

## Keeping the Child's Best Interests at the Heart of Relocation: Key recommendations for EU action concerning the ongoing initiative to relocate unaccompanied children from Greece



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## Introduction

In March 2020, in light of deteriorating conditions for children from third countries currently located on the Greek islands, pledges have been made by a coalition of several EU Member States to relocate a number of unaccompanied children and 59 children have already been relocated to Luxembourg and Germany. We greatly welcome this initiative and encourage other Member States to show solidarity for this vulnerable group during this humanitarian crisis.

## Section I Key Recommendations for EU Action

We greatly appreciate the work of the European Commission and the EU agencies to support Member States in relocating children.

We recognise that this initiative is a voluntary effort by Member States and it starts with their individual pledges to relocate unaccompanied children from Greece. We also know that a wide range of diverse actors, including civil society organisations, are committed - and needed - to make this a success. The EU can clearly play a role in bringing together collective efforts effectively.

**Our key recommendations for the EU and national authorities and stakeholders involved in the relocation relate to the need to:**

1. Support Member States in relocating children, safeguard children by developing a child-centred framework and connect stakeholders
2. Promote on-going exchange of good practice and experience between Member States and review and assess in order to address challenges rapidly (including though listening to children about their experiences)
3. Learn and share the lessons of relocation for future solidarity mechanisms



## 1. Support Member States in relocating children, safeguard children by developing a child-centred framework and connect stakeholders

### Continuing EU support to States in relocating children, including with EU funding

We recommend that EU support for relocation, including through funding for relocating Member States, be continued and strengthened, to ensure that this important solidarity mechanism can work now and in the future when needed.

We encourage the European Parliament to keep a focus on the initiative throughout its related activities, to ensure EU action is supported, effective and child-centred and to encourage Member States involvement and support.

### Strengthening safeguards for children pre -departure

We encourage all actors to work together to strengthen the safeguards that need to be in place to ensure that all unaccompanied children have adequate information and independent support and assistance before relocation takes place.

This involves properly resourcing and involving trained guardians. It also involves ensuring that children - and their guardians - can access necessary information and legal assistance when needed.

### Placing the best interests of the child at the centre of relocation - avoiding unintended harm

We recommend that, in line with the principle of non-discrimination, countries do not exclude from eligibility for relocation any children who may be seeking international protection, especially based on sex, age or nationality.

More broadly, the process of identifying, screening, undertaking best interests assessments and relocating children should be swift and as straightforward as possible. However, it is vital to ensure that the process operates in a way that **does not have unintended harmful effects to any children involved**. For example, it is possible that quick or incomplete assessments end up overlooking medical or psycho-social needs which should be taken into account in planning transfers. Equally, robust support and assistance is needed for this vulnerable group when they arrive in countries of relocation. Making this happen is made all the more difficult by the current COVID-19 crisis.

**More than ever, the current situation demands that stakeholders work together as smoothly and as effectively as possible to achieve successful outcomes.**

Alongside standard operating procedures for the authorities and agencies involved in the identification and transfer process, we urge the Commission and national authorities to



publish information on the intended pathway for children during relocation - **a child-centred framework for relocation** - so as to ensure the necessary support from a wider range of stakeholders is put in place in Greece and in the destination countries.

This step is vital. Children need proper support from a multitude of actors including local authorities, NGOs and professionals working with children such as lawyers, health, social and educational actors. Without a proper framework, the actors themselves cannot coordinate and prepare interventions properly. This could lead to unnecessary difficulties arising in the provision of individual needs assessments, guardianship, legal assistance, and proper procedures. **A child-centred framework would provide the tool, which is urgently needed to engage all the stakeholders**, particularly those in countries of arrival.

In section II below, we provide more detailed recommendations on how a child-centred framework could be developed and used, in particular, building on the input from: the practical suggestions of the Fundamental Rights Agency; IOM and UNICEF's Principles and Approaches to Guide the Relocation and Integration of UAC from Greece to other EU Member States; as well as UNICEF, IOM and UNHCR "Minimum Child Protection Standards for Identification of Unaccompanied and Separated Children to be Relocated from Greece to other countries in the European Union."

