

Stepping Stones to Safety

Five Areas for Progress:

Strengthening Key Procedural Safeguards for Unaccompanied Children in Transnational Procedures within the EU

December 2021

Executive Summary



Within the European Union, unaccompanied children seeking international protection need safe and legal pathways between Member States in a number of circumstances, in particular, for family reunion, or to reach protection and assistance through relocation from countries of first entry. Transnational procedures underpinning these pathways embody the Member States' human rights obligations to respect family life and the best interests of the children concerned, as well as a commitment to provide special protection and assistance to unaccompanied children and to enhance solidarity between States.

Transnational procedures can achieve many critical goals. They have the potential to provide stability and safety for the child and to help mitigate the risks children may face, should they continue an unsafe journey within the EU on their own (including risks posed by trafficking networks). Transnational procedures promote more effective border management within the EU, for example, by relieving countries of first entry of caseload pressure in receiving and assisting vulnerable groups. They also support national and local authorities in countries of destination because a planned arrival is easier for them to prepare for and to manage, in comparison to spontaneous arrivals.

There is both an urgent need, and a real opportunity to take concerted action to facilitate and improve these transnational procedures. Current negotiations on EU law reform, recently issued EU policy strategies and ongoing practical actions can help achieve progress.

To work smoothly, these sometimes complex and sensitive procedures require careful case management from a child protection and migration management perspective. A robust mechanism to examine the best interests of the child should be at the centre of decision making and action. Transnational procedures rely on effective cross-border cooperation and coordination. **A vital ingredient for successful outcomes is ensuring appropriate safeguards for every child affected by such decisions including better information, support and assistance, in particular, through guardianship and access to free, quality legal assistance.**

Connected with our work on [Advancing Protection](#) for unaccompanied children, KIND and Child Circle conducted a consultation with a range of experts to explore challenges and opportunities to strengthen the work of legal assistance providers and guardians involved supporting children in transnational procedures. Our new report [Stepping Stones: Strengthening Key Procedural Safeguards for Unaccompanied Children in Transnational Procedures within the EU](#), outlines five key areas for progress:

- 1. Ensuring a clear entitlement in the law to safeguards in transnational proceedings and put in place transparent decision making procedures;**
- 2. Enhancing the quality of assistance, in particular, by increasing specialised knowledge;**
- 3. Improving the ability of legal assistance providers and guardians to work together and with others in order to ensure a child-centred approach in complex, inter-agency settings;**
- 4. Enabling guardians and legal assistance providers to better cooperate across borders;**
- 5. Increasing the availability of guardians and legal assistance through better resource management.**

Stepping Stones to Safety highlights a wide range of different developments, activities and commitments, which could contribute significantly to achieving progress. These include legal and policy reform, practical measures of support and operational measures as well as monitoring and accountability, at both the EU and national levels. Several of the actions identified provide seeds for future system strengthening, others refer to opportunities for immediate progress that should be explored and further resourced. Solid foundations for improvements also include ongoing and potential action by European networks, such as the European Guardianship Network and the Council of Bars and Law Societies in Europe. The intensive work of UN agencies, NGOs working to support children, guardianship organisations and legal assistance providers has the potential to continue to drive progress.

Strengthening these procedural safeguards provides an important means to bolster process as a whole, ensuring smoother national and cross-border case management and enabling professionals working directly with children to assist them in securing comprehensive, secure and sustainable solutions. Targeted resources are necessary to achieve improvements, at both the regional and national levels. It will be important to take the opportunity to leverage resources across the region through transnational actions and exchange. The private legal community and the corporate world can be valuable partners in helping to bridge resource challenges, particularly when provided with high quality training and mentorship.

Stepping Stones to Safety identifies specific Actions for Progress under each of the five areas mentioned above. This roadmap is the result of our year-long consultation with relevant stakeholders and seeks both to reflect and to unite their engagement and plans. It connects these many catalysts for change in order to encourage further concerted efforts around the identified priority actions. It is intended to advance the vision and practical engagement of the many authorities, agencies, organisations and professionals that are committed to assisting and protecting unaccompanied children. Without their efforts, unaccompanied children may find themselves walking a tightrope alone across Europe in search of family, protection and assistance. Working together, we can put in place stepping stones to safety.

