



Key findings of the EMN study on *Policies, practices and data on unaccompanied minors in the EU*

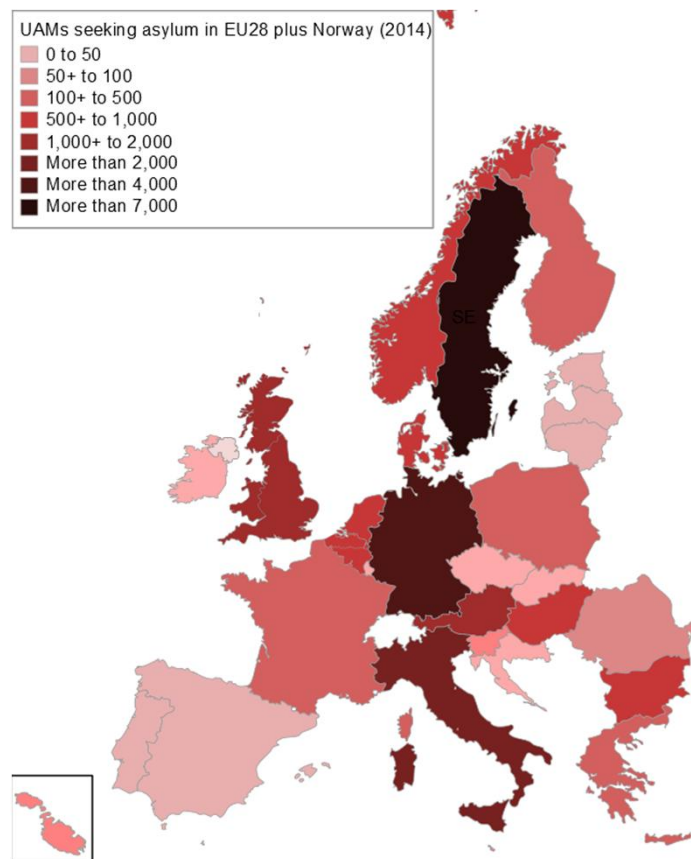
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Nataliya Nikolova, ICF International
EMN Service Provider

Presentation overview

- Scale of the issue of UAMs in the EU
- Rationale of the Study
- Study design and progress to date
- Objectives and scope of the Study
- Key findings of the Study
- Overall conclusions
- Good practice examples
- References to further research on UAMs

