

CHILDREN IN MIGRATION: HOW DO EU MEMBER STATES AND NORWAY ENSURE THEIR CARE AND PROTECTION?

EMN FLASH #1 - 2022

Introduction to the EMN Report on the state of progress in 2020 of the European Commission Communication on the protection of children in migration 2017

Background

In 2017, the Commission Communication on the protection of children in migration endorsed actions to foster the protection of all migrant children at EU and national level¹. A new report by the EMN maps the progress made in 2020 by EU Member States and Norway across several key areas set out in the 2017 Communication, including identification, registration, reception, asylum procedures, alternative care, access to education, guardianship, access to justice and detention and its alternatives. Additional material was

contributed by NGOs², at the request of the European Commission, and based on recent research on relevant topics.

What progress was made during 2020 in the implementation of the recommendations laid out in the 2017 Communication? What new measures have been implemented to protect migrant children in the EU? How were migrant children protected during the COVID-19 pandemic? At a glance, the main findings are introduced below.



Key trends and findings

- Although the presence of migrant children in the EU has decreased in recent years, the number of migrant children, including unaccompanied minors, registered as present in the EU remained high in 2020.
- The protection of children in migration remained an area of considerable development in legislation and policy at EU and national level throughout 2020. New measures included the examination of accommodation and care standards, with specific approaches for certain age groups of minors; accommodating minors in specially adapted or expanded facilities corresponding to their needs; and bolstering the training of police officers, child services and reception system staff.
- New alternative (non-institutional) care options for unaccompanied children, particularly regarding family-based care/care-families were introduced or improved by two Member States and Norway in 2020.
- Detention of migrant children is legally permitted in about half of the Member States, although this is reportedly implemented as a last resort and under strong safeguards to protect the well-being of the child. In 2020, most Member States and Norway reported no significant legislative or policy changes in relation to the detention of children, either during the asylum procedure or for the purpose of return.
- Non-governmental organisation (NGO) research and projects highlight the role of guardians in preventing child disappearances and the importance of providing children in migration with access to information to facilitate their access justice.
- As a response to the COVID-19 pandemic, Member States introduced temporary measures to minimise the health consequences for migrant children, such as staff guidelines to be followed during the identification and registration of (unaccompanied) minors; and measures to maintain access to justice/ procedural safeguards and to education for all pupils (including those from an immigrant background).



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, Terre des Hommes, Jesuit Refugee Service (JRS).

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