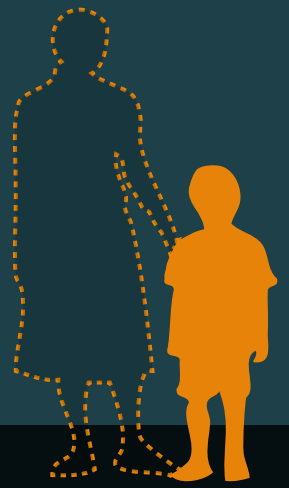
UNACCOMPANIED MINORS IN THE EU



> *I have not seen my family since I was 7 years old. My brother found me through the Red Cross, but he couldn't find the rest of my family.*
> *(Boy, 17, UK)*

> *Learning is important! My father was teacher in Afghanistan and was killed by Taliban because he did not stop teaching [...].*
> *(Boy, 14, Austria)*

> *I do not know what is a legal guardian. Do I have one?*
> *(Girl, 17, Austria)*

> *Aunt [social worker] is the most important person for me. She is like my mum.*
> *(Girl, 16, Poland)*

> *[...] everyone thinks we lie about our age.*
> *(Boy, 17, Spain)*

> *Reunification with my family here would be the most beautiful thing in the whole world.*
> *(Boy, 17, Austria)*

AN UNACCOMPANIED MINOR IS...

a non-EU national or stateless person below the age of 18 who arrives on the territory of the EU States unaccompanied by an adult responsible for him/her, and for as long as s/he is not effectively taken into the care of such a person, including a minor who is left unaccompanied after s/he has entered the territory of the EU States.
(Asylum acquis, e.g. Qualification Directive)

WHY DO UNACCOMPANIED MINORS COME TO THE EU?

- to escape from wars and conflicts, poverty or natural catastrophes, discrimination or persecution or serious harm, i.e. international protection (asylum);
- in the expectation of a better life, following economic and aspirational reasons;
- to join family members;
- as victims of trafficking in human beings destined for exploitation, such as sexual exploitation and forced labour or services.

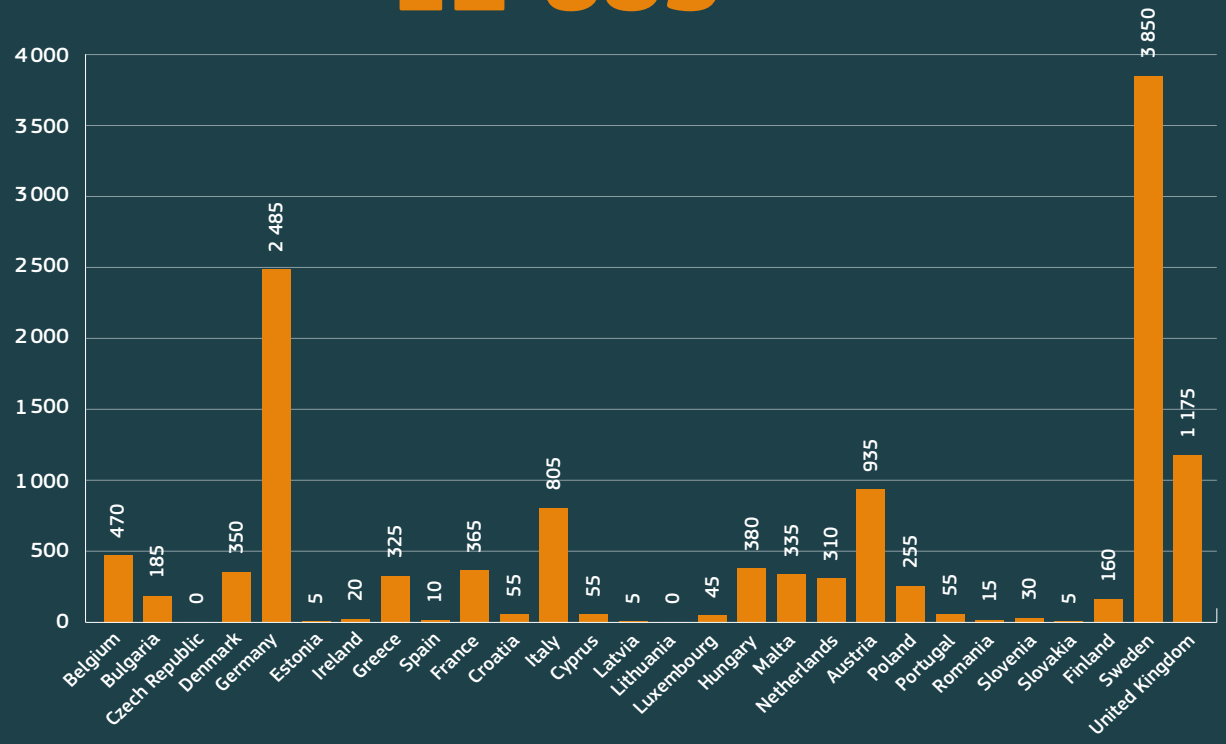
Year: 2010
Source: EU Agency for Fundamental Rights

