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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT AND THE COUNCIL**

Action Plan on Unaccompanied Minors (2010 – 2014)

SEC(2010)534

1. INTRODUCTION

The challenge of unaccompanied minors is growing: a considerable number of third-country nationals or stateless persons below the age of 18 arrive on EU territory unaccompanied by a responsible adult, or are left unaccompanied after they have entered EU territory¹. Although some Member States experience this far more than others, all are affected.

Statistics on unaccompanied minors are not widespread or consistent. They are most comprehensive and comparable for those unaccompanied minors who apply for asylum. According to the data presented by the European Migration Network², there were in 2008 a total of 11 292 applications for asylum lodged by unaccompanied minors in the 22 Member States³ participating in this study. In 2007 a total of 8 030 asylum applications were lodged. The applications in 2008, thus represent an increase of +40.6% for these Member States. The country of nationality of the unaccompanied minors varied, although overall nationals of Afghanistan, Iraq and some African states were prominent.

The reasons behind the arrival of this particularly vulnerable category of children are manifold: to escape from wars and conflicts, poverty or natural catastrophes, discrimination or persecution; to be sent by their family in the expectation of a better life or in order to access education and welfare, including medical attention; to join family members; as victims of trafficking destined for exploitation, etc.

In its June 2009 Communication⁴ the Commission outlined the further development of the EU strategy on the rights of the child⁵ and announced an action plan on unaccompanied minors. The Stockholm Programme, endorsed by the European Council on 10-11 December 2009⁶, welcomed the Commission's intention to develop an Action Plan, to be adopted by the Council, combining measures on prevention, protection and assisted return.⁷ In its Resolution on the Stockholm Programme, the European Parliament insisted that an EU Action Plan should address issues such as protection, durable solutions in the best interests of the child and cooperation with third countries⁸.

The Stockholm Programme expressly asks the Commission to 'examine practical measures to facilitate the return of the high number of unaccompanied minors that do not require international protection'. But analysis shows that the solution cannot be limited to return — that is only one of the options — because the issue is much more complex and multidimensional and there are clear boundaries to the Member States' freedom of action when dealing with unaccompanied minors.

The Commission places the standards established by the United Nations Convention on the Rights of the Child (UNCRC) at the heart of any action concerning unaccompanied minors.

¹ For the purpose of this paper, the definition of an 'unaccompanied minor' derives from Article 2(f) of Council Directive 2001/55/EC.

² Synthesis and National Reports available at European Migration Network website: <http://emn.sarenet.es/Downloads/prepareShowFiles.do?directoryID=115>

³ Exceptions are Bulgaria, Cyprus, Denmark, Luxembourg, and Romania.

⁴ COM(2009) 262.

⁵ COM(2006) 367.

⁶ 17024/09, p. 68.

⁷ See also 'Action Plan Implementing the Stockholm Programme' COM(2010) 171 final.

⁸ P7_TA(2009)0090.

The EU legislative and financial instruments on asylum, immigration and trafficking in human beings already directly or indirectly address the specific situation of unaccompanied minors and provide for enforced protection of their rights. But there is a need for greater coherence and more cooperation within the EU and with countries of origin and transit, so that the EU and Member States provide concrete and effective responses. An EU common approach is therefore needed.

This common approach should be based on the respect for the rights of the child as set out in the EU Charter of Fundamental Rights and the UNCRC, in particular the principle of ‘the best interests of the child’ which must be the primary consideration in all action related to children taken by public authorities⁹. It is fundamental to ensure that any child needing protection receives it and that, regardless of their immigration status, citizenship or background, all children are treated as children first and foremost.¹⁰ It must also be based on solidarity and sharing of responsibilities between Member States and with the countries of origin and transit, as well as on enhanced cooperation with expert civil society organisations and international organisations.

Following consultations with Member States¹¹ and civil society organisations, and on the basis of dedicated research, primarily reports by the European Migration Network¹² and the Fundamental Rights Agency¹³, several problems and solutions have been identified. They are presented in the Action Plan as firstly insufficient data, and then three main strands for action: prevention, regional protection programmes, reception and identification of durable solutions. Protection and the principle of the best interests of the child have been mainstreamed throughout all actions.

2. DATA

The situation cannot be properly assessed, nor appropriate solutions found, without a clear evaluation based on comprehensive, reliable and comparable data.

