

# CROSSING LINES

## REALITIES OF MIGRANT CHILDREN AT EU EXTERNAL BORDERS



Save the Children

Save the Children believes that every child deserves a future. In Europe and around the world, we work every day to give children a healthy start in life, the opportunity to learn and be protected from harm. When crisis strikes and children are most vulnerable, we are always among the first to respond and the last to leave. We ensure children's unique needs are met and their voices are heard. We deliver lasting results for millions of children, including those hardest to reach.

We do whatever it takes for children – every day and in times of crisis – transforming their lives and the future we share.

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Authors (in alphabetical order): Jennifer Allsopp, Anne-Lise Dewulf, Federica Toscano, Lina Vosyliūtė and Helena Wacko

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Save the Children Europe  
Rue Marie Thérèse 21  
1000 Brussels Belgium  
+32 (0)2 512 78 51  
[www.savethechildren.net](http://www.savethechildren.net)

# TABLE OF CONTENTS

<b>ACRONYMS</b>	<b>5</b>
<b>INTRODUCTION</b>	<b>6</b>
Methodology	7
Numbers and Trends on Children on the Move in the EU	7
Spotlight on the Research's Focus Country: Data and Context	11
Poland	11
Greece	11
Spain	12
Italy	13
Finland	14
Croatia\Bosnia-Herzegovina Border	14
Children's journeys, in their own words	15
Arrival at the EU Borders	15
 <b>SECTION 1: ACCESSING PROTECTION AT EU BORDERS</b>	 <b>19</b>
Limited or reduced access to the border area for migrants and asylum seekers	20
Poland	21
Finland	23
Greece	24
Insight on the Implementation Pact on Migration and Asylum: the Impact of the New Emergency Rules on Children	25
Pushback Practice and Violence	26
Poland	27
Greece	28
Spain	29
Finland	32
Croatia- Bosnia-Herzegovina	33
Right to Seek Asylum and Access to Protection Procedures	34
Greece	36
Finland	37
Insight on the Implementation Pact on Migration and Asylum: Access to Protective Status at EU Borders	39
 <b>SECTION 2: IDENTIFICATION AND AGE ASSESSMENT</b>	 <b>40</b>
Identification and Registration of Children at the Border	40
Age Assessment Procedure and the Best Interests of the Child	41

Spain	42
Greece	45
Italy	46
Poland	48
Finland	51
A Glimpse Outside the EU: Identification and Vulnerability Assessment of Children in North-Western Balkans	52
Insight on the Implementation Pact on Migration and Asylum: the Identification and Age Assessment at Borders	53
<b>SECTION 3:</b>	<b>54</b>
Vulnerabilities Assessment	54
Finland	57
Poland	58
Greece	59
Good Practice: Greece’s Harmonised Best Interest Assessment Toolkit for Unaccompanied Children <sup>61</sup>	
Good practice: National Emergency Response Mechanism (NERM)	61
Spain	62
Italy	64
<b>SECTION 4: GUARDIANSHIP</b>	<b>68</b>
Spain	69
Greece	72
Italy	74
Poland	75
Finland	75
<b>SECTION 5: RECEPTION CONDITIONS AFTER BORDER CROSSING</b>	<b>77</b>
Spain	81
Poland	82
Italy	83
<b>OVERSIGHT AND MONITORING</b>	<b>85</b>
Oversight from Civil Society	88
<b>CONCLUSION</b>	<b>91</b>
Addressing the Current Situation of Children at EU External Borders: Recommendations for Action	92
<b>BIBLIOGRAPHY</b>	<b>94</b>
<b>ANNEX I</b>	<b>101</b>

# ACRONYMS

ACRONYM	FULL FORM
<b>ATDs</b>	Alternatives to Detention
<b>BID</b>	Best Interest Determination
<b>CATE</b>	Temporary Attention Centers for Foreigners in Spain (in Spanish - Centros de Atención Temporal de Extranjeros)
<b>CMW</b>	Committee on the Protection of the Rights of All Migrant Workers and Members of their Families
<b>CRC</b>	Convention on the Rights of the Child
<b>EMAG</b>	Save the Children's European Migration Advocacy (Working) Group
<b>EUAA</b>	European Union Asylum Agency
<b>Frontex</b>	European Union Border and Coastguard Agency
<b>GBV</b>	Gender-based Violence
<b>GMG</b>	Global Migration Group
<b>ICRC</b>	International Committee of the Red Cross
<b>IDC</b>	International Detention Coalition
<b>IDP</b>	Internally Displaced Person
<b>IHL</b>	International Humanitarian Law
<b>IOM</b>	International Organization for Migration
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>PICUM</b>	Platform for International Cooperation on Undocumented Migrants
<b>SDGs</b>	Sustainable Development Goals
<b>UASC</b>	Unaccompanied (and Separated) Children
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UNRWA</b>	United Nations Relief and Works Agency for Palestine Refugees

# INTRODUCTION

This report examines the **situation of children on the move at the EU's external borders**, focusing on **Greece, Italy, Finland, Spain, and Poland**. Based on empirical evidence from autumn 2024, it draws on interviews with practitioners, stakeholders, and children's narratives through the "*Museum of Self*" methodology. Academic literature, civil society, and institutional reports from the EU and UN further inform the analysis.

This research provides a comprehensive exploration of the experiences, challenges, and systemic barriers faced by migrant children at EU borders, including unaccompanied and separated children as well as those traveling with their families. Key thematic areas covered include **the evolving legislative and policy landscape**, particularly the use of emergency laws, and the rapid pace of legislative changes that often create barriers to justice and exacerbate hostile environments for migrant children. The research delves into critical procedural stages such as **identification and age assessment**, highlighting inconsistencies and systemic flaws that can lead to misclassification and denial of protections. It examines **vulnerabilities and protection needs assessments**, as well as gaps in addressing trauma, exploitation, and other risks. The report also considers **guardianship systems**, emphasising the importance of dedicated, well-trained guardians to advocate for the best interests of children.

After border screenings and age assessments, children are transferred to reception facilities. Depending on the availability of age-appropriate support and child specific safeguards during the following procedures, this can either begin their process for inclusion or expose them to the risk of further trauma.

Thus, this research also explores topics such as **detention practices** and alternatives, shedding light on the lack of standardised care systems and the challenges at reception facilities. The research assesses **asylum procedures**, focusing on issues such as pushbacks, denial of the right to seek asylum, accelerated border procedures, lack of access to legal representation, and the impact of secondary migration or deportations.

The report also examines the persistent challenges related to **advocacy efforts of civil society organisations** and their role in safeguarding the rights of migrant children. The concluding section synthesises findings and provides actionable recommendations for the EU and national authorities, focusing on the thematic issues analysed.

Explanations on the relevant changes introduced by the **Pact on Migration and Asylum**, expected to come into force in June 2026 are also provided.

While centred on conditions at EU borders, the report also considers **children's journeys across regions** like the West Atlantic, Central Mediterranean, and Aegean, highlighting the impact of the EU's asylum policies on children on the move through other countries, with **Bosnia and Herzegovina** serving as a key example.<sup>1</sup>

1 Save the Children & Center for Interdisciplinary Studies at the University of Sarajevo. (2022). *Wherever we go, someone does us harm: Violence against refugee and migrant children arriving in Europe through the Balkans*. Save the Children, Sarajevo, October 11. <https://resourcecentre.savethechildren.net/document/wherever-we-go-someone-does-us-harm-violence-against-refugee-and-migrant-children-arriving-in-europe-through-the-balkans/> and Gorevan, D., Rönnow Pessah, S., & Toscano, F. (2023). *Safe for some: Europe's selective welcome to children on the move*. Save the Children Europe, Brussels, October. [https://resourcecentre.savethechildren.net/pdf/Safe-for-some\\_Europes-selective-welcome-final-designed.pdf/](https://resourcecentre.savethechildren.net/pdf/Safe-for-some_Europes-selective-welcome-final-designed.pdf/)



# METHODOLOGY

Save the Children collaborated with Heartwarmingly and its team of independent consultants for data collection and analysis, which focused on law and practice in **Greece, Finland, Italy,<sup>2</sup> Poland, Spain and the North-Western Balkans, with a key example of Bosnia-Herzegovina.** These countries were chosen because of the significant numbers of arrivals coupled with relevant recent developments - such as the closure of the eastern border in Finland - which has changed the flow of migrant children at EU borders.

The research aims to identify practical and innovative approaches to engaging relevant stakeholders, addressing gaps, and assessing needs to improve the situation of children on the move, both in the present context, and in preparation for the implementation of the EU Migration and Asylum Pact. It therefore serves a dual purpose: to assess current practices in the context of existing realities, legislation, and institutional frameworks, and adopting a

forward-looking perspective by evaluating these practices in relation to the potential impacts of forthcoming regulations and directives under the EU Migration and Asylum Pact. The research design incorporated ethnographic elements, such as **field research**, which entailed **semi-structured interviews** with key stakeholders from NGO's, statutory authorities and, where possible, police and border guards. It also took into account verbal and non-verbal cues, as well as **contextual factors** to form the views of the researchers. Illustrative prompts were used in research with children which took place in Spain, Greece and Finland. A mixed-methods approach was adopted, primarily combining qualitative methods with secondary analysis of quantitative data. The Save The Children Ethics & Evidence Generation teams approved the ethical clearance of the research. More information on the research design and ethics is available in Annex II.

## NUMBERS AND TRENDS ON CHILDREN ON THE MOVE IN THE EU

In 2023, **approximately 30 million children were on the move worldwide<sup>3</sup>**—representing nearly half of all displaced people.

Within the European Union (EU), data on the presence of children on the move comes from statistics linked to residence permits and national legal statuses.

According to Eurostat, in 2023, there were **254,900 first-time asylum applicants who were children**, accounting for **24.3%** of the total number of first-time asylum applicants recorded in the EU.<sup>4</sup> The predominant nationalities among asylum seeking children were Syrians (22.4%) and Afghans

(13.1%).<sup>5</sup> **17%** or approximately **43,300** asylum seeking children were unaccompanied. Unaccompanied children, therefore, accounted for **4.1%** of the total number of first-time asylum applicants in 2023.<sup>6</sup>

In 2024, the average proportion of unaccompanied children seeking asylum increased to 18%. It is important to note that comprehensive EU-wide statistics on children arriving in the EU seeking asylum are only available up to 2023, as eight out of the 27 EU Member States lack statistics for 2024 at the time that this report was written.<sup>7</sup>

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2 In Italy, the field research was not conducted, and instead, the research relied on the extensive inputs provided by the Save the Children Italy

3 **Save the Children.** (2024). *Children on the move*. Save the Children's Resource Centre, Stockholm, January 16. <https://resourcecentre.savethechildren.net/article/children-on-the-move/>.

4 **Eurostat.** (2023). *Children in migration – asylum applicants*. Eurostat, Luxembourg, November 6. [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Children\\_in\\_migration\\_-\\_asylum\\_applicants](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Children_in_migration_-_asylum_applicants)

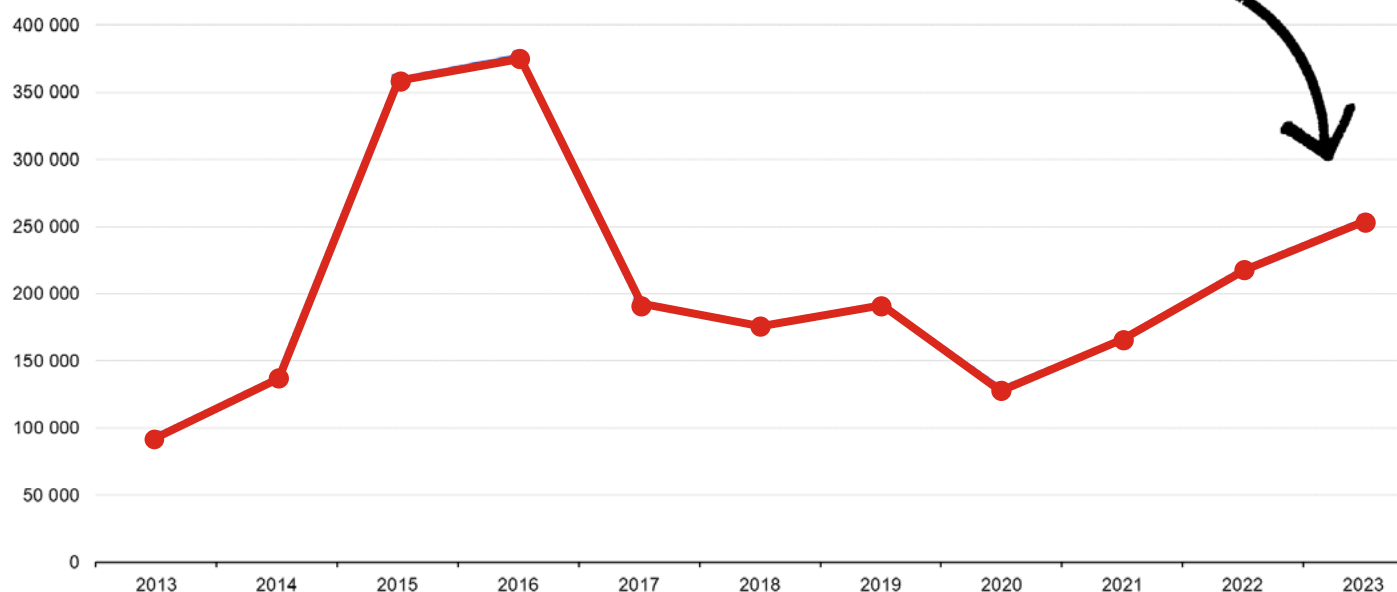
5 Ibid.

6 **Eurostat.** (2024). *24% of first-time asylum applicants were children in 2023*. Eurostat, Luxembourg, April 29. <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20240429-1>

7 **Eurostat.** (2025). *Asylum applicants by type, citizenship, age and sex – annual aggregated data* [Data set]. Eurostat, Luxembourg, February 28. [https://ec.europa.eu/eurostat/databrowser/view/migr\\_asyappctza\\_custom\\_15593489/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/migr_asyappctza_custom_15593489/default/table?lang=en)

As demonstrated by the graph below, the number of asylum-seeking children has steadily been increasing since 2020.

**Number of first-time asylum applicants aged less than 18 years old in the EU, 2013-2023**



Note: EU totals are calculated based on available Member States: 2013, missing data for Austria.

Source: Eurostat (online data code: migr\_asyappctza)

eurostat 

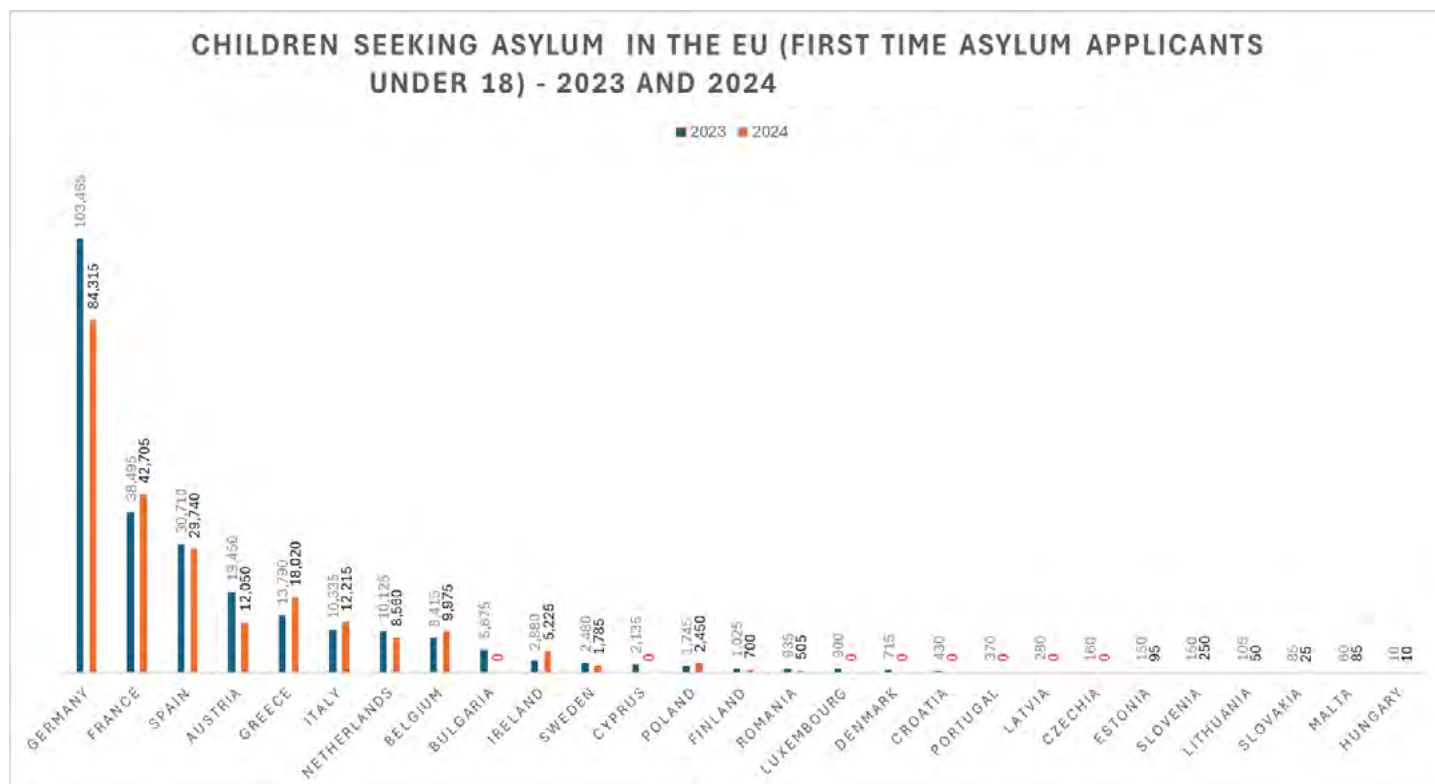
Source: Eurostat ([migr\\_asyappctza](#)).

When it comes to countries, under the scope of this research, in absolute numbers, the largest increase to the number of first-time asylum-seeking children has been in **Greece** (+4230), with a significant increase in **Poland** (+705) and an 18% increase in **Italy**. Although 970 fewer asylum-seeking children arrived in **Spain** the proportionate decrease has amounted only to 3% (from 30,710 in 2023 to 20,740 in 2024)<sup>8</sup>. **Finland** has witnessed a 28% decrease (from 1,025 in 2023 to 700 in 2024).

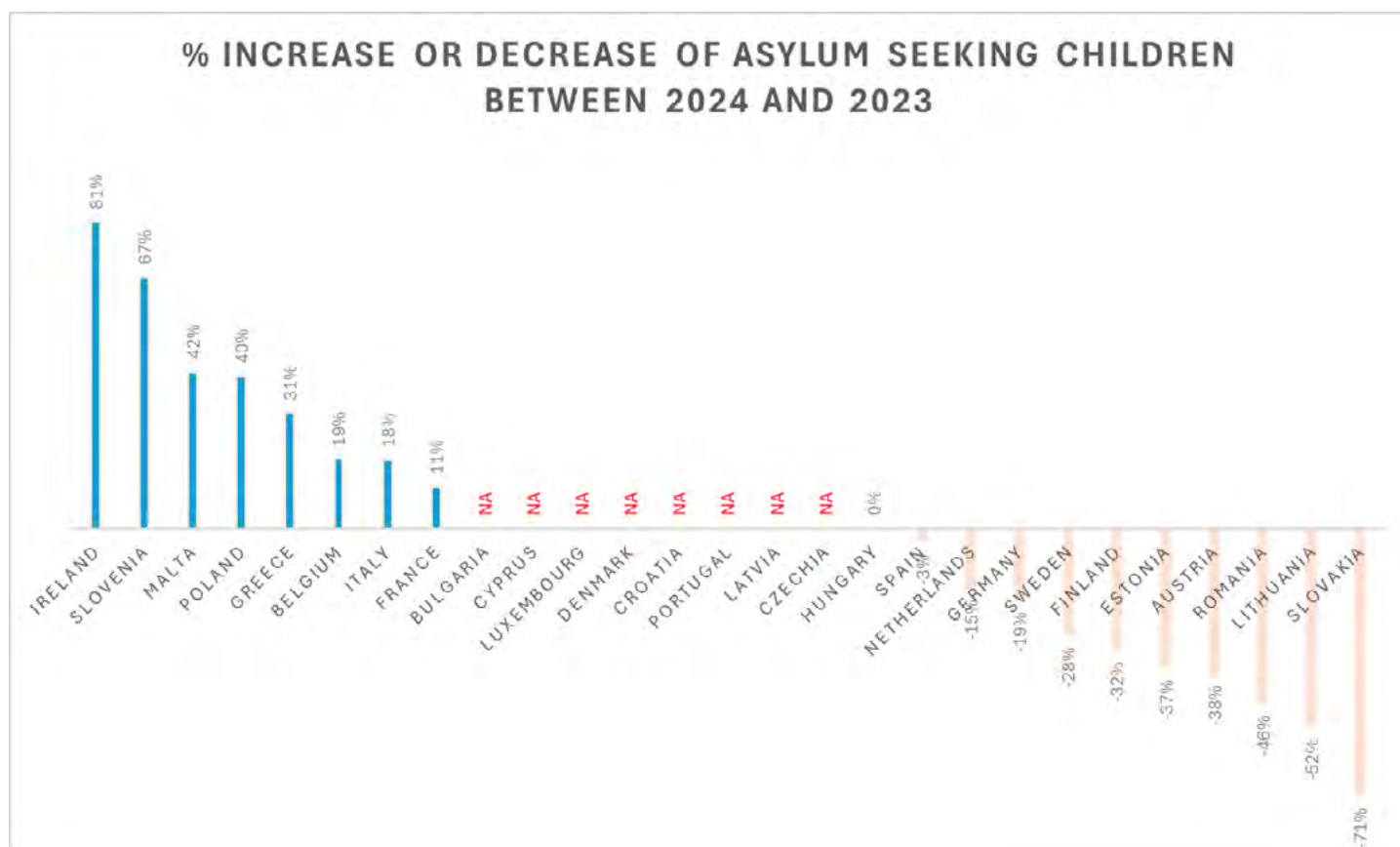
Further research reveals gaps in national and EU statistics that hinder the EU's ability to track the number of unaccompanied children arriving at Europe's borders, leaving many invisible in migration and asylum data. Even when Member States provide information to the Commission and Eurostat, the accuracy depends on effective identification and age assessments of these children, as discussed in the Section on Identification and Age Assessment. These data issues create obstacles for authorities and civil society to monitor the situation of children on the move.

8 Dubow, T., & Kuschminder, K. (2021). Family strategies in refugee journeys to Europe. *Journal of Refugee Studies*, 34(4), 4262-4278.





Source: Authors (2025) on the basis of Eurostat [migr\_asyappctza] data.



Source: Authors (2025) on the basis of Eurostat [migr\_asyappctza] data.

The number of children on the move in the EU must also take into account other types of statuses and permits. In 2023, around 374,000 first residence permits for family reasons were issued in the EU to children aged less than 18 years who were not EU citizens. **Family reunification represented 63% of all first permits issued to children in the EU<sup>9</sup>.** The most common nationalities were<sup>10</sup> Moroccan (11%), Indian (6%) and Albanian (5%).<sup>11</sup> Three countries that stand out for issuing the residence permits for family reunification to children in 2023 were Germany (24.3% of the EU total), Spain (22.6%) and Italy (18.1%).<sup>12</sup> Children also came to Europe under the Schengen visa or national visa facilitated regimes, and the mentioned statistics do not take into account those benefiting from the Temporary Protection Directive.

Notable for this report is the number of children arriving irregularly to the EU. In 2024, the total number of irregular border crossings into the EU decreased by **38%**, reaching just over **239,000** detections. Despite this overall decline suggested by some official statistics, the **share of children among irregular migrants increased to 16%**, up from 13% in 2023. This suggests that at least approximately **38,000 children** arrived irregularly in the EU in 2024.<sup>13</sup> However, it is also important to notice that a broader and in-depth analysis of migration trends in the Western Balkans in 2024 shows that **although most official sources report a sharp decline in new arrivals<sup>14</sup>, this only highlights the lack of visibility for children and families on the move.** When different data sources across Europe are collected, compared, and supplemented by observations from outreach actors and other stakeholders providing direct services to refugees and migrants, **there is a strong indication that many children and adults are arriving and**

**transiting through the region unnoticed, unregistered, and unsupported.** For example, it should be noted that the authorities in BiH officially registered more new arrivals (25,236<sup>15</sup>) than Frontex did for the entire Frontex-defined Western Balkan route (21,520). The discrepancy suggests that many might have travelled through the region without being recorded in the system, potentially missing out on protection and assistance. This is even more concerning when considering that despite more than a half decrease in the number of asylum seekers in Croatia in 2024, the number of unaccompanied and separated children who requested protection increased. There were 1,516 USACs in 2023 in Croatia and 1,980 in 2024<sup>16</sup>.

It is interesting to note that some academics have identified a **correlation between the restrictive visa and asylum policies and increased detections at the border.** Estimates suggest that 'a 10% increase in asylum rejections raises the number of irregular [arrivals of] migrants by on average 2% to 4%, and similarly, a **10% increase in short-stay visa rejections leads to a 4% to 7% increase in irregular entries.**'<sup>17</sup>

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- 9 Dubow, T., & Kuschminder, K. (2021). Family strategies in refugee journeys to Europe. *Journal of Refugee Studies*, 34(4), 4262–4278. <https://doi.org/10.1093/jrs/feaa124>
  - 10 Ibid
  - 11 Eurostat. (2024). *Children in migration – residence permits for family reasons*. Luxembourg: Eurostat. November 8. [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Children\\_in\\_migration\\_-\\_residence\\_permits\\_for\\_family\\_reasons](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Children_in_migration_-_residence_permits_for_family_reasons).
  - 12 Ibid
  - 13 Frontex. (2025). *Irregular border crossings into EU drop sharply in 2024*. Frontex. Warsaw, January 14. <https://www.frontex.europa.eu/media-centre/news/news-release/irregular-border-crossings-into-eu-drop-sharply-in-2024-oqpweX>.
  - 14 Frontex. (2025). *Migratory Routes*. Frontex. Warsaw, <https://www.frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/migratory-routes/migratory-routes/>
  - 15 IOM. (2025). *Bosnia And Herzegovina Migration Response Situation Report*. IOM, Geneva, January 5, <https://bih.iom.int/sites/g/files/tmzbd11076/files/documents/2025-01/bosnia-and-herzegovina-migration-response-situation-report-30-december-2024-5-january-2025.pdf>
  - 16 Croatian Law Centre (CLC). (2025). *The Croatian Asylum System In 2024 - National Report*. CLC, Zagreb, May 28. [https://www.hpc.hr/wp-content/uploads/2025/05/National-Asylum-Report-2024\\_CLC.pdf](https://www.hpc.hr/wp-content/uploads/2025/05/National-Asylum-Report-2024_CLC.pdf) Republic of Croatia, Ministry of the Interior, available at <https://mup.gov.hr/statistika-228/228>
  - 17 Czaika, M., & Hobolth, M. (2016). Do restrictive asylum and visa policies increase irregular migration into Europe? *European Union Politics*, 17(3), 345–365. <https://doi.org/10.1177/1465116516633299>

# SPOTLIGHT ON THE RESEARCH'S FOCUS COUNTRY: DATA AND CONTEXT

## POLAND

In recent years, Poland has witnessed a marked increase in the number of unaccompanied and separated children, driven largely by the war in Ukraine and shifting migration routes across Eastern Europe. Notably, the migratory route through Russia and Belarus into Poland has become increasingly common for unaccompanied children, with civil society organisations reporting a 75% rise in such cases in 2024 (compared to 2023).

The Polish-Belarusian border remains a hotspot for serious human rights violations, including against children. On the Belarusian side, children are subjected to physical and psychological abuse - beaten, attacked by dogs, stripped of clothing and shoes, and deprived of identity documents. On the Polish side, there have been documented instances of violence

and illegal pushbacks, even involving children<sup>18</sup>, in direct violation of the UN Convention on the Rights of the Child.

