

# Unaccompanied Minors in the Migration Process

European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union



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## Executive summary

The phenomenon of unaccompanied minors claiming asylum in the EU has become a more visible problem. The increasing extent and weight of the problem was also identified in the Frontex Annual Risk Assessment (ARA) 2009.

\*Centre for Information, Discussion and Exchange on the Crossing of Borders and Immigration.

Member States' replies to the CIREFI\* questionnaire on unaccompanied minors claiming asylum sent out in the second half of 2009, form the backbone of this Frontex study. The survey covered the year 2008 and the first half of 2009. However, the data provided by Member States was often incomplete and sometimes even misleading. The initial dataset was complemented with statistics from the European Migration Network (EMN). Additional requests for information were also sent to some Member States to validate the data. Furthermore, information was gathered from Frontex-coordinated joint operations, European Agencies (Europol and the Fundamental Rights Agency), international organisations such as the International Centre for Migration Policy Development (ICMPD), International Organisation for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), UN Children's Fund (UNICEF) and non-governmental organisations (Payoke).

The numbers regarding unaccompanied minors and their evolution are quite difficult to estimate as they are generally not part of the Member States' regular data collection. The small amount of data that is collected is done so by different departments and subject to different definitions. The fact that there are no data for the whole year of 2009 does not allow for a complete statistical picture of the phenomenon.

It is estimated that in 2008 approx. 15,700 unaccompanied minors claimed asylum in the EU. By July 2009 the figure already amounted to 8,500 (more than half the number in the whole of 2008), indicating a clear increase although migration figures in general were decreasing. Nevertheless, considering the analysis of other sources, such as the operational data from Frontex-coordinated joint operations, the Member States and the interviews, it may be assumed that the number of unaccompanied minors has decreased in absolute numbers (as part of the global decrease reported in our statistics). However, the proportion of unaccompanied minors in the overall number of irregular migrants that reach the EU is undoubtedly worryingly growing.

In 2008, the rating of top five nationalities for unaccompanied minors claiming asylum was as follows: Afghans, Iraqis, Somalis, Indians and Nigerians. In 2009 Afghan unaccompanied minors remained in the top five, followed by Somali, Iraqi, Nigerian and Eritrean nationals. The soaring flow of unaccompanied minors from Afghanistan claiming asylum is a growing source of concern.

Unaccompanied minors claiming asylum in the EU are mainly young males, except in the case of Nigerian nationals. Most unaccompanied minors are aged between 16 and 17. Eritrean and Ethiopian unaccompanied minors tend to be generally under 15 and Sri Lankan minors are usually aged between 10 and 13.

The routes, modi operandi and the kind of facilitation vary according to the nationality of the minors.

- The **Afghan**, as well as the **Iraqi** or **Iranian** unaccompanied minors widely favour the land route towards the EU, crossing Turkey in small groups with adults, generally relatives and sometimes parents. They enter the EU through the Greek sea or land borders.
- The unaccompanied minors originating from the **Horn of Africa** transit Sudan and Tripoli. Since the strengthening of border controls, by joint endeavours of Libyan and Italian authorities, the route seems to have shifted towards the Eastern Mediterranean area transiting through the Arabic Peninsula, despite the danger of the sea crossing to Yemen.
- The **Nigerians**, mostly females are trafficked by air to the EU. They board the planes with facilitators and bear genuine travel documents provided by local authorities. During the flight they hand over their travel documents to the traffickers and arrive unaccompanied at the border checks where they claim asylum. After being accommodated in special shelters they usually contact a previously given number and wait to be collected from the reception centre.
- Minors from the **People's Republic of China, India, Vietnam, Sri Lanka** or **Brazil** also travel by air using false documentation or/and false pretences as organised groups, students or for reasons of family reunification.

Greece seems to be the main point of entry for unaccompanied minors entering the EU through land and sea borders. Amsterdam is the most targeted airport in this regard for the time being.

Sweden is the favourite destination country in the EU for unaccompanied minors claiming asylum. Sweden experienced an increase of 49% of unaccompanied minors over the past two years (2008 and 2009); especially Somali, Afghan and Russian nationals are soaring in the figures, whereas the number of Iraqi minors claiming asylum has decreased.

Unaccompanied minors claiming asylum are 'pulled' by the level of social welfare and protection offered by a Member State. They are also drawn to already settled family, relatives or clan members.

Unaccompanied minors tend to seek asylum at their final destination. They may also claim asylum earlier if detected or even mid-way to clear their situation. Taking this step is a preferred modus operandi for irregular migrants even if they are not necessary minors.

