



VEGA

Handbook: Children at sea borders

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



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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 borders of the European Union whether they are accompanied by their parents or other adult persons responsible for them or not;
- ♦ attempting to enter irregularly into a Member State and subsequently identified and registered in *hotspots*¹.

This can improve the identification of **children on the move at risk** at sea borders, while ensuring respect and protection for their rights and enhancing the actions taken against criminal threats to their wellbeing. **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 guidance for entry and exit controls at Border Crossing Points (BCPs) and checks during the registration process at hotspots. These basic measures are designed to support border authorities without prejudices to the possible presence 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 the best interests of the child, taking into account the concrete needs and obligations of border guards' activities at the same time.

The guidelines contained herein should be implemented:

¹ Refer to PART 3 for further information of "hotspots".



- ♦ according to the national rules and powers of the law enforcement authorities;
- ♦ bearing in mind that the actions suggested by Frontex encompass all border control activities until the moment when, according to the circumstances, the reasonable suspicion that a child may be in danger is tangible. 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, in particular the best interests of the child, which must be a primary consideration, together with the principle of non-refoulement².

However, the recommendations contained herein and in other informative documents (such as the “Practical Handbook for Border Guards”³) are not exhaustive: border guards should always keep up-to-date with the adjustments of criminal networks’ *modi operandi* in response to law enforcement countermeasures.

² *Refoulement means the expulsion of persons who have the right to be recognised 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’.*

³ *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.*

All border guards involved are invited to check in the field what is mentioned in these guidelines and to send their recommendations or comments to the following Frontex email address:

vega.handbooks@frontex.europa.eu

Subject: 'SBS VEGA Children Handbook, comments'.



Foreword

Children, because of their age and level of maturity, are generally more at risk of abuse than adults. **International criminal networks linked to irregular migration have become ever more sophisticated over the last 20 years.** Most analysts agree that there has been an increase in these categories of trans-border crime. According to data provided by UNHCR,⁴ in 2016:

- ♦ over 25,000 children arrived in Italy through the Central Mediterranean Route; 92% of them were unaccompanied or separated children (doubling the figures scored in 2015);
- ♦ almost 64,000 children arrived in Greece;
- ♦ 75% of all children interviewed in Italy exhibited a unique set of risk factors linked to trafficking.

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

⁴ "Refugee and Migrant Children – Including Unaccompanied and Separated Children – in Europe", UNHCR, April 2017 (https://www.unicef.org/ceecis/Factsheet_refugee_migrant.pdf)

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 identify a child who is at risk. Moreover, dealing with children — including how to speak to them, address them, identify their protection needs and how to deal with them without infringing their integrity, rights and 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 actors.

The novelty of this work consists in offering **specific elements of practical guidance on law enforcement at the EU external borders**. Unlike previous studies, this guidance provides perspectives on border activities to border guards themselves, who often play a key role in initiating those processes aimed to dismantle criminal organisations.

The core objective of this handbook is to **increase effectiveness of the protection of children on the move, and (potentially) at risk**, in a comprehensive and yet operational way.

Drawing on the knowledge of Europe's leading experts, as well as on the experience accumulated by dozens of experienced border guards and fundamental rights experts, this handbook covers every aspect of entry and exit controls in cases of irregular migration and cross-border crime involving children at sea border.

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



Although mainly aimed at border guard services, the handbook should also be of interest to other people, from the seaport staff and ships crews, to staff at reception centres and other services and agencies, both public and private, who may find some guidance regarding how to deal with the difficult issue of children on the move at risk.

Part 1 Definitions



a) Child

In line with the relevant international legal standards and legislation, «**a child means any human being below the age of eighteen years** unless, under the law applicable to the child, the age of majority is attained earlier»⁵.

Conventionally, also the terms 'below the age of majority' or 'minor' may be used to describe any person below the age of 18.

i. 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. Unaccompanied and separated children travelling across the external border of the European Union are among the most vulnerable ones, as well as those children who are SGBV survivors, disabled, etc.

The Inter-Agency Working Group on Children on the Move⁶ has agreed on a definition of when children should be regarded as being '**on the move**'. The group came up with a broad concept, encompassing children from diverse backgrounds and with different experiences. 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*

⁵ UN Convention on the Rights of the Child (New York, 1990), article 1.

⁶ The Inter-Agency Working Group on Children on the Move was established in 2011 and comprises the following organisations: the International Labour Organisation (ILO), the International Organisation for Migration (IOM), Plan International, Save the Children, Terre des Hommes International Federation, the African Movement of Working Children and Youths (AMWCY/MAEJT), Environmental Development Action in the Third World (ENDA), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and World Vision International.



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. As a result, they may never reach their full potential, physically, socially, emotionally or mentally. Within the movement, 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 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, sexually exploited or otherwise abused children, and children with disabilities. Migration creates additional risks for children while crossing several areas or countries without the proper protection, what leaves them more vulnerable. The ways in which a child can be marginalised, stigmatised or discriminated against are almost infinite and also may vary in different societies.

The types of threats that affect children are extremely varied (smuggling; trafficking, be it for the purpose of forced labour, forced begging, forced marriage or being forced into other criminal activities; etc.) and are difficult to categorise.

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 – refer to sections c) and d) – are among those

recognised as being particularly vulnerable to the risk of being trafficked, abused or subjected to violence and/or exploitation.

ii. Age assessment⁷

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**⁸. 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 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

⁷ It is an interpretation endorsed by EASO that age assessment should not be standard practice ('Age assessment practice in Europe', EASO, December 2013), but it should be a measure of last resort.

⁸ Article 25(s) of Directive 2013/32/EU states that «Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for international protection where, following general statements or other relevant indications, Member States have doubts concerning the applicant's age. If, thereafter, Member States are still in doubt concerning the applicant's age, they shall assume that the applicant is a minor».



of the child with the objective of ensuring their protection⁹ and should be respectful of individuals and their human dignity¹⁰.

c) 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.

d) Unaccompanied children

'Unaccompanied children' are also known as 'unaccompanied minors' (or UAMs).

The Article 2 of the Directive 2011/95/EU defines an unaccompanied minor as «a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States».¹¹

⁹ See Council of Europe: <https://rm.coe.int/age-assessment-council-of-europe-member-states-policies-procedures-and/168074b723>

¹⁰ EASO publication on age assessment practices in Europe provides an overview of different methods and tools. [URL: <https://www.easo.europa.eu/sites/default/files/public/EASO-Age-assessment-practice-in-Europe1.pdf> a new revised version will be published during 2017]

¹¹ According to the "General Comment No. 6 (2005) - Treatment Of Unaccompanied And Separated Children Outside Their Country Of Origin", § III-7, «'unaccompanied children' are children, as defined in article 1 of the Convention, 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 as long as they are not taken into the care of an adult by law or custom.

e) Separated children

Separated children are those separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. They may, therefore, include children accompanied by other adult family members (e.g. an uncle or a grandparent).

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 child protection authorities.

f) Child trafficking

Trafficking in human beings (THB) is defined by the EU directive on trafficking as the recruitment, transportation, transfer, harbour-



ing or reception of persons, including the exchange or transfer of control over those children, for the purpose of **exploitation**.¹²

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 yet been used.

Trafficking is not solely a crime that occurs at the external border: as the purpose of the criminal activity is the exploitation of the victim, they can be trafficked internally, within national borders.

In addition to being trafficked, some child victims may also be in need of other kinds of international protection, such as asylum. Children have the same right to seek international protection and to benefit from respect of the principle of *non-refoulement* as adults. These rights are well established in the European Union

¹² 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'.

asylum *acquis*¹³ and in international law. Although the 1951 Geneva Convention on the Status of Refugees does not specifically refer to the rights of refugee children, these are not excluded from its scope. The principle of *non-refoulement* also applies to children.

g) Child smuggling

Child smuggling is the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the irregular entry of a child into a State Party of which the child is not a national or a permanent resident¹⁴.

