but it was not possible to find any relevant information for travelling children on that website.

Another website mentioned was that of the Portuguese Immigration Authority⁹¹. It was neither particularly intuitively structured nor easy to navigate. For instance, the search function was not able to find any results on searches in English about "minors", "travel documents" or "entry requirements". However, the website did contain links to various pieces of legislation in the field of asylum and immigration. Here the Act 23/2007 can be found, which approves the legal framework of entry, residence, exit and removal of foreigners into and out of national territory. It is a long legal document but it contains the legal framework for the entry of children. It states that unaccompanied foreign children (under the age of 18 years) travelling to Portugal are not permitted to enter if they do not have someone in Portugal ready to take care of them. If a third person is accompanying the child, s/he must hold a legally certified authorisation granted by the

⁸⁶ Official Tourism Platform of Bulgaria: <http://bulgariatravel.org/en/>.

⁸⁷ Bulgaria's Ministry of Interior: <http://www.mvr.bg/en>.

⁸⁸ Bulgaria Air: <http://www.air.bg/en/special-assistance>.

⁸⁹ Portugal's tourism portal: <http://www.visitportugal.com>.

⁹⁰ Portugal's Ministry of Foreign Affairs: <http://www.portugal.gov.pt/en/the-ministries/ministry-of-foreign-affairs.aspx>.

⁹¹ The Serviço de Estrangeiros e Fronteiras: <http://www.sef.pt/>.

person who holds legal custody over the child. This information is in line with the actual requirements and practice as described in earlier parts of the study.

The final website Visit Portugal linked to for information about entry formalities was that of the Portuguese Consulates⁹². This website was mainly in Portuguese and therefore quite difficult to navigate for non-Portuguese speakers, but there was a link in English to a website for online visa applications. Here there were also links to the relevant national legislation in the field of visa and entry requirements as well as regulation in the Schengen area.

The most informative website located for finding information about the requirements for travelling children was the airline company TAP Portugal's website about their own unaccompanied minors service⁹³. In addition to describing in detail the requirements for children travelling unaccompanied, there was an easy-to-read overview of the national Portuguese legislation regarding travelling children. This overview explained that foreigners under 18 years of age entering Portugal must be accompanied by a parent or legal guardian or have someone in the country authorised to take care of the child. Also, children leaving the country unaccompanied must have a parental travel authorisation.

All in all, it was difficult to find information online on the requirements for travelling children in Portugal. A traveller must look through complicated legal documents to get the information, and there was no easily accessible information of current practices of border guards or useful travel advisory.

Comparison of legislation and practice

The legal documents found online on the websites of the Portuguese authorities correspond to the legal explanations obtained in the case study. The main gap when looking for information online about requirements for children travelling to Portugal is an easy-to-read presentation of travel advices, border guard practices and more details about how it actually works. The best way to acquire this information when not speaking Portuguese was not from official websites but from carriers such as TAP Portugal.

3.5.5 Exercise conclusions

The exercise of examining the accessibility of online travel information concerning children shows that it is not straightforward to locate the needed information. In only one case (France) was the information located online extensive and detailed, but that can partly be explained by the relatively complicated rules implemented in France that have prompted carriers (such as EasyJet) to explain the requirements.

The Spanish case shows that some information on the official legal requirements can be found online with a bit of effort, but since practice often differs extensively, the information found online is not sufficient to prepare travellers for the actual requirements at the border.

The Bulgarian case demonstrates that online information mostly has to do with the process for issuing visas and no details are available about requirements for travelling children. However, in this case the lack of online information corresponds to the lack of actual requirements for supporting documents from travelling foreign children.

The Portuguese rules concerning children travelling accompanied or unaccompanied can be found via links to the exact legislation governing the issues. However, it is not very easy to read and few travellers would feel encouraged to read through legislative documents to obtain the relevant information.

The exercise certainly shows that quite a lot of effort must be put into the search for details on requirements for travelling children. It takes time and is often confusing since different types of

⁹² Portuguese Consulates: <http://www.secomunidades.pt>.

⁹³ TAP Portugal: <http://www.flytap.com/Greece/en/PlanBook/PrepareforTravel/UnaccompaniedMinors?>.

websites are used to communicate the requirements. It also shows the need for an international database that contains information about the requirements for travelling children for different countries. Such a database actually exists⁹⁴, the IATA Travel Centre, which provides details on travel document requirements for travellers (adults and children) of all countries in the world. This website was however neither referred to by any of the interviewees nor in the other sources, such as websites, consulted during this exercise.

⁹⁴ IATA Travel Centre: <http://www.iatatravelcentre.com/>.

4. MAIN FINDINGS FROM THE STAKEHOLDER INTERVIEWS AT THE EU AND INTERNATIONAL LEVEL

Following the finalisation of the case studies, the study team proceeded with interviews of EU and international stakeholders to consult on their views of the current situation of children travelling legally, and in particular on the work conducted internationally in the fields of child abductions and child trafficking. Moreover, the stakeholders were consulted on their views concerning possible needs/recommendations for amendments to the current system in order to provide stronger safeguards to children when they cross borders, while ensuring the right to free movement. The organisations consulted were:

- Frontex
- Europol
- The International Organization for Migration (IOM)
- The International Air Transport Association (IATA)
- The International Civil Aviation Organisation (ICAO)
- Hague Conference on Private International Law
- Missing Children Europe
- UNHCR
- European Passengers' Federation

The findings from the stakeholder interviews can be divided into the two main areas covered by the objectives of this study: those related to child protection, including parental abductions and child trafficking, and those concerning the one person-one passport principle. This chapter is structured accordingly, and the issue of free movement of persons is discussed within the scope of these two themes, where relevant.

4.1 Findings with respect to child protection

The general findings with respect to child protection look at the protection of children from two different points of view: actions in situations where a child is at risk and prevention of situations where a child might be at risk. These are followed by a more detailed description of the specific findings concerning prevention of parental abductions and child trafficking.

4.1.1 General findings concerning actions to be taken when a child at risk is detected at the border

When a child is in a situation of risk, it is of essence that all actors involved recognise this risk and know how to act in such a situation. On the basis of research carried out at Brussels Airport⁹⁵ (Missing Children Europe) and participation in Frontex joint operations Hammer and Agelaus (IOM), both Missing Children Europe and IOM underlined the importance of channelling children who are at risk to the relevant child protection services as early as possible. Furthermore, they pointed out the need for border guards to be aware of and able to do this in practice. To this end, it is important to have well-established and well-functioning national coordination mechanisms with which the border guards are familiar. It is also important that all linkages in the coordination system work; it was the impression of the interviewee representing IOM that this was not always the case. It was mentioned, for example, that the participation in Frontex joint operations revealed to IOM that it can be very difficult for border guards to make the decision of whom to refer the child to, in particular in situations of late or early arrivals when other authorities are not yet on duty. For the purpose of safeguarding the interest of the child, it is thus important to have guidelines on procedures, possible difficulties and available safeguards for the whole border control process from when the child is moved to a second line check to when the decision is taken to either let the child continue travelling or be kept from travelling onwards.

