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# The Missing Children

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Unaccompanied Refugee Minors  
in the European Migrant Crisis

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**European Christian Political Movement**

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*Prepared by*  
**Teuta Vodo**

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## Acronyms

**AIDA** - Asylum Information Database

**BKA** - German Federal Criminal Police

**EC** - European Commission

**FRA** - Fundamental Rights Agency

**UNCRC** - United Nations Convention on the Rights of the Child

**URM** – Unaccompanied refugee minors

**UNHCR** - the United Nations High Commissioner for Refugees

**ISMU** - Istituto per lo Studio della Multietnicità

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## Abstract

During the European migrant crisis, increasing numbers of unaccompanied and separated refugee minors were reported to go missing. Despite the increasing number of the unaccompanied migrant children who go missing, the problem is usually underreported. As a result, many refugee and migrant children are trafficked and end up being exploited and abused.

Despite the role played by the European Union in establishing common legal safeguards for specific situations on unaccompanied refugee children in terms of asylum and trafficking, relevant legal as well as policy instruments to further protect them from exploitation are still needed. Some of the main challenges includes registration, first reception, qualified staff, age assessment, delays in the appointment of guardians, and access to asylum.

For this purpose, this study makes an effort to estimate the number of the unaccompanied children of third country origins who went missing either in the refugee routes or in the reception centers.

Although data collection on missing unaccompanied refugee children continues to be one of the key challenges, it is essential to identify trends and develop evidence based policies to the challenges that the EU Member States are facing today in the context of the refugee crisis. The data specifically deals with refugee children who were missing from a care institution (or a detention center) and/or the refugee route. Additionally, the relevant EU legal instruments addressing the situation of the unaccompanied and separated children are discussed.

The final aim of this study is to call upon and EU authorities to commit themselves to identify the missing unaccompanied refugee children, offer adequate assistance and strengthen the policies aimed at children tracing and family reunification.

**Keywords:** unaccompanied refugee children, refugee routes, reception center, EU legal instruments, trafficking, asylum

## Introduction

The numbers of refugee children who go missing shortly after arriving on EU shores are alarming. The disappearance of these children is encountered even more when they are unaccompanied. In fact, unaccompanied refugee minors (URM) go missing for longer periods.<sup>1</sup> According to Europol, at least 10 000 refugee children are unaccounted for after arriving in Europe. This phenomenon is encountered either during the refugee route or the transit to the first reception stage.<sup>2</sup> It includes carers, reception centers operators, guardians and hotlines for missing children. Thus, the aim of this study is to raise awareness on the unaccompanied refugee minors, their risk of exploitation and/or violence during the refugee crisis.

Many URMs are believed to have experienced different forms of violence, abuse or exploitation along their journey upon their arrival in Europe.<sup>3</sup> On this regard, much research has already been done on the mental health and development of refugee children residing several years in the host country.<sup>4</sup>

Being unaccompanied is an important risk factor for the emotional well-being of the unaccompanied refugee minors, resulting in important emotional and behavioural problems.<sup>5</sup> Research shows that URMs suffer more frequently from anxiety and depression symptoms than accompanied minor refugees.<sup>6</sup> Cross-sectional findings

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<sup>1</sup> European Commission, 2016. *Compilation of data, situation and media reports on children in migration*, p. 135. Available at: [http://ec.europa.eu/justice/fundamental-rights/files/rights\\_child/data\\_children\\_in\\_migration.pdf](http://ec.europa.eu/justice/fundamental-rights/files/rights_child/data_children_in_migration.pdf)

<sup>2</sup> Fundamental Rights Agency, 2016. *Key migration issues: one year on from initial reporting*, p. 7 Available at: [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-october-2016-monthly-migration-focus-key-issues-0\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-october-2016-monthly-migration-focus-key-issues-0_en.pdf)

<sup>3</sup> UNHCR, 2016. *Greece Situation Update: Unaccompanied Children*. Available at: <http://data.unhcr.org/mediterranean/regional.php>

<sup>4</sup> Vervliet, M., Lammertyn, J., Broekaert, E., & Derluyn, I., 2014a. Longitudinal follow-up of the mental health of unaccompanied refugee minors. *European Child and Adolescent Psychiatry*, 23(5): 337–346.

<sup>5</sup> Derluyn, I., Broekaert, E. 2008. Unaccompanied refugee children and adolescents: The glaring contrast between a legal and a psychological perspective. *International Journal of Law and Psychiatry*, 31(4): 319–330.

<sup>6</sup> Huemer, J., Karnik, N. S., Voelkl-Kernstock, S., Granditsch, E., Dervic, K., Friedrich, M. H., et al. 2009. Mental health issues in unaccompanied refugee minors. *Child and Adolescent Psychiatry and Mental Health*, 3(1): 3-13.

indicated that URM s experience high levels of general hassles such as economic strains, and high levels of acculturation hassles such as discrimination.<sup>7</sup>

This phenomenon is primarily covered by specific EU legal instruments, which address their situation either as children seeking asylum or family unification, as trafficked children or as illegally staying third country national children who are subject to route.<sup>8</sup> Thus, the EU plays a role in protecting the rights of unaccompanied children, regardless of their status. It has adopted several legislative instruments directly addressing the situation of URM s, including the completion of the recast EU asylum instruments (2011-2013), EU Anti-Trafficking Directive (2011) and the EU Return Directive (2008). These instruments in large part take the form of general obligations in directives, which must be transposed into EU law and implemented by Member States in full respect of fundamental rights, including the rights of the child.