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 it is regarded as a crime against the sovereignty of the 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 person reaches his/her country of destination.

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

¹³ 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).

¹⁴ 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).



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.

In the case of adults, trafficking is generally carried out with the use of coercion and/or deception. Smuggling involves the awareness of being smuggled.

However, for children the situation is more complex; the United Nations Committee on the Rights of the Child (UNCRC) recognises the decision-making capacity 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 and travels 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.

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.¹⁵

The right to asylum and the principle of *non-refoulement* also apply to smuggled children, who may need international protection.

¹⁵ Human trafficking and people smuggling activity report 2010-2011, published in May 2012.

h) Stowaways

According to the FAL Convention¹⁶ stowaway is «a person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the ship-owner or the master or any other responsible person and who is detected on board the ship after it has departed from a port, or in the cargo while unloading it in the port of arrival, and is reported as a stowaway by the master to the appropriate authorities».

i) The best interests of the child

The United Nations (UN) 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».

Acting in the best interests of the child should be the guiding principle for every border guard. The need to have primary consideration for the best interests of the child in all issues concerning them is also stipulated in Article 24 of the Charter of Fundamental Rights of the European Union.

The UN Committee on the Rights of the Child¹⁷ stated that '*the concept of the child's best interests is complex and its content must be determined on a case-by-case basis*'. All authorities engaged shall apply the principle of the best interests of the child when taking any action and/or decision affecting children. Border guards play a key role and should refer all cases to the competent authorities where there is an indication that a child is at such a risk as

¹⁶ Convention on Facilitation of International Maritime Traffic, 1965

¹⁷ The UNCRC, General comment No 14 (2013).



described in this handbook. Adequate and prompt referral is an example of how border guards can contribute to the protection of children and ensuring their best interests.

It is essential that border guards take a particularly sensitive 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.

i. **Best interest assessment**¹⁸

An **assessment of the child's best interests** (see Part Two 4) **is essential before reaching any decisions**. This assessment does not require any particular formality, but should be conducted systematically in each of the different actions and/or decisions taken by border guards that occur from the moment a child is identified to be 'at risk', until they are put under the protection of the competent national authorities.

It must be noted the importance to gather as much information as possible on the child's individual situation. These **information**, as well as the **outcome** of the said assessment (including the needs of the child and further recommendation, body of referral, etc.) should be carefully **recorded** by a trained professional – even a trained border guard if necessary – because they are essential in the follow-up procedures.

In order to avoid jeopardising the child's safety, all those working with children must be trained about their **duty of confidentiality and 'do-not-harm' principle**.

¹⁸ See Article 23 of Directive 2013/33/EU ('Reception Conditions Directive'); for further information on child assessment methods and procedures, refer to the "Field Handbook for the Implementation of UNHCR BID Guidelines", UNHCR, 2011.

j) Protection and national referral mechanisms

A national referral mechanism (NRM) is a system and mechanism that allows 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 society institutions¹⁹, international organisations and non-governmental organisations (NGOs). There are procedural differences between the NRM of various 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 Part Two 6 for more details of NRM, which are of relevance to all children at risk, not just those at risk of trafficking.

In any case, the principle of *non-refoulement*²⁰ must be promoted and respected.

¹⁹ Social workers, specialized service within health system, etc.

²⁰ **Non-refoulement principle:** see footnote n.2

Part 2

General Operational Guidelines



1. Introduction

Border checks are a crucial opportunity for border guards to identify persons in need of protection – including children at risk – and to prevent cross-border crime: once victims leave the controlled area, the possibilities for intercepting criminals and preventing their actions decrease dramatically, as does the possibility of identifying the victims and activating child protection measures.

The difficulty of detecting border crimes involving children is well recognised. It is common, for 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: children who have not yet developed facial distinctive features tend to resemble each other. Moreover, children's faces, hair and even eye colour may change dramatically as they grow up. As a result, the border guard may not notice that the child and the adult passport holder are not, in reality, related.

The experience gained by Frontex over the years shows that behind an irregular border crossing there could be a people smuggling 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 may also occur when children are involved.

In order to increase awareness of children at risk on the move, it is essential to develop, and to maintain, a good relationship with other law enforcement officials at the seaport as well as non-law enforcement officials, such as shipping companies staff, workers from child protection services and those who work



with other vulnerable groups,²¹ and other authorities. This can be achieved for instance via regular coordination meetings, joint training courses or joint specialised teams.

The guidelines contained in Part Two are meant to be applicable to both the activities taking place at BCPs and Hotspots.

2. Protection measures

Children's rights must be always respected and guaranteed.

Response measures to ensure protection of children's rights include:

- ♦ **prioritisation** of children in all border related procedures;
- ♦ **identification** upon arrival at ports of entry, at reception facilities or as soon as their presence in the country becomes known to the authorities;
- ♦ ensure child-friendly **age-assessment** procedures and always accord the **benefit of the doubt**;
- ♦ prompt registration and proactive identification of the potential existence of the need for international protection or other forms of protection (including *non-refoulement and humanitarian protection*²²) and, wherever possible, tracing family members in case of an unaccompanied child;

²¹ Including accredited international organisations and NGOs.

²² **Humanitarian protection:** «addressing violence, coercion, deliberate deprivation and abuse for persons, groups and communities in the context of humanitarian crises, in compliance with the humanitarian principles of humanity, neutrality, impartiality and independence and within the framework of international law and in particular international human rights law (IHRL), International Humanitarian Law (IHL) and Refugee Law», "Humanitarian Protection", Thematic Policy Document n° 8, DG ECHO, May 2016 (page 6).

- ♦ upon identification, ensuring that a **guardian** and/or a **legal representative** (including where age is in doubt) is appointed expeditiously²³;
- ♦ 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 protection²⁴;
- ♦ access to leisure activities;
- ♦ detention of children can be justified only in exceptional circumstances and children should not be detained with **unrelated adults**.

Any decision regarding vulnerable children should take into account their particular situation, as well as the national legal frameworks, refugee law and international humanitarian and human rights law. 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.

According to European Union law, **migration concerns and status cannot be a basis for refusing any protection measures**,

²³ Article 24 of the Reception Conditions Directive (Directive 2013/33/EU) requires appointing a representative as soon as possible, to enable children to enjoy their rights in accordance with the principle of their best interests. This applies to all unaccompanied children who are not accompanied by their parents or legal guardians and, as such, separated children. Similar provisions concerning unaccompanied children can be found in Article 31 of the Qualification Directive (Directive 2011/95/EU) and Article 25 of Asylum Procedures Directive (Directive 2013/32/EU).

²⁴ 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.



including permission to enter or remain in a European Union Member State.

2.1. 'Practical Schengen Handbook for Border Guards'²⁵

Basic information on child protection measures at the external borders is contained in the '*Practical Schengen Handbook for Border Guards*' 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».

²⁵ 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.

Where there is doubt as to any of the aforementioned circumstances set out in the Practical Handbook for Border Guards, border guards must make use of the **list of national contact points for consultation on children** and the **NRM**.

Although the Practical Handbook for Border Guards clearly points out that the presence of a parent with custody rights 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.

3. How to deal with a child

3.1. Key principles and best practices²⁶

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

- ♦ respecting the **best interests of the child**;
- ♦ protecting the **principle of family unity**;
- ♦ respecting the **principle of non-discrimination**;
- ♦ ensuring the **opinion of the child** is taken into account.