Strengthening Procedural Safeguards in Transnational Procedures

 <p>Clear entitlements to safeguards & transparent procedures</p>	<p>Exchange of experience, documenting good practice and procedures</p>	<p>Developing recommendations for Model Standard Operating Procedures</p>	<p>Developing guidance on procedural safeguards in transnational procedures</p>	<p>Developing recommendations for CEAS reform</p>	<p>Strengthening monitoring and accountability</p>
 <p>Enhancing quality of guardianship & legal assistance</p>	<p>Raising awareness of need for specialised knowledge and skills for guardians and legal assistance providers</p>	<p>Specialised training for guardians and legal assistance providers</p>	<p>Developing guidance on procedural safeguards in transnational procedures</p>	<p>Support for professional networking to enhance specialised knowledge</p>	<p>Putting in place regional support services for guardians and legal assistance providers in transnational procedures</p>
 <p>Improving inter-agency case management</p>	<p>Developing recommendations for Model Standard Operating Procedures</p>	<p>Promoting case management involving guardians and legal assistance providers in the integrated child protection initiative</p>	<p>Developing guidance on procedural safeguards in transnational procedures</p>	<p>Joint training of guardians and legal assistance providers on transnational case management</p>	<p>Explore use of practices inspired by the Barnahus model in frontline situations</p>
 <p>Strengthening cross-border cooperation</p>	<p>Promoting transnational cooperation between guardians and legal assistance providers in case management in the integrated child protection initiative (EU Child Rights Strategy)</p>	<p>Explore, enhance and promote role of existing transnational networks. eg Dublin Network, European Guardianship Network and CCBE</p>	<p>Expanding legal aid for assistance in receiving countries to ensure continuity & stability of assistance to child, & address any appeals</p>	<p>Support for cross border networking, with support services to guardians and legal assistance providers</p>	<p>EU general measures of coordination (e.g. EU Relocation Coordinator)</p>
 <p>Increasing the availability of guardians & legal assistance</p>	<p>Support for pro bono initiatives to assist in transnational procedures, pending further strengthening of publicly funded legal assistance</p>	<p>Creation of pools of specialised guardians and legal assistance providers</p>	<p>Putting in place regional support services for guardians and legal assistance providers in transnational procedures</p>	<p>Practical recommendations to frontline actors on assuring access to guardianship and legal assistance</p>	<p>Information for children on procedural safeguards in particular guardianship and legal assistance</p>



In Focus:

Clear Entitlements to Safeguards & Transparent Procedures

1. Exchange of experience, documenting good practice and procedures

- ✓ **Actors involved:** potentially led by EASO, EASO Vulnerability Experts Network, EASO Dublin Network, with involvement of EU and UN agencies and other stakeholders involved in transnational procedures, including guardians and legal assistance providers, European Guardianship Network, CCBE and NGOs.
- ✓ **Build on past activities, existing resources and plans:** EASO Dublin survey 2020, upcoming EASO Vulnerability Expert Network (VEN) meeting on relocation, EGN thematic meeting on relocation 2021; EGN meeting with a panel discussion on cross border work with contributions from Caritas, Child Circle and Nidos, October 2021; [Relocating unaccompanied children: applying good practices to future schemes](#) (May 2020); UNHCR consultations on safeguards for children in Dublin procedures 2019.

2. Developing recommendations for principles for Model Standard Operating Procedures for transnational procedures

- ✓ **Actors involved:** potentially led by EASO, via inter-agency process, including EU and UN agencies, national authorities and in consultation with other stakeholders involved in transnational procedures, including guardians and legal assistance providers, European Guardianship Network, CCBE and NGOs.
- ✓ **Build on past activities, existing resources and plans:** previous SOPs on relocation; previous projects to develop SOPs for Dublin; FRA practical guidance for protecting unaccompanied children in the relocation process; UNICEF, UNHCR, IOM - Minimum Child Protection Standards for identification; IOM and UNICEF Principles and approaches to guide relocation; EASO resources on relocation: Keeping the Child's Best Interests at the Heart of Relocation, Child Circle and Missing Children recommendations on child-centred relocation procedures.

3. Developing guidance on procedural safeguards in transnational procedures

- ✓ **Actors involved:** potentially led by FRA, in consultation with EU and UN agencies, national authorities and with other stakeholders involved in transnational procedures, including guardians and legal assistance providers, European Guardianship Network, CCBE.
- ✓ **Build on past activities, existing resources and plans:** EASO Practical Guide on the best interests of the child in asylum procedures; FRA Handbook on Guardianship; FRA practical guidance for protecting unaccompanied children in the relocation process; FRA Practical guide to enhance transnational cooperation: EU child victims of trafficking or in need of protection; The International Multi-Agency Framework in [Free to Move, Invisible to Care: coordination and accountability towards Romanian unaccompanied minors' safety \(basw.co.uk\)](#).