## 2. Promote on-going exchange of good practice and experience between Member States and review and assess in order to address challenges rapidly (including though listening to children about their experiences)

### Helping Member States to share, promote and spread good practices to ensure successful outcomes for relocated children

We recommend that the EU support Member States involved (and Member States interested in being involved now or in the future) to share good practice and resources on key issues. This will include sharing experience on processes concerning individual needs assessment, living arrangements, independent support and assistance to children and proper procedures, including status determination.

One possible mechanism to explore is to invite the European Asylum Support Office, through its Vulnerability Experts Network, to host regular online webinar meetings between both national authorities and key expert stakeholders to ensure timely exchanges between EU Member States involved. Other EU Member States interested in becoming involved in relocation now and in the future could be invited to join as well.

### Ongoing review and assessments as a key safeguard

We welcome the upcoming publication by the Fundamental Rights Agency of a review of past relocation experiences.

Building on this experience, we recommend that the Fundamental Rights Agency be asked to continue to review and assess relocation experiences on an ongoing basis. An



ongoing review would serve to highlight any measures that need to be put in place immediately and for any future schemes to avoid any inadvertent harm to children.

The review should concern the pre-departure phase, the transfer phase and the arrival and reception phase. It should focus on the fulfilment of the key safeguards for children including the provision of sufficient information and independent assistance and support, ideally through guardianship, from the outset of the process in Greece to integration in countries of relocation.

The Fundamental Rights Agency could publish periodic reports to inform EU and national stakeholders in their ongoing actions.

### Listening to children

A key element will be to listen to the children involved, to get their views and opinions on the relocation process regarding what helped them and what challenges they faced.

## 3. Learn and share the lessons of relocation for future solidarity mechanisms

### Publish the standard operating procedures to make it simpler for more Member States to relocate

Effective mechanisms should be put in place to learn the lessons of which measures work well, in order to make it simpler for all Member States to contemplate relocations of this kind in the future, when circumstances demand it. This includes publishing the standard operating procedures for national authorities, EU bodies and IGOs, based on experience and good practice, to make it simpler for more Member States to decide to relocate children.

### Learn the lessons of what works well and use it to shape future solidarity mechanisms

The experience of the relocation should also shape discussions between the EU institutions and Member States in the implementation of any future EU Migration and Asylum Pact and any future solidarity mechanism under a recast of the Dublin Regulation.

### Strengthen the support and assistance provided to all children in migration, whether they are relocated or remain in Greece

Equally, some of the collective resources and tools used to support children in this initiative might also be appropriate to, and could be replicated for, local support and assistance to unaccompanied children who remain in Greece. This could be the case, for example, as regards organizing transfers of children to mainland Greece from the islands on a regular basis. As a further example, the Fundamental Rights Agency could be asked to continue to help build and strengthen the guardianship system for unaccompanied children, both in terms of temporary guardianship on first arrival of all unaccompanied





children, and more long term guardianship for children who will undergo status determination in Greece.

It is critical that solidarity efforts should not focus only on a particular group of children but that this initiative act as a valuable catalyst for effective collective engagement on strengthening the child protection and asylum systems in Greece.

### [Simultaneously improving and expediting Dublin family reunification processes](#)

The Dublin III Regulation contains obligations on Member States to reunite unaccompanied children with family members. However the process suffers from many operational difficulties. Boosting Dublin processes must also be an urgent priority for the EU and its Member States.

Screening unaccompanied children offers the opportunity to enhance and advance important Dublin efforts, for example, by allowing the identification of children, who are eligible for family reunification.

Equally if special transport of the children to be relocated is undertaken (for example, the organization of special flights), it would be an opportunity to transfer at minimum cases of decided Dublin III transfers of children, which have been blocked because of COVID 19, with the same special public health measures pertaining to all children transferred, in line with UNHCR guidelines.

