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**REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN  
PARLIAMENT**

**Mid-term report on the implementation of the Action Plan on Unaccompanied Minors**

{SWD(2012) 281 final}

## I. INTRODUCTION

In May 2010 the Commission adopted the Action Plan on Unaccompanied Minors (2010-2014)<sup>1</sup>, followed by the adoption of Council conclusions on unaccompanied minors in June 2010.<sup>2</sup> The Action Plan and the Council conclusions put forward a common EU-wide approach based on the principle of the best interests of the child. They identified main strands for action, such as prevention, reception and identification of durable solutions to be implemented through a series of practical measures undertaken by the European Union (EU) institutions and agencies, EU Member States and stakeholders.

The Action Plan and the Council conclusions invited the Commission to report on their implementation by mid-2012. This Mid-term Report highlights the developments between May 2010 and June 2012 and identifies the areas which require more attention and targeted action during the next two years. The report is accompanied by a Staff Working Document<sup>3</sup>, which provides a more detailed description of the actions of the EU institutions and agencies, as well as the national administrations of the EU Member States. It also refers, where appropriate, to activities of other actors. The Report and Staff Working Document are based on research, consultations with Member States and on-going dialogue with civil society organisations.

## II. CURRENT SITUATION

The developments of the last two years show that the arrival of unaccompanied minors<sup>4</sup> is not a temporary phenomenon, but a long-term feature of migration into the EU, and that there is the need for a common approach by the EU to this group of migrants.

The reasons behind the arrival of unaccompanied children continue to be diverse and inter-related. Some are fleeing armed conflicts, natural catastrophes, discrimination or persecution. In this context, world events such as the conflict in Afghanistan and Iraq, or the political unrest related to the events of the Arab Spring, may be seen as important factors contributing to such flows. Afghanistan and Iraq were the main countries of origin of unaccompanied minors in the EU in 2009<sup>5</sup>, and in most Member States they continued to be important source countries alongside the countries in the 'horn of Africa' in 2010<sup>6</sup>. Some children do not leave of their own free will, but are sent away by their families in order to avoid political persecution, to have access to the education and welfare denied to them at home, or simply to escape poverty and find employment in the EU<sup>7</sup>, while others seek to join family members already in EU territory. Finally, some unaccompanied minors arrive as victims of human trafficking destined for exploitation.

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<sup>1</sup> COM(2010) 213 final.

<sup>2</sup> Council Conclusions on unaccompanied minors, 3018th Justice and Home Affairs Council meeting, Luxembourg, 3 June 2010.

<sup>3</sup> Commission Staff Working Document, SWD(2012)281

<sup>4</sup> The definition of 'unaccompanied minors' derives from Article 2(f) of Council Directive 2001/55/EC.

<sup>5</sup> In 2009, Afghanistan, Somalia and Iraq were the top three source countries for unaccompanied minors in the EU. Frontex (2010) *'Unaccompanied Minors in the Migration Process'*.

<sup>6</sup> *'Ad-Hoc query on Unaccompanied Minors – updated facts and statistics'*, EMN, <http://www.emn.europa.eu> available under 'EMN Ad-Hoc Queries/Protection' (no. 367).

<sup>7</sup> Particularly in France. Frontex (2010) *'Unaccompanied Minors in the Migration Process'*.

As noted in the Action Plan, statistics about this group of migrants are limited and, despite some improvements in data collection, this continues to be the case. The most reliable data available are those on unaccompanied minors who applied for asylum. In 2011, there were 12,225 asylum applications across the EU27 – a number comparable to previous years<sup>8</sup> – suggesting that this type of migration is still very important. Less information is available on other types of flows of unaccompanied minors. In 2011, the reported number of residence permits issued by Member States to unaccompanied minors totalled 4,406.<sup>9</sup> Overall, the evidence suggests that there has been no substantial reduction in the numbers of children arriving in the EU, and this is unlikely to change in the coming years.

The extent and nature of flows continues to differ from one Member State to another. In some Member States, unaccompanied minors arrive predominantly as asylum seekers. Sweden, where the number of asylum applications submitted by unaccompanied children has increased consistently year on year from 1,510 in 2008 to 2,655 in 2011, is one example. Similarly, in Germany over the same period, numbers of asylum applications from this group of migrants almost tripled from 765 to 2,125<sup>10</sup>.