Despite Poland's strategic location and EU obligations, its child protection system remains unprepared and heavily reliant on short-term, reactive measures. Many unaccompanied refugee children endure extended stays in overcrowded institutional care settings, with limited access to guardianship, legal assistance, mental health services or access to family-based alternative care. The lack of a coherent national strategy and poor coordination between migration and child protection systems have led to fragmented responses, leaving many children at risk of exploitation, trafficking, and ongoing rights violations.

## GREECE

Greece has been at the forefront of migration movements for decades but continues to struggle with the management of asylum seekers, as policies remain largely reactive rather than preventive.

In the first six months of 2024 alone, Greece witnessed a dramatic surge in refugee and migrant child arrivals, seeing over 6,400 children, **a fourfold increase compared to the same period in 2023<sup>19</sup>**. Notably, 86% of these children are under the age of 15<sup>20</sup>. Most of these children have endured perilous journeys, fleeing from conflict-ridden countries such as Syria, Afghanistan, and Somalia, only to face stays in restrictive, detention-like conditions in reception camps across the Aegean islands and the Greek mainland. The situation in Greece remains deeply shaped by EU policies, particularly the EU-Türkiye Statement of 2016, which has led to containment measures that disproportionately

affect asylum seekers, including children. Reports from civil society organisations continue to highlight concerns over **pushbacks, arbitrary detention, and a lack of durable solutions for unaccompanied children**. Additionally, Greece's ongoing economic and political struggles, coupled with increasing border securitisation, have contributed to an environment where migration management remains highly contested, with competing narratives on security, humanitarianism, and European responsibility shaping policy decisions.

**Unaccompanied children** have been a consistent and particularly vulnerable part of these migratory flows with 2,641 UASC (as of March 1st, 2025), often facing gaps in protection, prolonged stays in unsafe conditions, and difficulties accessing guardianship and asylum procedures, despite significant investments and reforms over the last couple of years.

18 Human Rights Watch (HRW). (2024). Poland: Brutal pushbacks at Belarus border. HRW, Brussels, December 10. <https://www.hrw.org/news/2024/12/10/poland-brutal-pushbacks-belarus-border>

19 Save the Children International. (2024). *Child migrant arrivals in Greece quadruple this year*. Save the Children. London, July 2024. <https://www.savethechildren.net/news/child-migrant-arrivals-greece-quadruple-year#:~:text=July%202024%20%2D%20Greece-,CHILD%20MIGRANT%20ARRIVALS%20IN%20GREECE%20QUADRUPLE%20THIS%20YEAR,children%20fleeing%20war%20and%20hunger>

20 International Organization for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), & United Nations Children's Fund (UNICEF). (2023). *Refugee and migrant children in Europe: Accompanied, unaccompanied and separated – Overview of trends January to December 2022*. IOM. October 9. <https://dtm.iom.int/reports/europe-migrant-and-refugee-children-europe-accompanied-unaccompanied-and-separated-january>

## SPAIN

In 2024, most migrants arriving in Spain (73%) came by sea via the Canary Islands, while others entered through the mainland and Balearic Islands<sup>21</sup>. However, official data on child migration remains incomplete, with flaws in age assessments, especially in the Canary Islands, leading to underrepresentation. Estimates suggest at least 10% of arrivals are children, but many are not properly recognised. In 2023, Spain's Prosecutor's Office recorded 4,865 unaccompanied migrant children, while other sources estimated over 5,000, a 117% increase from 2022. By 2024, the Canary Government reported over 5,800 child arrivals, indicating a continuing surge. Discrepancies between numbers reported by different authorities highlight issues with data collection and political interests, affecting oversight and assistance for children on the move.

Spain has faced migration peaks since the early 2000s, often resulting in crises due to a lack of preparedness, despite manageable numbers relative to Spain's size. Since 2017, the rising number of unaccompanied children has strained protection systems, especially in border regions, with national and regional administrations struggling to coordinate effective responses. The lack of political agreement to comprehensively address the needs of children on the move and distribute children at territorial level has led to the development of short term 'emergency measures'.

The Canary Islands' emergency reception of unaccompanied migrant children reflects a well-intentioned but reactive approach. Without transfers to other regions, this system fails to provide sustainable solutions or ensure dignified conditions for these children. The absence of coordinated political responses to reduce the saturation in the Canary Islands has resulted in prolonged emergency measures, where children are accommodated in overcrowded protection systems, exposing them to inadequate protection and exploitation and creating conditions for systematic violations of children's rights.

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21 Gobierno de España. Ministerio del Interior (2025), *Informe Quincenal: Inmigración Irregular 2024 - Datos Acumulados del 1 de Enero al 31 de Diciembre*. [https://www.interior.gob.es/opencms/export/sites/default/galleries/galeria-de-prensa/documentos-y-multimedia/balances-e-informes/2024/24\\_informe\\_quincenal\\_acumulado\\_01-01\\_al\\_31-12-2024.pdf](https://www.interior.gob.es/opencms/export/sites/default/galleries/galeria-de-prensa/documentos-y-multimedia/balances-e-informes/2024/24_informe_quincenal_acumulado_01-01_al_31-12-2024.pdf)



Photo: Pekko Korvuo / Save the Children



In 2024, 66,317 people arrived by sea to Italy, of which 8,043 were unaccompanied children. The number of sea arrivals in 2024 was over a third of the number seen in 2023 (157,651). Over the last decade, the main sea route to Italy has been through the Central Mediterranean from Libya or Tunisia (with smaller numbers leaving from Algeria). Unfortunately, data about arrivals from the Balkans route and in general by land are not publicly available.

On the 31<sup>st</sup> of December 2024, 18,625 UASCs were hosted in the Italian reception system with roughly 88% of boys and 12% girls. Among the main nationalities there were Egyptian (20.39%), Ukrainian (18.81%), Gambian (11.68%) and Tunisian (9.61%). The majority were in Sicily (over 23%), demonstrating the concentration of children in the first arrival areas, a strategy that should be changed to avoid excessive mobility of children during the transition from the first to the second reception structures.

Eight years ago, the Italian Parliament approved a comprehensive law on the protection and reception of unaccompanied foreign children (Law 47/2017); strongly supported by Save the Children, the main organisations for the protection of the rights of children, migrants and refugees, and operators in the sector. The law recognises that unaccompanied foreign children are first and foremost unaccompanied children who must be protected and accompanied in their growth, like any other child. This is thanks to the affirmation of the pre-eminence of the status of child over that of migrant, which is the legal and cultural heart of this law, probably the most advanced law on UASCs in the EU. Years later, this law has improved protection for unaccompanied children but remains only partly implemented. Meanwhile, harmful amendments have been approved, such as stricter age assessments and placing 16+ children in adult centers.



Photo: Pekko Korvuo / Save the Children

## FINLAND

Since November 2023, Finland has gradually closed all eastern border crossing points with Russia. In April 2024, the closure was extended indefinitely. According to official data, only two people have crossed the border to seek asylum between February and mid-May 2024. UNHCR and others have raised concerns over Finland's response which lacks alignment with EU and international law while the United Nations Human Rights Committee highlighted "the risks of penalisation, detention and refoulement faced by asylum-seekers" in Russia.<sup>22</sup>

As one NGO representative in Finland explained, "the arguments that are used by all of the governments is not about asylum but about security. It's the threat that something could happen. So it's not about the numbers, it doesn't matter how many people come, whether it's 1, or 50,000 people, they have created this new thing where we have these 'instrumentalised migrants'. The definition of 'instrumentalised' migrants is ill-defined in legislation but some worry it is having the effect of dehumanising migrants". Another NGO worker in Finland explained, "they are taking all the humanity out of people by talking about instrumentalised migrants and not about people".

## CROATIA\BOSNIA-HERZEGOVINA BORDER

Since 2015, Croatia has been a key entry point to the EU for migrants traveling through the Balkans Route, alongside Greece, Bulgaria, Hungary, and Romania. After joining the EU in 2013, Croatia worked to align its migration and border policies with EU standards to qualify for entry into the Schengen Area. Despite reports of violent pushbacks and human rights violations since the 2016 EU-Türkiye deal, the EU Council admitted Croatia into Schengen in December 2022.

In December 2024, Bosnia and Herzegovina (BiH) initiated an agreement allowing Frontex to deploy Standing Corps Officers with executive powers to assist in border management. While Frontex has supported Croatia through air surveillance and anti-smuggling operations near the BiH border.

Croatia and BiH's borders are managed by national police forces trained in human rights protections, though data on training availability, quality, and effectiveness remain unclear. Many children in migration and displacement who travel to Europe through the Eastern Mediterranean Route and the Balkans transit through Serbia and Bosnia and Herzegovina (BiH), trying to continue their journey by

entering Croatia through the border in the North-West of BiH, the Una-Sana Canton. On this journey, children travelling alone and with families face significant challenges and risks, including violent pushbacks and heightened risks of trafficking and exploitation<sup>23</sup>.

22 Amnesty International (AI). (2024). *Finland: Emergency law on migration is a "green light for violence and pushbacks at the border"*. Amnesty International, Brussels, June 10. <https://www.amnesty.org/en/latest/news/2024/06/finland-emergency-law-on-migration-is-a-green-light-for-violence-and-pushbacks-at-the-border/>

23 Council of Europe (CoE), Committee for the Prevention of Torture (CPT). (2020). *Report on the visit to Croatia carried out from 10 to 14 August 2020*. CPT, Strasbourg, December. <https://rm.coe.int/1680a4c199>; Save the Children. (2022). *Wherever we go, Someone does us Harm: Violence against refugee and migrant children arriving in Europe through the Balkans*. November. <https://resourcecentre.savethechildren.net/document/wherever-we-go-someone-does-us-harm-violence-against-refugee-and-migrant-children-arriving-in-europe-through-the-balkans>

# CHILDREN'S JOURNEYS, IN THEIR OWN WORDS

Migrant children arriving in Europe's borders face harrowing journeys, often undertaken through irregular and dangerous routes due to the absence of safe and legal pathways. Many rely on smugglers, exposing them to severe risks, including violence and exploitation. The lived experiences of boys and girls also differ.

Firsthand accounts from children interviewed in **Greece, Spain, and Finland**—such as **Ali from Syria, Safi from Mali, and Luchadores from Morocco**—reveal the fear and trauma experienced at sea, where overcrowded boats, dangerous

crossings, and even witnessing death are common realities. Others, like **Ahmed and John (both from Egypt)**, recount brutal encounters with border authorities and the hardships of traversing forests and detention centres.

For some, kindness from officials offers brief respite, but for many, the journey is marked by fear, mistreatment, and also their **resilience and hope**. These testimonies underscore the urgent need for Europe to expand **safe and legal migration pathways** to protect vulnerable children and prevent further suffering.

## ARRIVAL AT THE EU BORDERS



Spain: Safi Diabate, 10 years old girl from Mali in Spain/ Canary Islands

**Ali**, 15, from Syria explains his experience crossing from Türkiye to an island in Greece:

*"35 people were crammed into a boat nine metres long and one metre wide. Every second we thought we would die. We were very scared. Whenever the water splashed over the side, we thought that we were going to die. I was scared, every second."*

The terror of the sea voyage was also captured in many of the children's drawings which featured boats such as that of Safi, below:

She chose the nickname "*Safi Diabate museum*". She drew her family (father, mother, brother and sister) on a boat with many other people. It also included her grandparents. She also made the homes of each member of her family. She added hearts because she loves them. She also misses her grandparents as they were left behind. She likes beauty so she also added some flowers and grass around the houses as she likes the greenery.

In her drawing, **Luchadores** depicted the terror of the sea crossing by depicting a shark and a decapitated body she witnessed when crossing the West Atlantic route.





Spain: Luchadores, 23 years, Moroccan girl, former unaccompanied child

She mentioned her journey with a boat. There were 50 people on board and only three girls among them. The trip over the Atlantic Ocean was very scary. It lasted 5 days. She even saw some floating dead bodies. One body was of a black woman. "Maybe she was half eaten by some sea animal". She drew a shark. "I thought we would die too." She added: "I had some pictures of the journey on my phone, but I deleted them all as I want to forget this. I do not want to travel by boat ever again", thus she drew a plane. "With a plane I would like to go back to Morocco to visit my family, as I miss them a lot".

Additionally, being 'a child girl' during her journey added another layer of vulnerability. In depth research by Save the Children shows the increased likelihood of experiencing sexual exploitation by human traffickers, as well as experiencing sexual assault or rape by smugglers, fellow travellers, or even border authorities. As a result, many young girls in these circumstances often end up becoming mothers of children, who, too, remain invisible.<sup>24</sup>

As well as the dangerous sea crossing, Ali, who eventually arrived to **Finland** via Greece, faced multiple periods of having to traverse forests, each lasting between five and eight months. He left Türkiye with two other boys, his

cousins, and they were able to stick together even though smugglers tried to separate them at several points.

"They shouted at us", he explains, "people didn't help each other, it was each man for himself." At one point he explains, "the smugglers took us into the forest and we heard a lot of wild animal sounds and we were so, so scared and we said we will stop here, we won't go any further but then he changed the route. Honestly, we thought that we were going to die."

**Ahmed**, an unaccompanied child from Egypt explains how he travelled to Greece via a smuggler:

"My father spoke with the smuggler, I went to the UAE for 2 days, from there to Türkiye. I stayed for 28 days in Istanbul, then in Marmari where I stayed for 3 days in the forest without food. Then, the Turkish boat driver came to take us to Rhodes. When we left Marmari the Turks were behind us. After a point they left, and the Greeks arrived. We wanted to go to Rhodes. At some point he [the boat driver] said that the coast guard is 10km away from us so we couldn't go any further. We had our passports with us and we got scared. We started swimming and arrived at Symi. When we arrived, people started shooting at us, around 70 shots were fired. When we came out of the water, we were hiding behind rocks and bushes. They told us to stop but we didn't listen to them and they started shooting. We kept on

24 Escorial, A., Marcos, L., & Perazzo, C. (2016). *Infancias invisibles: Menores extranjeros no acompañados, víctimas de trata y refugiados en España*. Save the Children Spain, Madrid, June. [https://www.savethechildren.es/sites/default/files/imce/docs/infancias\\_invisibles.pdf](https://www.savethechildren.es/sites/default/files/imce/docs/infancias_invisibles.pdf)

walking during the night until the morning”, he continued, “The path was not easy, someone fell and hurt his legs. My first cousin was with me. He got very scared when they shot at us. He fell down and he hurt his face on a rock. He had a cut. He is with an Egyptian friend now, he is safe. In the end the Greek authorities found us, they took our belongings and took us to Rhodes”.

Ahmed feels safe in Greece. ‘When we arrived here we were always a lot of people together because (where I lived before coming to Europe) there was a lot of racism. So we would expect the same situation here in Greece but luckily it’s not the same.



**Greece: Aires, 13 year-old Syrian girl in Greece**

Aires museum of self-featuring her mother, grandma, a shawarma (her favourite food) and a diamond. When she is older she would like to be a doctor to help people.

**Aires**, a 13 year old girl from Syria travelled to Greece from Türkiye with her parents, relatives and siblings shares details of their perilous journey.

She explains, “I was very scared when we were leaving Türkiye by boat, some man threatened us with a gun and they told us to go that way or they would shoot us. I was very scared for me, my mother and my siblings. My mum was screaming very loudly.”

“I was very scared when we left Fatih to come here. They put us in a building. It had a big corridor. At the end of the corridor, it had two rooms and they put us in one of the rooms. It had two beds where two women were sleeping and we were standing. My sister and I were very dizzy and we threw up. After they transferred us from the building to the boat to take us to the first island that we arrived at, Karpathos.”

“In Karpathos there was a big mountain that was very difficult to climb. I almost fell many times. Another girl fell, but luckily she didn’t fall to the sea. My sister also hurt herself on some rocks. We finally arrived. We found solid ground, where we had some rest. We stayed there and had some water. We continued walking and the street became flatter, until the police came.”

Testimonies indicate a significant shift in migration patterns from Libya, with an increasing number of migrants now arriving to Greece’s Crete Island instead of Italy. This change is influenced by several factors, including enhanced border controls and interception efforts by both Libyan and European authorities, making the direct route from Libya to Italy more perilous and less predictable.

One stakeholder interviewed in Greece explains:

“As a result, they’re ending up in Greece, even though they don’t intend to. Many of these boats are coming from Libya and were originally supposed to reach Italy, but for some reason, they end up in Crete. Once they arrive, they are transferred to Malakasa because there’s no capacity for them to remain in Crete. But I don’t think they ever intended to come to Greece.”

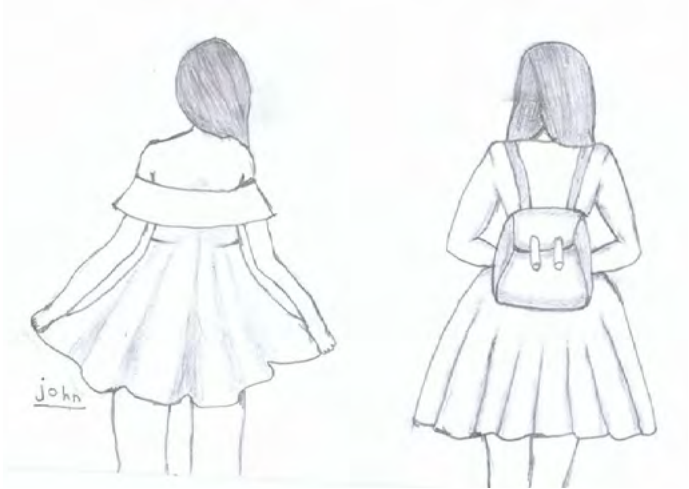
Several children interviewed in Finland for this research, spoke of violence experienced at the hands of the **Serbian** police and border guards en route to Europe: “They slapped our faces and kicked us in the head”, Ali, a 15 year old unaccompanied minor from Syria explained. “In Serbia we were mistreated. We were put in a prison for 15 days. The police officers beat us, they were awful. One of the other boys was going to the doctor and one of the police officers just punched him in the neck. As soon as we went in, the police officer just slapped me. I still feel the slap. Then minutes before we left the prison, he slapped me again. The police in Greece were not so nice but Serbia was much worse. We went a whole day without any food or water. We had to drink water from the toilet as we were shut in this tiny room, as wide as my arms and three metres long. We were five people in that same cell.”

**Aires** also shared her experience of being intercepted by the Greek police with her family on the island of Karpathos which was more positive. She explains:

“The policemen took us to the police station where we did some procedures and we stayed on that island for 3 days. They were very nice, they brought us food, I really liked their behavior. After that they brought us to this island and we came to the camp.”

For **John**, a 17 year old boy from Egypt, encountering the border guards and police was a different story of violence, especially on the Turkish side of the border.





### Greece: John, 17 year -old boy from Egypt

John has been in Greece since September 2024. In his drawing, he draws his twin sister and his older sister. He tried to reach Greece from Türkiye by inflatable boat nine times in three months and both the Turkish and the Greek border guards pushed him back. His parents and brother helped him organise his trip. He finally arrived in Rhodes. He was scared during his journey, he explains, *“In the forest, there were man with weapons, people working illegally, doing drugs, doing all sorts of things. I think it’s normal to feel fear.”* John also says he experienced chaos and violence on his journey and was beaten: *“In Türkiye and at the borders where there’s an army, no one can escape. Sometimes there were 20*

*people, other times 50 or 60. I was not beaten by the Greek Police but during the journey I was beaten by different men, some of whom I believed were working with the Greek side – Syrians and other nationalities in Greece and also some Turkish men in Türkiye.”* When they sent him back he had already landed in Greece and had walked many kilometres. He adds, *“They had weapons. They took us further inland, took our belongings and money, beat us, and then sent us back.”*

Here is an account of **Momo**, a 13 year old Moroccan boy from childcare practitioners:

Momo, who attempted to reach Spain from Morocco, risked his life swimming across the treacherous waters from **La Bocana to Melilla**—a dangerous route where many perish unnoticed by Spanish authorities due to strong currents. When he arrived, Momo was initially recorded as a 16 year old by Spanish authorities, but a later psychological assessment estimated him to be just **13 and a half years old**. Yet he was still subjected to the flawed age determination procedure. Like many children on the move, he had no safe alternatives and was forced to rely on smugglers, further exposing themselves to the risk of **economic and physical abuse**. Already **homeless for years in Morocco**, Momo arrived in Spain **malnourished, suffering from a growth deficit and substance addiction**, highlighting the severe vulnerabilities of unaccompanied children. His case underscores the **life-threatening risks** migrant children endure, the **failures in child protection systems**, and the urgent need for **safe and legal migration pathways**.



Photo: Pekko Korvuo / Save the Children



Photo: Pekko Korvuo / Save the Children

# SECTION 1: ACCESSING PROTECTION AT EU BORDERS

This section examines how recent changes in national legislative frameworks of the countries bordering EU neighbouring countries, have led to undermining human rights and protections for children on the move. Particular attention was paid to **Finland's border closures, Poland's 'no go' zones** and suspension of asylum rights, all of which highlight the prioritisation of national security over child protection, raising significant risks for vulnerable groups.

In addition, in response to the arrival of children on the move, national and regional authorities' responded with **patch-work and temporary 'emergency solutions'**, which over time became permanent. For instance, in Spain's Canary Islands **'emergency reception centres'** for children on the move still operate as the default, failing to guarantee durable protection for children. Similarly, Greek hot-spots

crafted as temporary solutions have been turned into permanent structures such as **Closed Controlled Asylum Centres (CACCs)**, that have been criticised by civil society to be 'prison-like' and thus not suitable for children.<sup>25</sup>

These policies and practices go hand in hand with **hostile narratives aimed** at deterrence and militarisation of borders that dominate the EU's border, migration and asylum policies.

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<sup>25</sup> International Rescue Committee (IRC). (2022). *One year since Greece opened new "prison-like" refugee camps, NGOs call for a more humane approach*. Athens, Greece, September 20. <https://www.rescue.org/eu/statement/one-year-greece-opened-new-prison-refugee-camps-ngos-call-more-humane-approach>



# LIMITED OR REDUCED ACCESS TO THE BORDER AREA FOR MIGRANTS AND ASYLUM SEEKERS

Over recent years, some countries have adopted legal measures limiting the possibility of people attempting to seek protection in the EU i.e. to cross the border or access border entry, with the explicit objective to dissuade irregular arrivals at the EU's external borders, bolstering border security and limiting or preventing asylum seekers from crossing the borders. Several countries holding eastern borders of the EU have enacted related measures through emergency legislation.

Academic literature has revealed how various **emergency laws and measures** have been increasingly employed across EU Member States standing at odds with international humanitarian law and human rights commitments, including those on child rights.<sup>26</sup>

These emergency acts included the following elements:

- Additional deployment of army, police or border authorities
- Closure of border crossing points

- Temporary suspension or modification of routine administrative and legal procedures
- Restrictions on access for civil society, humanitarian organisations, and the media
- Expanded use of detention

While these steps were presented as essential to counter a perceived threat and to manage what national authorities characterised as a deliberate destabilisation tactic, civil society and media investigations report that these measures have resulted in widespread violence and pushbacks, dismissal of vulnerability assessments and asylum requests and automatic detention for those who manage to enter the EU. Even emergency legislation which sometimes provides exceptions for children and vulnerable groups such as persons with disabilities, are not always spared from the human rights violations at borders, as demonstrated below.



Photo: Pekko Korvuo / Save the Children

26 Carrera, S., & Geddes, A. (Eds.). (2021). *The EU Pact on Migration and Asylum in light of the United Nations Global Compact on Refugees: International experiences on containment and mobility and their impacts on trust and rights*. European University Institute, Florence. <https://data.europa.eu/doi/10.2870/541854>

The examination of emergency laws across **Finland, Poland, Italy and Greece** highlights a troubling trend: the increasing prioritisation of border security over the protection of migrant children and other vulnerable groups. These measures, often framed as necessary responses to national security threats, have resulted in reduced safeguards, limited oversight, and systemic barriers to justice and protection. Poland and Finland in particular have shaped discussions on the concept of ‘instrumentalisation’ more broadly in Europe, referring to the purported manipulation of migrants by third-party nations or non-state entities to destabilise the EU. The narrative related to the “*instrumentalisation*” of migrants further dehumanises those seeking refuge, stripping away their individuality and dignity in the pursuit of securitised governance.

Moreover, emergency laws compounded with rapid legislative changes have two additional consequences. First, they overwhelm asylum seekers and support systems, creating barriers to access protection and obstacles to programming and service delivery. Second, in some cases they complicate the national internal organisation and division of competences, contributing to a chaotic migration management, lack of transparency and accountability, and

## POLAND

One of the most explicit examples of this approach was the 2021 decision of **Poland** to enact emergency legislation aimed at bolstering border security and managing the increased flow of people, in response to the surge of migrants arriving from Belarus. Central to these measures was the declaration of a state of emergency along the Belarusian border, which granted Polish authorities expanded powers to control and restrict unauthorised crossings. The legislation provided a legal framework for the rapid deployment of additional military and police personnel, the establishment of fortified barriers and enhanced surveillance systems, and the use of force when deemed necessary to deter illegal entry. Moreover, the emergency measures allowed for the temporary suspension or modification of routine administrative and legal procedures, enabling authorities to expedite the detention and repatriation of individuals crossing the border irregularly. In addition, civil society actors are precluded from and criminalised for providing



Photo: Pekko Korvuo / Save the Children

humanitarian assistance for persons in need. The European Commission has notably refrained from commenting or taking any action in relation to the allegations against Poland of infringement of EU law and human rights violations.

While these steps were presented as essential to counter a perceived threat and to manage what the government characterised as a deliberate destabilisation tactic<sup>27</sup>, it has raised concerns among human rights advocates regarding the potential infringement of migrants’ rights and the broader humanitarian implications of such deterrent border practices. More recently, after a governmental change, the Polish Prime Minister Donald Tusk announced a new migration strategy in October 2024.<sup>28</sup> The strategy includes the possibility “*in the event of the threat of destabilisation of the state by an influx of immigrants, to temporarily and territorially suspend the right to receive asylum applications*”<sup>29</sup>. This strategy heavily instrumentalises a “*crisis*” and “*need*”

27 Euractiv. (2024) Polish government hits back at migration policy critics. Euractiv, Brussels, December 20. Euractiv. <https://www.euractiv.com/section/politics/news/polish-government-hits-back-at-migration-policy-critics/>

28 Notes from Poland. (2024). Polish government approves tough new migration strategy including possibility to suspend asylum. Notes from Poland, Warsaw, October 15. <https://notesfrompoland.com/2024/10/15/polish-government-approves-tough-new-migration-strategy-including-possibility-to-suspend-asylum/>

29 Ibid

for protection” narrative at the Belarusian border<sup>30</sup>. The implications of this narrative have attempted to legitimise an emergency response and emergency power in the name of national security. Initially, the proposal received warnings from the EU Commission, but in a surprising U-turn, it was approved in December 2024. In turn, this has exacerbated concerns about the treatment of migrant children and the implications of such a suspension on vulnerable groups at large.

Eventually, in March 2025, the Polish government and its parliament agreed to amend the law governing applications

for international protection. As a result, at the Polish-Belarusian border specifically, individuals can no longer apply for asylum, effectively legalising the practice of pushbacks. While unaccompanied and separated children are formally exempt from this restriction, serious concerns remain regarding the reliability and transparency of age assessment procedures used to determine eligibility.



Photo: Pekko Korvuo / Save the Children

30 Government of Poland. (2024). *Odzyskać kontrolę – zapewnić bezpieczeństwo: Strategia migracyjna na lata 2025–2030*. Government of Poland, Warsaw, October 15. <https://www.gov.pl/web/premier/odzyskac-kontrolę-zapewnić-bezpieczeństwo---strategia-migracyjna-na-lata-2025---2030>



## FINLAND

In **Finland**, the construction of the eastern border barrier fence started in March 2023. The plan is to build a 200 kilometer long fence along Finland's 1,300 km long Russian border. The project should be finalised by the end of year 2026. At the end of 2023, the government decided to close the land crossing points of Finland's eastern border. Currently the border still remains closed.

