Basic information

2012/2263(INI) INI - Own-initiative procedure	Procedure completed
Situation of unaccompanied minors in the EU **Subject** 4.10.03 Child protection, children's rights 7.10 Free movement and integration of third-country nationals 7.10.04 External borders crossing and controls, visas 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	GRIESBECK Nathalie (ALDE)	20/06/2012
	Shadow rapporteur CORAZZA BILDT Anna Maria (PPE) SIPPEL Birgit (S&D) FLAUTRE Hélène (Verts/ALE) KIRKHOPE Timothy (ECR) TRIANTAPHYLLIDES Kyriacos (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
DEVE Development	GOERENS Charles (ALDE)	08/10/2012
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
CULT Culture and Education	The committee decided not to give an opinion.	
JURI Legal Affairs	The committee decided not to give an opinion.	

	FEMM Women's Rights and Gender Equality	MATERA Barbara (PPE)	28/11/2012

European Commission	Commission DG	Commissioner
	Migration and Home Affairs	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
28/09/2012	Non-legislative basic document published	COM(2012)0554	Summary
25/10/2012	Committee referral announced in Parliament		
19/06/2013	Vote in committee		
26/08/2013	Committee report tabled for plenary	A7-0251/2013	Summary
12/09/2013	Decision by Parliament	T7-0387/2013	Summary
12/09/2013	Results of vote in Parliament		
12/09/2013	Debate in Parliament		
12/09/2013	End of procedure in Parliament		

Technical information

Procedure reference	2012/2263(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/10978

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE504.197	10/04/2013	
Committee opinion	DEVE	PE506.072	24/04/2013	
Amendments tabled in committee		PE510.692	22/05/2013	
Committee opinion	FEMM	PE504.151	30/05/2013	

Committee report tabled for plenary, single reading		A7-0251/2013	26/08/2013	Summary
Text adopted by Parliament, single reading		T7-0387/2013	12/09/2013	Summary

European Commission

Document type	Reference	Date	Summary
Commission document (COM)	COM(2012)0554	28/09/2012	Summary
Commission response to text adopted in plenary	SP(2013)816	19/12/2013	

Situation of unaccompanied minors in the EU

2012/2263(INI) - 28/09/2012 - Non-legislative basic document

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.

Situation of unaccompanied minors in the EU

2012/2263(INI) - 26/08/2013 - Committee report tabled for plenary, single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the initiative report by Nathalie GRIESBECK (ALDE, FR) on the situation of unaccompanied minors in the EU.

Members recall that an unaccompanied minor is above all a child who is potentially in danger and that child protection, rather than immigration policies, must be the leading principle for Member States and the European Union when dealing with them, thus respecting the **core principle of the child's best interests**. They also recall that **any person below the age of 18 years, without exception, is to be regarded as a child and thus as a minor**. They point out that unaccompanied minors, particularly girls, are twice as susceptible to problems and difficulties as other minors as they are often the principal targets of sexual exploitation, abuse and violence.

Members strongly condemn the existing lacunae in the protection of unaccompanied minors in the European Union and **denounce the often deplorable conditions in which such minors are received and the numerous breaches of their fundamental rights in certain Member States**. They emphasise the pressing need for the EU and the Member States to come up with a **coherent response** to protect unaccompanied minors, with full respect for their fundamental rights.

Although they welcome the adoption by the Commission of an action plan on unaccompanied minors (2010-2014), they deplore the fact that the Commission's approach is not based more on protecting the fundamental rights of such minors. They call for **new measures for the comprehensive protection of unaccompanied minors**. They consider that the EU must go beyond the Action Plan proposed by the Commission so that the fundamental rights of unaccompanied minors are genuinely reinforced.

Fragmented measures: Members regret the fragmentation of the European provisions concerning unaccompanied minors and urge the Commission to compile a handbook drawing together these various legal bases, addressed to Member States and to all practitioners, in order to facilitate proper implementation by Member States. They also want more targeted information and statistics in this field.

In particular, Members call for:

- the stepping-up of cooperation with third countries of origin and transit concerning unaccompanied minors in a series of fields, such as the care of minors but also the prevention of their exploitation;
- the coherent **development of EU policies on immigration, asylum and children's rights** taking due account of their impact on developing countries;
- public awareness-raising campaigns in the countries of origin, transfer and destination of unaccompanied minors on the risks related to child migration, and particularly on the exploitation of minors and organised crime;
- greater vigilance and more effective implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography and Directive 2012/29/UE establishing minimum standards on the rights, support and protection of victims of crime;
- strengthened police and judiciary cooperation, including with third countries, to deal with the growing problem of child trafficking.