In other Member States, asylum flows are relatively less significant in comparison to children arriving as irregular migrants. This is the case in Italy and Spain, which issued first permits to 2,278 and 819 unaccompanied children not seeking asylum in 2010<sup>11</sup>. An increasing proportion of these irregular flows are due to political turmoil in North African countries and elsewhere. For example, Italy noted that, in recent years, flows of unaccompanied minors from traditional countries of origin, such as Albania, had decreased, while there was an increase in those flows from countries in Africa and the Middle East which were socio-politically unstable.

A final group of Member States are transit countries, which receive very few asylum applications from unaccompanied children – typically less than 60 a year<sup>12</sup> – but through which some children travel to reach their destination country. Most of the Central and Eastern European countries fall into this category.

### III. DATA COLLECTION

Data collection continues to be one of the key challenges. The fact that unaccompanied minors are not a homogeneous group, and are looked after by different authorities, means that not all unaccompanied minors are part of the regular collection of data by Member States. Whereas there are reliable statistical data on unaccompanied children seeking asylum, there are fewer statistics on those who migrated irregularly or were trafficked.

However, there have been significant improvements in both the collection and exchange of quantitative and qualitative data during the past two years. The revision of the Guidelines for data collection under Article 6 of the Statistics Regulation<sup>13</sup> in 2011 has enabled Eurostat to

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<sup>8</sup> 10,845 in 2010, 12 245 in 2009 and 11 715 in 2008 respectively. Eurostat.

<sup>9</sup> Eurostat

<sup>10</sup> Eurostat.

<sup>11</sup> The corresponding numbers for unaccompanied minors who applied for asylum in 2010 were 15 in Spain and 305 in Italy. Eurostat.

<sup>12</sup> For example, in 2011 there were 10 asylum applications submitted by unaccompanied children in the Czech Republic and Lithuania, 20 in Slovakia, 25 in Bulgaria, 55 in Romania, 60 in Hungary and Slovenia. No such applicants were recorded in Estonia and Latvia. Eurostat.

<sup>13</sup> Regulation (EC) No 862/2007.

collect data on an additional category of permits, namely residence permits issued to unaccompanied minors who do not apply for asylum or who have not been granted a residence permit as victims in trafficking in human beings, which gives an idea of the scale and dynamics of non-asylum related migration.<sup>14</sup> In September 2010, Frontex published a targeted risk assessment analysing numbers, nationalities, routes and ways of facilitating the migration of those unaccompanied minors who are asylum seekers.<sup>15</sup> The European Migration Network (EMN) continued to play an important role in the exchange of data on unaccompanied children. An ad-hoc query carried out in the first quarter of 2012 provided updated statistics and information on practices concerning these applying for asylum.<sup>16</sup>

The newly established European Asylum Support Office (EASO)<sup>17</sup> is also involved in the sharing and monitoring of data. The 2012 Work Programme provides for the setting up of an EASO information sharing and monitoring system on unaccompanied children and the collection of data and the development of Country of Origin Information (COI).<sup>18</sup>

## Way ahead

Additional efforts invested in quantitative and qualitative data gathering and exchange — including gender desegregated statistics — need to be undertaken by Member States, EU institutions, EU agencies, as well as non-governmental and international organisations. It is necessary to further improve the comparability of data collected across the EU. Member States are encouraged to continue to collect data on unaccompanied minors who are asylum seekers, but also on those who are irregular migrants or victims of trafficking. In particular, the data on trafficking in minors should be further broken down in order to obtain information on unaccompanied minors who are victims of trafficking.

The data gathering should not be limited to the initial collection, i.e. at the moment when unaccompanied children enter a Member State. It is also necessary to improve understanding of what happens to them once they are within EU territory. Wherever possible, Member States should collect quantitative and qualitative data concerning the number of unaccompanied minors absconding from care facilities, the types of services and support provided at the various stages of applicable procedures (such as accelerated procedures, border procedures, age assessments, tracing of families, appointing of guardians, etc.). Finally, statistical data should also be gathered on the numbers of returned unaccompanied minors.<sup>19</sup>

In 2013-14, the Commission will carry out a study to collect EU-wide data on the involvement of children in criminal, civil and administrative judicial proceedings as part of a pilot project supported by the European Parliament. In this context, it will gather statistics

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<sup>14</sup> Eurostat, First permits issued for other reasons by reason, length of validity and citizenship [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_resoth](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_resoth)

<sup>15</sup> Frontex (2010) *'Unaccompanied Minors in the Migration Process'*.

