

Unaccompanied migrant children in Greece: New relocation scheme

SUMMARY

In response to increased migratory pressure in Greece along the EU's external border with Turkey in recent months, and following the Greek government's request for support under Article 78(3) of the Treaty on the Functioning of the European Union (TFEU), the European Commission has launched a new relocation scheme to speed up the relocation of unaccompanied minors from the Greek islands to other EU Member States.

Commissioner for Home Affairs Ylva Johansson, who has been entrusted with taking this process forward, will also work in coordination with the Greek government and stakeholders to find sustainable ways to ensure that unaccompanied minors staying in the first-line reception and identification centres ('hotspots') on the Greek islands receive the care and protection they are entitled to.

Regardless of a child's reasons for migrating, their situation or status, they all are first and foremost children and have rights as such. Unaccompanied children or children who have been separated from their parents along the way, are, moreover, entitled to special protection under international human rights and European Union asylum law. All too often, however, their rights and needs are neglected.

Human rights organisations have repeatedly denounced the precarious and difficult conditions in which unaccompanied minors are living in the Greek hotspots. The proposed relocation initiative is urgently needed. However, the ongoing political and academic debate also shows a clear need for more structural solutions, in the form of more solidarity and responsibility-sharing among EU Member States, and a coordinated, child rights-based approach to addressing the many protection gaps unaccompanied children face when arriving in Europe.



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Glossary

A **'child'** means any person under the age of 18 unless under the (national) law applicable to the child majority is attained earlier ([United Nations Convention on the Rights of the Child, or CRC, Article 1](#)). This means that any instruments governing children in the territory of the state cannot define a child in any way that deviates from the norms determining the age of majority in that state.

'Unaccompanied children' (also referred to as unaccompanied minors) are 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 (International Committee of the Red Cross, ['Inter-agency Guiding Principles on Unaccompanied and Separated Children'](#), Geneva, 2014).

'Separated children' are those separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members (ibid.).

In the context of migration to the European Union, an unaccompanied minor, as defined by the Qualification Directive ([Directive 2011/95/EU](#)), refers to a minor who arrives on the territory of an EU Member State unaccompanied by an adult responsible or who is left unaccompanied after he or she has entered the territory of the Member States.

'International protection': a refugee status or a subsidiary protection status as defined in Article 2, points (e) and (g) of the Qualification Directive (Directive 2011/95/EU).

'Relocation': the transfer of persons in need of international protection from one EU Member State to another EU Member State ([Council Decision \(EU\) 2015/1523 of 14 September 2015](#) establishing provisional measures in the area of international protection for the benefit of Italy and of Greece).

Background

On 6 March 2020, the European Commission proposed a new voluntary [relocation initiative](#) under which unaccompanied minors from the Greek islands will be relocated to other EU Member States. This initiative was launched as part of the Commission's action plan in response to the increased pressure along the Greek and EU external border with Turkey in recent months.

Tensions at the Greek-Turkish border have run high since Turkish President Recep Tayyip Erdoğan decided at the end of February to open the country's borders to Greece, giving the refugees on its territory free passage to Europe and reneging on the 2016 [EU-Turkey agreement](#). Turkey is host to nearly [3.6 million Syrian refugees and around 330 000 migrants of other nationalities](#) and as such has received support from the EU.

Turkey's [decision](#) to open its borders with Greece and Bulgaria, motivated by increasing tensions both within the country (partly in connection with the growing refugee community) and in relation to neighbouring Syria, prompted [thousands](#) of refugees and migrants to flock towards the Turkish-Greek border in the hope of entering Greece.

As Greece is still struggling to cope with the [increased number of refugee and migrant arrivals](#) during the last quarter of 2019, Greek Prime Minister Kyriakos Mitsotakis [announced](#) that all asylum applications would be suspended for one month because of the [emergency situation](#), invoking [Article 78\(3\)](#) of the Treaty on the Functioning of the European Union (TFEU).

