



Minimum Child Protection Standards for Identification of Unaccompanied Children to be Relocated from Greece to other countries in the European Union

Situation

As of February 29, there are 5,463 unaccompanied children¹ in Greece who remain in urgent need of durable solutions, including expedited registration, family reunification and relocation.² Among them, 1,752 are housed in over-crowded reception and identification centers. Others are accommodated in various forms of emergency placements. 93 per cent are boys, 7 per cent are girls, and 91 per cent are between 14-18 years old.³ Three nationalities are most prominently represented, with 44 per cent of UAC originating in Afghanistan, 21 per cent in Pakistan, 11 per cent in Syria, and 24 per cent originating in various other countries.

Accommodation Type	Number
Children in insecure housing conditions	1,005*
Children in emergency UAC accommodation sites	74
Children in Reception and Identification Centers	1752
Children in Protective Custody	239
Children in Open temporary accommodation facilities	148
Children in long-term or temporary accommodation	2,061
Total:	5,463
* includes 422 separated children and 148 pending transfer to longer-term or temporary accommodation	

1 "Unaccompanied children (also called 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." (Inter-Agency Guiding Principles on Unaccompanied and Separated Children). Because separated children are sought to be reunified with family, support to this group is pursued by way of the Dublin III procedures.

2 Relocation has been defined by the European Commission as: "the transfer of persons who are in need of international protection from one EU Member State to another EU Member State." For more see this summary of the proposed refugee relocation system: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2_eu_solidarity_a_refugee_relocation_system_en.pdf

3 For the latest in-depth situation summary see National Center for Social Solidarity Situation Report on Unaccompanied Children, 29 February, 2020: <https://reliefweb.int/sites/reliefweb.int/files/resources/74094.pdf>

Over recent weeks, countries in the EU have pledged their support to address the crisis facing asylum-seekers and refugees, particularly unaccompanied children, in Greece through expedited relocation. Individuals transferred under this initiative would receive expedited processing and be moved to a country where they are likely to secure a durable solution by qualifying for refugee status or a complementary protection. This would also reduce the burden on Greek authorities, to pursue durable solutions for all asylum-seekers and refugees.

Because of the volume of cases and urgent needs, it is critical to establish standards based upon which children would be identified and prioritized for relocation. These standards must be firmly rooted within international child rights legal frameworks, including the Convention on the Rights of the Child, and the 1951 Refugee Convention which lays out the considerations under which international protection needs would be established. In all cases, a best interest assessment should be completed to consider solutions in line with a child's individual circumstances and best interests. Relocation should be an option considered for unaccompanied children with likely international protection needs. For those who are not found to have international protection needs a range of other solutions should be pursued, including return where this would be in their best interests. Relocations of children without international protection needs may be problematic from a "do no harm" perspective, inadvertently contributing to a pull-factor that can put children at risk, and failing to offer a longer-term solution.

In addition to international protection needs, a number of other principles should guide prioritization. Protection actors in Greece have witnessed previous relocation schemes based on narrow eligibility criteria which did not correspond to the majority caseload of children (e.g. setting narrow age or gender parameters). Such approaches add additional strain to the over-stretched human resources of the Greek child protection authorities and may negatively impact other children in need of durable solutions. This experience suggests that a streamlined approach to best interest procedures will also be needed for a larger relocation exercise. Therefore, even as humanitarian actors continue their advocacy for durable solutions for all UAC, a number of guiding principles are proposed for the immediate identification of UAC for relocation:

Guiding Principles and Approaches:

1. **Best Interests of the Child should be the guiding principle** determining relocation to be the most appropriate solution for that child. Tools to determine this are available from the Greek Asylum Service,⁴ EASO, and UNHCR;⁵
2. **Prioritization for relocation should be done based on established vulnerability criteria taking an individualized approach.** This should include factors such as age, gender, disability and health status. All decisions should be based on the best interests of the child as determined by an individual assessment.
3. **Do no harm:** All unaccompanied children face vulnerabilities and have needs—often critical ones. Prioritizing or processing UAC for relocation should not adversely impact other children or delay meeting urgent needs. Approaches must also safeguard against creating incentives for children to arrive unaccompanied or create pull-factors that could be exploited by smuggling/trafficking networks.
4. **Children should be consulted on the decision and involved in the process of decision making where in their best interests:** children capable of forming their own views should be consulted on the prospective relocation. Their views should be taken into account according to their age and maturity.⁶
5. **Children eligible for family reunification under the Dublin III Regulation, should be supported accordingly**—through an expedited procedure.
6. **Action should be coordinated** between country of asylum and the country of relocation with technical and operational support from child protection partners including UNHCR, IOM, and UNICEF.

Criteria for Identification and Prioritization:

Recognizing the inherent⁷ vulnerability of all UAC, selection for relocation should be based on urgency, as determined based on an individual assessment of a child's protection needs. Understanding the vulnerability of unaccompanied children in Greece requires careful consideration of the risks all children (including adolescents) face in current transit, detention centers, informal settlements, specialized accommodation

4 According to law 4554/2018, the coordination of activities related to bilateral agreements including the relocation of UAC falls under the responsibility of the Protection Unit of UASC Department of National Centre for Social Solidarity (E.K.K.A). The procedure, tools (BIA and BID) and detailed guidance to be used by guardians are provided there.