The Statistics Regulation¹⁴ creates an obligation for Member States to transmit annual disaggregated figures only on unaccompanied minors who are applicants for international protection. This limitation creates shortcomings in harmonised and complete statistics on all unaccompanied minors arriving on EU territory. Statistics should therefore cover all unaccompanied minors.

The Commission and agencies¹⁵ already assist through studies on this subject. Existing networks such as the European Migration Network should support exchanges of information and data between Member States.

⁹ Article 24 of the EU Charter of Fundamental Rights and Article 3 of the UNCRC.

¹⁰ Article 24 of the Charter and 3 of the UNCRC.

¹¹ Including the replies to a fact-finding questionnaire, Council document 16869/09.

¹² See EMN report.

¹³ Published on 30 April 2009, available at www.fra.europa.eu

¹⁴ Regulation (EC) No 862/2007.

¹⁵ Fundamental Rights Agency, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX), the European Asylum Support Office.

To develop effective cooperation with countries of origin and transit, more information is necessary on migration routes and criminal networks. These could be gathered in cooperation with international organisations and could be systematically included in the migration profiles of countries concerned. Furthermore, FRONTEX has implemented the FRONTEX Risk Analysis Network and developed data collection on several indicators on irregular migration. As regards criminal activities, Europol is already active in this field.

Legislative assessment and implementation

- The Commission will propose that Member States use the full potential of current and additional disaggregations of the Statistics Regulation to gather comprehensive data on unaccompanied minors. If this does not reach its objectives, the required information should be collected directly from the administrations in the Member States.

Agencies and networks

- The EU and its Member States should use existing agencies and networks to improve data collection and the exchange of information on unaccompanied minors, by:
 - Significantly improving the exchange of information between Member States in the framework of European Migration Network and European Asylum Support Office;
 - Reinforcing the roles of FRONTEX and Europol in data collection and analysis using all available sources, including information collected by the Immigration Liaison Officers' networks.
- FRONTEX is invited to develop:
 - Annual assessment based on FRONTEX Risk Analysis Network data collection in order to provide Member States with risk analysis on unaccompanied minors crossing the external borders of EU Member States;
 - Indicators on vulnerable groups such as unaccompanied minors in joint operation reports;
 - Tailored risk analysis on the nature of the threats faced by unaccompanied minors.
- European Asylum Support Office is invited to:
 - Collect data and develop country of origin information and analysis relevant for assessing the protection needs of unaccompanied minors with a view to better supporting quality decisions;
 - Monitor the issue of unaccompanied minors who are asylum seekers, particularly in the most affected Member States.

Information raising

- The Commission will encourage Member States and relevant agencies and networks to improve the comprehensiveness of data concerning unaccompanied minors.
- The Commission will promote the inclusion of a section on unaccompanied minors in migration profiles of the main countries of origin and transit.

3. PREVENTION OF UNSAFE MIGRATION AND TRAFFICKING — INCREASING PROTECTION CAPACITIES IN THIRD COUNTRIES

3.1. Prevention

Prevention of unsafe migration and trafficking of children is the first step for effectively tackling the issue of unaccompanied minors. Actions and policies must be differentiated according to the group the unaccompanied minors belongs to (e.g. asylum seekers, victims of trafficking in human beings, minors illegally entering the EU territory for the purpose of work or other) and/or the country or region of origin. The involvement of the countries of origin and transit is fundamental, as well as the cooperation of civil society organisations and international organisations operating on the ground, and will be without prejudice to the unaccompanied minors' right to seek international protection in the EU.

Four main axes of intervention can be identified. First, the EU and Member States need to continue their efforts to integrate migration, and in particular the migration of unaccompanied minors, in development cooperation, in key areas such as poverty reduction, education, health, labour policy, human rights and democratisation and post-conflict reconstruction. These efforts will help to address the root causes of migration and to create an environment allowing children to grow up in their countries of origin with good prospects of personal development and decent standards of living.

Two further axes could be directed at the children themselves and at those who are — or are likely to be — in contact with them. Targeted awareness-raising activities and training should be promoted in countries of origin and transit to improve early identification and protection of potential victims of trafficking in human beings. They should be aimed at a wider public as well as at potential victims and their communities, law enforcement officers, border guards and other relevant actors. Similar activities should focus on informing children and their families about the risks associated with irregular migration to the EU, about alternative possibilities of studying, training and working in the country of origin and about the legal paths to study in the EU. Other actions could include targeted work at local level, through schools and by interacting with communities of origin. Specifically trained personnel in the main areas of emigration and trafficking in human beings could assess risk situations and take action at an early stage.