More funding: Members call on the Commission to **take specific account of unaccompanied minors in the European Asylum and Migration Fund** in order to afford long-term guarantees concerning the protection of children, including in relation to the sections concerning refugees, asylum seekers, the external borders and return, and in the European Social Fund. All staff with a responsibility for children (border guards and police authorities) should receive appropriate training.

Strategic guidelines: Members call on the Commission to draw up strategic guidelines for Member States which should, based on best practices, take the form of common minimum standards and address each stage in the process, from the arrival of a minor in European territory until a durable solution has been found for him/her, in order to ensure his/her proper protection. They recall that **no child may be denied access to the territory of the EU** and insist that the Member States must comply with the international and European obligations. In this regard, Members urge the Member States to comply strictly and without fail with the fundamental obligation **never to place a minor in detention** and call on the Commission to take great care when applying the provisions of EU law on the detention of minors.

Additional measures are proposed to ensure that unaccompanied minors are provided with the necessary social and educational services, that they are addressed in a language and in a form that they understand, that they are not subjected to intrusive medical tests to determine their age and that all is done to ensure that a guardian or a person responsible for accompanying them is appointed.

Reception standards: Members call on Member States to provide unaccompanied minors, irrespective of their status, with the following:

- access to appropriate accommodation, with adequate sanitary conditions;
- adequate material, legal and psychological support from the moment they are identified as unaccompanied minors;
- the right to education, vocational training and socio-educational advice and immediate access thereto;
- the right to health and effective access to adequate basic health care;
- access to information and use of the media (radio, TV, internet);
- the right to leisure, including the right to engage in play and recreational activities;
- the right of all unaccompanied minors to the continued use and development of their own identity and values, including their mother tongue;
- the right to manifest and practise their religion.

Members urge Member States, as far as possible, to exempt unaccompanied minors from **accelerated procedures and from procedures at the border** when they arrive on a Member State's territory. They emphasise that any decision concerning unaccompanied minors should be taken on the basis of an **individual assessment** and with due respect for the best interests of the child. They stress firmly that the ultimate aim, once an unaccompanied minor has arrived in EU territory, must be to seek **a durable solution** for him/her, which respects his/her best interests, giving priority to family reunification, in and outside the EU.

Specific measures are called for to ensure that no decision to return a minor may be taken, if it is not in the child's best interests or endangers the minor's life, physical and mental health, and well-being, security or fundamental rights or those of his or her family.

Lastly, Members call on the Member States to introduce an obligation for public authorities to take action with regard to unaccompanied minors who are **victims of begging**, taking the view that the exploitation of minors in relation to begging should be prevented at all costs.

Situation of unaccompanied minors in the EU

2012/2263(INI) - 12/09/2013 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on the situation on the situation of unaccompanied minors in the EU.

Parliament recalls that an unaccompanied minor is above all a child who is potentially in danger and that child protection, rather than immigration policies, must be the leading principle for Member States and the European Union when dealing with them, thus respecting the core principle of the

child's best interests. It also recalls that any person below the age of 18 years, without exception, is to be regarded as a child and thus as a minor. It points out that unaccompanied minors, particularly girls, are twice as susceptible to problems and difficulties as other minors as they are often the principal targets of sexual exploitation, abuse and violence.

Parliament also points out that unaccompanied minors in the EU are frequently treated by the authorities **as delinquents** who have infringed immigration laws rather than as individuals who have rights on account of their age and particular circumstances

Parliament strongly condemns the existing *lacunae* in the protection of unaccompanied minors in the European Union and denounces the often deplorable conditions in which such minors are received and the numerous breaches of their fundamental rights in certain Member States. It emphasises the pressing need for the EU and the Member States to come up with a coherent response to protect unaccompanied minors, with full respect for their fundamental rights.

Although it welcomes the adoption by the Commission of an action plan on unaccompanied minors (2010-2014), it deplores the fact that the Commission's approach is not based more on protecting the fundamental rights of such minors. It calls for new measures for the comprehensive protection of unaccompanied minors. It considers that the EU must go beyond the Action Plan proposed by the Commission so that the fundamental rights of unaccompanied minors are genuinely reinforced.

Parliament considers that the Union and its Member States should, above all, address the **root causes of migration** and integrate the issue of unaccompanied minors into development cooperation, thus contributing to the creation of safe environments for children to grow up in their countries of origin. **The Commission should, moreover, ensure that the status of 'legal guardian' in the EU and partner countries** is strengthened and draw up a monitoring plan in cooperation with countries of origin and any transit countries in order to ensure that the child is properly protected after returning to and being reintegrated into the country of origin.

