

# VEGA

## Handbook: Children at land borders

**CHILDREN AT RISK ON THE MOVE  
GUIDELINES FOR BORDER GUARDS**





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## How to use this handbook

The recommendations contained in this handbook aim to increase the awareness of border guard officers with regard to children (persons below 18 years of age) who are crossing the external land border of the European Union, whether they are accompanied by their parents or other adult persons responsible for him or her or not. Recommendations should help strengthen existing methods and procedures to identify children at risk at land borders, whilst at the same time protecting children on the move at risk, ensuring respect for their rights and enhancing action against threats, notably by criminal networks to their well-being. These children are a priority for border guards and, in all actions relating to them, border authorities shall take into account their best interests.

The handbook contains suitable operational actions at green borders and entry and exit checks, including situation of particularly high migratory pressure at the borders. These operational actions are designed without taking into account the possible but rare presence on the spot of officers who are specialised in children's rights or child protection. The guidelines also try to reflect and ensure at all times an approach based on the rights and best interests of the child, taking also into account the concrete needs of the children and obligations of border guards' activities at the same time.

This handbook is designed for law enforcement officers and it is based on the principles of fundamental rights and aims to promote the best interests of the child and child protection at the border.

The guidelines should be implemented:

- ♦ according to the national rules and powers of the hosting border guard authorities;



- ♦ bearing in mind that actions suggested by Frontex encompass all border control activities from the moment when there is a reasonable suspicion that a child may be in danger. After that, the referral mechanism and initial investigation will apply according to the relevant national legislation on child protection and on preventing and combating trafficking in human beings and protecting vulnerable persons, including children, in particular ensuring the best interests of the child, which must be a primary consideration, together with the principle of *non-refoulement*<sup>1</sup>.

All border guards involved are invited to comment these guidelines and to send their recommendations or comments to the following Frontex email address: [les@frontex.europa.eu](mailto:les@frontex.europa.eu).; Subject: 'VEGA Children Handbook, comments'.

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<sup>1</sup> Refoulement means the expulsion of persons who have the right to be recognized as refugees. The principle of non-refoulement was first laid out in 1951 in the United Nations Convention Relating to the Status of Refugees (CRSR), Article 33(1) of which states that 'No Contracting State shall expel or return ['refouler' in French] a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion'.



## Foreword

Children, because of their age and inherent vulnerability, are generally more at risk of abuse than adults, especially those that are unaccompanied or separated from their parents or legal guardians. The nature of child smuggling and child trafficking makes accurate figures hard to come by, but most analysts agree that there has been an increase in these categories of transnational crime. Child trafficking is reported by Member States as one of the trends that is increasing most sharply in the EU. The statistical data for the years 2013-2014 show that, out of the 15 846 registered victims of trafficking in the EU during this time period, at least 2 375 were children<sup>2</sup>.

However, it is important to remember that behind statistics there are people: boys and girls exposed to those crimes and who require specific and appropriate protection.

In this context, the primary role of border guards is to identify children at particular risk. Border guards also play a crucial role in ensuring that those children, irrespective of their age, are referred to the appropriate authorities and services responsible for their subsequent protection and welfare, while at the same time detecting and disrupting the activities of facilitators, smugglers and/or traffickers. The intelligence gathered during this process

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<sup>2</sup> Commission staff working document, accompanying the document REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL; Report on the progress made in the fight against trafficking in human beings (2016) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (19.5.2016)





is often of critical importance to police efforts to dismantle international criminal networks.

Only a comparatively small part of the officers operating at the many Europe's points of entry has the specialised skills that are necessary to spot / identify a child who is at risk. Moreover, dealing with children — including how to speak to them, identify their protection needs and deal with them without infringing their integrity, rights or interests — is a fraught issue in most countries in the world and one that presents further challenges to every border guard service.

The aim of this Frontex handbook is to address these challenges and support the key processes with regard to the identification of children on the move and at risk and with regard to the activation of referrals to the relevant authorities. There have been many previous studies on the welfare, protection and referral of children on the move and identified as being at risk, but none of those have offered specific elements of practical guidance in the context of law enforcement. And none of them have offered perspectives on border activities to border guards, who often play a key role in initiating these processes and triggering the dismantlement of related criminal organisations.

The core objective of this document is to increase effectiveness of 'protection of children on the move and potentially at risk' in a comprehensive and yet operational way, within the duties and remit of border guards.

The content is specifically designed to cover the relevant aspects of children's rights and their protection needs, while at the same time to be easy for border guards to apply and is strongly oriented towards law enforcement.



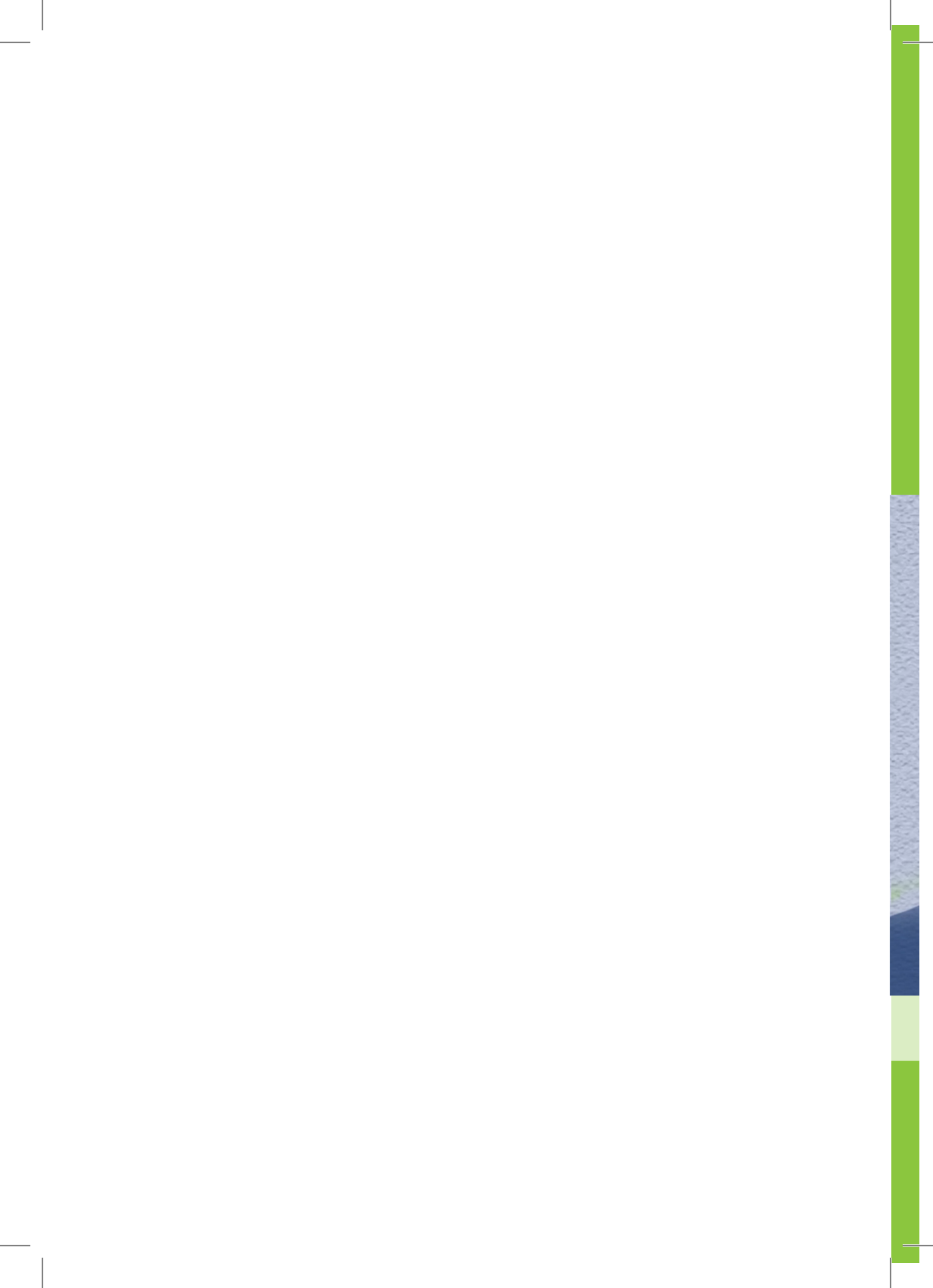




## FOREWORD

Although mainly aimed at border guards deployed to land borders, the handbook should also be of interest to other people who may come in contact with children, from transport companies staff to staff at reception centres and other services and agencies, both state and private, who may find some suggestions regarding how to deal with the complex issue of children on the move and potentially at risk.

The basis of this handbook is the “VEGA Handbook: Children at airports”. Whilst some principles from the airports are applicable to land borders without interpreting, the working environment at land borders might require a different approach thus the present Handbook aims at tailoring the guidelines to the land borders needs.



# 1. Definitions







## 1. DEFINITIONS

For the purpose of this handbook, the following definitions are used.

### **Child**

In line with the relevant international and European legal standards and legislation, a child is any human being below the age of 18 years.

Conventionally, the terms 'below the age of majority' or 'minor' may also be used to describe any person below the age of 18. The most important aspect is ensuring the protection of the rights as a child, and not what one should call him/her.

