

Brussels, 6 May 2010

Concrete actions to protect unaccompanied minors

The Commission has identified **10 principles and a number of measures** for a common EU approach to deal with the challenges of the growing number of unaccompanied minors seeking a new life in the EU. The concrete measures are listed in an Action Plan and will be carried out in the coming years.

What are the main challenges?

- lack of comparable data;
- age assessment of the persons who declare themselves to be children;
- return of unaccompanied minors to their country of origin. In this context, a particular challenge is the problem of the unaccompanied minor's identification and, in particular, of tracing his/her family;
- phenomenon of disappearance of unaccompanied minors. Children often go missing from care facilities of Member States;
- dangers of unaccompanied minors becoming victims of human trafficking and exploitation.

How does the Commission propose to address this issue?

This common EU approach is based on:

- **respect for the rights of the child** as set out in the EU Charter of Fundamental Rights and the United Nations Convention on the Rights of the Child (UNCRC);
- **solidarity and sharing of responsibilities** between Member States and with the countries of origin and transit;
- **enhanced cooperation** with civil society organisations and international organisations.

The Action Plan **builds on the existing legislative and financial instruments**. It distinguishes **three main strands for action**: prevention, reception and identification of durable solutions. These actions are to be implemented by **a series of concrete measures**, which are outlined in the Action Plan. For example:

- **Prevention**: the root causes of migration must be addressed with the objective of creating an environment allowing children to grow up in their countries of origin with good prospects of personal development and decent standards of living; targeted awareness-raising activities and training should be promoted in countries of origin and transit to improve early identification and protection of potential victims of trafficking in human beings;
- **Reception and procedural guarantees**: the Commission will ensure that EU legislation is correctly implemented and evaluate whether it is necessary to introduce targeted amendments or a specific instrument setting down common standards on reception and assistance for all unaccompanied minors regarding guardianship, legal representation, access to accommodation and care, initial interviews, education, etc. Best Practice Guidelines on age assessment should be agreed through technical seminars;

- **Identification of durable solutions** which should be based on the individual assessment of the best interests of the child. These solutions shall consist of either return and reintegration in the country of origin, or granting of international protection status or other legal status allowing minors to successfully integrate in the Member State of residence or resettlement.

In more detail, what concrete measures will be carried out?

1. Collecting comprehensive and comparable data

- The Commission will propose that Member States gather comprehensive data on unaccompanied minors by using existing agencies and networks, such as the European Migration Network, Frontex, Europol and the European Asylum Office and make the full use of the Migratory Statistics Regulation.
- Frontex is invited to develop annual assessments and tailored risk analysis on the nature of the threats faced by unaccompanied minors.
- The Commission will support increased comprehensiveness of the existing data as well as promote the inclusion of a section on unaccompanied minors in migration profiles of the main countries of origin and transit.

2. Prevention of unsafe migration and trafficking and increasing protection capacities in third countries

- The EU and national authorities should fund projects in third countries to prevent unsafe migration and trafficking in human beings or children. For example, by helping to develop child protection and birth registration systems.
- The EU and Member States should reinforce actions regarding child victims of trafficking in human beings by supporting regional instruments as well as assisting and protecting these children at an early stage, by referring them to specific services in the country where they are found.
- Member States' consular services should thoroughly assess visa applications submitted on behalf of children.

The EU and Member States should continue to:

- Fund activities aiming to provide protection and assistance to minor asylum seekers and refugees, including activities against exploitation and forced recruitment, for example by criminal groups.
- Support third countries in improving their legislative and administrative capacity to identify minor asylum seekers and victims of trafficking in human beings, set up specific assistance programmes, and assist and protect children in the framework of Regional Protection Programmes.

3. Reception and procedural guarantees in the EU

- Reception measures and access to relevant procedural guarantees should apply from the moment an unaccompanied minor is found at external borders or on EU territory, until a durable solution is found. Specialised civil society organisations should be invited to play a more active role throughout the entire process.
- Appropriate measures need to be taken to ensure a smooth transition period for those children who – due to turning 18 and becoming adults – may be in the danger of losing protection and support.
- The EU should adopt higher standards of protection for unaccompanied minors by completing negotiations on the revision of the asylum *acquis* and by adopting more comprehensive legislation on trafficking in human beings and sexual exploitation of children.
- The Commission will ensure that EU legislation is correctly implemented and evaluate whether it is necessary to introduce targeted amendments or a specific instrument setting down common standards on reception and assistance for all unaccompanied minors regarding guardianship, legal representation, access to accommodation and care, initial interviews, education, etc.
- EU agencies, as well as Member States, should assess different experiences to counter disappearances and promote best practices.

4. Finding durable solutions in the best interests of the child

- In the framework of the Return Fund and the Thematic Programme, the Commission will prioritise funding of activities concerning unaccompanied minors, such as projects providing for post-return monitoring and follow-up; supporting families and communities for reintegration, and creating study and training opportunities for children in their countries of origin.
- The Commission will publish a study on existing Member States practices and legislation on the return of unaccompanied minors.
- The Commission and Member States should ensure that the specific needs of minors are taken into account when implementing the proposed Joint EU Resettlement Programme.

For more information

[MEMO/10/169](#)