This point was supported by Frontex, who referred to the same experiences from their joint operations and stressed the importance for the border guards to have a support system in place

⁹⁵ Child Focus, the Belgian Federal Judicial Police Airport and the King Baudouin Foundation: L'aéroport, un lieu sûr pour les mineurs voyageant seuls? Recherche exploratoire du risque de victimisation à Brussels Airport, 2007.

that they can rely on – on any day, at any hour. They pointed out that it can be difficult to safeguard the best interests of the child if interpreters, child protection authorities and other actors a child at risk should be referred to are not reachable outside normal working hours. As a result, additional checks on children and potential (delayed) referrals to other authorities can create bottlenecks at border crossings, which can easily be exploited by criminals as a way of “weakening” the control point to traffic other persons or goods across the border. In Frontex’s view, this is an important element to which the EU can contribute in order to improve the protection of children at Schengen external borders, for instance by establishing best practices.

To this end, UNHCR and UNICEF have in collaboration initiated a project to develop guidance on the Best Interest Determination for children. The guidance aims to be a protection tool for all unaccompanied and separated children arriving in Europe (i.e. not just unaccompanied or separated asylum- seeking children), in line with the spirit of the Committee on the Rights of the Child. This is also in line with another point made by Frontex, who recommended that any new initiatives for improving the protection of children at border crossings should take a broader approach than in this study, and should look to improve the procedures in relation to children in general – both those who cross the borders with valid travel documents and those without.

Some of the interviewees also mentioned different child alerts in place. For example, Missing Children Europe coordinates the 116000 hotline for missing children, which makes it possible to call in with a notice of a child who has gone missing. While hotlines are usually NGO-led, 11 Member States have also developed specific child alerts, such as the French *Alerte Enlèvement*.

4.1.2 General findings concerning detection and prevention of risk at the borders

Children often use the services of different types of carriers when they cross borders. IATA and ICAO, the two main organisations dealing with the regulation of travel by air, have therefore developed measures to help safeguard the interests of the child when travelling by air.

The interviewee representing ICAO pointed out that safeguarding the interests of the child and preventing risk was one of the objectives behind the development of the one person-one passport principle. It was, among other things, a study from the UK-based Children’s Rights Development Unit which noted that “the lack of individual [travel] documents [for children] makes international child abduction much easier”. This observation led to the introduction by ICAO of the standard that “contracting States shall issue a separate passport to each person, including minor children.”⁹⁶ Since uniformity does not exist with regard to the definition of “minor child” across the contracting states, it was decided to not refer to any specific age in the standard, leaving it up to the national law of each individual State to decide what is meant by “minor child”.⁹⁷

IATA’s Control Authority’s Working Group developed general recommendations for control authorities⁹⁸ and airlines concerning best practices for minors.⁹⁹ IATA also developed an Interline Handling Procedure for Unaccompanied Minors¹⁰⁰. In preparing the recommendations for control authorities and airlines, IATA noted significant differences between the airlines’ definition of a minor (below 12 years for the purpose of fare structures) and the definition applied by the control authorities (below 18 years). It was felt that for the purpose of guidelines, 16 years would be a sensible age to recognise a person as a minor. The recommendations are aimed at increasing the awareness of both airlines and control authorities in order to make trafficking in human beings more difficult, to enhance the safety of minors travelling by air across borders and

⁹⁶ Facilitation Panel (FALP): Review of state practice regarding the inclusion of dependants in passports; FALP Second Meeting, Montreal, 11 to 15 January 1999; Agenda Item 3: Passenger identity documents, visas, and documentation of crew members; (Presented by the Secretary); FALP/2-WP/7, 25/11/98.

⁹⁷ Ibid.

⁹⁸ The “Control Authorities” comprise of the Immigration Departments (sometimes supplemented by the Civil Aviation and Border Police) of 21 countries.

⁹⁹ Recommended Best Practice for Minors, IATA/CAWG, 41st meeting, 16./17. May 2007, Tokyo.

¹⁰⁰ IATA: Passenger Services Conference Resolutions Manual. Recommended Practice 1753: Interline handling procedure for unaccompanied minors. 28th edition, June 2008.

to enhance cooperation between airlines and control authorities when dealing with minors. The recommendations are as follows:

“For control authorities:

- States should issue a separate passport to each person travelling regardless of age
- Improve the collection, collation and retention of statistical data on arriving minors
- Provide points of contact for carriers for advice on all visa, travel document and immigration issues relating to minors
- Provide front line staff with adequate and appropriate training in respect of specific issues relating to minors
- Introduction of specific visas for minors or special procedures for the issuing of visas to minors
- Consider enacting national legislation relating to parental permission for minors travelling across international borders
- Assist carriers in the handling of minors

For airlines:

- Provide points of contact for control authorities to facilitate information sharing relating to travelling minors without breaching data protection legislation
- Provide contact details of the parent/guardian of any unaccompanied minor with the Passenger Name Record (PNR)
- Establish clear procedures for handling unaccompanied minors, including interline, delay and disruption procedures, and reflected in training for both ground and cabin staff
- Comply with IATA Unaccompanied Minor recommended practice 1753
- Ensure that the IATA Unaccompanied Minor Handling Advice Form is properly completed and legible and contains a section to enable carriers to capture contact details of the person(s) seeing off and meeting the child
- Insist on seeing satisfactory identification from the person(s) bringing the minor to the port of departure or collecting at the port of arrival.”

Most of the points included in the IATA guidelines are largely supported by suggestions given by Frontex for improving the protection of children at border crossings. Both the findings of this study and the statements given by Frontex, however, show that many of the above mechanisms and recommendations for improvement have yet to be implemented at airports and other types of border crossings. Frontex particularly supported the idea of improving the collection of data and statistics on children crossing borders. They also spoke in favour of ensuring that there is a clear division of responsibilities and knowledge of whom to contact in which situations, both on the side of the control authorities and with the carriers' staff. Frontex also proposed devising some forms of joint trainings with both border guards and carriers' staff for them to learn how to work with each other. Since carriers' staff do not necessarily have specific training in handling and identification issues of children, the joint trainings could also serve as a way of "assisting carriers in the handling of children", as well as for carriers' staff to be trained on how to do ID checks of persons delivering and collecting children.

To this end, Missing Children Europe pointed out that they identified a need for stricter controls of the persons who pick up the child at his/her destination in some of their research, for example when the child has travelled and crossed the border using an airline's UM service. As also described by the airline representatives in the case studies, the person picking up the child must usually show his/her ID, which must match the information on the child's UM papers. The IATA Interline Handling Procedure for Unaccompanied Minors states that it is recommended that the person receiving the unaccompanied minor should confirm receipt of the minor by giving his/her signature, name and address.¹⁰¹ This procedure could be strengthened by cooperation between the control authorities and carriers and, as also mentioned by Frontex, more knowledge with the latter on how to do ID checks.

¹⁰¹ IATA: Passenger Services Conference Resolutions Manual. Recommended Practice 1753: Interline handling procedure for unaccompanied minors. 28th edition, June 2008. The IATA recommended practice states for example that an UM-service should be obligatory to all minors below the age of 12 travelling unaccompanied and that a model form developed by IATA be used.

Whilst these guidelines are only applicable to airlines and are also valid for children travelling alone within the Schengen area, the question is whether any additional requirements, such as obligatory registration of children travelling alone or unaccompanied minors-services in the style of airlines, could be imposed on other types of carriers for intra-Schengen traffic. The European Passengers' Federation was strongly against imposing such rules or requirements on carriers. Much of the intra-Schengen traffic is related to daily commuters, and they found that imposing any additional rules on authorisation for children to travel would impede the free movement principle.¹⁰²

Another point of view raised by Frontex was that, in their view, border guards must have better tools and a more solid legal mandate to carry out more thorough checks of children at the borders. According to Frontex, the existing instructions on border control of children in the Practical Handbook for Border Guards (Schengen Handbook) are too vague and not enough to lean on. It is important for the borders guards to have a clearer mandate and more specific guidelines for conducting controls of children. Holding children back at the border can be considered an interruption of their free movement and an intervention in the private sphere of families. Thus, it is important for border guards to have sufficient support and a solid basis to stand on so they are not relying on intuition and gut feeling, as this study has shown is often the case in relation to checks of children.