<sup>16</sup> *'Ad-Hoc Query\_Unaccompanied Minors - updated facts and statistics'* Ref. No. 367. EMN website, <http://emn.intrasoft-intl.com/html/index.html>

<sup>17</sup> Regulation (EU) No 439/2010 of 19 May 2010 establishing a European Asylum Support Office.

<sup>18</sup> 2012 EASO Work Programme, [http://ec.europa.eu/home-affairs/policies/asylum/docs/easo/EASO\\_2011\\_00110000\\_EN\\_TRA.pdf](http://ec.europa.eu/home-affairs/policies/asylum/docs/easo/EASO_2011_00110000_EN_TRA.pdf)

<sup>19</sup> European Commission Directorate-General Home *'Comparative Study on Practices in the Field of Return of Minors'* HOME/2009/RFXX/PR/1002; FINAL REPORT, December 2011, available at [http://ec.europa.eu/home-affairs/doc\\_centre/immigration/immigration\\_studies\\_en.htm](http://ec.europa.eu/home-affairs/doc_centre/immigration/immigration_studies_en.htm) p 27.

based on relevant indicators and provide a narrative overview on the involvement of unaccompanied minors in administrative judicial proceedings in the EU.

EASO will facilitate further information exchange and sharing of knowledge through expert meetings dedicated to unaccompanied children. By the end of 2012, EASO will produce the Afghanistan COI Report, which will include relevant specific issues relating to vulnerable groups, including unaccompanied minors.

#### **IV. PREVENTION OF UNSAFE MIGRATION AND TRAFFICKING**

The Action Plan acknowledges that prevention of unsafe migration and trafficking of children is the first step in dealing effectively with the issue of migration of unaccompanied minors. To this end, the EU and its Member States continued to integrate migration, and particularly migration of children, into development cooperation. They have also undertaken awareness-raising and training to improve early identification of trafficking victims, and to inform children and their families about the risks of irregular migration. A final area of activity was the development of integrated child protection systems.

Under the Thematic Programme on Asylum and Migration, the Thematic Programme Investing in People, the European Instrument for Democracy and the Human Rights and Development Cooperation Instrument<sup>20</sup>, the EU funded projects preventing unsafe migration and trafficking, raising awareness for children at risk, and training specialised personnel to detect risk situations. The EU also continued to support third countries in improving their legislative and administrative capacity to identify children who are asylum seekers and victims of trafficking in human beings<sup>21</sup>.

National and EU financing of centres in countries of origin such as Senegal, Morocco, Moldova, Egypt, Kenya, Guatemala and Bolivia, which provides shelter and education to minors, has had encouraging results<sup>22</sup>. Information campaigns are also being launched, and capacity building activities for national authorities and border guards are being carried out<sup>23</sup>.

An important part of preventing unsafe migration and trafficking has been the continuous engagement with third countries. Unaccompanied minors were discussed in the context of the Human Rights Dialogues<sup>24</sup>. The EU continued to implement the EU Guidelines on the Promotion and Protection of the Rights of the Child<sup>25</sup>. It is expected that the 2012 review of the Guidelines will place further emphasis on the most vulnerable, such as unaccompanied children.

The issue of unaccompanied minors is addressed in the framework of the Migration and Mobility dialogues, such as the EU-Africa Partnership on Migration, Mobility and Employment and of the Rabat Process on Migration and Development. It was discussed in March 2011 at the meeting of the Working Group on Social and Migration Affairs with

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<sup>20</sup> For a full list of projects see the Commission Staff Working Document, above n 3.

<sup>21</sup> Ibid.

<sup>22</sup> Information provided by AT, BE, ES, IT, NL and SE.

<sup>23</sup> Information provided by BG, EL, ES, FI, IE, HU, IT, LT, PO, SI, SK and UK.

<sup>24</sup> Human Rights Dialogues with African Union, Bangladesh, Belarus, Cambodia, Canada, the Candidate countries (Croatia, Former Yugoslav Republic of Macedonia, Turkey), China, Egypt, Georgia, India, Israel, Japan, Jordan, Kazakhstan, Kyrgyzstan, Laos and Lebanon.