Scale of the issue in the EU – asylum-seeking UAMs

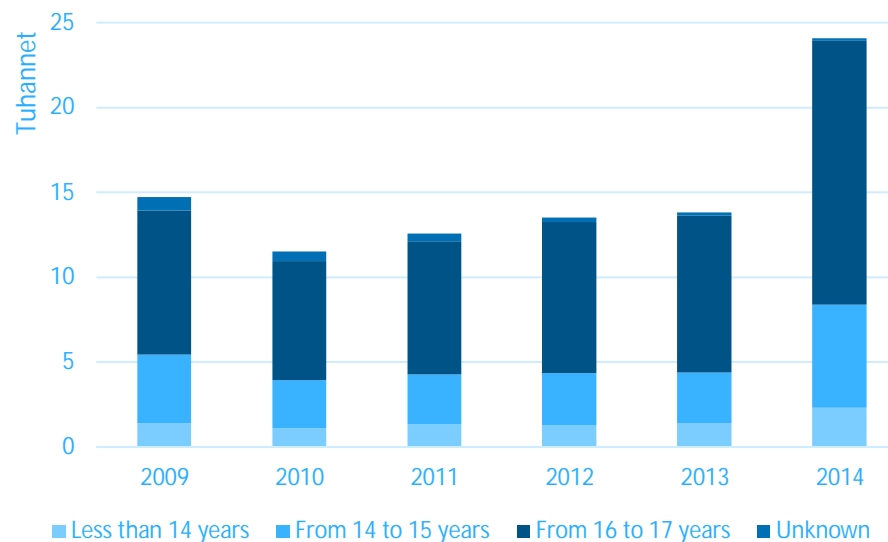
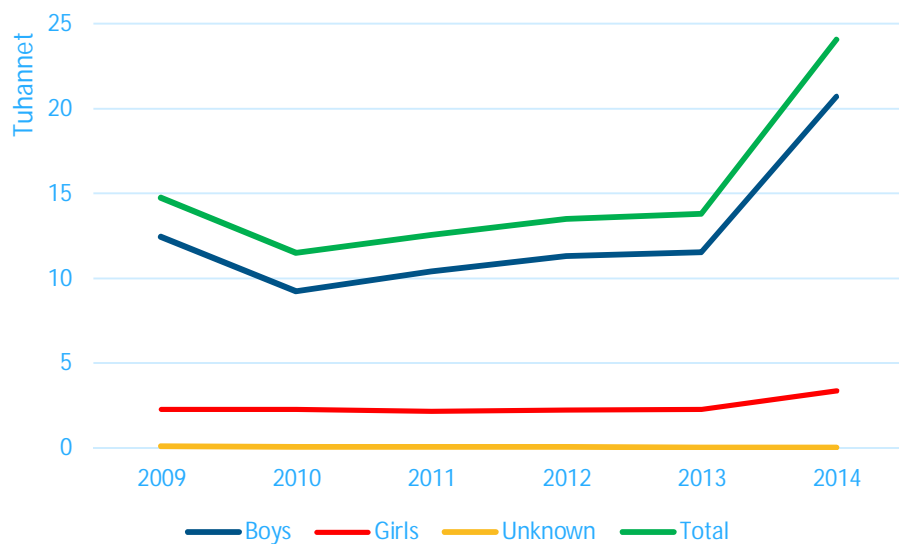


Source: Eurostat, 2014

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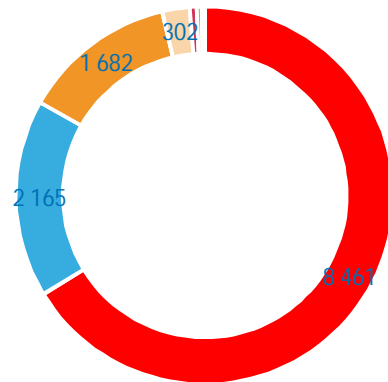
- Nearly all MS receive UAMs seeking asylum in the EU:
 - However, the number of UAMs seeking asylum varies significantly across MS. The lowest numbers 0-5 are observed in LV, EE, LT and CZ and the highest 1,000+ in UK, AT, IT, DE and SE
- Total number of asylum applications by UAMs – 24,075:
 - Of these, 20,705 were submitted by boys and 3,345 by girls. Most of the UAMs who filed an application for asylum were 16 to 17 years old (65%).
 - Countries of Origin: Afghanistan, Eritrea, Syria, Somalia, The Gambia and Morocco (as well as Stateless UAMs)

Scale of the issue in the EU – asylum-seeking UAMs



Source: Eurostat, 2009-2014

Scale of the issue in the EU – non-asylum seeking UAMs



Source: EMN, 2013

- Estimated number of UAMs *not* seeking asylum in 2013 – 12,770:
 - Limited quantitative and qualitative data and information -> need for further research



Rationale of the EMN study on UAMs

- The Study was proposed by DE, IE, LU and SE EMN NCP and selected through the EMN study selection process
- EMN increasingly seeks to develop topical studies that have a real potential to impact on policy-making
- This one is of interest to the European Commission:
 - To provide an up-to-date overview of the situation of UAMs across the EU and highlight good practices, as well as possible areas in which more work needs to be done
 - To assist the Commission in reporting to the Parliament and Council on the implementation of the Action Plan on Unaccompanied Minors 2010-2014 and in making proposals for future actions (the outcomes of the Study feed into the broader reflection process over the future actions that could be undertaken at EU level)



