

## **Recommendations from the third Lost in Migration Conference “Global strategies and political commitments for all children in migration”**

Supported by the Initiative for Children in Migration  
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On February 20-22 2019, more than 150 participants gathered in Malta for the third Lost in Migration conference: “Global strategies and political commitments for all children in migration.” The conference brought together experts in migration and child rights, EU and national decision and policymakers, civil society organisations, frontline professionals, and most importantly young migrants and refugees living in Europe.

The participants discussed the particular challenges faced by children in migration on their way to Europe and the journey's impact on their wellbeing and protection. They looked at European developments in the two years since the adoption of the Commission Communication on the protection of children in migration and at the necessary commitments ahead of the 2019 EU elections.

Here are their recommendations:

### **1. General measures to implement a comprehensive approach to children in migration**

This includes measures that the EU institutions and Member States must take at each stage of designing, planning, resourcing, implementing, monitoring and evaluating laws, policies, actions and programmes.

We call on EU institutions, EU agencies and Member States to:

- Shift the narrative and discourse around migration, especially children in migration, towards one of empathy, support, empowerment and the protection of human rights. This includes supporting existing initiatives and campaigns, multiplying their impact, localizing the campaigns and messages to resonate with the local realities in Europe, and ensuring the inclusion and representation of children and young migrant voices.
- Ensure all migration management policy or action, both intra- and extra-EU, supports the realisation of the rights of the child and ensure that primary consideration is given to the best interests of the child, regardless of the particular status of a child in a migration context
- Ensure that the discourse on gender and vulnerabilities recognises the wide range of vulnerabilities the different genders experience, including the needs and vulnerabilities of boys and young men, and make sure all feel empowered to report abuse.
- Ensure a firewall<sup>1</sup> is in place between immigration enforcement, child protection, and other services when handling the data of children in migration by applying strict limitations on collection, use, access to and retention of children's personal data collected in the context of child protection or service provision and by safeguarding the personal data of children in tools

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<sup>1</sup> For more explanations on what we mean by firewall, please see: <https://picum.org/firewall-3/>

for the protection of children across borders (e.g. when placing alerts for missing children in migration on the Schengen Information System).

- Redouble efforts to collect and exchange data on missing children in migration in a harmonized and systematic way, including for children at risk of trafficking, to support research and evidence-based policies and programmes, as well as to improve cross border cooperation.
- Listen to children and youth in migration, encourage their participation and include their voices in the decision-making processes that concern them, in accordance with their age and maturity, at local, national and international levels, in line with article 12 of the UNCRC and General Comment 12, as well as in the programmes designed to support them.
- Increase funding, guidance and capacity building to the local and national levels for a better implementation of the Commission Communication on the protection of children in migration.

## **2. Procedural safeguards**

Children in migration may be involved in diverse administrative or judicial procedures in the EU, at the border, on the territory or when involved in transfer decisions to another country. These procedures should be adapted to the needs and rights of children.

We call on EU institutions, EU agencies and Member States to:

- Intensify efforts towards putting in place child-friendly, expeditious and effective procedures, including for applications for international protection or residence status on other grounds.
- Intensify efforts to ensure that all separated and unaccompanied children are appointed a qualified, trained and independent guardian as soon as they are identified.
- Ensure that all children in migration have access to free, quality and accessible information, legal advice and representation.
- Ensure the efficient functioning of the Dublin procedures for swift family reunification. To this end, liaison officers in other Member States' Dublin Units, common templates, guidance, sufficient resources as well as Standard Operating Procedures (SOPs) should be in place to facilitate cooperation and ensure the participation of all relevant actors.
- Ensure that any system that replaces the current Dublin Regulation strengthens best interest assessments in Dublin procedures and maintains the principle that children should stay in the Member State where they are present, unless this is not in their best interest.
- Invest in good quality decision making in residence procedures, with appropriate procedural safeguards, that properly considers the best interests of the child as soon as possible on identification and at the latest before issuing a return decision, with a view to find a durable solution for children in migration.

## **3. Right to appropriate care and services**

Access to services and proper reception conditions, including child-friendly registration and information, suitable accommodation, nutrition, access to health services, play facilities, psychosocial and mental health support, independent legal assistance and referral to specialised services where needed.