It is also important to involve diasporas in the EU in these awareness-raising activities in their countries of origin, as well as to use informal channels of communication with the communities of origin to dispel false myths about life in Europe. The role of the media in the countries of origin should also be considered.

Finally, the EU will continue promoting the development of child protection systems, which link the services needed across all social sectors to prevent and respond to risks of violence, abuse, exploitation and neglect of children, to support children who are not in the care of their families and to provide protection to children in institutions. The EU will also continue supporting birth registration systems which, through ensuring that all children have a legal identity and thus access to their legal rights, play an important role in child protection.

Activities in these areas can be supported by the EU external cooperation instruments, such as the Thematic Programme for Cooperation with Third Countries in the areas of Migration and Asylum (hereinafter the Thematic Programme), geographical instruments such as the European Development Fund, the Instrument for Pre-Accession Assistance, the European

Neighbourhood and Partnership Instrument, the geographic programmes of the Development Cooperation Instrument. Coordination with the relevant internal funds should also be ensured.

Funding

EU and national external cooperation instruments should:

- Be fully used in a well coordinated manner to fund projects in third-countries to prevent unsafe migration and trafficking in human beings of children, particularly by providing alternatives in the country/region of origin that aim to benefit children.
- Fund in partnership with central and local authorities from countries of origin, civil society organisations and international organisations:
 - Targeted awareness-raising programmes for children at risk, as well as other types of preventive actions at local level, in schools, communities and families.
 - Training of specialised personnel in main areas of origin to detect situations at risk and intervene with families and communities.
 - Studies in the main countries of origin to better understand the causes leading children to undertake dependent and independent migration.
- Support activities aiming to protect children from any form of violence or exploitation, in particular development of child protection and birth registration systems.

Relations with third countries

The EU and Member States should:

- Regularly address child protection issues in human rights and migration dialogues between the EU and third countries.
- Systematically examine the possibility of introducing, in agreements with third countries, specific provisions addressing the migration of unaccompanied minors and enabling cooperation on issues such prevention, family tracing, return or reintegration.

The Fight against trafficking in human beings

The EU and Member States should:

- Reinforce actions regarding child victims of trafficking in human beings by assisting and protecting these children at the very earliest stage, by referring them to specific services in the country where they are found. Such assistance should at least include the measures provided for by the Directive on victims of trafficking in human beings¹⁶.
- Reinforce the capacities of third countries to combat trafficking in human beings, as well as to protect and assist unaccompanied minors in accordance with the best interests of the child and international standards and conventions, regardless of their nationality.

¹⁶ Council Directive 2004/81/EC.

- Implement the prevention measures of the Action-oriented paper on trafficking in human beings and support regional instruments against trafficking in human beings.

Visas and information

- Member States' consular services should thoroughly assess visa applications submitted on behalf of children.
- The Commission will include specific reference to unaccompanied minors in the Immigration Portal, in order to improve information to potential migrants.

3.2. Protection programmes in third countries

Without prejudice to EU obligations to provide protection to those in need, minors should not be forced to embark on dangerous journeys to the EU to seek international protection. It is thus important to set up and/or continue to finance protection programmes close to countries of origin.

In line with the EU Guidelines on the Rights of the Child¹⁷, the EU will continue to impose on beneficiaries of EU funding high standards of protection and assistance for unaccompanied minors; projects shall at least include education facilities, medical care, and information on their rights and on the procedures.

The EU and Member States should continue to:

Funding

- Fund activities aiming to provide protection and assistance to minor asylum seekers and refugees, including activities against exploitation and forced recruitment, for example by criminal groups.

Relations with third countries

- Support third countries in improving their legislative and administrative capacity to identify minor asylum seekers and victims of trafficking in human beings and set up specific assistance programmes.
- Include activities to assist and protect children in the framework of Regional Protection Programmes, which should be expanded to cover other key regions in terms of migratory flows to the EU and protection needs.