It is essential to realise that children are psychologically different from adults and may not be able to articulate clearly or explain themselves. Therefore, a **child-sensitive approach** is required when dealing with them. The child's opinion should also be listened to and given due weight in relation to the child's age and maturity. Nevertheless, a child may be unwilling to open up to a stranger, and thus the officer dealing with the child (prefera-

²⁶ For further information on interviewing children please refer to EASO Practical Guide: Personal interview



bly in civilian clothes) should make all efforts to establish **trust** with the child.

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

- ♦ Environment
- ♦ create a friendly, neutral and safe environment, e.g. an adequately child-friendly room,²⁷ if one is available;
- ♦ allow a child to get used to the new place: to examine the room and adapt to the environment;
- ♦ Physical behaviour
- ♦ decrease the power difference, e.g. avoid formalities, take care with body language, verbal tone, terms used, etc.;
- ♦ tailor behavioural manners, e.g.:
- ♦ sit on the same level as the child so as to ensure eye contact, e.g. when a small child is sitting on the floor, sit on the floor as well;
- ♦ do not talk sitting behind a desk or a table: it is better to sit at the table together with the child;
- ♦ sit close to the child but not too close: do not enter “the child’s personal space” as it might be perceived as too endangering for them;
- ♦ avoid inappropriate or unnecessary physical contact;
- ♦ ensure appropriate body language, e.g. keep eye contact, be on the same eye level, kneel to his/her height;
- ♦ ensure your clothing is appropriate: civilian clothing is always the preferred choice.
- ♦ Communication
- ♦ speaking

²⁷ 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.

- ♦ adapt to the situation and the child, e.g. use paper and pencils to draw pictures;
- ♦ explain the roles and jobs of the adult(s) involved in/dealing with the child;
- ♦ always tell the truth; be honest about what you know and don't know;
- ♦ speak in plain language and avoid technical terms, bearing in mind language barriers;
- ♦ speak and behave in a manner appropriate to the age and maturity of the child;
- ♦ try to make the child feel comfortable;
- ♦ ask questions in a sensitive manner;
- ♦ never promise an award/a reward? for giving information;
- ♦ do not coerce the child into answering or providing the desired answer, even if you know that the child is lying or is not disclosing a piece of information they should know;
- ♦ do not correct the "wrong answer", but instead ask for clarification;
- ♦ do not show that you are annoyed, when you did not manage to get the information you wanted to hear: in this case it would be better to stop and take a short break;
- ♦ if there is a language barrier, use an appropriate interpreter as early as possible, bearing in mind the cultural and traditional background, sex and age of the arriving child. The interview should not start before the arrival of the mediator/interpreter;
- ♦ do not make promises you can't keep, e.g. "nothing bad is ever going to happen to you again".
- ♦ do not push a child that is not ready to talk: arrange for another meeting instead;
- ♦ allow for silence
- ♦ listening
- ♦ let the child know you are listening, e.g. nod your head, keep eye contact;



- ♦ pay attention to special needs of girls, such as cultural difference and medical needs.

3.2. 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.

In addition to the recommendations listed in § 3.1, 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 treatment²⁸ (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

²⁸ Ensure there is a possibility for the child to be treated/referred before raising this opportunity to the child.

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.

4. How to assess the best interests of a child²⁹

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.³⁰

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 assessments³¹. For this purpose, border guards need to consider:

²⁹ For detailed guidance on child assessment methods and procedures, refer to the "Field Handbook for the Implementation of UNHCR BID Guidelines", UNHCR, 2011.

³⁰ For additional information about the principle of the best interests of the child and how to apply it, see UNHCR Guidelines on Determining the Best Interests of the Child, 2008 [URL: <http://www.unhcr.org/4566b16b2.pdf>] and UNHCR-UNICEF guidance on best interests: *Save and Sound*, 2014 [URL: <http://www.refworld.org/pdfid/5423da264.pdf>].

³¹ See Best Interest Assessment (BIA), "Field Handbook for the Implementation of UNHCR BID Guidelines", UNHCR, 2011, page 7



- ♦ 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 CRC emphasises the need to ensure the survival and development³² 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."³³
- ♦ benefit of the doubt

³² See Articles 6 and 24 UNCRC

³³ *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*, ¶ 85.

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.

5. Data collection

5.1. Introduction

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**. All personal data should be recorded in full respect of the rights of the children concerned and passed on to the relevant agencies³⁴. It should also be available nationally and passed on to Europol and other Member States to help identifying further at risk individuals, as well as potential criminal organisations.

5.2. 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.

³⁴ In order to build a link of trust and collect effectively information, refer to § Part Two 3.1



5.3. Alerts

Alerts should be disseminated to Member States, as soon as practicable concerning e.g. new modus operandi, blacklisted vessels, etc.

Consider checking API/PNR information alongside passenger list provided by shipping companies.

5.4. Personal data transfer to third countries

Contacts with third countries authorities should be made 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 is in need of international protection) and is consistent with the best interest of the child.

6. Protection and national referral mechanisms

6.1. National Referral Mechanisms (NRM)

As indicated in Part One -i), 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 the issue at hand.

Member States are, for example, under an obligation pursuant to European Union law to establish a referral mechanism at the

national level for victims of trafficking of human beings.³⁵ 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 NRM in the country where they are working.**

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.

6.2. Cross-border child abduction alert mechanism

The European Union has also promoted the establishment of national NRMs to deal with cases of **child abduction**. The Commission has issued guidelines³⁶ and has offered support³⁷ to help

³⁵ 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'.

³⁶ 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

³⁷ For example, Bulgaria, Cyprus, Poland, Slovakia, Spain and the United Kingdom have availed themselves of this possibility.



Member States set up child abduction alert systems with cross-border interoperability. The Council³⁸ 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. Currently, **17 Member States have developed such mechanisms.**³⁹

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.

The prompt and complete registration of children at the external borders can also serve to trace children that might have gone missing during the migration journey. Member States authorities should make full use of the alerts in SIS II (Schengen Information System) to assist in these cases, in accordance to the national legislation.

6.3. Principles for setting up an easy activation system for referrals

National authorities are the main actors for establishing a 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.

³⁸ Council Conclusions of 11 November 2008:
<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014612%202008%20REV%202>

³⁹ http://ec.europa.eu/justice/fundamental-rights/rights-child/hotline/index_en.htm

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.

An efficient system should be as broad as possible, in order to respond rapidly to different forms of abuse, exploitation and human trafficking. A wide range of specialised services should be available, so that the specific needs of individuals 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. Information on children at the borders for statistics and institutional preparedness should be systematically collected and analysed.

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. Sustain-



ability 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:

- ♦ 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.

Part 3

Children at Border Crossing Points (BCPs)



1. Operational guidelines

1.1. Pre-arrival risk analysis

Seaports are very different from other dedicated border facilities such as airports or land borders crossing points. The variety and complexity of seaports operational environment requires that the planning of activities is carried out, when possible, well in advance.

According to the circumstances and what kind of action or control needs to be performed, it is also worth considering to invite other services — e.g. Customs, Private Security Companies, K9 teams,⁴⁰ Maritime Agencies, etc. — to briefings held before each action, control or intervention, in order to benefit from their contribution in the respective field of expertise.

The type of vessel which is scheduled to arrive or depart from a given location is also a crucial aspect to consider:

i. Cruise vessels⁴¹

Cruise ships are considered to be at **low risk** but they can be subject to individual risk assessment prior to arrival. The identification of passengers and crew members is carried out using advance passenger information (and PNR if available).

