



# HOUSE OF LORDS

## SELECT COMMITTEE ON THE EUROPEAN UNION Home Affairs Sub-Committee

### CALL FOR EVIDENCE

#### Unaccompanied minors in the EU

The House of Lords EU Home Affairs Sub-Committee, chaired by Baroness Prashar, is launching an inquiry into unaccompanied minors in the EU. Written evidence is sought by **Thursday 10 March 2016**.

#### Background

In September 2015, the OECD found that:

“A particularly striking and worrying characteristic of the current refugee crisis is the large number of unaccompanied minors among asylum seekers.”<sup>1</sup>

Eurostat data indicate that the number of unaccompanied minors seeking asylum in the EU has increased continuously since 2010, reaching 24,075 children in 2014 – nearly double the number in 2013 and accounting for 4% of total applications for international protection.

In the UK, concerns have surfaced about growing numbers of unaccompanied minors going missing from care and links between such disappearances and human trafficking, sexual exploitation and organised crime. Similar issues have arisen in other EU Member States, where there are fears that lengthy and bureaucratic asylum procedures are driving unaccompanied children into the hands of people smugglers.

While particularly pressing in the context of the refugee crisis, the phenomenon of unaccompanied minors also has long-term implications for the EU and its Member States reaching far beyond the asylum system. As the OECD noted in its report, these children “represent an enormous challenge in terms of providing housing, supervision, schooling and support measures for minors”.

The EU has sought to address the challenge of unaccompanied minors in a wide range of legislative measures, including Directives in the field of asylum, human trafficking and the return of irregular migrants. In May 2010, the European Commission published an *Action Plan on Unaccompanied Minors (2010–2014)*<sup>2</sup>. In its mid-term review of this Action Plan, the

---

<sup>1</sup> Report available at: <http://www.oecd.org/migration/ls-this-refugee-crisis-different.pdf>

<sup>2</sup> Available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/action\\_plan\\_on\\_unaccompanied\\_minors\\_en\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/action_plan_on_unaccompanied_minors_en_1.pdf)

Commission recognised that “the arrival of unaccompanied children on EU territory is not a temporary development, but a long-term feature of migration into the EU. There is and will continue to be a need for a common EU approach.”<sup>3</sup> As yet, however, the Commission has not renewed the Action Plan.

Member State implementation of EU measures has been poor. In September 2013, the European Parliament adopted a resolution on unaccompanied minors in the EU, in which it strongly condemned “the existing lacunae in the protection of unaccompanied minors in the European Union”, and denounced “the often deplorable conditions in which such minors are received and the numerous breaches of their fundamental rights in certain Member States”.<sup>4</sup>

### **Rationale for the inquiry**

The Committee seeks to explore further the situation of unaccompanied minors in the EU. The ongoing refugee crisis is likely to worsen the precarious situation in which these children find themselves, and the Committee is particularly interested in views submitted in this context.

Against this backdrop, the aims of the inquiry are:

- to shed light on the nature and scale of the problems faced by unaccompanied minors in EU Member States, including those issues which are by nature clandestine and hidden from view
- to consider whether EU provisions on unaccompanied minors translate into clear obligations for national bodies and professionals at all levels
- to assess the achievements of the 2010–2014 Action Plan on Unaccompanied Minors and to explore developments since its expiration
- to identify remaining gaps in law and policy and explore options for further cooperation among EU Member States.

**Particular questions raised to which we invite you to respond are outlined below. There is no need for individual submissions to deal with all of the issues.**

1. Are there reliable data on the number, age, gender, nationality and immigration routes of unaccompanied minors in the EU? What implications do these factors have for policy?
2. What are the key challenges faced by unaccompanied minors in the EU? Are there common issues across Member States? Please provide examples of problems and best practices experienced at each of the following three stages:

---

<sup>3</sup>Available at:

[http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/com/com\\_com\(2012\)0554\\_/com\\_com\(2012\)0554\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/com/com_com(2012)0554_/com_com(2012)0554_en.pdf)

<sup>4</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P7-TA-2013-0387+0+DOC+PDF+V0//EN>

- a. Reception (this may include the accessibility and quality of legal representation, and age assessment procedures)
  - b. Protection (this may include issues of accommodation, availability of foster care and accessibility of appropriate medical attention)
  - c. Integration (this may include access to appropriate education and leisure facilities, longer term care, family tracing and reunification procedures).
3. How has the EU response to the refugee crisis, including emergency measures such as relocation schemes and the establishment of 'hotspots', affected unaccompanied minors?
4. EU law and policy include a number of provisions on unaccompanied minors in various fields including asylum, human trafficking, border security and returns. Are these measures effective? Is the European Commission doing enough to ensure that Member States comply with their obligations under this *acquis*?
5. Article 3 of the UN Convention on the Rights of the Child states that the best interests of children must be the primary concern in making decisions that may affect them. Do EU measures seeking to "mainstream" the best interest principle form a comprehensive and coherent whole? Do the obligations they set out translate into sufficiently clear requirements for all national actors dealing with unaccompanied minors?
6. Is there a need for further EU action to support Member States in implementing these measures in a sustainable way? What role do EU Agencies play in this regard? Are they adequately equipped for these tasks? Do their activities have any proven impact?
7. Should there be another EU Action Plan on Unaccompanied Minors? If so, what should the content, focus and purpose of the next Action Plan be, with reference to the 2010–2014 Action Plan and evaluations thereof?
8. There are growing concerns about unaccompanied minors going missing from reception centres and care facilities across the EU. What steps should the EU and its Member States take to address this problem?
9. The UK has not opted in to the second phase of the Common European Asylum System, and does not participate in the Family Reunification Directive. What, if any, are the implications of this for unaccompanied minors in the UK?

## ANNEX I: GUIDANCE FOR SUBMISSIONS

Written evidence should be submitted online using the written submission form available at <http://www.parliament.uk/unaccompanied-minors-eu-submission-form>. This page also provides guidance on submitting evidence.

If you have difficulty submitting evidence online, please contact the Committee staff by email to [EUCLORDS@parliament.uk](mailto:EUCLORDS@parliament.uk) or by telephoning 020 7219 8650. The deadline for written evidence is **10 March 2016**.

Short submissions are preferred. A submission longer than six pages should include a one-page summary.

Paragraphs should be numbered. All submissions made through the written submission form will be acknowledged automatically by email.

Evidence which is accepted by the Committee may be published online at any stage; when it is so published it becomes subject to parliamentary copyright and is protected by parliamentary privilege. Submissions which have been previously published will not be accepted as evidence. Once you have received acknowledgement that the evidence has been accepted you will receive a further email, and at this point you may publicise or publish your evidence yourself. In doing so you must indicate that it was prepared for the Committee, and you should be aware that your publication or re-publication of your evidence may not be protected by parliamentary privilege.

Personal contact details will be removed from evidence before publication, but will be retained by the Committee Office and used for specific purposes relating to the Committee's work, for instance to seek additional information.

Persons who submit written evidence, and others, may be invited to give oral evidence. Oral evidence is usually given in public at Westminster and broadcast online; transcripts are also taken and published online. Persons invited to give oral evidence will be notified separately of the procedure to be followed and the topics likely to be discussed.

Substantive communications to the Committee about the inquiry should be addressed through the clerk of the Committee, whether or not they are intended to constitute formal evidence to the Committee.

This is a public call for evidence. Please bring it to the attention of other groups and individuals who may not have received a copy direct.

You may follow the progress of the inquiry at <http://www.parliament.uk/unaccompanied-minors-eu/>