Expressing solidarity with Greece (as well as with Bulgaria, Cyprus and other Member States that might be similarly affected, not least in their efforts to manage the EU's external borders), on 4 March 2020 the European Commission presented its [action plan in support of Greece](#). It was then [approved](#) by the extraordinary Justice and Home Affairs Council meeting on the same day. The action plan provides additional financial support for Greece of up to €700 million to support border and migration management. This includes the building of increased reception capacity, and enhanced operational support from the European Border and Coast Guard Agency ([Frontex](#)) and the European Asylum Support Office ([EASO](#)), as well as the launch of the [civil protection mechanism](#).

As part of the solidarity efforts, the European Commission agreed with Greek Prime Minister Kyriakos Mitsotakis that the first measure of the action plan would focus on finding solutions for the vulnerable group of around 1 500 [unaccompanied migrant children](#) in the overcrowded hotspots, by means of voluntary relocation from Greece to other EU Member States. The initiative will be [funded](#) from the Asylum, Migration and Integration Fund (AMIF). Emergency funding may also be made available, where necessary.

The Commissioner for Home Affairs, [Ylva Johansson](#), will in addition work together with the Greek government and stakeholders to identify sustainable ways to ensure that the remaining unaccompanied minors in Greece receive the care and protection they are entitled to.

By 12 March, seven Member States had responded to the Commission's call and pledged more than 1 600 relocation places, as Johansson reported at the above conference. However, by mid-April only around 60 unaccompanied children had, however, been [relocated](#) from Greece, to Germany and Luxembourg.

Emergency response mechanism

The [emergency response mechanism](#), based on Article 78(3) TFEU, was used [for the first time](#) in the context of the refugee crisis in 2015 to set up two temporary relocation schemes to alleviate pressure on Member States, applying respectively to a total of [40 000 persons](#) (from states with an average asylum recognition rate of above 75 %) in need of international protection, who had arrived in either Italy (24 000) or Greece (16 000) after 15 April 2015, and to a further [120 000 people](#) seeking international protection in Italy and Greece. Under the Council Decisions adopted to this end in [2015](#) and [2016](#), the Member States participating in this voluntary mechanism would receive a lump sum of €6 000 from the [Asylum, Migration and Integration Fund](#) for each person relocated.

The relocation of asylum-seekers from Italy and Greece was designed not only to relieve pressure on these Member States but also to ensure prompt access to asylum procedures for the people relocated. Under the Council Decisions on relocation, Member States were to prioritise the relocation of vulnerable people, including unaccompanied children and other children in particularly vulnerable situations.

Despite renewed appeals to the EU Member States by the [European Council](#) in 2016 and by the Commission in 2017 to step up their efforts to accelerate relocation, in particular for unaccompanied children, progress has been very slow. By April 2019, only [one third](#) of all relocations under the two temporary schemes had been carried out, relocating a mere 526 unaccompanied children from Greece and 277 from Italy.

The new voluntary relocation initiative follows previous [requests](#) from the Greek government to its counterparts to help relocate unaccompanied minors from the Greek islands to other EU Member States and [commitments of support](#) from Commissioner for Home Affairs Ylva Johansson at the European Parliament's January 2020 plenary session. Both highlighted the extremely difficult conditions for unaccompanied minors in the Greek hotspots.

[Portugal](#), [Finland](#) and [Belgium](#) are among a number of EU countries that have committed to offer new homes to unaccompanied migrant children from the Greek islands. First to respond were [Germany](#) and [Luxembourg](#), accepting 47 and 12 unaccompanied children respectively.

The '[hotspots](#)' or 'reception and identification centres' (RICs) on the Greek islands were set up in 2015 as part of the European Commission's agenda on migration. The aim was to improve the coordination of EU agencies' and national authorities' efforts on the EU's external borders and to deal with the initial reception, identification, registration and fingerprinting of asylum-seekers and migrants. They are however struggling with serious overcrowding and a structural lack of places for unaccompanied children.

The situation on the islands has grown even more acute owing to a [spike in refugee and migrant arrivals since July](#) leading to extreme overcrowding in the hotspots. This is compounded by the Greek authorities' containment policy, which has blocked transfers to the mainland.

Unaccompanied children in Greece: facts and figures

1 750 unaccompanied children are currently living in the islands' overcrowded, unsanitary and unsafe reception centres.

1 100 children are staying in squats, temporary apartments with others, or are homeless.

239 are being held by the police in prison cells, under so-called protective custody.