4.1.3 Prevention of abduction

Concerning international parental abductions, the Permanent Bureau of the Hague Conference on Private International Law, which administers the 1980 Hague Convention, conducted research on practices related to preventive measures of international child abductions. This was done following the belief that "to prevent child abductions from occurring is better than to have to seek a child's return following abduction".¹⁰³ The research showed that imposing a requirement for the consent of both parents for a child to leave the jurisdiction of a country could be an effective method for preventing parental abductions.

Very much in line with the findings of this study, the Hague Conference's research showed that in the countries (also outside the EU and Schengen area) where parental consent is required, the content and form of such a parental consent differ greatly. The Special Commission entrusted with the review of the operation of the 1980 Hague Child Abduction Convention thus asked the Permanent Bureau to develop a proposal for a non-binding and non-obligatory model travel consent form. The development work was done in informal cooperation with the International Civil Aviation Organisation (ICAO). Some of the main points from the proposal of the Permanent Bureau include:

- The consent would only be related to temporary travel and not for permanent removal of the child from the country's jurisdiction.
- The travel form should specify if the consent should be given for single journeys or for unlimited travel within a specific period of time.
- The form could not work as an overriding document to pre-existing "stop orders". The form could also not alter the attribution or existence of any rights of custody in relation to the child.

The Permanent Bureau mentioned a few limitations to the model travel consent form. For example, the authenticity of such a form would be difficult to verify for border guards or travel providers. This could create delays at the border crossing points. Furthermore, the differing legal requirements in countries may lead to travel consent forms that differ to some extent in contents

¹⁰² The views of the International Rail Transport Committee and the Eurocouncil of the Fédération Nationale de l'Automobile could unfortunately not be collected to assess this question, as both organisations declined interview requests.

¹⁰³ The Permanent Bureau of the Hague Conference on Private International Law: Note on the possible development of a model consent to travel form, Prel.Doc. No 15, January 2012.

and language, making it challenging for the border guards to know whether they contain all relevant information.¹⁰⁴

In order to get support for the development of a potential worldwide standardisation and harmonisation of such a document, the Permanent Bureau contacted ICAO, who previously worked with specifications for machine-readable travel documents (passports and visas). Based on this cooperation, it was concluded that it could be possible to develop a machine-readable "sticker" that could be affixed to the passport of the child. This sticker would include information on the person(s) with whom the child is permitted to travel, and/or whether the child is permitted to travel unaccompanied and, if so, for what period of time. As the sticker would be machine-readable, it would not face some of the problems of a standardised paper form, such as language difficulties.

It appears that further work on the model travel consent form has, at least for now, been put on hold.¹⁰⁵ However, the interviewee representing ICAO mentioned that, in his view, it could be feasible for ICAO to develop the model travel consent form further with the help of their technical assistance division, as they are best equipped to determine whether the proposed solution would be practically and technically feasible.

Missing Children Europe, which coordinates the 116000 hotline for missing children used in 18 European countries, stated that approximately 25-30% of the hotline's cases concern parental abductions. Missing Children Europe supports the idea of developing a harmonised parental authorisation form to be used in all the EU/AC countries.

From the point of view of the European Passenger's Federation, any additional authorisation forms would be a hindrance to the free movement of passengers. However, at the same time, they did not want to take a stand on whether such a document would be necessary from the point of view of child protection.

Along the lines of the IATA recommendation to "consider enacting national legislation relating to parental permission for minors travelling across international borders" (cf. above), Frontex, as opposed to the European Passengers' Federation, advocated *for* the introduction of a standard European form for parental consent for travelling children. Frontex pointed out, and thereby confirmed a finding of this study, that even in countries where there are no official requirements for presenting supporting documentation when children travel across borders, if the border guards sense a potential risk in a situation involving a child, such supporting documentation might be required to help clarify the situation in practice and in line with the provisions in the Schengen Borders Code. As a result, many parents do bring supporting documents (such as birth certificates) or draft non-official consents when their child is travelling with e.g., only one parent or alone. Moreover, in the countries that do have an official requirement, the formats and the specific requirements (e.g., relating to all children, only own nationals, or only TCN children) differ. To make it simpler for both travelling families and border guards, Frontex therefore proposed to have a harmonised EU form for parental consent. This form would be easy for border guards to recognise, would not require translation and would make it easier to detect forgery.

4.1.4 Prevention of trafficking in human beings

The main challenge with respect to the issue of child trafficking is that it is highly difficult to assess the number of children who are trafficked across the Schengen borders. This is confirmed by the Commission's "EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016"¹⁰⁶, which only discusses "estimates" of numbers of victims. Through this strategy, the

¹⁰⁴ The Permanent Bureau of the Hague Conference on Private International Law: Note on the possible development of a model consent to travel form, Prel.Doc. No 15, January 2012.

¹⁰⁵ The interviewees representing ICAO and the Hague Conference on Private International Law had differing views on why this is the case.

¹⁰⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016. COM (2012) 286 final, 19.6.2012.

Commission has proposed the development of an EU Transnational Referral Mechanism, which would link together national referral mechanisms in order to better identify, refer, protect and assist trafficked victims. This proposal is highly relevant in relation to the findings presented above concerning the need for improving the national coordination mechanisms at the borders. According to the strategy, the Member States have committed to establishing national referral mechanisms in the field of trafficking of human beings before the end of the year (2012).¹⁰⁷

Several EU and international level interviews confirmed the suspicion raised by the case studies that a portion of the children who end up being victims of trafficking in human beings actually cross the Schengen borders legally, and sometimes even accompanied by their parents. While very little concrete data is available to confirm this suspicion, the interviews with IOM, Frontex, Europol and Missing Children, together with some of the research available, support this notion¹⁰⁸. For example, the Mario-project found that many children, for example of Bulgarian nationality, who work on the streets in Greece are likely to have arrived in the country accompanied by an adult, possibly a parent or other family member.¹⁰⁹ This would have made it difficult for the border guards to intercept the children at the border (see also Box 20 below for more examples). Moreover, as was pointed out by the interviewees from both Europol and Frontex, it is often difficult for border guards to intervene if the child presents a valid passport and visa when attempting to cross the border. There must be clear indicators and a strong suspicion of trafficking in human beings, for example in the form of intelligence reports, before a border guard will take action of raising suspicions towards a child who is seemingly travelling with his/her legal guardian or with their permission.

Box 20: Experience and information gathered by the Swedish police on child trafficking where the children legally cross borders¹¹⁰

Examples of how children are legally trafficked across borders

"Human traffickers get in touch with poor parents in south-eastern European countries such as Romania and Bulgaria in order to buy or hire their children to be exploited for the purposes of begging or theft. A family with a lot of children will not always be paid for the child but will be content with someone else taking responsibility for the child. The children, often aged 10–14, do not attend school but are instead trained by the human traffickers, among others, to steal items in shops, carry out pickpocketing etc. The human traffickers exploit the children's low age in order to avoid punishment and registration in criminal records. It is not uncommon for them to also provide the children and themselves with various identities, which makes it difficult for the police to identify and map out this form of criminality.