FEW FIGURES ON UNACCOMPANIED MINORS

Exact numbers are difficult to provide; the following data only concerns cases processed by national administrations.

Asylum applications submitted by unaccompanied minors

12 685



Year: 2013
Source: Eurostat

Gender

Boys:
10 600

Girls:
2 080

Age

Less than 14 years:
1 285

Unknown:
130

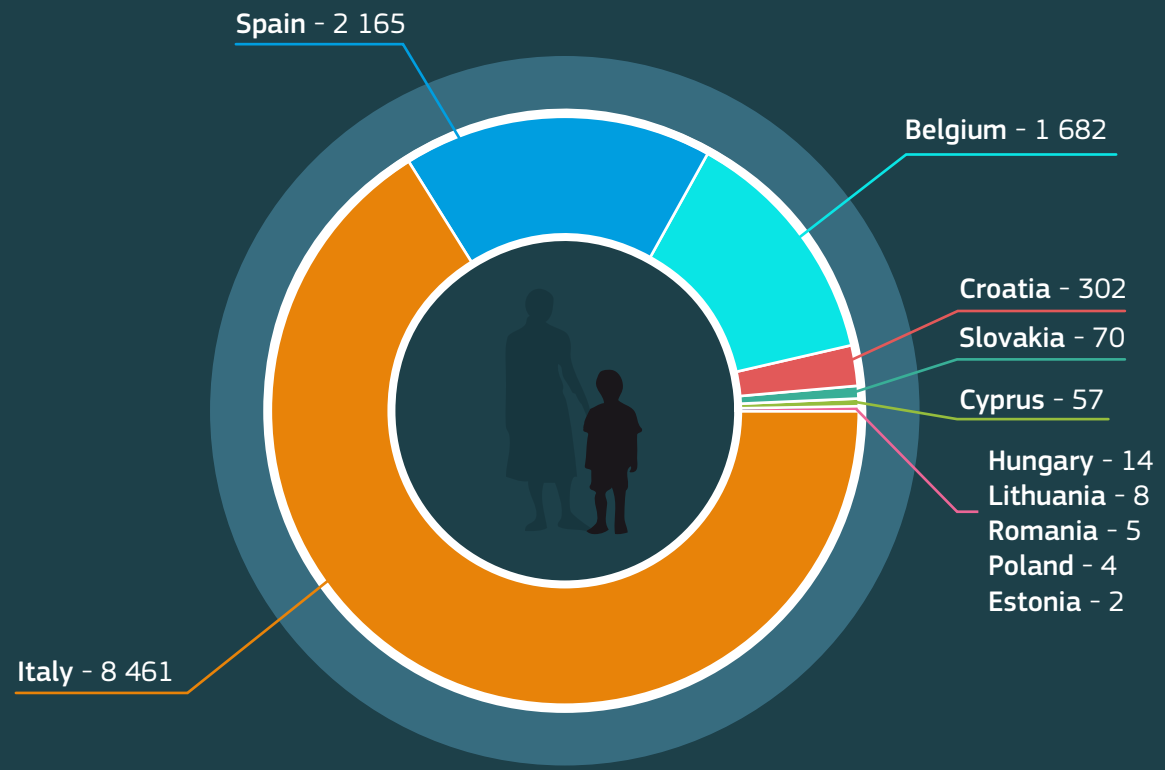
Countries of origin of unaccompanied minors applying for asylum

(countries of more than 100 applicants)