Due to operational and definitional differences that could be reflected in the figures,<sup>9</sup> the definition ‘unaccompanied child’ varies from one Member State to the other which makes that the definition of ‘unaccompanied refugee minors’ to be considered as such in some Member States while not in others. Six EU Member States (Finland, Italy, the Netherlands, Poland, Romania and Slovakia) do not have a legal definition of what constitutes an ‘unaccompanied refugee minor’. The rest of the countries have specific and consistent legal provisions that define unaccompanied migrant children in a similar way. Nonetheless, only a minority of countries (Austria, Finland, Ireland and Romania) have legal or procedural regulations on this phenomenon.<sup>10</sup>

For the purpose of this study, the unaccompanied refugee minors are defined as ‘all nationals of a country with which there is no free movement of people’s agreement,

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<sup>7</sup> Keles, S., Friborg, O., Idsøe, T., Sirin, S., & Oppedal, B., 2016. Depression among unaccompanied minor refugees: The relative contribution of general and acculturation-specific daily hassles. *Ethnicity & Health*, 21(3): 300–317.

<sup>8</sup> Connect, 2014. *Identifying good practices in, and improving, the connections between actors involved in reception, protection and integration of unaccompanied children in Europe*, p. 9, Available at: [http://www.connectproject.eu/PDF/CONNECT-EU\\_Reference.pdf](http://www.connectproject.eu/PDF/CONNECT-EU_Reference.pdf)

<sup>9</sup> Connect, 2014. *op.cit.*,

<sup>10</sup> European Union, 2013. *Missing children in the European Union Mapping, data collection and statistics*, p. 16. Available at: [http://ec.europa.eu/justice/fundamental-rights/files/missing\\_children\\_study\\_2013\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/missing_children_study_2013_en.pdf)

under the age of 18 who have been separated from both parents and are not being cared for by an adult, who by law is responsible for doing so.’<sup>11</sup>

The data deals with refugee minors who were missing from a care institution or a detention center and/or refugee routes. However, inconsistent data management prevents from knowing exactly how many children arrive in Europe. Therefore, due to different and incomplete data sources, the comparison is limited.<sup>12</sup> These numbers are not a sample in order to extract quantitative results, but a set of cases the body of which provides a representation of the observed situations from a qualitative point of view.

Both policy makers and practitioners may use this study as a resource regionally, nationally and locally as it identifies the key EU measures relevant to unaccompanied refugee minors and their current situation today.

## 1. EU Law on the ‘Best Interest of the Child’ Principle

Specific provisions of the Treaty on the European Union and the European Charter of Fundamental Rights are particularly relevant for URM, as is the European Convention on Human Rights, as well as international law obligations, which apply in the Member States, in particular, the UN Convention on the Rights of the Child. The principle of the ‘best interests of the child’ is laid down in Article 3 of the Convention on the Rights of the Child (CRC) (UN 1989) and Article 24 (2) of the Charter of Fundamental Rights of the European Union (the Charter).

For ‘unaccompanied and separated children’, safeguards in EU secondary law further aim to ensure timely identification, guardianship and legal representation, adequate and safe reception conditions, family unity, and prevention of arbitrary detention (see, for example, the Reception Conditions Directive (2013/33/EU), the Asylum Procedures Directive (2013/32/EU), the AntiTrafficking Directive (2011/36/EU) and the Return Directive (2008/115/EC)).<sup>13</sup>

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<sup>11</sup> UNHCR, 1994. *Refugee children—guidelines on protection and care*. Geneva: UNHCR, p. 121.

<sup>12</sup> European Union, 2013. *op.cit.*, pp. 47-48.

<sup>13</sup> Fundamental Rights Agency, 2016. *op.cit.*, p. 4.



On the situation of the unaccompanied minors, the European Parliament Resolution called for “a handbook drawing together the various legal bases, addressed to Member States and to all practitioners, in order to facilitate proper implementation by Member States and to strengthen their protection”. According to EU legislation, if the child is unaccompanied, his/her identity and nationality need to be established and his/her family located as soon as possible.<sup>14</sup> Thus, if they come to the EU, on ‘the unaccompanied minors coming to the EU’, regardless of whether they are asylum seekers, the Council has *‘enabled more effective cross-cutting policy reflections on how to address the situation of children, regardless of their migratory status, and has facilitated discussions among EU institutions, national authorities, inter-governmental and nongovernmental organizations in different policy arenas, allowing enhanced exchange of knowledge and practices concerning unaccompanied minors.’*<sup>15</sup>

Due to their increased risk of abuse and exploitation as well as their need for protection, unaccompanied and separated children automatically qualify as vulnerable persons, by virtue of the definitions of the Reception Conditions Directive (Article 21) and the Return Directive (Article 3 (9)).<sup>16</sup> As Articles 22 and 23 of the Reception Conditions Directive, Article 24 of the Asylum Procedures Directive and Article 11 of the Anti-Trafficking Directive state, the identification of children as ‘vulnerable persons’ should immediately take place at initial registration. Officials coming in direct contact with children should be adequately trained and qualified to identify children at risk, inform them and respond to their protection needs.

