Situation of unaccompanied minors in the EU

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PURPOSE: presentation of a mid-term report on the implementation of the Action Plan on Unaccompanied Minors.

BACKGROUND: in May 2010 the Commission adopted the Action Plan on Unaccompanied Minors (2010-2014), followed by the adoption of Council conclusions on unaccompanied minors in June 2010. These two documents 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. It also refers, where appropriate, to activities of other actors.

CONTENT: the developments of the last two years show that the arrival of unaccompanied minors 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**.

State of play in regard to unaccompanied minors: the reasons for the arrival of unaccompanied children continue to be diverse and interrelated. 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.

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, while others seek to join family members already in EU territory. Lastly, some unaccompanied minors arrive as victims of human trafficking destined for exploitation.

The report highlights the **lack of statistical data in the area**. However, the data that are available show, among other things, in 2011:

- there were 12 225 asylum applications across the EU27;
- the reported number of residence permits issued by Member States to unaccompanied minors totalled 4 406;
- in Sweden, the number of asylum applications submitted by unaccompanied children has increased consistently year on year reaching 2 655 in 2011.

Common approach: 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 nongovernmental 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.

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:

1. improvement of data collection,
2. prevention of unsafe migration and trafficking,
3. protection of children once they are in the EU, and
4. identification of durable solutions.

Details on each of the measures taken in these areas are provided in the report, as well as the ways ahead.

1. **Improvement of data collection:** data collection continues to be one of the key challenges. Whereas there are reliable statistical data on unaccompanied children seeking asylum, there are fewer statistics on those who migrated irregularly or were trafficked. Several improvements have been made in this field thanks to the European Migration Network and the establishment of the European Asylum Support Office. In 2013 and 2014, 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.
2. **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. In the future, the EU and Member States need to continue to address the issue of migration of unaccompanied minors in the context of development cooperation. 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.
3. **Reception and procedural guarantees in the EU:** the EU has therefore continued to strengthen reception measures and access to relevant procedural guarantees for unaccompanied children. Several initiatives were taken including the revision of the asylum *acquis* by the end of 2012. In the future, particular attention 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.
4. **Finding durable solutions:** among other things, under the European Return Fund, the Commission funded the European Return Platform for Unaccompanied Minors and the European Reintegration Instrument (ERI) project, run by the Dutch Repatriation and Departure Service, which includes unaccompanied children among its target groups. In addition, the creation, in March 2012, of the 'Joint EU Resettlement Programme', under the European Refugee Fund, enhances the EU's role in providing international protection to unaccompanied minors. 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.

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.

Funding: 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.

Subsequent stages: 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.