4. Developing recommendations for CEAS reform to ensure key procedural safeguards for children in transnational procedures in CEAS reform, including in future implementing measures

- ✓ **Actors involved:** consultation between UN agencies and civil society, contributing to a thematic consultation, potentially hosted by the Commission or by the European Parliament.
- ✓ **Build on past activities, existing resources and plans:** recommendations by civil society and UN agencies on CEAS reform, see examples in selected key resources in the full report [Stepping Stones to Safety](#).

5. Strengthening monitoring and accountability

- ✓ **Actors involved:** potentially led by FRA and including other EU and UN agencies, EGN, CCBE, National Preventive Mechanisms (under UN OPCAT), European Network of Ombudspersons for Children, European Network of National Human Rights Institutions, as well as involved stakeholders.
- ✓ **Build on past activities, existing resources and plans:** future monitoring mechanisms under the proposed CEAS reform.



In Focus:

Enhancing Quality of Guardianship & Legal Assistance

- 1. Raising awareness of need for specialised knowledge and skills for guardians and legal assistance providers**
 - ✓ **Actors involved:** in particular, FRA, European Guardianship Network, CCBE, UN agencies and NGOs involved in provision or support for guardians or legal assistance.
 - ✓ **Build on past activities, existing resources and plans:** exchanges within networks and the FRA Handbook on guardianship.
- 2. Specialised training for guardians and legal assistance providers**
 - ✓ **Actors involved:** in particular, FRA, European Guardianship Network, HELP programme (Council of Europe), CCBE, National Bars, ELF.
 - ✓ **Build on past activities, existing resources and plans:** existing plans of FRA on training of trainers, training programmes supported by CCBE (in collaboration with ELF and HELP), Safe Passage training, UPRights (ECRE) available on HELP (Council of Europe), Fostering Access to Immigrant Children's Rights (FAIR), an International Commission of Jurists (ICJ) project.
- 3. Developing guidance on procedural safeguards in transnational procedures (as above)**
 - ✓ **Actors involved:** potentially led by FRA, in consultation with EU and UN agencies, national authorities and other stakeholders involved in transnational procedures, including guardians and legal assistance providers, European Guardianship Network, CCBE.
 - ✓ **Build on past activities, existing resources and plans:** EASO Practical Guide on the best interests of the child in asylum procedures; FRA Handbook on Guardianship; FRA practical guidance for protecting unaccompanied children in the relocation process; FRA Practical guide to enhance transnational cooperation: EU child victims of trafficking or in need of protection; The International Multi-Agency Framework in [*Free to Move, Invisible to Care: coordination and accountability towards Romanian unaccompanied minors' safety*](#) (basw.co.uk).
- 4. Support for professional networking to enhance specialised knowledge**
 - ✓ **Actors involved:** European Guardianship Network, CCBE.
 - ✓ **Build on past activities, existing resources and plans:** regular meetings of the European Guardianship Network.
- 5. Establishing support services for guardians and legal assistance providers in transnational procedures**
 - ✓ **Actors involved:** potentially the Commission, EASO, European Guardianship Network, pan European initiatives such as KIND Europe and Safe Passage.
 - ✓ **Build on past activities, existing resources and plans:** drawing inspiration from the Dublin desk project run by Nidos and information portals established by the Commission in other fields such as OpenEurope or eJustice portal.



In Focus:

Improving Inter-Agency Case Management

1. Developing recommendations for model Standard Operating Procedures (as above)

- ✓ **Actors involved:** potentially led by the Commission or EASO, via inter-agency process, including EU and UN agencies, national authorities and in consultation with other stakeholders involved in transnational procedures, including guardians and legal assistance providers, European Guardianship Network, CCBE and NGOs.
- ✓ **Build on past activities, existing resources and plans:** previous SOPs on relocation; previous projects on SOPs for Dublin; FRA practical guidance for protecting unaccompanied children in the relocation process; UNICEF, UNHCR, IOM - Minimum Child Protection Standards for identification; IOM and UNICEF Principles and approaches to guide relocation; EASO resources on relocation: Keeping the Child's Best Interests at the Heart of Relocation: Child Circle and Missing Children recommendations on child-centred relocation procedures.

2. Promoting case management involving guardians and legal assistance providers in integrated child protection initiative (EU Child Rights Strategy)

- ✓ **Actors involved:** European Commission (DG Justice), all stakeholders as part of consultation on the same.
- ✓ **Build on past activities, existing resources and plans:** drawing inspiration from case management processes in the Barnahus model (www.barnahus.eu).