Additionally, the so called deportation law or “pushback law” passed in the Finnish parliament in July 2024, which allows Finnish border authorities to refuse to accept asylum applications under certain circumstances. This legislative proposal is part of a series of recent measures proposed by the Finnish Government that curtails the rights of asylum seekers and migrants, presented as a response to an increase in the number of people crossing into Finland from Russia to seek asylum since September 2023.

### Case study

Maldini is a child who travelled overland with his family to Finland via car and boat and spent a lot of time travelling by foot in the forest, a journey which took around 5-8 months. He shares that it was very difficult. “Often we were hungry”. He may have crossed into Finland from the Russian border as he doesn't believe he has been in any other European countries during the journey. Being with his family was a source of comfort and support to him during difficult times. As a big brother he also took care of the little ones. When asked what he would change to make it easier for refugees like him he said that he “wishes the government would help people who travel to do it in a way that wouldn't be so hard like it was for us in the forest.”

The impact of the closure of the Russian-Finnish border and the border fence on children's rights is poorly understood, however, there has been a marked decrease in refugees using that route, including children. Stakeholders consulted for this research suggested that these measures could push individuals - including unaccompanied children as well as children coming with their families, into taking more dangerous routes, including illicit crossings over land and sea borders. Almost all children consulted for this research travelled to Finland via air or sea. There remains little knowledge of whether children are being prevented from crossing the border despite European laws to protect vulnerable groups which require vulnerability assessments to be conducted. The non-discrimination ombudsman reports that conditions at the Russian-Finnish border are unfit for such assessments to take place with no child friendly spaces and a simple holding fold. This echoes findings from Poland, Greece, Spain and Italy



Photo: Pekko Korvuo / Save the Children

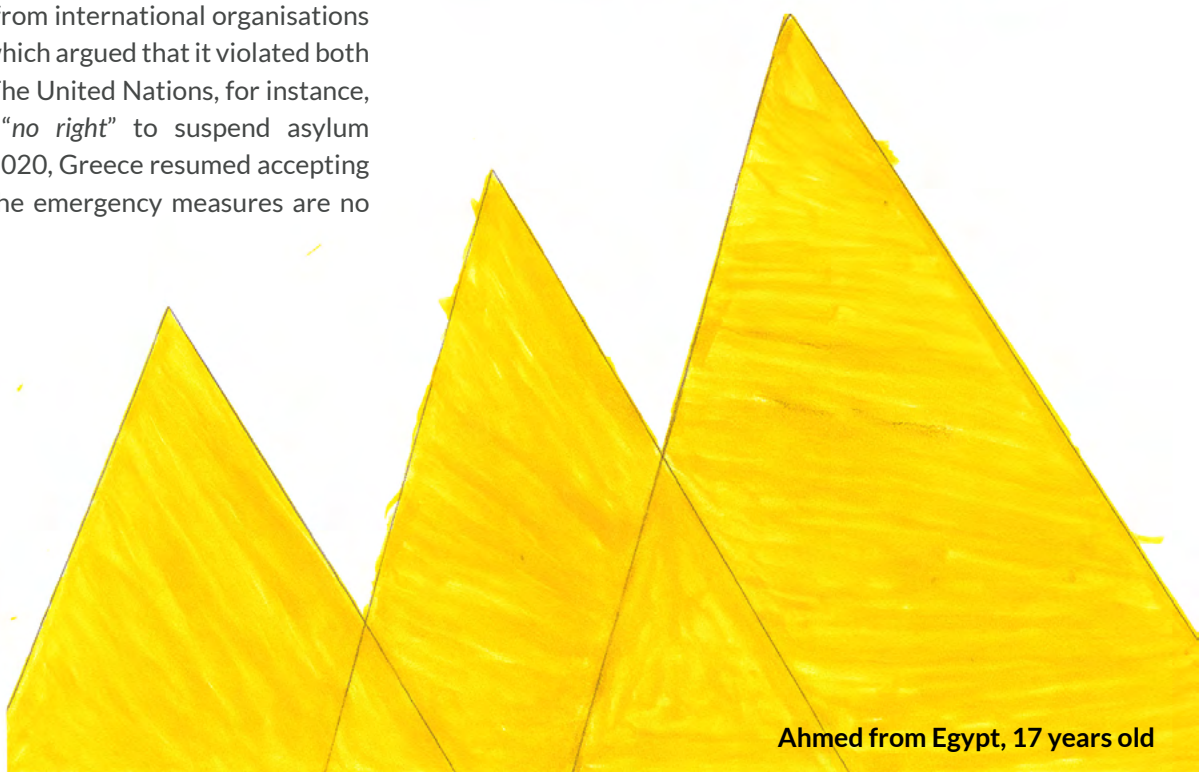
where arrival processes and vulnerability assessments are often taking place in unfit conditions including closed detention structures.

During a recent ombudsman monitoring expedition of border guard practices, no children were encountered attempting to cross, making it impossible to assess how vulnerability screenings were operating in practice<sup>31</sup>. Other concerns were also raised regarding the lack of identification of trafficking victims and gender or sexual minorities as particularly vulnerable groups. “The definition of PVG (Particularly Vulnerable Group) is quite broad” explains one stakeholder, “but how you identify them is a whole different question and there is no guidance on the issue of how you assess vulnerability.”

## GREECE

In March 2020, Greece introduced an emergency law suspending the right to seek asylum for a month in response to a sharp rise in irregular arrivals, framing the situation as a national security crisis.<sup>32</sup> The decree halted the registration of asylum applications and mandated the immediate deportation of individuals entering Greek territory without registration, either to their countries of origin or to Türkiye. The suspension of asylum procedures was met with widespread criticism from international organisations and human rights groups, which argued that it violated both EU and international law. The United Nations, for instance, stated that Greece had “no right” to suspend asylum applications<sup>33</sup>. As of April 2020, Greece resumed accepting asylum applications, and the emergency measures are no longer in effect.

تجيا \* مصر



Ahmed from Egypt, 17 years old

31 Oikeusasiamies (Office of the Ombudsman for Children in Finland). (2024). Lausunto vastaanottorahan pienentämisestä. Office of the Ombudsman for Children, Helsinki, August. [https://lapsiasia.fi/-/laps\\_lausunto\\_sm\\_vastanottoraha](https://lapsiasia.fi/-/laps_lausunto_sm_vastanottoraha)

32 Government of Greece. (2020). Government Decree on “suspension of the submission of asylum applications”. Government Gazette A’ 45/2.3.2020, Athens, March 2. <https://www.kodiko.gr/nomologia/document/643993>.

33 InfoMigrants. (2020). Greece has no right to suspend asylum applications. InfoMigrants, Paris, March 5. <https://www.infomigrants.net/en/post/23142/greece-has-no-right-to-suspend-asylum-applications-un>

# Insight on the Implementation Pact on Migration and Asylum: the Impact of the New Emergency Rules on Children

The **Regulation (EU) 2024/1359** establishes temporary measures that EU Member States can apply when facing situations of “*emergency*”, such as sudden and large-scale migration inflows or exceptional circumstances that severely impact their asylum systems. Furthermore, it introduces for the first time in EU law the concept of “*instrumentalisation*” as a situation where third countries or hostile non-state actors may exploit migrants to destabilise Member States or the Union. Measures include **extended registration deadlines for asylum applications, longer detention periods, and modified reception conditions**. The regulation also allows **derogations from other rules**, such as extending processing times or prioritising specific cases based on national capacities. At the same time, the regulation aims at reinforcing **solidarity mechanisms**, enabling responsibility-sharing among member states through relocations, financial assistance, or capacity-building support.

However, children, whether accompanied by family or unaccompanied, are particularly vulnerable under the upcoming crisis migration management policies. The **extended detention period** allowed under the regulation could negatively impact children’s **mental health, development, and well-being**. Research consistently shows that detention, even for short periods, leads to increased anxiety, depression, and trauma, particularly for children. For **unaccompanied children**, the regulation’s flexible measures pose serious protection risks. Delays in asylum processing and registration may leave children in **legal limbo**, without access to necessary services such as education, healthcare, and guardianship. This increases their exposure to **exploitation, trafficking, and abuse**, particularly in overcrowded reception centers. The lack

of clear guidelines on age assessment procedures could also lead to children being incorrectly classified as adults, depriving them of essential child protection safeguards. Accompanied children also face hardships, as their families may be subjected to **prolonged uncertainty, forced returns, or inadequate living conditions**. If reception standards are lowered in crisis situations, children might suffer from **poor sanitation, malnutrition, and lack of access to psychosocial support**. Additionally, restrictions on family reunification or accelerated deportation procedures could **separate families**, violating children’s rights to family unity.

While the regulation includes provisions for fundamental rights, its broad flexibility risks undermining **child protection guarantees**, particularly in high-pressure migration scenarios, as is too often the case already. In order to avoid this, a child-centered approach to the pact implementation should ensure **immediate identification, specialised care, and non-detention policies for children**, which are crucial to safeguarding their rights and well-being.



# PUSHBACK PRACTICE AND VIOLENCE

Testimonies and reports from key focus countries reveal that children on the move routinely face systemic abuse at several EU borders. These abuses—including pushbacks, violence, and arbitrary detention—reflect a broader pattern in which border security is prioritised over child protection. Human rights violations are widespread, and affected children and families often have little access to legal recourse.

At the same time, the EU's approach to border management—particularly in countries along its external borders, such as Bosnia and Herzegovina and Serbia—underscores a policy framework increasingly focused on preventing migrant arrivals, including children, than on upholding their rights or ensuring their protection. Financial and operational support from EU institutions and external partners continues to reinforce restrictive border practices, often with inadequate oversight to ensure compliance with international human rights standards.

Although some of these measures are presented as part of a broader migration management strategy, in practice they frequently cause further harm to children—denying them the right to seek safety and stripping them of essential protections.

A widespread pattern that has been observed involves the use of force to prevent children from seeking asylum, with **pushbacks** occurring at both land and sea borders. These operations frequently involve excessive physical violence, psychological abuse, and confiscation of personal belongings. In many cases, children are subjected to inhumane treatment, including being stranded in remote areas or unlawfully detained before being expelled. At sea borders, documented cases reveal a recurring practice of intercepting and returning children without assessing their need for international protection. Some reports indicate that children have been forced onto life rafts or small boats and left adrift, increasing the risk of injury, drowning, or exploitation by traffickers. Despite international condemnation, these methods persist, putting countless children at risk of severe harm.

The systemic denial of asylum rights for children is a critical trend, with multiple reports highlighting pushbacks as a deliberate policy aimed at deterring migration. Many children are denied access to formal asylum procedures, with authorities preventing them from lodging claims or forcing them to sign documents relinquishing their right to protection. In several instances, unaccompanied children have been expelled without due process, exposing them to further danger in transit countries.



Photo: Pekko Korvuo / Save the Children

Another concerning trend is the militarisation of border enforcement, leading to an environment where children are exposed to heightened risks. Reports document children being intercepted by armed personnel, detained in unsafe conditions, and denied essential medical and humanitarian assistance. This approach has created a climate of fear, discouraging children and their families from seeking protection and legal pathways to asylum.

Legal safeguards meant to protect asylum-seeking children are frequently disregarded, with humanitarian actors and civil society organisations facing obstruction in their efforts

## POLAND

Children crossing the Polish-Belarusian border experience a highly militarised zone and numerous reports and first-hand accounts reveal alarming practices of pushbacks. Stakeholders interviewed have referred to the pushbacks as a frequent, harmful, unlawful practice that is widely condemned by civil society. **Polish** border patrols, along with military personnel that were brought in as reinforcement, have been implicated in violently forcing individuals, including children, back without consideration for their need for protection.<sup>34</sup> Such actions violate both national and EU law, as emphasised by organisations like Human Rights Watch. In 2023 alone, there were approximately 2,800 illegal pushbacks, affecting nearly 1,775 individuals, among whom at least 120 were children.<sup>35</sup> Activists at the border have described instances of physical and verbal abuse directed at these individuals in order to coerce them into signing documents that waive their right to seek asylum in Poland before being forcibly returned. These instances of abuse and coercion also extend to children.

Importantly, the Polish border patrol and military continue the practice of pushbacks of migrants in the Belarusian border, despite knowledge of and numerous reports of extreme violence, including beatings and rape, enacted by Belarusian forces against asylum seekers and migrants who are pushed back, further illustrating the gravity of these pushbacks.<sup>36</sup> The gravity of the pushbacks must also be

to provide aid. Even in cases where courts have ruled against pushbacks and ordered access to protection, enforcement remains weak, allowing violations to continue unchecked.

Despite international legal frameworks designed to protect children in migration, enforcement remains inconsistent, and accountability for human rights violations is largely absent. The lack of transparency in border operations, combined with limited independent monitoring, has enabled ongoing abuses. In some cases, authorities dismiss complaints of mistreatment, further reinforcing a cycle of impunity

situated against the conditions of the border zone and the adjacent environment. The journey to this border consists of treacherous terrain, featuring a dense forest, swamp lands and harsh weather conditions, including cold temperatures in the fall and winter months. In 2024 alone, 14 deaths near the border were registered by *We are Monitoring*.<sup>37</sup> Whereas between September 2021 and October 2024, the civil society group recorded a total of 87 deaths. However, Polish authorities have not provided adequate humanitarian assistance. While there have been instances in which individuals in serious medical condition were referred to hospitals, the ongoing pushbacks and associated violence continue to pose a severe risk to the health and lives of migrants, including children. Furthermore, no access to legal aid has been made available, leaving those affected without the means to seek protection through legal channels. This gap has been filled by Polish activists, local communities, civil society organisations and humanitarian organisations, alongside medical aid, who operate to provide basic necessities and urgent medical help to migrants traversing this terrain. However, these operations have been routinely challenged, and volunteers and workers routinely report experiencing intimidation and verbal abuse by Polish border patrol and military forces.

34 **We Are Monitoring (WAM)**. (2024). *We have only one war, which is immigration, which is you: 12 months of the new government*. We Are Monitoring, Warsaw, July. <https://wearemonitoring.org.pl/WAM-Report-12-months-of-the-new-government.pdf>.

35 **Human Rights Watch (HRW)**. (2024). Poland: Brutal pushbacks at Belarus border. HRW, Brussels, December 10. <https://www.hrw.org/news/2024/12/10/poland-brutal-pushbacks-belarus-border>

36 **Amnesty International (AI)**. (2021). *Belarus/EU: New evidence of brutal violence from Belarusian forces against asylum seekers and migrants facing pushbacks from the EU*. Amnesty International, Brussels, December 20. <https://www.amnesty.org/en/latest/news/2021/12/belarus-eu-new-evidence-of-brutal-violence-from-belarusian-forces-against-asylum-seekers-and-migrants-facing-pushbacks-from-the-eu/>.

37 **We Are Monitoring (WAM)**. (2024). *Interactive dashboards on migration monitoring in Poland*. We Are Monitoring, Warsaw, May. <https://wearemonitoring.org.pl/en/statistics/interactive-dashboards/?cn-reloaded=1>.





Photo: Pekko Korvuo / Save the Children

## GREECE

In Greece, **systematic and well-documented pushbacks** persist as a significant concern. Migrants and asylum seekers' children, families, UAC, are frequently intercepted at the border and forcibly returned to their point of departure, typically Türkiye, without a proper assessment of their protection needs or access to asylum procedures<sup>38</sup>. Moreover, there is mounting evidence of pushbacks involving **abduction and deportation** of individuals well within Greek territory<sup>39</sup>. These actions often entail illegal detention in police stations or unidentified locations, where asylum seeking families and UAC are deprived of their

rights to information and registration<sup>40</sup>. In some cases, people have been coerced into life rafts and abandoned to drift back into Turkish waters<sup>41</sup>. Between March 2022 and October 2024, the Greek Council for Refugees filed 100 [applications](#) – legally representing 1,040 asylum seekers, including many children, for interim measures under Rule 39 before the European Court of Human Rights (ECtHR), legally seeking humanitarian assistance and access to asylum procedures. All applications were granted; yet, allegations of people being forcibly returned or going

38 Greek National Commission for Human Rights (NCHR). (2023). *Final Annual Report of the Greek Independent Mechanism for the Investigation of Illegal Pushbacks 2023*. NCHR, Athens, December. [https://nchr.gr/images/pdf/RecMechanism/Final\\_Annual\\_Report\\_202311.pdf](https://nchr.gr/images/pdf/RecMechanism/Final_Annual_Report_202311.pdf)

39 Greek Council for Refugees (GCR). (2024). *At Europe's borders: Pushbacks continue as impunity persists*. GCR, Athens, April. <https://www.gcr.gr/en/news/press-releases/item/1982-at-europe-s-borders-pushbacks-continue-as-impunity-persists> and Greek Council for Refugees (GCR). (2023). *At Europe's borders: Between impunity and criminalization*. GCR, Athens, June. <https://www.gcr.gr/en/news/press-releases/item/1980-at-europe-s-borders-between-impunity-and-criminalization>

40 Ibid.

41 New York Times (NYT). (2023). Greece accused of abandoning migrants at sea. *The New York Times*, New York, May 19. <https://www.nytimes.com/2023/05/19/world/europe/greece-migrants-abandoned.html> and BBC News. (2024 a). Greek coastguard threw migrants overboard to their deaths, witnesses say. BBC News. June 17. <https://www.bbc.com/news/articles/c0vv717yvpeo>.

missing persist, underscoring the ongoing dangers faced by asylum-seeking children at Greece's borders<sup>42</sup>.

Frontline organisations in Greece have reported that **unaccompanied children** are particularly susceptible to pushbacks, which are often accompanied by arbitrary and unlawful detention in unidentified and unsafe locations. These incidents frequently involve significant physical violence, psychological abuse, theft of personal belongings, and deprivation of basic necessities<sup>43</sup>, etc. Frontline organisations have also reported significant challenges in securing the protection of children and their families and UAC at risk, citing instances where location details provided to authorities were misused, resulting in pushbacks before interim measures<sup>44</sup> could take effect. As one legal representative observed, "However, in 70% of cases, individuals disappear before the decision is enforced, often due

to pushbacks. This can constitute an additional violation of Article 34 of the European Convention on Human Rights if the pushback occurs after the court issues a decision."

In January 2025, the ECtHR delivered a landmark judgment, marking the first instance where the Court examined a complaint concerning pushbacks by Greek authorities in the Evros region, in a case supported by the Greek Council for Refugees (GCR)<sup>45</sup>. The Court's decision highlighted **the existence of a systematic practice of pushbacks by Greek authorities**, a practice that Greece had long denied despite extensive documentation from NGOs, international bodies, and individual testimonies. This ruling represents a significant step in legally recognising human rights violations at European borders and reinforces the imperative for adherence to international legal standards concerning asylum and refugee protection<sup>46</sup>.

## SPAIN

In **Spain**, pushbacks and border policies are varied across the region. **Ceuta and Melilla, which have land borders with Morocco**, have become 'infamous' examples, since Spain has formalised pushbacks in its national law. Specifically through the 2015 amendment to the Spanish Foreigners Law, which allows for the "rejection" of people at the Spanish-Morocco land border,<sup>47</sup> also known as 'hot returns', have been conducted in a clear violation of the principle of non-refoulement and access to asylum. Hot returns "involve apprehending people, including children, who have managed to climb the border fences and immediately returning them to Morocco" and also "by intercepting boats and returning them to Morocco".<sup>48</sup> This practice has been insufficiently captured

in the ECtHR judgement of 2020 in the infamous case *N.D. and N.T. v. Spain*, where the court in contradiction with the previous case-law, lowered 'non-refoulement' standards and justified 'collective expulsion' on the grounds of the violent and chaotic behaviour by applicants and overstated the formal availability of legal entry.<sup>49</sup> This has contributed to further 'hot returns' and violence and escalations at these Spanish enclaves continues. This is especially the case in Melilla.

42 **Greek Council for Refugees (GCR)**. (2024). *Information note on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks*. GCR, Athens, March 8. <https://gcr.gr/el/news/item/1984-information-note/>

43 **Médecins Sans Frontières (MSF)**. (2024). *In plain sight: The human cost of migration policies and violent practices at Greek sea borders*. MSF, Geneva, April 5. <https://www.msf.org/plain-sight-migration-policies-greek-sea-borders>

44 **Greek Council for Refugees (GCR)**. (2024). *Information note on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks*. GCR, Athens, March 8. <https://gcr.gr/el/news/item/1984-information-note/>

45 **Greek Council for Refugees (GCR)**. (2025). *ECtHR's judgment v. Greece: Greece condemned for the first time by the European Court of Human Rights for a pushback in Evros*. GCR, Athens, March 22. <https://gcr.gr/en/news/press-releases/item/katadiki-tis-elladas-gia-proti-fora-gia-pushback-ston-evro-apo-to-eyropaiko-dikastirio-dikaionaton-toy-anthropoy/>

46 Ibid.

47 **Boletín Oficial del Estado**. (2013). *Ley de Seguridad Ciudadana, Disposición final primera. Régimen especial de Ceuta y Melilla*. BOE-A-2013-3140, Madrid, March 22. <https://www.boe.es/boe/dias/2013/03/22/pdfs/BOE-A-2013-3140.pdf>

48 **Council of Europe (CoE), Commissioner for Human Rights**. (2022). *Pushed beyond the limits: Four areas for urgent action to end human rights violations at Europe's borders*. Council of Europe, Strasbourg, September 14. <https://rm.coe.int/pushed-beyond-the-limits-urgent-action-needed-to-end-human-rights-viol/1680a5a14d>

49 **European Council on Refugees and Exiles (ECRE)**. (2021). *Across borders: The impact of N.D. and N.T. v. Spain in Europe* (Legal Note 10). ECRE, Brussels, July. <https://ecre.org/wp-content/uploads/2021/07/Legal-Note-10.pdf>





Photo: Pekko Korvuo / Save the Children

In Ceuta, back in May 2021, 45 unaccompanied children were illegally handed over to Moroccan Border Police without any legal assessment or procedural safeguards.<sup>50</sup> A more recent and particularly alarming case occurred in Melilla in June 2022, leading to the deaths of at least 23 asylum seekers and other migrants amid a violent crackdown by Moroccan and Spanish security forces. Amnesty International has accused Spain and Morocco, according to its own estimates, of a cover-up of - **37 fatalities and 76 missing persons**, mainly from Sudan, South Sudan, and Chad, as both governments failed to properly investigate the tragedy, including to update the true numbers and the ages of the victims.<sup>51</sup> Amnesty highlights ongoing denials of responsibility, lack of transparency, and obstruction of efforts to identify victims and inform their families.<sup>52</sup>

The story of ‘Momo’, a 13 years old Moroccan boy who swam from La Bocana beach in Beni Enzar (Morocco) close to Melilla is an apt illustration. SC Spain practitioners in Melilla indicate that “*despite the proximity, attempting to swim across the border is dangerous, the crossing takes hours as it depends on the state of the sea*”. In light of the hardening of Spanish-Moroccan borders, organising such risky journeys has become a lucrative business for people smugglers in Melilla. As a SC Spain practitioner explains: “*The mafia and criminal networks organise irregular crossings, such as swimming routes, in which they provide fins, oxygen cylinders or wetsuits in exchange for a sum of money, which often leaves children vulnerable to economic and physical exploitation.*”

‘Karim’ is a Moroccan boy who arrived in Melilla, Spain six years ago as a child. Karim tried unsuccessfully to enter Melilla on many occasions, as a stowaway in boats from Nador. Some boys organise themselves in groups and climb the fence that separates the city from the port to try to hide on one of the ships that travel to Spain, or from Melilla to the mainland, **sometimes they jump into the sea and swim** to the ships that have already set sail. This tactic called the “*risky*” is a common concern among the child practitioners working with unaccompanied children.

One of the explanations for the increase in the numbers of children reaching the Canary Islands is the **people smugglers’ response to the EU’s and bilateral agreements** between Spain and the neighbouring countries.

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50 Gorevan, D., Rönnow Pessah, S., & Toscano, F. (2023). *Safe for some: Europe’s selective welcome to children on the move*. Save the Children Europe, Brussels, October. [https://resourcecentre.savethechildren.net/pdf/Safe-for-some\\_Europes-selective-welcome-final-designed.pdf/](https://resourcecentre.savethechildren.net/pdf/Safe-for-some_Europes-selective-welcome-final-designed.pdf/)

51 BBC News. (2022). Melilla migrant deaths spark anger in Spain. BBC News, London, June 27. <https://www.bbc.com/news/world-africa-61956104> and DW News. (2023). Amnesty accuses Spain, Morocco of cover-up in Melilla deaths. DW, Berlin, June 23. <https://www.dw.com/en/amnesty-accuses-spain-and-morocco-of-cover-up-over-melilla-migrant-deaths/a-66010722>

52 Amnesty International (AI). (2023). Morocco/Spain: Agony goes on for families of missing and dead as Melilla cover-up continues. Amnesty International, Brussels, June 23. <https://www.amnesty.org/en/latest/news/2023/06/morocco-spain-agony-goes-on-for-families-of-missing-and-dead-as-melilla-cover-up-continues/>



Photo: Pekko Korvuo / Save the Children

Melilla's case studies illustrate how Spanish authorities have a long standing collaboration with Moroccan authorities in 'hot returns', 'pull backs', and also through 'externalisation of border controls' - preventing arrivals. We further elaborate how this is a practice that has led to an increase of deaths among both Sub-Saharan nationals and those coming from the Maghreb region, as well as increased use of more dangerous sea routes like the West Atlantic, towards the Canary Islands.<sup>53</sup>

The long standing **Spanish - Moroccan bilateral cooperation**, has been well documented since 1992 from the first agreement on readmissions, until the more strategic and multidimensional issues, including maritime surveillance and pullbacks, and prevention of arrivals of undocumented children.<sup>54</sup> Interestingly, one of the older agreements concluded in 2007 focuses on '**prevention of irregular migration by unaccompanied children, their protection and return**'.<sup>55</sup>

The recent Spanish bilateral agreements and cooperation **with Senegalese and Gambian authorities** to conduct stricter border controls and 'pullbacks', **has led to more dangerous departures from Mauritania**.<sup>56</sup> The Lighthouse Report on the 'Desert Dumps' illustrates the human costs of these EU and Spanish policy responses of cooperation with the third countries, like Morocco, Mauritania and Tunisia, in particular for racialised individuals from sub-Saharan or west African countries<sup>57</sup>.

53 Martín, M., Hierro, L., & Stacey, D. (2024). Mass arrests and forced transfers: How migrants are exiled in North Africa with European money. *El País English*, Madrid, June 1. <https://english.elpais.com/international/2024-06-01/mass-arrests-and-forced-transfers-how-migrants-are-exiled-in-north-africa-with-european-money.html>

54 Comisión Española de Ayuda al Refugiado (CEAR). (2021). *Externalización de fronteras: España-Marruecos*. CEAR, Madrid, April. [https://www.cear.es/wp-content/uploads/2021/04/FICHA\\_Externalizacion\\_Fronteras\\_Espana-Marruecos.pdf](https://www.cear.es/wp-content/uploads/2021/04/FICHA_Externalizacion_Fronteras_Espana-Marruecos.pdf)

55 Boletín Oficial del Estado. (2013). *Ley de Seguridad Ciudadana, Disposición final primera. Régimen especial de Ceuta y Melilla*. BOE-A-2013-3140, Madrid, March 22. <https://www.boe.es/boe/dias/2013/03/22/pdfs/BOE-A-2013-3140.pdf>

56 Mohamad, O., & Jennings Mozo, J. (2024). Deaths on migration route to Canary Islands soar to 1,000 a month: Mauritania has overtaken Senegal as the main departure point for those taking on the perilous Atlantic crossing. *The New Humanitarian*, Geneva, June 19. <https://www.thenewhumanitarian.org/news-feature/2024/06/19/deaths-migration-route-canary-islands-spain-soar-1000-month>

57 Lighthouse Reports. (2024). *Desert dumps*. Lighthouse Reports, Amsterdam, May 21. <https://www.lighthousereports.com/investigation/desert-dumps/>



The migratory route from Mauritania has seen an increase due to stricter border controls in other countries. This route follows the Western Atlantic pathway towards the Canary Islands. According to the latest *Caminando Fronteras Monitoring Right to Life Report*, in 2023 a total of at least **6,618 people died while reaching Spain**, with at least 384 of the victims being children.<sup>58</sup> 99.8% or 6,607 of the victims who lost their lives reaching Spain attempted the **Canary route**, while 434 people died on the Algerian route, 143 perished on the Gibraltar Strait route and 30 on the Alboran sea route. While the complete report is not yet available for 2024, it is likely that it will be the deadliest year in a row, as between January - May 2024, at least 5,054 deaths have been documented among people on the move attempting to arrive at the Spanish borders, among which are at least 50 children. At least 4,808 lives have been lost.