In addition, the term “unaccompanied children’ has been defined by the UN Committee on the Rights of the Child as ‘those children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so’ (Article 1). Thus, the UN Committee does recognize ‘unaccompanied refugee minors’ as vulnerable children (General

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<sup>14</sup> Directive 2011/36/EU and Directive 2004/81/EC); EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 (hereinafter: EU Strategy on trafficking))

<sup>15</sup> European Commission. Brussels, 28.9.2012. Com(2012) 554. Final Report from the Commission to the Council and the European Parliament. Mid-term report on the implementation of the Action Plan on Unaccompanied Minors {SWD(2012) 281 final}.

<sup>16</sup> FRA, 2016. *op.cit.*, p. 4.

Comment No. 6, para. 1) who are entitled to appropriate protection (Article 22, CRC).

## 2. EU Policy Framework and Measures

The ‘Action Plan on Unaccompanied Minors (2010-2014)’ adopted by the EU Commission took into account the European Resolution and the Stockholm Programme. In June 2010, the Council set out a common approach “*based on the respect for the rights of the child as set out in the EU Charter of Fundamental Rights and the UNCRC, in particular the principle of ‘the best interests of the child’ which must be the primary consideration in all action related to children taken by public authorities. It is fundamental to ensure that any child needing protection receives it and that, regardless of their immigration status, citizenship or background, all children are treated as children first and foremost.*”

In addition, the Action Plan underlined the need for cooperation with countries of origin, including cooperation to facilitate the return of minors. It also called for “special attention to be paid to minors, whether accompanied or not, in order to ensure that they are not held in any form of detention” and identify “actions which will support Member States in finding a secure, concrete and durable solution for each child in the “child’s best interests”<sup>17</sup>. In its communication, the European Commission stated that *‘in particular unaccompanied minors should receive targeted support and a ‘best interest of the child’ approach should be practically applied in accordance with the UN Convention on the Rights of the Child. Further work will be necessary on capacity building and on engaging with local and regional authorities, which are at the forefront of integration policies.*’<sup>18</sup>

The Stockholm Programme<sup>19</sup> which provides a roadmap for European Union work in the area of justice, freedom and security for the period 2010-14 noted that:

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<sup>17</sup> Connect, 2014. *op.cit.*, p. 28.

<sup>18</sup> Commission, 2014. Communication ‘An open and secure Europe: making it happen’ (COM 2014).

<sup>19</sup> The Stockholm Programme. Available at: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52010XG0504\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52010XG0504(01))

*“Unaccompanied minors arriving in the Member States from third countries represent a particularly vulnerable group, which requires special attention and dedicated responses, especially in the case of minors at risk. Areas identified as requiring particular attention are the exchange of information and best practice, minor’s smuggling, cooperation with countries of origin, the question of age assessment, identification and family tracing, and the need to pay particular attention to unaccompanied minors in the context of the fight against trafficking in human beings.”<sup>20</sup>*

Moreover, the Programme highlighted the need for the EU to act to secure the rights of the child more generally, and this led to the adoption of the EU Agenda for the rights of the child in 2011, which states as follows:

*“The rights of the child (...) must be systematically and strategically taken into account with a view to ensuring an integrated approach.”<sup>21</sup>*

Finally, some EU practical measures of support in relation to the situation of unaccompanied children are made by the EU Agencies, in particular, the Fundamental Rights Agency, Frontex and the European Asylum Support Office which have been carrying out studies, producing training tools and guidance of various kinds on URM.

### **3. Data Source on the Figures**

There is no single type of data source on the figures on URM, with some Member States using police or interior ministries, and others having immigration services. In other countries, data is not available for this type of missing child. An additional challenge is that, there are several inconsistencies in the reporting of total number of

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<sup>20</sup> Official Journal of the European Union European council the Stockholm programme — an open and secure Europe serving and protecting citizens (2010/C 115/01). Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C .2010.115.01.0001.01.ENG>

<sup>21</sup> The Commission Communication of 2006. *Towards an EU Strategy on the rights of the child.*

unaccompanied refugee minors relocated since some Member States only consider as such those on their own and exclude from the reporting separated children relocated.<sup>22</sup> Several Member States apply specific rules to the reporting of disappearance of these children. In the rest of the countries, the treatment of missing unaccompanied migrant children is no different from those considered as runaways from (other) institutional facilities.<sup>23</sup> Thus, there are clear and significant variations in the numbers of open cases at the end of each year, pointing to either reporting differences or more systemic social and political factors.

For all these reasons, the true number of unaccompanied refugee minors going missing is likely to be far higher than the findings suggest.<sup>24</sup> In fact, as the national reports suggest, the number of missing URMs could be much higher, and many children go missing before being registered by authorities. Research suggests that up to 50% of the unaccompanied children accommodated go missing from certain reception centers in the EU.<sup>25</sup>

One of the challenges consists in the fact that, the disappearance from the “observation and research center” is only reported to the police when it is considered alarming. For example, in Denmark, missing migrant children have to be reported immediately if they are younger than 15 years, while for those aged above 15, a 24-hour intervention threshold is set. In Finland, 24-hour waiting period is set before declaring a child missing).<sup>26</sup>

Until 2015, the rise in Mediterranean Sea arrivals was felt primarily in Italy. During the first six months of 2015, 67,500 people arrived in Italy, while 68,000 arrived on the islands of Greece.<sup>27</sup> In fact, the routes are as follows: 1. Central Mediterranean; 2) Eastern Mediterranean (over water); 3) Western Balkan; 4)

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<sup>22</sup> Brussels, 9.11.2016 COM(2016) 720 final Communication from the Commission to the European Parliament, the European Council and the Council. Available at: <https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/COM-2016-720-F1-EN-MAIN.PDF>

<sup>23</sup> Connect, 2014. *op.cit.*,

<sup>24</sup> European Commission, 2016. *op.cit.*, p. 134.