Study design and progress to date

- Study specifications were drafted by an Advisory Group consisting of the EMN Service Provider, COM and EMN NCPs from BE, CZ, DE, IE, LT, LU, SE and the UK, but all EMN NCPs had the opportunity to shape the study
- All EMN NCPs were invited to participate in the Study by producing a National Report based on a Common Template (due date was 1st October 2014)
- A total of 25 EMN NCPs submitted National Reports on the Study (24 MS plus Norway)
- Work on Draft 1 of the Synthesis Report (SR) of the Study commenced in December 2014. Draft 2 of the SR was then prepared on the basis of COM and EMN NCPs' comments
- Draft 3 of the Study is currently being finalised and the (anticipated) final publication date of the Study is May 2015

Objectives and scope of the Study

Objectives of the study

- The study aims to:
 - Update the previous EMN study on UAMs carried out in 2008/09, to inform about changes in MS policies and practices which have occurred since, including new comparable statistics, good practices and possible areas in which more work needs to be done;
 - Fill knowledge gaps identified by the previous EMN study, including information and data on UAMs who have not applied for asylum or whose application for protection has been rejected, former UAMs reaching 18 years of age whilst in reception/ care and next steps in terms of service provision, integration or return, and UAMs who go missing/ abscond from reception/ care.

Scope of the study

- The study covers the following groups of UAMs:
 - UAMs who are seeking asylum and/ or have been granted international protection;
 - UAMs who are *not* seeking asylum, including those who entered irregularly and/ or are in a trafficked situation;
 - UAMs reaching 18 years of age whilst in the care of public authorities;
 - Confirmed UAMs and UAMs who claim to be children but whose age is doubtful (e.g. because the age assessment procedure has not yet been undertaken to determine their age).



Key findings: Motivations of UAMs entering the EU

- UAMs have different motivations for entering the EU
- Their motivations for fleeing the CoI and for entering a particular MS also differ; despite that, where a UAM arrives, is trafficked/smuggled, or is intercepted can be unintentional and dependent on external factors
- Asylum-seeking UAMs may fear persecution, harm and/ or human rights violations
- Non-asylum seeking UAMs are looking for better education and job opportunities
- However, motivations of asylum and non-asylum seeking UAMs for arriving in the EU are not always aligned with their migration status



Key findings: Circumstances of UAMs entering the EU

- Prevalence of UAMs wishing to transit from Eastern and Central European countries (e.g. HU, LV, LT, PL, SI, SK) to Western and Nordic countries (e.g. FI, DE, SE, UK, NO)
- This relates to possible cases of smuggling and/ or trafficking in human beings
- MS address this issue by providing special training on identification of victims to border guards and/ or police authorities (all MS)



Key findings: Entry and assessment procedures, including border controls

- Similar entry conditions apply to adult TCNs and UAMs (asylum and non-asylum seeking)
- Asylum-seeking UAMs will always be allowed entry into the EU territory, regardless of whether they fulfill the entry conditions
- This is not always the case for non-asylum seeking UAMs
 - MS that *can* refuse entry into the territory to all TCNs who do not fulfil the entry conditions, including non-asylum seeking UAMs (e.g. AT, BE, HR, CZ, DE, EL, FI, FR, IE, LV, LT, LU, MT, PT, SI, SK, ES, SE, UK, NO)
 - MS that apply a special policy to UAMs based on humanitarian grounds and always grant non-asylum seeking UAMs access to the territory regardless of whether they fulfill the entry conditions (e.g. BG, HU, IT)
 - However, in practice the possibility of return is not often applied to non-asylum seeking UAMs (e.g. IE, SE, UK)
- Importance of correct identification (and training) for ensuring UAMs are treated first and foremost as children



Key findings: Entry and assessment procedures, including border controls (cont.)