90 % of all unaccompanied children are boys, the majority of Afghan, Pakistan and Syrian origins.

One tenth are younger than 14.

Data source: [EKKA](#), Greek National Centre for Social Solidarity, February 2020.

Currently, over [42 000 people](#) are staying in the five RICs on the islands, [more than six times the capacity](#) which they were built for. The vast majority live in makeshift shelters and tents. On Lesbos alone, 14 500 people are living in the olive grove surrounding the Moria centre. The situation is growing more and more dangerous and unsanitary.

Protection of the growing number of unaccompanied minors is a major concern. With [only 2 348 places in shelters and age-appropriate housing available](#) for them in the whole of Greece, of which only 200 are on the islands, many of the now nearly [5 400 unaccompanied minors](#) present in Greece are living in unsafe, overcrowded or improvised accommodation, ill-suited to their needs, and are deprived of the basic services and (legal) support in the asylum procedure they are entitled to under international and European law.

Not only are these children and adolescents deprived of all basic services, with no prospect of their asylum application being processed quickly, but they are also particularly vulnerable to trafficking, violence and sexual or other abuse.

Framework for the protection of unaccompanied minors in the context of relocation

International framework

Regardless of their background, citizenship or immigration status, unaccompanied or separated children are all first and foremost children and have rights as such, as guaranteed by the [1989 UN Convention on the Rights of the Child](#) (CRC).

Nearly universally [ratified](#),¹ including by all EU Member States, the CRC (and its three [Optional Protocols](#)) outlines universal standards for the care, treatment, survival, development, protection and participation of all children, with 'children' being defined as 'all human beings **below the age of 18 years** unless under the law applicable to the child, majority is attained earlier' (Article 1), and State Parties being obliged to ensure the rights set forth in the Convention 'to each child within their jurisdiction **without discrimination** of any kind, irrespective of the child's ... status' (Article 2).

Of particular relevance in the context of the protection of children in migration are Articles 3 and 6. The former provides that the **best interests of the child shall be a primary consideration** in all actions concerning children. The latter sets out the **right** of all children **to life, survival and development**. Article 10 provides for all children the **right to a family life**, including the obligation for governments to deal with applications by a child or his or her parents to enter or leave a country for the purpose of family reunification in a positive, humane and expeditious manner.

Every child has furthermore the right to **adequate living conditions** (Article 27), **health, including access to healthcare** (Article 24), and **education** (Article 28), as well as the right to be protected **from physical, mental and sexual violence and abuse, economic exploitation, and all other forms of exploitation** prejudicial to any aspects of their welfare (Articles 19, 32, 34, 35, 36).

Under Article 12, children have the right to express their views and the opportunity to be heard in judicial and administrative proceedings affecting them. Article 37, meanwhile, **prohibits the unlawful or arbitrary detention of children**, stating explicitly that any arrest, detention or imprisonment of a child 'shall be in conformity with the law and shall be used **only as a measure of last resort** and **for the shortest appropriate period of time**' (Article 37(b)) and that 'every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age' (Article 37(c)).

Article 22 refers directly to unaccompanied refugee children and **obliges States to take appropriate measures** to ensure that a child, whether accompanied or unaccompanied, who is 'seeking refugee status or who is considered a refugee' receives appropriate protection and humanitarian assistance. This entails an obligation for governments to help trace the parents or other members of the family of an unaccompanied minor with a view to **family reunification**.

In addition, [General Comment No 6](#), adopted by the Committee on the Rights of the Child in 2005, contains a list of recommendations addressed to States on how to implement the obligations contained in Article 22 CRC in practice and how to interpret the whole of the CRC with respect to unaccompanied minors.

The Committee recommendations include the appointment of a competent guardian (Article 18 CRC) as rapidly as possible, as a key procedural safeguard to ensure respect for the best interests of an unaccompanied or separated child, adding that such a child should only be referred to asylum or other procedures after the appointment of a guardian.

In affording proper treatment for unaccompanied or separated children, States must also fully uphold *non-refoulement* obligations deriving from international human rights, humanitarian and refugee law. Meanwhile, Article 20 CRC, in combination with Article 22 CRC, implies an obligation for States to ensure alternative care for unaccompanied children outside their country of origin.