### **Children on the move at risk**

Children, by their nature, are a particularly vulnerable category. Depending on their age and level of maturity, children depend to various degrees on adults to meet their basic needs. Children who do not have adequate care and protection, or their rights as children are in jeopardy, they are defined as children 'at risk'.

The Inter-Agency Group on Children on the Move<sup>3</sup> has agreed on a definition of when children should be regarded as being 'on the move'. The group came up with a broad concept, encom-

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<sup>3</sup> The Inter- Agency Group on Children on the Move was formed in 2011 following a global Conference on Children on the Move held in Barcelona in October 2010. It includes the following agencies: ILO, IOM, UNHCR, UNICEF, Plan International, Save the Children, Terre des Hommes, the African Movement of Working Children and Youths (AMWCY/MAEJT), Environmental Development Action in the Third World (ENDA), World Vision, the Oak Foundation and individual experts and academics



passing children from diverse backgrounds and with different experience. The definition reads as follows: *'those children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement, while it may open up opportunities, might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence. Children experience particular risks as a result of migration.'*

Children 'at risk' are those who lack protection and care and whose basic needs and welfare (food, water, clothing, shelter, medication, etc.) are not met. This can cause them harm in the short and long term, physically, socially, emotionally or mentally. In those situations, they are particularly vulnerable and at risk of being abused through exploitation, either by criminal smuggling or trafficking networks or by their own parents or families.

Children at risk include not only children on the move but also:

- ♦ trafficked or possibly smuggled children,
- ♦ children living in poverty,
- ♦ orphaned children,
- ♦ street children,
- ♦ child labourers,
- ♦ children affected by armed conflict and child soldiers,
- ♦ children affected by HIV/AIDS and other serious illnesses,
- ♦ sexually exploited or otherwise abused children,
- ♦ children with disabilities,
- ♦ children of ethnic or religious minorities, among others.

Migration creates additional risks for children. Children may face a number of risks specifically due to their migration status. The ways in which a child can be marginalised, stigmatised or discriminated against are almost infinite and may also vary in different societies. It is important to recognise that some of this discrimination is at the level of the state and its institutions.





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Therefore, the interaction between children on the move at risk and law enforcement authorities, including border guards seeking to protect them, may be affected by prior experience of and potential for actual discrimination. As a result, the child may distrust law enforcement and border guards.

Many children fall into more than one situation of vulnerability or threat, which increases their degree of vulnerability and the difficulties in identifying the level of risk (as a function of vulnerability and threat). For example, unaccompanied and separated children are among those recognised as being particularly vulnerable to the risk of being trafficked, abused or subjected to violence and/or exploitation.

The types of threats that affect children are extremely varied (smuggling; trafficking, be it for the purpose of sexual exploitation, forced labour, removal of organs, forced marriage, forced begging or being forced into other criminal activities, etc.) and occasionally overlap. It is also important to understand that children who are exploited in criminal activities (such as petty crime e.g. pickpocketing, bag-snatching, shoplifting, cannabis production or participating in the trade of illegal drugs), are frequently falsely identified as suspects rather than victims. Therefore, falsely identified children are at high risk of undergoing secondary victimisation by being considered perpetrators rather than victims of exploitation.

Children are not usually able to articulate as clearly or to explain themselves in the same way as adults. Articulation depends on their age, level of maturity, and trust (which may vary according to their past experience with adults).

Regardless of the following categorisations, all children on the move are entitled to make an asylum application and seek international protection and have their best interests determined, assessed and guaranteed.



## Age assessment

In case of children without any documentation or any other evidence of their age, when officers have 'reasonable doubts' about the age declared by a person, either when declaring that they are a child or an adult, the principle of presumption of minority should prevail. Therefore, they should be treated as such and, provided with immediate assistance, support and protection. If necessary, this includes a guardian until a proper age assessment can be conducted by the competent national authorities.

The presence at the border of a person who may potentially be a child of disputed age should be immediately notified to the competent national authorities without delay, so that the procedures for age determination can be started.

There is no standardised age assessment methodology and practice in the European Union Member States. Any method used must take into account and serve exclusively the best interests of the child with the objective of ensuring their protection and should be respectful of individuals and their human dignity.

## Accompanied children

These are persons below the age of 18 who are accompanied by at least one of their parents or by their legal/customary primary caregiver/guardian.

## Unaccompanied children

"Unaccompanied children", also known as "unaccompanied minors" (UAMs), are children who have been separated from both parents and other relatives and are not being cared for by an





adult who, by law or custom, is responsible for doing so. Children who are abandoned after they have entered the territory of a country are also defined as unaccompanied children, as well as children that have become unaccompanied along the migration route (e.g. due to a shipwreck, kidnapping of the accompanying adult, detention, etc.).

These children should be fully protected by officers as long as they are not taken into the care of an adult by law or custom.

## Separated children

Separated children, are those who are separated from their parents and or other legal or customary primary caregiver, like the unaccompanied children, but not necessarily from other relatives. They may, therefore, include children accompanied by other adult family members (e.g. an uncle or a grandparent) who are not however legally responsible for the child.

In all Member States, separated children are generally considered to be 'unaccompanied' upon arrival. Nevertheless, in some instances children are registered as accompanied without further assessment of their relationship with the accompanying adult. This entails risks for the children and does not ensure their right to protection, to which separated children – like unaccompanied children – are entitled. Therefore these children are also unaccompanied children.

The assessment of this relationship and the protection needs of these children is often more challenging. The relationship of the child with the accompanied adult must be assessed by the border guard authorities during identification and registration and, in case of doubt, border guards should/must consult with child protection authorities.



## Response Measures

All children, and in particular the most vulnerable ones, such as unaccompanied and separated children, are entitled to have their protection guaranteed.

Response measures include:

- ◆ Prioritisation of children in all border related procedures;
- ◆ identification upon arrival at the land border crossing point or as soon as the child's presence in the country becomes known to the authorities;
- ◆ prompt registration and pro-active identification of the potential existence of international protection needs (or other grounds relevant to *non-refoulement*) and, wherever possible, tracing family members in case of an unaccompanied child;
- ◆ referral to appropriate child protection authorities;
- ◆ meet immediate protection needs of children and ensure the appointment of a guardian and/or a legal representative including where age is in doubt;
- ◆ proper care and accommodation arrangements;
- ◆ full access to education, health services and an adequate standard of living;
- ◆ facilitated access to asylum procedures when applicable;
- ◆ access to complementary forms of protection.<sup>4</sup>
- ◆ access to leisure activities.

**Any decision regarding these separated or unaccompanied children should take into account their particular situation, and be based on an individual assessment, as well as the national and regional legal frameworks, refugee law and international human rights law.**

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<sup>4</sup> The United Nations Committee on the Rights of the Child, General Comment No 6 (2005) on the treatment of unaccompanied and separated children outside their country or origin.





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**The enjoyment of the rights of children should be guaranteed without discrimination. The principles of child protection and welfare should also be a primary consideration when it comes to the treatment of these children by immigration officers, police and any other relevant practitioners who deal with them.**

### **Non-refoulement**

The principle of non-refoulement obliges Member States to refrain from expelling or returning any individual in any manner to the frontiers of territories or to any place where they may face persecution, death penalty, torture or other inhuman or degrading treatment or punishment, even if they are in an irregular migratory situation. The principle of non-refoulement also entails the obligation to grant individuals seeking international protection access to the territory as well as refer them to asylum procedures.<sup>5</sup>

### **Child trafficking**

Trafficking in human beings (THB) is defined by the EU Directive on trafficking as “the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer

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<sup>5</sup> [http://frontex.europa.eu/assets/Publications/Training/Practical\\_Guide.pdf](http://frontex.europa.eu/assets/Publications/Training/Practical_Guide.pdf)



of control over those persons”, in this case children, for the purpose of exploitation.<sup>6</sup>

This can happen “by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

However, Article 2(5) of the Directive on trafficking is very clear: if the ultimate purpose is the exploitation of a child, THB is a punishable crime, even when none of the aforementioned means have been used. This is because the child is never able to give informed consent in these circumstances.

Trafficking in human beings in general is not solely a transnational crime. Trafficking, particularly child trafficking, can occur within national borders, as the purpose of the criminal activity is exploitation.

Some child victims of trafficking may also be in need of other kinds of international protection, such as asylum. Children have the same right of *non-refoulement* as adults. These rights and specific safe-

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<sup>6</sup> United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000 (“Palermo Convention”), Article 3. See also: Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (Article 2(1)). Article 2(3) defines the purposes of exploitation that include ‘as a minimum the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs’.

guards for children, in particular unaccompanied children, are well established in the European Union asylum *acquis*<sup>7</sup>.

## Child smuggling

Child smuggling is the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a child into a State Party of which the child is not a national or a permanent resident<sup>8</sup>.

Although this type of crime has similarities with child trafficking, the two should not be confused. The purpose of trafficking is to exploit a human being and is regarded as a crime against the person. The purpose of smuggling is to move a person across a border in an irregular manner and is regarded as a crime against the sovereignty of a state.

Trafficking involves the intention to exploit people after their arrival in a state, whereas the role of a smuggler usually ends as soon as the client reaches his/her country of destination.

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<sup>7</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast). It has also been mentioned as the Asylum Procedures Directive recast.

<sup>8</sup> Based on the Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organised Crime (Palermo Protocols 2000).



