



EMN Ad-Hoc Query on Unaccompanied asylum-seeking children followed by family members under Dublin Regulation.

Requested by Alexandra LAINÉ on 8th June 2017

Unaccompanied minors

Responses from Austria, Belgium, Croatia, Cyprus, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Sweden, United Kingdom, Norway (21 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.




Background information:


The Belgian Immigration Office notes an increasing number of unaccompanied minors who lodge an asylum application in Belgium and for which it, soon afterwards, is requested (mostly by the Greek authorities) to take over the parents or other family members in the framework of Dublin III. The Belgian authorities are concerned about these young children who are left alone at the hands of smugglers and they wish to know whether other Members States are confronted with this phenomenon (“unaccompanied minors who lodge an asylum application in the Member State and for which the authorities, soon afterwards, are requested to take over the parents and other family members”, sometimes referred to as "anchor child phenomenon").



Questions



1. Are your authorities confronted with the so called “anchor child phenomenon”? If so, please describe the overall phenomenon that you experience
2. If yes to the first question: In which procedure is this phenomenon visible: Dublin, other?
3. If yes to the first question: Which age group do the children fall into?
4. If yes to the first question: Which nationalities are concerned by this phenomenon?
5. If yes to the first question: Has you recently noticed an increasing number of such cases? Please provide estimates
6. Which measure do you have in place to prevent and tackle the so-called “anchor child phenomenon”? Please elaborate on when the measure was taken, possible impacts etc.


Responses



| | Country | Wider Dissemination | Response |
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|  | Austria | Yes | 1. Please note that the term „anchor children“ is in general not used by the Austrian authorities in this context. The number of transfer requests by Greece to Austria for family reunification of children with their family members in Greece under the Dublin-III-Regulation has increased in Austria like in Belgium. Often, also the extended family (uncles, aunts, grandparents, cousins) wishes family reunification with children in Austria and the Federal Office for Immigration and Asylum receives |





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| | | | <p>requests by Greece also in these cases. Source: Federal Ministry of the Interior.</p> <p>2. Predominantly, the Federal Office for Immigration and Asylum is confronted with this phenomenon in Dublin procedures. Source: Federal Ministry of the Interior.</p> <p>3. There is no statistical data in this respect. In our experience, the children sent to Austria for later family reunification are usually between 15 and 17 years old. However, in individual cases (if there are doubts about the minority) the age has to be verified by the Federal Office for Immigration and Asylum. Source: Federal Ministry of the Interior.</p> <p>4. Statistically it is only recorded which nationalities are in a Dublin consultation procedure between Greece and Austria. This concerns mainly Afghan and Syrian nationals. However, this is not necessarily representative for the special cases at issue. Source: Federal Ministry of the Interior.</p> <p>5. In general, Dublin procedures are not recorded for certain categories, but only how many consultation procedures are led with a certain Member State. In this respect the Federal Office for Immigration and Asylum notes in general that the transfer requests from Greece have become approximately three times as many. Source: Federal Ministry of the Interior.</p> <p>6. The Federal Office for Immigration and Asylum examines every case carefully and comprehensively and takes into consideration the best interests of the child and the circumstances of the individual case. Source: Federal Ministry of the Interior.</p> |
|  | Belgium | Yes | <p>1. The Belgian Immigration Office is increasingly confronted with the "anchor child phenomenon". The Belgian authorities recently notice an increasing number of such children who lodge an asylum application in Belgium and for which the authorities, soon afterwards, are requested (mostly by the Greek authorities) to take over the parents or other family members in the framework of Dublin III. These children cannot be sent back to Greece to join their parents, because Belgium can no longer send asylum seekers to Greece following the conviction by the European Court of Human Rights on 21 January 2011. The Court held that Greece and Belgium violated three articles of the European Convention of Human Rights and Fundamental Freedoms pertaining to right to life, prohibition of</p> |



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| | | | <p>inhuman and degrading treatment, and right to an effective remedy.</p> <p>2. Dublin requests and request family reunification (from Greece to Belgium)</p> <p>3. The Belgian Immigration Office notices that the children concerned are increasingly younger of age. The youngest was 3 years of age. A large portion of them is under 12 years old. These children are extremely vulnerable during their illegal trip from Greece to Belgium. Most parents pay smugglers to get them to Belgium. Younger children cost less to smuggle.</p> <p>4. In Belgium this phenomenon concerns largely Syrians and Afghans (especially the Hazaras).</p> <p>5. Yes - No estimates available at the moment</p> <p>6. The Belgian Immigration Office is aiming to examine other Member States experiences and best practices (provided in the framework of this AHQ) to decide on and implement new measures against this phenomenon.</p> |
|  | Croatia | Yes | <p>1. No. Croatia did not have such experience.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> |
|  | Cyprus | Yes | <p>1. Yes, they apply for international protection and immediately claim unity with family/relatives within the Dublin procedure. Also, in case of a refugee status decision, they apply for family</p> |