We call on EU institutions, EU agencies and Member States to:

- Ensure a continuum of non-discriminatory care and protection along the journey, by providing the same quality of child protection procedures and care at national and cross-border levels and by working towards faster transposition and implementation of the child protection standards included in EU law, including the Common European Asylum System.
- Provide identification documentation upon arrival and access to education, healthcare, mental health and psychosocial support while awaiting the identification of a durable solution.
- Support and fund migrant communities and diaspora associations, who have a key role in supporting integration, and encourage young migrants' participation at all policy levels and in civil society.
- Prohibit and swiftly end the detention of children for reasons linked to migration, including children with families, and invest in alternative care.

#### **4. Durable solutions**

Finding a durable solution means identifying a context in which children have a right to reside and live their lives, that fulfils the best interests of the individual child in the long term and is sustainable and secure from that perspective.

We call on EU institutions, EU agencies and Member States to:

- Ensure that, when identifying durable solutions, a robust procedure is in place, which takes the best interests of the child as a primary consideration and to look at all options, including further integration in the country of current residence or stay, family reunification and voluntary return.
- Ensure that any return of a child happens only after their best interests have been examined and return is found to be in their best interests. Voluntary return with assistance must always be provided and given preference over removal or forced return. Procedural safeguards need to be in place for any return of children.
- Ensure that the process to identify a durable solution for every child starts as soon as possible upon arrival and that residence status and support do not expire at 18 years old, for instance by extending systems of assisted living, guardianship and education and by helping young adults to build a social network and find employment.
- Support children to move safely from one country to another when it is in their best interest, for instance by:
  - refraining from applying Dublin transfers towards the first country of arrival,
  - developing a strong solidarity mechanism on the blueprint of the relocation system,
  - increasing quotas of resettlement of refugee children from third countries, and
  - creating more possibilities for children to travel to the EU regularly, and for families to migrate together, including for work, study, family reunifications and protection purposes.

## 5. Solidarity and cooperation between EU Member States

Effective cross-border cooperation for children in migration depends on an inter-agency and multidisciplinary approach involving different actors. The need for cross-border cooperation may arise when a child applies for international protection and a transfer to another country is being considered, in cases of family reunification, when restoring family links or when cooperating on cases of missing children or children at risk or victims of trafficking.

We call on EU institutions, EU agencies and Member States to:

- Develop cross-border case management services and information sharing to effectively channel information between NGOs and national child protection systems across borders and to ensure that the best interest of the child remains central in the management of international cases of missing children, with proper data protection safeguards.
- Formalise the cooperation nationally and across borders between stakeholders involved in cases of missing, exploited or trafficked children or involved in family tracing activities, for instance by clarifying roles and responsibilities and establishing protocols of cooperation.
- Support access to funding for the national civil society organisations that are part of cross-border networks providing essential services to migrant children.
- Develop and raise awareness on existing initiatives, tools, standard operating procedures and joint investigations, including in cases of trafficking.

## 6. Fulfilling migrant children's rights in EU external policy

This includes ensuring respect of the rights of the child within the framework of the external relations policy of the EU, including the EU border management policies, development, human rights policies and other external policies affecting the countries of origin and transit of children coming to the EU. It also includes reference to the principles of the recently adopted Global Compact for Migration and Global Compact for Refugees.

We call on EU institutions, EU agencies and Member States to:

- Ensure that the Global Compacts for Migration and for Refugees are used as benchmarks in the designing, monitoring, implementation and evaluation of migration and asylum policies at regional, national and local level. Children and young migrants and refugees should always be consulted when doing so.
- Place children, their rights and their legitimate aspiration for a decent life and better opportunities at the centre of EU external migration policies, while tackling the systemic issues and causes that generate migration.
- Ensure that children and their families can find safe and regular alternatives to mobility in their country and communities of origin for their wellbeing and development perspectives.
- Ensure that EU funding dedicated to development cooperation with third countries is not diverted to migration control measures and return policies. On the contrary, it should continue to aim to reduce poverty and to leave no child behind.
- Condition any cooperation with third countries upon their full respect of child rights, legislative and/or structural changes necessary to ensure that migrant and refugee children are not



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exposed to human rights violations and a lack of protection. Accountability mechanisms should be established.

- Increase funding towards partner countries' efforts in developing or strengthening national and transnational child protection systems to protect children from violence, exploitation, trafficking, abuse and neglect, and increase resettlement schemes and other forms of safe and regular movement in order to ensure that children stay safe and protected along the migration route.

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For further details on the conference, see <http://lostinmigration.eu>

For more information on the Initiative for Children in Migration, see <http://childreninmigration.eu>

If you have any questions on the content of these recommendations, please contact:

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