Trafficking can take place both within and across national frontiers, while cross-border movement is required for smuggling.

A child's entry into a state can be regular or irregular in the case of trafficking, whereas smuggling is generally characterised by irregular entry. Children, unaccompanied or not, are often entering irregularly in the country with the use of criminal networks, such as smugglers. These children are often at risk of exploitation and abuse by these criminal networks before or after their trip.

As Interpol has observed, the operating methods of traffickers and smugglers are similar in many respects, which can make it very difficult for law enforcement officers to distinguish between the two types of crime. In many cases, it may not be possible to distinguish between trafficking and smuggling until the transportation phase has ended and the exploitation phase has begun<sup>9</sup>.

In the case of adults, trafficking is generally carried out with the use of coercion and/or deception. With smuggling it is the opposite: those being smuggled are almost always in agreement with the smugglers. However, for children the situation is more complex; the United Nations Committee on the Rights of the Child (UNCRC) recognises the level of agency of the child, but also clarifies that this depends on the age and level of maturity of the child. Moreover, legally speaking, the consent of the parents is also required for acts regarding children. Various issues, such as the level of maturity of the child and the consequential understanding of the situation from his/her side, etc., need further attention in cases involving children.

**Regardless if children enter the borders irregularly with or without the support of criminal network and smugglers, they**

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<sup>9</sup> Human trafficking and people smuggling activity report 2010-2011, published in May 2012.

are entitled to protection and their best interests should be safeguarded. Moreover, the right to asylum and the principle of non-refoulement also apply to smuggled children and trafficked children, who may have international or other protection needs.

## The best interests of the child

The United Nations Convention on the Rights of the Child stipulates that *'in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.'*<sup>10</sup> The United Nations Committee on the Rights of the Child (the UN Committee) has further clarified this by stating that a: *"determination of what is in the best interests of the child requires a clear and comprehensive assessment of the child's identity, including her or his age, nationality and home country, upbringing, ethnic, cultural and linguistic background, particular vulnerabilities and protection needs. Consequently, allowing the child access to the territory is a prerequisite to this initial assessment process. The assessment process should be carried out in a friendly and safe atmosphere by qualified professionals who are trained in age and gender sensitive related interviewing techniques."*<sup>11</sup>

Acting in the best interests of the child should be the guiding principle for every border guard. Article 24(2) of the Charter of the Fundamental Rights of the European Union is also clear that "in all actions relating to the child, whether taken by public au-

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<sup>10</sup> UNCRC, Article 3

<sup>11</sup> The United Nations Committee on the Rights of the Child, General Comment No 6 (2005) on the treatment of unaccompanied and separated children outside their country or origin, [20].



thorities or private institutions, the child's best interests must be a primary consideration".

According to the UN Committee *'the concept of the child's best interests is complex and its content must be determined on a case-by-case basis...in light of the specific circumstances of the particular child'*.<sup>12</sup> The best interests of the child are to be determined by the competent child protection authorities within a country, so that the required procedures are in place for a swift solution of practical cases. Border guards play a key role and should refer all cases where there is an indication that there is a risk to a child as described in this handbook.

This requires capacities that border guards usually do not have, especially when it comes to detecting in a few seconds a child at risk at the external borders; thus, the complexity of the task border guards are facing is even more significant.

It is essential that border guards take a particularly flexible approach when confronted with cases involving children. The interests of a child in a specific position of vulnerability are not always best served in the same way as those of another child in a similar situation.

## **Protection and national referral mechanisms (NRM)**

A national referral mechanism (NRM) is a system and mechanism that allows its national authorities to address its obligation to protect and promote the human rights of victims of trafficking and other vulnerable persons, including children, via a coordinated response, often with the specialised assistance of civil

<sup>12</sup> The UNCRC, General comment No 14 (2013), [32].







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society institutions, international organisations and non-governmental organisations (NGOs). There are procedural differences between the NRM of European Union Member States, but they all have one goal in common: the efficient referral of vulnerable persons to the best and most appropriate support service available. See also Chapter 7 for a more detailed discussion of NRM, which are of relevance to all children at risk, not just those at risk of trafficking.



## 2. Operational guidelines





## 2.1. General guidelines

### 2.1.1. Introduction

Border control (including border checks at the border crossing points and activities at the green border) is a crucial opportunity for border guards to identify persons in need of protection, including children at risk, and prevent cross-border crime. Once the potential victims leave the border check points, the possibilities for intercepting criminals and preventing their actions decrease dramatically, as does the possibility of identifying the victims and activating child protection measures. How many more child victims will suffer if these criminal networks are not dismantled?

The difficulty of detecting border crimes involving children is well recognised. It is common, to give one example, for trafficked children to travel on the genuine passports of non-related adults. Even where the passport includes a photograph of the child, identification may be complicated by the fact that less developed faces tend to resemble each other and that children's faces, hair and even eye colour often change dramatically as they grow up. As a result, the border guards should take care to notice that the child and the adult passport holder are not, in reality, related. Therefore the verification of the family links, through the travel documents or other documents they may carry, is crucial.

Smugglers and traffickers usually try to arrive at peak times, when the pressure at passport control is greatest: border guards should be aware of this modus operandi in order to better protect children.

The experience gained by Frontex over the years shows that behind an irregular border crossing there could be a people smug-



gling case, or potentially a case of trafficking in human beings. This means that any case of trafficking discovered at the external border is the result of an escalation of checks, which is also true when children are involved.

In order to increase awareness of children on the move at risk, it is essential to develop, and to maintain, a good relationship with other law enforcement officials, such as customs as well as non-law enforcement officials, such as transport company staff, workers from child protection services and those who work with other vulnerable groups,<sup>13</sup> health services and other authorities. This can be achieved via regular coordination meetings, joint training courses, joint specialised teams and so on.

In addition to the information provided in the Practical Handbook for Border Guards and the Schengen Borders Code, the following sub-chapters of this handbook will provide border guards with detailed and specific procedures to follow when dealing with children and to identify potential victims of child trafficking and of other forms of exploitation, violence and abuse.

The recommendations may differ according to the respective national legislation, however regardless of this each child should receive special treatment. As such, border guards need to be aware of the indicators of children at risk mentioned in section below.

These recommendations are not, however, exhaustive: border guards should also be aware of different *modi operandi*, the fact that *modi operandi* are adjusted according to responses from law enforcement and that careful attention should be paid to the child's body language, which may be informative even if the child has been groomed.

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<sup>13</sup> Including accredited international organisations and NGOs.

### 2.1.2. General guidelines when dealing with children

The following guidelines are applicable when dealing with children at land borders regardless if they are met at the border crossing point or at the green border.

#### Basic information

Basic information on dealing with children is contained in the Practical Handbook for Border Guards<sup>14</sup> and refers to the following:

*'Minors deserve the particular attention of border guards, whether they are travelling accompanied or not.*

*In the case of accompanied minors, the border guard must check that the persons accompanying minors have parental custody over them, especially where minors are accompanied by only one adult and there are serious grounds for suspecting that they may have been unlawfully removed from the care of the person legally exercising parental custody over them. If so, the border guard will have to make all necessary investigations in order to prevent the abduction or in any case unlawful removal of the minor.*

*Unaccompanied minors must be scrutinised, by means of a thorough check of their travel and supporting documents, in order to ensure that they do not leave the territory against the wishes of the person(s) having parental custody.'*

Where there is doubt as to any of the aforementioned circumstances set out in the Practical Handbook for Border Guards, bor-

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<sup>14</sup> Commission Recommendation, establishing a common 'Practical Handbook for Border Guards (Schengen Handbook)' to be used by Member States' competent authorities when carrying out the border control of persons, C(2006) 5186 final, Brussels, 6.10.2006. Brussels.



der guards must make use of the list of national contact points for consultation on minors.

Although the Practical Handbook for Border Guards clearly points out that the presence of a parent with a rights of custody is the criterion for distinguishing between accompanied and unaccompanied children, border guards should pay special attention to all travelling children, whether they are accompanied, unaccompanied or separated.

### **How to deal with a child**

When dealing with children, border guards should ensure that a number of key principles are guaranteed.

This includes respecting the principles of the best interests of the child, family unity and non-discrimination. The child's opinion should always be listened to and given due weight when making any decision regarding the child, bearing in mind the child's age and maturity. The special needs of girls should also be taken into account.

It is essential to realise that children are psychologically different from adults; therefore a child- and gender-sensitive approach is required when dealing with children. Likewise, a child may be unwilling to open up to a stranger, and thus the officer (preferably in civilian clothes) dealing with the child should make all efforts to establish trust with the child. It is also very important to highlight that adolescents (age between 14-18), despite their more advanced physical development or more independent attitude can still be heavily conditioned by the instructions and control of adults and – although they should be recognised as having a greater capacity to express their views and needs – they should nonetheless treated as minors.





Special consideration should be given for adolescent who commit crime at the border or before crossing the border. Children committing crimes can often do so under the instructions of traffickers or under the influence of abusive adults, thus they should still benefit from the guarantees recognised to them as minors.

Similarly to risk analyses that are already being compiled for what concerns criminality at the border crossing points and at the green borders, a risk-analysis concerning children adjusted to specific criteria such as age, gender, country of origin, etc. could better support the examination of factors and trends concerning children.