<sup>25</sup> EU Guidelines on Promotion and Protection of the Rights of the Child, Council of the EU, *EU Guidelines on Human Rights and International Humanitarian Law*, 2009.

Morocco, as well as in the Dialogue on Migration, Mobility and Security launched in October 2011 with Tunisia and Morocco. Specific actions concerning unaccompanied minors are also listed in the 2012-2016 Action Plan of the Prague process<sup>26</sup>.

Practices and experiences in dealing with this group of migrants were shared by receiving countries in the context of the G8 and the EU-US Platform for Cooperation on Migration and Refugee issues. In 2011, Spain hosted a seminar on unaccompanied minors as part of the EU-US Platform, which enabled an exchange of views and practices among the EU Member States and the United States.<sup>27</sup>

In order to improve information for prospective migrants, the Commission included a specific reference to unaccompanied children in the EU Immigration Portal launched in November 2011<sup>28</sup>.

### **The way ahead**

The EU and Member States need to continue to address the issue of migration of unaccompanied minors in the context of development cooperation. Greater sharing of information on initiatives being undertaken and actions planned is vital in order to maximise the use of available resources. The discussions on the EU's budget framework for 2014-2020 should result in better coordination of external funds.<sup>29</sup>

There is also a need for continuous engagement with countries of origin and transit. Stable cooperation with third countries will help the EU and Member States to better understand their needs, which in turn will support the design and implementation of future projects. It is important that such cooperation should not be limited to prevention measures, but should also address other relevant issues such as restoring family links, ensuring the safe return of children, and re-trafficking risks. These issues should also be addressed in the context of mobility partnerships and in dialogues with the main countries of origin

Further exchanges with non-EU countries of destination for unaccompanied minors should be encouraged, not only in order to share experiences and good practice, but also to find concrete solutions in relation to prevention, family tracing and safe return..

## **V. RECEPTION AND PROCEDURAL GUARANTEES IN THE EU**

The Action Plan acknowledged the importance of reception measures to ensure that appropriate care and assistance is provided to unaccompanied minors who find themselves on EU territory. The EU has therefore continued to strengthen reception measures and access to relevant procedural guarantees for those children.

Amendments were proposed to the Schengen Borders Code and the Convention implementing the Schengen Agreement in order to improve the handling of unaccompanied minors at the

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<sup>26</sup> Action Plan of the Prague process for the period 2012-2016, Annex Point I.3 and II. 4.

<sup>27</sup> Seminar '*Understanding the situation of unaccompanied minors in the US and the EU and sharing best practices in both regions*', 31 May 2011, Madrid.

<sup>28</sup> See <http://ec.europa.eu/immigration>, section '*Avoiding the risks*', heading '*Children travelling alone*': [http://ec.europa.eu/immigration/tab3.do?subSec=17&language=7\\$en#anchor3](http://ec.europa.eu/immigration/tab3.do?subSec=17&language=7$en#anchor3).

<sup>29</sup> 'A Budget for Europe 2020', Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2011) 500 final.

borders. They will introduce the training module on unaccompanied minors for border guards and will formally establish a list of national contact points for consultation purposes on minors, the use of which will be obligatory. The Frontex-led Joint Operation Hammer resulted in operational guidelines on how to deal with children, including unaccompanied children, at the external borders. A seminar entitled 'Unaccompanied Minors: children crossing the external borders of the EU in search of protection', which was organised during the Belgian Presidency, delivered a set of recommendations for national authorities and transnational actors<sup>30</sup>.

As regards unaccompanied minors who are asylum seekers, the EU is in the process of completing negotiations on the revision of the asylum *acquis* that is expected to strengthen the protection of this group of migrants. In December 2011, the Qualification Directive<sup>31</sup> was adopted. The Directive reinforces the provision on the tracing of family members and, for the first time, provides an indicative list of considerations to be taken into account when determining the best interests of the child.

In April 2011, the European Parliament and the Council adopted the Directive on Preventing and Combating Trafficking in Human Beings and protecting its victims (Directive on Trafficking in Human Beings).<sup>32</sup> The Directive includes new provisions providing assistance, support and protection to unaccompanied children who are victims of trafficking. In particular, Member States are required to take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns in order to find a durable solution for the child. Furthermore, Member States should also appoint a guardian or a representative from the moment the child is identified by the authorities.