Year: 2013
Source: Eurostat

Number of recognised unaccompanied minors not applying for asylum

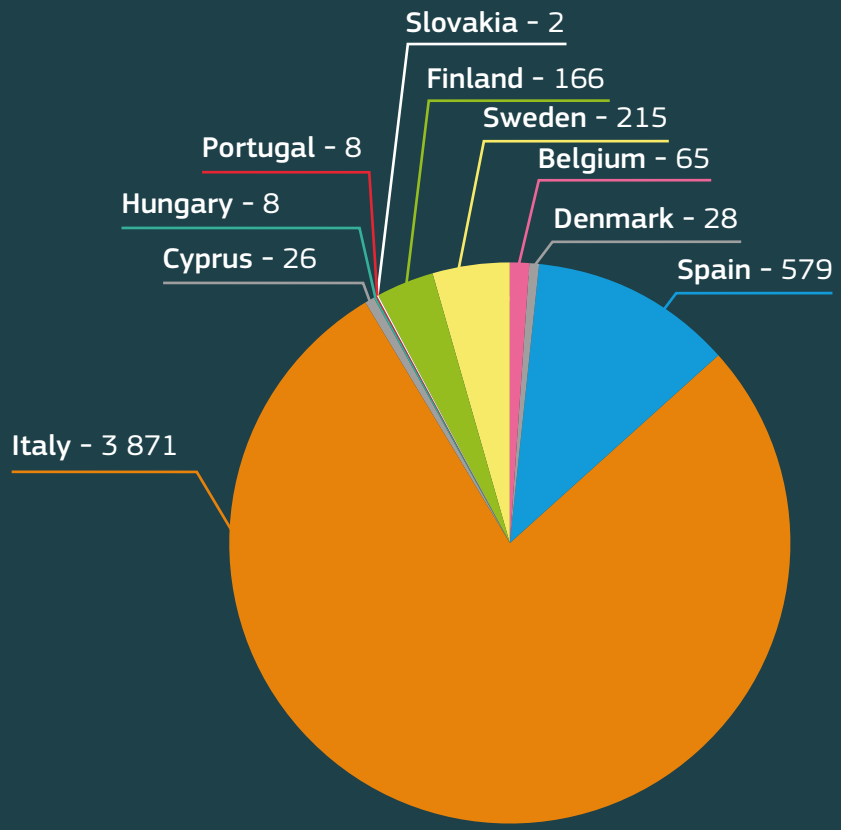
12 770



Year: 2013
Source: European Migration Network National Contact Points

Residence permits issued to unaccompanied minors

4 968



Year: 2012
Source: Eurostat

EU LEGISLATION CONCERNING UNACCOMPANIED MINORS

EU legislation on asylum, immigration and trafficking in human beings include specific provisions on the protection of the interests of unaccompanied minors.

Asylum

Reception Conditions Directive / Asylum Procedures Directive / Qualification Directive
Temporary Protection Directive / Dublin Regulation / AMIF Regulation

- Ensure representation of the unaccompanied minor
- Place unaccompanied minors with adult relatives, with a foster family, in accommodation centres with special provisions for minors or in other suitable accommodation
- Attempt to trace the unaccompanied minors' family members as quickly as possible
- Ensure appropriate training for anybody working with unaccompanied minors
- Take due account of family unity, welfare and social development of the unaccompanied minor as well as his/her safety and opinion when assessing the best interests of the child

Immigration

Return Directive / Schengen Borders Code

- Consider unaccompanied minors as being children before being migrants
- Allow the admission of parents or grandparents of unaccompanied minor refugees for the purpose of family reunification
- Prior to deciding on the return of an unaccompanied minor, provide him/her with assistance by appropriate bodies other than the authorities enforcing return
- Before removing an unaccompanied minor, ensure that s/he will be returned to a member of his/her family, a nominated guardian or adequate reception facilities in the country of return
- If necessary, extend the period for voluntary departure, taking into account school attendance and the existence of other family and social ties
- Pending return, ensure that family unity is maintained, emergency healthcare is provided, minors have access to the basic education system (for the length of their stay) and special needs of vulnerable persons are taken into account
- Unaccompanied minors shall only be detained as a measure of last resort and for as short a period of time as possible in institutions that take into account the needs of persons of their age
- Border guards must pay particular attention to minors (both accompanied and unaccompanied)