With regard to care and accommodation arrangements, the Committee notes furthermore that in large-scale emergencies, interim care must be provided for the shortest time appropriate for unaccompanied children. This interim care should provide for their security, and physical and emotional care, in a setting that encourages their general development.

The 1951 United Nations Convention Relating to the Status of Refugees (the [Refugee Convention](#)), additionally refers to the need to ensure the protection of children, including unaccompanied ones, from the perspective of **family unity**.² Other international human rights treaties, such as the United Nations International Covenant on Civil and Political Rights ([CCPR](#)) and the International Covenant on Economic, Social and Cultural Rights ([CESCR](#)) also defend the right to family life and/or contain specific child protection provisions.³ The United Nations [New York Declaration for Refugees and Migrants](#), adopted in 2016, specifically addresses the particular vulnerability of unaccompanied and separated children, calling, inter alia, for UN Member States commit to stop using detention for the purposes of determining migration status.

At regional level, the [Council of Europe](#) (CoE) protects and promotes human rights, including children's rights, on the basis of the CRC, the [European Convention on Human Rights](#) (ECHR), the [European Social Charter](#) (ESC) and other legal standards. The European Court of Human Rights (ECtHR) has developed a considerable body of [case law](#) obliging Member States, including all EU Member States, to take the vulnerability of minors into account, referring also to the particular vulnerability of unaccompanied minors in the migration context.

EU legal and policy framework

The European Union (EU) is committed to promoting the protection of the rights of the child, in line with the [Treaty on European Union](#) (Article 3(5)). Children's rights are also enshrined in the EU

[Charter of Fundamental Rights](#) (notably in its [Article 24](#)). Although the EU itself is not party to the CRC, the CRC plays a crucial role in guiding [EU law on children's rights](#).

In particular since its reform in 2015, the [Common European Asylum System](#) (CEAS) also acknowledges the vulnerability of unaccompanied minors. The recast [Asylum Procedures Directive](#) provides for special procedural guarantees, including the obligation for Member States to take measures to ensure that a representative represents and assists the unaccompanied minor in asylum proceedings with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary. The [Qualification Directive](#) reinforces the provision on the tracing of family members of unaccompanied minors who have been granted international protection. If return is identified as the child's best solution, the [Return Directive](#) obliges Member States to make sure that 'he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the country of return'.

The [Reception Conditions Directive](#) provides for a dignified standard of living for all applicants, with access to basic healthcare and education and proper housing, and stipulates that unaccompanied minors must be provided with accommodation suitable for their age, taking into account gender and other specific reception needs. Unaccompanied minors must furthermore 'be detained only in exceptional circumstances. All efforts shall be made to release the detained unaccompanied minor as soon as possible' (Article 11(3)).

In principle, the [Dublin Regulation](#), finally, prioritises family reunification for unaccompanied minors. The regulation, which establishes the criteria and mechanisms for determining the Member State responsible for examining an application for international protection, mandates that 'respect for family life' and unaccompanied minors' 'best interests' must be 'a primary consideration' when applying the regulation (Recitals 13 and 14). Accordingly, if an unaccompanied child applies for asylum in one State, his or her application must be examined in the Member State where a parent, responsible adult, sibling, or relative who can take care of the child is legally present, provided this is in his or her 'best interests' (Article 8(1)(2)). For the Member State where the unaccompanied minor lodged an application for international protection this entails an obligation to take appropriate action without delay to identify the family members, siblings or relatives of the unaccompanied minor on the territory of Member States, while protecting the best interests of the child.

With the upcoming new pact on migration and asylum, announced as a priority in the Commission's 2020 [work programme](#), the protection of unaccompanied minors should be further reinforced, and [protection gaps](#) that have been [identified](#) addressed. One key [proposal](#), on which a consensus has yet to be reached, is the [reform of the Dublin Regulation](#), which seeks to establish a fairer mechanism for the redistribution of asylum-seekers among EU Member States, including stronger guarantees for unaccompanied minors and an extension of the definition of 'family members'.