In situations where one or both parents accompanying a child are imprisoned at the border, the procedure and protection regime applying to the child (for example, who intervenes to care for him/her once he/she is separated from the parents, what should be the follow-up action etc.) should be made clear.

### **How to assess the best interests of a child**

According to EU law, in all actions relating to children, the child's best interests must be a primary consideration. This section provides basic tips to border guards to effectively apply this principle in practice, in the course of their activities and, in particular, when taking actions and/or decisions that affect children.

The written assessment of the best interests of the child is, in brief, looking to protect the child's well-being and the child's rights. Border guards are not expected to be child protection experts, but they can carry out initial basic assessments. For this purpose, border guards need to consider:

- the child's views: the child should be given an opportunity to express his or her views, which should be considered in accordance with the child's age and maturity;



- ◆ the child's identity/nationality/country of origin;
- ◆ the child's sex/age/cultural background/maturity;
- ◆ care, protection and safety of the child;
- ◆ vulnerability and risks;
- ◆ preservation of child's family environment and relations;
- ◆ physical and mental health;
- ◆ level of education;
- ◆ access to leisure activities in case long waiting time is foreseen (this might be also a good opportunity for performing behavioural profiling and support the best interest assessment).

Moreover, it is necessary to take into account and balance a variety of factors and rights, for instance:

- ◆ exposure to harm and risk outweigh other factors;
- ◆ except where there are issues of safety and protection, a child's best interests can generally best be met by their family;
- ◆ the need to ensure the survival and development of the child, including physical, mental, spiritual, moral and social development;
- ◆ if there is a conflict with other rights or interests (e.g. the public interest, parents' interests, etc.), the child's best interests should be given a larger weight ("high priority") than to other rights or interests;
- ◆ "non rights"- based arguments such as those relating to general migration control, cannot override best interests considerations;
- ◆ benefit of the doubt.

In order to properly assess the best interests of the child, border guards need to work together with:

- ◆ Guardians (when appointed);
- ◆ Interpreters and cultural mediators;
- ◆ Legal advice, representation and legal aid;
- ◆ Medical and psychosocial support.



It is important to ensure that child protection staff to the responsibility of whom the child has been referred, actually receive the information collected on vulnerabilities and risk through the best interest assessment as soon as possible.

### **Staying with a child at the border premises**

Border guards have **responsibility** for each child while they are at the border premises. A major point to keep in mind here is that border guards have to take care of a child at risk until a properly trained person, e.g. a person from child protection services or any other authority responsible for child protection arrives and takes over.

Here is some other useful advice (to be adjusted to the age, sex and maturity of the child) suitable for the first and second-line checks:

- Try to interact via **open questions** (children should be free to answer as they want: 'yes/no' questions should be avoided);
- Ask the child **if they feel comfortable**, if they are thirsty, hungry, cold or warm, or if they need to go to the toilet, or if they need rest or sleep, or want or need anything else that you can provide. If they ask for their mother or father, do not make promises you cannot keep, otherwise you may break the trust between the two of you.
- Ask the child **if they need medical assistance** or any other special treatment (depending on the age of the child, they might be simply asked if they feel any pain). It is also possible to ask the person who accompanies the child whether the child needs any medical assistance or any other special treatment. Be aware that the person accompanying the child may use this question for their own benefit.
- Look for **signs of injury** or any noticeable disease, paying special attention to indicators of possible abuse (such as the presence of several injuries that are in various stages of healing, facial injuries in very young children, bald patches on the child's head, etc.).



- ♦ Look for **signs of psychological distress** (dramatic changes in behaviour, nervousness, sadness, despair, etc.).

**Provide information to the child** on the procedures expected in a manner that they can understand and always check with the child that they understand the question and/or the information provided.

### **The scene before the controls: is there anything unusual?**

A child can be accompanied by a parent, a legal or customary guardian (an accompanied child) or a third person that can be an adult family member, for example, an uncle or a grandparent (a separated child) or other non-family members and unrelated adult(s). People act more naturally when they do not think they are being observed, so watch the behaviour of children and the person(s) accompanying them on their way towards the control.

Border guards should take care not to make assumptions or use prejudices when observing people. It is important not to discriminate on the basis of perceived cultural, religious, national or ethnic background, gender or other factors when observing children and the people accompanying them. However, extra attention should be given to children coming from 'refugee producing countries/regions'.

An important part of every assessment is based on the first impression, however intuitive it may be for an experienced border guard. Any unusual situation should attract the attention of the officers and result in other second-line activities (i.e. the verification of the relationship between child and adult, a close inspection of supporting documents, etc.).

Experienced border guards, accustomed to seeing children at the border, can take advantage of their knowledge by consid-



ering the following few issues in relation to the apparent age and maturity of the child.

- Appearance of the child.
- Shy, extravagant, withdrawn or frightened.
- Closed body behaviour, attempting to appear as small as possible.
- No eye contact, looking at the floor/ground.
- Looking detached from the other members of the group.
- Clothing: is it brand new? Does it fit the child or does it seem to be borrowed? Is the clothing appropriate for the situation?
- Trying to make eye contact with a person who ignores him/her.
- If accompanied, resemblance of features with the adult(s) (if that adult is a parent), with due consideration to the principle of non-discrimination and its objective application when profiling.
- If accompanied, looking closely at the interactions between the child and the parent(s)/accompanying adult(s).
- Is the child at ease/comfortable with the adult(s)?
- Can the child speak freely?
- Does the child show any signs of fear towards the adult(s)?

It is necessary to pay extra attention if a child is accompanied by only one adult or when a child is from a refugee-producing country or a country in conflict or where serious human rights violations are known to occur.

### **Interacting with children**

Good practices to bear in mind when dealing with children include the following:

- create a friendly, neutral and safe environment (this might be an adequately child-friendly room<sup>15</sup>, if one is available), de-

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<sup>15</sup> Bear in mind that an adequate room might ensure privacy but, adversely, entering such a room can be frightening for a child. Therefore, the adequate room is only the one prepared for such events. It is noteworthy that there should not be too many toys in the room, this distracts the child.



crease the power difference (avoid formalities, take care with body language, verbal tone, terms used, etc.) and allow the child to adapt to the environment;

- ♦ allow a child to get used to the new place, to look the room over;
- ♦ try to make the child feel comfortable;
- ♦ explain the roles and jobs of the adult(s) involved in dealing with the child in a child-friendly manner, in a language that is clear to a child, making sure that the child understands the procedures;
- ♦ sit level with the child so as to allow the maintenance of eye contact with the child (e.g. if a small child is sitting on the floor, sit on the floor as well); do not talk sitting behind a desk or a table, better sit at the table next to the child. Sit close to the child but not too close. Do not enter “the child’s territory”, it might be too endangering for him/her;
- ♦ always tell the truth;
- ♦ always listen to the child;
- ♦ speak in plain language and avoid technical terms (bearing in mind language barriers);
- ♦ use an interpreter as early as possible (in case of language barrier);
- ♦ remember the importance of non-verbal communication (don’t laugh about something until the child does but do not be stern or unfriendly)
- ♦ acknowledge the child by being attentive to him/her and giving praise and credit to the child’s account;
- ♦ speak and behave in an appropriate manner considering to the age and maturity of the child: use the child’s own words;
- ♦ be assured that the child can tell the difference between the lie and the truth;
- ♦ take into consideration the fact that a child is more likely says what he/she thinks the interviewer wants to hear in an attempt to please the adult. As such, children may acquiesce to incorrect statements or change their answers if asked a question repeatedly;



- ♦ ensure appropriate body language (e.g. maintain eye contact, be on the same level as the child).

It is important to remember to avoid doing the following:

- ♦ do not promise an award for giving information;
- ♦ do not coerce the answer, even if you know that the child is lying or is not disclosing a piece of information he/she must know;
- ♦ do not correct the “wrong answer”, ask for clarification;
- ♦ do not show the annoyance, when you did not manage to get the information you wanted to hear. It is better to stop and take a short break;
- ♦ do not hurry the child who is not ready to talk. Once again, it is better to arrange for another meeting;
- ♦ do not make promises you can’t keep (like: “nothing bad is ever going to happen to you again”).

### **Final decision and referral**

In all decisions, the best interests of the child must be the primary consideration and the principle of *non-refoulement* must be respected. All children found to be at risk, should be referred to competent national child protection authorities to assess their best interests and individual protection needs.

A child should only be detained in very exceptional cases, always in accordance with applicable national law, for the shortest possible time and as a measure of last resort. When a child is exceptionally detained, detention should take place in appropriate conditions that meet the child’s specific needs in accordance to the international child protection standards. Children should never be detained with unrelated adults. The UN Committee has established that detention of children cannot be justified for



reasons of migration status.<sup>16</sup> At any time, and according to the circumstances, if there is a reasonable suspicion that the child might be in danger or at risk and may have been moved for the purpose of trafficking or is otherwise in need of protection based on the above indicators/signs, the referral mechanism and initial investigation must apply immediately, according to applicable national legislation, before any decision is final. A general rule at borders is that children should not be separated from their parent(s) (or legal guardian(s)) unless there is reasonable suspicion that a child is at risk with them.

Separated children that are accompanied by adults who are not their parents or legal guardians, where there is suspected abuse or exploitation or in case the accompanying relative is not able to effectively take care of them, should be referred to the competent child protection authorities to verify the relationship of the child with that adult.