The children may be taken from their home countries as part of a constellation resembling a family and consisting of an adult couple and two to three children. There are rarely more children in the group, probably in order to avoid attracting undue attention. The adults carry official documents showing that they are acting as guardians with permission to travel abroad with the child/children for an unspecified time. The group travels by car from country to country and from place to place in Europe, including Sweden, using the children for begging and theft. When a child is arrested, one of the people usually claims to be a relative or a guardian of the child and collects the child from the police or the social services."

This means that it is highly challenging for the border guards to actually identify children who are at risk of being trafficked when they cross the border. This finding was supported by the

¹⁰⁷ COM (2012) 286 final, p. 6.

¹⁰⁸ See for example: Child Focus, the Belgian Federal Judicial Police Airport and the King Baudouin Foundation: L'aéroport, un lieu sûr pour les mineurs voyageant seuls? Recherche exploratoire du risque de victimisation à Brussels Airport, 2007; Mario-project: <http://marioproject.org/statics/marios-about;> and <http://afp.google.com/article/ALeqM5h9hQLeuQl6NouTmnBn6tBHvVjttQ>.

¹⁰⁹ Invernizzi, Antonella: Vulnerability to exploitation and trafficking of Bulgarian children and adolescents in Greece. Mario project, 2011.

¹¹⁰ Swedish National Criminal Police, Intelligence section: Trafficking in human beings for sexual and other purposes. Situation report 9 – 1 January-31 December 2006. January 2009.

interviews with IOM, which revealed that there are very few children and adults who are identified as victims of trafficking in human beings at the borders. The reason for this is unknown, but it was the impression of one of the interviewees that as long as the official documents are in order, the border guards do not always focus on identifying victims of child trafficking. What should, however, be mentioned is that indicators of trafficking in human beings (such as peculiar behaviour in the child) do not always show at the border crossing, as the victims do not necessarily know that they are being trafficked when they cross the border.

This finding was supported by a UNICEF study, which stated that while victims of trafficking in human beings usually undergo psychological stress, they may not always show signs of harm when in contact with the authorities. "If signs of distress are absent, authorities may not recognise the child in question to be a victim of trafficking in human beings. Exploitative situations may cause severe psychological distress to some children, but may also be accepted by others as a harsh reality of life and as the only way to earn an income in the absence of safer or more viable alternatives. Children may also resist being assigned the status of a victim of trafficking particularly when [...] it may serve to limit their mobility and freedom of choice. Some children who are exploited in illegal activities may not consider themselves victims but simply children in trouble with the law."¹¹¹

This means that it is important for the border guards and other actors working at the borders to be well aware of the fact that children may still be at risk of being trafficked even if their papers are in order and they have parental authorisation.

Some work was previously done towards this purpose, for example during the Austrian Presidency of the Council in 2006, when the Austrian Federal Ministry of the Interior, together with IOM, developed a Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking.¹¹² The resource book provided guidelines and information for law enforcement officers on how to recognise children who are victims of trafficking in human beings. It was shared at the Council meeting and with the main EU level stakeholders (Europol, Cepol, Frontex, Eurojust), but the plans to organise a second phase, including training for the law enforcement officers, were not carried out. The interviewees representing Frontex pointed out that, while it is useful to collect and establish good practices, it is pivotal to ensure effective dissemination and follow-up with training. Border guards must also be provided with more concrete means of detecting victims of trafficking in human beings or other types of risks by establishing specific guidelines for conducting border checks of children.

The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 also discussed the need to improve the identification of victims of trafficking in human beings. In response to this need, the Commission is in the process of developing specific guidelines for consular services *and border guards* on the identification of victims of trafficking in human beings. This is very much in line with the recommendations by several stakeholders interviewed in this study, in particular by Frontex as presented above, for the need of more specific guidelines for detecting victims of trafficking in human beings.¹¹³

4.2 Stakeholders' views on the one person-one passport principle

The representatives of Frontex were in general positive concerning the introduction of the one person-one passport principle. However, they did raise concerns such as the fact that children's appearances change fast, making the picture on a passport outdated relatively quickly. In principle, the passports do not contain any biometric data for children under the age of 12¹¹⁴, which can still make it difficult for the border guard to ensure that the child attempting to cross the border is the same child in the passport presented at the border.

¹¹¹ UNICEF – Innocenti Research Centre: Child Trafficking in the Nordic Countries. Rethinking strategies and national responses, 2011, p. 7.

¹¹² International Organization for Migration and Austrian Federal Ministry of the Interior: Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking, 2006.

¹¹³ COM (2012) 286 final, p. 7.

¹¹⁴ Regulation 444/2009, Art. 1.

According to the interviewee representing ICAO, little feedback was received concerning the principle, which was introduced by ICAO as a standard to the 190 Contracting States in 1999. There are still some member countries of ICAO who do allow children to be included in their parents' passports. In the Bureau's view, the principle brought both more positive and more negative aspects. On the one hand, all children now have a passport of their own and can be more easily recognised, while on the other hand it is now not possible to link the child to who is allowed to travel with him/her. Similarly, having the children included in their parents' passports was not considered an ideal situation, as both parents could easily travel separately with the child without any questions concerning parental authorisation from the other parent. Finally, on both the positive and negative side, individual passports for children have opened up the possibility for people other than the parents to be able to travel with the child without additional questions. While this is in favour of the free movement aspect, it can also make it easier for people with evil intentions to travel with a child. With respect to the possibility of including additional information in children's passports (i.e. the names of the legal guardians), the interviewee representing ICAO raised the question of until what age would this practice be mandatory, as the definitions of a child differ between countries (on an international level, where there is no consensus as in the EU that children are below 18 years) and between authorities and carriers.

Of the other stakeholders, the European Passengers' Federation was very much in favour of the one person-one passport principle. This has made travel easier for the passengers and it is now easier and faster for the carriers to identify the passengers.

Missing Children Europe also welcomed the one person-one passport principle. They did however mention that additional security features could be included for travelling children. For example, a document similar to the Belgian KidsID, which is an ID for children up to the age of 12 and valid for three years at a time, could be introduced. The KidsID has enhanced security features, such as a chip and a central phone number to call in cases of emergency (this can be attached to the phone numbers identified by the legal guardians). The names of the parents or the persons holding parental authority over the child are also mentioned on the card.¹¹⁵

¹¹⁵ More information concerning the KidsID:

http://www.ibz.rrn.fgov.be/fileadmin/user_upload/CI/kidscard/1%20Presentation/Kids-ID-notice-explicative.pdf.

5. CONCLUSIONS

This study has examined the legislation and practices in 31 EU Member States and Schengen Associated Countries concerning the *requirements specific to minors, travelling alone or accompanied, legally entering or leaving the Member States/Schengen associated countries*. This has been done in order to find out whether there is a need for a common approach regarding the rules for the protection of children crossing the external borders of the Member States, while at the same time ensuring their freedom of movement.

Two main conclusions have been drawn in relation to the legislation and practices of the study countries in this respect, which are presented below. This is followed by an elaboration on the specific issues of child protection (including prevention of parental abductions and child trafficking) and of the one person-one passport principle. Conclusions concerning the impacts of current legislation and practices on free movement of persons are included within the scope of these two themes, where relevant.

1. Limited regulation

In the Schengen countries, the Schengen Borders Code¹¹⁶ specifies the rules for checking travelling children. Border guards shall accordingly pay particular attention to minors, whether travelling accompanied or alone, and they make sure minors do not leave the territory against the wishes of the person(s) having parental care over them. With respect to minors travelling alone, the border guards shall carry out thorough checks. These checks should cover the travel documents and supporting documents in order to ensure that the child does not leave the territory against the wishes of their legal guardian.