Several non-legislative instruments also provide important guidelines on the care, integration and (possible) return of unaccompanied minors. Following the 2010-2014 [action plan for unaccompanied minors](#), the [2017 Commission communication](#) on the protection of children in migration more recently presented a series of coordinated actions to address the protection gaps and needs that children travelling with or without their families face once they reach the EU, spanning identification, reception, implementation of procedural safeguards, and establishment of durable solutions. On a more practical level, EASO has published [guidance](#) on the implementation of the CEAS directives with regard to the treatment of unaccompanied minors.

At national level, under the new '[no child alone](#)' policy, the Greek government has committed to create more shelters, improve access to social services, and, in tandem with the Greek 'Guardianship Law',⁴ provide staff to act as legal guardians for all unaccompanied minors. However, at the same time the Greek government announced a substantial [overhaul](#) of the Greek migration system, adopting a law stiffening asylum requirements for migrants⁵ and announcing a plan to replace the overcrowded open air camps with new closed facilities for identification, relocation and deportation.

Stakeholders' concerns

Urgent need for relocation

In response to the proposed relocation initiative for unaccompanied minors, 64 non-governmental organisations (NGOs) issued a [joint statement](#) on 4 March 2020 calling on EU Member States to commit to the emergency relocation of this group of particularly vulnerable children from the Greek islands to other European countries immediately, giving precedence to existing family links and the best interests of each child.

In their statement, the NGOs highlighted the highly precarious situation of unaccompanied children in the Greek hotspots, referring to a series of persistent protection gaps such as lack of child-suitable places; unsanitary and unsafe conditions; deprivation of access to the most basic services, such as shelter, water, food, medical care and education; psychological distress; insufficient age assessment procedures; lack of guardianship and the backlog in registration of cases meaning that hundreds of unaccompanied children on the islands are in danger of missing their chance to apply for family reunification.

In the midst of the growing [coronavirus pandemic](#), NGOs from all over Europe launched a second [appeal](#) on 24 March 2020, urging the EU institutions and the Greek government to evacuate the refugee camps on the Greek islands immediately in order to avert a 'humanitarian catastrophe', relocating first unaccompanied children, as planned, and the most vulnerable refugees. Médecins Sans Frontières (MSF) [criticised](#) in this context the absence of a credible emergency plan from the health authorities, stressing that this made the evacuation of the Greek islands all the more urgent as 'the overcrowded and horrific living conditions in the camps – or hotspots – on the Greek islands provide the perfect storm for a Covid-19 outbreak'.

Persisting protection gaps

The NGOs' concerns are not new. In its 2019 report on the topic, the [European Fundamental Rights Agency](#) (FRA) [reported](#) 'no significant improvements' as compared to 2016 in 10 of the 21 areas assessed. Furthermore, the [European Court of Auditors](#) (ECA) [concluded](#) in a special report in November 2019 that its key recommendation from 2017 on the treatment of unaccompanied minors, notably regarding 'adequate shelter, protection, access to and prioritisation of asylum procedures and possible consideration for relocation', had yet to be fully implemented. FRA meanwhile noted persistent shortcomings in terms of speed of handling of the asylum applications of unaccompanied minors, availability of legal support, child protection (guardianship), vetting procedures (to ensure that individuals with child abuse convictions do not engage with children in the hotspot), prevention and protection from sexual and gender-based violence, and pre-removal detention.

Other organisations, for example the [Hungarian Helsinki Committee](#) and [Statewatch](#), have criticised the controversial practice in the Greek hotspots of placing unaccompanied minors in 'protective custody' in police stations and police detention facilities, where they spend up to two, and in some cases three, months before being placed in an appropriate shelter. The practice has also been condemned by the European Court of Human Rights (ECtHR), which [in several cases](#) has granted interim measures under Rule 39 of the Rules of the Court, ordering Greece to release the unaccompanied children concerned from detention ('protective custody') and to transfer them to

Cities ready to take in refugee children

In a letter addressed to the presidents of the European Commission, European Council and European Parliament, 10 European city members of the [Eurocities Solidarity Cities Initiative](#) (Amersfoort, Amsterdam, Arnhem, Barcelona, Ghent, Gent, Groningen, Leipzig, Nuremberg, Tilburg, Utrecht) have offered their help to take in some of the 1 500 or more unaccompanied children from the overcrowded refugee camps on the Greek islands.