Advance notice to maritime brokers may be helpful in sensitising crew members in order for them to warn port authorities

⁴⁰ 'canine teams'

⁴¹ «'cruise ship' means a ship which follows a given itinerary in accordance with a predetermined programme, which includes a programme of tourist activities in the various ports, and which normally neither takes passengers on nor allows passengers to disembark during the voyage». Schengen Borders CodeSBC, article 2(17)



of abnormal or suspicious behaviour of children and/or adults accompanying children.

ii. Ferries⁴²

Ferries are considered to be at a **medium to high risk**, due to the frequency of arrivals, ticket pricing and ready availability of passenger capacities.

The passenger and crew list might be available to border guards before the vessel's arrival. This can provide helpful information to identify potential indicators of smuggling and/or trafficking.

iii. Cargo vessels

Children on board of cargo ships usually belong to two categories:

- ♦ Family relatives of the ship crew members, usually high ranking staff. These children should be considered as 'accompanied' or 'separated'.
- ♦ Stowaways: usually they are older teenagers (16-17 years old) that are able to travel on their own. They are generally discovered by the crew one or two days after leaving the port of departure and reported by the ship master as stowaways to the authorities. Nevertheless, they should be regarded as unaccompanied children.

In this respect, the risk analysis related to the cargo vessels should be based on:

- ♦ the origin (last ten ports) and the destination;
- ♦ the lists of crew members and passengers (where appropriate);

⁴² This paragraph refers to checks on 'ferry connections with ports situated in third countries' as described in § 3.2.9 of Annex VI to the SBC.

As far as stowaways are concerned, container vessels usually pose a greater risk than bulk vessels.

1.2 Accompanied and separated children

A child can be:

- ♦ An accompanied child: accompanied by a parent or a legal guardian; or
- ♦ A separated child: accompanied by a third person such as an adult or a family member, for example, an uncle or a grandparent.

1.2.1 When approaching checks and at the first-line control

People act more naturally when they do not think they are being watched. Observing the behaviour of children and the person(s) accompanying them on their way towards the passport control can be very useful. The deployment of officers both in plain clothes and uniform can be useful in identifying behavioural changes.

Border guards should take **care not to make assumptions and avoid prejudices** when observing people. It is important not to discriminate on the basis of perceived cultural, religious, national or ethnic background, sex or other factors when observing children and the people accompanying them.

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 the child and the adult, a close inspection of supporting documents, etc.).



When assessing the best interests of the child, it is necessary to pay extra attention to the following circumstances:

- ♦ if a child is accompanied by only **one adult**
- ♦ if a child is from a refugee-producing **country**
- ♦ if a child is from a **country in conflict** or where **serious human rights violations** are known to occur.




There is a rare **possibility that sleeping babies or children had been sedated** in order to pass through the control. If after a while (e.g. at the second line) the child is still fast asleep – and especially 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.

i. Indicators


The following lists of indicators are not exhaustive; nevertheless it can help border guards in identifying situations that may require further exploration at the second line control.


Please note that these indicators are in general applicable to all the passengers disembarking on foot, but some might not apply to passengers travelling by car or coaches. The indicators should be assessed in accordance to the age and maturity of the child, as this can influence his/her behaviour.

	Indicators to be checked
	Not applicable to passengers travelling by car
	Not applicable to passengers travelling by coach/bus

Indicators	
1. The child looks shy, extravagant, withdrawn or frightened;	
2. The child keeps a closed body behaviour, attempting to appear as small as possible;	
	
3. The child avoids direct eye contact and looks at the floor;	
4. The child looks detached from the other members of the group;	
	
5. The child's clothing looks like it is borrowed or brand new and/or not suitable to the climate;	
6. The child has visible marks or bruises;	



7. The adult(s) claims to be a parent(s) but there is no physical resemblance with the child. (Pay due consideration to the principle of non-discrimination and its objective application when profiling);	✓
	
8. The adult(s) claiming to be a parent(s) omit to provide basic parental care (i.e. privileging themselves in feeding, etc.);	✓
9. The child is not at ease/comfortable with the adult(s);	✓
10. The child looks like they are not allowed to speak freely;	✓
11. The child shows signs of fear towards the adult(s);	✓
12. The child looks afraid or anxious;	✓
13. The child looks absent, distant, mumbling or incoherent;	✓
14. The child's attitude is unduly submissive;	✓
15. The child is 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');	✓
	
16. The child looks as if they may have been sedated;	✓

17. The dynamics between the child and the accompanying person seem not to be consistent with their cultural background;	✓
18. There are discrepancies in the behaviour, the bearing, the behavioural tics between the parent and the child;	✓
19. The adult appears worried, anxious or nervous;	✓
20. The child is not seated in an appropriate way with regard to their age;	✓
21. The car does not contain any personal items suitable for the child, also considering the length of the journey (e.g.: blankets/pillows/toys/bottles/food/personal medicines etc.);	✓
	
22. The child does not look comfortable with the vehicle and occupants;	✓
23. The child is not curious/inquisitive/active during the check.	✓

ii. Questions

A language barrier is undoubtedly a challenge to effective communication, therefore, assistance from interpreters and cultural mediators is often necessary during border checks.



To the child

Border guards can informally ask some simple questions to the child, such as their *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. The answers should be compared with the personal data contained in the travel documents.

To the accompanying adult

- ◆ Are you a parent, a guardian or a legal representative of the child?
- ◆ If not, where are they and who are you?
- ◆ When was the last time the child saw their parents?
- ◆ Does the child have any documentation, such as identity papers or a passport, with them?
- ◆ 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.)

iii. Document checks

Document checks are an additional good opportunity for the border guards to check the relationship between the child and the adult(s).

During the check 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 work station at passport control in cruise ship terminals should be designed to make any child present clearly visible (e.g. a simple mirror can help to verify whether there is a child in the opposite lower part of the booth).

In addition to the standard checks, it is necessary that border guards 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** and the **tickets** (itinerary), 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.
- ♦ The **legal relationship** between the child and the person travelling with her/him.
- ♦ **Family groups** with 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, they are likely to speak or at least understand one or more European language(s). Border guards should be aware that stateless children may come from countries where they were habitual residents without necessarily having the nationality of that country.



- ♦ Consulting on a systematic basis with 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.

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

1.2.2 Second-line control

The second-line control should be carried out by a different officer (if available) who is aware of the modus operandi used by smugglers and traffickers as well as recent alerts and in adequate facilities (see § 2.2 on premises for children).

Due consideration must be given to the **sex of the child** and their **cultural background**. Depending of their area of origin some children might not be likely to make a disclosure in front of a man or a woman respectively (e.g. usually a female officer should carry out second line control where the person to be checked is a girl).

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. Given that children merit specific protection, any information and communication should be in a clear and plain language that the child can easily understand.

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

i. The journey

If the subjects of interest are travelling along **sensitive routes** (according to risk analysis), the Advance Passenger Information System (**APIS**) should always be used prior to the ship docking.

Apart from a logical examination of the different legs of the journey, in certain cases a check of the passenger list and the passenger name record (**PNR**) - if allowed by the applicable national legislation - helps to verify whether there are other passengers travelling under the same travel booking that could put children at risk. A facilitator/escort may be found among the other passengers and intercepted before they leave the seaport.

Shipping companies' staff can also be a useful source of information. The crew have often had many hours to observe passengers and may have noticed something out of the ordinary.

ii. Documents and luggage

A thorough verification of travel and supporting documents is advisable, with the option of contacting the consular authorities of the country that issued the travel documents.



However, in order to avoid putting the child and their family at further risk, **consular authorities should not be contacted** if:

- ♦ the child comes from a refugee-producing country;
- ♦ the child comes from a **country in conflict**;
- ♦ the child comes from a country where serious human rights violations are known to occur;
- ♦ the child is a person in need of international protection.