## FINLAND

The situation at the **Finnish-Russian** border exposes additional concerns, with few records kept on the treatment of asylum seekers including children attempting to enter **Finland**. Reports have indicated a considerable drop in asylum seeker numbers due to heightened border restrictions, with many being forced to navigate new dangerous routes.

A lack of coordination among statutory bodies and NGOs exacerbates the situation, leaving many individuals vulnerable without adequate support systems in place. In the context of the Finnish-Russian border, little is known of push-back practices although border guards should keep records of these data. NGOs suggest a small number of asylum seekers are still trickling in through the border but the numbers are incomparable to before the closure. One NGO representative commented, *"I feel that, especially in Finland, we are really, really missing people who are researching this right now. No one really knows what's happening"*.

One small-scale research project by the Finnish Refugee Advice Center interviewed ten people who had crossed before the border closure and who were able to show documents to gain access to Finland. Anecdotal evidence suggests that those without documentation, including in some cases children with families, were denied entry into Finland but more research is needed in this area. An inspection by the non-discrimination ombudsman found

58 *Caminando Fronteras (Walking Borders)*. (2023). *Monitoring the right to life 2023*. Caminando Fronteras, Madrid, December. <https://caminandofronteras.org/en/monitoreo/monitoring-the-right-to-life-2023/>



no cases of individuals crossing the border at all suggesting deterrence measures were working.

Much less is known of the situation on the Russian side and there is a lack of coordination between NGOs across the border, with many Russian NGOs and activist groups ceasing to operate. There is no functioning Russian asylum system. Some NGOs fear that without the possibility of crossing at formal checkpoints, people are forced to traverse forests in sub-zero temperatures: *"No food, no shelter, no nothing. So, this is a very clear impact of the closure,"* says one NGO worker. Prior to the closure, this research found little evidence of Russia 'instrumentalising' asylum seekers or encouraging them to cross but rather charging them bribes of up to 300 euros to pass and selling them bicycles to cross.

*"Everyone that I met during this research had legitimate reasons to seek asylum,"* says the NGO worker in charge of the research. Several had already tried to cross the Belarus-Polish border but had been pushed back. *"The treatment that they received there, or how they were treated could, in my opinion be classified even as torture,"* explains the researcher, *"we're talking about extreme violence, very bad push-backs."*



Photo: Pekko Korvuo / Save the Children

## CROATIA- BOSNIA-HERZOGOVINA

Since 2015, **Croatia** has been one of the entry points to the EU for children and adults arriving in Europe through the Balkans Route, alongside Greece, Bulgaria, Hungary and Romania. After joining the EU in 2013, Croatia became an aspiring member of the Schengen Area, having to undertake measures to align its migration and border management policies with the European Union, such as legislative amendments and operational enhancement to strengthen border control.

According to Croatian NGO, Centre for Peace Studies (CPS), there have been numerous allegations of torture and violence, and, to their knowledge, at least 18 criminal complaints for illegal expulsion and/or violence against refugees and other migrants. However, no indictments were made, and no perpetrators of reported crimes were identified, prosecuted or adequately sanctioned in any of the reported cases.

Since 2017, the CPS filed 12 criminal complaints, out of which 10 allege torture, inhuman treatment and illegal expulsion contrary to the principle of non-refoulement, i.e.,

violation of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

In 2024, Save the Children's outreach teams operating along the border between Croatia and Bosnia and Herzegovina identified 1,905 refugees and migrants who reported being pushed back from Croatia, including 333 children—228 of whom were unaccompanied.

Both children and adults subjected to pushbacks described experiencing violence and other degrading and unlawful practices at the hands of Croatian border guards. These included physical abuse such as pushing and beatings with hands or batons, forced stripping, theft, and the destruction of personal belongings, including mobile phones. Some individuals reported being pushed back from deep within Croatian territory, including from areas around Zagreb, and recounted being threatened or robbed by criminal groups operating inside the country. Many of the reported cases involved children who were hungry, dehydrated, exhausted, and traumatised by severe weather conditions—some requiring medical care. In one case, outreach workers encountered an 11-year-old unaccompanied girl from Syria



with hearing and speech impairments, traveling with a group of adult men.

The European Court for Human Rights has held accountable Croatia for the case of the pushback of a family from Afghanistan in 2017, which resulted in the death of a 6-year-old girl<sup>59</sup>, among other cases. The European Commission's progress report on Croatia's implementation of the Schengen acquis cited human rights challenges and the EU Ombudsman found that the Commission was failing to ensure rights at the Croatian border.<sup>60</sup> The Council of

Europe Committee for the Prevention of Torture noted that Croatia's Interior Ministry had dismissed nearly 90 per cent of all complaints of police misconduct.<sup>61</sup>

Nevertheless, the European Union has provided substantial financial support to Croatia to build and enhance its migration and border management capabilities, channelling assistance through various funds and emergency allocations, including the Asylum, Migration and Integration Fund (AMIF) and the Border Management and Visa Instrument (BVMN).<sup>62</sup>

## RIGHT TO SEEK ASYLUM AND ACCESS TO PROTECTION PROCEDURES

Across various European countries, significant barriers prevent children from effectively accessing asylum and protection procedures. Trends highlight systemic shortcomings, including restrictive policies, procedural obstacles, prolonged waiting times, and limited legal support, all of which exacerbate the vulnerability of children seeking asylum.

### Limited Access to Rights and Legal Representation

One of the most significant barriers for migrant children in accessing asylum, minority recognition, and legal documentation is the lack of adequate legal representation. At border entry points, even when children do receive legal support, it is often insufficient, as many lawyers lack specialised knowledge of both children's rights and foreign law—critical expertise needed to handle cases involving migrant children. In remote places, such as small Greek or Canary islands, finding qualified professionals can be difficult.

Additionally, budget cuts to legal aid NGOs in countries like Finland and Poland, threaten to further restrict access to legal support, leaving more children and families without

proper representation. Since COVID-19, the shift to online legal services has created further obstacles, as many children struggle to reach their lawyers or lack the digital literacy and language skills to navigate virtual consultations.

Many migrants remain unaware of their rights, compounding their vulnerability. As one NGO worker in Finland observed, "People don't really know about their rights, they don't know the language and they don't know the system." These systemic failures in legal assistance not only limit children's ability to claim protection but also leave them at risk of bureaucratic limbo, exploitation, and wrongful detention.

For those who receive negative asylum decisions, appealing is often difficult due to short deadlines and procedural hurdles. In some cases, appeal deadlines have been shortened, leaving children with only a few days to challenge a rejection. In addition, children are often unaware of their rights or do not have access to interpreters, further hindering their ability to navigate asylum procedures effectively.

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59 European Court of Human Rights (ECtHR). (2021). *Judgment: M.H. and others v. Croatia*, 18 November 2021. ECtHR, Strasbourg. [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-213213%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-213213%22]})

60 Amnesty International (AI). (2022). *EU: Ombudsman finds Commission failed to ensure rights at the Croatian border*. Amnesty International, Brussels, February. <https://www.amnesty.org/en/latest/news/2022/02/eu-ombudsman-finds-commission-failed-to-ensure-rights-at-croatian-border>

61 Council of Europe (CoE), Committee for the Prevention of Torture (CPT). (2020). *Report on the visit to Croatia carried out from 10 to 14 August 2020*. CPT, Strasbourg, December. <https://rm.coe.int/1680a4c199>

62 PICUM & ECRE. (2024). *Beyond walls and fences: EU funding used for a complex and digitalised border surveillance system*. PICUM, Brussels, June. [https://picum.org/wp-content/uploads/2024/07/Beyond-walls-and-fences\\_EU-funding-used-for-a-complex-and-digitalised-border-surveillance-system.pdf](https://picum.org/wp-content/uploads/2024/07/Beyond-walls-and-fences_EU-funding-used-for-a-complex-and-digitalised-border-surveillance-system.pdf)

## **Restrictive Border Procedures and Accelerated Timelines**

Many countries employ border procedures that apply to children and families, often with little regard for their specific vulnerabilities. These procedures typically involve shortened deadlines, reduced procedural safeguards, and limited access to legal representation. In some contexts, children and their families are unaware they are subject to border procedures until they receive a negative decision, leaving them unprepared to challenge their cases effectively.

Expedited processing further undermines children's right to seek asylum, as interviews and decision-making processes are rushed, failing to consider medical, psychological, or protection concerns. Many children are not given adequate time to undergo necessary screenings to identify trauma, victimisation, or special needs, which significantly impacts the fairness of the asylum assessment.

## **Prolonged Waiting Periods and Psychological Impact**

While some countries implement fast-track border procedures, others subject children to prolonged waiting times for initial asylum interviews and decisions. Many children experience extreme stress due to uncertainty, with cases of children waiting over a year—and sometimes nearly two years—for an initial response to their claims. The emotional toll of prolonged waiting periods is particularly harmful to children, causing anxiety, fear, and difficulties in adjusting to their new environment.

For children living in temporary reception facilities during these long waits, uncertainty about their legal status affects their mental well-being, educational progress, and integration prospects. Many children express fear that a long wait will ultimately end in rejection, leading to additional distress and insecurity.

## **Disparities in Treatment Based on Nationality**

Unequal treatment of asylum-seeking children based on their nationality is a concerning trend. Some groups of children, such as those fleeing conflict zones that are recognised as dangerous, receive protection more swiftly than others. For instance, while certain children benefit from temporary protection programs, others must endure lengthy procedures with uncertain outcomes.

This disparity creates a two-tiered system, where some children receive asylum and integration support quickly, while others are left in limbo with limited access to services. Such inconsistencies raise concerns about the fairness and impartiality of asylum systems and the degree to which they truly prioritise child protection.

## **Challenges in Education, Healthcare, and Social Integration**

Even when asylum-seeking children are placed in reception centers, their access to essential services varies widely. While some benefit from schooling, healthcare, and psychological support, others face administrative delays that prevent them from enrolling in education or accessing necessary medical care. Language barriers and lack of native-language resources further complicate children's ability to integrate and succeed in school.

For those in temporary reception facilities, the absence of structured activities and long periods of waiting can lead to isolation, frustration, and even regression in their development. Some NGOs and humanitarian organisations attempt to fill these gaps by providing child-friendly spaces and informal education opportunities, but such initiatives often lack long-term sustainability due to funding limitations.



Photo: Pekko Korvuo / Save the Children



Photo: Pekko Korvuo / Save the Children

## GREECE

Greece has established a screening framework for asylum applications, particularly evident at border sites like the CCACs on the islands<sup>63</sup> and the RICs on the mainland, operational since 2011. Despite clear boundaries under the EU Asylum Procedures Directive - delineating specific circumstances under which border procedures can be employed<sup>64</sup> - since 2016, Greece has treated all asylum applications on the five islands—including those from children and their families—under **border procedures**<sup>65</sup>. A civil society organisation lawyer explained that this practice

has become the default since 2020, leading to truncated deadlines and reduced procedural safeguards.

Stakeholders raised several concerns with this blanket application including the lack of transparency that leaves asylum seekers' children and their families unaware that they are in a border procedure until they receive a negative decision, when even efforts to contest this go unanswered. In addition, appeals often rely on evidence gathered under flawed initial procedures which limits fairness.

63 In Evros border, screening takes place, but applicants are channeled through the regular procedure.

64 For admissibility assessment (safe third country), preliminary examination of subsequent claims, merit-based accelerated procedures (safe country of origin, manifest unfounded claim).

65 Refugee Support Aegean (RSA). (2024). *CJEU ruling on the concept of safe third country*. RSA, Athens, October. <https://rsaegean.org/en/cjeu-ruling-on-the-concept-of-safe-third-country/>



While legislation allows for unaccompanied children over a specific age (15) to be included in border procedures, they are generally directed towards **regular procedures**, once transferred from the 'safe zones' to age-appropriate accommodation (shelters, etc.), often in the mainland.

The accelerated nature of border procedures imposes demanding deadlines on authorities, which can compromise the thoroughness of asylum assessments. Children and their families face shortened deadlines for appeals, limiting their ability to prepare a proper case or seek legal assistance to navigate the complex asylum process, ensure that appropriate procedures are pursued, vulnerabilities detected, and rights are respected. Mistakes in age assessment also lead to wrongful identification of children as adults, which is detrimental to children's rights. One legal representative explained, *"A challenge we faced this year was the introduction of very fast-track procedures, especially in the summer. Some applicants received interview appointments as*

## FINLAND

In **Finland**, children are usually transferred to reception centres quite quickly once they begin their asylum application.

There are common delays in the asylum procedure which are experienced as deeply stressful. In Finland according to normal procedure procedures should take six months however one lawyer reported that out of the 50 people she is in touch with that have arrived almost a year ago most still haven't had their initial interviews. There have been nine complaints to the parliamentary ombudsman in this regard. In Finland, one accompanied 14-year-old Iraqi boy we spoke to for this research has been waiting one year and eight months for an initial decision on his claim while another girl had been waiting one year and nine months. This waiting can be 'stressful' for children and have a toll on carers.

Bella, a 17-year-old girl, from Iraqi Kurdistan is accompanied in Finland by her mother and siblings. She explained, It has been a long time. It's stressful. 1 year and 9 months – this is a lot, they could make the system quicker to help people. They were supposed to answer us last month, but they didn't. The experience of prolonged waiting, of course, has an impact and my mum is so stressed she's scared of a negative answer. *"It's scary for me also but I try to just stay and wait and to see. I'm not positive but I try to be because life is easier if you're a positive person."*

*soon as two days after arrival. This speed created its own set of problems. For example, many individuals didn't have time to complete medical and psychological screenings, which are essential for identifying vulnerabilities such as being victims of torture or trafficking."*

In addition, the right to submit supplementary information after an interview is limited to one day in the border procedure, compared to three days in the regular procedure. The deadline to appeal is shorter, and suspensive effects are not automatic in the border procedure. A lawyer remarked: *"The recognition rates in our border procedure are super high. We're talking about an 85%, 90% recognition rate because the profile of people arriving on the islands involve people with a very strong clear need for international protection (...) These are cases that are easily recognised as refugees, and yet these are the people that we treat under border procedures."*<sup>66</sup>

Ali, who arrived in Finland following a five-month journey from Türkiye, where his family is living in exile, has been waiting for a month and a half. He was excited to learn of the revolution in Syria and drew a Syrian flag on his museum of self picture but he is also anxious about the impact this might have on his asylum claim. *"We feel very happy. People won't get bombed, their houses won't get destroyed now, but we don't want to go back to Syria, we want to stay here."* Waiting for a decision on his asylum claim is stressful, *"They said that there is no exact time, but we should wait a long time. It is stressful to wait. We are scared that after a long wait we won't get asylum, or a permit."* All the people he knows from Syria already have permits from before the decision in December to suspend claims.

Not having access to documentation while waiting on their asylum claims has impacted the young people in the study in various ways. Hisham, a 14-year-old from Iraqi Kurdistan, was unable to join a local football team whereas Ariana, a 16 year old from Colombia was anxious about whether her lack of papers would hinder her ability to start driving once she became an adult.

In Finland some fear the EU Pact could have negative consequences for appeal times since it contains very short periods for appeals and the current duration is 30 days in Finland. Under the new Pact there are some cases where

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<sup>66</sup> In addition, under Greek legislation, the decision-maker may not be the same person who conducted the interview, which some stakeholders consider detrimental to assessing credibility and decision quality.



Photo: Pekko Korvuo / Save the Children

### Ali creating his museum of self drawing with the Syrian flag

asylum seekers have five to ten days to appeal. Dublin procedures always had 30 days time to appeal however in the Pact this is shortened to 21.

*"We haven't really analysed it yet because there has been no government proposal on how the pact will be used in Finland", explains one stakeholder. "For sure there will be a chance for us to comment but right now the most obvious thing is the right to appeal and access to legal remedies. People have a right to legal aid and in the appeal phase it is there of course, but I think the pact's biggest problem, in the Finnish context, is for the people giving legal aid. It will be very difficult for them to have*

*time to do any kind of work and adapt to potentially shorter time frames. Also, for the lawyers specialised in immigration law, this is going to be a big problem."*

There is a general section on the rights of the child in the Finnish Aliens Act that states that the immigration service has to take the best interests of the child into account but there is no mention of the primary consideration context, so the non-discrimination ombudsman has suggested that this be included.

# Insight on the Implementation Pact on Migration and Asylum: Access to Protective Status at EU Borders

The EU Pact on Migration and Asylum introduces significant changes to the legal framework governing access to asylum and protection at borders. The **border procedure** introduces a fast-tracked process for assessing asylum claims and carrying out returns directly at the EU's external borders. This procedure is mandatory for certain categories of applicants and has significant implications for children, both unaccompanied and in families.

**Unaccompanied children** are formally exempt from the border procedure, except when they pose a threat to national security or public order. Concerns remain in cases of inadequate identification and age assessment procedures, or with the application of the too vague security criteria, which may result in children being wrongly placed through accelerated processes.

**Children in families**, by contrast, are not automatically exempt. A family's application can fall under the criteria for border procedure. For example, if the applicant is from a country with a low EU-wide recognition rate (below 20%), it is considered as a security risk, or is considered to have been misleading to authorities. This can lead to children being held in border facilities for up to 12 weeks, which could be extended to an additional 12 weeks for the return border procedures if their application is rejected.

One major concern is **access to information**: while the Pact formalises the requirement to provide information to applicants at the border in a child friendly manner, it does not clearly assign responsibility to child protection authorities. Instead, the responsibility may rest with border police, migration officers, or entities managing border procedures. In case of unaccompanied children, the guardian must simply

be involved. As a result, children may receive incomplete, technical, or intimidating information, undermining their understanding of the process and their right to claim asylum.

Positively, the Pact introduces helpful language on the assessment of the **best interest of the child**, requiring actors to “*take into account the child's well-being and social development, including his or her background*”. However, the operational design of the new border procedure makes it harder to conduct individualised and thorough best interest assessments. There is no obligation to have a child protection specialist systematically involved in determining procedural pathways for children at the border. Instead, screening and identification processes remain largely under the competence of border and migration authorities, often without mandatory multidisciplinary input. Given the complexity of factors influencing a child's best interests — such as family ties, trauma, safety risks, and durable solutions — a procedural model prioritising rapid processing is ill-suited to ensuring that children's rights are truly safeguarded.

While the Pact reaffirms the right to **legal assistance and representation**, it does not guarantee access to free legal assistance and representation to children, further jeopardising children's ability to effectively participate in proceedings and challenge decisions affecting their rights and futures. Also, the short procedural deadlines and the expansion of border detention risk making access to qualified, child-sensitive legal aid an exception rather than a rule. Without timely legal assistance, unaccompanied children and families may be unable to request necessary exemptions from border procedures or to assert protection claims effectively.






Photo: Pekko Korvuo / Save the Children

# SECTION 2: IDENTIFICATION AND AGE ASSESSMENT

Section 2 discusses the processes surrounding the identification and registration of children at the EUs borders and subsequent age assessment procedures to verify their age.

## IDENTIFICATION AND REGISTRATION OF CHILDREN AT THE BORDER

The initial registration and identification of children at EU borders typically take place under intense pressure, immediately following interception by police, border guards, or Frontex—either after crossing land borders or disembarking from sea arrivals. These procedures also involve vulnerability screening, statistical categorisation, and fingerprinting. Although standard operating procedures (SOPs) are in place, authorities on the ground often rely on rapid visual assessments to determine age. This approach is highly problematic, as it is prone to subjective bias based on physical characteristics such as height, facial hair, or muscular build—leading to frequent misidentification of children as adults.

Across countries such as Spain, Greece, Poland, and Italy, the emphasis on speed over accuracy in these early identification processes is a consistent concern. The police and border personnel responsible for these tasks often lack specialised training in child safeguarding, and may

not have the linguistic or cultural competencies needed to engage appropriately with children. As a result, significant issues arise in handling documentation and questionnaires. Official documents—such as birth certificates, passport copies, or even original passports—are frequently dismissed or considered unreliable, and authorities often show reluctance to accept alternative forms of evidence.

These flawed practices contribute to the widespread and systematic misidentification of children as adults at EU borders—a problem described by one practitioner as having “*become endemic*.” This misclassification excludes children from protective systems: they are denied access to appropriate shelters, placed in facilities with unrelated adults, and left without access to guardians or child protection services.

Children whose ages are unknown are often referred to formal age assessment procedures (see below).

# AGE ASSESSMENT PROCEDURE AND THE BEST INTERESTS OF THE CHILD

Based on International and European legal standards, any age assessment should be **initiated only** 'when it is necessary, following serious and substantiated doubts and where it is dictated by the best interests of the child'.<sup>67</sup> Nevertheless, the current overview reveals that in some countries, like **Spain and Poland**, age assessments are used in a routine and arbitrary manner, even when the child's minority is beyond doubt. This is a routine practice, in particular, to assess the age of those lacking **proper documentation** and those whose documentation is not recognised by the police, claiming that they cannot prove their authenticity. Child testimonies or those of relevant practitioners, such as cultural mediators or psychologists are rarely taken into account as relevant evidence.

Secondly, International and European standards also foresee that child age assessments shall move away from invasive, unethical and inaccurate medical examinations and be replaced by more comprehensive, **multidisciplinary age assessment approaches**.<sup>68</sup> In practice, age assessments of migrant children arriving at the EU borders still involve a variety of methods, including medical examinations focused on physical growth markers, but the practices differ significantly between countries. Medical age assessments, such as X-rays and bone density tests (used in **Spain, sometimes in Greece, Finland and Italy**), basic dental exams (reported in **Poland and Finland**), and even the growth of facial hair (reported in **Greece, Italy and Poland**), have been widely criticised for their limited appropriateness for children on the move, as they entail certain racial biases and a huge margin of error.<sup>69</sup>

Thirdly, age assessment procedures for unaccompanied children at European borders exhibit significant **inconsistencies**, often lacking standardised protocols and

safeguards. Compounding these issues is the **lack of child-friendly information** regarding the assessment process and its outcomes, leaving children uninformed and unprepared to give meaningful consent. Safeguards such as the presence of guardians during assessments are frequently absent, undermining the protection of the child's rights. Moreover, the principle of the '**benefit of the doubt**'—treating individuals as children in cases of uncertainty—is not consistently applied across countries, further jeopardising the welfare of vulnerable children.<sup>70</sup> Finally, correcting a child's age assessment in practice proves to be difficult. This has only been done in exceptional circumstances, such as when a child is involved in another legal procedure, particularly a penal one.

Despite some assurances in legal frameworks, in practice significant systemic failures persist across all five countries, particularly regarding inconsistent identification at the borders and subsequent age determination methods. While **Italy and Greece** have more structured legal safeguards, implementation remains uneven. **Spain and Poland** demonstrate severe weaknesses in procedural protection of children, especially those close to maturity, often defaulting to arbitrary age identification and registration methods, such as visual assessments. **Finland's** process is more regulated but remains tied to asylum decisions, limiting appeal possibilities. Addressing these gaps requires harmonised and rights-based approaches to ensure that children are accurately identified, properly protected, and granted access to essential services.

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67 European Council on Refugees and Exiles (ECRE). (2022). *Age assessment in Europe: Applying European and international legal standards at all stages of age assessment procedures* (Legal Note No. 13). ECRE, Brussels, December. <https://ecre.org/wp-content/uploads/2023/01/Legal-Note-13-FINAL.pdf>

68 European Asylum Support Office (EASO). (2018). *Practical guide on age assessment*. EASO, Valletta, September 1. <https://euaa.europa.eu/publications/practical-guide-age-assessment>

69 Stevens, A. J., Boukari, Y., English, S., Kadir, A., Kumar, B. N., & Devakumar, D. (2024). Discriminatory, racist and xenophobic policies and practice against child refugees, asylum seekers and undocumented migrants in European health systems. *The Lancet Regional Health - Europe*, 41. <https://doi.org/10.1016/j.lanepe.2024.100672>.

70 European Union Agency for Fundamental Rights (FRA). (2023). *Children in migration: Fundamental rights at European borders*. FRA, Vienna, October. <https://fra.europa.eu/en/publication/2023/children-migration-fundamental-rights-european-borders>

In Spain, **The Organic Law 4/2000** serves as the foundation, establishing the rights and freedoms of all foreigners in Spain, with a specific focus on safeguarding unaccompanied children and ensuring their social integration<sup>71</sup>. A specific protocol regarding unaccompanied children was adopted in 2014 to develop more in detail the process of age assessment and the action of all the involved actors such as police, public prosecutors, forensic doctor units and children protection systems. The **Organic Law 8/2021 of 4 June** introduces key provisions governing **age assessment procedures**,<sup>72</sup> mandating that individuals be presumed children until proven otherwise by the age assessment and that documentation should prevail. It also established ethical standards for medical tests, requiring informed consent and adherence to dignity-focused principles.<sup>73</sup>

In practice, the age determination process begins at designated police stations - so called **CATEs - Temporary Attention Centers for Foreigners** (Centros de Atención Temporal de Extranjeros) at the points of disembarkation in

the main border regions (**Canary Islands, Ceuta and Melilla as well as Andalusia and Murcia**), where people arriving from sea are held in detention for a maximum of 72 hours. Following disembarkation, expedited screening processes provide minimal time for proper evaluation, leading to heightened risk of misregistration as adults.

**CATE is managed by the National Police** as it works as a police station and cell for migrants arriving by sea. Thus, in CATEs, the National Police coordinate the registration and categorisation of people who have disembarked after their perilous journeys, and refer them to the competent accommodation centers, depending on their profile. For instance, the National Police is responsible for identifying and registering unaccompanied children in the **Registry of Unaccompanied Foreign Minors (RMENA)** to ensure the initial identification of a child's age and to enable access to the protection system.



Photo: Pekko Korvuo / Save the Children

71 Boletín Oficial del Estado. (2000). Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social. BOE, Madrid, January 12. <https://www.boe.es/buscar/act.php?id=BOE-A-2000-544>

72 Boletín Oficial del Estado. (2021). Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia. BOE, Madrid, June 4. <https://www.boe.es/eli/es/lo/2021/06/04/8>

73 At the time this report is being written, a proposal of law reforming the age assessment procedure is being discussed in the Spanish Parliament, and the 2024 Canarian Protocol has been stopped by the Constitutional Court.





Photo: Curruscu / Save the Children

In CATE, in the absence of a child protection actor, the National Police mostly rely on quick **visual assessments** when identifying and registering children who do not hold documentation. **Declaration of age by the person is not always taken into account, and doubt is applied depending on their physical appearance. Police also request birth dates, but often only the birth year of children on the move are recorded, leaving the full date unspecified.** Those registered as unaccompanied children are then separated from adults and issued orange bracelets. The law foresees that if doubts arise about a person's age and no valid documentation is available, the child should be referred to the children protection system and undergo an age assessment procedure. However, in practice, in the absence of original documents, visual assessments remains the primary means to differentiate cases.

