

EMN Study on

Policies, practices and data on unaccompanied minors in 2014

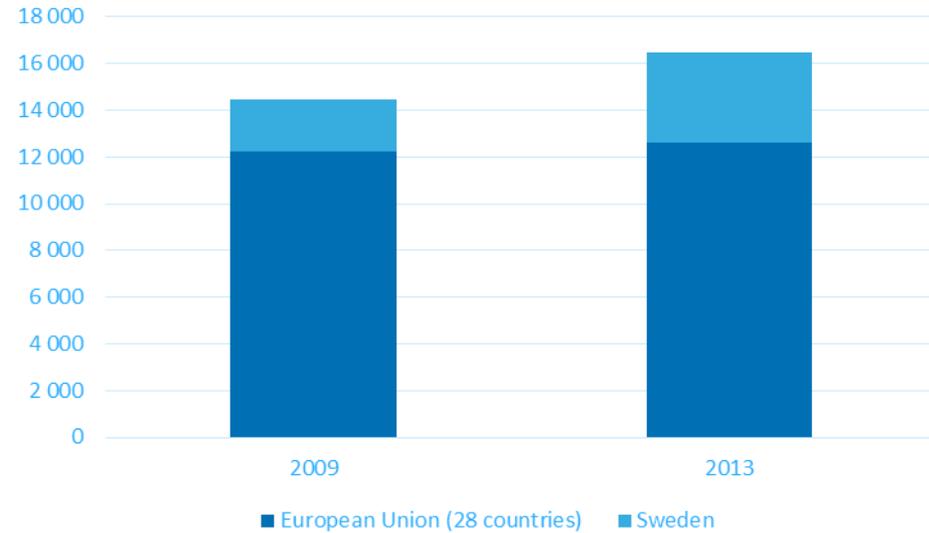
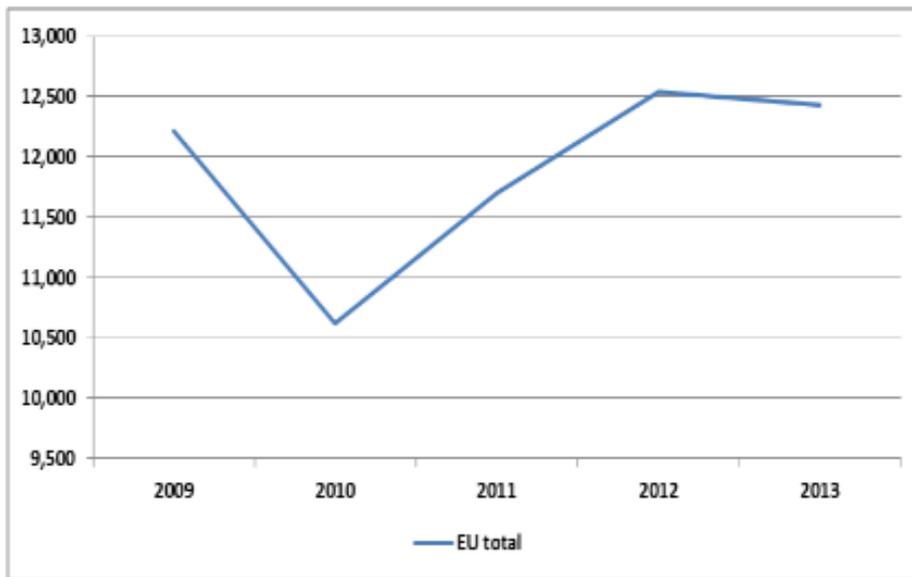
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Presentation overview

- Policy context and rationale for the study
- EU and Member States' policy responses
- Background to the study
- Objectives of the study
- Thematic coverage of the study

Policy context



The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.

EU policy response

- Further development of the EU Strategy on the Rights of the Child (2009) and Action Plan on Unaccompanied Minors 2010-2014
- Mid-term review of the Action Plan on UAMs (2012)
- European Parliament resolution on the situation of UAMs (2013)
- Proposals for future actions:
 - The Action Plan is coming to an end (end of 2014) and the COM will, in 2015, report to the Parliament and the Council on its implementation and make proposals for future actions;
 - The outcome of the EMN study will feed into the broader reflection process over the future actions that could be undertaken, in that it will help to get an updated picture of the situation regarding UAMs;
 - The EMN study will also highlight good practices, as well as possible areas in which more work needs to be done.