The Commission set up an expert group on unaccompanied minors in the migration process to exchange views and practices on the various issues in this area<sup>33</sup>. The first thematic meeting, held on 21 June 2011, was devoted to guardianship. The meeting confirmed that guardianship is one of the crucial elements of child protection and that, even if there is no single model of guardianship, there are common challenges across the EU such as the need to train guardians. In order to support guardianship networks, the Commission funded the project 'European Network of Guardianship Institutions: Guardianship in practice', which is being implemented by the NIDOS Foundation<sup>34</sup>. It also financed a project led by Defence for Children-the

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<sup>30</sup> Belgian Presidency seminar on '*Unaccompanied Minors: children crossing the external borders of the EU in search of protection*', held on 9 – 10 December 2010 in Brussels. The conference was co-financed by the Commission (External Borders Fund) and was focussed on protection of children from the first encounter and resulted in a set of Recommendations.

<sup>31</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast). Official Journal of the European Union, L 337/9, 20 December 2011, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:EN:PDF>

<sup>32</sup> Official Journal of the European Union, L 101/1, 15 April 2011, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

<sup>33</sup> Expert group on unaccompanied minors in the migration process (E02402) <http://ec.europa.eu/transparency/regexpert/detailGroup.cfm?groupID=2402> The meetings are attended by experts from EU Member States, non-governmental organisations, international organisations, EU institutions and agencies

<sup>34</sup> 2011 European Refugee Fund Community Actions.

Netherlands, which resulted in the formulation of core standards for guardians of unaccompanied children<sup>35</sup> as well as a project aimed at improving the quality guardianship and care of unaccompanied minors who are asylum seekers in Central Europe<sup>36</sup>.

In 2012, EASO has prioritised setting up of the working group on age assessment, delivering technical documentation and a handbook on age assessment<sup>37</sup>. In spring 2012, EASO sent a questionnaire to Member States and civil society organisations to assess current policies and practices in the EU. The results will support future work of the EASO working group and contribute to the development of guidelines.

The expert group on unaccompanied minors made a close examination of family tracing.<sup>38</sup> Its conclusion was that families, legal guardians or appropriate minor caring entities cannot be found, family links cannot be restored and minors cannot be returned to a safe environment without the involvement of countries of origin. Spain and France presented the ways in which they cooperate with countries of origin, and Italy explained how tracing is carried out by IOM. Despite the divergent approaches adopted by Member States to the issue of family tracing, some rules and practices developed at national level could usefully be shared among Member States. It was therefore proposed that a questionnaire would be drawn up to catalogue the information and share best practice on family tracing.

The 2010 Comparative report of the Fundamental Rights Agency's (FRA) on Separated, Asylum-seeking children in EU Member States looked at the prospects and experiences of unaccompanied children in 12 EU Member States. It identified good practices and shortcomings of the existing systems in relation to aspects such as accommodation, access to healthcare, education and training, legal representation, the role of social workers, age assessment, family tracing and reunification<sup>39</sup>.

In February 2011 the Commission adopted the EU Agenda for the rights of the child, which addresses the protection of children in vulnerable situations, including unaccompanied children. Actions under consideration include promoting the use of the 2010 Council of Europe Guidelines on child-friendly justice, which contains provisions on unaccompanied children. The Agenda also supports and encourages the development of training activities for judges and other professionals at European level regarding the optimal participation of children in judicial proceedings.

In the course of 2011, EASO updated the European Asylum Curriculum module on 'Interviewing Children'. This module addresses the training needs of asylum officials on issues of gender, trauma and age. It also ensures that interviews with minors are conducted in a child-friendly manner.<sup>40</sup>

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<sup>35</sup> Project 'Closing a protection gap: Core Standards for guardians of separated children in Europe' run by Defence for Children-the Netherlands was funded under DAPHNE III Programme and was finalised in 2011. Available at <http://www.defenceforchildren.nl/images/69/1632.pdf>

<sup>36</sup> 'Improving the Quality of Unaccompanied Minor Asylum Seekers' Guardianship and Care in Central European Countries', implemented by the International Organisation for Migration, [http://www.iom.hu/PDF/guardianship\\_brochure.pdf](http://www.iom.hu/PDF/guardianship_brochure.pdf)