Apart from the Schengen Borders Code, very few concrete requirements exist in the form of national legislation or guidelines in the study countries concerning children travelling alone or accompanied. In addition to the Schengen Borders Code, the study countries mainly referred to the Community Code on Visas¹¹⁷ (for visa-obliged TCN children) and the requirements and rules of carriers. For example, only seven study countries have introduced specific legislation concerning children travelling alone across borders. These rules apply either for EU/AC nationals (four countries), TCNs (one country) or both (two countries). However, the study findings show that the Schengen Borders Code and its Handbook is not considered specific enough by several actors. While the Schengen Borders Code grants border guards the permission to carry out further investigations in order to detect any inconsistencies or contradictions in the information given, should there be serious grounds for suspicion¹¹⁸, its Handbook does not elaborate on what is meant by "serious grounds for suspicion" or "further investigation". This was considered, in particular by Frontex, an important gap in the current regulations available in the field.

Moreover, the regulations by carriers concerning travelling children vary greatly. In general, carriers only pay specific attention to children travelling alone. For example, children travelling with only one parent receive very little attention. Children travelling alone by air seem the most protected; the airlines usually follow IATA's guidelines on handling children travelling alone, and most airlines have in place so-called unaccompanied minors services. Border crossings of children travelling alone at sea and land with ferries, coach services and railways are regulated by more diversified and vague procedures. For example, the definition various carriers use of a minor spans from 12 to 20 years. Across the board, awareness by carriers concerning travelling children and the possible risks related to them seems very low. Some gaps were also identified in the airlines' UM services, for example concerning the way the person sending or receiving the child at destination is checked.

As mentioned above, relatively little is regulated in the EU/AC countries concerning children who legally cross borders. It therefore seems that the principle of free movement of children is

¹¹⁶ Regulation (EC) No 562/2006 Annex VII, Section 6.

¹¹⁷ Regulation (EC) No 810/2009.

¹¹⁸ Regulation (EC) No 562/2006 Annex VII, Section 6.

strongly supported in the study countries, as extensive regulations, such as additional requirements for children travelling unaccompanied could potentially hinder the freedom of movement. Needless to say, due to the abolishment of controls at internal borders, checks are not carried out when children travel within the Schengen area.

2. Similar practices

The case studies in particular showed that, despite the limited regulation or harmonisation of the area, the practices employed by the border guards with respect to border controls of children are relatively similar in the study countries. In most cases, it was found no further checks are carried out if when the passport and/or visa of the travelling child are in order and the other entry conditions are fulfilled. There are rarely checklists or guidelines for border guards to go through when a child comes to the border. It is very much individual assessments of the situation and the interaction between the border guard and child that determine whether or not the border guard's suspicions are raised. In general, the border guards agreed that the following factors could potentially raise their suspicion, or at least induce them to routinely, follow up the passport check with a few inquiries:

- i) if the child and the accompanying adult have different surnames;
- ii) if the child and accompanying adult have dissimilar appearance;
- iii) the behaviour of the child and/or the interaction between the child and a potential accompanying adult seems unusual;
- iv) the child and accompanying adult do not speak the same language;
- v) based on the country of departure or destination, e.g. countries associated with known trafficking routes.

The identification of situations where children may be at risk is thus largely based on the individual encounter between the border guard and the travelling child.

The interviews with border guards showed that **the safety of the child usually seems to prevail over freedom of movement**, as any cases raising the slightest suspicion are usually taken to a more specific control. However, few statistics are collected in the study countries concerning children detected to be at risk at the borders (or on border-crossings of children in general), which is why no "hard data" exists to show the extent of the issue. Furthermore, Frontex and Europol raised concerns about the relatively high threshold before a border guard will indicate suspicions for some reason toward what may be a seemingly legal border crossing of a child with his/her parent(s). In the view of Frontex, this could be remedied with more stringent guidelines for the border guards to base their decision on. Some concerns were also raised with regard to the possibility for children to use the automated border control systems in some countries. In practice, the automated border controls limit the border guards' possibilities of detecting risks and safeguarding children at the border, as the border control is reduced to a simple document check without much room for follow-up enquiries or individual assessments.

The practices employed by the border guards seem to be based on a mixture of professional training, guidelines, experience and common sense. While border guards in most of the study countries received some training in safeguarding children, the interviews with border guards revealed relatively little attention was paid to the topic (with the exception of some countries). The situations faced by the border guards are often hard to catch in formal rules and procedures. It was the view of several interviewed border guards and stakeholders that there is a clear need for elaborating training in recognising typical or less typical situations. However, specific training programmes do exist in some of the case study countries. For example, the UK stands out because child specific training is a part of basic training for the border guards, and it offers additional specialisation for selected members of the Border Force staff.

Similar practices are generally in place from one study country to another, but there is one aspect, related to the degree of cooperation with carriers, where the practices of the border guards differ between the countries.. While active and formalised cooperation exists between the carriers and the border guards in some study countries, for example in detecting suspicious situations, this is by far not always the case. The study findings show that at borders with good cooperation between the carriers and the border guards, there can be a better chance of detecting children at risk, as suspicious situations detected by check-in personnel are always

referred to the border guards. Similarly, for travel inside the Schengen area, the carriers are often the only ones who see the child. However, the case studies pointed out that check-in personnel often do not have training related to dealing with children or detecting situations where children may be at risk. Moreover, the remote and automated check-in procedures have led to a situation where travellers are often not even seen by check-in personnel.

Both the synthesis of legislation and the case studies show that there are very few differences in the practices applied to EU/AC nationals, own citizens of the country, or TCN children. Where differences exist, they are often not specific to children, but would apply to both adults and children. Some exceptions do exist, in particular with respect to the need for parental authorisation for children travelling unaccompanied (some Member States require this from EU/AC nationals, others only from their own citizens, and yet others from TCN children only) and with respect to the attention paid to specific countries of origin or destination that are known trafficking routes. The differences are however so rare and small that it can in general be concluded that the legislation and procedures at the border do not differ depending on the nationality of the child.

5.1 Conclusions concerning child protection

As mentioned above, the factors raising the suspicion of the border guards and inducing further checks of children are often highly dependent on each specific situation. There are, however, concrete alerts in place that can arouse the border guards' attention and lead to further action. As passports are machine-readable and all EU/AC children shall have their own individual passport, specific alerts may pop up when the passport is scanned by the border guard. The study countries reported that no important differences exist between the processes to receive information on **children who have been reported missing or abducted**. Apart from having the national databases at their use, the Schengen countries all refer to the SIS as their main source of information on children who are suspected to be at risk at the border. The SIS provides the border guards with information on whether the child has been reported missing or whether any alerts exist on the accompanying adult. In such cases, they can contact the SIRENE bureaux in the child's country of origin (with respect to EU/AC children). Moreover, the border guards can:

- Contact **the national contact points for minors (Annex 37 of the Border Guards Handbook)**.
- Check the (non-child specific) **Europol and INTERPOL databases**, which contain information on criminals, missing persons and victims of child exploitation (in the case of TCN children), as well as contact the airport of departure or relevant authorities in the child's home country (such as embassies).
- Contact the designated **Hague Convention contact points** in the signatory states when children are suspected (or confirmed) of being victims of parental abduction and are nationals of a Hague Convention signatory state.

Some study countries provide the example that national databases will also alert the authorities if an airplane ticket is purchased with the name of the child who has been reported missing/abducted. In other countries, it was reported that it is not possible to link the authorities' information systems to those of carriers.