Do not forget the following:

- ♦ Try to make sure that the time between activating the child protection and/or NRM and the actual handover is as short as possible. With that aim, ensure that the entry point (i.e. contact person(s) and details) to the protection or national referral system is identified and well-known.
- ♦ If possible, organise a coordination meeting with regard to the protection and/or NRM in order to discuss how to solve situations when children arrive late in the evening, early in the morning or during holidays or weekends.
- ♦ Ensure the children have access to basic services (food, water, toilet, medical assistance, etc.) and, if possible, something to entertain themselves with during the time they have to wait.

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<sup>16</sup> UNCRC, General Comment No 6 (2005), on the treatment of unaccompanied or separated children outside their country of origin, [61].





- ♦ Keep children informed about what is happening and what is going to happen.

## 2.2. Specific guidelines

### 2.2.1. Dealing with children at the border crossing points

#### **The scene before the controls: is there anything unusual?**

##### *Accompanied children*

When a vehicle is used, vicinity from control booth to car could be limited. To ensure best possible view, officer may ask the driver to open all windows of the car and drive closer/further from the booth. It is also possible to work with another officer or use video surveillance to observe the car from other direction, if vicinity is limited.

There is a rare possibility that sleeping babies or children will have been sedated in order to pass through the control. If after a while (perhaps in the second line) the child is still fast asleep, particularly if the accompanying adult shows signs of nervousness, suspicions should arise.

The same method might be used with very young children that can talk and pose a risk to the accompanying person. They may be considered too young to be properly instructed in what to say or not say.

##### *Unaccompanied children*

Unlike airlines, train and bus companies do not have general rules regarding children travelling on their own. It is also possi-



ble that children are travelling unescorted on buses/trains (see also Chapter 6.4.).

The observation of the behaviour of unaccompanied children may have to take into account indicators similar to those that would be used in the case of behaviour patterns expected from accompanied and separated children.

### **General recommendations suiting first- and/or second-line checks**

The following recommendations should be adapted to the age and maturity of the child.

- ◆ Greet a child by his/her first name and be open and friendly.
- ◆ Adapt to the situation and to the child — use paper and pencils to draw pictures, sit on the floor together to create an informal atmosphere.
- ◆ Try to interact via open questions (the child should be free to answer as he/she wants, 'yes/no' questions should be avoided), avoid suggesting any answers as much as possible, let him/her speak freely and take his/her time and listen. Ask the child if he/she feels comfortable, if he/she is thirsty, hungry, cold, warm or needs to go to the toilet or wants or needs anything else that you can provide. He/she might want his/her mother or father, so do not make promises you cannot keep, otherwise you may break the trust between the two of you.
- ◆ Ask the child if he/she needs medical assistance or any other special treatment (depending on the age of the child, it can be simply asked if she/he feels any pain). If the child is accompanied, it is also possible to ask the person who accompanies the child whether the child needs any medical assistance or any other special treatment. Be aware that the person accompanying the child may use this question for his/her own benefit.
- ◆ Look for signs of injury or any noticeable disease, paying special attention to indicators of possible abuse (such as the



presence of several injuries that are in various stages of healing, facial injuries in very young children, bald patches on the child's head, etc.).

- ♦ Provide information to the child (during second-line checks) on the procedures expected in a child-friendly manner that he/she can understand. Always check with the child that he/she understands the question and/or the information provided.

### **At the first-line control**

Officers working in the first line have a key role in identification of children at risk. If risk factors are not identified at the stage of first line procedures – in the very limited time allocated to document checking and first profiling – it can be much more complicated to identify them further down the line.

Bearing in mind the above, Member States should consider providing more specific training designed for first line officers. Another important tool of increasing the first line officers knowledge and experience on children at risk is information sharing between first and second lines of controls. In cases where risk factors are identified in the first line and the case is referred to the appropriate authorities or to second line checks, it is very much advisable that feedback and information about the outcome of the case is provided to the first line. A more integrated system of information sharing could help border guards working in the first line checks to learn from the practice of other practitioners working on cases involving children at more advanced stages of the identification procedure

### ***Accompanied children***

At the booths border guards should pay attention to some of the following additional appearance indicators, as always, being careful to avoid racial or discriminatory profiling:



The adult(s) accompanying the child:

- ◆ If a parent, how much does he/she resemble the child? Is his/her physique compatible with that of the child? Are there similarities in the behaviour, or bearing, of the parent or child, or other behavioural abnormalities?
- ◆ Does the adult appear worried, anxious or nervous?
- ◆ Does the dynamic between the child and the accompanying person seem consistent with their cultural background?

Pre-school children (under 6 years old):

- ◆ Is there anything unusual about the situation you see?
- ◆ How many people are travelling in the car, are there seats for everybody?
- ◆ Are there toys or other entertainment devices visible in the car/bus/train?
- ◆ Is there a place to hide in the car?
- ◆ Is the child's behaviour consistent with the length of the journey?
- ◆ Is the child too calm, absent, confused, scared or upset?
- ◆ Does the child feel comfortable in the presence of the person accompanying him/her? If afraid of the formality of the passport control, does he/she stay close to the person accompanying him/her?
- ◆ Is the child looking at another passenger who tries to ignore him/her? (In this case the other passenger should be more closely checked, because he/she could be an 'escort'.)

School-aged children (normally over 6 years old):

- ◆ Is there anything unusual about the situation which you see?
- ◆ How many people are travelling in the car, are there seats for everybody?
- ◆ Are there toys, games or other entertainment devices visible in the car/bus/train?
- ◆ Is there a place to hide in the car?
- ◆ Is the child afraid or anxious?



- Is the child absent/distant/mumbling or incoherent?
- Is the child unduly submissive?
- Is the child looking at another passenger who tries to ignore him/her? (In this case the other passenger should be more closely checked, because he/she could be an 'escort'.)
- Does the child look as if he/she may have been sedated?

Border guards could also informally ask some simple questions to the child, such as his/her name or age or some other personal details. Such questions are naturally discrete and need to be tailored to the age and maturity level of the child but can be compared with the personal data contained in the travel documents as well as with the answers provided by the accompanying adult

Questions that can be asked to the adult and may result in indications of trafficking include the following.

- Are you the parents/guardian/legal representative of the child?
- If not, where are they and who are you?
- When was the last time the child saw his/her parents?
- Does the child have any documentation, such as identity papers or a passport, with him/her?
- What is the child's destination and the purpose of the journey?
- Who organised it?
- Who paid for the journey?
- Do you have any pictures of your child with you? (Usually, parents have pictures of their children stored in their mobile phones or wallets.)

### *Unaccompanied children*

At the booths border guards can pay attention to some of the following additional appearance indicators.

- Is there anything unusual about the situation you see?
- Is the child's behaviour consistent with the length of the journey?



- ♦ Is the child too calm, absent, confused, scared or upset?
- ♦ Is the child looking at another passenger who tries to ignore him/her? (In this case the other passenger should be more closely checked, because he/she could be an 'escort'.)

## **Document checks**

### *Accompanied children*

The border guard should check the relationship between the child and the adult. During document checks it is important to have an ongoing conversation with the passengers, while also observing their behaviour (some suggestions are mentioned above) and in particular the reaction of the child (the booth should be designed in the way that the vicinity is optimum and also additional lights could be assembled. Blind spots should be covered with video surveillance).

In addition to the standard checks, it is necessary to focus on the following:

- ♦ The number of children and the number of documents (passports, visas, etc.). Brand new travel documents should be more closely checked, especially if they are from countries where they could have been issued as a result of deception or corruption (according to available risk analysis).
- ♦ The supporting documents with short questions about the reason for travelling (checking the consistency between the first statements and the supporting documents presented). When travelling with children, bona fide adults accompanying them tend to take the most direct route possible.
- ♦ Verifying the legal relationship between the child and the person travelling with her/him.
- ♦ Family groups where there are several children: the dates of birth and the age(s) of the adult(s) should be checked for possible inconsistencies.



- The nationality of children: for example, if a child is a European Union passport holder, he/she is likely to speak or at least understand one or more European language(s).
- Consulting on a systematic basis the National Schengen Information System (NSIS) and police databases when children with European Union nationality do not travel with both parents (for third-country nationals it is already a requirement of the Schengen Borders Code) or in case the accompanying adult is not the parent

If there are any indications that the child could be at risk, border guards should proceed with the second-line control.

### *Unaccompanied children*

A language barrier may be a problem, but some words can be exchanged with the child in a friendly way, taking into due account the child's age and maturity.

In addition to the standard verifications, it is necessary to focus on the following.

- The documents presented (passports, visas, supporting documents, etc.). Brand new travel documents should be more closely checked, especially if they are from countries where they could be issued as a result of deception or corruption (referring to available risk analysis).
- Some consulates issue visas for children with the name of the person accompanying the child in the comments box (e.g. British consulates) and the child could have some old visas in his/her passport with the name of the person waiting for him/her outside of the bus/train.
- Examining the supporting documents with short questions about the reason for travelling.



According to the Schengen Borders Code (SBC), consulting the NSIS and police databases (for third-country nationals that is already a requirement of the SBC) and, if available locally, taking advantage of a child abduction alert system.

It is considered highly advisable to ask second-line officers to identify and briefly interview any person waiting for the child.

If there are any indications that the child could be at risk, border guards should proceed with the second-line checks.