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 network of Interpol databases) 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.

iii. Interacting with a child at the second-line control

When talking to 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, they are more likely to explain the situation in if the potentially abusive adult is not present. The child must be informed about the ongoing process at all times through an interpreter if necessary.

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 as informal and friendly as possible**. The child should also be informed where their caretakers will be during the interview, in order to help children feel more 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). The period during which a child is separated from the accompanying adult should be reasonably short, unless any indications of risk are found.

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 the people attending the second-line check to two persons.

It is always possible to speak to children without formally interviewing them. Formal interviews with children should only be conducted when strictly necessary and according to applicable law, and in consideration of the child's age and maturity. 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. 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. E.g.:



- ♦ '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, that does not mean the first answer was wrong.'
- ♦ 'If a question is too hard, we can come back to it later.'
- ♦ 'If you need a break, let me know.'
- ♦ 'If there is anything you are afraid of, share it with me and I will try to help you.'
- ♦ In general, children may be accompanied during their interview, in appropriate circumstances, by an adult of their choice. However, their request 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. For example, 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 the present people and inform the children of what their role is, in such a manner that is understandable to them;
- ♦ 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 an interpreter);
- ♦ use a 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 their status, rights and protection measures;
- ♦ reassure the child that your aim is their own wellbeing, safety and protection;
- ♦ ask open-ended and specific questions (what, where, when, how, who, why);
- ♦ avoid making assumptions about what the child thinks;
- ♦ give the child a break for water, the toilet or just when he/she is tired and respond as necessary to special needs or specific requests;
- ♦ check if the child has understood, ask them to tell you what they have understood;
- ♦ ask the child if they have any questions and answer his/her questions;
- ♦ Try to keep the interview short as far as it is possible.

iv. 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, details of their school, the sports they play and the interior of their home.



With regards to younger children it is advisable to establish a conversation rather than putting direct questions on specific topics.

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.

1.2.3 Final decisions and referrals

i. Activation of the National Referral Mechanism

At any time, and according to the circumstances, if there is a reasonable suspicion that an accompanied 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. **Specialised child protection staff** should be called for intervention at the seaport on referral or initial placement; border guards should have their **contact details at hand**.

A general rule at borders is that **children should not be separated from their parent** (or accompanying relative) unless there is reasonable suspicion that a **child is at risk** with them. Child protection agencies will be better able to confirm in full this aspect and to take over the case.

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 this aim, ensure that the entry point (i.e. contact person(s) and numbers) for the protection or the national referral system is identified and well-known.

- ♦ If possible, develop procedures and organise coordination meetings with regard to the protection and/or NRM including the case 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.
- ♦ Keep children informed about what is happening and what is going to happen.

ii. Detention

In all decisions, **the best interests of the child must be of primary consideration and the principle of *non-refoulement* must be respected.**

Although the 'Reception Conditions Directive' allows in principle the detention of a child⁴³, **it also mandates that they should only be detained in very exceptional circumstances**, always in accordance with applicable national law, for the shortest possible time and as a measure of last resort after first reviewing all other alternatives.⁴⁴

The United Nations Committee on the Rights of the Child has established that **detention of children cannot be justified solely on the basis that they are separated or unaccompanied, or for reasons of their migration status.**⁴⁵

⁴³ Article 8, Directive 2013/33/EU

⁴⁴ Article 11, Reception Condition Directive 2013/33/EU

⁴⁵ UNCRC, General Comment No 6 (2005), on the treatment of unaccompanied or separated children outside their country of origin, paragraph 61.



In any case, it should be considered that **detention may have a severely negative impact on the mental health of detainees**, especially where they are children.

According to the Council of Europe's High Commissioner for Human Rights, 'there are *no* circumstances in which the detention of a child for immigration purposes, whether unaccompanied or with family, could be in the child's best interest'.⁴⁶

1.3. Unaccompanied children

Always bear in mind that **unaccompanied children can be at higher risk of abuse or trafficking**. They are more vulnerable since they are not supported by an adult.

1.3.1 When approaching checks and at the first-line control



The observation of the behaviour of unaccompanied children may have to take into account behaviour patterns similar to those that would be used in the case of accompanied and separated children. It can be useful to observe people's behaviour when they are not aware they are being observed. The deployment of plain clothes officers is always worth considering at larger terminals.








As stated in § 1.2.1, it is important that **border guards do not make assumptions and avoid prejudices** when observing people or in any manner discriminate them on the basis of cultural, religious, ethnic background, sex, nationality or other factors.

⁴⁶ Coe High Commissioner for Human Rights, 'A five step plan to abolish immigration detention', January 2017 [URL: <http://www.coe.int/hy/web/commissioner/-/high-time-for-states-to-invest-in-alternatives-to-migrant-detention>].


i. Indicators

Experienced border guards, who are used to seeing children crossing the border, can take advantage of their knowledge and intuition by considering the indicators listed below, taking into account to the age and the maturity of the child.

	Indicators to be checked
	Not applicable to passengers travelling by car

Indicators	
1. The child looks shy, extravagant, withdrawn or frightened;	
2. The child keeps a closed body behaviour, attempting to appear as small as possible;	 
3. The child avoids direct eye contact and looks at the floor;	 
4. The child's clothing looks like it is borrowed or brand new and/or not suitable to the climate;	
5. The child looks afraid or anxious;	



6. The child looks absent, distant, mumbling or incoherent;	✓
7. The child's attitude is unduly submissive;	✓
8. The child is 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');	✓ 
9. The child does not look comfortable with the vehicle and occupants;	✓
10. The child is not curious/inquisitive/active during the check.	✓

ii. Questions

- ♦ A language barrier is undoubtedly a challenge to effective communication, therefore, assistance from interpreters and cultural mediators is often necessary during border checks.

Possible questions could include, but not limited to, who is waiting in the arrival area outside the security perimeter, if the child travels often, where the child's parents are and who took the child to the port in his/her country of origin.

To the child
<p>Border guards can informally ask some simple questions to the child, such as their <i>name</i> or <i>age</i> or some <i>other personal details</i>. Such questions are naturally discrete and need to be tailored to the age and maturity level of the child. The answers should be compared with the personal data contained in the travel documents.</p>
To the adult waiting for the child (when applicable)
<ul style="list-style-type: none"> ◆ Are you a parent, a guardian or a legal representative of the child? ◆ If not, where are they and who are you? ◆ When was the last time the child saw their parents? ◆ Does the child have any documentation, such as identity papers or a passport, with them? ◆ 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.)

iii. Document checks

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; the child could have some old visas in his/her passport with the name of the person waiting for him/her outside of the arrivals areas.
- ♦ Examining the supporting documents and tickets (itinerary), with short questions about the reason for travelling.
- ♦ According to the Schengen Borders Code (SBC), consulting the SIS II and SLTD databases as well as relevant national databases.

It is considered highly advisable to ask second-line officers to identify and briefly interview any person waiting for the child (please refer to § 1.3.2.i).

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

1.3.2 Second-line control

All the previously mentioned activities should be reviewed and checks repeated if necessary. The advice concerning accompanied children should also apply to unaccompanied ones.

Document and ticket checks, investigating in detail the 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. 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. Given that children merit specific protection, any information and communication should be in a clear and plain language that the child can easily understand.

i. The person waiting for the child

An important factor is the likely presence of a person waiting for the child. The second-line officer's first priority is often to **identify and briefly interview** that person. Such a check should be carried out **systematically** when the circumstance that the child is being waited for by a person is simultaneously accompanied by other risk indicators, which emerged during the second line checks.

