

Briefing - EU Action Plan on Unaccompanied Minors

In brief

In May 2010 the European Commission published the EU's Action Plan on Unaccompanied Minors. The Plan outlines the challenges faced by EU Member States, and identifies actions to be taken in addressing three main areas:- the prevention of unsafe migration and trafficking; reception and procedural guarantees; and the identification of durable solutions based on the individual assessment of the best interests of the child. The Action Plan follows the adoption of the EU's Stockholm Programme in December last year. The Commission will report on the implementation of the Plan in mid-2012, when a revision or additional actions might be proposed.

What is the Action Plan on Unaccompanied minors?

“Unaccompanied minors” are defined by the EU as **“third country nationals or stateless persons below the age of 18, who arrive on the territory of the Member State unaccompanied by an adult responsible by law or by custom, and for as long as they are not effectively taken into care of such a person. It includes minors who are left unaccompanied after they entered the territory of the Member States.”** In this context "third country" means non-EU countries.

The **reasons behind arrival vary**. Unaccompanied minors escape from wars and conflicts, poverty or natural catastrophes, discrimination or persecution. They are sent by their families in the expectation of a better life or education, of being able to support their families back home, or in an attempt to join other family members already in the EU. Some are victims of human trafficking destined for exploitation.

The key aim of the Plan is to create a common approach to this issue. It states the a **common EU approach must be based on respect for the rights of the child, solidarity and sharing of responsibilities between Member States and with the countries of origin and transit and enhanced cooperation with civil society organizations and international organizations**. As a priority, Member States should trace the families of the unaccompanied minors and carefully monitor their reintegration in their home society. To complement the Action Plan, the European Commission has undertaken an EU Comparative Study on Unaccompanied Minors which has been produced by the European Migration Network.

What challenges does the EU face with regard to unaccompanied minors?

Data from Eurostat indicates that in 2009, 10,960 unaccompanied minors lodged applications for asylum in 22 Member States, which represents an **increase of 13% compared to 2008**.

The main challenges identified in the Plan are:

- **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;
- The **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.

What principles form the basis of the Action Plan?

1. Children should be treated as children.
2. Children must be treated accordingly to the principles followed in the European Union
3. All possible efforts should be made to create an environment allowing children to grow up in their countries of origin with good prospects and decent living standards
4. Children should be protected from all forms of violence and exploitation
5. Every effort should be made to find the family of the child and to reunite the child with his or her family provided that this is in the best interest of the child
6. Appropriate reception measures (encompassing guardianship and legal representation) should apply from the moment the child is detected until a durable solution is found
7. A decision on the future of each child should be made in a short period of time, within six months where possible
8. Unaccompanied minors should always be placed in appropriate accommodation and treated in a manner that is fully compatible with their best interests
9. Durable solutions should be determined on the basis of an individual assessment of following the best interests of the child
10. All interested parties should join forces and strengthen their efforts in addressing the issue of unaccompanied minors

The **Action Plan builds on existing EU legislative and financial instruments**, and identifies three main strands for action.

What are the 3 main strands for action?

- **Prevention of unsafe migration and trafficking:** 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 make sure that EU legislation is properly implemented and evaluate the necessity of introducing targeted amendments and/or setting down common standards on reception on reception and assistance;
- **Identification of durable solutions:** These should be based on the individual assessment of the best interests of the child and are three-fold. Possible solutions are either the return or reintegration in the country of origin, the granting of international protection status or other legal status allowing minors to successfully integrate in the Member State of residence or resettlement.

These actions are to be implemented by a series of concrete measures, outlined in the Plan.

What are the specific actions proposed?

1. **Collecting comprehensive and comparable data**
 - The Commission will propose that Member States gather comprehensive data on unaccompanied minors 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 asked 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. Specialized civil society organizations 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 legislative framework and by adopting more comprehensive legislation on trafficking in human beings and sexual exploitation of children.
- Member States should prioritize the use of missing person's alerts in the Schengen Information System for cases of absconding or disappearance from care
- 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

Possible solutions are:

- **Return or reintegration** in the country of origin
- The **granting of international protection status or other legal status** allowing minors to successfully integrate in the Member State of residence
- **Resettlement**

For this the Commission advocates 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. Also the Commission and Member States must ensure that the specific needs of minors are taken into account when implementing the proposed Joint EU Resettlement Programme. Furthermore, the **European Asylum Support Office** is asked to organize training activities and

develop best practices regarding reception conditions, asylum procedures and integration of unaccompanied minors.

Can any new funding opportunities be expected?

The Action Plan does not include any new funding. It does however highlight that **existing funding programmes will be used to prioritize funding for projects relevant to unaccompanied minors**. Member States are invited to maximize the use of the **European Refugee Fund, European Return Fund** and the **Fund for Integration of third-country nationals**. Local authorities, NGOs and other stakeholders are eligible to apply under these programmes.

Critically, the Commission will be looking at how to better include the unaccompanied minors dimension in the next generation of EU funding programmes from 2014 in the field of migration management. Discussions and key decisions about the shape of future EU funding programmes are already underway.

The Commission will also finance projects for the integration of unaccompanied minors having legal status with particular attention to programmes aimed at supporting the recovery of victims of child specific violence or trafficking in human beings.

What are the Implications for the UK?

UK Home Office Ministers backed the Action Plan at a recent meeting of European justice and home affairs ministers which adopted the Plan. In terms of the numbers of unaccompanied minors in the UK, figures for the Unaccompanied Asylum Seeking Children Grant (which covers the main expenditure local authorities incur in looking after unaccompanied asylum seeking children) for 2008-09 show 4,604 children. It is anticipated that levels for the next two years will be roughly the same as at present.

The biggest area of ongoing debate with civil society is likely to focus on the details of the implementation of **the return of unaccompanied minors**, especially where this may involve countries that might be considered unsafe - for example in the UK of the 400 minors claiming asylum in the first three months of this year, almost half were from Afghanistan.

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More information

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