## [Section II. The development of a child-centred roadmap](#)

As noted in Section I above, making available a means to share information and coordinate, centring on the steps necessary to ensure that children are properly informed and supported at all stages, will enable all of the stakeholders involved in both the country of departure and the country of destination to plan and prepare together properly and rapidly.

### [How can a child-centred framework help?](#)

**A child-centred framework for relocation** will identify each stage of the process for the child, the steps necessary to ensure that the children's needs and rights are met and will promote coordination between the actors and actions involved.

- A framework would help Member States to identify the children, who need to access the relocation mechanisms and how to prioritise cases. (It is important to bear in mind that, significant delays can be caused where there are too many conditions linked to this initial step of the process.)
- A framework would support the provision of consistent information, assistance and support to children at each stage of the process. Investing in these key safeguards benefits both the children and the authorities, as well as actors who are working directly with children. For example, the child's informed and assisted cooperation would better facilitate the matching process and contribute to sustainable



outcomes. Proper information and support for the child also facilitates the application of Dublin III, instead of relocation processes, where appropriate. This would avoid a situation where family separation is prolonged further if a child is relocated to one EU country, despite having family members or relatives in another EU country - a clear risk if there are deficits in the available information and supports.

- A framework can allow particular challenges to be identified and addressed from an early stage. For example, when the child needs to go through any formal procedures in the country of relocation which require legal assistance, delays in accessing lawyers can be prevented if there is a pre-departure planning of available legal assistance in the country of relocation. Equally, mental health wellbeing services must be a central part of the response and would benefit from coordination with any legal procedures that children need to go through to reduce re-traumatisation.
- A framework could also allow actors working with the child to provide input into the ways in which case management could be improved through a pre-departure checklist. This would include ensuring that the essential information on the circumstances of the child is recorded and available to the appropriate actors in countries of relocation, with due regard for data protection. Enhanced case management would allow for concrete supports to be put in place in advance, such as ensuring the availability of interpreters, particular expertise (e.g. risk of female genital mutilation or gender violence) and cultural mediators in the countries of relocation.
- A framework could also facilitate the adoption of relatively simple steps, such as ensuring common resources are clearly identified and available in all of the countries involved. An example might include the availability of relevant child specific country of origin information for all of the countries involved in relocation. It might involve common background information sessions on the child's circumstances in Greece for professionals such as psychologists to improve how they support the children. One could envisage pre-departure remote support between health professionals in Greece and in countries of relocation, with the consent of children and their guardians.
- A framework should ensure better coordination of essential resources and may stimulate the availability of further resources, potentially through support from the private sector. In a time of pressure on public services across Europe, ensuring that the individual needs of children are being met swiftly and that a care and integration plan is in place from the outset may be helped by some innovative processes.

### How can a child-centred framework be developed?

From a practical standpoint, a general framework can be developed at EU level. We recommend building on the input from: the practical suggestions of the Fundamental



Rights Agency; IOM and UNICEF's Principles and Approaches to Guide the Relocation and Integration of UAC from Greece to other EU Member States; as well as UNICEF, IOM and UNHCR "Minimum Child Protection Standards for Identification of Unaccompanied and Separated Children to be Relocated from Greece to other countries in the European Union."

It could then be completed and further tailored to reflect national processes of the Member States involved, such as guardianship, status determination procedures, care and living arrangements.

A common framework of this kind would also greatly help ongoing exchange of information on challenges and promising practices between countries during this effort.

### Some necessary elements of a child-centred roadmap

Given that the specific procedures are under development and the roles of different authorities and agencies are currently being developed, we note some general recommendations on the necessary steps which form part of the process. These recommendations are framed around the preconditions, prioritization, procedures and principles that should apply to the initiative. As further orientations on the initiative are made available, we are ready to provide further suggestions.

