



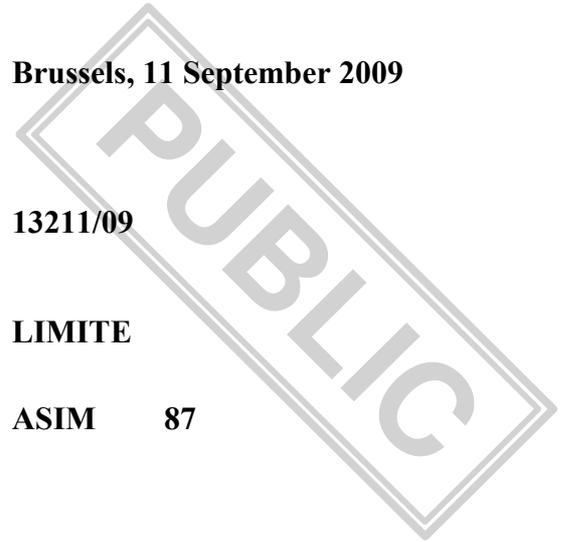
**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 September 2009

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LIMITE

ASIM 87



NOTE

from: the Presidency

to: Permanent Representatives Committee / Council

Subject: Unaccompanied Minors

1. Member States have been confronted in recent years with the arrival on their territories of an increasing number of unaccompanied minors from third countries. Unaccompanied minors represent a particular vulnerable category which require special attention and dedicated responses. Member States may be required to develop those response for the purpose of unaccompanied minors who are either asylum seekers or migrants in an irregular situation.
2. It is clear that, while the experiences of Member States differ both in terms of the numbers of such arrivals and whether they fall to be dealt with by reference to asylum or immigration processes, all Member States are now being faced with the presence of such minors and the special challenges they represent.

3. The issue of unaccompanied minors has already been the subject of consideration in the Council and broader community framework. Community instruments in the field of asylum and migration, for example, contain reinforced protection provisions for the purpose of children as well as specific provision for unaccompanied minors in certain cases. The specific challenges raised by unaccompanied minors are also the subject of detailed study. The Presidency is currently collating information on the nature and scale of the problem in the framework of the CIREFI group as well as the experience of Member States by reference to such matters as modus operandi, disappearance, preventative measures etc. The European Migration Network is likewise currently working on a comparative study on the issue. The outcome of these studies will be available before the end of the current year.
4. In addition, the Commission, has in its Communication to the European Parliament and the Council "an area of freedom, security and justice serving the citizen"¹ proposed that an action plan be developed in order to underpin and supplement the relevant legislative and financial instruments and strengthen forms of cooperation with countries of origin, including cooperation to facilitate minors' return to their countries of origin.
5. The question of unaccompanied minors has, against that background, also been discussed at ministerial level on the occasion of Informal Meeting of Ministers on 16 July when the importance of the issue for many Member States was underlined. A follow up discussion also took place on the occasion of the informal meeting of the Strategic Committee of Immigration, Frontiers and Asylum on 7 September where there was general support for taking work forward at EU level on the particular challenges raised by unaccompanied minors.
6. There was general agreement that the particular challenges presented by unaccompanied minors would benefit from a comprehensive response at EU level which would combine aspects of protection, prevention as well appropriate solutions for the minors concerned which takes account of the best interests of the child. Specific areas identified as requiring attention for the purpose of improving action at EU level included the exchange of information and good practice, cooperation with countries of origin, the questions of age assessment techniques and family tracing, and the need to pay particular attention to unaccompanied minors in the context of the fight against human trafficking.

¹ Doc. 11060/09 JAI 404.

7. The Presidency, on the basis of the outcome of those discussions, invites Council to:

- confirm that the issue of unaccompanied minors in the Member States represents an important challenge for Member States and raises issues of common concern which would benefit from closer cooperation and the development of common approaches;
- request the relevant Council preparatory bodies, as well as the Commission, to take forward work already underway in order to ensure that the most complete picture possible is available to facilitate the development of that cooperation and those common approaches; and
- request the Commission to prioritise the preparation of an action plan in the light of the outcome of that work with a view to its presentation early in 2010.