Source: [Agence Europe, Europe Daily Bulletin No. 12473, 24 April 2020.](#)

suitable accommodation. Similarly, the European Committee on Social Rights (ECSR) has [ordered](#) the immediate release of unaccompanied children from 'protective custody', following a [collective complaint](#) brought by the [European Council on Refugees and Exiles](#) (ECRE) and the [International Commission of Jurists](#) (ICJ).

Other issues that remain problematic – both in the context of the Greek hotspots and in EU Member States in general – are the lack of an EU-wide protocol or catalogue for [assessing age](#) based on medical imaging and the absence of a [systematic and standardised approach to conducting best interests assessments](#) based on the standards outlined in the Dublin III Regulation, in order to facilitate family reunification. Refugees International [warns](#) in this regard also of the implications of the new, more restrictive, Greek asylum law, adopted in November 2019. By speeding up asylum proceedings, the law threatens to undermine essential protections, including the right to family reunification, for asylum-seekers.

Having published a handbook on [guardianship](#) in 2014, FRA published a focus paper in 2019 on the fundamental rights considerations to take into account when dealing with the sensitive issue of the [return of unaccompanied minors](#) who are not entitled to stay.

Academics have also participated extensively in the debate, discussing, not least, [the enforcement of relocation pledges](#), [the right of unaccompanied children to family reunification](#), [the proposal for the Dublin IV Regulation and the unaccompanied minor's best interests in the allocation of responsibility](#), [the refugee relocation system in the EU and its implications for the countries on the western Balkans route](#) and the [feasibility of a permanent relocation mechanism](#).

Guidelines for relocation

With regard to the initiative of the European Commission and a group of Member States to relocate unaccompanied children from the Greek islands, the EU Agency for Fundamental Rights (FRA) urged Member States to agree on a simple and practical workflow as soon as possible, to avoid lack of clarity and delays in the relocation process. To this end, FRA has prepared a paper providing practical suggestions for the relocation of unaccompanied children from Greece, building on lessons learned from previous mandatory and voluntary relocation schemes.

These [guidelines](#) include recommendations to:

- **assess the child's family links first**, when identifying children for relocation. If children qualify for family reunification under the Dublin Regulation, facilitate and accelerate that procedure, and avoid putting children through the relocation procedure;
- appoint a **temporary guardian** for the relocation scheme, who should be consulted during the different relocation stages, such as during registration, and age and best interests' assessment;
- make sure that decisions to relocate children are based on an assessment confirming that it is in the **best interests** of that particular **child**. Use existing tools from the Greek Asylum Service, [EASO](#) and the UN High Commissioner for Refugees ([UNHCR](#)) to assess best interests for relocation purposes;
- provide **child-appropriate information and preparation** to ensure that the child knows what to expect in the transfer process and in the Member State of relocation, including cultural awareness, reception conditions and asylum procedures;
- apply safety measures to prevent the spread of the coronavirus;
- ensure that the state of relocation as well as Greece receive **sufficient funding** to respond adequately to the special protection needs of unaccompanied children. FRA considers that given the protection needs, the amount given in previous schemes (€6 000 to the Member State to which the child was relocated and €500 to the Member State of departure) should be increased.

The guidelines were followed by a [full report](#) on the topic, published in May 2020, exploring the challenges and good practices gathered in the implementation of relocation programmes, based on information FRA collected in 10 EU Member States.

In a similar vein, Unicef, UNHCR and the International Organization for Migration (IOM) have established [Minimum Child Protection Standards for Identification of Unaccompanied Children to be Relocated from Greece to other countries in the European Union](#) in line with international child rights legal frameworks, including the Convention on the Rights of the Child, and the 1951 Refugee Convention, which sets out the considerations according to which international protection needs would be established.

Position of the European Parliament

With regard to the situation in the Mediterranean, the European Parliament has called consistently for a [holistic EU approach to migration](#), stressing the special protection needs of vulnerable groups, such as [unaccompanied children](#) and [women and girls](#), and highlighting [relocation](#), mutual recognition of asylum decisions, operational support measures and a proactive interpretation of the current Dublin Regulation and the Temporary Protection Directive as tools for internal solidarity.