After gaining a good understanding of the situation from the documentation available, the shipping company staff and the child, it will be possible to proceed with the interview and, subsequently, a comparison between the information already obtained and the adult's statements.

The person waiting for the child outside the arrivals area should be **informed** about the need for a thorough check, paying attention to their reaction.

If the child is travelling with their own **luggage**, it might be that the adult knows more or less what is in the luggage, especially if the child is very young. The adult should be able to list a few items when asked to do so.

The officer must be entirely satisfied that the reason for the child's journey is legitimate and the explanation for it is true.



If **no elements of risk** are identified during the checks on the child, interviewing the person waiting for the child should be considered as a **random** procedure only.

However, in case there are suspicions that the child is going to be met by a trafficker, it is recommendable that officers in plain clothes accompany the child to the waiting area, in order to be sure the person waiting for them shows up. A trafficker could decide to hide if a border guard in uniform appears with the child.

A request for asylum during the identification and control process, whether from the child or from the person waiting for the child on the child's behalf, should not prevent or distract the border guard from collecting all the evidence necessary and following the regular procedure.

1.3.3 Final decisions and referrals

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

The same considerations on detention of children of accompanied and separated children apply also to unaccompanied ones.⁴⁷

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** must be activated immediately,

⁴⁷ See § 1.2.3.Part Three 1.2.3

according to applicable national legislation, and an **investigation** initiated before any final decision. **Specialised child protection staff** should be called for intervention on referral or initial placement; border guards should have the contact details of such persons at hand.

Do not forget the following:

- ♦ Try to make sure that the time between the activation of the protection and/or NRM and the actual handover is as short as possible. With this aim, ensure that the entry point (i.e. contact person(s) and numbers) to the NRM is identified and well-known.
- ♦ If possible, develop procedures and organise coordination meetings with regard to the protection and/or NRM including the case 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, WC, medical assistance, etc.) and, if possible, something to entertain themselves with during the time they have to wait.
- ♦ Keep children informed about what is happening and what is going to happen.

2. Infrastructure

From the moment a child is identified a **child-friendly approach** must be adopted. Therefore it is essential to reduce at the very least the impact of traumatic events on children victims, especially when they are brought to an official border guard office, police station or a similar environment.

2.1. Transportation to law enforcement premises

Seaports design can result in quite diverse layouts, hence the first line checks can be carried out in different places: for in-



stance, according to SBC, checks could be performed on board, as well as in the proximity of the ship, on the docks as well as in border guard's booths.

Depending on where checks are carried out, the recognition of suspicious situations involving children could take place very far from the second line checks or other premises specifically adapted for children. Therefore, it is necessary to **provide adequate means of transport for transferring children to such specific premises**. The best solution could be a vehicle with standard colours, without police signs, in order to **avoid traumatising situations** for children. To the extent possible, consideration should be given to making the child feel as comfortable as possible (e.g. wearing plain clothes).

Pursuant to the **principle of family unity** (which shall be protected as long as possible), children should be transported together with family members or legal guardian or – in case of separated children – 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.

2.2. Premises for children at port facilities

Reserved premises should be as much as possible familiar, wide, bright, colourful. No symbols, items and other objects referring to law enforcement forces should be present inside such premises, in order to avoid the child feeling frightened or worried. Sometimes, the display of these objects could impact emotionally on the child, preventing them from providing any useful information for further investigation.

A familiar and comfortable environment needs toys, colourful images and pictures, and similar items. Specific instruments to facilitate communication are strongly required, such as illustra-

tive books, paper, pencils, etc. In any case, the interaction between minors and law enforcement officers must be supported by qualified staff in accordance to the NRM.

Premises for children should provide the possibility to observe them discretely, in order to get essential information from their behaviour.

3. Cooperation with shipping companies, ferry lines and security personnel.

The cooperation of shipping companies, ferry lines and their associated staff like (port facility) security officers, checking supervisors and crew members is important for the purpose of identifying minors at risk. They are ideally placed to observe interactions with passengers pre-arrival to the BCP. **Basic training in document identification, forgeries and impostors detection** would help in identifying issues and subsequently alerting border guards.

The training for security guards should be given special consideration, due to their placement (e.g. entry and exit points, CCTV control, public areas, etc.) and tasks (e.g. control of passengers and control of access to specified areas, etc.) within the port facilities.

Providing **feedback** to relevant parties about the outcomes of the cases they have reported is important in order to maintain the awareness and interest in child protection related issues.

Part 4

Children at landing points,
disembarkation ports
and registration facilities



1. The 'hotspot' approach

In response to the increasing migratory pressure on the southern border of European Union, in May 2015 the EU Commission introduced a new '**hotspot**' approach, where the relevant European agencies (namely European Asylum Support Office, Frontex and Europol) work together on the ground with frontline Member States to swiftly identify, register and fingerprint incoming migrants and potential refugees⁴⁸.

«A 'hotspot' is an **area** at the external border that is confronted with disproportionate migratory pressure. [In such areas] the EU needs to provide operational support to ensure that arriving migrants and potential refugees are registered, and to avoid that they move on to other Member States in an uncontrolled way.»⁴⁹

Each 'hotspot' features facilities that are properly equipped in order to receive persons soon after they have been rescued and subsequently disembarked or otherwise apprehended.⁵⁰

From an organisational point of view, the 'hotspot' approach is a **working method** that brings together several actors, including national institutions, such as border police or immigration

⁴⁸ COM(2015) 240 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – "A European agenda on migration".

⁴⁹ COM(2015) 490 final/2, Annex to the Communication from the Commission to the European Parliament, the European Council and the Council – "Managing the refugees crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration".

⁵⁰ These facilities are called Reception and Identification Centers in the frame of the Greek reception system and X in Italy. It is here that refugees and migrants are identified, registered and fingerprinted. They can also lodge asylum applications.



and asylum authorities; child protection officers⁵¹; healthcare organisations; international organisations; NGOs and, when encompassed within their mandates, European Agencies (Frontex, EASO, Europol).

2. Children at hotspots

The presence of children among persons rescued (or apprehended) at sea on their way to Europe has dramatically increased.

Border guards should **prioritise the identification and registration of all persons belonging to vulnerable groups**, among them **children**, and in particular, those children who are travelling unaccompanied or separated⁵² (refer to I.3.d). In the latter case, where possible, it is important to ascertain the **relationship/family links between the child and the accompanying adult** even before they reach the registration and identification area.

In order to do this, border guards should pay particular attention to **verbal and non-verbal communication** between them and what kind of attention (if any) the minor is receiving from the adult.

Therefore, border guards should be trained to recognise **specific indicators** in order to assess if the child is at risk, or if they are victims of child trafficking, child smuggling, gender based

⁵¹ [URL: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412_communication_on_the_protection_of_children_in_migration_en.pdf]

⁵² «Prioritized identification of a child as separated or unaccompanied immediately upon arrival at ports of entry or as soon as their presence in the country becomes known to the authorities (art. 8)», Committee on the Rights of the Child, 8), General Comment No. 6 (2005) on "Treatment of unaccompanied and separated children outside their country of origin, paragraph 31.

persecution⁵³ or if they were forced to perpetrate any kind of criminal activity..

Those children who appear to be underage should be separated from adults unrelated to them in order to avoid the risk of trafficking or other forms of abuse.⁵⁴

When a child is travelling unaccompanied they should be given specific attention in order to establish if they are at risk as a victim of human trafficking or being smuggled.

3. Steps to identify a child at risk

3.1. Identification of vulnerable groups on search and rescue (SAR) vessels.

If migrants are going to spend some time on board while being transferred to a safe harbour/seaport, after having been rescued at sea, the crew should pay special attention to children, especially if they seem to be travelling within a group of adults. Observing their interaction with these groups might reveal indicators of the child being at risk.