It can also be concluded that when the border guards do identify a possible situation of risk, their procedures and knowledge of available national coordination mechanisms seem to differ from one study country to another. There are study countries (such as the UK) where clear national coordination mechanisms exist. The case studies showed that the border guards usually know what to do in different situations, but in times of particular pressure (i.e., detection of a situation of risk during early or late hours) it can be difficult to always follow the established procedures. It is also not always clear when a need exists to involve other actors in cases concerning children.

On the basis of the EU and international level interviews, it can be concluded that there is a need for guidelines on procedures, best practices, possible difficulties and available tools and support for the objective of safeguarding the interest of the child in the whole process, from when s/he is moved to a second line check to when the decision is taken to either let the child travel or to hold

him/her back. An interesting practice from the UK that could perhaps serve as an inspiration was a daily log on Children and Young Persons that documents all referrals to the social services. There were also different checklists to be completed by the Duty Officer in addition to a National Referral Mechanism form for potential victims of child trafficking. In this regard an important initiative is included in the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, namely the development of guidelines on child protection systems in 2014.¹¹⁹

5.1.1 Conclusions concerning the prevention of abductions

One common measure for safeguarding children travelling across borders is the requirement for parental consent. In most study countries, parental consent is established through the requirement for parental authorisation in the application for a child's passport. Twenty of the 31 study countries mentioned that supporting documents providing parental authorisation are required in order to apply for a passport. It differs from one Member State to another whether this authorisation can be submitted in writing or whether one or more parents must be present when applying for the passport.

For visa-obliged TCN children entering a Schengen country, a similar principle applies where parental authorisation shall be submitted to obtain the visa. Therefore, border guards generally assume that the parents of a child holding a passport (and Schengen visa, when necessary) have consented to the child's travel. This also means that no such safeguards exist for TCNs who do not need a visa to enter the Schengen area.

Several study countries have additional requirements for the children and/or accompanying adults to carry a parental authorisation/consent letter for the child to leave the country. There are differences in the approaches of the study countries about whether such a document is required from all passengers, only from EU/AC nationals, only from TCNs, or only of their own citizens. Seven study countries have such requirements in place for either EU/AC nationals (IT, PL, PT) or own nationals of the country (BG, LT, LV, RO); and seven study countries have requirements in place for TCN children (BE, CY, ES, FR, LV, MT, PT). While some of the study countries require only one parent/guardian to sign off on the parental authorisation, other study countries require the authorisation of both parents/guardians. The requirements concerning whether or not the document must be notarised also differ among study countries (nine study countries require them to be notarised). The majority of the study countries do not require a parental authorisation/consent letter by law, but instead reserve the right to ask for it in practice, as also indicated in the Schengen Borders Code (18 study countries). The approaches also differ concerning requirements to show such documentation upon entry or exit. The case studies showed that the differences in requirements have sometimes led to situations where a child has not been able to enter the country due to lacking parental authorisation.

A more concrete development in the field of parental authorisation forms has come from the Permanent Bureau of the 1980 Hague Convention on International Child Abductions. Together with actors on the child protection side and with the ICAO, the bureau has been working on developing a model travel consent form that will provide a harmonised procedure/tool for establishing parental authorisation for children travelling. Their proposal consists of the inclusion of a machine-readable sticker in children's passports, containing information of the persons who are allowed to travel together with the child.

On the basis of the study it is not possible to conclude whether children are better protected in the countries where parental authorisation forms are in use. Most border guards pointed out that parental authorisation forms are easy to forge, and as the models differ from one country to another, what is considered a valid authorisation in one study country may not be so in another country. Some practitioners consider the authorisation an unnecessary additional complication of the procedure, in particular since parental authorisation is required to obtain a passport. There are however several stakeholders who speak for the development of a standardised parental consent form for travels in and out of the Schengen area (Frontex) or internationally (ICAO).

¹¹⁹ COM (2012) 286 final, p. 7.

Finally, another method for ensuring that the child is travelling with the right authority from his/her legal guardians includes checking custody arrangements at the border. The study shows, however, that in many countries information on custody arrangements is relatively difficult to obtain for the border guards, in particular at a short notice. While border guards in some of the study countries have direct access to national databases or population registers, in other countries they would need to go through municipalities and local courts to obtain the information. It was mentioned in several of the case studies by interviewed border guards that access to custody information at the border would be highly useful, as it would facilitate and make the border crossing faster in certain, complicated cases.

5.1.2 Conclusions concerning prevention of trafficking in human beings

The study shows that very little information exists on persons who are trafficked in and out of the Schengen area. The study findings indicate that the validity of the travel documents and even of the supporting documents, such as parental authorisation forms, is not a guarantee that the child is travelling safely. This could be why very few children (and adults) are identified as victims of trafficking in human beings at the borders. Overall, it also seems that there is very little focus among the border guards on the issue of child trafficking, whereas the issue is more in focus at the EU and international level. It should however also be emphasised that the fight against trafficking in human beings and identification of potential victims should not fall only on the border guards, but must be a coordinated effort of many actors, such as the police, child protection authorities and civil society.

As the more traditional methods of documentation checks do not seem to cover the situations where children are at risk of being trafficked, it was the view of several interviewees that it is highly important for all actors involved to have knowledge about the indicators on victims of trafficking in human beings in order to recognise the characteristics of children at risk of being trafficked, and so they know how to act in such a situation. It can be concluded that relatively little can be done by the border guards since potential victims of trafficking in human beings do not always know that they are in a situation of risk; they may think they are travelling to another country to work in a legitimate business. This is why several stakeholders pointed out the importance of ensuring that the border guards receive enough training on this topic and are able to channel the children who may be at risk to the relevant child protection services as early as possible. As mentioned above, while some border guards receive training on the topic of safeguarding children, the majority of study countries do not offer much training with regards to trafficking in human beings. To this end it is highly relevant to emphasise the Commission-funded project that is currently developing guidelines for consular services and border guards to better identify victims of trafficking in human beings. This project takes into account the European Commission and ILO's list of indicators on trafficking in human beings from 2009, and could be used as a basis of guidelines for border guards.¹²⁰ Some work has also been previously done in this field by the Austrian authorities and IOM, who have developed a Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking. However, this resource book does not seem to be well-known, as none of the interviewed stakeholders or border guards referred to it during the interviews.

5.1.3 Conclusions concerning accessibility of travel information

The **accessibility of travel information** was also addressed by the study. While information on passport and visa requirements is readily available to all travellers in several languages, it seems to be difficult for travellers to find concrete information about any other requirements, especially concerning supporting documentation such as parental authorisation for relevant countries. The information is often only available in the language of the country, and where it does exist, it is difficult to locate or is even contradictory to other sources of information. Apart from a publicly available database developed by IATA, including information on travel document requirements for most countries, no general databases that collect information on legal and practical requirements for travel and supporting documents could be found.

¹²⁰ The Commission project is introduced in COM(2012) 286 final and the indicators can be found here: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105023.pdf.

It can be concluded that since the requirements concerning parental authorisations are so diversified between the countries and little information on these requirements is available to travellers, the study countries with legal requirements for parental authorisation can be considered restrictive in terms of the free movement of persons.

5.2 Conclusions concerning the one person-one passport principle

The study showed that **the one person-one passport principle** was welcomed by all interviewees. It was considered by most that the one person-one passport principle has made travel safer for children and the border crossings faster, insofar as it is now possible for the border guards to actually identify the child as being the person on the passport. This was previously not possible if the child was inscribed in his/her parent's passport.