- Special safeguards are provided to asylum-seeking UAMs throughout the asylum process, e.g. appointment of a legal guardian/ representative, opportunity to be heard during an asylum interview, etc.
- Some MS do not have legislation that acknowledges non-asylum seeking UAMs (e.g. FI, NO) -> all UAMs are directed to the asylum procedure
- Other MS' legislation does not distinguish between asylum-seeking and non-asylum seeking UAMs (e.g. IE, SE) -> similar provisions
- Permanent or long-term residence permits for asylum-seeking UAMs, temporary residence permits (e.g. individual protection, humanitarian reasons, etc.) for non-asylum seeking UAMs

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Key findings: Reception conditions, including integration measures for UAMs

- Organisation and actors involved in reception of UAMs differ between MS
- Most MS apply a similar reception system for all UAMs, hosting asylum- and non-asylum seeking UAMs in similar facilities (except AT, FI, HU, SI)
- Both types of UAMs are accommodated in reception and care facilities, with special provisions for minors (e.g. AT, BE, DE, LV, LU, MT, SK, NO), or specifically for minors (e.g. AT, BE, HR, CY, CZ, EE, FI, FR, DE, EL, IE, IT, LV, LU, MT, NL, PL, PT, SK, ES, SE, NO), as well as foster care (e.g. BE, BG, CY, CZ, DE, EL, FI, IE, IT, LV, LT, NL, PL, SK, ES, UK, NO)
- Most MS provide UAMs with material- and non-material reception support – though non-asylum seeking UAMs benefit from similar rights, exceptions may apply which practically hinders the protection of these children
- Durable solutions:
 - Usually not defined in legislation, but some MS have plans to introduce such a provision in the future (e.g. BE, IT)
 - Best interests determination procedure is in place in several MS (e.g. BE, CY, DE, FR, IE, LV, SI, SK, ES, UK, NO) -> however, quasi-absence of involvement of the child

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Key findings: UAMs who go missing or abscond from reception and care facilities

- Limited data and information on the number and profile of UAMs who go missing or abscond from reception and care facilities → difficult to provide an adequate assessment of the issue in MS/ at EU level
- Possible reasons for disappearances include:
 - Transit to another MS (e.g. AT, BG, BE, CY, CZ, EL, FI, FR, IT, LV, LT, LU, NL, PL, PT, SI, SE)
 - Fear of a negative decision on application for international protection and/ or fear of removal (incl. Dublin transfers) (e.g. AT, BE, IE, LU, NL, SI, SE, NO)
 - Victims of trafficking in human beings (e.g. AT, BE, FI, NL, SE, UK, NO)
 - Avoid age assessment (e.g. HU, ES) or fear that the age assessment will not confirm that they are minors (e.g. AT, NO)
 - Some MS distinguish between ‘voluntary leavers’ and ‘worrying disappearances’ (linked to trafficking/ smuggling) (e.g. BE, LU, NL)
- Prevention measures identified as one of the most important areas of intervention, with the first 24 hours upon arrival of a UAM in a reception/ care facility seen as critical
- Measures to respond to disappearances include: police investigation, missing person’s alert, National Hotlines for Missing Children (116 000), etc.
- Protocols between authorities (e.g. BE, ES, IE, UK), but need for greater collaboration in general

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Key findings: Arrangements in MS for UAMs turning 18 years of age

- The migration status of UAMs turning 18 takes precedence → implications for UAMs' access to rights and legality of residence
- Few MS have measures in place to support UAMs in advance of the transition to adulthood, e.g. support with moving to a different accommodation (e.g. BE, FI, FR, LV, PL, ES), individual after-care plans (e.g. IE, FI, UK), support with possible return (non-asylum seeking UAMs) (e.g. BE), etc.
- After-care services may include support provided until a UAM is of a certain age (21-25 years old), e.g. extended residence at accommodation, or practical support, e.g. developing skills for living on one's own
- Some kind of monitoring is being implemented by some MS to ensure UAMs' effective transition to adulthood (BE, EL, FI, FR, HU, IE, LV, PL, SE, NO)