Frontex performs the physical fingerprinting into the EUs databases, such as Eurodac. In CATEs the UNHCR identifies people who are from countries with high refugee success rates, to assist with their asylum claims and at times - IOM coordinates identification of victims of trafficking. Save the Children has access to CATEs in Gran Canaria, Tenerife, Almeria, Motril and more recently in El Hierro **when children**

**are identified in sea arrivals.** Nonetheless, despite the high numbers of children arriving, there are **no public mandates for actors specifically focused on child protection or with child expertise and competencies.**

The Spanish Red Cross' devoted unit for the Immediate Emergency Response (ERIE)<sup>74</sup> has a public mandate to provide immediate medical assistance at their own structures at the harbour. In certain cases, they cooperate with the National Police and help to identify children, by asking children who self-identify as children to raise their hand. This is part of ERIE's rapid vulnerability detection and identification protocols.<sup>75</sup>

Several interviews with civil society and statutory actors have confirmed that ethical concerns of the **speed vs. quality** of the procedure arise during the **initial identification and registration process** at CATEs. Statutory authorities have stated that this process is typically very brief – **rarely exceeding 24 hours** although the official legal limit is **72 hours. The lack of public actors in child protection also** causes shortcomings in guaranteeing a child's rights approach and in adequately considering the best interests of the child in every procedure.

74 The Immediate Emergency Response Team (ERIE) is a volunteer unit of the Spanish Red Cross (CRE) (*Equipo de Respuesta Inmediata en Emergencias de la Cruz Roja Española*), is a specially trained, equipped unit, prepared to respond to emergencies both nationally and internationally. Also, ERIE operates within the broader strategy of addressing evolving vulnerabilities in society by providing swift and effective humanitarian assistance in crisis situations, such as the ones at the land borders and disembarkation points.

75 **European Council on Refugees and Exiles (ECRE).** (2024). *Identification – Asylum Information Database: Spain*. ECRE, Brussels, February. <https://asylumineurope.org/reports/country/spain/asylum-procedure/guarantees-vulnerable-groups/identification/>

The identification of a child's age in Spain, particularly in the Canary Islands, presents systemic flaws that undermine the rights and protection of migrant children, as the CRC has found in several individual communications. Interviews conducted in the Canary Islands, highlighted **unconscious biases towards children of colour**, with taller or more muscular children frequently being misclassified and registered as adults. As one NGO practitioner highlighted in an anecdotal case: *"A tall 13 year old Eritrean boy has been mis-identified as an adult"*.

Civil society and legal professionals report that children are often registered with a default birthdate of **January 1st**, and often not because they do not know their exact date of birth, but because police only ask for their age with the question **'When were you born?'** in a particularly stressful moment, just after disembarkation. This practice shortens the period of legal protection and integration opportunities and is disadvantageous for children born later in the year.

Authorities in certain cases also dismiss official documents—even original passports from countries like Gambia—as **unreliable**, and children's own testimonies are rarely considered valid evidence in age determinations.

However, there are differences even among the Canarian Islands. For instance, in **Tenerife**, a different approach is applied: all undocumented individuals, even visibly underage children, are subjected to X-ray examinations, leading to service backlogs and ethical concerns. Interviews revealed that in times of high arrivals some children were ushered into the rooms, where forensic investigations of dead corpses were being conducted, thus exacerbating psychological distress of children. In response, X-ray machines were acquired to accelerate age assessments in CATEs, though raising additional legal and procedural concerns. In **Gran Canaria**, age assessments occur only when **reasonable doubt exists**, initiated by the Public Prosecutor's Office and typically involving radiological bone examinations by the Institute of Legal Medicine. In some criminal cases, **full-body MRIs** may also be used.

Once an age is confirmed by the Prosecutor's Office, challenging and re-assessing it becomes extremely difficult. A notable case in Tenerife involved an unaccompanied child wrongly accused of migrant smuggling, who was initially placed in adult criminal proceedings due to an incorrect age determination. A subsequent **MRI confirmed his minority**, allowing him to be processed under the age-appropriate juvenile justice.



Photo: Pekko Korvuo / Save the Children



Another major issue is the **fragmentation of evidence across multiple authorities**, leading to inconsistent assessments. Efforts are underway to streamline this process through collaboration between the Red Cross, lawyers, and the Prosecutor's Office, with calls for centralised case files to ensure better coordination. However, a fundamental flaw in the system remains: **legal guardianship** is only assigned once a child's minority is confirmed, leaving many children without legal protection during contested procedures. This fact is worsened by the absence of legal representation during the whole procedure.

Ultimately, the absence of child protection specialists during pre-screening and age assessments undermines safeguards designed to protect children. The lack of application of the "*benefit of the doubt*" principle and failure to consider a child's best interests further compromise the fairness of these procedures. As one civil society worker in the Canary Islands noted, children themselves recognise the inconsistencies, often when asked "*How old are you?*", answering: "*In Spain or in my own country?*", underscoring the deep flaws and inconsistencies in Spain's age assessment

system. Several NGOs, lawyers and even some public authorities have confirmed that the misidentification of children as adults is an **endemic problem in the Canary Islands and in Spain**.

Lastly, civil society interviewees and lawyers have highlighted that 'being a child mis-identified as an adult is a very clear vulnerability'. They highlighted risks and concerns, for example, when children are housed with adults, which is a direct consequence of mis-identification and heightens their existing vulnerabilities. The recognition of age minority would ensure access to protection that should be available to any child arriving in Spain, including having a guardian appointed, protection and accommodation until 18 years old and even further until emancipation, regular status guaranteed and access to education. Misidentification leads children to being treated only as a foreigner person, remaining in an irregular situation, with limited access to accommodation and social services. Many of them end up living on the street and working informally in labour demand sectors such as agriculture and construction, exposed to destitution and all kinds of risks, abuses and exploitation.

## GREECE

The age assessment procedure for unaccompanied children in Greece is governed by Joint Ministerial Decision (JMD) 9889/2020, establishing a common framework for both reception and identification procedures and the asylum procedure. Greek law **upholds the presumption of minority**, requiring that individuals claiming to be children are treated as such until proven otherwise. By law, age determination follows a three-stage process<sup>76</sup> and is carried out by Ippokratis programme staff within RIC/CCACs, public health institutions, or, where necessary, private practitioners.

Over recent years, age assessment has been **standardisation and oversight has improved**. Age assessments are now less frequent and more likely to follow the prescribed process. One **legal aid provider** working on the islands noted, "*The main issue now is delays caused by understaffing rather than systemic failures.*" However, the process remains **inconsistent**, particularly concerning access to qualified medical staff, interpretation services, and procedural safeguards.

Despite efforts to reinforce staff capacity – such as adding psychologists and social workers under the Ippokratis project – a shortage of doctors remains a critical gap. One UN agency representative stated, "*Now the challenges are not how the process is followed, but the fact that in some cases there might not be doctors to do the examination – especially doctors for children.*" The limited availability of staff and resources has led to **significant delays** in age assessment procedures. In some cases, children remain '**stuck**' in **emergency accommodation for months**. One practitioner explained: "*These delays affect not only shelter placement but also the asylum procedure and even transfers to the mainland. The entire process becomes very stressful for the children.*" Delays also impact **family reunification**, as children incorrectly registered as adults are often unable to initiate reunification procedures within the legal timeframe. Despite **legal safeguards**, age assessments **are not always conducted systematically**. Several actors reported superficial assessments that failed to follow the **three-stage procedure**. A lawyer supporting children on Lesbos observed: "*The process isn't a proper age assessment. It's essentially a two-minute meeting with a doctor, resulting in*

76 (1). Initial clinical evaluation – a healthcare professional assesses physical characteristics (e.g., height, weight, voice, hair growth); (2). Psychosocial assessment – If doubt remains, a trained psychologist and social worker conduct a semi-structured interview to evaluate cognitive, behavioural, and psychological development; (3). Medical examination – if uncertainty persists, an X-ray of the left wrist, a dental X-ray, or another internationally recognised method is applied. Each stage must be exhausted before proceeding to the next and must be adequately justified.



a document stating whether the person is a child. Children don't receive any reasons or arguments—just the outcome.” Frontline actors noted particularly problematic assessments in Lesvos and Kos. One stakeholder recalled an incident: “Previously, there was a specific doctor—a urologist—conducting all the age assessments for unaccompanied children. [...] Most unaccompanied children he assessed were declared to be between 18 and 20 years old, and in some cases, he claimed they were 20 to 22 years old. The assessments were superficial. For example, he reportedly judged age by looking at facial hair and teeth. In many cases, the second stage of the procedure—a psychosocial assessment—was not conducted, even though the law requires it. This made the process deeply flawed and unfair.”

Failures to recognise **official identity documents have also been reported**. Birth certificates are sometimes dismissed as **invalid**, leaving children unable to prove their age. The **presumption of age minority is not always respected**: “We found out that the presumption of minority age was not applied in cases where children who were wrongly registered as adults were waiting for the age assessment results,” stated a child rights practitioner. A recent national court decision confirmed that the presumption must be upheld even in such cases<sup>77</sup>.

Initial **misidentification of children as adults** during initial registration remains a systemic issue. Organisations reported that police or Frontex officers often record ages arbitrarily, with no documentation of what the child said. A legal aid organisation supporting ‘alleged children’ noted:

## ITALY

National law no. 47/2017 establishes rules on age assessment that apply to all unaccompanied foreign children, introducing Art. 19-bis to the legislative decree 142/2015 and a specific Protocol on multidisciplinary age assessment, which should be applied nationally.

In the absence of personal documents and in case of serious doubts about the age, the Public Prosecutor’s Office at the Juvenile Court can order an assessment. The determination of age must always be requested by the Juvenile Court, and the procedure must be activated within three days of the request by the judicial authority and concluded with the multidisciplinary report preferably within 10 days and in any case no later than 20 days from the start.

“We rely entirely on what the police or Frontex officer writes down, which can be arbitrary. Sometimes, they simply record whatever they want, and there is no way to verify what the child actually said”.

**Giorgos**, a Syrian unaccompanied child who arrived in Greece two to three months ago, was mistakenly deemed an adult and placed alongside adults in a RIC for nine days. He explained, “I told them I was born in 2007, but they wrote I was born in 2006. I saw this and I told them ‘This is wrong,’ but they told me, ‘you’ll talk about it when the main interview comes”.

**For children incorrectly registered as adults, accessing protection becomes extremely difficult. They are often excluded** from specialised shelters and child protection services,<sup>78</sup> while the ability of guardians to intervene is also limited, as they are not permitted to challenge the conclusions of medical practitioners. A civil society representative explained, “When shelters are full and official actors are overwhelmed, children are often registered as adults simply because the system cannot manage them.” One stakeholder shared the case of a 15-year-old boy whose request for an age assessment led to his case being closed: “The caseworker threatened to close his case—and did. The child’s case was closed, and he was marked as ‘refusing to cooperate’. The child was terrified, genuinely believing refusal was his only chance to request an age assessment, yet it led to rejection of his asylum case.”

In case of doubt of the age declared by the child, the socio-health exams have the aim of assessing the age of the person, investigating whether the level of psychosocial and physical maturity is congruent with the declared age, confirming or refuting what was declared by the alleged child during identification or in subsequent phases of reception.

It is expected that this socio-health assessment is carried out in public facilities, in a suitable environment, by adequately trained multidisciplinary teams such as a paediatrician with auxological skills of the National Health Service; a developmental psychologist or a child neuropsychiatrist of the National Health Service; a cultural mediator; a social worker working for the National Health Service or the local authority in the areas related to the subject. All the members

77 **Greek Council for Refugees (GCR).** (2024). *Children, even alleged ones, are not to be detained*. GCR, Athens, May 2. <https://gcr.gr/en/news/item/2272-children-even-alleged-ones-are-not-to-be-detained/>

78 In addition, children must provide original documents—often impossible for those who fled their home countries without papers. Limited transparency and lack of notification further undermine the process. In some cases, children are unaware that an age assessment has been conducted or do not receive formal notification of the outcome.



Photo: Pekko Korvuo / Save the Children

of the team should be suitably trained and periodically updated also on the specificities of the geographical and cultural origin of the child, paying attention to gender and religion. Within the team, a professional coordinator is identified for each case, in the presence of a cultural mediator and the guardian if appointed, using the least invasive methods possible, respecting the integrity of the person. The child, together with the guardian, must always receive all the information on the procedure, which develops in three successive and progressive steps with incremental invasiveness: a social interview, a psychological or neuropsychiatric evaluation, an auxological paediatric visit. While awaiting the outcome of the procedure, the person is treated as a child in all respects, including benefitting from the provisions regarding the reception of unaccompanied children. If the doubt persists afterwards the exam, the principle of presumption of minority is guaranteed.

Legal changes introduced in 2023 allow public security personnel—rather than judicial authorities—to request age assessments in all cases of doubt when there are substantial

and repeated arrivals of migrants. This shift undermines the principle of the presumption of minority and significantly reduces procedural safeguards, including the timely appointment of a guardian, access to legal counsel, and the child's informed participation—elements that require the presence of cultural mediators and a child-friendly approach.

In practice, the legislation governing age identification and verification is inconsistently applied across the national territory. Reports indicate that age assessments are frequently initiated even in the absence of well-founded doubts about a person's minority. While awaiting the outcome of these assessments, children are often treated as adults—placed in inappropriate reception facilities alongside unrelated adults, and in some cases, even in return or detention centres. Furthermore, children are not consistently informed or meaningfully involved in the procedures, and many are unaware of the purpose or nature of the examinations they undergo. Identification processes frequently occur without clear communication,

transparency, or safeguards, often carried out in a de facto manner that prevents many potential children from being accurately identified. This significantly increases the risk of misclassifying children as adults, with serious consequences for their safety and access to protection. Additionally, in cases where there is a well-founded suspicion that children may be falsely claiming to be adults—despite presenting valid identity documents confirming they are underage — authorities often choose to take the child’s word at face value rather than fulfilling their duty to initiate an age assessment.

In some areas, the multidisciplinary teams legally required to conduct age assessments are not in place, and assessments are still occasionally carried out using wrist x-rays. While x-rays are no longer standard practice, they remain a possible method. Several concerns persist regarding the implementation of age assessment procedures. These include significant delays in the appointment of guardians and the completion of age evaluations—sometimes extending over several months. In many cases, age is determined at points of arrival, such as

ports, without adequate information being provided to the individual, making it difficult to later challenge the initial identification. During this period, children may be placed in adult reception facilities, exposing them to increased risks of abuse, exploitation, and rights violations. Access to information is highly inconsistent, due to various factors: the absence of dedicated staff within police headquarters, the rushed nature of the procedures, and the lack of cultural and linguistic mediation

Therefore, in Italy, the system faces persistent challenges in accurately assessing the age of unaccompanied children. The continued reliance on medical examinations and interviews has raised concerns about the reliability and consistency of these methods, often leading to disputes over age determinations. Although Italian law requires that age assessment procedures uphold the dignity and rights of children, their practical implementation varies significantly across regions. As a result, many children are left without adequate safeguards or access to appropriate protection and support.

## POLAND

There are no established standards for assessing the age for children on the move, and the current process is not systematic. Age assessments depend on the documents a child provides at the border and the border forces’ interpretation, which can vary significantly. The lack of documents presents a significant challenge. The initial identification is conducted by border guards.

When an unaccompanied child arrives with documents other than a passport, border guards often use this as a basis to question the child’s age. In such cases, they frequently resort to visual assessment, which are influenced by personal bias. Even when a child possesses a photo of their passport or other evidence on their phone – such as in cases where the passport was lost or discarded earlier in the journey – Polish border patrol is rarely supportive of alternative methods to verify age.

At the Polish-Belarusian border, children are often referred to a hospital in Białystok for age assessments. The hospital





guardian<sup>79</sup>, there is a “grave lack of or even non-existent information of rights provided to these migrant children, in the interest of the state”.

Moreover, after an age assessment procedure, there is no clarity on the methodology, margin of error, or basis for the conclusion, not only severely limiting the credibility of the assessment but also making appeals extremely difficult. For example, the Polish Helsinki Foundation for Human Rights, in an investigation of age assessment practices in Poland, found that some assessment conclusions simply stated, “as a result of the dental examination, I estimate the age at 21-22 years.”<sup>80</sup>

Stakeholder interviews echoed this, with one lawyer recounting an age assessment conclusion scrawled by hand on a torn piece of notebook paper, presented as conclusive and substantial evidence.

The approach is rigid and lacks consideration for the child’s best interests. A stakeholder interview recounted such a case of a child: “His phone was out of charge and had documents on it, but he was not allowed to charge the phone to provide evidence. So instead of charging his phone, he was referred for a medical age assessment.”

This illustrates a disregard for applying the benefit of the doubt in favour of the child’s minority status. Another case, shared by an interviewed stakeholder, involved a young Somali boy seeking international protection as a child.

*“Despite this, the border guard registered his birthdate as 1st January 2006 to avoid documenting him as a child based solely on his own visual and biased assessment. There was no explanation for this decision, highlighting how Polish border forces have the discretion to register birth dates as they see fit. This lack of transparency complicates the child’s ability to challenge an incorrect birthdate.”*

A child’s stated age may be disputed by the border guards, leading to the arbitrary assignment of a birthdate or a referral for a medical age assessment. The lack of a paper trail or proper documentation presents a serious challenge. If a migrant claims to be a child, but is assessed by the border patrol as an adult, this discrepancy or doubt is neither recorded nor documented. Additionally, border forces are not required to outline their reasons or justifications



Once the border patrol enters the perceived date of birth into the system and includes it in a document for the migrant to sign, the positionality of the child, especially if they are young, makes it unlikely that they can challenge an incorrect date of birth. This is further compounded by the assumption that the document has been properly translated and presented in a manner that the child can read and understand. Yet, interviews confirmed that age assessments are typically accepted without question by subsequent institutions and courts, unless they are actively challenged by legal or NGO workers. An incorrect age determination directly affects how authorities treat the child, depriving them of essential rights.

79 There are significant limitations within the Polish legal framework when it comes to ensuring a holistic representation of the best interests of unaccompanied children. In such cases, multiple actors are involved: the *kurator*, a guardian typically empowered only to represent the child in international protection procedures, and the *factual guardian*, who is the caregiver within the alternative care facility. As a result, no single actor is responsible for comprehensively safeguarding the child’s overall well-being or fully understanding their situation. This fragmented system often leads to unclear representation, requiring frequent referrals to family courts and increasing the risk that unaccompanied children may be unable to fully exercise their rights.

80 Helsińska Fundacja Praw Człowieka (Polish Helsinki Human Rights Foundation). (2023). *Metody oceny wieku chronologicznego cudzoziemców*. HFPC, Warsaw, October. <https://hfhr.pl/publikacje/metody-oceny-wieku-chronologicznego-cudzoziemcow>



Photo: Pekko Korvuo / Save the Children

Challenging age assessments is difficult, as there is no established system to appeal or contest wrongful determinations, nor is there support for children in such cases. One lawyer described her experience attempting to challenge a flawed age assessment conducted on a child client: *"Courts do not even bother to consider such requests, and most frequently reject these"*. She characterised this as a *"grave procedural error where the evidence based rights process is ignored"*.

Interviews with lawyers also highlight a climate of fear and intimidation on the part of the child prior to and during age assessments, echoing the wider climate of mistrust and militarisation of the Polish-Belarusian border. This atmosphere, combined with the child's vulnerable position, makes challenging or appealing age assessments even harder, reflecting the lack of rights and power experienced by children at the Polish borders.



## FINLAND

According to the Finnish Aliens Act, age assessments are procedures carried out by the Finnish Institute of Health and Welfare. The age assessment is requested by the Finnish Immigration Service; children can be referred by different authorities including staff in reception centres in cases of doubt or when a child was misidentified as an adult upon their initial assessment. Some stakeholders who work in the units for unaccompanied children have remarked that if two of the staff members in the unit had doubts that the age of the child was incorrect, the child could be sent for age assessment and that the results came quickly. Some members of the staff in these units in the past have also commented that sometimes it didn't seem logical how the children sent for assessments were chosen. It was also unclear to the children. Age could be assessed either if the child seemed too old or too young. The guardian is essentially 'forced' to give consent for the age assessment because otherwise a child could automatically be seen as an adult. There is no possibility to appeal the age assessment statement/decision separately as it is part of the asylum decision.

Age assessments can foresee a medical exam involving the checking of bones and teeth.<sup>81</sup> The guardian can be present with the child. Waiting times for this examination have been known to be very long, up to half a year, and remained unreliable as comparison data is lacking.

Little is known of how border guards at the Russian-Finnish border are trained to assess age as part of vulnerability assessments, although some training is reportedly provided.

<sup>81</sup> Maahanmuuttovirasto (Finnish Immigration Service). (2024). *Vastaanotto- ja käyttöraha pienenee 1.9.2024*. Maahanmuuttovirasto, Helsinki, August 1. [https://migri.fi/-/vastaanotto-ja-kayttoraha-pienenee-1.9.2024?language=en\\_US](https://migri.fi/-/vastaanotto-ja-kayttoraha-pienenee-1.9.2024?language=en_US)



Photo: Pekko Korvuo / Save the Children



# A GLIMPSE OUTSIDE THE EU: IDENTIFICATION AND VULNERABILITY ASSESSMENT OF CHILDREN IN NORTH-WESTERN BALKANS

While most of the potential unaccompanied and separated children identified in **Serbia** and **BiH** are boys between 15 and 17 years old, a number of children between the ages of 7 and 15 have also been observed, as well as a small number of unaccompanied girls. Appropriate age assessment procedures are absent. Unaccompanied and separated children on the move can be registered and dealt with as adults and accommodated with adult men which exposes them to additional risks.

Identifying unaccompanied girls poses a challenge due to their tendency to travel within mixed groups, alongside families or with alleged husbands. Without proper documents, the situation is further complicated by the fact that older girls deliberately present themselves as adults making it difficult to accurately determine their real age.



6 years old boy from Costa de Malfi

# Insight on the Implementation Pact on Migration and Asylum: the Identification and Age Assessment at Borders

Under the 2024 EU Pact on Migration and Asylum, the Screening Regulation introduces a mandatory border screening procedure that applies equally to adults and children, with no exemptions. This includes children intercepted at borders, disembarked from rescue operations, or apprehended within the territory without proof of entry. During screening, authorities are required to verify identity, conduct vulnerability checks, and collect biometric data—including from children as young as six. The Regulation requires that the child's best interests *"shall always be the primary consideration and that information is provided in a child friendly and age-appropriate manner"*.

The implementation of the screening process—which may last up to seven days—requires that children and families *"remain available"* for screening authorities, creating the potential for systematic detention during this phase. The revised Reception Conditions Directive, which applies during screening, states that children and families should *"as a rule"* not be detained, but instead accommodated in *"suitable accommodation with special provisions for children, including where appropriate in noncustodial, community-based placements."* Nevertheless, detention is still permitted in exceptional circumstances and as a measure of last resort. The absence of an explicit prohibition on the detention of children raises serious concerns, as it may lead to an increased use of detention during the identification process—a practice that is already being observed in several contexts.

Importantly, the screening process contains no reference to age assessments or the principle of the benefit of the doubt, excluding the possibility to proceed with age assessment during screening. Age assessment may be performed during the border asylum procedure if applicable, and must be multi-disciplinary, including a psychosocial assessment performed by qualified professionals. Medical examination is only possible as a measure of last resort.



Photo: Ferran Nadeu / Save the Children

## SECTION 3: VULNERABILITIES ASSESSMENT

In migration contexts, children are widely recognised as being at heightened risk of harm, abuse, exploitation, and neglect. Children traveling with family members are frequently underestimated in vulnerability assessments and considered less at risk. However, the experiences during their journey and the stress experienced by their parents during border procedures, as well as throughout the asylum process, can significantly affect their mental health and overall wellbeing.<sup>82</sup>

A vulnerability assessment is crucial for identifying the specific risks faced by migrant children and their families. It determines applicants who may struggle to navigate the

asylum process due to factors such as age, gender, disability, serious illness, or experiences of violence and trauma, including the consequences of torture, rape, or other forms of psychological, physical, or sexual violence. These assessments help ensure vulnerable individuals receive necessary safeguards, tailored reception conditions, and specialised care. Without them, children and families risk inadequate support, worsening their challenges during migration.

Most European countries formally acknowledge this vulnerability and have incorporated into their legal frameworks the obligation to identify and address the

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82 Kadir, A., Battersby, A., Spencer, N., & Hjern, A. (2019). Children on the move in Europe: A narrative review of the evidence on the health risks, health needs and health policy for asylum seeking, refugee and undocumented children. *BMJ Paediatrics Open*, 3(1). <https://doi.org/10.1136/bmjpo-2018-000364>





**A boy from Mauritania**

specific needs of migrant children. This is especially critical at the borders, where the first points of contact with national authorities take place and where timely identification of vulnerabilities can have a significant impact on a child's protection and well-being throughout the asylum or migration process.

Across the countries reviewed in this report, legislation generally includes provisions requiring vulnerability assessments as part of asylum and reception procedures. These assessments are intended to ensure that children—due to age, developmental stage, or traumatic experiences—receive appropriate support and safeguards. However, while the legal requirement exists in principle, the clarity, comprehensiveness, and practical application of these provisions vary substantially between states. In some countries, detailed and standardised protocols have been developed to guide authorities in conducting vulnerability assessments, including steps to identify psychological trauma, health conditions, and protection risks. In others, the legal framework is vague or lacks operational detail, resulting in inconsistent or superficial assessments.

Even where more robust legal provisions are in place, the effective implementation of vulnerability assessments faces numerous challenges. One of the most commonly reported obstacles is the lack of adequate resources. Shortages

in trained personnel—particularly those with expertise in child psychology or trauma-informed care—combined with insufficient availability of qualified interpreters, often compromise the quality of the assessments. Frontline officers may lack the necessary training to recognise less visible vulnerabilities, such as mental health issues or signs of trafficking, especially when working under pressure in border environments.

The methodologies and depth of vulnerability assessments also differ significantly across countries. Some states have adopted comprehensive approaches that include medical evaluations, psychosocial screenings, and structured interviews involving multidisciplinary teams. These more holistic practices aim to capture the full range of a child's needs and experiences. In contrast, other states rely on basic health checks or informal interviews, which may miss important indicators of risk or trauma. The absence of a harmonised approach results in a protection gap, where the likelihood of a child's needs being identified and addressed is determined more by geography than by individual circumstances.

Timeliness is another key issue. In several countries, vulnerability assessments are not conducted promptly, with delays ranging from several days to weeks or even months. These delays can critically hinder the delivery of timely care

and support services, and may prolong a child's exposure to unsuitable or unsafe conditions, including detention or accommodation alongside adults. The lack of urgency in these assessments undermines their intended protective function.

An additional concern relates to the treatment of accompanied children during the assessment process. There is marked inconsistency across countries regarding whether and when these children are given the opportunity to speak privately with authorities. In some cases, children are never interviewed separately from their parents or guardians, despite international child protection standards recommending independent interviews to detect possible abuse, exploitation, or coercion within the family unit. The absence of independent interviews may constitute a

safeguarding risk, as it limits authorities' ability to identify hidden vulnerabilities or protection needs.

In sum, while most countries legally recognise the need for vulnerability assessments and child-specific safeguards, the reality on the ground is often fragmented and inconsistent. The variability in legal clarity, operational procedures, resourcing, and professional capacity leads to significant disparities in how children's vulnerabilities are identified and addressed at borders. This inconsistency undermines the effectiveness of child protection systems and calls for stronger guidance, capacity-building, and accountability mechanisms to ensure that all children receive equal and adequate protection regardless of where they enter Europe.



Photo: Ferran Nadeu / Save the Children





Photo: Paul Wu / Save the Children

## FINLAND

The specific vulnerabilities of migrant children at **Finland's** borders should be addressed through a vulnerability assessment. The vulnerability status, according to Section 6 of the Reception Act, and the resulting special needs must be determined individually within a reasonable period of time as a result of the case being initiated.<sup>83</sup> The vulnerability assessment should be done during the asylum process by the Finnish Immigration Service. However, some studies report that the office does not have systematic procedures for identification of vulnerabilities. The UN Committee on the Rights of the Child has also criticised Finland for setting an artificial age limit for hearing accompanied children, where only children over 12 years old are systematically interviewed.<sup>84</sup>

The Reception Act does not specifically consider border guards. However, if the border is mainly closed and the border crossing is centralised into a few specific crossing points, according to Border Guard Act §16 “*Exceptions may be made in individual cases, taking into account the rights of children, persons with disabilities and other particularly vulnerable persons.*” There is no national specific framework on vulnerability assessment at the border. The border guard has their own training and guidelines on how to do this, if they find it relevant.