The position of the European Parliament is clear: an unaccompanied child is above all a child who is potentially in danger, and [child protection](#), rather than migration policies, must be the leading principle for Member States and the European Union when dealing with them, thus respecting the core principle of the child's best interests.

In the past five years, Parliament has therefore [called on](#) Member States [repeatedly](#) to apply the specific provisions of the Common European Asylum System (CEAS) concerning unaccompanied minors in full, including access to legal assistance, guardianship, the right to family reunification, access to healthcare, accommodation and education, the right to be spoken to in a comprehensible language and to be interviewed by properly trained officials, reiterating that Member States should not detain children on the grounds that they are migrants.

Parliament has also repeatedly expressed its concerns about the [worrying](#) and [deteriorating](#) situation of unaccompanied minors in the Greek hotspots, calling consistently for solidarity and a fairer system for sharing responsibility. It backed the temporary relocation schemes proposed by the European Commission in 2015 to relieve the migration pressure on the frontline states (resolutions of [9](#) and [17](#) September 2015 respectively), and [welcomed](#), through its Committee on Civil Liberties, Justice and Home Affairs (LIBE), the 2015 Commission proposal for a [permanent crisis relocation mechanism under the Dublin system](#), withdrawn in 2019 due to opposition in Council. In addition, Parliament has been working on adjustments to the rules for the Asylum, Migration and Integration Fund (AMIF), for both the [current](#) and the [2021-2027](#) framework, in the first instance to recommit remaining amounts for relocation and in the second to release more targeted funds for unaccompanied minors and emergency assistance, including voluntary relocation.⁶ It also continued working on the [reform of the Dublin Regulation](#).

In this light, Parliament [welcomed](#) the announcement at the January 2020 plenary session by the Commissioner for Home Affairs, Ylva Johansson, that financial and operational support for the Greek hotspots was to be stepped up, and [expressed](#) its support for the new relocation initiative for unaccompanied minors in the context of the debate of 10 March 2020 on the migration situation at the Greek-Turkish border and the EU's common response. Parliament [adopted](#) the relevant draft amending budget on 17 April 2020. It did not do so however without expressing [concerns](#), denouncing, for instance, the slow pace of the relocation process despite commitments made, and stressing the need for structural solutions in order to push for real change, echoing the [statement](#) made by President Sassoli following his visit to the Greek islands in early March. Members also warned that, in the light of the coronavirus pandemic, the deteriorating situation in the camps threatened to become an even bigger fundamental rights and public health problem.

In a [letter](#) of 23 March 2020 to the Commissioner for Crisis Management, Janez Lenarčič, Members of the LIBE committee called for the preventive evacuation of the overcrowded camps, and for continuation of the measures to ensure prompt relocation, in particular of children.

MAIN REFERENCES

Apap J., [Vulnerability of unaccompanied and separated child migrants](#), EPRS, European Parliament, December 2016.

Scherrer A., [Dublin Regulation on international protection applications](#), EPRS, European Parliament, February 2020.

ENDNOTES

- ¹ The United States [signed](#) the Convention on the Rights of the Child in 1995 but never ratified it.
- ² The Final Act of the Conference of Plenipotentiaries that adopted the Convention refers to the need to provide for family unity and recommends 'Governments to take the necessary measures for the protection of the refugee's family especially with a view to: [...] (2) The protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption'.
- ³ Article 17 CCPR and Article 10 CDESCR provide for the right to a family life, while Article 24 CCPR sets out special rights for children. Relevant in the context of reception and relocation of (unaccompanied) migrant children is, furthermore, Article 11 CDESCR, which stipulates that States Parties recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The 2014 [Optional Protocol to the Convention on the Rights of the Child on a communications procedure](#) allows children to submit complaints, appeals and petitions to the Committee on the Rights of the Child, which hears complaints regarding violations of children's rights.
- ⁴ Greece, [Law 4554/2018 on Guardianship of Unaccompanied Minors](#), Greek Official Government Gazette, 18 July 2018.
- ⁵ [Law 4626/2019 on International Protection and other provisions](#), 1 November 2018.
- ⁶ This proposal now awaits the Council reaching a first-reading position. See procedure file [2018/0248\(COD\)](#).

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