Fragmented measures: Parliament regrets the fragmentation of the European provisions concerning unaccompanied minors and urges the Commission to compile a handbook drawing together these various legal bases, addressed to Member States and to all practitioners, in order to facilitate proper implementation by Member States. It also wants more targeted information and statistics in this field.

Parliament calls in particular for:

- the stepping-up of cooperation with third countries of origin and transit concerning unaccompanied minors in a series of fields, such as the care of minors but also the prevention of their exploitation;
- the coherent development of **EU policies on immigration, asylum and children's rights** taking due account of their impact on developing countries;
- the integration of child protection and the issue of unaccompanied minors into development and cooperation policies;
- public awareness-raising campaigns in the countries of origin, transfer and destination of unaccompanied minors on the risks related to child migration, and particularly on the exploitation of minors and organised crime;
- greater vigilance and more effective implementation of the existing texts (Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography and Directive 2012/29/UE establishing minimum standards on the rights, support and protection of victims of crime);
- strengthened police and judiciary cooperation, including with third countries, to deal with the growing problem of child trafficking.

Noting that the arrival of a large number of minors is as a result of **forced marriages**, Parliament also calls on the European Union to take action to combat this phenomenon.

More funding: Parliament calls on the Commission to take **specific account of unaccompanied minors** in the European Asylum and Migration Fund in order to afford long-term guarantees concerning the protection of children, including in relation to the sections concerning refugees, asylum seekers, the external borders and return, and in the European Social Fund. All staff with a responsibility for children (border guards and police authorities) should receive appropriate training.

Strategic guidelines: Parliament calls on the Commission to draw up strategic guidelines for Member States which should, based on best practices, take the form of common minimum standards and address each stage in the process, from the arrival of a minor in European territory until a durable solution has been found for him/her, in order to ensure his/her proper protection. It also calls on the Member States to adopt national strategies for unaccompanied minors, based on these strategic guidelines, and to designate a **national contact point** responsible for coordinating the implementation of these measures and actions.

In this regard, Parliament urges the Member States to comply strictly and without fail with the fundamental obligation never to place a minor in detention and call on the Commission to take great care when applying the provisions of EU law on the detention of minors.

Additional measures are proposed to ensure that unaccompanied minors are provided with the necessary social and educational services, that they are addressed in a language and in a form that they understand, that they are not subjected to intrusive medical tests to determine their age and that all is done to ensure that a guardian or a person responsible for accompanying them is appointed.

Parliament recalls that **no child may be denied access to the territory of the EU** and insists that the Member States must comply with the international and European obligations which apply in the field. In this context, Parliament urges the Member States to comply strictly and without fail with the fundamental obligation **never to place a minor in detention** and calls on the Commission to take great care when applying the provisions of EU law on the detention of minors. In addition, Parliament calls on the Member States to set up compulsory gender-specific training for personnel receiving unaccompanied minors.

Reception standards: Parliament calls on Member States to provide unaccompanied minors, irrespective of their status, with the following:

- access to appropriate accommodation, with adequate sanitary conditions;

- adequate material, legal and psychological support from the moment they are identified as unaccompanied minors;
- the right to education, vocational training and socio-educational advice and immediate access thereto;
- the right to health and effective access to adequate basic health care;
- access to information and use of the media (radio, TV, internet);
- the right to leisure, including the right to engage in play and recreational activities;
- the right of all unaccompanied minors to the continued use and development of their own identity and values, including their mother tongue;
- the right to manifest and practise their religion.

Parliament urges Member States, as far as possible, to exempt unaccompanied minors from **accelerated procedures and from procedures at the border** when they arrive on a Member State's territory. Parliament stresses that it is crucial, given the specific needs of unaccompanied minors, that their asylum applications be given priority so that a fair decision can be taken as quickly as possible. It emphasises that any decision concerning unaccompanied minors should be taken on the basis of an **individual assessment** and with due respect for the best interests of the child. It stresses firmly that the ultimate aim, once an unaccompanied minor has arrived in EU territory, must be to seek a **durable solution** for him/her, which respects his /her best interests, giving priority to family reunification, in and outside the EU.

Specific measures are called for to ensure that no decision to return a minor may be taken, if it is not in the child's best interests or endangers the minor's life, physical and mental health, and well-being, security or fundamental rights or those of his or her family.

Lastly, Parliament calls on the Member States to introduce an obligation for public authorities to take action with regard to unaccompanied minors who are **victims of begging**, taking the view that the exploitation of minors in relation to begging should be prevented at all costs.