5 UNHCR Guidelines on Assessing and Determining the Best Interests of the Child are available here: <https://www.refworld.org/pdfid/5c18d7254.pdf>; In addition, significant work on best interests considerations for migrants in Europe has been developed by the European Asylum Support Office in the "Practical guide on the best interests of the child in asylum procedures" that can be found here: <https://www.easo.europa.eu/sites/default/files/Practical-Guide-Best-Interests-Child-EN.pdf> p15

6 Additional guidance can be found in the referenced EASO Best Interest Guide pages 16-17.

7 United Nations High Commissioner for Refugees, ExCom Conclusion No. 107: <https://www.unhcr.org/excom/exconc/4717625c2/conclusion-children-risk.html>

facilities and schemes, as well as a review of relevant personal and familial characteristics. Based on a similar assessment tool developed to prioritize interventions for UAC in another context⁸, the following criteria have been identified as relevant to informing prioritization:

1. **Child is found to be in need of international protection** on the basis of an initial assessment if refugee status determination has not yet been carried out and would be eligible for durable solutions (such as asylum or refugee status) in the country of relocation.
2. **Individual Characteristics that May Contribute to Vulnerability:** these are considerations that may be determined through a review of casefiles, the best interest-determination, and through the consultation with the child:
 - **Age:** younger children are generally considered to have heightened vulnerability, but they may also require greater support. Given that adolescents make up the overwhelming majority of UAC, and their child protection needs have not been met, age is one of a number of factors that should be considered;
 - **Gender:** Girls, adolescent mothers, and survivors or those at risk of SGBV are particularly vulnerable.

However the risk of SGBV also applies to boys so violence and experience of violence more broadly should be considered;

- **Medical and/or mental health status:** individuals with specific medical or mental health needs should be provided interim support and prioritized for relocation;
 - **Disability status:** as with medical diagnoses, special consideration should be given to disability status as well as support and care arrangements in the prospective country of relocation;
3. **Length of asylum process to date:** considers the amount of time during which a child's asylum/relocation/reunification claim has been processed, recognizing that length of displacement can further heighten vulnerability. At the same time, for children with greater integration prospects within Greece as a result of the length of their stay, this may not be the case;
 4. **Views expressed by the child:** this could include considerations related to their views expressed during consultation, including, for example, reported non-familial ties to a particular place, or other expressed considerations.

Proposed Process:



⁸ The Inter-agency Working Group on Unaccompanied and Separated Children Toolkit contains a number of relevant tools developed for other complex child protection contexts. These considerations were adapted from a tools 27, and 28 developed for the Horn of Africa. Given the different contexts, the tool has been substantively amended and may require additional review in consultation with child protection experts on the ground. See: <https://resourcecentre.savethechildren.net/node/12197/pdf/tools-web-2017-0322.pdf> p 142.

Complicating Factors:

- Vulnerability is not static and can change as the child interacts with an evolving context and as personal circumstances change.⁹ Relying on outdated casefiles may be problematic and omit considerations that have evolved since the child's initial registration. Case files should therefore be updated on a regular basis and member states should make relocation decisions based upon updated information.
- Integration prospects (such as consideration of language ability, education services, or ability to integrate UAC in a community with shared origin) have been recognized as factors that may influence a Member State's review and consideration of cases for resettlement or relocation. Considering such factors may also improve integration and reduce secondary movements.¹⁰ However, such considerations must be clearly defined and adhere strictly to non-discrimination principle, so as not to arbitrarily prioritize one ethnic or nationality profile over another. Consideration should rightly be given to whether relocation will result in a durable solution, ie. a safe legal status. whether or not there are foster care or specialized medical or education needs available, etc.). The best interests of the child must be the guiding consideration.
- There are a range of challenges to the provision of child protection services in Greece at this time. This includes limitations in the implementation of child protection procedures, delays in the implementation of the guardianship law, as well as a temporary suspension in the acceptance of asylum cases due to covid-19. Considering the timeline or length of the asylum process may be further complicated by expected delays for all asylum seekers.



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Guidance and Tools Referenced:

In addition to references made in the footnotes, the following guidelines and tools were consulted in the process of identifying these standards.

1. UNHCR, UNICEF, IRC "[The Way Forward: to Strengthen Policies and Practices for Unaccompanied and Separated Children in Europe](#)"
2. UNHCR "[Heightened Risk Identification Tool](#)" Version 2
3. UNHCR "[Guidelines on International Protection: Child Asylum Claims under Articles 1\(A\)2 and 1\(F\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees](#)"
4. Alliance for Child Protection in Humanitarian Action "[Minimum Standards for Child Protection in Humanitarian Action](#)"
5. [Inter-agency Guiding Principles on Unaccompanied and Separated Children](#)
6. <https://www.easo.europa.eu/sites/default/files/Practical-Guide-Best-Interests-Child-EN.pdf>

9 Adapted from the Vulnerability and resilience criteria developed for separated Somali and South Sudanese children and referenced in the Toolkit on Unaccompanied and Separated Children, published by the Alliance for Child Protection in Humanitarian Action; see tool 28, referenced: <https://resourcecentre.savethechildren.net/node/12197/pdf/tools-web-2017-0322.pdf>

10 Atanassov Nikolai and Anja Radjenovic, European Parliamentary Research Service, "EU asylum borders and external cooperation on migration: recent developments." September 2018: [https://www.europarl.europa.eu/RegData/etudes/IDAN/2018/625194/EPRS_IDA\(2018\)625194_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2018/625194/EPRS_IDA(2018)625194_EN.pdf)

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April 2020