<sup>25</sup> Available at: <http://missingchildreneurope.eu>

<sup>26</sup> Connect, 2014. *op.cit.*,

<sup>27</sup> UN Refugee Agency, 2015. The sea route to Europe: Mediterranean passage in the age of refugees, p. 11. Available at: <http://www.unhcr.org/5592bd059.pdf>

Eastern Mediterranean (over land).<sup>28</sup> The number of refugees and migrants moving through the Balkans has sharply increased from Greece through the Former Yugoslav Republic of Macedonia to Serbia. Prior to recent changes in the law, refugees and migrants crossing.<sup>29</sup>

In 2015, almost 90 000 asylum seekers in the European Union were unaccompanied children. This number does not include unaccompanied children who did not apply for asylum.<sup>30</sup>

In February 2016, migrant children disappeared at an estimated rate of 90-95% from Hungary, after spending one to three days in reception institutions. In Slovenia, about 80%; in Sweden, about 7-10 children are reported missing each week.<sup>31</sup>

### Italy

The main countries of origin arriving in Italy were Eritrea (25 per cent), Nigeria (10 per cent) and Somalia (10 per cent), followed by Syria (7 per cent) and Gambia (6 per cent).<sup>32</sup>

In 2013 - 24% of registered unaccompanied children went missing from reception centers or before registration.<sup>33</sup>

In 2014 - 3,707 unaccompanied children of the 14,243 who were registered after arriving via boat went missing from reception and social care centers.<sup>34</sup>

In 2015 - 8% all refugees and migrants arriving were unaccompanied and separated children (among 12,360 registered). 62% of all unaccompanied children who had arrived between January and May went missing.<sup>35</sup>

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<sup>28</sup> Faigle, P., Frehse, L., Stahnke J., Blickle, P. Venohr, S. 2016. Refugee Routes: The New Deadly Paths to Europe.

<sup>29</sup> UN Refugee Agency, 2015., p. 16.

<sup>30</sup> Eurostat, 2016. Available at: <http://ec.europa.eu/eurostat/documents/2995521/7244677/3-02052016-AP-EN.pdf>

<sup>31</sup> Fundamental Rights Agency, 2016. *Monthly data collection on the current migration situation in the EU monthly report*. Available at: [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2016-monthly-compilation-3-summary\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-monthly-compilation-3-summary_en.pdf)

<sup>32</sup> UN Refugee Agency, 2015. *op.cit.*, p. 11.

<sup>33</sup> The Ministry of Internal Affairs.

<sup>34</sup> The Ministry of Internal Affairs. In Connect, 2014. *op.cit.*,

<sup>35</sup> The Ministry of Welfare in Connect

In 2016, 18,225 unaccompanied (over a total of 20,235 children) reached the country by sea (from 1 January to 18 September).<sup>36</sup> This equals 15 % of the total of arrivals and 91% of migrant children.<sup>37</sup> They disappear from the first reception facilities in which they are hosted.<sup>38</sup> As of July, 5,315 unaccompanied children were untraceable after leaving the reception centers they were living in.<sup>39</sup>

### Germany

On July 1, 2015 the number of missing URM's was 1,637 whereas in January 1, 2016, it increased to 4749 URM's.<sup>40</sup> In May 2016, the total number raised to about 9,000.

### United Kingdom

60% of the unaccompanied children accommodated in social care centers were estimated by the British Asylum Screening Unit to go missing and not found again.<sup>41</sup>

### Sweden

In 2014, 374 unaccompanied children went missing and only 59 have been tracked down. In 2015, 1,000 children from the 1,900 unaccompanied children who arrived in September had disappeared.<sup>42</sup>

As shown, there is a significant dissimilarity among Member States. Factors contributing to discrepancies are based on the differences in definitions (with most countries applying more restrictive definitions, for instance limited to asylum

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<sup>36</sup> Save the Children. Available at: <https://www.savethechildren.it/>

<sup>37</sup> Institute for Multi-ethnicity Studies (Istituto per lo Studio della Multietnicità, ISMU).

<sup>38</sup> Fundamental Rights Agency, 2016. *Monthly data collection on the migration situation in the EU*, p. 54. Available at: [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-october-2016-monthly-migration-report\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-october-2016-monthly-migration-report_en_0.pdf)

<sup>39</sup> Fundamental Rights Agency, 2016. *op.cit.*, p. 54.

<sup>40</sup> The German Federal Criminal Police (BKA).

<sup>41</sup> Frontex, 2010. *Unaccompanied Minors in European Migration: Interviews with the Human Trafficking and People Smuggling Expertise Centre in Zwolle, 29 April 2010*

<sup>42</sup> UNHCR, 2016. *op.cit.*,

seekers,<sup>43</sup> and not including irregular migrants, or just collecting data from specific care institutions), or differences in the length of time that cases remain on record (*i.e.*, according to Greek legislation, children traveling with extended family are considered as unaccompanied).<sup>44</sup>

#### 4. Asylum Applications and Procedures

The legal and practical obstacles to accessing asylum procedures encountered by unaccompanied refugee minors are various. The national legislation may hinder and delay the access to asylum procedures, if it does not explicitly allow the URM to personally lodge an application for international protection. In fact, some countries distinguish asylum applications under the Hague Convention<sup>45</sup> and under the Brussels IIA,<sup>46</sup> while others do not. Likewise, certain countries record applications for returning child from/to non-signatory countries.<sup>47</sup> *Ex:* in Hungary, a distinction is made between children that do and do not seek asylum.