The support of the following actors, if available, might be an asset for this purpose:

- ♦ A **specialist with a law enforcement profile** and appropriate knowledge of judicial procedures may be embarked on board vessels dedicated to SAR in order to support and advise the crew.
- ♦ Medical staff;

⁵³

⁵⁴ "Safe&Sound – What states can do to ensure respect for the best interests of unaccompanied and separated children", UNHCR/UNICEF, October 2014, page 28.



- ♦ Interpreters

The aim at this stage is the profiling of migrants and, the identification of vulnerable persons, such as persons with specific needs, UAM, pregnant women, single parents, etc. When suspicious situations are detected, a detailed report should be communicated to the national authorities prior of disembarkation;

Information gathered on board, including the number of unaccompanied children, should be immediately communicated to the relevant authorities, even before disembarkation.

3.2. Children at landing sites and disembarkation ports

3.2.1 Preparation to disembarkation: coordination between the relevant stakeholders.

Where possible before disembarkation or whenever a new incoming vessel with migrants is detected, the local authorities should organise a **coordination briefing** involving other relevant entities, e.g. international organisations, NGOs, child protection officers etc., for providing **basic information about the ongoing rescue operations** (if it is the case), especially about health status of the refugees and migrants (in particular any contagious disease), the presence of children, family groups and vulnerable groups, collected evidence and possible persons of interest.

Local authorities in some MS have already established the practice of **alerting the relevant organisations via phone calls**, social

network apps, etc., informing them about new arrivals, composition of groups, claimed nationalities, medicals needs, etc.⁵⁵

Confidential data (Sexual and Gender Based Violence, Sexual Transmitted Diseases, etc.) should be transmitted only to proper authorities via secure channels to avoid stigmatization and over-exposure of the victim.

It would be important for these messages to also contain the number of children, sorted between those who are in the company of an adult (accompanied and separated children) and those who are alone (unaccompanied children).

In case the basic needs of those who have been disembarked are not covered, border guards try to link with the adequate services to ensure that these needs are covered, e.g water, food, blankets.

3.2.2 Personal security checks and checks of personal belongings

All people who have been disembarked, including children, should be subjected to security body searches, personal belongings checks and medical checks. The security check should be conducted in a way that **respects the child's dignity and in a private space**. Female officers should be available to check girls and information about the purpose of the check should be provided in a language the child understands and explained step by step.

⁵⁵ A similar practice is described at page 73 of "Fundamental rights at Europe's southern sea borders", European Union Agency for Fundamental Rights (FRA), 2013. Currently it is valid only for direct communication between ICC/NCC and actors directly participating to the rescue operation. For further information, please refer to the following website:

http://fra.europa.eu/sites/default/files/fundamental-rights-europes-southern-sea-borders-jul-13_en.pdf



The security checks should be carried out in order to detect weapons or other elements that may link the child to armed forces or qualify them as combatants.

Consideration should be given to children forced to become Foreign Terrorist Fighters or being used to conceal weapons on behalf of such adult FTFs (*see Common Risk Indicators handbook*).

A child who is caught carrying arms, should be immediately disarmed and referred to the competent authority for further and proper actions. Nevertheless, as in any other decision regarding children, **the principle of the best interests of the child must be applied and should be a primary consideration.**

3.2.3 Medical checks

A medical screening should be conducted **by medical personnel** with the aim of assessing the **health of the child** as well as **protecting public health** from the danger of spreading contagious diseases. Once the screening has been completed, migrants can proceed to the registration.

During the medical check, special attention should be paid to:

- Signs of forced labour;
- Signs of torture;
- Scars or other types of marking;
- Erased fingerprints. People that are re-trafficked in Europe (often for the purpose of sexual exploitation) might have their fingerprints erased in order to avoid being identified as a victim of THB;
- Amputated fingers might be a signs of need of international protection (usually this method is used to avoid military conscription in areas where this meant as a way of oppression);
- Tattoos and color of nails, as they can represent a mark of ownership.

- ♦ Signs of sexual and gender based violence;
- ♦ Possible signs or declared or confirmed victims of torture, psychological trauma, physical aggression, sexual assault or any other serious forms of violence should be referred to specialised staff at the Registration and Identification Center in order to be provided with adequate treatment. If an underage girl, or presumed to be, states that she is pregnant, proper assistance shall be ensured.

Further, the medical personnel should immediately liaise with the border guard service in order to refer the child to the proper national authority, so as to assure that adequate protection and assistance is granted.

The medical personnel should communicate to the border guard service any sign of sexual and gender based violence because it might be an indicator of previous sexual exploitation. It is important to take into account the possibility that the condition of pregnancy is used as a way to ensure that the child will be granted entrance into the EU and subsequently subjected to trafficking.

3.2.4 Screening experts at landing sites and disembarkation ports

Whenever it is possible, a screening/debriefing expert or, in their absence, BSOs⁵⁶ should be deployed to the landing site for the purpose of having a first overview of the new arrivals. Moreover, this would be a good opportunity to **observe the behaviour of persons outside of the context of the registration procedures and identify the cases that should be investigated more thoroughly**. Just like the profiling experts aboard SAR vessels (refer to § 3.1), the **screeners deployed at disembarkation ports** should be trained to identify and report signs of sexual and gender based violence.

⁵⁶ Border Surveillance Officer



barkation points should refrain from performing any kind of law enforcement activity.

Their observations might be useful to the screening experts, who will perform the screening procedures later at the Registration and Identification Center, in order to tailor their inquiries in advance.

i. Behavioural indicators

The following indicators should be taken into consideration since the first moment of interaction and throughout the whole process of identification and registration. Further, some of these indicators are not applicable to all children, but it may be necessary to differentiate between 'accompanied', 'separated' and 'unaccompanied' children.

Indicators	Child		
	Accompanied	Separated	Unaccompanied
1. The child looks shy, extravagant, withdrawn or frightened;	✓	✓	✓
2. The child keeps a closed body behaviour, attempting to appear as small as possible;	✓	✓	✓

3. The child avoids direct eye contact and looks at the floor;			✓
4. The child looks detached from the other members of the group;			✓
5. The adult(s) claims to be a parent but there is no physical resemblance with the child. (Pay due consideration to the principle of non-discrimination and its objective application when profiling);	✓		
Looking closely at the interactions between the child and the parent(s)/accompanying adult(s)			
6. The adult(s) claiming to be a parent(s)/relative(s) omit to provide basic parental care over a long observational period (i.e. privileging themselves in feeding, etc.);	✓	✓	
7. The child is not at ease/comfortable with the adult(s);	✓	✓	
8. The child looks like they are not allowed to speak freely;	✓	✓	
9. The child shows signs of fear towards the adult(s);	✓	✓	
10. The child seems to speak a different language/dialect than their relatives or guardians;	✓	✓	



11. The child looks afraid or anxious;	✓	✓	
12. The child looks absent, distant, mumbling or incoherent;	✓	✓	
13. The child's attitude is unduly submissive;	✓		
14. The child is looking at another migrant who tries to ignore him/her (in this case the other migrant should be more closely checked, because he/she could be an 'escort');		✓	
15. The dynamics between the child and the accompanying person seem not to be consistent with their cultural background;	✓	✓	

In case of doubt of the primary caregiver these indicators should be checked:

- If the accompanying adult claims to be a parent, border guards should pay attention to their physical resemblance. Is their physique compatible with that of the child? Are there similarities in the behaviour, or bearing, of the parent or child, or other behavioural tics?
- Does the adult appear worried, anxious or nervous?
- After the interview, it might be useful to check whether the information given by the accompanying adult and the child are consistent with respect to the full duration of their journey.

i. Questions...