Particularly vulnerable groups, including those that are at risk of persecution in Russia, should be granted access to claim asylum. However, the process for ensuring this remains unclear. Multiple NGOs have reported being

83 Finland. (2011). *Aliens Act (746/2011)*. Ministry of Justice, Finland. Helsinki, June 16. <https://www.finlex.fi/en/laki/kaannokset/2011/en20110746>.

84 Pirjatanniemi E., Lilja I., Helminen M., Vainio K., Lepola O. & Alvesalo-Kuusi A. (2021). *Ulkomaalaislain ja sen soveltamis-käytännön muutosten yhteis-vaikutukset kansainvälistä suojelua hakeneiden ja saaneiden asemaan*. Valtioneuvoston kanslia, Helsinki, 2021. *Ulkomaalaislain ja sen soveltamiskäytännön muutosten yhteisvaikutukset kansainvälistä suojelua hakeneiden ja saaneiden asemaan*



unaware of how this operates in practice. Some NGO interviewees expressed concerns that children might be turned away after being assessed at face value as adults. While border guards reportedly receive training on vulnerability assessments, the details of this training are not publicly available: *“The border guard informed us that the border and sea guard school has done online training*

## POLAND

In Poland, there is a significant lack of proper vulnerability assessments and protection measures for migrant children, despite their heightened risks.

Additionally, children crossing the Polish border have limited access to psychological assessment and support. While psychological support, in theory, could help identify vulnerabilities, its availability and quality vary widely. Good practices, such as those outlined by the EUAA, recommend integrating mental health considerations into vulnerability assessments, ensuring that children receive adequate support from the outset. However, in Poland, these safeguards are often missing. As one lawyer described, children express deep desperation over their circumstances and the lack of psychological care: *“My young client says to me, ‘please help me, because I cannot bear being here anymore.’”* Even where psychological support exists, it is often insufficient. Furthermore, language barriers create additional obstacles, making it even harder to assess and address children’s vulnerabilities effectively.

Human trafficking, from forced labour to sexual exploitation, is a shared serious concern among multiple stakeholders interviewed in Poland. While border patrol officers have shown some attentiveness to the vulnerabilities of children at risk of trafficking, their approach is far from ideal. When they suspect a child is being trafficked, they often assess the child as an adult to justify placing them in a closed facility ‘for protection’.

As one stakeholder noted: *“First and foremost this is not legal as a child should not be in a closed facility with adults, but should be placed in a care facility, receive psychological support and education.”* As explained by another stakeholder, the practice *“is not an ideal solution and points to a dysfunctional system that does not offer other solutions to protect vulnerable children.”*

By treating children as adults and housing them in detention facilities with adult populations to protect them from human trafficking, the children in turn face an increased risk of other vulnerabilities, deeming this abhorrent practice at all odds with the child’s best interest.

*packages for border checks of children and to help combat instrumentalised immigration; also Frontex offers information on vulnerability assessments.”* In 2024, a Finnish border guard reported that following the closure of the eastern border there were no recorded crossings via the Imatra and Vaalimaa borders. However there were 1,418 crossings via the Nuijamaa border and 114 via the Vainikkala border.

According to stakeholders, the issue does not always stem from a lack of training among border patrol officers, “kurators” (legal representatives assigned arbitrarily by the court), or caseworkers – some may be equipped to recognise vulnerabilities, including trafficking risks. Instead, the problem lies in the absence of clear cross-agency collaboration and systemised procedures. The lack of cooperation between agencies is a grave problem, specifically in cases of human trafficking, as one lawyer in Poland emphasised: *“We have no one to turn to for help or signposting. This is a huge problem. I am just a lawyer, without support I cannot track down who has trafficked my client. It is not the job of NGOs or civil society, but they should be able to know who they can turn to for help in such matters and that help should exist.”*

Vulnerabilities to human trafficking are further exacerbated by the lack of tracking and attentiveness to children within an already overburdened system. According to one NGO caseworker, the system as a whole is overwhelmed, with some actors, such as the police reportedly – *“secretly hoping the child will disappear in an onward journey.”* Unfortunately, such disappearances are both frequent and alarming. One example, shared by a lawyer, involved a boy initially placed in a closed facility in Poland. After being recognised as a child, he was moved to the institutional care facility. However, within three days, the boy went missing. As the lawyer explained: *“He was later found at the border to Germany, and it emerged that in the week he had been missing – during which the police had done nothing and merely used his disappearance as an excuse to close his case – the child was seized by human traffickers who were attempting to bring the child to Italy, where he had been convinced he would finally be safe.”*

In **Greece**, the legislative framework for assessing the vulnerability of individuals arriving at border regions is primarily outlined in the Asylum Code<sup>85</sup>. According to the latter, the assessment of vulnerability should occur during the **identification process, the registration process, and the medical screening**. It must be conducted by the Reception and Identification Service (RIS), either prior to the registration of the asylum application or during the asylum procedure<sup>86</sup>. This means that the identification of vulnerable individuals is integrated into the initial stages of the asylum procedure and is intended to ensure the immediate provision of **special reception conditions and procedural guarantees** to the applicant.

The **Ippokratis Programme**<sup>87</sup> now manages vulnerability assessments and provides medical and psychosocial care in RICs and CCACs. However, as the program is relatively new it faces recruitment challenges and stakeholders report uncertainty around procedures. Vulnerability assessments for accompanied children are conducted as a family unit, and while children's specific needs can be flagged, separate assessments are rarely carried out. Frontline actors noted that these assessments lack a child-specific approach, relying mainly on parents' accounts and giving little attention to children's health or mental well-being: *"There is no dedicated sort of child-friendly and child-specific approach to vulnerability."* For **unaccompanied children**, the vulnerability assessment is carried out individually, focusing specifically on their circumstances as children without parental care. The results of the assessment are documented and included in the child's file, which is shared with the Minors' Office at the RIC<sup>88</sup>. Some key informants felt that, unlike unaccompanied children—who fall under a stricter framework with dedicated child protection staff

and structured referrals—**accompanied children are at greater risk of being overlooked** in the assessment process.

In practice, despite legal provisions, many asylum-seeking children and their families are required to attend asylum interviews without first undergoing a thorough **vulnerability assessment**. The **poor quality and inconsistency** of medical and psychosocial screenings remain a serious concern, with vulnerabilities frequently overlooked<sup>89</sup>. In many cases, asylum claims are made before individuals have been assessed, depriving them of procedural safeguards under EU law. Severe **delays in vulnerability assessments** persist beyond the reception and identification phase, ranging from **ten days to over three months**<sup>90</sup>. A stakeholder explains: *"Too often the RIS considers that the screening process has been conducted and is complete, so the person can then move on to the asylum process, whereas usually the medical check and vulnerability assessment are the core stages that have not yet happened, meaning that the person often has not been seen by anybody or they may have gone through an extremely rudimentary visit to a doctor."*

According to civil society actors, on **Leros**, a doctor visits only for brief missions, primarily to clear backlogs by signing pending medical forms rather than conducting thorough assessments. Similarly, on **Samos**, the medical records issued upon completion of screenings have, in some cases, been entirely blank, containing only the individual's name, date of birth, and registration number, with no recorded medical history or vulnerability classification. In addition, civil society organisations have reported in 2023 that **no vulnerability assessments** are conducted during the initial de facto detention period, leaving pregnant women, unaccompanied children, and survivors of violence without essential care.<sup>91</sup>

85 **Government of Greece**. (2022). Law No. 4939/2022: Code of Legislation on Reception, International Protection of Third-Country Nationals and Stateless Persons, and Temporary Protection in Cases of Mass Influx of Displaced Persons. Government Gazette A' 111, June 10.

86 **Greek Council for Refugees (GCR)**. (2024). Identification. In AIDA Country Report: Greece – 2023 Update. European Council on Refugees and Exiles. July 10. <https://asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/identification/>

87 **International Organization for Migration (IOM)**. (2024). Ippokratis II: Provision of medical and psychosocial services under reception facilities in Greece. IOM Greece, Athens, February. <https://greece.iom.int/ippokratis-i-provision-medical-and-psychosocial-services-residents-accommodation-facilities-under-responsibility-reception-and-identification-service>.

88 **European Council on Refugees and Exiles (ECRE)**. (2023). Country report: Greece – 2022 update (AIDA Report). ECRE, Brussels, June. <https://bit.ly/3PUOVk9>

89 **ECRE** (2023), AIDA, Country Report: Greece, 2022 Update, June 2023, available at: <https://bit.ly/3PUOVk9>.

90 Ibid.

91 **European Council on Refugees and Exiles (ECRE)**. (2024). Identification – Asylum Information Database: Greece. ECRE, Brussels, February. <https://asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/identification/>

Screening on the islands appears less effective in identifying victims of violence than in mainland RICs like Malakasa and Diavata. Despite higher screening volumes at border centres, only slightly more individuals are classified as victims—suggesting less thorough assessments, likely due to accelerated asylum procedures.

Civil society actors report that limited time and poor communication create fear and reluctance to disclose vulnerabilities. Many asylum seekers—especially families—worry that sharing sensitive information will delay their cases, leading to underreporting. Women often hesitate to speak about abuse, even within the family. Repeated disclosures to multiple actors, such as the Vulnerability Focal Point and asylum services, can retraumatise survivors and deter reassessment. As a result, many cases of gender-based violence, trafficking, and exploitation go unreported. Labour trafficking in particular remains under-identified due to limited awareness and a lack of specialised resources<sup>92</sup>: *“Many individuals don’t even realise they were victims of trafficking. They are not identified as such during vulnerability procedures, and the system lacks the resources to address this effectively”* said one caseworker.

With the introduction of the **2022 Asylum Code**, the recognition of vulnerability no longer determines the procedure under which an application is examined. Vulnerable applicants are not automatically referred to the regular procedure, and exemptions from the fast-track border procedure (see Section 1) are now only granted if it is proven that adequate healthcare for their specific condition is unavailable on the island. This shift has made it significantly more difficult for vulnerable individuals to be transferred to the mainland, leaving many in prolonged legal and medical uncertainty<sup>93</sup>.

While the **regular procedure** does not necessarily ensure better vulnerability assessments, it allows applicants more time to gather medical documentation, seek legal assistance, and prepare their case before their interview.

<sup>92</sup> UN Office of the High Commissioner of Human Rights (OHCHR). (2024). Greece: UN expert alarmed by failures in identification and protection of victims of trafficking on Samos. *UN Human Rights Office*, Geneva, December. <https://www.ohchr.org/en/press-releases/2024/12/greece-un-expert-alarmed-failures-identification-and-protection-victims>

<sup>93</sup> European Council on Refugees and Exiles (ECRE). (2024). *Identification – Asylum Information Database: Greece (Fast-track border procedure)*. ECRE, Brussels, February. [https://asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/identification/#III\\_AP\\_C\\_5FastTrackBorder\\_1Genera](https://asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/identification/#III_AP_C_5FastTrackBorder_1Genera)



Photo: Pekko Korvuo / Save the Children



## GOOD PRACTICE: GREECE'S HARMONISED BEST INTEREST ASSESSMENT TOOLKIT FOR UNACCOMPANIED CHILDREN

Since 2022, Greece has been implementing a comprehensive project to harmonise Best Interest Procedures (BIP) for Unaccompanied and Separated Children (UASC), led by the General Secretariat (GSIVP) with support from UNHCR and EUAA. This initiative aims to standardise case management practices related to best interest assessments across the country, ensuring consistent and child-focused protection measures.

### Key Features of the BIP Toolkit<sup>94</sup>:

- **Nationwide implementation:** The project is operational in CCACs/border areas, focusing on unaccompanied children in safe zones.
- **Comprehensive training program:** Training of Trainers sessions have been conducted, equipping key child protection actors, as well as guardians and CCAC staff, with the skills to conduct effective BIAs. Certified trained individuals then further disseminate knowledge within their organisations.
- **Standardised tools:** the BIP toolkit includes a manual, guidelines, standard operating procedures, and two tailored tools—the Short BIA for initial assessments and the Comprehensive BIA for in-depth evaluations.
- **Contextualised approach:** While based on UNHCR's global guidelines, the toolkit has been adapted to address the specific needs of the Greek context.

## GOOD PRACTICE: NATIONAL EMERGENCY RESPONSE MECHANISM (NERM)

Despite the challenges, there have been notable improvements in Greece's child protection system through the National Emergency Response Mechanism (NERM). This mechanism provides essential support for identified children, and acts as a coordinating body, facilitating collaboration among various stakeholders involved in child protection. The government has played an active role in ensuring that best practices are shared among NGOs and international organisations, aiming to create a more supportive environment for migrant children. One lawyer explained, *"I believe NERM is a really good practice because it has provided significant support. It operates in cooperation with the police and NGOs working in the field, offering children better protection."* However, some children interviewed for this report have experienced pushbacks before 2023, during the early stages of NERM's operation, before it was fully established or widely implemented. *"There's still limited visibility on these issues, but I believe NERM has the potential to offer stronger support"*, said the lawyer.

94 Greek Ministry of Migration & Asylum. (2024). *BIP Toolkit: Best interests of the child in asylum procedures*. Government of Greece, Athens, May. <https://migration.gov.gr/en/enarmonisi-kathierosi-kai-pistopoiisi-diadikasion-veltistoy-symferontos/>

In Spain, Article 46(1) of the Asylum Act acknowledges the need to consider the specific circumstances of vulnerable applicants. The law recognises certain categories of vulnerable individuals, including **children, unaccompanied children**, persons with disabilities, the elderly, pregnant women, single parents with children, survivors of torture, rape, or other forms of serious physical, psychological, or sexual violence, and victims of human trafficking.<sup>95</sup> According to NGO Accem “*The Asylum Act does not provide a specific mechanism for **the early identification** of asylum seekers that are part of the most vulnerable groups.*”<sup>96</sup> The Spanish Asylum Act does so only within general provisions on protection, rather than establishing a **dedicated vulnerability assessment framework**. Thus, in the absence of a structured early identification system, many asylum seekers in these groups remain undetected or lack access to necessary safeguards, delaying appropriate assistance and increasing their exposure to further harm and exploitation.

In the Canary Islands, interviews during field research revealed that vulnerability assessments at disembarkation points, such as CATEs, were limited to those conducted by Red Cross **during the identification of medical conditions requiring urgent attention**. Since these are conducted only to assess the health of the person, other types of vulnerabilities are typically not identified during this initial screening. Mental health concerns, such as PTSD, and issues relating to human trafficking were not addressed at this stage. On trafficking, national protocol exists<sup>97</sup> and should apply into CATE but no practical implementation has been put in place so far.

Upon disembarkation, **Frontex under coordination with National Police**, however, routinely conducted interviews focused on migratory journeys, often aiming to identify smugglers or facilitators, such as individuals steering the boat. However, unlike in Italy, this process was not conducted with cultural mediators or for the specific purpose of finding **victims of child trafficking**. Although, interviews did reveal that the IOM is sometimes present for this particular mandate. Later, in CATEs, and depending on the location, UNHCR and Save the Children also gain access to intervene with the potential beneficiaries of international protection

in the first case and to inform and counsel children in the second.

The field research in the Canary Islands revealed that initial interventions at maritime arrival points are too brief to effectively identify vulnerabilities, particularly among children. This challenge is **exacerbated by the absence of a public specialised actor, a child-rights approach and a lack of transcultural perspective** across all stages of the process. The shortage of trained professionals, such as **interpreters, cultural mediators, and child-focused specialists**, further limits access to tailored support, including mental health care and psychological assistance. The lack of culturally sensitive mental health services is especially concerning, as it fails to address the unique trauma and experiences of migrant children, leaving them without the specialised care they need.

Interviews further confirmed that **psychologists were not present in any of the CATEs**. In addition, the presence of trained and qualified psychologists was not a given in the so-called ‘first reception system’ for children. For instance, civil society actors and lawyers alluded that although ‘psychologists’ are formally listed on timesheets or contracts, their actual accessibility - whether due to language barriers or the quality of their consultations - remains a significant concern. This is particularly true on the smaller islands, such as El Hierro and Fuerteventura, where reception services often rely on local residents for support.

### MOMO'S STORY: A CHILD TRAPPED IN COMPOUNDING AND UNADDRESSED VULNERABILITIES

Momo, a **13-year-old Moroccan boy**, swam to Melilla, risking his life to escape extreme hardship. Before arriving in Spain, he had already endured homelessness, malnutrition, and substance addiction on the streets of Morocco. While he spoke of wanting to work and support his family, inconsistencies in his story pointed to strained family ties. Practitioners noted his stunted growth and deteriorating health, signs of deeper neglect or abuse that had shaped his journey.

95 ACCEM. (2024). *Spain: Identification – Asylum Information Database*. European Council on Refugees and Exiles (ECRE), Madrid, March. <https://asylumineurope.org/reports/country/spain/asylum-procedure/guarantees-vulnerable-groups/identification/>

96 Ibid

97 PROTOCOLO MARCO DE PROTECCIÓN DE LAS VÍCTIMAS DE TRATA DE SERES HUMANOS (2011). [https://www.policia.es/miscelanea/trata/protocolo\\_marco\\_trata.pdf](https://www.policia.es/miscelanea/trata/protocolo_marco_trata.pdf)

Beyond physical challenges, Momo faced serious emotional and psychological struggles. His early exposure to substance abuse made integration even harder, compounded by linguistic and cultural barriers, and his refusal to go back to school. With no targeted rehabilitation programs for migrant children, he was left without adequate support. His age and behavioral issues prevented his placement in specialised centers, and authorities could only offer a **closed-regime facility in Córdoba** once he turned 14—a stark reminder of the urgent need for tailored interventions for children like him.

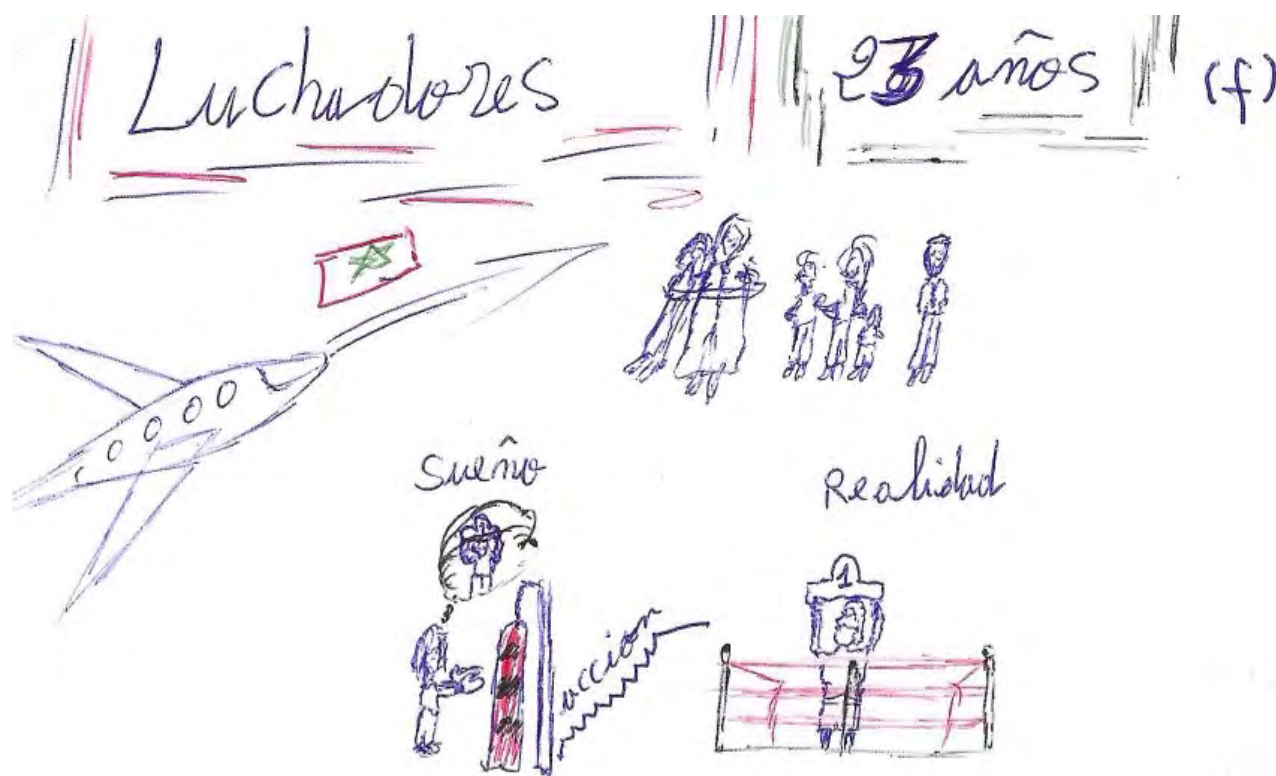
### LUCHADORES' STORY: A JOURNEY OF STRENGTH AND DETERMINATION

Luchadores, a 23-year-old Moroccan young woman arrived in the Canary Islands by crossing the West Atlantic route for over 5 days as an **unaccompanied girl**, facing an uncertain future. With the support of Save the Children and other organisations, she accessed psychosocial and legal assistance and she is building a new life. When asked what matters most to her, she drew a picture of her family, with

her mother embracing her, surrounded by her two sisters, brother, and father—a symbol of the deep bond she carries despite the distance.

Beyond family, Luchadores dreams of becoming a boxing champion, a sport she excels in and pursues with discipline and determination. She envisions her journey step by step, even adding a staircase to her drawing, marking her path toward success. Food is another passion; she painted her favorite dishes—couscous, pizza, and tajine—and spoke of her goal to become a chef. Her plan is clear: first, secure legal documentation, then gain experience as a cook, and finally, learn new languages to one day open her own Moroccan restaurant.

Luchadores story is one of resilience and ambition, shaped by the supportive systems that helped her navigate the challenges of migration. From a vulnerable young unaccompanied girl seeking stability to a young woman determined to forge her own path, Luchadores embodies the strength of those who keep fighting for a better future.







## ITALY

Identification and referral of vulnerable cases to appropriate reception and psycho-social support mechanisms are therefore a matter of coordination and the definition of roles among all the actors who are active at borders.

Border guards should usually have been trained based on the Frontex anti-child trafficking VEGA manual or are aware of its existence and may enjoy additional training, also on human rights. For example, Save the Children trained border guards in Ventimiglia, Bardonecchia and Udine on children's rights.

In case of sea arrivals, there is a first health assessment to identify vulnerabilities that is run by national health system personnel at the disembarkation from the vessels. After that, at the centres, a deeper health check will be conducted together with cultural mediators. At the same time, during the disembarkation non-medical personnel observe and communicate obvious vulnerabilities to facilitate the process, while police perform pre-identification procedures prioritising who has been reported as vulnerable. At the centres border police, also supported by the EUAA, performs identification activities, while the UN agencies and civil society actors perform activities to evaluate possible vulnerabilities and undertake informative activities concerning the rights and duties.

Unaccompanied and separated children arriving by sea to Italy, at disembarkation points, or by land, through the Balkan's route, have indeed the right to receive complete and accurate information regarding their rights by national,

international, civil society organisations and other relevant actors. This is the first crucial step also to ensure that their medical and psychosocial conditions and vulnerabilities are identified as early as possible.

Vulnerability assessments for unaccompanied children in Italy are a critical component of the reception process, aimed at identifying the specific needs and risks faced by each individual. Anecdotal evidence suggests accompanied children are subjected to a less rigorous assessment. Upon arrival, children undergo an initial evaluation conducted by trained professionals, such as social workers and child protection officers contracted under the responsibility of the State. This assessment includes gathering information about their personal background, the context of their journey, and any potential vulnerabilities, such as experiences of trauma, exploitation, or health issues. The aim is to create a comprehensive understanding of the child's situation, which informs the type of support and safeguarding measures they require.

For instance, children identified as at-risk may be prioritised for psychological support or placed in specialised care settings tailored to their needs. Ongoing monitoring and re-evaluation of the children are also essential, ensuring that their evolving needs are met and that they receive the necessary resources for their protection and integration into society. This process is designed to uphold the best interests of the child, in accordance with international legal frameworks and principles of child protection.



Amin, from Syria, unaccompanied child in Greece

Amin is living in Greece by himself. In his museum of self drawing, he shows how he crossed the border on a mountain ridge. *"There were some people ahead of me, some behind. In front of us was Greece, there was water, and there were other people over there."* Amin was brought to Greece by a Turkish smuggler, *"There were other people in the inflatable boat. The smuggler had an argument with someone else, and I got scared. We stayed at sea for three hours."*

Amin explains that he was scared at many points in his journey but that he feels safe now. He arrived on an island where he was homeless on the streets for four days with others. Now he is staying on the top floor of a tower block shelter which he also drew in his Museum of Self. He says he's in good health and the food is good but the atmosphere can be a bit chaotic, *"Here among us, because we're from different countries, some kids from Egypt come at night and bang on the doors for no reason. There are only two of us here from Syria. I feel safe, but I would feel better if we didn't have this issue."*

Amin misses Syria. His family including his sister and parents are in Türkiye. They are also drawn in his museum. Amin wants to stay in Greece. His parents and sister have tried to come to Europe too but they were in a second boat that was caught and sent back to Türkiye. *"I'm alone, far from my parents, and I miss them."* He finds hope in philosophy. He populates his museum with "Dostoevsky," the word "philosophy," and the name "Nietzsche" and "atheism". *I have many books in Syria,"* explains Amin, *"I miss them—I couldn't bring them with me so I'm putting them in my drawing."* He also loves science, and has a song he loves called 'Let it Happen', also in his museum.

# Insight on the Implementation Pact on Migration and Asylum: Vulnerability Assessments During Screening

The Screening regulation introduces important provisions requiring a preliminary vulnerability assessment at borders during the screening process, but it stops short of mandating the involvement of child protection authorities. Instead, it uses non-committal language, stating that such actors may be “closely involved,” “whenever necessary,” or “where appropriate.” This vagueness should not be used as an excuse for minimal involvement. To ensure that children’s rights are upheld in practice—not just in principle—Member States must go beyond the text and establish procedures that guarantee the meaningful participation of trained child protection professionals in every case. It is crucial to avoid that assessments will be carried out by personnel with limited child protection expertise—such as border guards or migration officials—rather than trained professionals.

As a result, the initial identification of vulnerabilities—crucial for determining appropriate safeguards and procedures—may be superficial, rushed, and driven more by security considerations than by a rights-based approach. This is especially important because of the very short timeframe and the conditions in which these assessments generally take place. As one lawyer in Greece warned, these conditions will be further undermined by the Pact’s strict deadlines: *“So imagine if it’s already challenging for a state authority to conduct a vulnerability assessment and a full screening within 25 days; you ask RIC Malakassa to do this in seven days, I’m not sure what quality of screening we’re going to get.”* Effective vulnerability assessments require not only specialist knowledge but also an appropriate context and sufficient time.





Photo: Anna Pantelia / Save the Children



# SECTION 4: GUARDIANSHIP

This section examines the functioning of guardianship and access to legal representation for unaccompanied and separated children at Europe's borders. Guardianship is a formal protective measure in which a legally designated guardian acts in the best interests of the child, providing essential support and guidance throughout the asylum process. Guardians are instrumental in safeguarding the rights and well-being of unaccompanied and separated children, ensuring their access to social, legal, and educational services—resources that are often difficult to navigate or entirely inaccessible without family support.

Guardianship is particularly crucial for unaccompanied children, who are among the most vulnerable groups in migration contexts. European guardianship systems are intended to align with the UN Convention on the Rights of the Child (CRC), which establishes the child's best interests as a primary consideration, and the EU Reception Conditions Directive, which obliges Member States to appoint qualified representatives for unaccompanied children. The timely appointment of a guardian at border entry points is vital, as this is when children are most exposed to exploitation, arbitrary detention, or being overlooked by child protection systems.

However, guardianship systems across Spain, Greece, Italy, Poland, and Finland face persistent challenges in delivering timely and effective protection during the critical stages of screening, registration, and asylum procedures. Despite legal obligations to appoint guardians, delays and inconsistent implementation often leave children without appropriate support or representation—especially during crucial moments such as age assessments, initial registration,

and asylum interviews. The absence of a guardian, or the presence of a guardian on duty assigned solely for specific procedures and unfamiliar with the child—heightens the risk of misidentification, procedural mistakes, and exploitation, significantly increasing children's vulnerability.