The Dublin Regulation establishes which Member State is responsible for the examination of the asylum application. Art. 8(4) of this Regulation addresses the responsibility of examining the asylum application of an unaccompanied minor with no family, siblings or relatives on EU territory. As enshrined in Article 18 of the Charter (the right to asylum), unaccompanied children must have access to asylum

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<sup>43</sup> The fact that unaccompanied minors are not a homogeneous group, and are looked after by different authorities, means that not all unaccompanied minors are part of the regular collection of data by Member States. Whereas there are reliable statistical data on unaccompanied children seeking asylum, there are fewer statistics on those who migrated irregularly or were trafficked” (COM(2012) 554 final).

<sup>44</sup> Council of Europe. DC084(2016). Migrants and refugees: report on Greece and “the former Yugoslav Republic of Macedonia. Available at: <http://www.coe.int/en/web/portal/-/new-report-on-greece-and-the-former-yugoslav-republic-of-macedonia-action-needed-to-improve-living-conditions-for-migrants-and-refugees-and-to-protect>

<sup>45</sup> Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. 25 October 1980). Available at: <https://assets.hcch.net/docs/e86d9f72-dc8d-46f3-b3bf-e102911c8532.pdf>

<sup>46</sup> Brussels II Regulation (EC) No 2201/2003. Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R2201:EN:HTML>

<sup>47</sup> European Union, 2013. *op.cit.*, p. 43.

procedures without any obstacles.<sup>48</sup> The child-specific forms and manifestations of persecution, which may justify the granting of refugee status' are explained by the Guidelines on Child Asylum Claims.<sup>49</sup> According to the EU asylum instruments, the term “unaccompanied minor” is defined as “a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned. For as long as he or she is not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after he or she has entered the territory of the Member States.”<sup>50</sup>

It is noted that, whilst asylum-seeking children rarely go missing, non-asylum seeking children often disappear within the first 24-48 hours. Thus, they are not usually recorded until after this time has elapsed (*e.g.*, in Slovenia the police will work with the asylum home to establish the circumstances of any missing URM). However, if the child has not returned in three days, their application for asylum is considered as ‘withdrawn’. No further investigative action is taken in this situation.<sup>51</sup> In Germany, in 2014, the number of unaccompanied children who applied for asylum reached a total of 23,000 children.<sup>52</sup>

Asylum applications of unaccompanied children are delayed because they can only apply for asylum after a legal guardian has been appointed. In addition, social and child protection services that are responsible for unaccompanied children at the first reception stage often do not prioritize access to asylum and international protection for unaccompanied children.<sup>53</sup> The safeguard of the children’s welfare<sup>54</sup> is not

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<sup>48</sup> Fundamental Rights Agency, 2016. *op.cit.*, p. 5

<sup>49</sup> The UN Refugee Agency, 2009. *Guidelines on International Protection*. HCR/GIP/09/08. Available at: <http://www.unhcr.org/50ae46309.html>

<sup>50</sup> Connect, 2014. *op.cit.*, p. 9

<sup>51</sup> Connect, 2014. *op.cit.*,

<sup>52</sup> Eurostat, 2016. *op.cit.*,

<sup>53</sup> Fundamental Rights Agency, 2016. *op.cit.*, p. 5.

<sup>54</sup> Federal Association for Unaccompanied Minor Refugees (Bundesfachverband Unbegleitete Minderjährige Flüchtlinge), 2 August 2016.



practiced in a standardized nor mandatory way at the borders where several unaccompanied children are denied the entry.<sup>55</sup>

In Hungary, in the second half of September, unaccompanied children did not enjoy priority access to the transit zones; they had to wait for 60-70 days to get admission (the average occupancy of the children's home in was around 40 children a day).<sup>56</sup> In Bulgaria, the asylum law does not specify when a child can lodge an application on its own behalf.<sup>57</sup>

In 2015, the EU MSs received a record number of asylum applications from URM, as they became separated from their families in war, or their family could not afford to send more than one member abroad. From the filed applications registered in the EU Member States, 40% were in Sweden, 16% in Germany, 10% in Hungary and 9% in Austria. Largest share of unaccompanied minors among all young asylum seekers was recorded in Italy (56.6%).

In 2015, 88,300 unaccompanied children were registered as asylum seekers in the EU Member States (in 2013, there were 12,730 asylum applications submitted).<sup>58</sup> Over half of them were registered (57%) in 14 AIDA countries<sup>59</sup> (35,369 in Sweden, 14,440 in Germany, 9,331 in Austria).<sup>60</sup> In May, 2,753 unaccompanied children applied for asylum that is, 2% of the total number of applications.<sup>61</sup>

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<sup>55</sup> The Federal Association for Unaccompanied Minor Refugees (*Bundesfachverband Unbegleitete Minderjährige Flüchtlinge*).

<sup>56</sup> UNHCR Hungary

<sup>57</sup> Fundamental Rights Agency, 2016. *op.cit.*, p. 5.