4. RECEPTION AND PROCEDURAL GUARANTEES IN THE EU

Reception measures and access to relevant procedural guarantees should apply from the moment an unaccompanied minor is detected at external borders or on EU territory, until a durable solution is found. Specialised civil society organisations should be invited to play a more active role throughout the entire process. Appropriate measures need to be taken to

¹⁷ EU Guidelines on Promotion and Protection of the Rights of the Child, Council of the EU, *EU Guidelines on Human Rights and International Humanitarian Law*, 2009.

ensure a smooth transition period for those children who – due to turning 18 and becoming adults – may be in the danger of losing protection and support.

4.1. Procedures at first encounter and standards of protection

The relevant EU migration instruments already contain provisions on reinforced protection of unaccompanied minors. However these provisions are context-specific, in that they apply to asylum applicants, refugees, illegally-staying migrants and victims of trafficking in human beings. Moreover, they do not provide the same standards of reception and assistance. Also, in some Member States a specific difficulty arises in relation to border cases/transit zones. These potential protection gaps must be addressed.

In particular, EU legislation does not provide for the appointment of a representative from the moment an unaccompanied minor is detected by the authorities, namely before the relevant instruments are triggered. Representation is only explicitly stipulated for asylum applicants. Although important safeguards for unaccompanied minors are provided by the Return Directive, the Temporary Protection Directive, the Directive on Victims of trafficking in human beings¹⁸ and relevant international instruments¹⁹, a margin for interpretation is left to Member States. Moreover, no common understanding exists on the powers, the qualification and the role of representatives. Unaccompanied minors should be informed of their rights and have access to complaint and monitoring mechanisms in place.

Wherever unaccompanied minors are detected, they should be separated from adults, to protect them and sever relations with traffickers or smugglers and prevent (re)victimisation. From the first encounter, attention to protection is paramount, as is early profiling of the type of minor, as it can help to identify the most vulnerable unaccompanied minors. Applying the different measures provided for by the legislation and building the trust are indispensable to gain useful information for identification and family tracing, ensuring that unaccompanied minors do not disappear from care, identifying and prosecuting traffickers or smugglers.

Unaccompanied minors should always be placed in appropriate accommodation and treated in a manner that is fully compatible with their best interests. Where detention is exceptionally justified, it is to be used only as a measure of last resort, for the shortest appropriate period of time and taking into account the best interests of the child as a primary consideration.

The disappearance of unaccompanied minors who should be in the care of national authorities is another major concern. Some (re-)fall prey to traffickers, others try to join members of their families or communities in other Member States and/or end up working in the grey economy and living in degrading situations.

Legislative action

- The EU should adopt higher standards of protection for unaccompanied minors by completing negotiations on the revision of the asylum *acquis*²⁰ and by adopting more

¹⁸ Directives 2008/115/EC, 2001/55/EC and 2004/81/EC.

¹⁹ International standards on treatment of unaccompanied minors deriving from the UNCRC have been identified by the Committee on the Rights of the Child in the General Comment No 6 (2005) Treatment of unaccompanied children outside their country of origin.

²⁰ Proposals amending: Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers, COM(2008)815; Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged

comprehensive legislation on trafficking in human beings²¹ and sexual exploitation of children²².

- The Commission will ensure that EU legislation is correctly implemented and, on the basis of an impact assessment, evaluate whether it is necessary to introduce targeted amendments or a specific instrument setting down common standards on reception and assistance for all unaccompanied minors regarding guardianship, legal representation, access to accommodation and care, initial interviews, education services and appropriate healthcare, etc.

Information analysis and exchange

- The EU should assess different experiences to counter disappearance and promote best practices.
- Member States are invited to:
 - prioritise the use of missing person alerts in the Schengen Information System for cases of absconding or disappearance from care;
 - consider introducing review mechanisms to monitor the quality of guardianship in order to ensure that the best interests of the child are represented throughout the decision-making process and, in particular, to prevent abuse.

Agencies

- European Asylum Support Office is invited to organise training activities and develop best practices regarding reception conditions, asylum procedures and integration of unaccompanied minors.
- FRONTEX is invited to:
 - Include in the training programme for border guards a specific training module on how to detect particularly vulnerable situations related to unaccompanied minors, such as trafficked minors.
 - Include a separate paragraph on vulnerable groups, including unaccompanied minors, in working arrangements to be concluded with third countries.

in one of the Member States by a third-country national, COM (2008)820; Council Regulation (EC) No 2725/2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention, COM (2008) 825; Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee Status, COM(2009)554; and Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, COM(2009)551.