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| | | | <p>reunification.</p> <p>2. Both in Dublin and RSD procedure (as above).</p> <p>3. Between the age of 15 – 18.</p> <p>4. Mostly Somali and Syrian unaccompanied children.</p> <p>5. Since 2014 there is an increase in the applications for international protection made by unaccompanied minors in Cyprus but no statistics are kept for this particular group (anchor children)</p> <p>6. National law provides that family tracing is implemented by the Cypriot Social Welfare Services, which act as guardians of every unaccompanied child and evaluate - on a case to case basis - the best interest of the child.</p> |
|  | Estonia | Yes | <p>1. No, the Estonian authorities have not confronted with the "anchor child phenomenon".</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> |
|  | Finland | Yes | <p>1. The phenomenon is known in Finland, although not evident in the Dublin-procedure. It is not acceptable to use a child as a means for immigration (legal praxis of the Supreme Administrative Court) and the applications for family reunification submitted By the family members can be dismissed for circumvention of the immigration regulations. All asylum seeking children coming to Finland are not so called "anchor children". Some of the children do not apply for family</p> |


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| | | | <p>reunification at all, and in some cases there is an evident reason (best interest of the child/safety) for sending a child to Finland (i.e. family reunification is not the sole reason).</p> <p>2. In the Dublin-procedure, this is not considered a phenomenon. The immigration unit of the Finnish Immigration Service responsible for family reunification are aware of the phenomenon.</p> <p>3. The unaccompanied minors coming to Finland are often teenagers, although younger children have also been observed, even as young as 2-years old.</p> <p>4. The main nationalities are Somalia and Afghanistan, but the phenomenon might also be present for some unaccompanied minors from Iraq and Syria as well as individual cases from other countries.</p> <p>5. In Finland, the number of cases has decreased compared to 2009-2011, most likely due to legal and administrative praxis. It is probably known, that the rest of the family might not be granted a residence permit even if the child is granted one.</p> <p>6. The Finnish policy aims to prevent and discourage the use of children for this purpose. As each case is individually assessed it is evident that there are cases with a real reason why a child is sent to Finland (best interest of the child/safety/other individual circumstances) and there is a need for protection and possible family reunification later. It appears that this policy has decreased the use of children as a means of entry/immigration.</p> |
|  | France | Yes | <p>1. No, France has not been confronted with the so called “anchor child phenomenon”. To date, there have been only very few cases. For example: a minor who has arrived via a smuggler in France whose parents have stayed in Greece and who asked for family reunification in France. It is too early to speak about a phenomenon regarding the situation in France.</p> <p>2. n/a</p> <p>3. n/a</p> |


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| | | | <p>4. n/a</p> <p>5. n/a</p> <p>6. n/a</p> |
|  | Germany | Yes | <p>1. DE knows about this phenomenon since the Dublin procedure was suspended.</p> <p>2. • Dublin procedure • National asylum procedure (in cases, the families travel from GR to DE by their own)</p> <p>3. The Children fall into all age groups. We have cases with very young children and also cases with teenagers.</p> <p>4. Mostly, the families come from the main countries of origin in the Middle East e.g. Syria, Iraq, Afghanistan.</p> <p>5. No figures are available.</p> <p>6. No findings.</p> |
|  | Hungary | Yes | <p>1. No, there is/was no such phenomenon in Hungary.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> |


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|  | Ireland | No | |
|  | Italy | Yes | <p>1. No because in Italy, the phenomenon of “anchor children” is limited. Actually, a small number of the arriving unaccompanied minors apply for international protection, compared to the number of minors arriving.</p> <p>2. see answer 1</p> <p>3. see answer 1</p> <p>4. see answer 1</p> <p>5. see answer 1</p> <p>6. see answer 1</p> |
|  | Latvia | Yes | <p>1. There have been no such cases so far.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> |
|  | Lithuania | Yes | <p>1. There have been no such cases so far in Lithuania.</p> <p>2. n/a</p> |

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| | | | <p>3. n/a</p> <p>4. n/a</p> <p>5. n/a</p> <p>6. n/a</p> |
|  | Luxembourg | Yes | <p>1. No. At the moment Luxembourg has not been confronted with this phenomenon.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> |
|  | Malta | Yes | <p>1. At the moment mostly we are having separated children who come to Malta on their own and apply for asylum. Most of them already have their relatives in Malta such as brothers/sisters/uncles/aunties/cousins and after assessments are carried out by social workers, for the best interest of the child, such children move with their relatives. The legal basis for family reunification stipulates that only refugees can benefit from family reunification. Beneficiaries of subsidiary protection cannot benefit from family reunification.</p> <p>2. Mostly legal migration. Usually such children arrive in Malta unaccompanied or with a relative.</p> <p>3. 16 to 18 years</p> |