<sup>58</sup> Eurostat, 2016. *Asylum applicants considered to be unaccompanied minors - annual data*. Available at: <http://ec.europa.eu/eurostat/tgm/graph.do?tab=graph&plugin=1&language=en&pcode=tps00194&toolbox=type>

<sup>59</sup> This includes 17 EU Member States (Austria, Belgium, Bulgaria, Cyprus, Germany, Spain, France, Greece, Croatia, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Sweden, United Kingdom) and 3 non-EU countries (Switzerland, Serbia, Turkey).

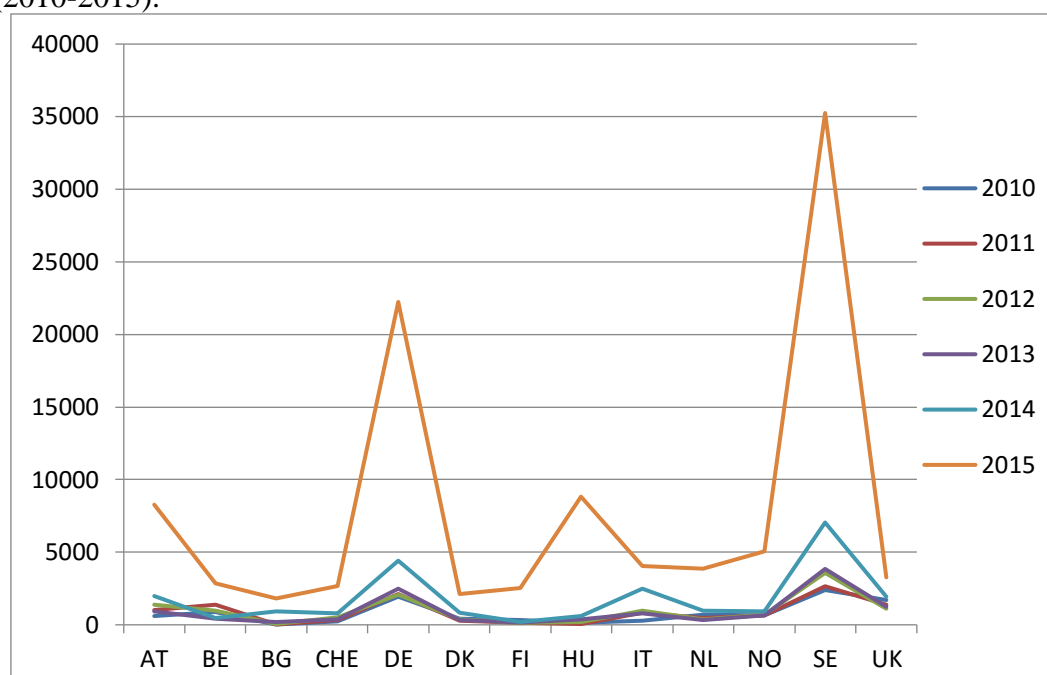
<sup>60</sup> European Council on Refugees, 2016. *Wrong counts and closing doors The reception of refugees and asylum seekers in Europe*. Available at: [http://www.asylumineurope.org/sites/default/files/shadow-reports/aida\\_wrong\\_counts\\_and\\_closing\\_doors.pdf](http://www.asylumineurope.org/sites/default/files/shadow-reports/aida_wrong_counts_and_closing_doors.pdf)

<sup>61</sup> European Asylum Support Office, 2016. *Latest asylum trends*. Available at: <https://www.easo.europa.eu/sites/default/files/public/Latest%20Asylum%20Trends%20August%20final.pdf>

In January and February 2016, 22,775 number of unaccompanied children arriving in Italy since the beginning of January up to 4 November 2016.<sup>62</sup>

Sweden - There has been a marked increase in applications in recent years, from 388 in 2004 to 7049 in 2014, 14,058 in 2015, 3 917 in January and February 2016.<sup>63</sup>

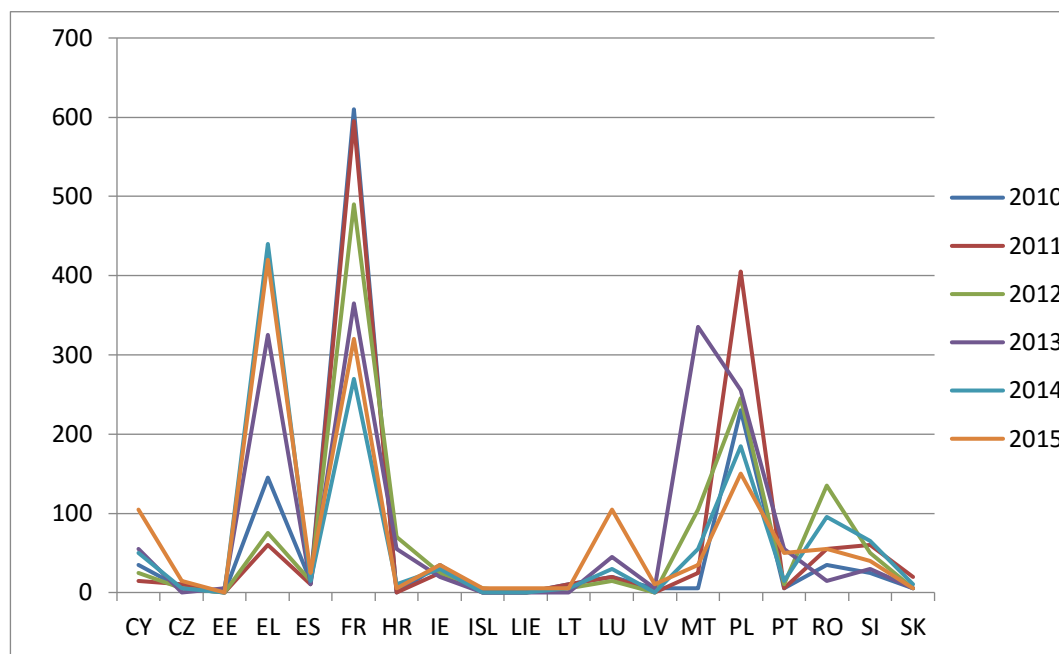
**Figure 1.** Asylum applicants considered to be unaccompanied minors - annual data (2010-2015).