<sup>37</sup> European Asylum Support Office Work Programme 2012, available at [http://ec.europa.eu/home-affairs/policies/asylum/docs/easo/EASO\\_2011\\_00110000\\_EN\\_TRA.pdf](http://ec.europa.eu/home-affairs/policies/asylum/docs/easo/EASO_2011_00110000_EN_TRA.pdf)

<sup>38</sup> Meeting of 26 March 2012. <http://ec.europa.eu/transparency/regexpert/detailGroup.cfm?groupID=2402>

<sup>39</sup> [http://fra.europa.eu/fraWebsite/attachments/SEPAC-comparative-report\\_EN.pdf](http://fra.europa.eu/fraWebsite/attachments/SEPAC-comparative-report_EN.pdf)

<sup>40</sup> <http://www.asylum-curriculum.eu/eacweb/Specialised-learning/61-interviewing-children.html>



Financing continues to be an important part of the practical development of the common EU approach to unaccompanied minors. In 2011, the European Parliament approved a Pilot Project, which is due to provide EUR 1 000 000 of financing for projects on prevention, reception, protection and integration policies for unaccompanied children<sup>41</sup>. By acknowledging the limits of the 'sectoral' approach, the 2011 proposal for a Regulation on the Asylum and Migration Fund<sup>42</sup> brings together financial support for integration, migration, asylum and return management and addresses the needs of different target groups of third-country nationals, including unaccompanied minors, in a more comprehensive and coordinated way.

## **The way ahead**

The EU is committed to revising the asylum *acquis* by the end of 2012. The Commission has proposed higher standards of protection for unaccompanied children. Attention should be paid to the transposition of the relevant provisions concerning this group of migrants. As far as possible, seminars organised to discuss the transposition of the Directive on Trafficking in Human Beings and the Qualification Directive, as well as other future Directives in the field of asylum, should include discussions on the issue of unaccompanied children.

The Commission will continue to ensure that EU legislation affecting unaccompanied minors is correctly implemented and that potential protection gaps are addressed.

In cooperation with Frontex, EASO will consider additional possibilities for training on handling cases involving children at the EU external borders, which would include age and evidence assessment procedures. It will also facilitate further information exchange and knowledge sharing through a variety of expert meetings on unaccompanied children.

The Commission, supported by EASO and Member States, will continue working on family tracing both in the EU and third countries, with a view to identifying and promoting best practice. The EU and the Member States also should further encourage cooperation with the countries of origin of unaccompanied minors.

The Commission will continue to make financial resources available for projects concerning unaccompanied children. However, efforts to use the funds need to be strengthened. Member States and civil society organisations are invited to submit targeted proposals to further the implementation of the common EU approach on unaccompanied minors. An important contribution could be made by new projects focused on best practice in preventing the disappearance of children from care, improving standards of accommodation and dealing with situations when they reach 18 years of age. Lastly, it is necessary to ensure the availability of financial resources beyond 2013. The future Asylum and Migration Fund should facilitate the funding of projects on unaccompanied minors.

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<sup>41</sup> Budget line 18 03 18: *'Pilot Project – Analysis of reception, protection and integration policies for unaccompanied minors'*.

<sup>42</sup> Proposal for a Regulation of the European Parliament and the Council establishing the Asylum and Migration Fund, COM(2011) 751 final.

## VI. FINDING DURABLE SOLUTIONS

Most EU Member States have transposed the Return Directive<sup>43</sup> into national legislation. This has led to significant improvements in the protection of unaccompanied minors in several Member States. In the course of the transposition of the Directive, those children were the subject of a specific focus during the meetings of the Contact Committee on the Return Directive.

Under the Return Fund, the Commission funded the European Return Platform for Unaccompanied Minors and the European Reintegration Instrument project, run by the Dutch Repatriation and Departure Service, which includes unaccompanied children among its target groups. The Study on Practices in the Field of Return of Minors, which is funded by the Commission, provides Member States with a checklist to achieve good practice when considering the return of children to third countries.<sup>44</sup> The 2011 Work Programme of the Return Fund called for projects for tracing families, monitoring of returned minors and reception centres for returned unaccompanied minors.