### **At the second-line control**

#### *Accompanied children*

Second-line control should be carried out by a different officer (if available) who is aware of the *modi operandi* used by smugglers and traffickers as well as recent alerts and child-specific risks and needs. Prior to the additional checks, the officer should confirm if the children have some needs (food, water, toilet facilities).

All the previous activities should be reviewed, and checks repeated if necessary. Some additional checks are described below.

According to the Schengen Borders Code, the child and the person accompanying the child shall receive written information about the purpose of (and the procedure for) such a check, which should be carried out as a standard and random procedure. This information shall be available in all the official languages of the European Union and in the language(s) of the country or countries bordering the Member State concerned. It shall use a language the individuals understand, or may reasonably be presumed to understand, or be communicated in another effective way, including using interpreters where necessary.





During the second-line control, there is a need to pay specific attention to the reaction of the child and the passenger accompanying him/her.

To identify the travelling route used from the country of origin to the external border, necessary examinations of travel documents and of the entry and exit stamps on the travel documents as well as examination of supporting documents should be carried out. Supplementary questions to traveller are recommended.

Apart from a logical examination of the different legs of the journey, in certain cases a check of the passenger list, if applicable, and if allowed by the applicable national legislation, helps in verifying whether there are other passengers travelling in the same bus/train that could put children at risk of serious crimes. A facilitator/escort can be found among the other passengers and intercepted before he/she leaves bus/train.

Transport company staff can also be a useful source of information. The crew have often had many hours in the vehicle to observe passengers and may have noticed something out of the ordinary (e.g. escorting the children to/from bus/train, interactions between an adult and a child sitting several rows apart, a group where children and the accompanying person clearly do not know each other well, being dressed in new clothes that look unusual, suggestions that children are not used to the clothes, their clothes might still have the labels attached, etc.).

### *Unaccompanied children*

Second-line control should be carried out by a different officer (if available) who is aware of the modi operandi used by smugglers and traffickers as well as recent alerts, and child-specific risks and needs. Prior the additional checks, the officer should confirm if the children have some needs (food, water, toilet facilities).



All the previously mentioned activities should be reviewed and checks repeated if necessary.

Document and ticket checks, investigating in detail the route and different legs of the journey and the techniques recommended for interacting with children are essentially, the same as for accompanied or separated children.

According to the SBC, the child shall receive written information about the purpose of (and the procedure for) such a check, which should be carried out as a standard and random procedure. This information shall be available in all the official languages of the Union and in the language(s) of the country or countries bordering the Member State concerned and should be adopted and provided in child friendly way. It shall use a language the child understands, or may reasonably be presumed to understand, or be communicated in another effective way, including using interpreters where necessary.

## **Documents and luggage**

### *Accompanied children*

A thorough verification of travel and supporting documents, with the option of contacting the consular authorities of the country that issued the travel documents, is advisable. Consular authorities should not be contacted in the case of a child who comes from a refugee-producing country or a country in conflict or where serious human rights violations are known to occur and/or if the child is recognised as a potential asylum seeker, as that contact may put the child and his/her family at further risk. Special attention should be given to whether visas have consecutive serial numbers, especially when those numbers are related to passengers who are not travelling together.



If not already part of the first-line controls, I-24/7 (the Interpol database) should be consulted, according to national legislation.

If children are not travelling with their own luggage, the adult should have some clothes, games or toys belonging to the child in his/her luggage. Every accompanying adult should be able to list a few items belonging to the child when asked to do so.

### *Unaccompanied children*

A language barrier may be a problem, but some words can be exchanged with the child in a friendly way, taking into due account the child's age and maturity.

In addition to the standard verifications, it is necessary to focus on the following.

- The documents presented (passports, visas, supporting documents, etc.). Brand new travel documents should be more closely checked, especially if they are from countries where they could be issued as a result of deception or corruption (referring to available risk analysis).
- Some consulates issue visas for children with the name of the person accompanying the child in the comments box (e.g. British consulates) and the child could have some old visas in his/her passport with the name of the person waiting for him/her outside of the bus/train.
- Examining the supporting documents with short questions about the reason for travelling.
- According to the Schengen Borders Code (SBC), consulting the NSIS and police databases (for third-country nationals that is already a requirement of the SBC) and, if available locally, taking advantage of a child abduction alert system.
- It is considered highly advisable to ask second-line officers to identify and briefly interview any person waiting for the child.



- ♦ If there are any indications that the child could be at risk, border guards should proceed with the second-line checks.

### **Interacting with a child at the second-line control**

When talking with a child during the second-line check, a border guard should consider briefly separating the child from the accompanying adult (in a discreet way). If the child appears to be at risk, he/she is more likely to explain the situation in the absence of the potentially abusive adult. The child and his/her parent(s) or legal guardian(s) must be informed about the ongoing process at all times.

Furthermore, another border guard should establish any inconsistencies or incoherence in the information, by posing the same questions to the adult separately and informally in order to compare the answers of both the child and the accompanying adult.

It is always advisable to have two border guards present, if possible a man and a woman, and to try to create an atmosphere that is as informal and friendly as possible. Also telling the child where his/her caretakers will be during the interview could help children to feel comfortable. A child that feels secure and relatively relaxed is more likely to communicate. Discrepancies may be an indicator of risk, while it is important to minimise confrontation and recognise that the situation may nevertheless be experienced as formal and stressful, for both children and adults (e.g. they may have had negative experiences with police and/or security officials in the past).

Having two border guards present is also a safeguard against any subsequent accusation of intimidation (or other inappropriate behaviour). If there are no special premises for interviewing children, it is advisable to limit the number of people present to two persons. The period during which a child is separated from



the accompanying adult should be as short as possible, unless any indications of risk are found.

Speaking to children without formally interviewing them is always possible, but formal interviews with them should only be conducted when strictly necessary and according to the applicable law. Any dialogue with a child should take place without unnecessary delay, in premises designed or adapted for that purpose, and preferably handled together with professionals trained for these tasks. If possible, the interviewers should be of the same sex as the child. Interviewers of children should be selected among experienced interviewers and specially trained on how to communicate with children. Interpreters should also be contacted if the child does not understand the language so as to ensure that there is a meaningful dialogue. The number of interviews, as well as the duration of them, should be kept to a minimum, and the child should be interviewed by the same person whenever possible.

It is suggested that the purpose of any interaction is explained and ground rules are set for the interview, for example:

- 'if you don't know the answer, don't guess, there is no right or wrong answer, just say you don't know.'
- 'You know more than me about what happened.'
- 'If you do not want to answer, it's OK for you to say so.'
- 'You can correct me or disagree.'
- 'If I repeat a question, it does not mean the first answer was wrong.'
- 'If a question is too hard, we can come back to it later.'
- 'Just tell me what you know'.
- 'If you need a break, you can ask'.

In general, children may be accompanied during their interview, in appropriate circumstances by an adult of their choice but a request from them for that should be refused if, for instance, it is



suspected that the adult in question is a facilitator. Where a crime involving a child is suspected, border guards must ensure from the outset that all interviews with the child victim or witness are carried out according to applicable national law and can be used as evidence (it may be necessary to receive prior authorisation from a prosecutor or judge, for the interview to be conducted in the presence of a legal advisor and/or child protection authorities, etc.). Otherwise border guards can only speak informally with the child.

Here are some tips on how to communicate with children, having regard for their apparent age and maturity:

- ♦ introduce all persons and tell to children the role of all persons in a manner understandable to the child;
- ♦ be sensitive to signs of distress, such as facial expressions, gestures or body language;
- ♦ do not expect or force immediate disclosure;
- ♦ talk to the child in a friendly way and environment; be open, clear and honest, if possible using the child's own language (being supported by a native speaker);
- ♦ use language appropriate to the child's age and maturity, expressed in clear and easy terms;
- ♦ explain to the child what is happening and why his/her circumstances are being checked;
- ♦ provide information to the child about his/her status, rights and protection measures;
- ♦ reassure the child that your aim is the child's wellbeing, safety and protection;
- ♦ ask open-ended and specific questions (what, where, when, how, who, why);
- ♦ give the child a break for water, the toilet or just when tired and respond as necessary to special needs or specific requests;
- ♦ avoid making assumptions about what the child thinks;
- ♦ check if the child has understood, ask him/her to tell you what he/she has understood;



- ♦ ask the child if he/she has any questions and answer his/her questions.

### *Assessing the familiarity with the presumed country of origin*

In order to establish whether a child is genuinely familiar with the environment of the country of origin that the accompanying adult says they are from, the following topics could be considered as possibilities to explore:

- ♦ television programmes, cartoons and musicians popular with young people in their country of origin (information can be found on internet);
- ♦ basic knowledge of their residential area (the Google Earth Street View application can be a useful tool);
- ♦ details of their school, the sports they play and the interior of their home.

At any time, the child's answers can be cross-checked with the ones provided by the accompanying adult or other children present within the same group.

#### **2.2.2. Dealing with children at the green border**

Guidelines related to dealing with children at the green border do not differ significantly from the guidelines applicable at the border crossing point (see Chapter 2.1. General guidelines related to "basic information", "the scene before the controls: is there anything unusual?", "interacting with children" and "final decision and referral"). However, the following specific aspects need to be taken into consideration:

- ♦ Pay particular attention to the composition of the group apprehended at the green border: clarify already at this stage who is travelling together and what is the relation between them (individuals, families child/children with accompanying persons, unaccompanied minors; vulnerable groups (single



parent, pregnant woman, disabled people, elderly people), injured persons, victims of a crime, potential facilitators in the group, etc. and act accordingly; report through the established reporting channel and ask for support if needed (transportation, child protection services, hospital, etc.). There might also be a need for first aid on the spot.