Systemic weaknesses in guardianship provisions manifest in different ways across the five countries. In Poland, for example, the system is notably deficient: guardianship is often assigned arbitrarily to court-appointed legal representatives (locally referred to as kurators) who lack child-specific expertise. This results in inadequate protection and minimal oversight. A widespread issue across all countries is the shortage of trained, qualified guardians, which contributes to excessive caseloads and limits the ability to provide tailored, individualised support. The lack of mandatory training further compounds the problem, leaving many guardians without the specialised knowledge needed to support children effectively through complex legal and asylum procedures.

These structural shortcomings render guardianship either ineffective or inaccessible in many border contexts—precisely where it is needed most. At entry points, guardians are essential to advocate for children's rights, prevent procedural failings, and ensure access to critical services and protections. Without urgent reform—including stronger legal frameworks, increased investment in personnel, and a shift toward individualised guardianship models—unaccompanied children will continue to face significant delays, inadequate protection, and systemic barriers to social and legal inclusion in Europe.



8 years old girl from Guinea



Photo: Pedro Armestre / Save the Children

## SPAIN

In Spain, the legal framework governing the guardianship of unaccompanied children is outlined in the **Organic Law 1/1996 of 15 January**<sup>98</sup> (Revised by Organic Law 8/2015) and the **Civil Code** as unaccompanied children are included under normalised child protection systems at regional level.

In Spain, legal guardianship is established only after a formal declaration of abandonment (*desamparo*), a process that can take up to three months, until the guardian (*tutela*) is assigned.<sup>99</sup> During this period, a **provisional guardian** or **provisional custody** (*guardia provisional*) may be granted, but this does not include full representative powers. Alternatively, **provisional abandonment** (*desamparo provisional*) may be declared, which over time often becomes **definitive guardianship**. The timeframes for formalising guardianship vary across Autonomous Communities,

leading to inconsistencies in child protection services, mainly caused by overcrowding and lack of availability of places.<sup>100</sup>

Guardianship is legally assumed by a public child protection authority, which in practice is from a General Directorate of Child Protection within the respective Autonomous Community. In the **Canary Islands**, for instance, this responsibility falls on the Directorate for Child and Family Protection (*Dirección General de Protección a la Infancia y la Familia*).

However, in practice, **child custody** (*guarda*) is often delegated to the director of the child protection center where the child is housed, rather than an individual guardian or tutor. This system leads to highly **variable caregiver-to-child ratios**, which frequently exceed established standards

98 *Boletín Oficial del Estado*. (1996). *Ley Orgánica 1/1996, de 15 de enero, de protección jurídica del menor*. BOE, Madrid, January 17. <https://www.boe.es/buscar/act.php?id=BOE-A-1996-1069>

99 The process of establishing guardianship is also defined in the Spanish Civil Code - Articles 172 & 222-234.

100 *Statewatch*. (2023). *Unaccompanied and separated children: Patterns of child migration are changing at the southern Spanish border*. Statewatch, London, August. <https://www.statewatch.org/analyses/2023/unaccompanied-and-separated-children-patterns-of-child-migration-are-changing-at-the-southern-spanish-border/>



due to overcrowding and resource limitations. These issues can be further exacerbated by the fact that in the Canary Islands 'emergency reception facilities' for migrant children under **Decree-Law 23/2020 of December 23**,<sup>101</sup> do not respect the size and number of child limits set for centers.

As of January 2025, the Canary Islands were overseeing the welfare of more than **5000 children**, who arrived in the Archipelago. In Spain, the role of a physical, dedicated legal guardian does not exist, as Spain relies on an institutional approach where guardianship is assigned to child protection services. This approach limits the individual support available to children. As one of the interviewees expressed *"this system is flawed, as they go about without even seeing children or their conditions, until there is some complaint by civil society"*.

Some civil society interviewees and lawyers expressed concern about the Pact's provision that established a ratio of one legal guardian for a maximum of 30 children, to be implemented from June 2025. Concerns focused on the difficulty to verify the qualifications of these guardians and how the potential conflicts of interests that may arise, such as working for the same reception center where the child lives.

Unlike other European countries, Spain does not have a dedicated pool of trained individual guardians, meaning children are often left without consistent and personalised representation throughout their stay in the protection system. This structural gap poses challenges in ensuring stable, individualized support for unaccompanied children, particularly in regions receiving high numbers of arrivals, such as the **Canary Islands and Andalusia**. Several interviewees, including representatives of civil society, lawyers, and statutory agents agreed that such professionals should be well versed in child-safeguarding and possess a strong understanding of migration and asylum procedures to effectively support children in navigating the process.

Some even suggested the need for a centralised formal competency requirement, with the EUAA potentially taking the lead in developing and providing such specialised training. Statutory actors viewed such a position as essential for acting as the **key file-holder for each child**, as critical information is often lost when a child is transferred from one region to another. However, this also raised questions about whether tying a child too closely to one location or one guardian would always serve the best interest of the child.

In the Canary Islands, one of the issues is the absence, at the disembarkation and arrival phase, of a **lawyer, guardian** or regional institution representing child rights, which would be the Specialised Child Rights Prosecutors and Regional Directorate for Children of autonomous Government of Canary Islands under the central Ministry of Social Affairs, which has some coordination with the Ministry of Childhood.

One interviewee representing civil society highlighted that:

*"During the border procedures they do not get any help. Imagine, they have just crossed the sea, and then the police ask them "when are you born?", they respond only with the year, although they know their birth date. But there is no one to advise [them], thus children without knowing provide partial information, which is sometimes even treated as 'misleading'."*

As discussed in the identification and age assessment section, this leads to shortening the time of their child rights protection. However, generally neither the Child Rights Specialised Prosecutor, nor the Directorate for Children meet the children on the move in person. Moreover, according to some interviewees they lack the specificities of the asylum and migratory processes, and leave the process to the police present at the border and in the CATE.

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101 **Boletín Oficial del Estado**. (2021). Decree-Law 23/2020, of 23 December, amending child care regulations to adapt immediate care centres as emergency devices for the reception of unaccompanied foreign minors. BOE, Madrid, March 22. <https://www.boe.es/buscar/doc.php?id=BOE-A-2021-4398>

## KARIM'S STORY: THE CONSEQUENCES OF LACKING GUARDIANSHIP

Karim, a 21-year-old Moroccan, arrived in Melilla in 2018 as a 15-year-old separated child, yet he never received proper guardianship. Initially, he attempted to enter Spain as a stowaway, hiding on boats from Nador. When he finally crossed legally with his mother, she left him with his grandfather's brother due to financial hardship. Soon after, Karim fled this home, likely linked to abuse or neglect.

Between 2018 and 2020, Karim lived on the streets, exposed to violence, exploitation, and hunger, without access to child protection services. He only entered Spain's National Protection System shortly before turning 18, too late to receive meaningful support. By 2021, he was back on the streets, beaten by gangs, eventually entering a juvenile offenders' center. When he was released at 19, he had nowhere to go, falling into homelessness and substance use, with an untreated eye condition worsening his suffering, and turning him blind.

Karim's case exemplifies the dire consequences of failing to assign an individual guardian to unaccompanied children, although he had a legal guardian on paper. Without a dedicated representative, he lacked stable care, legal guidance, and access to medical treatment. His story highlights the urgent need for individualised guardianship in Spain, ensuring that children do not fall through bureaucratic gaps and into a cycle of neglect.

## Ronaldo's Story: The Stability of Having a Caregiver

Nicknamed "Ronaldo" after her favorite footballer, this 8-year-old girl from Mauritania arrived in the Canary Islands with her mother, who remains her primary caregiver. When asked what was most important to her, she drew her family holding hands, placing them inside a heart, symbolising her deep love and connection for them.

Unlike Karim, Ronaldo has clear aspirations—she wants to become a doctor, drive a Toyota, and enjoy ice cream with her mother. Although she misses her father and grandparents, having her mother by her side provides stability, emotional security, and guidance.

Ronaldo's story demonstrates the crucial role of a consistent caregiver. Unlike unaccompanied children in Spain, who often lack individualised support, she benefits from parental protection, allowing her to focus on her dreams rather than daily survival. Her case reinforces the importance of strong legal guardianship, ensuring that all children—especially unaccompanied children—have a stable figure advocating for their well-being and future.



8 years old girl from Mauritania



Photo: Pedro Armestre / Save the Children

## GREECE

In **Greece**, a 2022-law on the *National Guardianship System and Framework of Accommodation for Unaccompanied Children* introduced a comprehensive system for the appointment and responsibilities of guardians; however, its implementation only began in January 2024. The General Secretariat of Vulnerable Citizens and Institutional Protection (GSVIP) is part of the Ministry of Migration and Asylum (MoMA) which is designated as the **competent authority** responsible for a range of duties concerning unaccompanied and separated children, including guardianship. Guardianship responsibilities are assigned to various legal entities appointed by the **Public Prosecutor**, such as public bodies, NGOs, and international organisations. Two NGOs, METAdrasi and Praksis, were identified by MoMA as the finalist candidates entrusted with the execution of the National Guardianship scheme. Under this system, each guardian is responsible for a maximum of **15 unaccompanied children**.

The guardianship system operates nationwide in Greece, with efforts to prioritise the **Greek borders**, where the majority of new arrivals occur. However, the program does not yet cover all unaccompanied children in the country. According to the latest data provided by UN informants, there are 147 mandated guardians nationwide, with a target of reaching full capacity at 180<sup>102</sup>.

On the **islands especially**, the situation is concerning. According to a UN key informant, as of November 2024, there were only **23 guardians working in the CCACs across the islands**, a number that falls far short of the demand. At the **Closed Controlled Access Center (CCAC) of Kos**, a single guardian was responsible for around **200 unaccompanied children**<sup>103</sup>. A civil society key informant also reported that in December 2024, approximately **180 children in Lesbos remained without guardians**. As a result, they were unable to advance in the asylum process under the new regulations and remained confined to the camp in complete isolation.

<sup>102</sup> However, they noted that even at full capacity, this number would still be insufficient to meet the actual needs.

<sup>103</sup> **Greek Council for Refugees (GCR)**. (2024). Νέα από το πεδίο (*News from the field*). GCR, Athens, April. <https://gcr.gr/en/news/item/nea-apo-to-pedio-3/>



Guardians are generally present in **registration areas** and can intervene when necessary; however, they do not attend all registration procedures, leading to potential gaps in safeguarding measures. One lawyer noted that whether a child is correctly identified during registration can sometimes “come down to luck”. According to national protocols,<sup>104</sup> a guardian should be appointed **before a child undergoes an age assessment** to oversee the process, advocate for the child, and challenge discrepancies if necessary. However, in practice, age assessments sometimes take place before a guardian is assigned. For asylum interviews, the presence of a guardian is **mandatory** to ensure the child receives appropriate representation and support. A key challenge remains the limited time available to guardians to properly inform UAC about procedures and their rights. The guardianship program remains burdened by significant **bureaucracy**<sup>105</sup>, and sudden fluctuations in the number of unaccompanied and separated children make it challenging to plan effectively.

According to civil society actors, in some cases, unaccompanied children remained in the RIC/CCACs ‘safe areas’ or were even transferred to shelters without being appointed a guardian. It was only after their transfer to the shelter that a guardian was eventually appointed. In addition, the guardianship program faces significant challenges due to **high turnover rates**, particularly on the islands, coupled with the intensive workload assigned to guardians.<sup>106</sup> **Lack of interpretation** was also voiced as a significant challenge by civil society actors, as it is not covered under the guardianship system.

Lack of guardian capacity also affects **separated children**, creating risks in assessing and ensuring their welfare. According to key informants, the Public Prosecutor often assigns caregivers before a guardian is involved, limiting oversight and leaving gaps in protection. Guardians are critical in evaluating caregiver suitability, but due to shortages, unaccompanied children are prioritised, delaying assessments for separated children. Without early guardian involvement, separated children have been placed with **unverified caregivers**, some of whom later disappeared or were found to be unsuitable (KII)<sup>107</sup>.

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104 Article 45 of Law 4375/2016.

105 Procedural bottlenecks and delays by public prosecutors at the borders (particularly in the Islands) often result in the loss of critical time in the process.

106 According to KIs, many of those recruited as mandated guardianship persons are junior professionals with limited experience, contributing to frequent resignations.

107 ‘Safe zones’ in CCACs can serve as temporary placements, but younger children often remain with relatives without proper verification, increasing risks.



Photo: Pekko Korvuo / Save the Children





Photo: Pedro Armestre / Save the Children

## ITALY

Law 47/2017 in **Italian** law establishes the figure of the voluntary guardian, an adult person assigned for the unaccompanied child, with respect to the possibility of having his/her rights respected and recognised and accompanied towards adulthood. The law provides for the possibility of becoming voluntary guardians of unaccompanied foreign children for private citizens willing to assume the guardianship of one or more unaccompanied foreign children (up to a maximum of 3).

In **Italy**, the guardianship process for unaccompanied migrant children is designed to ensure that these unaccompanied children receive the care and protection they need. Upon their arrival, children should be assigned a voluntary guardian who is responsible for representing their interests, facilitating access to essential services, and ensuring their overall well-being and participation to the decisions who are concerned with. The guardianship is intended to provide emotional support, legal counsel, and assistance in navigating the whole process since arrival,

with guardians often being appointed by the Judicial Juvenile Courts.

However, significant challenges persist in the guardianship system in Italy too. There is often a shortage of trained guardians and inadequate resources to support them, leading to high caseloads and difficulties in ensuring individual attention for each child. While more volunteers are enrolling as voluntary guardians, the system still suffers from a shortage of guardians, which leads to **significant delays** in the appointment, further straining the system's ability to protect and assist these vulnerable children upon their arrival. Additionally, there are fewer guardians in remote areas, where most of these reception centres are located. Finally, the inconsistent application of the law across different Italian regions can create disparities in the quality of support provided.

## POLAND

In **Poland**, when an unaccompanied child expresses intent to seek international protection, the Border Guard promptly petitions a guardianship court to appoint a guardian or ‘kurator’. However, there is no specific training or qualifications required for guardianship beyond being a legally competent adult. Thus, the guardian assigned to unaccompanied children, known as ‘kurator’, is typically a randomly selected lawyer who often has existing case work and lacks the time, expertise, and specialisation necessary to effectively handle cases involving unaccompanied children or to work appropriately with children. There is also a shortage of available ‘kurators’ in the Polish system. Moreover, the role of the ‘kurator’ is limited to assisting with matters limited to the international protection procedure, which restricts the actual support and guardianship they can provide. As one NGO lawyer described, the current system and the role of a ‘kurator’ are *“highly insufficient in attending to a child’s need in the refugee/ asylum procedure and does not ensure the rights of the child in any way as these are people*

*randomly selected from a list without experience of how to work and attend to children.”* In some cases, the disappearance of a child from the care system and the subsequent closure of their case, has reportedly been viewed as a “relief” by certain ‘kurators’. In rare instances, lawyers from NGOs committed to migrant rights are appointed as ‘kurators’. However, the process of assessing an appropriate ‘kurator’ and ensuring access to a lawyer remains a significant challenge in the Polish system. Even when a ‘kurator’ is assigned, there are persistent gaps, including a significant lack of information provided to children about their rights, limited access to psychological support and education and other essential needs that a traditional guardian would typically ensure.

This systemic gap in guardianship highlights the urgent need for reform. Some stakeholders have stressed the importance of creating a dedicated representative role—one with specialised training in child rights and the capacity to address both procedural and broader needs, going beyond the current limited scope of the ‘kurator’ system.

## FINLAND

In **Finland**, the guardianship system can take a while to become operational. Children interviewed in Finland relied on the support of the staff in accommodation centres and teachers to provide for their needs and rarely spoke of guardians whose role appears to be more of a legal formality.

Formally a guardian is appointed within 1-2 weeks.<sup>108</sup> Anyone can apply to be a guardian and there are no specific requirements for guardians even though it is said that people having experience for example from the social sector are preferred. Any person who wishes to be a guardian needs to send an application to the Finnish Immigration Services, and their criminal record will be checked. The unit where the child resides makes an application for the nomination of the guardian. The guardian is not employed by the Finnish Immigration Services as such but he is paid a fee through this agency. Currently there is no mandatory training for guardians, or limit on how many children one guardian can represent at a time. This has been criticised widely. Finnish Immigration Services coordinates the guardianship system, which has also been criticised by the Central Union for Child

Welfare because of a lack of independence.<sup>109</sup> Even though guardians do not have an actual employment contract with the Finnish Immigration Services as they are considered to be self-employed, the agency pays the fee, and legally plays a role in controlling, planning and guiding the guardianship system. As the same agency is the one who processes all the applications, this system is not seen as independent enough.

108 **Guardianship Bureau of Finland.** (n.d.). *Information on international guardianship.* Government of Finland, Helsinki. [https://www.international-guardianship.com/pdf/GBC/GBC\\_Finland.pdf](https://www.international-guardianship.com/pdf/GBC/GBC_Finland.pdf)

109 **Valtioneuvosto (Finnish Government Publications).** (2024). *Reception allowance reductions – policy updates.* Finnish Government, Helsinki, April. <https://julkaisut.valtioneuvosto.fi/handle/10024/164963>



# Insight on the Implementation Pact on Migration and Asylum: Guardianship at Borders

Under the EU Pact on Migration and Asylum, new provisions address guardianship for unaccompanied children during border procedures. The Screening Regulation allows for the appointment of a temporary “*trained person*” to assist unaccompanied children if a formal guardian is not yet available. This individual must be independent from the screening process and trained to act in the best interests of the child, ensuring child-friendly and age-appropriate support during initial procedures.

The Pact does not specify a strict deadline for the appointment of a formal guardian, who should be appointed as soon as possible during screening, leaving it to Member States to determine timelines based on national systems. During periods of high arrivals, a temporary representative may support up to 50 children, though the standard caseload is set at 30. These thresholds aim to balance the need for prompt support with the availability of qualified personnel.

Member States are also required to establish systems for oversight and accountability of guardianship arrangements. This includes informing children of how to report concerns and ensuring that guardians or temporary representatives receive appropriate training. However, EU law does not prescribe detailed standards for the quality or frequency of oversight, leaving room for national discretion.

# SECTION 5: RECEPTION CONDITIONS AFTER BORDER CROSSING

While international law **prohibits the detention of children for immigration purposes**, in practice, after entering the EU, many states continue to impose restrictions on movement or place children in facilities that function as de facto detention. Reception conditions, similarly, vary widely, with some systems providing structured, child-centered care while others rely on overwhelmed or makeshift accommodations.

This section examines the detention and reception practices for unaccompanied children in **Finland, Greece, Spain, Poland, and Italy**, highlighting key challenges such as arbitrary detention, prolonged confinement, family separation, and inadequate access to essential services.

The conditions of first arrival, reception, and detention across Europe reveal a stark contrast in detention and reception practices and protections for migrant children. While countries like **Finland** have traditionally prioritised alternatives to detention and child-centered approaches, **Greece, Poland and Italy** struggle with systemic deficiencies, arbitrary detention practices, and inadequate care. Spain's Canary Islands and Greek Islands highlight additional challenges, including inconsistent quality of services and reported situations of family separations, especially in Spain - when being relocated between the islands and to the mainland. Addressing these issues requires harmonised policies, sustainable funding, and a commitment to safeguarding the rights and well-being of all children on the move.

Finland's approach to detention and reception of asylum seekers, particularly when it comes to unaccompanied children, has traditionally prioritised alternatives to detention and emphasised a **child-centered protection system**. However, detention of both unaccompanied and accompanied children is possible according to law, and is also applied occasionally, and the UN Committee on the Rights of the Child has repeatedly urged Finland to stop detention of children. Recently, legislative proposals and policy shifts in response to increased border control measures have raised concerns about the potential **expansion of detention practices** and family separation during the practice. Also privatisation of reception services has created new concerns around child centered reception services.

In Finland, detention is primarily done pre-removal and rarely used for children, although legislative proposals risk widening its scope. A recent case seeing a mother with two children detained for almost 2 months, sparked again discussion around the country's detention practices<sup>110</sup>.

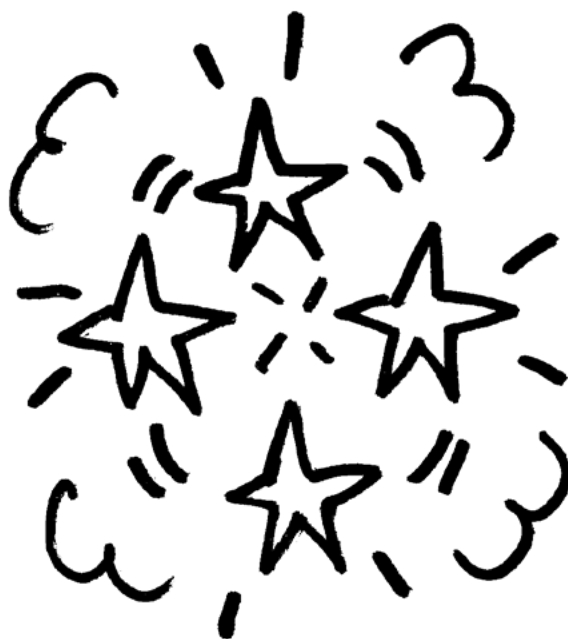
In principle, children with families as well as unaccompanied children over 15 can be detained. The maximum time for detention of unaccompanied children is six days. With accompanied children there hasn't been a time limit difference for adults but in a recent government proposal there was a proposal for it to be shorter but still up to six months for children, as previously the maximum time

for adults and their children was 12 months. The child ombudsman has said this duration is still too long especially if you consider the time perspective of children. Some stakeholders are also concerned this new legislation could widen the scope for the detention of children.

One NGO reported a case where a father was detained while the mother and children were placed in a reception center, causing significant distress and confusion. For instance, during the interviews we learned that prior to the closure of the **Russian-Finnish border** one NGO reported that a family that had crossed via the green border with two small children were separated from their father who was detained upon arrival:

They described it as horrible. The mum and the children were placed in an open section of the reception center: they did not have any communication with each other, and the mum was explaining how this was very scary to her, because she had no contact with the husband, and didn't know what's going on."

After arriving in Finland, unaccompanied children get sent to the reception homes quite quickly, sometimes directly from the border or the police station. There are a couple of transit group homes, where the children usually wait until their situation has been analysed, and then they are sent to their "*final*" group homes. For example, when a group of children were relocated from Greece to Finland some years



110 YLE NEWS. (2025, April 10). Finnish court orders Migri to release Nigerian family from detention. News. <https://yle.fi/a/74-20155175#:~:text=The%20Eastern%20Finland%20Court%20of,facility%20for%20almost%20two%20months.>





Teau's museum. Keeping the family together.

ago, some of those children thought it was unfair that they were sent further after staying a couple of weeks in their first location and after getting used to both the location and getting familiar with other children and staff.<sup>111</sup>

The introduction of private contractors without a humanitarian mandate in the management of the reception facilities has sparked concerns about expertise and quality of care.

Reception centers are often located very far from city centers or in rural areas, which create some cultural challenges for children who were interviewed for the study. *"Living in the countryside... kids don't want us to sit with them. We educate them about our culture when they ask."*

Teau who is living with her mother and sisters in Finland is 15 from Somalia. She explains, *'living in the countryside sometimes it is hard as there are so many white people and not many black people here. We haven't experienced racism from adults but with the kids, for example, if you go to sit in a bus, they don't want us to sit with us. In school it is calm as there are so many teachers nothing can happen there. I get questions from my classmates asking if I shower with my hijab and if I sleep with*

*my hijab on. It's funny for us but we educate them. They ask if we do everything with the hijab as they have only seen us with it.'*

Ahmed compares the good situation in Helsinki to the difficult situation some of his friends face in Greece. For Ali too, a 15 year old from Syria, reception conditions in Greece were seen as inferior to Finland, *"they treated us so so in Greece, they locked us up...here [in Finland] we have freedom."* At the time of the research Finland was not returning asylum seekers to Greece in accordance with the Dublin regulation because of unfit conditions.

111 UNHCR (The UN Refugee Agency). (2022). *Relocated unaccompanied children: Overview of EU-wide practice*. UNHCR Northern Europe, Stockholm, October. [https://www.unhcr.org/neu/wp-content/uploads/sites/15/2022/10/2022-UNHCR-Relocated\\_Unaccompanied\\_Children-screen.pdf](https://www.unhcr.org/neu/wp-content/uploads/sites/15/2022/10/2022-UNHCR-Relocated_Unaccompanied_Children-screen.pdf)

Greece's reception system at the border is structured around **Closed Controlled Access Centres (CCACs)** on the islands and **Reception and Identification Centres (RICs)** on the mainland and border regions (Evros), each playing a distinct role in processing asylum seekers upon arrival. CCACs, located on the five main Aegean islands (Lesvos, Samos, Chios, Leros, and Kos), serve as the **first points of reception** for asylum seekers arriving irregularly. These centres are heavily securitised, with high fences, barbed wire, security towers, and restricted entry and exit. Each CCAC, includes a RIC, where asylum seekers undergo registration, identification, vulnerability screening, and initial health checks<sup>112</sup>. **Evros**, the standalone RIC in Fylakio serves as the main reception facility for land arrivals from Türkiye. For arrivals outside designated island hotspots (e.g., Crete, Rhodes, Ionian Islands), transfers to Malakasa or Diavata RICs on the mainland occur on an ad hoc basis, without a standardised procedure.

Each RIC is equipped with 'safe areas' for unaccompanied children —designated sections intended to provide **temporary protection and shelter** for children who arrive without a guardian. These areas are meant to ensure separation from unrelated adults, reduce exposure to potential harm, and facilitate access to child protection services<sup>113</sup>. However, as in the CCACs more broadly, during periods of high arrivals, safe zones—particularly on the islands—are regularly **overcrowded**, resulting in children being placed in inappropriate conditions. In some cases, children have been housed in repurposed areas, such as the former quarantine section in Lesvos, without adequate support. Elsewhere, severe overcrowding within the safe zones themselves has created unsafe conditions, further compromising children's well-being and access to necessary protection services (Samos, Leros, etc.).<sup>114</sup>

All newly arrived asylum seekers in CCACs and RICs are subject to a period of **de facto detention** under Greek law,

termed **"restriction on freedom"**<sup>115</sup>: *"The law does not admit this is detention. It explicitly calls it a 'restriction on freedom,' stating that people are prohibited from leaving the camp—but in reality, this is detention,"* said a legal expert in Greece<sup>116</sup>. This **blanket restriction** applies to all individuals, including UAC, pregnant women, and survivors of violence, without any individualised assessment. There is no remedy or legal challenge against the initial five-day detention. While the 20-day extension is challengeable in court, it is frequently issued in a boilerplate format, without justification: *"People stay unregistered for over two months in Malakasa because there's no capacity to do screening. This means their vulnerabilities, health needs, and protection concerns go completely unassessed,"* explained a civil society actor in Greece. A recent court ruling, in a case supported by a lawyer interviewed, declared the continued detention of a family with a child in Malakasa RIC unlawful, highlighting the lack of individualised assessments and the failure to consider less restrictive alternatives: *"Authorities issued a standard decision for everyone, just changing the personal details. The court ruled this was unlawful"*. Key informants shared that even when the 25-day limit expires, authorities do not always release individuals. Access to medical care, education, child protection (CP), and mental health and psychosocial support (MHPSS) services remains extremely limited in the CCACs and RICs. **Basic necessities** such as quality food, heating, clothing, and other non-food items (NFIs) are often lacking<sup>117</sup>, forcing families and children to focus on immediate survival needs rather than accessing psychosocial or legal assistance. There are no activities for children, and the environment is described as oppressive—*"like being in jail."* As one stakeholder noted, *"The restricted environments and lack of support in many CCACs creates a heavy, almost unbearable burden for children to cope with."*

112 The CCACs also house **pre-removal detention facilities**, used for individuals subject to deportation procedures.

113 Safe zones within RICs are operated by NGOs/ IOs on a 24/7 basis, providing supervision and support to unaccompanied children. However, the safe area in Lesvos is unique, as it is the only one located outside the RIC and is managed by IOM.