<sup>62</sup> Unicef, 2016. *Danger every step of the way. A harrowing journey to Europe for refugee and migrant children.* Available at: [http://www.unicef.org/emergencies/childrenonthemove/files/Child\\_Alert\\_Final\\_PDF.pdf](http://www.unicef.org/emergencies/childrenonthemove/files/Child_Alert_Final_PDF.pdf)

<sup>63</sup> The Swedish Migration Board, 2015. *Aktuellt om ensamkommande barn & ungdomar.* Available at: [www.gleerups.se/40691040-product](http://www.gleerups.se/40691040-product). In Wimelius, E., Eriksson, M., Isaksson, J., Ghazinour, M., 2017. Swedish Reception of Unaccompanied Refugee Children-Promoting Integration? *International Migration & Integration*, 18(1): 143–157.

**Figure 2.** Asylum applicants considered to be unaccompanied minors - annual data (2010-2015).



Some of the challenges related to asylum application are age assessment procedures and legal guardianship.

a) Age assessment procedures have generally not been applied at first reception facilities (particularly in transit countries), nor have they been adequately explained to children. The fact that age is not explicitly mentioned in Article 1 of the Convention means that the special circumstances of asylum-seeking children have not always been taken into account. There seems to be no guarantee that the age assessment of unaccompanied children by the Federal Police is conducted in a transparent manner.<sup>64</sup>

b) When a child receives a permanent residence permit, the municipality appoints a custodian.<sup>65</sup> Delays in the appointment of guardians or legal representatives, in some cases persist for several months (Germany and Italy), thus delaying children's access

<sup>64</sup> Federal government's response to a parliamentary minor interpellation, 6 September 2016, p. 56.

In Fundamental Rights Agency, 2016. *op.cit.*, p. 27.

<sup>65</sup> Wimelius E., Eriksson M., Isaksson J., Ghazinour M., 2017. *op.cit.*, p. 145.

to protection, adequate reception and family reunification. These delays have prevented URMs from filing an asylum application before they reach the age of 18. *i.e.*, in Bulgaria, the obligations of the legal representative are not expressly pointed out in the national law. There is a need for a detailed mechanism for the mayor to appoint legal representatives to children seeking international protection, monitored by social workers.<sup>66</sup>

#### *4.1 Reception Conditions and Protection Procedures*

About half of the URMs run away from asylum centers or shelters within two days of their arrival.<sup>67</sup> As mentioned, Europol estimates that at least 10 000 children have gone missing from these shelters, but national reports suggest that figures could be much higher. The significant challenges due to the lack of adequate reception arrangement make the URMs leave from official reception facilities. No central authority has been established to deal with their needs and despite some improvements since 2013, measures to protect them remain inadequate and in urgent need of reform.<sup>68</sup> Additionally, because of lack of water, medical care and security protection the children are at risk of serious deterioration in health.<sup>69</sup>

Violence (sexual and other) against children in refugee accommodation is alarming, but rarely reported.<sup>70</sup> Victims for exploitation are especially the URMs<sup>71</sup>. The numbers of those identified/suspected as trafficked, during 2014-15, equals 4,744.<sup>72</sup>

As a result, in many cases they become victims of trafficking, including labour and sexual exploitation, forced begging and drug smuggling.<sup>73</sup> Several agree to work to

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<sup>66</sup> Fundamental Rights Agency, 2016. *op.cit.*, p. 19.

<sup>67</sup> *Ibid.*,

<sup>68</sup> UN Refugee Agency, 2015. *op.cit.*, p.12.

<sup>69</sup> Monitor, Euro-Med, 2016. *Asylum seekers attempt suicide daily as they face desperate circumstances in Greece*. Available at: <http://euromedmonitor.org/en/article/1703/Asylum-seekers-attempt-suicide-daily-as-they-face-desperate-circumstances-in-Greece>

<sup>70</sup> Federal Association for Unaccompanied Minor Refugees Refugees (Bundesfachverband Unbegleitete Minderjährige Flüchtlinge), 19 September 2016.

