

# Independent Child Migrants in Europe: Realities, Challenges and Opportunities

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# Why are children migrating?

- Safety - fleeing from conflict, persecution, discrimination, violence, etc
- Family reunification
- Better healthcare
- Better economic opportunities
- Education

# Rights of Migrant Children?

- UN Convention on the Rights of the Child
- European Convention for the Protection of Human Rights and Fundamental Freedoms
- Statement of Good Practice from Separated Children in Europe Programme

# How 'portable' are these rights?

- Difficulties of transposing and enforcing international law
- Children's rights in conflict with State interests – protecting borders and national labour market
- Role of migration regime /legal framework in increasing the vulnerability (or limiting the rights) of child migrants

# Different categories of child migrants / immigration status

- Non-citizen children – legally staying
- Undocumented children – tolerated stay
- Undocumented children – non-tolerated stay
- Migrant children in conflict with the law
- Trafficked children
- Asylum seeking children
- Refugee children
- Children deprived of parental care
- Homeless children
- Aged-disputed children

# Right to Education

- CRC article 28

...but barriers in practice...

- Access to education – status, paperwork, places...
- Lack of language support
- 3rd level education – high fees

# Right to Work

- State control of national labour market = migrants need permission to work legally
- Some European countries allow asylum seekers to work, other do not
- Some European countries encourage migrant children to work – pressure to work, rather than to continue education?
- Au pairs – legal migration, but not seen as work – exploited? working irregularly?

# Children in conflict with the law

- Immigration offences – illegal entry, fraudulent or no documentation
- Irregular migration status
- Criminal offences – petty theft
- Working without a permit
- Begging
- Trafficked



# What kind of interventions?

For example, a child found begging...

- No intervention
- Outreach, information and mediation work
- Taken into care by a child welfare agency
- Placed in a juvenile justice institution
- Referred to the asylum system
- Placed in detention, awaiting removal

# How to improve protection?

- CRC General Comment No 6
- Better data
- Listening to children
- Appointment of a Guardian
- Role of ombudsmen for children
- Strengthening protection
- Creating opportunities

# Questions for discussion

- What is known about children's motives and reasons for migrating?
- What is known about the experiences of migrant children?
- Which factors may increase vulnerabilities and harm to migrant children?
- How do migrant children come into conflict with the law?
- How 'portable' are children's rights and child protection?
- How can research better inform changes to improve protection / realisation of rights?
- Future research questions? Priorities?