- ◆ In cases where service dogs were used for tracking the persons, it is advisable that the dogs are removed from the scene as not to scare the children and other persons who have been tracked. Also transportation of the child by the same patrol car at the same time with service dogs should be avoided.
- ◆ With the aim of gaining a clear picture, persons apprehended at the green border should be checked as much as possible on the spot in order to identify them and to find out whether they are in possession of travelling documents, maps, contact information or other supporting documents which might be important for further investigation/other procedures purposes.
- ◆ The border guard should check the family links and the nature of relationship between the child and the adult. During document checks it is important to have an ongoing conversation with the persons, while also observing their behaviour and in particular the reaction of the child. Very often children are accompanied by unrelated adults who claim to be their family members.
- ◆ Special attention should be paid to those unaccompanied minors who have been separated from their family member during the border crossing. Child protection authorities need to be informed about and should be supported by the border guarding authorities with family tracking so that the family reunification will be as soon as possible.
- ◆ When travel documents are not available and there are doubts on the age of a person claiming to be a child, this person should be promptly referred to the competent national authority for age assessment. Until the result of the formal age assessment





procedure becomes available, this person should be registered and treated as minor and receive adequate protection.

- Before transportation of the migrants apprehended, the security check of the persons must be done according to the respective national rules. If necessary, vulnerable persons/groups should be separated and the first transport should be provided for them (e.g. mothers and children and UAMs). The transportation should be implemented as soon as possible. Family unity should be preserved. Children should be transported together with family members or legal guardian or a third person that can be an adult or a family member, for example, an uncle or a grandparent unless there are indicators of risk for the child. Unaccompanied children should be escorted by accompanying officer.
- Preferably, unaccompanied children should be supported by officers who have already been in contact with the children or if available a person from child protection services or a representative of the respective NRM.

### **2.2.3. Dealing with children during mass migration flows at the green borders**

In the situation of mass migration flow at the green borders all the above described guidelines and activities can be applied, in particular the general guidelines (Chapter 2.1 – the scene before the control; interacting with children, final decision and referral) and the specific guidelines (Chapter 2.2 – document checks, dealing with children at the green border - first identification of vulnerable groups, transportation).

Additionally, there is a need for a more structured and organized operating procedure for handling the flow of migrants with the involvement and in close cooperation with different actors – law enforcement authorities (Border Guards, Police, Customs, etc.), other national authorities e.g. Immigration Office, Child Protec-



tion Services, etc., EU and international organizations, NGOs, local grassroots teams, etc. Member States might already have a national plan available describing the mechanism applicable for the situation of mass migration flow. National plans may include:

- ♦ responsible authority coordinating the activities;
- ♦ cooperating authorities and other organizations involved;
- ♦ responsibility /role and task of the actors involved;
- ♦ possible locations and facilities to be used for the purpose of migration management;
- ♦ standard operating procedure to operate the involved facilities, including transportation to and from the facilities; separation of different migrant groups within the facilities by gender, families, by nationality, if necessary; referral mechanism to specialized services (social services, legal aid, medical assistance, child protection, etc.); security and medical check, screening activities including identification of vulnerable groups, accompanied/ unaccompanied minors, victims of crimes, identification of relationship within the family; registration including fingerprinting and special rules applicable for minors; initial awareness session on the procedures for the migrants (orally, written form, leaflets, etc.) ensuring public security and basic needs (food, drink, bathroom, resting area);
- ♦ deployment of resources – law enforcement officers involved in the different activities, cultural mediators, interpreters, technical equipment used for screening, registration, ensuring public security and etc.;
- ♦ collaboration with the different actors – cooperation and coordination of the activities with law enforcement authorities (Border Guards, Police, Customs, etc.), other national authorities (e.g. Immigration Office, Child Protection Services, etc.), EU and international organizations, NGOs, etc.;
- ♦ Sharing of information, cooperation with investigative units;
- ♦ Data collection, reporting, risk assessment;
- ♦ Specific training for the staff involved;
- ♦ Staff care including working conditions.

# 3 - Additional information



the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion.

The impact of the demographic changes on the environment is a complex one. On the one hand, the increasing number of people in the world is expected to lead to a greater demand for resources, such as food, water, and energy. On the other hand, the increasing number of people is also expected to lead to a greater demand for services, such as education and health care.

The impact of the demographic changes on the environment is also expected to be different in different parts of the world. In developed countries, the impact is expected to be less severe than in developing countries. This is because developed countries have a higher standard of living and are therefore able to consume more resources without causing as much environmental damage.

In developing countries, the impact is expected to be more severe. This is because developing countries have a lower standard of living and are therefore unable to consume as many resources without causing significant environmental damage. In addition, developing countries are often located in areas that are particularly vulnerable to environmental damage, such as coastal areas and mountain regions.

The impact of the demographic changes on the environment is also expected to be different in different sectors. In the agricultural sector, the impact is expected to be particularly severe. This is because the increasing number of people is expected to lead to a greater demand for food, which will require more land to be cultivated. This will lead to deforestation and the loss of biodiversity.

In the industrial sector, the impact is expected to be less severe. This is because the increasing number of people is expected to lead to a greater demand for goods and services, which will be produced by factories and other industrial facilities. However, the increasing number of people is also expected to lead to a greater demand for energy, which will be produced by power plants and other industrial facilities. This will lead to the emission of greenhouse gases and other pollutants.

In the service sector, the impact is expected to be less severe. This is because the increasing number of people is expected to lead to a greater demand for services, which will be provided by service providers. However, the increasing number of people is also expected to lead to a greater demand for transportation, which will be provided by cars, buses, and other modes of transport. This will lead to the emission of greenhouse gases and other pollutants.

The impact of the demographic changes on the environment is also expected to be different in different regions. In urban areas, the impact is expected to be particularly severe. This is because urban areas are densely populated and therefore require a large amount of resources. In addition, urban areas are often located in areas that are particularly vulnerable to environmental damage, such as coastal areas and mountain regions.

In rural areas, the impact is expected to be less severe. This is because rural areas are less densely populated and therefore require fewer resources. In addition, rural areas are often located in areas that are less vulnerable to environmental damage, such as inland areas and lowland regions. However, the increasing number of people is also expected to lead to a greater demand for land, which will lead to deforestation and the loss of biodiversity.

The impact of the demographic changes on the environment is also expected to be different in different countries. In developed countries, the impact is expected to be less severe than in developing countries. This is because developed countries have a higher standard of living and are therefore able to consume more resources without causing as much environmental damage.

In developing countries, the impact is expected to be more severe. This is because developing countries have a lower standard of living and are therefore unable to consume as many resources without causing significant environmental damage. In addition, developing countries are often located in areas that are particularly vulnerable to environmental damage, such as coastal areas and mountain regions.

The impact of the demographic changes on the environment is also expected to be different in different years. In the 1990s, the impact is expected to be less severe than in the 2000s. This is because the number of people in the world is expected to increase more slowly in the 1990s than in the 2000s. In addition, the standard of living in the 1990s is expected to be lower than in the 2000s, which will lead to a lower demand for resources.

In the 2000s, the impact is expected to be more severe. This is because the number of people in the world is expected to increase more rapidly in the 2000s than in the 1990s. In addition, the standard of living in the 2000s is expected to be higher than in the 1990s, which will lead to a higher demand for resources. This will lead to a greater demand for land, which will lead to deforestation and the loss of biodiversity.

The impact of the demographic changes on the environment is also expected to be different in different scenarios. In the business-as-usual scenario, the impact is expected to be particularly severe. This is because the number of people in the world is expected to increase rapidly and the standard of living is expected to remain low. This will lead to a high demand for resources and a high level of environmental damage.

In the sustainable development scenario, the impact is expected to be less severe. This is because the number of people in the world is expected to increase more slowly and the standard of living is expected to be higher. This will lead to a lower demand for resources and a lower level of environmental damage. In addition, the sustainable development scenario includes measures to reduce environmental damage, such as reforestation and the use of renewable energy.

### 3.1. Data collection

Properly collected data indicates that field activities have been conducted appropriately and can help improve planning and procedures, as well as evaluation. As little data is available at the European Union level regarding children crossing external borders, better data collection could improve and identify better practices and save a number of victims.

Border guards can play a crucial role in the detection of crimes involving children by ensuring that all the information useful for further investigations is collected. The success of related investigations often depends on the response and actions of the border guards who first spot that something is wrong or missing. It is necessary to ensure that each and every piece of information that might be relevant is recorded in full respect of the rights of the children concerned and is rapidly passed on to the respective authorities for immediate reaction. Collected data should be correct as seemingly small errors, like misspelled names, can have consequences in later proceedings.

Particular care should be taken in regards to the collection of biometric data, including fingerprints (see also FRA checklist on how to take fingerprints for EURODAC - <http://fra.europa.eu/en/publication/2015/fundamental-rights-implications-obligation-provide-fingerprints-eurodac#checklist>). No one should be detained or coerced through physical or psychological violence into giving fingerprints, and no fingerprints should be obtained from children if there is doubt concerning whether or not they have reached 14 years of age.