<sup>71</sup> Europol, 2016. *op.cit.*,

<sup>72</sup> European Commission, 2016. *op.cit.*, p. 134.

pay a smuggler and end up exploited, in a worst form of child labour or otherwise abused.<sup>74</sup>

Sweden - the number of reported human trafficking cases has significantly increased during the first six months of 2016.<sup>75</sup> The Swedish Migration Agency suspects half of 163 cases reported to concern human trafficking for sexual purposes. The statistics show an upward trend: 49 cases were reported in 2012, 121 cases in 2013, 111 cases in 2014 and 195 cases in 2015.<sup>76</sup> As a result, an increase in the numbers of unaccompanied children put a pressure on accommodation capacity. Several accommodation centers for unaccompanied children are vacated in the municipalities. The relocation of unaccompanied children from one accommodation center to another, who were transferred to municipalities other than those to which they had originally been assigned, continues.<sup>77</sup>

Italy - in 2016, on average, 28 newly-arrived unaccompanied children disappear daily from reception facilities.<sup>78</sup>

Even though, the UNICEF and several NGOs have developed minimum standards for children in refugee camps, these are only recommendations and not mandatory standards.<sup>79</sup>

Germany - URMs were accommodated in hostels or gyms as temporary shelters. They often wait several months until it is decided on specific assistance and their allocation to one of the 16 federal states and their place of residence.<sup>80</sup> There is no nationwide mandatory implementation of child protection mechanisms. Two thirds of

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<sup>73</sup> Available at: <http://missingchildreneurope.eu/Missingunaccompaniedchildren>

<sup>74</sup> Directive 2011/36/EU and Directive 2004/81/EC.

<sup>75</sup> Swedish Migration Agency.

<sup>76</sup> Fundamental Rights Agency, 2016. *op.cit.*, p. 61.

<sup>77</sup> Health and Social Care Inspectorate

<sup>78</sup> Fundamental Rights Agency, 2016. *op.cit.*,

<sup>79</sup> Compilation of Data, Situation and Media Reports on Children in Migration. Available at: [http://ec.europa.eu/justice/fundamental-rights/files/rights\\_child/data\\_children\\_in\\_migration.pdf](http://ec.europa.eu/justice/fundamental-rights/files/rights_child/data_children_in_migration.pdf); BMFSFJ/UNICEF, Minimum standards for the protection of children, adolescents and women in refugee camps.

<sup>80</sup> Federal Association for Unaccompanied Minor Refugees (Bundesfachverband Unbegleitete Minderjährige Flüchtlinge), Press Releases 6 September 2016.

the refugee accommodation do not have any mechanism in place to comply with national and international child protection laws.<sup>81</sup> As a result, almost half of all unaccompanied refugee children (42 %) are under the protection of the youth welfare offices since 1 November 2015.<sup>82</sup>

Greece - There are poor reception conditions and prolonged detention at the points of entry and on the mainland. Additionally, there is a lack of access for URM to primary and specialized health care, including psychological support, and the need for speeding up identification, registration and international protection procedures.<sup>83</sup> 1.191 available places in shelters (filled); 46 total number of shelters for unaccompanied children (long-term and transit).

Italy - Despite the fact that the Italian national legislation offers a wide range of guarantees to unaccompanied children, but there are shortcomings in its implementation.<sup>84</sup> Hotspot facilities are increasingly overcrowded.<sup>85</sup> As a result, most unaccompanied and separated children leave the reception centers.

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<sup>81</sup> Federal Association for Unaccompanied Minor Refugees Refugees, 2016. *op.cit.*,

<sup>82</sup> *Ibidem.*,

<sup>83</sup> MSF-Doctors without Borders, 'Ενημερωτικό σημείωμα για την κατάσταση των ασυνόδευτων παιδιών στην Ελλάδα', 23 September 2016. In Fundamental Rights Agency, 2016. *op.cit.*, p. 35.

<sup>84</sup> UN Refugee Agency, 2015. *op.cit.*, p.12.

<sup>85</sup> Fundamental Rights Agency, 2016. *op.cit.*, p. 3.

## Conclusion

This study focused on unaccompanied refugee minors (URMs) and it addressed their situation in the refugee routes and reception facilities. The chaotic situation at the refugee route and reception centers has caused a high number of children to be separated from their families. Still today, despite the enormous risks and difficulties to which unaccompanied refugee minors are exposed, only a minority of countries report having legal or procedural regulations on missing migrant children.

In this regard, the role of the EU in supporting child protection systems has been very relevant where the child's best interests has been taken into account. The relevant legislative and financial instruments combine measures directed at prevention, protection and assisted return of minors. However, one of the challenges in reporting the missing of URMs to the police is the long reporting procedures, lack of human resources in reception centers and the lack of experience of police officers or, law enforcement agents.

The care that URMs receive in the reception cares is key factor in their long-term adjustments. In fact, appropriate measures on reception and care are taken in order to support unaccompanied refugee minors by preventing disappearances, support missing children and their families. However, still in 2015, missing unaccompanied refugee minors has made up only 2% of the caseload reported.

For the above-mentioned reasons, it is important to present good practices on how to improve prevention and response to the disappearances of unaccompanied children.

## Policy Recommendations

- identify the unaccompanied migrant children through the systems for information storage and sharing.
- enhance coordination at European level in police operations aiming at combating trafficking of children.
- enhance the capacity of existing networks with expertise and experience in the protection of URM.
- ensure efficient cooperation between national authorities and professionals involved in the situation of URM.
- ensure that unaccompanied migrant children can apply for asylum and international protection in the country they are in.
- work on capacity building of the professionals who work with the reception of migrant children in Europe, law enforcement and hotlines for missing children.
- Use and enhance hotlines created to respond to disappearances of URM.
- build bridges between the different actors involved in cross border missing cases.
- provide accommodation in family units.
- assess the possibility that the child may be a victim of trafficking, labour or sexual exploitation and other crimes.
- Appoint the guardians, professional or volunteers, upon arrival of the URM.



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