Unaccompanied minors are usually not detected at the EU external border but rather discovered to be unaccompanied at their final destination when they apply for asylum. However, it can be concluded from the basis of information provided by Member States' authorities, that most of them have been accompanied by facilitators or relatives all along their journey to and in the EU.

Even smuggled children are much more likely to become victims of sexual, economic or/and criminal exploitation. They constitute a sensitive population which should be more efficiently protected from any form of abuse.

Among exploiters taking advantage of the children, are sometimes their own relatives who gain benefit in the form of social and/or family allowances. Unaccompanied minors are sometimes sent as forerunners into the EU to trigger the family reunification process. This may be done under false pretences and may turn into domestic servitude or other type of forced labour.



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## 1. Introduction

The issue of unaccompanied minors crossing the EU external borders and entering into the EU irregularly is becoming more and more visible problem. The Frontex Annual Risk Assessment (ARA) 2009 highlighted that in 2008, 35% of the Egyptian irregular migrants intercepted in Lampedusa, were unaccompanied minors. The phenomenon also affected other routes, for instance, the Joint Operation Hera 2008 recorded an increase of minors suspected of being victims of trafficking for forced labour.

Considering that minors continue to be targeted by smuggling and trafficking networks (for criminal purposes such as unlawful adoption, paedophilia, prostitution, begging, organ transplants, etc.) a need was expressed for a greater coherence of European legislation to address the problem. Therefore the European Commission announced in June 2009 the adoption of an Draft Action Plan on Unaccompanied Minors in the Migration Process (COM 2009, 262 final). The Stockholm Programme endorsed the Commission's initiative by stressing that: "unaccompanied minors arriving in the Member States from third countries represent a particularly vulnerable group which requires special attention and dedicated responses, especially in the case of minors at risk." On the 6 May 2010 the Commission release a final EU Action Plan\* which was endorsed by the JHA Council Conclusions in June 2010\*.The Programme stated that the Action Plan is to group the three main strands for action: prevention, reception (including protection) and identification of long-term solutions. The proposals to address this issue will have to be in line with the EU Charter of Fundamental Rights article 24, which states the principle of the child's best interests, where protection and care must be of primary concern in all actions relating to children.

\*COM(2010)213 FINAL , 6 May 2010.

\*3018th Justice & Home Affairs Council meeting in Luxembourg. 3 June 2010.

Against this background Frontex was specifically addressed by the European Commission acting under the aegis of the Programme of the Spanish Presidency of the Council of the European Union (point 7: Promoting European Immigration and Asylum Policy) to launch a fact-finding study to assess the situation of unaccompanied minors arriving irregularly in the EU. Frontex was also asked to include a separate paragraph on vulnerable groups and to assess the modalities of this migration and the weaknesses it exploits. Based on this assessment and subject to existing working arrangements, a Practical Handbook for Border Guards establishing procedures for unaccompanied minors, could be developed and possibly incorporated into the Schengen Borders Catalogue.

To this end, the Frontex Risk Analysis Unit launched a Tailored Risk Analysis (TRA) focusing on the nature of the threat faced by unaccompanied minors travelling irregularly to the EU. In accordance with the European Commission's Action Plan this TRA should focus on the:

- magnitude of the general phenomenon and the five main countries of origin as well as the preferred routes (vulnerabilities);
- vulnerable groups and the risks faced by them;
- concerned Member States (i.e. destination countries);
- triggers in the countries of origin (push factors) and the key drivers in the choice of the final destination (pull factors) and the involvement of criminal interests (recruitment in organised crime groups operating in third countries, exploitation of minors in destination countries, etc.);
- development of a mid-term outlook regarding the phenomenon (likelihood and impact);
- recommendations for counter-measures to be implemented by Member States and Frontex (which could include, among others, improvement of the effectiveness of joint operations, a separate paragraph on vulnerable groups in agreement with third countries and, in the long run, programmes with partner EU or international organisations as well as third countries to develop best practices related to the management of unaccompanied minors).

Consequently the TRA first explores the magnitude of the phenomenon of unaccompanied minors arriving irregularly in the EU over the past two years before focusing on the main nationalities and favoured destinations within the EU. Then it analyses the threats faced by individuals or groups of children by considering the risk factors for each of the main nationalities and the pull factors in Member States.

## 2. Methodology

The data integrated and evaluated in this document has been collected through a questionnaire, in-house resources and fact-findings missions to partner organisations on the one hand and countries of interest on the other.