#### 1. Preconditions

Preconditions include proper procedures to address:

- ✓ Registration of all unaccompanied children on the islands and not only those already registered
- ✓ Identification as unaccompanied
- ✓ Identification as a child

#### 2. Prioritisation

Whilst eligibility criteria could be discriminatory, especially if based on sex, age or nationality, if countries do establish *prioritisation* criteria, this should be based on clearly identified reasons associated with either:

- (i) the child's individual circumstances which give rise to a particular need for relocation, such as health concerns, risks (such as being a victim of abuse, trafficking or trauma), linguistic skills, presence of relatives or close friends in the receiving country; and
- (ii) specific features of the country's own reception capacity, such as:
  - a. the immediate availability of particular kinds of reception places for children (e.g. within different age groups or with particular needs, including for example, semi-independent living facilities and small reception centres), availability of suitable foster families (including families of similar cultural backgrounds) or sponsors

- b. ability to meet particular health, training or educational needs, in particular for children with disabilities.

Countries should commit to relocating and keeping siblings together.

If supportive peer groups of children exist, consideration might be given to the possibility of relocating groups of unaccompanied children together to the same country.

Countries should also carefully consider the wishes that children express themselves, give weight to their views in line with their age and maturity, and fulfil them where it is in the best interests of the child to do so.

We refer here also to important recommendations from the Greek Refugee Council and from Save the Children and Better Days, shared at the webinar organized by Child Circle, Missing Children Europe, Oxfam and Refugee Rights Europe on April 29 2020.

### 3. Procedures

If screening procedures for eligibility include screening to see whether international protection claims are manifestly well-founded, the child should be provided with legal assistance before and during any screening interview and failure to be selected should not negatively affect subsequent status determination procedures in Greece.

The screening of children for relocation processes should very carefully explore the possibility for Dublin transfers, with additional support and assistance available to ensure restoring family contacts and taking action necessary to expedite Dublin procedures.

As regards the basis on which children are relocated, ideally all countries should offer access to similar forms of protection prior to relocation or access to similar types of status determination procedures, with broadly similar outcomes, for example as regards the duration of the international protection period and family reunification possibilities.

#### *Key steps to be taken upon arrival in the receiving country*

A guardian needs to be appointed upon arrival and be able to provide a single point of contact throughout any procedures and decisions concerning the child.

Legal assistance and representation should also be provided to the child for any procedures arising.

An information session in an adapted language and format should be scheduled as soon as possible, in the presence of the guardian and relevant child protection authorities, to provide the child with the necessary knowledge of the system, opportunities and next steps<sup>1</sup>.

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<sup>1</sup> A summary of key information that needs to be provided to the child can be found in the INTERACT Handbook, p. 53, available at <https://missingchildreneurope.eu/Portals/0/Docs/publication%20hub/MCE-Interact%20Handbook-FINAL.pdf>,

A risk assessment should be conducted as soon as possible (within 24h) in the presence of the guardian and relevant child protection authorities. Every decision related to reception and protection will need to take the results of this assessment into account. This has important consequences. For example, if risk assessment indicates that the child may be a victim of trafficking or exploitation, this would require the activation of specific protocols to prevent further harm to the child. For example, the national referral mechanism should be activated if the assessment shows a risk of (re-)trafficking.

An individual care plan should be developed with the child and there should be a framework to monitor its implementation and adapt to possible future changes.

#### 4. Principles

Throughout the process, ensure the proper application of key cross-cutting principles, including as follows:

- **Best Interests** – all procedures and decisions should make the best interests of the child a primary consideration. This will require best interests assessments throughout procedures and concerning the potential relocation itself.
- **Participation** – the child should be informed and consulted throughout the process. Their views should be given due weight in accordance with their age and maturity.
- **Non-discrimination** – discrimination should be avoided, such as banning children with specific nationalities from eligibility for relocation measures.
- **Right to life, survival, and development** – this principle may influence the prioritisation of cases, e.g. a single adolescent mother or a child with disability may be selected to ensure this right – as such cases may be at greater risk.
- **Family unity** – procedures should ensure information, referral and action on cases that fall under the Dublin regime.

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