²¹ Proposal for a Directive on preventing and combating trafficking in human beings and protecting victims, repealing Framework Decision 2002/629/JHA, COM(2010)95 final.

²² Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA, COM(2010)94 final.

- Provide technical assistance to border authorities in third countries on border-related measures regarding unaccompanied minors.

Funding

The Commission will:

- Use available funds effectively, to support European networks of guardians, to exchange best practices and develop guidelines, common curricula and training, etc.
- Fund Member States, where eligible, in establishing reception facilities meeting the specific needs of unaccompanied minors.

4.2. Age assessment and family tracing

The issue of age assessment is critical, triggering a number of procedural and legal guarantees in relevant EU legislation, as well as the obligation to respect data protection requirements when recording information on unaccompanied minors in databases such as EURODAC.

Age assessment procedures and techniques vary and concerns on their reliability and proportionality often arise. The possibility of appeal is not always guaranteed²³. As underlined by experts, the guardian should be present at all stages of the procedure and children should be treated as such until the contrary is proven.

Family-tracing is a key element of the principle of ensuring family unity. It is also linked to obligations set out in the relevant EU instruments, i.e. a minor cannot be removed if he/she is not returned to a member of his/her family, a nominated guardian or adequate reception facilities in the state of return. However, Member States encounter great difficulties in family tracing.

- The Commission will issue best Practice Guidelines, in collaboration with scientific and legal experts and in cooperation with European Asylum Support Office who will prepare technical documents on age assessment.
- European Asylum Support Office is invited to organise training activities on age assessment, prepare a module within the European Asylum Curriculum and a best practice handbook.
- Member States should use the Visa Information System (VIS), once operational, to verify the identity of a unaccompanied minor if he/she is registered and under the conditions of Article 19 of the VIS Regulation²⁴.
- The Commission will:
 - Support Member States in mutual assistance in family tracing in countries where one Member State has established functioning networks for this purpose.

²³ See EMN report.

²⁴ Regulation (EC) No 767/2008.

- Promote a common approach (i.e. best practice guidelines) to age assessment and family tracing including on how to address these issues in the context of appeals.

5. FINDING DURABLE SOLUTIONS

Durable solutions should be based on the individual assessment of the best interests of the child and shall consist of either:

- return and reintegration in the country of origin;
- granting of international protection status or other legal status allowing minors to successfully integrate in the Member State of residence;
- resettlement.

- A decision on the future of each unaccompanied minor should be taken by the competent authorities within the shortest possible period (if possible maximum six months) taking into account the obligation to try to trace the family, explore other possibilities for reintegration in their home society and assess which solution is in the best interests of the child.

5.1. Return and reintegration in the country of origin

It is likely that in many cases the best interest of the child is to be reunited with his/her family and to grow up in his/her own social and cultural environment. Taking this into account, Member States should be encouraged to develop innovative partnership solutions with third countries of origin and transit, for example through funding a range of educational and training activities. However, return is only one of the options and the best interests of the child must always be a primary consideration. Voluntary departure must be prioritised..

The Return Directive²⁵ contains several binding legal safeguards relating to minors which have to be transposed into national legislation by December 2010 bringing significant improvements in several Member States. However, certain gaps in the protection of unaccompanied minors exist in EU legislation. In particular, Member States have the possibility to exclude from the scope of the Directive third-country nationals, who are apprehended in connection with the irregular crossing of their external border. Consequently, unaccompanied minors falling under this category may not benefit from the legal safeguards of the Directive. Member States are nevertheless bound by the guarantees and fundamental rights contained in national legislation, the Charter of Fundamental Rights of the EU, the UNCRC and the Council of Europe instruments. This situation should be further analysed.

Additionally, although guardianship provided for asylum seekers and assistance required in the return process differ, the need for continuity of assistance in asylum and return procedures must be taken into account. EU readmission agreements fully cover minors. However, since they have to be applied in accordance with the guarantees laid down elsewhere in the EU *acquis*, they do not contain any particular provision on minor protection.

²⁵ Council Directive 2008/115/EC.

