

CHILDREN IN MIGRATION: HOW DO EU MEMBER STATES AND NORWAY PROTECT THEIR RIGHTS?

EMN FLASH #15 - 2021

Introduction to the EMN Report on the state of implementation in 2019 of the 2017 Commission Communication on the protection of children in migration

Background

In 2017, the European Commission published a *Communication on the protection of children in migration*.¹ This sets out actions to reinforce the protection of all third-country national migrant children at all stages of migration to and within the EU, at EU and national levels. This flash summarises the results of the 2019 report on the state of implementation of the Communication on the protection of children in migration. It maps the progress made by EU Member States and Norway as regards the recommended actions laid down in the Communication. Additional material was contributed by NGOs,² at the request

of the European Commission, and based on recent research on relevant topics.

How do EU Member States protect children in migration and what is the state of implementation of the 2017 Commission Communication? What measures are in place in relation to the identification and reception of children from third countries? How is guardianship organised at national level and what safeguards are in place for the return of minors?

At a glance, the main research findings are introduced below.



Key findings

- In line with the 2017 Communication, European Union (EU) Member States and Norway set in place rules to ensure that an official with adequate training is present during the identification and registration procedure of minors and provide special training to border guards/police authorities to identify minors and victims of trafficking.
- The 2017 Communication calls for safe and appropriate accommodation and the provision of support services to secure the child's wellbeing. The majority of Member States and Norway accommodate families with children applying for asylum in general reception facilities for asylum seekers, while unaccompanied children are usually accommodated in special reception centres.
- The 2017 Communication places special importance on strengthening guardianship systems. While most Member States provide for the appointment or designation of a guardian or representative to unaccompanied minors recorded within the asylum system, half also provide for the appointment or designation of representatives for unaccompanied minors who are not applying for asylum but are recorded within other migration procedures.
- Detention of unaccompanied minors and minors with families is legally permitted in several EU Member States. However,

in line with the 2017 Communication, this is reportedly only implemented as a last resort and under strong safeguards to protect the wellbeing of the child.

- The 2017 Communication highlights the importance of early integration. Member States generally do not have a specific policy or strategy for the integration of children of a migrant background, although national programmes promoting the integration of migrant children through sport and other leisure or cultural activities are implemented in some Member States. New developments were reported in 2019 in relation to the integration of minors.
- In 2019, fewer than half of the Member States made use of EU funding (mostly from the Asylum, Migration and Integration Fund (AMIF)) for programmes prioritising the protection of unaccompanied children and/or families with children.
- Non-governmental organisation (NGO) research points to remaining challenges and gaps in the practical implementation of legislation and policies to protect children in migration across the EU, (i.e. guardianship, identification of unaccompanied minors, and minors who are victims of trafficking).



1 Communication from the Commission to the European Parliament and the Council: The protection of children in migration (COM(2017) 211 final), available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412_communication_on_the_protection_of_children_in_migration_en.pdf

2 The following NGOs provided input for this Report: Missing Children Europe, European Network on Statelessness, Red Cross EU Office, Danish Refugee Council (DRC), Defence for Children International Belgium, Project Play, PICUM, and Refugee Rights Europe.

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