Trafficking

Directive on preventing and combatting trafficking in human beings and protecting its victims / Directive on combating the sexual abuse and sexual exploitation of children and child pornography

- Consider all children as particularly vulnerable and respect the best interest of the child principle in all actions
- Guarantee special measures for prevention as well as for assistance and support based on an individual assessment of the child's circumstances, needs and views in order to find a durable solution
- Appoint a guardian or representative for unaccompanied child victims of human trafficking and unaccompanied child victims of sexual abuse/exploitation
- Ensure that special protective provisions apply in criminal investigations and proceedings, such as free legal counselling and representation as well as child-sensitive conduct of investigations, interviews and trial hearings

The standards of the **EU Charter of Fundamental Rights** and of the **United Nations Convention on the Rights of the Child** (UNCRC) dictate all EU action concerning unaccompanied minors.

EU ACTION PLAN ON UNACCOMPANIED MINORS (2010-14)

A common EU-wide approach with three main strands of action:

Prevent

Preventing the unsafe migration and trafficking of children and increasing protection capacities in non-EU countries

- Address root causes of migration and create safe environments for children to grow up in their countries of origin by integrating the issue of unaccompanied minors into development cooperation (poverty reduction, education, health, labour policy, human rights and democratisation and post-conflict reconstruction).
- Identify and protect potential victims of trafficking in human beings through targeted awareness-raising activities and training in countries of origin and transit to children, their families and any other people that are (or will most likely be) in contact with them.
- Develop child protection systems that link services across all social sectors to prevent and respond to risks of violence, abuse, exploitation and neglect of children, to support children who are not in the care of their families and to provide protection to children in institutions.
- Finance protection programmes in non-EU countries (projects that include at least education facilities, medical care and information on minors' rights and on procedures) to prevent minors from embarking on dangerous journeys to the EU to seek international protection.

Protect

Protecting unaccompanied minors detected at the border or on the EU territory by applying reception measures and providing procedural guarantees until a durable solution is found

- Appoint a representative for all minors from the moment they are detected.
- Separate minors from adults to protect them from traffickers or smugglers and, thus, prevent (re-)victimisation.
- Provide appropriate accommodation (detention should only be used in exceptional situations).
- Create common guidelines on age assessment and family tracing.

Durable solutions

Ensuring durable solutions by individually assessing in each case whether to return the minor to his/her country of origin, to grant him/her international protection or to resettle him/her in an EU country

- Develop innovative partnership solutions with countries of origin and transit for the return and reintegration of unaccompanied minors (when in the minor's best interest and by prioritising voluntary return).
- Grant refugee or subsidiary protection status to unaccompanied minors falling under these categories and assist in their integration into the host society (minors who cannot be returned and who do not fall under these two categories should be granted appropriate legal status and given accommodation - national rules apply for the granting of residence permits).
- Resettle to the EU unaccompanied minors who are refugees in non-EU countries if, after a careful assessment in collaboration with the UNHCR and relevant civil society organisations, no other durable solution is available.

EU FINANCIAL SUPPORT

European Refugee Fund finances actions relating to unaccompanied minors who are asylum seekers, refugees or have subsidiary protection status, as well as EU States' resettlement activities.

European Integration Fund finances activities facilitating unaccompanied minors', who have the right to stay in the EU, integration into their host society.

Both the Refugee and Integration Funds prioritise activities related to unaccompanied minors, qualifying them for higher EU co-financing (75 % instead of 50 %).

European Return Fund finances projects that provide for post-return monitoring and follow-up, including on child victims of human trafficking, for family tracing activities in the context of return to reunify children with their parents, for the reintegration of returnees (supporting families and communities), for the management of return by country of origin authorities and for creating study and training opportunities for returned minors in their countries of origin.

Specific Programme "Prevention of and Fight against Crime", and its targeted call for proposals on trafficking in human beings, supports EU efforts in eradicating trafficking in human beings, including actions related to unaccompanied child victims.

Pilot Project on Unaccompanied Minors finances, through calls for proposals, actions that aim at identifying good practices on prevention, reception, protection and integration policies for unaccompanied minors. It contributes to the implementation of the EU Action Plan on Unaccompanied Minors (2010-14).

Disclaimer: Information in this infographic is for reference purposes only and is not necessarily comprehensive or up to date.

http://ec.europa.eu/dgs/home-affairs/