Assistance to minors should be a continuous and stable process, which should include the return and post-return phase. In all cases, the return must be conducted in a safe, child-appropriate and gender-sensitive manner. The challenges in this respect are to ensure that the minors are returned in full respect of international standards and that they will be accepted in their home environment. Work on the ground is fundamental in convincing families and communities to welcome the minor's return, as well as to prevent stigmatisation and further victimisation in cases of trafficking in human beings. This could be achieved by offering the possibility to follow an educational or training course and by helping the countries of origin to offer children and young people prospects in terms of study and work using existing financial instruments. Reintegration should also be monitored to ensure that no major problems arise.

Measures aimed at complying with minor-related provisions of the Return Directive are eligible²⁶ under the European Return Fund. Supporting third countries in addressing the problems of unaccompanied minors also continues to be a priority of the Thematic Programme. Member States and non-EU countries should make more targeted use of these resources.

The Commission will:

Funding

- Prioritise funding of unaccompanied minors-specific activities by the Return Fund and the Thematic Programme, including:
 - projects providing for post-return monitoring and follow-up, especially in the case of child victims of trafficking in human beings;
 - promote reunification of children with their parents through family tracing activities in Member States and countries of origin;
 - support to families and communities for reintegration;
 - support to authorities of countries of origin in managing the return, creating training centres, supporting families and returned minors, protecting victims of trafficking in human beings and preventing re-victimisation, etc.;
 - studies and research;
 - support for projects and policies creating study and training opportunities in the countries of origin, open to all minors.

Legislative monitoring

- Publish a study on existing Member State practices and legislation on the return of unaccompanied minors and situation of unaccompanied minors falling under readmission agreements.
- Promote child-friendly best practices in Member States.

²⁶ See document SOLID 2008-21.

5.2. International protection status, other legal status and integration of unaccompanied minors

Unaccompanied minors could be granted refugee or subsidiary protection status under the conditions set out in EU legislation. Given their particularly vulnerable situation, measures to support their integration into the host society are essential. The European Refugee Fund (ERF) could finance relevant activities.

EU legislation and policies do not address the situation of minors who cannot be returned, leaving the granting of residence permits for compassionate, humanitarian or other reasons to national legislation. In cases where return is not possible or integration in the country of residence is considered in the best interests of the child, a legal status should be granted to unaccompanied minors entitling them to at least the same rights and protection as beforehand, and suitable accommodation should be found. The minors should be supported in their path toward successful integration in the host society.

Funding

Member States are invited to maximise use of existing funding possibilities available under the ERF and the Fund for the Integration of third-country nationals.

- The Commission will:
 - Strengthen unaccompanied minors-related activities when defining the priorities for Community Action in the annual work programmes adopted for these funds.
 - Reflect on how to better include the unaccompanied minors dimension in the next generation of financial instruments, as of 2014, in the field of migration management.
 - Finance projects for the integration of unaccompanied minors having legal status, with particular attention to programmes aimed at supporting the recovery of victims of child-specific violence or trafficking in human beings.

Policy development

- The specific issue of unaccompanied minors should be further developed in EU and national integration policies by exchanging and developing best practices, etc.
- The Commission will:
 - Address the specific challenges posed by unaccompanied minors in the new EU agenda for migrants' integration.
 - Examine the specific situation of unaccompanied minors in the planned study on the treatment of illegally staying third-country nationals who temporarily cannot be returned and assess the need for and advisability of establishing a common framework in relation to unaccompanied minors who cannot be returned.

5.3. Resettlement

Resettlement to the EU of unaccompanied minors who are refugees in third countries could also be an option after careful examination of the best interests of the child and if there is no other durable solution.²⁷ In making these assessments, Member States will continue to work closely with UNHCR and relevant civil society organisations.

- The Commission will encourage Member States to continue to make maximum use of funding possibilities available under the ERF in relation to resettlement activities.
- The Commission and Member States should ensure that the specific needs of minors are taken into account when implementing the proposed Joint EU Resettlement Programme.

²⁷ COM(2009) 447.

6. CONCLUSION

This Action Plan aims to provide concrete responses to the challenges posed by the arrival of significant numbers of unaccompanied minors in EU territory, while fully respecting the rights of the child and the principle of the best interest of the child. It should be regarded as the starting point in a long-term process and its implementation depends on the support and work of all stakeholders: EU institutions and agencies, Member States, third countries and civil society. Further action will be proposed in future years and studies, analysis and impact assessments may be carried out.

The Commission will report on its implementation by mid-2012 and by 2015, and might propose a revision of the Action Plan and/or additional actions.