Member States' policy responses

According to the EMN Report 'Descriptive analysis of the impacts of the Stockholm Programme 2010-2013', MS have implemented:

- Legislative changes aimed to improve access to rights for UAMs and related to, including, amongst others:
 - Age assessment (BE, DK, EL, ES, FI, LT, LV, SI, NO)
 - Guardianship (DE, PL, SI, NO)
Criminal law to better protect children (EL, MT)
 - Reception (HU)
 - Legal representation during asylum procedures (LU)
 - Return (AT)
- Changes to residence permit systems (BE, DK, IT, SK), e.g. new provisions regarding applications (BE) and amendments to the procedure (IT)
- Examples of policy developments in MS include:
 - Prohibition of detention of UAMs (FI)
 - A new national protocol to assess age and isolation of UAMs (FR)
 - New guidance for determination of the child's best interests (SK)
 - Allocation of social workers to each UAM (IE)
 - Provision of accommodation in secure places (IT)
 - A new concept of protection and care of UAMs, stipulating the system for care and integration and setting out new rules for dealing with UAMs (CZ)

Background to the EMN study

- 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)
- 5 EMN NCPs have so far submitted National Reports
- Work on Draft 1 of the Synthesis Report is expected to commence in October/ November 2014 (once a minimum of 20 national contributions have been received). The first draft will be developed in the 2-3 week period after this
- Draft 2 of the Synthesis Report will then be prepared on the basis of COM and EMN NCPs comments
- The anticipated final publication date is likely to be December 2014/ early 2015

Objectives of the EMN study

- The study aims to:
 - Update the most central elements and outcomes of the previous EMN study on UAMs carried out in 2008/09. The aim of the update will be to inform about changes in MS policies and practices that have occurred after 2008/09, as well as to provide new comparable statistics;
 - Fill knowledge gaps identified by the 2008/09 EMN study, notably data on UAMs who have not applied for asylum; those in the return process or whose application for protection was rejected; exploring the issue of a UAM reaching 18 years of age whilst in the care of public authorities; and next steps in terms of service provision, integration or return.

Scope of the EMN study

- The study covers:
 - UAMs who are third-country nationals or stateless persons;
 - Confirmed UAMs and UAMs who claim to be children but whose age is doubtful and the age assessment procedure has not yet been undertaken to determine their age;
 - UAMs who are seeking asylum or who 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.

Thematic coverage of the study

- Section 1: Motivations and circumstances of UAMs for entering the EU
 - Typology of motivations and circumstances (e.g. fleeing persecution/ harm and seeking protection, family reunification, economic reasons, VoT, etc.)
 - Information on prevention actions, initiatives and projects MS undertake together with CoI
- Section 2: Entry and assessment procedures including border controls for asylum-seeking and non-asylum seeking UAMs
 - Documentation required for legal entry
 - Circumstances where a UAM may be refused at the border
 - Apprehensions of UAMs by national authorities
 - Training of border guards and/ or police authorities
 - Organisation of national asylum procedures
 - Guardianship and age assessment
 - Residence permits granted to UAMs

Thematic coverage of the study (continued)

- Section 3: Reception arrangements, including integration measures for UAMs
 - Reception and care arrangements for UAMs
 - Accommodation and other material reception provisions
 - Access to legal advice, healthcare, education, support to employment
 - Withdrawal of reception and integration support
- Section 4: UAMs that go missing/ abscond from reception/ care facilities
 - Possible reasons for the disappearance of UAMs
 - Socio-demographic profile of missing/ absconding UAMs
 - Timing of the disappearance of UAMs
 - Measures of MS to prevent and react to disappearances of UAMs
 - Procedures of MS to report and deal with disappearances of UAMs

Thematic coverage of the study (continued)

- Section 5: Arrangements in the (Member) States for UAMs when turning 18 years of age
 - Residence permit provisions in place and consequences for the rights and obligations of the former UAMs
 - Measures in place to support the UAM in advance, as well as after the transition
 - Implications of the change in residence status for the access to education/ training/ employment of the former UAM
 - Monitoring mechanisms in place to ensure effective transition of UAMs to 18 years of age
- Section 6: Return practices, including reintegration of UAMs
 - Can UAMs be returned (voluntary or forced return)
 - Can UAMs be detained whilst awaiting return and what alternatives are available
 - Provision of reintegration support to UAMs returning to CoI
 - Monitoring mechanisms in place to ensure effective return of UAMs to CoI
- Section 7: EU and international legislative framework in relation to the situation of UAMs

Thank you for your attention! 😊
Any questions?