Several Member States had already phased out the family passport before the 26 June 2012 deadline for all new passports. Thus, the end of the transitional period meant in many study countries that only those passports with inscribed children that had been issued before the phasing-out began became invalid on 26 June 2012. The case studies indicated no challenges in this regard.

Some border guards did point out that it had become somewhat more challenging to link a travelling child to his/her parent, in particular when they do not share the same surname. The idea of including information on the child's legal guardian(s) in the child's passport was broadly supported among the interviewees.

According to the study findings, the introduction of the one person-one passport principle has led to EU/AC children being better protected when crossing borders. This is why it can be discussed whether it would be relevant to introduce a requirement for TCN children to also carry an individual passport when entering/exiting the EU/EEA countries. What the study has shown is that the Schengen visas seem to provide similar "protection" as the one person-one passport principle to TCN children who are visa nationals, as the Schengen visa will always contain an up-to-date picture of the child, even though the child is included in the passport of his/her parent. This "protection" does, however, not extend to children who are non-visa nationals. Here it is relevant to point out that the one person-one passport principle is partly based on the ICAO standard for the ICAO contracting states to issue separate passports to each person, including children. The ICAO contracting states comprise 190 countries of the world, and while there are still some countries that have not introduced the ICAO standard of individual passports, it can be concluded that the added value of an EU requirement of individual passports for all TCN children entering existing EU/EEA countries would be limited.

6. RECOMMENDATIONS

On the basis of the findings of the study presented above, one could potentially move towards 1) more harmonised requirements or 2) more harmonised practices. The harmonised requirements (section 6.1) contain recommendations for "hard" measures, meaning changes to legislation, establishing obligations on border guards and travellers, whereas the recommendations mentioned under harmonised practices (section 6.2) are "softer" measures, such as guidelines and awareness-raising.

6.1 Harmonised requirements

The study has shown that while most of the study countries do not have specific requirements for children travelling alone or accompanied across external EU/Schengen borders, apart from the Schengen Borders Code, some countries and most carriers have such requirements or rules, albeit with many differences and variations. Thus, one objective of harmonising some of the requirements is to facilitate the life of travellers and support their free movement. On the other hand, in countries where no requirements exist, the introduction of new ones may induce an administrative/bureaucratic burden. The different options for new/harmonised requirements should therefore offer a significant improvement of the protection of travelling children, which can be considered proportional to the induced limitations on children's free movement.

6.1.1 Introduction and harmonisation of parental authorisation form

In terms of child-specific requirements in the study countries, these mainly concern documentation for parental authorisation that has different standards: seven study countries have requirements for parental authorisation in place either for EU/AC nationals (IT, PL, PT) or own nationals of the country (BG, LT, LV, RO); and seven study countries have requirements in place for TCN children (BE, CY, ES, FR, LV, MT, PT). In some countries, notarisation and translation of parental authorisation or other supporting documentation are required. In other study countries, the requirements are less strict/different, or do not exist. In view of this, there are three possible ways, each with pros and cons, to tackle this issue:

1. **Harmonisation of the requirements by introducing an EU/Schengen standard parental consent form**, required by children to carry if they cross EU/Schengen external borders in any Member State.
2. **Harmonisation through a removal of the existing requirements for parental consent forms** in the countries where they exist.
3. Maintenance of the **status quo** and acceptance of many different requirements, leaving it up to the countries to decide for themselves whether or not they wish to require parental consent for travelling children.

The harmonisation of standards would make it easier for EU citizens to know what is required in terms of supporting documents. If an EU/Schengen standard form was developed, it would also mean that travellers could be sure to obtain valid supporting documents in their home countries.

On the basis of the study, it is not possible to conclude whether children are better protected in the countries where parental authorisation forms are in use. Most border guards pointed out that parental authorisation forms are easy to forge. In order to develop a secure parental authorisation form, safeguards, such as notarisation and standardised formats would be needed, but according to most interviewees these were considered more of a hindrance than a safeguard for children to travel. Furthermore, a requirement for a parental consent form could potentially create difficulties for parents with joint custody who do not cooperate with each other, but wish to travel with their child. In the view of Frontex, an EU-wide parental authorisation form would facilitate the work of the border guards and provide them with an additional tool to ensure the safety of children crossing borders.

To determine whether parental consent forms are an effective tool for preventing abduction and/or child trafficking would require better monitoring of children crossing borders, including statistics of the numbers of trafficking/abduction cases detected at the border crossing points. This would enable an indication to be established of whether parental consent forms have any positive effect on the protection of children in the countries where it is required. Currently very little data and statistics are available, which is why it is recommended that, in line with IATA recommendations and the views of Frontex, the collection of data and statistics on children crossing borders be improved.

If the decision is to introduce harmonised requirements for parental consent, a specific **recommendation** that can be made on the basis of this study would be to look towards the ideas by the Permanent Bureau of the Hague Conference on Private International Law for a **model travel consent form** in the form of a machine-readable "sticker". These ideas were presented in chapter 4 on findings from EU/international stakeholders. At this point in time, it is unclear where the matter has landed and what will happen to the idea. Nevertheless, if it is considered worthwhile to continue with the idea of the introduction of a harmonised parental consent form, in this case, looking into the ideas for an international model consent form could be relevant. The added value for families would be much larger if the harmonisation were to be international rather than only European.

6.1.2 Including information on legal guardians in passports of children

The initiative for this study was originally partly taken because an idea emerged during the discussions on the Passport Regulation regarding whether the inclusion of the name(s) of the legal guardian(s) in the passports of children would provide an added value. The idea was that this would make it easier for border guards to establish whether a child is travelling with his/her legal guardian(s), and to know who to contact in case of suspicion when a child is travelling alone or accompanied by only one parent.

The **added value** of such an initiative would be that:

- It could potentially make border checks easier (for both travellers and guards), especially in cases where a parent and child travelling together have different surnames. With the introduction of the one person–one passport principle, it has become more difficult for border guards to link children and their accompanying parents/legal guardian(s) (or verify that and how they are linked), since they are no longer inscribed in the same passport. Including the names of the parent(s)/legal guardian(s) in children's passports could help overcome this issue.

On **the negative side**, the arguments against the inclusion of parents'/legal guardians' names in children's passports would be that:

- Such an initiative may in fact induce a need for further documentation when adults, other than the parents/legal guardians inscribed in the passport travel with the child. In practice, this could mean that grandparents, godparents or other adults travelling with a child would always need to bring some kind of documentation of the parental consent from the persons listed in the child's passport, even for travelling in countries where this is not a requirement.
- The initiative would result in additional administrative burdens (smaller or larger) for some travellers. Besides the added requirement, in practice there can be administrative burdens related to the fact that the children's passports would have to be renewed if custody relations change, parents change their names (e.g. if re-marrying), etc. This could be seen to some extent as an obstacle to free movement.

This being said, the added administrative burden can be considered a very small inconvenience compared to the potential gains: detection of children at risk at the borders. It should also be mentioned that the names of the legal guardians should be only considered a "facilitator", i.e. the child does not have to be travelling with the person(s) whose names are inscribed in their passport. The information is meant to facilitate the work of border guards by providing the names of persons to contact in case of suspicion.

If it is decided to move on with the idea, it is **recommended** to look into whether the contact information of parent(s)/legal guardian(s) and/or parental authority could be included in the contactless chip of the passports, while recognising that carriers would not be able to access this information. As the countries have different ways of dealing with family feuds and custody battles (legally and practically), some room should be left for the countries to implement the provision according to the national legislation – while of course making sure that the information provided is meaningful and useful to border guards elsewhere.