Key findings: Return practices of MS, including reintegration of UAMs

- Most MS provide for the possibility of voluntary return of UAMs, taking into account the child's best interests (e.g. AT, BE, HR, CY, CZ, FI, FR, DE, EL, HU, IE, IT, LV, LT, LU, MT, NL, PL, SK, SI, SE, UK, NO); reintegration support is provided in more than half of these MS
- Most MS also provide for the possibility of forced return (e.g. AT, BE, HR, CY, GE, HU, LV, LT, LU, MT, NL, PL, SI, UK and NO); in practice, forced returns are carefully considered on a case-by-case basis/ are unlikely to take place
- UAMs *can* be subject to detention measures (e.g. AT, HR, CY, CZ, FI, EL, LV, LU, MT, NL, PL, SI, SE, UK, NO); special conditions apply to the detention of UAMs, taking into account the child's best interests
- UAMs *cannot* be detained in BE, BG, FR, HU, IE, IT, LT, PT, and SK; practices in FR, IE and DE vary
- Nevertheless, need for further legal and/ or policy action in these areas, in line with calls by European and international institutions

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Overall conclusions

- Many provisions and measures are in place for asylum-seeking UAMs and those granted international protection
- Non-asylum seeking UAMs do not appear to benefit from the same level of (legal/ legally ensured) protection
- Some gaps and challenges still need to be addressed to ensure all UAMs benefit from the same level of protection – this should be equivalent to the protection afforded to national children deprived of parental care in MS
- Gaps in the collaboration and cooperation that takes place between authorities apparent in relation to several procedures and processes, e.g. identification, appointment of a guardian, prevention of disappearances, durable solutions, etc.
- General lack of comprehensive and comparable data on the numbers of and outcomes for UAMs receiving some form of protection in the EU → suggestions to improve data collection

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Good practice examples

- Official policy of Ireland and other MS not to refuse any minor entry to the Irish State ensuring that all UAMs are treated first and foremost as children, irrespective of their migration status
- Appointment of suitably qualified and trained staff to work with and for UAMs, and the involvement of child protection professionals in all procedures/ processes affecting these children → integrated approaches of NL and ES for the referral of UAMs from border control to child protection authorities
- Special safeguards in place for UAMs during the asylum procedures in BE and the UK, including interview by specially trained case workers, prompt appointment of a guardian or referral to local social services, etc.
- Special/ protected reception of UAMs who are (potential) victims of trafficking in NL, which has also reduced disappearances and likely re-victimisation of this group of children
- Setting up of care standards for UAMs/ children, such as in the UK, as well as of robust monitoring and accountability measures
- Personalised care and/ or independence promotion plans drawn up together with UAMs who have been granted international protection in FI, which take account of the child's particular situation and needs for support before and/ or after his/ her transition to adulthood
- Special prevention measures, fast-track asylum procedures or guidance for national authorities in BE, NO and the UK, aiming to reduce the disappearance of UAMs
- Continuing care for former UAMs to support their transition to adulthood in a host of MS, including AT, BE, IE, PL and SE, and pathway planning to help UAMs leaving care in the UK to become independent

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References to further research on UAMs

- 2014 EMN study on UAMs: [National Reports](#)
- Other EMN studies: [The organisation of reception facilities for asylum seekers in different Member States](#) (2013); [The use of detention and alternatives to detention in the context of immigration policies](#) (2014)
- EC-commissioned research: [Study on missing children in the EU](#) (2013); [Study to collect data on children's involvement in judicial proceedings](#) (2012-2014), including [online database](#); [Reference document on unaccompanied children: a compilation of relevant EU laws and policies](#) (2014)
- EASO: Handbook on [Age assessment practice in Europe](#) (2013)
- FRA: Handbook on [Guardianship for children deprived of parental care](#) (2014) for child victims of trafficking
- FRONTEX: Operational guidelines on how to deal with children, including unaccompanied minors, at the EU's external borders; [Vega Children](#)
- UNHCR: [Why do children undertake the unaccompanied journey? Motivations for departure to Europe and other industrialised countries from the perspective of children, families and residents of sending communities in Afghanistan](#) (2014)
- UNHCR/ UNICEF: [Safe and Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe](#) (2014)
- UNICEF: [Child Notices](#) project

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Thank you!

Any questions?

emn@ghkint.com

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