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| | | | <p>4. Mostly Syrians</p> <p>5. 1 to 3 children every month</p> <p>6. N/A</p> |
|  | Netherlands | Yes | <p>1. In the Netherlands we are aware of the phenomenon which in some cases appears that (minor) children are being forwarded to come alone to the Netherlands and then within Dublin procedure try to reunite the child with the parents / rest of the family. By the way, this applies not only to (minor) children, but more generally.</p> <p>2. This phenomenon is especially visible within Dublin procedure and to a lesser extent through family reunification procedure.</p> <p>3. For now it is not possible to make statements about exact age categories of this specific phenomenon.</p> <p>4. For now it is not possible to make statements about the nationalities of this specific phenomenon.</p> <p>5. We do not see any visible increase in the numbers of the asylum cases of this phenomenon</p> <p>6. There are no specific preventive measures in place. If an unaccompanied minor claims asylum, each case is viewed individually.</p> |
|  | Poland | Yes | <p>1. In Poland there is no “anchor child phenomenon”. Mainly because of the fact that we register very low number of asylum applications lodged by unaccompanied minors (about 20 per year). In practice none of the unaccompanied minors have parents or other family members in other EU Member State.</p> <p>2. NA</p> <p>3. NA</p> |

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| | | | <p>4. NA</p> <p>5. NA</p> <p>6. NA</p> |
| | Slovak Republic | Yes | <p>1. No, the Slovak Republic has not encountered such cases.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. As there have been no such cases, there have been no particular measures adopted.</p> |
|  | Sweden | Yes | <p>1. Yes, these cases have increased and became more common for about the last two years, especially from Greece.</p> <p>2. In Dublin cases.</p> <p>3. There are some young children, under the age of 10, but the majority is between 14 – 17 years old.</p> <p>4. Afghanistan and Syria</p> <p>5. There is no statistics only regarding when family members are requested to reunite with a minor in Sweden, but there are some statistics in accordance with certain articles in the Dublin Regulation which are relevant in these cases. However, these articles are applicable also in other cases, not only regarding minors and family reunification. We are still giving you the available statistics but please note that the numbers are not really answering your question but could be seen as an indicator for the</p> |

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| | | | <p>increase. Requests from Greece Article 17(2) (humanitarian reasons) 2016: 15 2017: 41 Article 9 (family member with international protection in Sweden) 2016: 45 2017: 85 Article 10 (family member with application during examination in Sweden) 2016: 61 2017: 42 Requests from Italy Article 17(2) (humanitarian reasons) 2016: 13 2017: 11 Article 9 (family member with international protection in Sweden) 2016: 8 2017: 1 Article 10 (family member with application during examination in Sweden) 2016: 1 2017: 0</p> <p>6. No measures have been taken.</p> |
|  | <p>United Kingdom</p> | <p>Yes</p> | <p>1. No.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. The UK's Immigration Rules include family reunion procedures for the close relatives of those granted refugee or humanitarian protection in the UK. Although the UK supports the principle of family unity, children with refugee status are unable to sponsor their parents to join them in the UK under the Rules. The UK believes that allowing children to sponsor family members would create perverse incentives for them to be encouraged, or even forced, to leave their family and undertake hazardous journeys to seek to enter the UK illegally to sponsor relatives, rather than claim asylum in the first safe country they reach. This plays into the hands of criminal gangs who exploit vulnerable people and goes against our safe guarding responsibilities. Though children with refugee status are unable to sponsor their parents to join them in the UK under the Immigration Rules, if family members of unaccompanied refugee children subsequently arrive in the UK and make an application, we will consider that application under Article 8 of the European Convention on Human Rights (right to family life) and will assess whether there are exceptional circumstances. Otherwise the family members would need to demonstrate they qualify under the other criteria within the Immigration</p> |

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| | | | Rules. |
|  | Norway | Yes | <p>1. The phenomenon described in this AHQ is known to the Norwegian Directorate of Immigration's (UDI's) Dublin unit, both in the form of requests from other member states and in the form that family members of a child who has already applied for protection arrive later hoping that their application for protection will be considered at its merit in Norway because of the link to the child. This may involve both close family members and more distant ones.</p> <p>2. See above reply: the phenomenon is known to the Dublin-unit in UDI, but such cases cannot be separately identified in the IT registration system.</p> <p>3. Not known, see the above replies.</p> <p>4. Not known, see the above replies</p> <p>5. No: there is no indication that this phenomenon has become more frequent.</p> <p>6. The scale of this phenomenon has not been of a magnitude that has necessitated special measures.</p> |