The issue is, however, that there is not sufficient evidence to support or undermine the notion that this could potentially help identify victims of trafficking in human beings and/or abduction. In any case, nothing prevents the Member States from introducing the inclusion of parents/legal guardian names in children's passports, yet none of them have made such a decision. This can also be taken into account while exploring this option further.

6.1.3 Developing the one person-one passport principle further

The study has shown that while the one person-one passport principle is considered to have improved the safety of EU/AC children travelling alone or accompanied by one parent/another adult who is not their parent, some concerns still exist with this respect. First, a child's appearance changes rapidly, especially during the first years of his/her life, which means that a picture in a five or ten-year passport gets outdated relatively quickly. It is thus recommended to examine whether there would be an easy way for the parents to submit an updated picture of a child to the authorities, and thus to "update" the passport without having to apply for a completely new passport.

Although the one person-one passport principle is only valid for EU/AC children, the study has concluded that the remaining safeguards (for example in the form of a Schengen visa with an up-to-date picture or standards introduced by ICAO) valid for TCN children travelling to and from the EU/EEA countries seem to provide a similar protection for non-EU/AC children. This is why it is not recommended to begin developing plans to extend the one person-one passport principle to TCNs entering the EU/EEA countries.

6.2 Harmonised practices

The study has concluded that the issue of safeguarding children travelling legally across the Schengen borders is not emphasised to a high extent among the border guards or other stakeholders in the EU Member States and Schengen associated countries. The study has also shown that even if other procedural safeguards, such as travel documents and parental authorisation forms, are in order and being used, there is still a risk for children crossing borders to be at risk of being trafficked or abducted. These findings speak in favour of more support for the border guards and other stakeholders active at the Schengen borders to help them recognise indicators of child trafficking or parental abductions, even in cases where the legal documents are in order. Such measures could potentially increase the safety of children travelling legally and would, at least theoretically, only lead to limited and proportional hindrances for free movement in the form of more thorough checks of children.

6.2.1 Guidelines and training to border guards in recognising situations where children are at risk

The Schengen Borders Code and its Handbook provides limited guidance on how to deal with children legally crossing borders, but at the same time the study has shown that it would be difficult to capture the situations faced by the border guards in formal rules and procedures. However, according to Frontex, there is a need for more specific guidance to the border guards concerning when it can be justifiable for border guards to request additional information, such as supporting documentation from a child and/or the accompanying adult(s). Given a wide variety of cases involving border checks on children, it may be impossible to classify into a legislative act when it can be, for example, justifiable for border guards to request supporting documents from a child and/or the accompanying adult(s). Nonetheless, it seems that there is indeed a need to look at the alternative ways of providing further guidance to the border guards, be it guidelines,

training or other means to help in the checks on minors, emphasising the need to respect the best interests of the child. The Commission project to develop specific guidelines for consular services and border guards on the identification of victims of trafficking in human beings could be helpful in this respect, especially if it provides specific guidance on border checks of children.

While acknowledging that some progress has been made in recent years in training border guards for situations of parental abductions and child trafficking, such as through the Common Core Curriculum developed by Frontex, it is our assessment that **more emphasis on the topic** would increase the vigilance among the border guards and potentially contribute to combating child trafficking and abductions of children. This could be done by ensuring that the basic training of the border guards contains specific modules of border checks of children, and an increased emphasis on the topic in any further training available to the border guards. Training can however only be provided on the basis of standard operating procedures, which means that it is first necessary to develop more detailed guidelines before additional training modules can be created. It is recommended to actively involve Frontex in the future development of training modules concerning border checks of children.

6.2.2 Introducing clear national coordination mechanisms that are well-known and understood by all relevant actors

The improvement in the border guards' ability to recognise suspicious situations should be supported by concrete information on the steps to be taken once a child has been identified as at risk. Ad hoc mechanisms exist at least in most Member States about who the border guards could or should contact and in which situation, but often problems were identified in terms of following these mechanisms, such as during odd hours. The study has shown that, in particular in the UK, the existence of **a concrete national coordination mechanism** was considered very helpful. It should be recommended that the Member States ensure that official national coordination mechanisms exist (in the form of national guidelines, circulars) at all Schengen external borders.¹²¹

The main aim of such a mechanism would be to provide a clear idea to the border guards on who to contact in what situation, and to define the responsibilities between the different actors. The coordination mechanism should pay particular attention to the difficulties faced by the border guards in balancing the protection of the interests of the child and the potential hindrance to their free movement and onward journey. The work done in order to develop national referral mechanisms in the field of trafficking in human beings could be used as inspiration for the development of national coordination mechanisms, although it should be recognised that the actors relevant in the field of child protection are in many cases not the same as in the field of trafficking in human beings, especially when the trafficking concerns adults.

6.2.3 Awareness-raising to carriers and check-in personnel

The study has shown that **the active cooperation between the border guards and the carriers** or check-in personnel is key in identifying children at risk. Keeping in mind that the carriers do not have the official responsibility to look for suspicious situations involving children¹²², the Member States could be encouraged to initiate awareness-raising campaigns among the carriers and their personnel working at check-in desks. The awareness-raising measures could increase the chances of identifying children at risk already before they cross the Schengen border. This would also be highly relevant in terms of travel within the Schengen area, where carriers are often the only external actors who see the child who is travelling.

Such measures are only useful if there is active cooperation between the carriers and the border guards, and if the carriers are willing to communicate their findings and observations to the

¹²¹ It is the understanding of the study team that the Commission has requested the Member States to develop national referral mechanisms in the field of human trafficking by the end of 2013. It could hence be relevant to look at whether these national referral mechanisms could serve as model or inspiration.

¹²² Carriers are liable for any irregular TCNs they are transporting, as per Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985.

border guards. This already happens in many European airports, and the recommendation is in line with the IATA/CAWG recommendations for cooperation between airlines and control authorities, which for example recommend that airlines provide points of contact for control authorities to facilitate information sharing relating to travelling children without breaching data protection legislation.¹²³

6.3 Other possible measures

Apart from harmonised requirements and harmonised practices, the study has identified two additional gaps. Firstly, the study shows that border guards do not always have **access to the custody information** of the child in case of suspicion. Recognising that in the vast majority of cases, both parents have custody rights of their child(ren) and that access to custody information is to a high extent a matter of national authority, it is recommended that the Member States look into the possibility of ensuring smooth access for the border guards to such information (if possible on a 24/7 basis). This would help in the swift solution of unclear situations at the border, and if all border guards had access to such information in their own country, the national contact points for minors (Annex 37 of the Border Guards Handbook) could be utilised more effectively in sharing such information to the border guards in another country.

Secondly, the study conclusions clearly show that it is difficult for travellers to find information on the requirements and practices applied by the study countries for children travelling, and that there is a need for a centralised source for such information. If, in the end, it is decided not to introduce harmonised requirements, it is at least recommended to introduce (or support the development of) **a platform or database** similar to the EU Immigration Portal. Here the Member States could supply information on both legal requirements and recommended good practices for the kind of documentation required from children when travelling alone or accompanied by one adult. This would avoid unclear situations and facilitate more efficient border checks, in the name of free movement. This could be a public database providing open information to all travellers and would be available in the official languages of the EU.

¹²³ Recommended Best Practice for Minors, IATA/CAWG, 41st meeting, 16./17. May 2007, Tokyo.

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