The European Refugee Fund and the European Fund for the Integration of third-country nationals give priority to this group of migrants, as long as the relevant activities qualify for higher co-financing.<sup>45</sup>

The amendment in March 2012 to the European Refugee Fund<sup>46</sup> creating the 'Joint EU Resettlement Programme' enhances the EU's role in providing international protection to unaccompanied minors. By providing financial incentives, the new programme encourages Member States to participate in the resettlement in the EU of unaccompanied children who have been granted refugee status in a non-EU country.

### The way ahead

The report on the application of the Return Directive to be prepared by the Commission by December 2013 will, amongst others, closely examine the implementation of the provisions concerning unaccompanied minors.

The Return Fund will continue to make funds available for activities concerning this group of migrants. Member States and civil society organisations are invited to use the full potential of the financial resources available under the Fund.

The Commission will continue to advocate inclusion of unaccompanied children into the resettlement priorities of the Union Resettlement Programme as planned for 2014-2020 by the Asylum and Migration Fund.

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<sup>43</sup> Directive 2008/115/EC, Official Journal of the European Union, L 348/98, 24 December 2012, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0098:EN:PDF>

<sup>44</sup> European Commission Directorate-General Home Comparative Study on Practices in the Field of Return of Minors HOME/2009/RFX/PR/1002; Final Report, December 2011, available at [http://ec.europa.eu/home-affairs/doc\\_centre/immigration/immigration\\_studies\\_en.htm](http://ec.europa.eu/home-affairs/doc_centre/immigration/immigration_studies_en.htm) p 160.

<sup>45</sup> 75% instead of 50%.

<sup>46</sup> Decision No 281/2012/EU of the European Parliament and of the Council of 29 March 2012 amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows'.

## VII. CONCLUSIONS

The EU Action Plan on Unaccompanied Minors and the Council conclusions have been important steps in shaping a common, rights-based EU approach to this group of migrant children.

The common EU approach has enabled more effective cross-cutting policy reflections on how to address the situation of children, regardless of their migratory status, and has facilitated discussions among EU institutions, national authorities, inter-governmental and non-governmental organisations in different policy arenas, allowing enhanced exchange of knowledge and practices concerning unaccompanied minors. The common EU approach ensured that greater prominence was given to funding measures to address the situation of those children. The explicit recognition of the best interests of the child as the guiding principle has contributed to provisions that ensure increasing protection in the new EU legislative instruments for this particularly vulnerable group of migrants.

The arrival of unaccompanied children on EU territory is not a temporary development, but a long-term feature of migration into the EU. There is and will continue to be a need for a common EU approach to unaccompanied minors in order to continue to respond effectively and in full respect of the rights of the child to this complex and transnational challenge at both national and European level.

During the past two years, the Commission has paid particular attention to ensuring better coordination and consistency among the various legislative, financial and policy instruments relating to unaccompanied children. The actions implemented have contributed to the improvement of data collection, the prevention of unsafe migration and trafficking, the protection of children once they are in the EU and the identification of durable solutions.

However, developing a common EU approach to unaccompanied minors is an on-going and incremental process. It calls for further efforts in terms of sharing knowledge about the phenomenon, and designing and implementing legislative and non-legislative actions to ensure adequate protection of children and, in particular, improving methods of finding durable solutions. In this context, the conference on Unaccompanied Minors, organised by the Danish EU Presidency and Save the Children in June 2012, gave very useful input to the second term of the Action Plan's implementation.

The Commission will continue to prioritise funding for projects involving unaccompanied children. Member States, international and non-governmental organisations are encouraged to use the available financial resources to their fullest potential. Also, once adopted, the future financial instrument – the Asylum and Migration Fund – should ensure coherent funding of activities for this group of migrants. The EU will continue to fund initiatives in third countries and regions through its instruments for external assistance on issues relating to unaccompanied minors.

Other EU institutional actors are also invited to consider what capacity they might dedicate to participating in the development of more effective implementation. As important stakeholders and actors in the arena, international governmental and non-governmental organisations are encouraged to continue to contribute to the implementation of the common EU approach.

The EU and its Member States need to strengthen the efforts they are making to collaborate with non-EU countries of origin, transit and destination in advancing a common EU approach to unaccompanied children. The situation of these children should continue to be addressed in

the context of the external migration policy as provided for in the Global Approach to Migration and Mobility. Progress on issues such as re-establishing family unity or ensuring safe return cannot be achieved without the involvement of the countries of origin. Lastly, working with third countries on preventing unsafe migration requires coordination with development and cooperation aid.