The answers to the CIREFI questionnaire were used as a basis for the statistics on unaccompanied minors claiming asylum. The questionnaire was collected during the second half of 2009 and it mainly concerned:

- trends;
- modus operandi;
- pull factors;
- victims profile;
- unaccompanied minors who do not apply for asylum;
- disappearance of unaccompanied minors;
- preventive measures;
- return to countries of origin;
- major challenges.

The data provided by the Member States was often incomplete and sometimes misleading. In some cases, data was provided only on the top 5 nationalities detected omitting the overall number. Many countries gave CIREFI data only for 2009 and for this study the statistics provided through the EMN study were used to fill the gaps whenever they corresponded to the same definitions. Therefore the analysis of these answers could only indicate the general trend. The replies to the CIREFI provided most of the quantitative information, although specific requests were necessary to validate the data.

The operational figures represent the total number of persons involved in incidents during Frontex-coordinated joint operations. The number of minors consists of all persons under the age of 18 involved in these incidents.

\*Joint operations Indalo, Hera, Minerva, Poseidon, Hammer and Hubble.

Only some of these persons are asylum seekers. Part of the intelligence gaps were filled with the information collected during Frontex-coordinated sea and air operations\* in 2009 and 2010.

Additionally, information was collected through European Agencies (Europol and Fundamental Rights Agency, FRA) international organisations such as the International Centre for Migration Policy Development (ICMPD), International Organisation for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), UN Children's Fund (UNICEF) and non-governmental organisations (Payoke).

Two Member States were approached with specific requests due to their broad knowledge in the field.

**Sweden** was selected as it is the main destination country. Besides the National Police three other departments were identified in this Member State as relevant for unaccompanied minors: the Ministry of Social Affairs (Swedish Social Services), the Ministry of Justice and the Migration Board. These authorities are not part of the Frontex Risk Analysis Network (FRAN) and were approached through Frontex local point of contact, the Swedish Central Border Management Division.

**The Netherlands** also possesses comprehensive knowledge of the situation of unaccompanied minors through the Immigration and Naturalisation Service, which is part of the Ministry of Justice, and the experts in human trafficking and smuggling from the National Crime Squad, which is part of the Dutch Police Agency.

Obtaining a clear picture when it comes to push factors and facilitation in the key countries of origin was difficult because of their mainly very unstable security situation. Finally only one field trip to Turkey was organised, due to its position as the main transit hub for irregular migratory flow from Central Asia and the Middle-East. Meetings were also organised with field offices of the UNHCR and the IOM.

## 3. Analysis

### 3.1. Overview of the situation regarding arrivals of unaccompanied minors

#### 3.1.1. The magnitude of the flow

The real magnitude of the flow of unaccompanied minors arriving in the EU is difficult to establish with certainty. The cases reported by Member States in the CIREFI survey were mainly unaccompanied minors claiming asylum. Because border-control authorities hand over these cases to other national authorities, it is not known how many of the migrants are in reality unaccompanied minors. It should be noted that sometimes those claiming to be minors mislead the authorities regarding their age. Indeed, assessing the real age of the alleged minor is difficult due to legal issues and to the varying reliability of the methods. Because of different kinds of legal restrictions, there are numerous age-testing methods implemented in order to ascertain the age but none of them allow an accurate determination.

It is not known how many unaccompanied minors arrive illegally in the EU through green or blue borders without claiming asylum. It seems that this information is not collected consistently and regularly by Member States' border-control authorities. Furthermore, inland detections of irregular migrants who are minors are made by the police or criminal squads which do not necessarily inform border-control authorities of these cases.

\*Policies on Reception, Return and Integration arrangements for Unaccompanied Minors', European Migration Network, May 2010.

In 2008 the European Migration Network (EMN)\* noted 11,292 asylum applications claimed by unaccompanied minors over the same period the CIREFI counted 7,056. The original CIREFI data were incomplete because: 1) the year 2009 referred only to the first six months, 2) four major countries, as far as arrivals are concerned, were not able to provide data, and 3) nine others provided data only for the first half of 2009. For this reason the CIREFI data have been harmonised (see methodology) with the EMN in order to come achieve a more realistic estimate of 15,719 unaccompanied minors reported in 2008.

\*Some countries were able to provide data only for 2009; in some cases it appears that the statistics given did not correspond to the definition required of unaccompanied minors.

\*10.5% of unaccompanied minors among irregular detected migrants at sea in 2010 compared to 8.4% the previous year and 10.8% of unaccompanied minors among irregular migrants arriving by air compared to 7% in 2009.