Traffickers seldom work alone and often change the land border crossing point in order to reduce the risk of being intercepted; therefore only extensive data collection can help to identify similar modi operandi and share best practices. The recruitment,



transportation and exploitation of children requires a high level of group organisation. Border guards are therefore on the lookout for a range of interrelated crimes<sup>17</sup>.

### 3.2. Data protection

Border guards should observe in full all applicable data protection requirements when recording, processing and transferring data on children. Data protection regulations need to be followed. Data must only be collected and kept for its intended purpose and for as long as it is necessary for that purpose.

At the same time, border guards must take sufficient care when recording, processing and transferring data regarding a child. Data protection regulations apply and must be followed. As a general rule, no specific information concerning the child should be passed to their country of origin or any authorities of the country of origin in the country of arrival (e.g. consular representatives) by border guards.

### 3.3. Consular representatives of Third Countries

Contacts with these delegations should be assessed in order to quickly verify supporting and travel documents, provided that this does not put the child and/or their families at further risk (e.g. if the child or any family member or adult responsible expresses any intent to seek asylum) and is consistent with the best interests of the child.

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<sup>17</sup> Interpol annual report 2008 on trafficking-related crimes.

### **3.4. Transport companies procedures for dealing with unaccompanied children**

The age limit for unaccompanied children used by transport companies, could differ a lot between the companies. In some cases children under 12 years are not allowed to travel alone and in some cases there are no limitations if parents consider that children are capable to travel alone.

Local officers should be aware of the different standards and identify the possible vulnerabilities of children at the land border crossing point.





# 4 ■ Protection and national referral mechanisms



the 1990s, the number of people in the world who are illiterate has increased from 1.2 billion to 1.5 billion.

There are many reasons for this. One is that the population of the world is growing so fast that the number of people who are illiterate is increasing. Another reason is that the quality of education is so poor that many people who are literate are unable to read and write.

There are many ways to reduce the number of illiterate people in the world. One way is to improve the quality of education. Another way is to provide more opportunities for people to learn to read and write.

It is important to reduce the number of illiterate people in the world because illiteracy is a major barrier to economic development and social progress. People who are illiterate are unable to read and write, which makes it difficult for them to find jobs and improve their lives.

There are many organizations that are working to reduce the number of illiterate people in the world. One of the most well-known is the United Nations Educational, Scientific and Cultural Organization (UNESCO). UNESCO has a program called the Global Education Monitoring Report (GEMR) that tracks progress on education around the world.

Another organization that is working to reduce the number of illiterate people in the world is the World Bank. The World Bank has a program called the World Literacy Campaign that provides funding and technical assistance to help countries improve their literacy rates.

There are many other organizations that are working to reduce the number of illiterate people in the world. It is important that we all work together to help people learn to read and write so that they can improve their lives and contribute to the development of their countries.

One of the most important things we can do to help people learn to read and write is to provide them with access to quality education. This means that we need to invest in education and make sure that everyone has the opportunity to learn.

Another important thing we can do is to provide people with the resources they need to learn to read and write. This includes books, writing materials, and access to computers and the internet.

It is also important to create a supportive environment for learning. This means that we need to encourage people to learn and provide them with the encouragement and support they need to succeed.

By working together, we can reduce the number of illiterate people in the world and help people improve their lives. Let's all do our part to make a difference.

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As indicated in Section 2.9, an NRM is a system, set up at national level, designed to ensure the protection of vulnerable persons and their rights through a coordinated response. The organisation of NRM varies according to national specifics and to the issue at hand.

Member States are, for example, under an obligation pursuant to European law to establish a referral mechanism at the national level for victims of trafficking of human beings<sup>18</sup>. In some countries, the required border guard response to cases involving vulnerable children has been collated into a set of standard operating procedures that can be easily activated. In others, the required response is much less clear, and so border guard services may find themselves making their own ad-hoc referral arrangements. For this reason, it is of great importance that border guards are aware of the existence and functioning of the National Referral Mechanism in the country where they are working.

The European Union has also promoted the establishment of referral mechanisms at the national level to deal with cases of child abduction. The Commission has issued guidelines<sup>19</sup> and has offered support<sup>20</sup> to help Member States set up child abduction alert systems with cross-border interoperability. The Council<sup>21</sup>

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<sup>18</sup> See Art. 11(4) of Directive 2011/36/EU of the European Parliament and of the Council, which states 'Member States shall take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations'.

<sup>19</sup> SEC(2008) 2912 final — Best practice for launching a cross-border child abduction alert: [http://ec.europa.eu/justice/funding/rights/call\\_10014/ramc\\_ag\\_annex\\_5\\_2008\\_en.pdf](http://ec.europa.eu/justice/funding/rights/call_10014/ramc_ag_annex_5_2008_en.pdf)

<sup>20</sup> For example, Bulgaria, Cyprus, Poland, Slovakia, Spain and the United Kingdom have availed themselves of this possibility.

<sup>21</sup> Council Conclusions of 11 November 2008: <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014612%202008%20REV%202>



has also invited Member States to establish such mechanisms and conclude the necessary cooperation agreements. It should be noted that the diversity of the national systems does not provide for uniformity at European Union level. Not all Member States have developed such mechanisms to date. These mechanisms are, however, necessary in order to ensure a swift and coordinated response to child abductions, with the involvement of all relevant actors, including border guards.

In almost all Member States a national mechanism is in place for the referral and protection of foreign unaccompanied and separated children to ensure access to international protection and provide necessary care to the child. National child protection authorities or authorities responsible for the reception of third country nationals and asylum seeking persons are usually in charge of such mechanism, along with the national guardianship authority. It is important that all cases of unaccompanied and separated children are promptly referred by border guards to the competent national authorities.

National authorities are the main actors for establishing NRM and ensuring cross-border and inter-sectorial cooperation. Border guards can, however, play an important role in advocating that the relevant national authorities set up such mechanisms where they do not yet exist.

Frontex recommends setting up an easy and swift activation system for referrals and ensuring that referrals take place at the earliest stage possible. For any referral mechanism concerning children, the following principles should be taken into account:

- ♦ Protection of the rights of the child should be the first priority of all measures undertaken with full respect for the best interests of the child. All children – whether unaccompanied, separated or accompanied – should have equal access to pro-



tection on the basis of need, and be kept together with family members when this is in their best interests.

- ◆ An efficient system should be as broad as possible, in order to respond rapidly to different forms of abuse, exploitation and human trafficking or abduction. A wide range of specialised services should be available, so that the specific needs of individual children can be properly addressed.
- ◆ A multidisciplinary and cross-sector approach should be pursued. Integrated child protection systems are the most efficient. Therefore, all relevant and specialised actors from government and civil society should be involved.
- ◆ The agreements established between different entities need to be flexible enough to handle the complexities of the referral process and address the various needs of children in different situations. All partners must be involved with regard to their roles and responsibilities and the underlying principle of cooperation needs to be carefully and closely defined within the mechanism.
- ◆ Access to support and protection services should be granted and facilitated.
- ◆ Transparency and a clear division of responsibilities are at the heart of an efficient referral mechanism.
- ◆ Building upon any pre-existing mechanisms with a view to strengthening local ownership should ease the process. Sustainability should be the goal.
- ◆ The mechanism should be regularly reviewed and updated to ensure efficiency and effectiveness of child protection. Synergies with other relevant referral systems should be sought.
- ◆ A border guard should always have the following at hand when available:
  - » the contact details of the 'must-call' services: 24/7 child support and other emergency support;
  - » a comprehensive list, with contact details, of all the protection services and programmes available (medical, mental



health, legal, logistical, etc.), whether from national authorities, civil society, international organisations or NGOs.

Finally, it is relevant for border guards to undergo specific training on how to deal with vulnerable persons, with a particular emphasis on children.



# 5. Glossary



the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion.

There are a number of reasons why the world's population is growing so rapidly. One of the main reasons is that the number of children born to each woman has increased. This is due to a number of factors, including improved medical care, better nutrition, and a higher birth rate.

Another reason why the world's population is growing so rapidly is that the number of people who are surviving into old age has increased. This is due to a number of factors, including improved medical care, better nutrition, and a higher life expectancy.

The world's population is growing so rapidly that it is expected to reach 8 billion by the year 2025. This is a significant increase from the 5 billion people who lived in the world in 1987.

The rapid growth of the world's population is a cause for concern. It is expected to lead to a number of problems, including a shortage of food, water, and energy, and an increase in poverty and social inequality.

There are a number of ways in which the world's population can be managed more sustainably. These include reducing the birth rate, improving medical care, and increasing the life expectancy of people.

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## 5. GLOSSARY

- I-24/7** Interpol checking system
- ILO** International Labour Organisation
- IOM** International Organization for Migration
- NGO** Non-governmental organisation
- NRM** National referral mechanism
- NSIS** National Schengen Information System
- SBC** Schengen Borders Code
- UNHCR** United Nations High Commissioner for Refugees
- UNCRC** United Nations Convention on the Rights of Children (1990)
- UNCRSR** United Nations Convention Relating to the Status of Refugees (1951)
- UNODC** United Nations Office for Drugs and Crime
- UAM** Unaccompanied minor