114 **Greek Council for Refugees (GCR)**. (2024). *Hundreds of unaccompanied children in Unsafe Zones: Need for an Immediate Activation of Relocation*. GCR, Athens, December 5. <https://gcr.gr/en/news/press-releases/item/ekatonades-asynodeyta-paidia-se-mi-asfaleis-zones-anagki-gia-amesi-energopoiisi-tis-metegkatastasis/>

115 This consists of an initial five-day restriction on movement, which can be extended up to 25 days under a standardized decision by camp authorities.

116 **Refugee Support Aegean (RSA)**. (2024). *Refugee facilities on the Aegean Islands*. RSA, Athens, September. [https://rsaegean.org/en/refugee-facilities-on-the-aegean-islands/#elementor-toc\\_heading-anchor-10](https://rsaegean.org/en/refugee-facilities-on-the-aegean-islands/#elementor-toc_heading-anchor-10)

117 Ibid.

## SPAIN

In Spain, administrative detention of migrants occurs in two primary phases: (1) the screening phase upon arrival and (2) subsequent pre-removal detention for those subject to deportation orders. While legal safeguards exist to limit the detention of children, gaps in implementation and inconsistent regional practices have led to prolonged stays in inadequate facilities, particularly in the Canary Islands.

### DETENTION AT THE BORDERS IN CATES

Under **Article 62 of Organic Law 4/2000 of 11 January** on the Rights and Freedoms of Foreigners in Spain and Their Social Integration (Ley de Extranjería), which establishes the basis for immigration detention and procedures<sup>118</sup>, migrants may be detained for up to **72 hours** for identification, screening, and security checks after arrival by sea. This applies to all new arrivals at Centros de Atención Temporal de Extranjeros (CATEs), where individuals undergo identification, medical screening, and initial vulnerability assessments. In the case of children, detention is not allowed for more than 24 hours. The **72-hour limit is sometimes exceeded**, particularly in cases of mass arrivals. Reports from El Hierro and other Canary Islands indicate that due to capacity constraints, adults and children have been held together for several days in unsuitable conditions, at the harbour in tents, provided and managed by the construction agency.

While international and European laws declare that all children and in particular unaccompanied children **should not be held in detention centers**, legal loopholes and lack of specialised reception resources result in children being kept in inadequate facilities. Children identified at CATEs should be promptly transferred to the **child protection system** under the jurisdiction of the **Autonomous Communities**. However, delays in recognition of children's ages, guardianship assignment and limited shelter capacity mean many children remain in temporary accommodation for extended periods.

It is important to note that after the time spent in CATE, migrants and refugees are directed to specific accommodations based on their profiles. Families with children are referred to facilities managed by the Ministry of Inclusion and Migrations, while unaccompanied children are placed into regional protection systems for minors, which are responsible for the care of all children without parental care in Spain.

118 Boletín Oficial del Estado. (2000). *Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social*. BOE, Madrid, January 12. <https://www.boe.es/buscar/act.php?id=BOE-A-2000-544>

Photo: Pedro Armestre/ Save the Children





Photo: Kateryna Alieko / Save the Children

## POLAND

In Poland, unaccompanied children are often placed in institutional care facilities amongst other Polish children while awaiting legal or guardianship decisions. These facilities are frequently ill-equipped to handle the specific needs of migrant children, particularly those who have experienced trauma or are navigating complex asylum procedures and are already overburdened by the limitations of the Polish care system and the high number of Polish children in care.

There is generally great difficulty in finding a place for unaccompanied children in Poland in a system that is already stretched thin, with several caseworkers speaking of a general atmosphere where: *“Caseworkers wait for the child to disappear from the system... onward migration is seen as a relief.”*

As there is no dedicated and separate system, there is no tracking of these cases. When existing care facilities are unable to receive an unaccompanied child, poor ad-hoc

solutions are created. For example, a case worker spoke of the placement of children in a home for retired priests, where they were given a place to sleep and food, but no other rights were fulfilled.

Unaccompanied children are generally detained only if they have been mistakenly assessed as adults or if they have not applied for international protection and are instead placed in return proceedings - under which children aged 16 and older may be detained<sup>119</sup>.

This example demonstrates not only the grave neglect of the rights of the child and safeguarding principles, but also the extent of ad-hoc solutions being created in a dysfunctional system.

There is an ongoing debate amongst Polish care workers whether this system of integrating unaccompanied children with Polish children is indeed the most progressive option, or whether it results in the lack of fulfilment of rights and assimilation or neglect.

119 Save the Children Poland. (2024). *Everyone around is suffering*. Save the Children, Warsaw, May 24. <https://resourcecentre.savethechildren.net/document/everyone-around-is-suffering-wszyscy-wokol-cierpia>

Children on the move arriving in Italy without parents or other caregivers, are supposed to be welcomed in structures dedicated to them since the very first phase (not exceeding 30 days of stay) according to Law 47/2017. Except for some good practice examples, including the centers financed by AMIF funds, the initial reception system is, unfortunately, one of the aspects of the law that has remained unrealised. Currently, the reception of children immediately after arrival may extend well beyond the expected 30 days and takes place essentially in emergency facilities, including CAS (extraordinary reception centres) and, unfortunately, also in centers such as hotspots where they are not allowed to leave, and where children are placed with adults and no separation is provided for different genders.

Detention of unaccompanied children for purposes of migration control in Italy is prohibited, and the law foresees their placement in alternative care settings. However, the

detention often happens de facto for children and adults arriving by sea during the identification phase. Efforts are however made to facilitate the swift transition of children from detention to more appropriate accommodations, focusing on family reunification and long-term protection solutions.

Additionally, in the first reception centres in Italy, overcrowding is a common issue, which can lead to strained resources and a lack of privacy for the children. Some centers may struggle with insufficient staffing or lack of adequate funding, affecting the quality of care provided. Reports have highlighted that while many centres strive to create a nurturing environment, the reality can sometimes fall short, necessitating ongoing efforts from both the government and non-governmental organisations to improve conditions and ensure the well-being of unaccompanied children.





# Insights on the Pact on Migration and Asylum: the Risk of Systematic Detention during Border Procedures

The Pact on Migration and Asylum introduces two distinct phases where children may be affected by restrictive measures at the EU's external borders: the *screening phase* and the *asylum border procedure*. While both frameworks include formal references to child protection and safeguards, implementation practices raise significant concerns, especially with regard to detention and the real risk of *de facto* deprivation of liberty. Without strong, rights-based implementation of the Pact from Member States, children risk falling into prolonged or informal detention settings, in contradiction to the **United Nations Committee on the Rights of the Child**, other UN bodies and child rights experts, which consistently affirm that **detention is *never* in the best interests of the child**.

During the *screening phase*, children—regardless of whether they have applied for asylum—must remain available to the authorities. The legal framework allows for their detention under different instruments: the **Reception Conditions Directive (RCD)** applies if an asylum claim has been submitted, while the **Return Directive (RD)** governs cases where no application has been made. Both legal frameworks theoretically restrict the detention of children, calling it a last resort, only after assessing the child's best interests and exhausting all less coercive alternatives. However, they nonetheless permit detention under specific circumstances, such as when a parent is detained or when the detention of an unaccompanied child is deemed protective.

Conditions in detention must meet minimum standards: children must be housed separately with privacy, have access to education, recreational spaces, and receive appropriate mental health and rehabilitation services. Yet, derogations are permitted at border posts or transit zones, allowing temporary suspension of these standards under “*justified*” conditions—creating a legal grey area that risks undermining child welfare.

The *asylum border procedure* is similarly problematic. While the **Asylum Procedures Regulation (APR)** asserts that detention is not a prerequisite for its application, it allows Member States to detain asylum seekers at the border to prevent unauthorized entry. In practice, applicants, including children, may be required to remain in designated zones—external border areas, transit zones, or other facilities—under conditions that may not be classified as detention in law but functionally restrict their liberty. This increases the likelihood of *de facto* detention, particularly if Member States do not rigorously apply safeguards.

Of critical relevance is the *European Commission's Common Implementation Plan*, which directly acknowledges these risks. It urges Member States to adopt detailed protocols ensuring that detention of children occurs only in exceptional cases, where absolutely necessary, for the shortest time possible, and only after determining that no effective alternatives exist. Importantly, the plan emphasizes that children should “*not be detained as a rule*” and mandates access to education within two months of an asylum application. However, it also tasks Member States with ensuring that migrants remain “*available*” to authorities during procedures, including through use of detention or legally defined alternatives—creating tension between enforcement and protection objectives.



An abstract graphic on the left side of the page, featuring various red geometric shapes (circles, triangles, lines, and polygons) of different sizes and orientations, some overlapping, set against a solid black background.

# OVERSIGHT AND MONITORING

Civil society and institutional actors play a vital role in upholding the rights and well-being of migrant and asylum-seeking children at the borders of the European Union. As first responders, documenters, and human rights defenders, civil society organisations (CSOs), humanitarian actors, and child rights experts function as both *advocates* and *watchdogs*, often intervening where state systems are absent or failing.

This dual role—**policy advocacy and independent monitoring**—is especially critical in migration contexts marked by systemic protection gaps, high child vulnerability, and inconsistent legal safeguards. CSOs help influence legislation, provide legal aid, and raise awareness of the specific rights and needs of children on the move. Simultaneously, they monitor border practices, detention conditions, and the implementation of EU and international child rights standards, alerting institutions to cases of neglect, pushbacks, or misidentification of children.

However, this essential work is increasingly under threat. Across the EU and its neighbouring regions, CSOs face mounting **political hostility, legal restrictions, criminalisation of humanitarian action, and shrinking access to both funding and facilities**. Governments are introducing administrative barriers that reduce transparency, curtail civil oversight, and weaken collaboration—particularly in border zones and reception centres. Meanwhile, institutional actors such as child ombudspersons or fundamental rights offices are frequently under-resourced or lack the mandate to intervene effectively in these high-risk settings.

Official monitoring mechanisms for violence against refugees and migrants at Europe's borders have largely failed due to a combination of limited access, lack of independence, and inadequate enforcement. Many monitoring bodies are constrained by national authorities, as evidence is ignored or discredited, and border agencies continue to operate with inadequate oversight.



Photo: Pedro Armestre/ Save the Children

## INDEPENDENT MONITORING MECHANISMS

Independent monitoring bodies—where they exist—are often **underfunded, structurally weak, or politically compromised**.

The European Commission first called for **Croatia** to establish a border monitoring mechanism in 2018. The Croatian Independent Monitoring Mechanism (IMM), established in June 2021, was designed to oversee border operations involving migrants and asylum-seekers, ensuring compliance with human rights standards including vulnerability assessments. However, the IMM has faced significant challenges in fulfilling its mandate. Its activities have been limited to reviewing administrative files related to closed cases of alleged police misconduct and analysing the legal and judicial frameworks without direct access to victims or the ability to conduct unannounced inspections at the green border, where pushbacks typically occur. The mechanism's independence is also compromised by its reliance on the Ministry of the Interior (MUP) for funding.

The IMM's first annual report, published in July 2022, highlighted its inefficiency, with pushbacks only recorded from media reports and information provided by the Ministry of the Interior, rather than independent investigations. The Advisory Board issued comprehensive recommendations in October 2022, urging the IMM to expand its mandate, improve access to information, conduct unannounced visits, and strengthen its cooperation with stakeholders. However, many of these recommendations were not fully implemented. In its second mandate, which started in November 2022, the IMM continued to face setbacks, with no reports published in 2023 and activities only resuming between June and December 2023 due to “*numerous inconsistencies*.” Furthermore, the IMM's website, meant for direct communication with citizens and victims, was only launched in August 2024, and its most recent report, covering the last two years, was later removed from the website for a period before being reposted online.<sup>120</sup>

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120 **Croatian Law Centre**. (2024). *Access to the territory and push backs*. In *AIDA Country Report: Croatia* (2023 Update). European Council on Refugees and Exiles (ECRE). Brussels, July 10. <https://asylumineurope.org/reports/country/croatia/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>

In **Greece**, the government has consistently failed to address allegations of fundamental rights violations, particularly regarding pushbacks and mistreatment at borders. Instead of establishing an independent border monitoring mechanism, responsibility for investigating pushback allegations was assigned to the National Transparency Authority (NTA) in 2022. However, CSOs argue that the NTA lacks independence, authority, and the necessary expertise, resulting in flawed investigations<sup>121</sup>. In July 2022, the EU Commission and Greek authorities designated a Fundamental Rights Officer (FRO) and a Special Commission on Fundamental Rights Compliance<sup>122</sup> within MoMA. Nonetheless, their appointment by the same body compromises their autonomy. Additionally, this *“has not led to increased accountability, nor has the FRO published any data or reports.”*<sup>123</sup> The European Ombudsman’s recent decision on the Commission’s monitoring of EU funds in Greece highlights limitations in current oversight<sup>124</sup>. The Ombudsman stressed the need for greater transparency, engagement with independent actors and stronger actions from the monitoring findings. The Ombudsman also called for clearer roles for the FRO and national oversight mechanisms to enhance effectiveness. The reluctance of Greek authorities to thoroughly investigate violations, as evidenced in the Pylos shipwreck case, underscores the need for continued scrutiny.<sup>125</sup>



6 years old girl from Guinea Bisau

121 **International Rescue Committee (IRC)**. (2022). *Greece’s National Transparency Authority should publish its full report regarding pushbacks*. IRC, Brussels, August. <https://www.rescue.org/eu/press-release/greeces-national-transparency-authority-should-publish-its-full-report-regarding>

122 Task Force for Fundamental Rights Compliance

123 **Danish Refugee Council (DRC)**. (2024). *PRAB report: September to December 2023*. DRC, Copenhagen, January. [https://pro.drc.ngo/media/1sgpw3ng/prab-report-september-to-december-2023\\_-final.pdf](https://pro.drc.ngo/media/1sgpw3ng/prab-report-september-to-december-2023_-final.pdf)

124 **European Ombudsman (EO)**. (2023). *Decision on how the European Commission monitors fundamental rights compliance in the context of EU funds granted to Greece for border management* (Case 1418/2023/VS). European Ombudsman, Brussels, December. <https://www.ombudsman.europa.eu/en/decision/en/200015>

125 **Refugee Support Aegean (RSA)**. (2025). *Scathing report by the Greek Ombudsman on the Pylos shipwreck*. RSA, Athens, February. <https://rsaagean.org/en/scathing-report-by-the-greek-ombudsman-on-the-pylos-shipwreck/>



# OVERSIGHT FROM CIVIL SOCIETY



Civil society organisations across Europe play a vital role in monitoring, advocating for, and protecting the rights of migrant and asylum-seeking children at borders. Their work includes documenting rights violations, providing legal aid, supporting vulnerability assessments, and ensuring access to child protection services. However, across the EU, CSOs are increasingly operating in hostile environments marked by shrinking civic space, funding insecurity, and legal and political pressures that undermine their independence and access.

## Shrinking space for civil society at borders

While CSOs remain essential for accountability and advocacy, several countries are increasingly restricting their oversight at borders. In Greece, human rights defenders face smear campaigns, threats, and even criminal investigations, reflecting a broader erosion of the rule of law. NGOs must navigate opaque registration processes and burdensome entry requirements to access camps and reception centres. Even well-established organisations experience delays and denials when seeking entry to key facilities such as RICs and CCACs. These barriers severely limit their ability to monitor

child protection conditions and intervene during critical moments of vulnerability.

In *Poland*, xenophobic narratives and a crisis-driven response at the Belarusian border have created a hostile environment for civil society. A “two-tier” perception—where Ukrainian refugees are welcomed while others are treated with suspicion—complicates advocacy for equal treatment. Organisations report that this unequal treatment undermines consistent protection for all children, regardless of nationality or background.

## Inadequate access and legal obstacles

In *Spain*, civil society actors face limited access to children, particularly at first arrival points like the Canary Islands. Legal professionals report that consultations with children in reception or detention centres are often conducted under surveillance, undermining trust and confidentiality. One lawyer shared, “Our conversations are not private, but monitored by the police or the guards. This is not quality legal assistance.” These conditions not only erode the right to legal representation but also hinder early vulnerability

identification. Legal professionals also do not have access to unaccompanied children who are under public guardianship, which causes challenges when children face protection issues inside the protection centers and conflict of interests exist.

### **Fragile funding and capacity gaps**

A recurring issue across all countries studied is the lack of sustainable, long-term funding. In *Greece*, *Spain* and *Poland*, civil society efforts rely heavily on short-term, project-based grants from international organisations or CSOs, which jeopardises the continuity of vital services like safe zones and child protection programmes. Without core funding, organisations struggle to retain trained staff, conduct regular monitoring, or provide consistent legal and psychosocial support.

### **Gaps in training and collaboration**

In many contexts, more meaningful collaboration between civil society, state actors, and international organisations is critical. Joint training, information-sharing platforms, and structured coordination can enhance monitoring capacity and strengthen child protection systems at borders. Good practices from the Italian border police include engaging in several peer-to-peer training on human rights with civil society and international organisations, including with Save the Children.



# Insights on the Pact on Migration And Asylum: Monitoring Mechanism

The EU Pact on Migration and Asylum introduces a border monitoring mechanism intended to safeguard fundamental rights during the screening of third-country nationals at the EU's external borders. While this represents a positive development, its success hinges on whether the system is implemented in a truly independent, transparent, and accountable manner.

To be effective, the monitoring mechanism must operate free from political influence and have the authority to investigate and report on rights violations without obstruction. Independence must be ensured not only in structure but in practice, with clear mandates, adequate resources, and protections for those carrying out monitoring activities. Importantly, the system must not only identify failures but also lead to real consequences—prompting corrective action, policy change, or legal accountability where needed.

A robust and credible monitoring mechanism must also meaningfully include civil society organisations. Civil society actors—particularly those with expertise in child protection, legal aid, and human rights—bring vital insights from direct engagement at borders. Their involvement strengthens oversight, bridges gaps in official monitoring, and reinforces the credibility of findings. Member States should guarantee civil society access to border facilities and integrate them as formal partners in national monitoring systems.

Finally, transparency and accountability are essential. Monitoring findings must be made publicly available and supported by clear mechanisms for follow-up and corrective action. Only through enforceable accountability can the EU's border monitoring mechanism fulfil its purpose—ensuring that fundamental rights are genuinely upheld and that malpractice is effectively addressed.





# CONCLUSION

As the EU and European governments move towards the implementation of the Pact on Migration and asylum in June 2026, this research underscores the critical importance of embedding the rights and best interests of the child at the heart of border and asylum policy. While the Pact introduces some potentially positive provisions—such as multidisciplinary age assessments and strengthened guardianship roles—its overall direction continues a broader trend of securitisation and temporary regimes that undermine accountability, often to the detriment of fundamental rights.

The lived realities at EU borders reveal that migrant children already face systemic violations of their rights, including misidentification, detention, and denial of access to protection procedures. These patterns raise deep concerns that the Pact may serve to entrench harmful practices, rather than correct them or even more - to support the child's agency.

The tension between security-driven border control and the protection of children is not a new phenomenon, but it is being reshaped and reinforced through policy tools like the Pact. Measures introduced under the banner of crisis response—such as emergency derogations, extended detention, and externalised controls—risk normalising practices that are not only unlawful but profoundly harmful to children. Framing children as “risks” rather than as rights-holders undermines the legal and ethical obligations of EU states under both international and European law. As the report illustrates, such securitised approaches have already eroded safeguards at multiple borders, where children are routinely treated as adults, denied protection, or held in conditions that fall far short of child-appropriate standards.

This report therefore serves not only as a preparation for the future legal framework but as an urgent call to action in the present. The window between now and 2026 must be used by EU Member States to align existing national laws and border practices with international child rights standards. A principled, child-centred implementation of the Pact must ensure that derogations do not become the norm, and that emergency measures do not override the legal and moral obligation to treat every child first and foremost as a child.

Respect for the rule of law, dignity, and the best interests of the child is not incompatible with effective border management—it is its precondition. Policymakers, practitioners, and civil society must work together to prioritise transparency, child-specific oversight, and meaningful participation of independent child rights actors, not just in legislative reforms but also in their monitoring on the ground.

Finally, the responsibility to protect children on the move must not stop at the EU's external borders. As highlighted throughout this report, the use of neighbouring countries—such as Bosnia and Herzegovina, Morocco, or Tunisia—as instruments of migration control has too often led to the externalisation of risk and harm, with little regard for children's rights or well-being. Rather than treating these countries as buffers, the EU and its Member States must engage in meaningful partnerships that strengthen child protection systems beyond their borders. This means investing in sustainable reception, guardianship, and asylum infrastructures, while ending the practice of pushbacks and informal returns that bypass legal protections. Real cooperation begins with recognising shared responsibilities—not outsourcing them.

# ADDRESSING THE CURRENT SITUATION OF CHILDREN AT EU EXTERNAL BORDERS: RECOMMENDATIONS FOR ACTION

## 1. Age and Vulnerability Assessments

- Implement standardised, multidisciplinary age and vulnerability assessments across the EU, following the EUAA's *Practical Guidance on Age Assessment*.
- Ensure visual assessment is avoided completely and that child protection actors are present during the screening.
- Implement multi-disciplinary age assessment only when necessary, which should include a psychosocial assessment performed by qualified professionals.
- Medical examinations should be avoided. Complete and reliable documentation should be made available and any doubts on self declared ages should be considered only when reasonable.
- Treat the presumed child as a child in all respects while awaiting the outcome of the procedure. If there is still a lack of clarity, the presumption of minority should always be guaranteed.
- Develop and mandate the use of standardised, child-sensitive vulnerability assessment protocols at all EU external borders. These must be accompanied by compulsory, rights-based and gender- based training for border and migration officials, interpreters, and any personnel involved in the screening process. Child protection actors must also always be involved in these processes.
- Guarantee the meaningful participation of children in vulnerability assessments, supported by qualified child protection professionals, legal guardians, and interpreters trained in communicating with children.



Photo: Oskar Kollberg / Save the Children

## 2. Guardianship Systems

- Ensure every unaccompanied child is assigned a well-trained, independent guardian from their arrival and ahead of any identification and registration procedures, with oversight from the EUAA to standardise practices across Member States.
- The maximum number of children assigned per guardian should ensure the effectiveness of guardianship in the protection and representation of children's rights and Member States should ensure their independence.
- National child rights ombudspersons should monitor guardianship systems to ensure the best interests of the child are upheld.

## 3. Reception Conditions and Child-Friendly Spaces

- Detention of children must always be avoided, as it is never in the best interest of the child. Alternatives to detention must be developed for all children.
- Avoid holding children, especially unaccompanied children, in substandard or emergency border facilities, and swiftly transfer them to child-appropriate, durable reception centers that ensure adequate care, protection, and integration support.
- Avoid retreating to emergency containment and prioritise the development of foster care and small-scale, community-integrated care centers staffed with trained child protection professionals, including cultural mediators, psychologists, and educators.
- Standardise reception conditions at borders and regularly evaluate facilities in border areas, ensuring access to legal, psychosocial, and interpretation services, complaint mechanisms and quality control mechanisms.
- Organise child friendly spaces and safe areas for children at border areas.
- Prioritise humanitarian organisations to manage care facilities, as they possess the knowledge and experience to ensure child-centered care. Standardise conditions that must be met in all facilities.
- Ensure child-safeguarding policies and protocols are in place and applied in all facilities.
- Ensure contingency planning to avoid overcrowding and the lowering of protection standards during emergencies.

## 4. Information and Legal Support

- Ensure that all children arriving at EU external borders receive timely, age-appropriate, and culturally sensitive information about their rights, procedures, and options.
- Ensure timely access to free, independent legal assistance and representation during screening and asylum procedures.
- Expand access to free legal aid for all children, with EU funding to support national legal assistance programs.

## 5. Border Monitoring and Advocacy

- Establish independent, child rights-focused monitoring bodies with a mandate to oversee practices at borders and ensure compliance with EU and international protection standards.
- Guarantee accountability for the violations assessed and address the needed improvements identified by monitoring entities
- Protect advocacy spaces to enable NGOs to provide critical support and oversight at EU and national levels.
- National governments must prevent pushbacks and ensure compliance with international child protection standards.



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# ANNEX I: RESEARCH DESIGN

**Interviews:** Semi-structured interviews were conducted with various stakeholders, including practitioners, NGO workers, border guards and other relevant stakeholders. These interviews were recorded and transcribed, where possible. If recording was not permitted, detailed notes were taken.

**Individual or Group Exercises: The “Museum of Self”<sup>126</sup> methodology** was used to engage migrant children and youth in group exercises, allowing them to express their experiences and perspectives creatively. Children were asked to draw their experiences, allowing for trauma-informed research based on a capabilities approach to children’s rights.

**Statistics and Document Review:** Relevant policy documents, legislative texts, statistics and academic literature was reviewed to provide context and support for the findings (See Annex 8). In addition other documents were referred to the research team in preparation and during the research phase.

**Save the Children’s European Migration Advocacy Group (EMAG) validation workshop** took place virtually on 14 January 2025. This closed-door EMAG workshop allowed for an exchange to communicate key findings on the pace of legislative changes, identification and age assessment, vulnerabilities and guardianship, among other issues to SC colleagues and to receive their inputs highlighting the common concerns beyond the five countries included in the research.

Reliance on a primarily qualitative approach allowed for a thorough examination of the legislative framework, policy implementation, and the lived experiences of migrant children. Data from qualitative research - the interviews and ‘museum of self’ were manually coded and analysed according to the key themes that structure this report.

The research which was carried out in the autumn and winter of 2024-2025 featured four field trips as well as the input of country offices and desk based research. However it cannot claim to be conclusive and some findings are anecdotal and non-generalisable. In particular, a field trip to Italy was not possible in the time frame so pre-existing research and data from the country team was used. Moreover, we were unable to access certain stakeholders such as border guards in some countries given the short time frame of the research. More systematic research is required to assess the rapidly developing situation. Moreover, the research only focused on five countries - Italy, Greece, Spain, Finland and Poland - meaning that the results are not generalisable to Europe’s external borders as a whole.

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<sup>126</sup> Allsopp, J., Anzaldi, A., Cossa, E., Di Della, R.A., Fabbrini, L., Legal, Y., Paderni, L. and Vannini, S., (2016) Narrazioni da Museo a Museo: Trasformazioni Migrant tra MAXXI e Museo Pigorini, Rome, 2016 March 6. <https://www.maxxi.art/events/trasformazioni-migranti-tra-maxxi-e-museo-pigorini/>

# DATA COLLECTION PHASE

Country	No. of children interviewed	No. of males	No. of females	No. under 12	No. over 12	No. of stakeholders interviewed
<b>Finland</b>	15	8	7	0	15	6
<b>Poland</b>	n/a	n/a	n/a	n/a	n/a	6
<b>Greece</b>	5	4	1	0	5	8
<b>Spain/ Canary Islands &amp; Melilla</b>	13	7	6	8	5*	13*

\* Two young adults over 18 years-old were interviewed in Spain, in the Canary Islands because they arrived in Spain as children. In addition, 2 case studies referring to children who reached Melilla were not directly interviewed, but were case studies incorporated by practitioners. As for stakeholders in Spain, the number of people interviewed includes 7 Save the Children Spain colleagues, who provided their respective inputs.

\*\* The Museum of Self exercise was not conducted in Poland..

## ETHICS

Research ethics and privacy are central to safeguarding participants, particularly children, during data collection processes. Thus, to ensure ethical integrity, research team members underwent background checks and received training on child safeguarding, personal safety and security as well as SCI Comms training, covering ethics, informed consent, and reporting mechanisms.

Researchers have critically assessed the necessity of collecting real names for the Museum of Self Exercise and separate identifying data to maintain confidentiality. Similar safeguards were taken to protect the safety and anonymity of other interviewees, such as civil society stakeholders, lawyers, statutory actors as well as border guards and police authorities. This aligns with the commitment to anonymity and mitigates risks in case of data breaches.





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