To the child
Border guards can informally ask some simple questions to the child, such as their <i>name</i> or <i>age</i> or some <i>other personal details</i> . Such questions are naturally discrete and need to be tailored to the age and maturity level of the child. The answers should be compared with the personal data contained in the travel documents.
To the accompanying adult
<ul style="list-style-type: none">◆ Are you a parent, a guardian or a legal representative of the child?◆ If not, where are they and who are you?◆ When was the last time the child saw their parents?◆ Does the child have any documentation, such as identity papers or a passport, with them?◆ 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.)

3.3. Transfer to the Registration and Identification Centre

Whenever migrant children have to be accompanied from the disembarkation point to a Registration and Identification Cen-



tre (RIC) further observations might be performed. In this circumstance, border guards should pay attention to the **groups** containing children that have formed after the disembarkation, noting what groups children affiliate with and what kind of interactions children have with adults in that specific group.

The same suggestions mentioned in Part Three § 2.1 apply.

3.4. Children at the Registration and Identification Centre

3.4.1 Profiling during the pre-identification process.

After being transferred to the Registration and Identification Centers – and until the moment persons are effectively starting the registration process – migrants and might be staying in a **waiting area before starting the registration procedures**. During this time migrants must be provided with legal information in their own language on the current legislation on immigration and asylum, especially rights and duties related to the entry on the territory and the possibility to apply for international protection or for the relocation procedure.) [...]». The information provided should be tailored also to children, in a child-friendly way, guaranteeing a participatory approach and concentrating on the verbal and non-verbal communication. (see Part 2. 3 How to deal with a child). This information session should be carried out by child protection officers when available.

This is another good opportunity **to observe the interaction between adults and children** who are staying in the same group. Efforts should be made to identify in this phase unaccompanied children, in order to avoid mistakenly dividing those who

are "separated children" or "accompanied children" from their families in a later phase⁵⁷.

The observations should be performed by specifically trained border guards when available.

3.4.2 Identification of children at risk during screening and debriefing processes

In the case of accompanied children, during the screening process and, further, when both the child/children and the accompanying adult(s) are waiting to pass to the next stage, **in case of doubts**, the screener should ask for the support of another colleague. Both officers should be prepared to **ask a few questions to the adult and the child separately**, and, further, inspect any document and belongings that they might possess. At all times, the officer should guarantee that the child feels at ease during the conversation

The presence of medications (e.g. for sexually transmitted diseases and infections might be an indicator of sexual exploitation) may require the matter to be specifically referred to medical and other adequate professionals and experts on this matter.

Phone numbers and any other contact must be carefully collected for further investigation.

An **officer with expertise in documents checks** should be present during the registration phase in order to verify the presence of signs of falsification or counterfeiting on migrants' documents and that they are held by the rightful holder.

⁵⁷ Cit., page 11



In any case, bear in mind that the screening process should always be undertaken in a **protection-sensitive manner** within the best interests of the child.

Any person that has previously been identified by the national authorities or Screening Teams as a child or is presumed to be a child must not be interviewed by the debriefing experts. If during a debriefing interview a person states that she/he is a minor, the debriefing experts must interrupt the interview and immediately inform the host MS for adequate referral to the competent authorities, procedures, including age assessment where necessary (see above) and facilities.

If there is a debriefing interview with a family, and there are serious doubts about the family links, the debriefing expert should contact the competent national authorities.

If as a result of the identification process, the risk seems to be reasonable, border guards should activate the national protection mechanisms.

3.4.3 Cultural mediation and interpretation services

Identification of unaccompanied children is a challenge, therefore, interpreters and cultural mediators are playing a critical role. Depending on the different cultures, the **sex of the interpreter or cultural mediator** must be carefully considered in order to make it easier for the child to make a disclosure.

The border guards should build a relationship of trust with the interpreter. Interpreters should be carefully instructed on what information border guards need and should be well aware about the limits of their role, which is to interpret and support the work of the officer, not to take a leading role themselves.

In response to this issue, technology may help, since various software featuring translation functions are available nowadays. For example, United Nations provides **VITA**, the '**Victim Translation Assistance Tool**', which includes the 35 most frequent questions to ask to victims of human trafficking in 40 different languages. Most of them are specific for children.⁵⁸

⁵⁸ VITA - <http://www.ungift.org/>



Annexes


















ANNEX 1 Indicators of risk at the first-line control

The following indicators should be taken into consideration since the first moment of interaction and throughout the whole process of identification and registration:



		Applicable...			
		... at BCPs...	... at 'hotspots' ...		
✓	Indicators to be checked			... to unaccompanied children (Part Three 1.2.1)	✓
	Not applicable to passengers travelling by car			... to unaccompanied children (Part Three 1.3.1)	✓
	Not applicable to passengers travelling by coach/bus			... to accompanied and separated children (Part Three 1.2.1)	✓
				... to accompanied children	✓
				... to separated children	✓
				... to unaccompanied children	✓
		Indicators			
	1. The child looks shy, extravagant, withdrawn or frightened;				



<p>2. The child keeps a closed body behaviour, attempting to appear as small as possible;</p>					
<p>3. The child avoids direct eye contact and looks at the floor;</p>					
<p>4. The child looks detached from the other members of the group;</p>					
<p>5. The child's clothing looks like it is borrowed or brand new and/or not suitable to the climate;</p>					
<p>6. The adult(s) claims to be a parent but there is no physical resemblance with the child. (Pay due consideration to the principle of non-discrimination and its objective application when profiling);</p>					

14. The dynamics between the child and the accompanying person seem not to be consistent with their cultural background;				✓	✓
15. The child looks as if they may have been sedated;	✓				
16. The dynamics between the child and the accompanying person seem not to be consistent with their cultural background;	✓				
17. There are discrepancies in the behaviour, the bearing, the behavioural tics between the parent and the child;	✓				
18. The adult appears worried, anxious or nervous;	✓				

ANNEX 2 Useful documents



European Union Agency For Fundamental Rights

- ♦ **Guidance on how to reduce the risk of refoulement in external border management when working in or together with third countries**

<http://fra.europa.eu/en/publication/2016/guidance-how-reduce-risk-refoulement-external-border-management-when-working-or>

- ♦ **Fundamental rights at Europe's southern sea borders**

<http://fra.europa.eu/en/publication/2013/fundamental-rights-europes-southern-sea-borders>

- ♦ **FRA opinion on fundamental rights in the 'hotspots' set up in Greece and Italy**

<http://fra.europa.eu/en/opinion/2016/fra-opinion-fundamental-rights-hotspots-set-greece-and-italy>

- ♦ **Fundamental rights implications of the obligation to provide fingerprints for Eurodac**

It includes a checklist to act in compliance with fundamental rights when obtaining fingerprints for Eurodac.



<http://fra.europa.eu/en/publication/2015/fundamental-rights-implications-obligation-provide-fingerprints-eurodac>



European Asylum Support Office

♦ **Age assessment practice in Europe (2013)**

<https://www.easo.europa.eu/sites/default/files/public/EASO-Age-assessment-practice-in-Europe1.pdf>

Glossary

- APIS** Advanced Passenger Information System
- BCP** Border Crossing Point
- BSO** Border Surveillance Officer
- I-24/7** Interpol checking system
- ILO** International Labour Organisation
- IOM** International Organisation for Migration
- NGO** Non-governmental organisation
- NRM** National referral mechanism
- NSIS** National Schengen Information System
- PNR** Passenger name record
- SAR** Search and rescue
- SBC** Schengen Borders Code
- 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
- VITA** Victim Assistance Translation Tool

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