3. Developing guidance on procedural safeguards in transnational procedures (as above)

- ✓ **Actors involved:** potentially led by FRA, in consultation with EU and UN agencies, national authorities and other stakeholders involved in transnational procedures, including guardians and legal assistance providers, European Guardianship Network, CCBE.
- ✓ **Build on past activities, existing resources and plans:** EASO Practical Guide on the best interests of the child in asylum procedures; FRA Handbook on Guardianship; FRA practical guidance for protecting unaccompanied children in the relocation process; FRA Practical guide to enhance transnational cooperation: EU child victims of trafficking or in need of protection; The International Multi-Agency Framework in *Free to Move, Invisible to Care: coordination and accountability towards Romanian unaccompanied minors' safety* (basw.co.uk).

4. Joint training of guardians and legal assistance providers on transnational case management

- ✓ **Actors involved:** potentially European Guardianship Network and NGOs.
- ✓ **Build on past activities, existing resources and plans.**

5. Explore use of practices inspired by the Barnahus model in frontline situations

- ✓ **Actors involved:** Council of Baltic Sea States, Promise network, EU agencies, national stakeholders.
- ✓ **Build on past activities, existing resources and plans:** www.barnahus.eu



In Focus:

Strengthening Cross-Border Cooperation

- 1. Promoting transnational cooperation between guardians and legal in case management in integrated child protection initiative (EU Child Rights Strategy)**
 - ✓ Actors involved: European Commission, DG Justice, all stakeholders as part of consultation on the same.
 - ✓ Build on past activities, existing resources and plans.
- 2. Explore, enhance and promote role of existing transnational networks. e.g., Dublin network, potentially European Guardianship Network and CCBE**
 - ✓ Actors involved: EASO, European Guardianship Network, CCBE, NGOs.
 - ✓ Build on past activities, existing resources and plans.
- 3. Expanding legal aid for assistance in receiving countries to ensure continuity and stability of assistance to child, and address any appeals**
 - ✓ Actors involved: pro bono legal community, discussions with local bar associations and ministries.
 - ✓ Build on past activities, existing resources and plans.
- 4. Support for cross border networking and support services to guardians and legal assistance providers**
 - ✓ Actors involved: in particular, EASO, European Guardianship Network, regional NGOs and potentially with the assistance of CCBE.
 - ✓ Build on past activities, existing resources and plans.
- 5. EU general measures of coordination (possible EU Relocation Coordinator)**
 - ✓ Actors involved: European Commission, EU and UN agencies and all involved stakeholders.
 - ✓ Build on past activities, existing resources and plans: coordination meetings that were held in relation to the recent voluntary relocation scheme which were chaired by the European Commission and brought together agencies and authorities; such meetings might pave the way for more formal structures under future schemes, and to support solidarity mechanisms which may be adopted as part of the EU reform.



In Focus:

Increasing the Availability of Guardians & Legal Assistance

- 1. Support for pro bono initiatives to assist in transnational procedures, pending further strengthening of publicly funded legal assistance**
 - ✓ Actors involved: KIND Europe, PILnet, CCBE, Safe Passage, private sector law firms.
 - ✓ Build on past activities, existing resources and plans: examples outlined in the report.
- 2. Creation of pools of specialised guardians and legal assistance providers to support children in transnational procedures, in particular settings**
 - ✓ Actors involved: National authorities, European Guardianship Network, pro bono legal community, with specialised support.
 - ✓ Build on past activities, existing resources and plans: examples outlined in the report.
- 3. Establishing regional support services for guardians and legal assistance providers in transnational procedures (as above)**
 - ✓ Actors involved: potentially the Commission, EASO, European Guardianship Network, CCBE, pan European initiatives such as KIND Europe and Safe Passage.
 - ✓ Build on past activities, existing resources and plans: drawing inspiration from the Dublin desk project run by Nidos and information portals established by the Commission in other fields such as OpenEurope or eJustice portal.
- 4. Practical recommendations to frontline actors on assuring access to guardianship and legal assistance**
 - ✓ Actors involved: in particular, EASO, FRA, UN agencies, European Guardianship Network, CCBE.
 - ✓ Build on past activities, existing resources and plans.
- 5. Information for children on procedural safeguards in particular guardianship and legal assistance**
 - ✓ Actors involved: EASO, European Guardianship Network.
 - ✓ Build on past activities, existing resources and plans.

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