As the EMN did not provide data for the following year, only the CIREFI data were taken into account for the first half of 2009 (9,363 cases). This latter figure being superior to the half of the 2008 total, it could be assumed that the phenomenon increased. Meanwhile the 2009 data were incomplete, unreliable\* and left out the peak of the detections, at the southern maritime borders is usually noted in the first half of the second quarter (summer and beginning of autumn). In order to assess the evolution of the statistical curve, an evaluation had to be conducted on the basis of Frontex-coordinated joint operations implemented in 2009 and even in 2010, keeping in mind that these operations targeted specific and defined areas and were carried out during a limited period of time. The analysis of Frontex operational data demonstrates that the phenomenon of unaccompanied minors arriving irregularly in the EU tends to focus at the Greek borders (sea and land) and at the main airports. On the one hand, an increasing trend could be noticed regarding the proportion of unaccompanied minors among the overall migratory flow.\* On the other hand the absolute numbers from the same operation are on a decreasing trend: in the first example of unaccompanied minors arriving by sea in 2010 the figures are 309 which slightly inferior to the 2009 detections of 343; the detections at air borders show the clearest drop of 21 in 2010 compared to 116 in 2009. These figures concerning joint operations implemented during different parts of the year and on different locations could not be probative but they may reveal a trend which has already been observed in the general irregular migration figures.

Similarly a dramatic drop of unaccompanied minors crossing the eastern land borders, has been recorded by Slovakia which is usually affected by the flow which originates traditionally from the remote parts of Eastern Europe or the Commonwealth of Independent States (CIS).

### 3.1.2. Identification of vulnerable groups

\*\*Compilation of replies to the questionnaire on unaccompanied minors arriving to the EU\*, General Secretariat of the CIREFI , 9 December, 2009.

#### The nationalities

The top 5 nationalities of unaccompanied minors in 2009, according to the CIREFI survey\*, were as follows: Afghan, Somali, Iraqi, Nigerian and Eritrean. It is noteworthy that, out of these five nationalities, four of them have a high protection rate when it comes to asylum.

Trends for each nationality are different: the detections of Afghan and Somali nationals were sharply rising; figures concerning Iraqis were decreasing, and the Nigerians remained at the same level.

Unaccompanied minors from **Afghanistan** are a major issue for many Member States. Greece is the main point of entry for Afghan unaccompanied minors to the EU. According to the Dutch asylum authorities approx. 29% of Afghan nationals who applied for asylum on their territory in 2009 were unaccompanied minors.\*

\*Asylum Trends 2009, Immigratie en Naturalisatiedienst (Dutch Ministry of Justice), January 2010.

Sweden reported a 125% increase of arrivals of Afghan unaccompanied minors for the whole of 2009 compared to the previous year (see table in 4.1.3.). The French asylum authorities\* reported a sharper increase of 169% for the same periods.

'Rapport d'activités 2009', Office français de protection des réfugiés en apatrides, 8 April 2010.

**Somalia** was the main concern for Swedish authorities in 2009. The trend did not change in the first quarter of 2010. **Eritreans** started to appear in higher proportions than in 2009.\*

\*Statistics of First Quarter 2010, Migrationsverket, 1 April 2010.

As for unaccompanied minors from **Western Africa**, nationals from the Republic of Guinea (Guinea-Conakry) as well as from the Ivory Coast and Nigeria have replaced the Senegalese in the statistics. The detections of Senegalese unaccompanied minors dropped proportionally to the overall decrease on the Western African route. Even though the Guineans do not appear in the top 5 nationalities, several Member States reported an increasing trend of Guinean children seeking asylum.

According to the Dutch Immigration and Naturalisation Office, 22% of the Guineans who applied for asylum were minors. The French authorities Office français de protection des réfugiés et apatrides (OFPRA) reported unaccompanied minors from Guinea as third in asylum application in 2009. The detections of Nigerian unaccompanied minors were at a high level, especially concerning girls who were trafficked through the Netherlands or the UK and forced into the vice trade in Italy, France, Spain or the UK. Meanwhile, as far as the Netherlands are concerned, a drastic fall in the detection of Nigerian victims has been notified in this country since 2008 which marked the dismantling of a human beings trafficking network (operation 'Koolvis').

The number of unaccompanied minors from Iraq decreased concurrent with the general illegal migratory trend from this region. According to the figures provided to the CIREFI, the overall drop amounted to 60%.

The number of Chinese unaccompanied minors arriving in the EU increased clearly over the considered period. They are smuggled and/or trafficked by Chinese citizens. This increasing trend also applies to Vietnamese minors who tend to target the UK where many are forced to work in cannabis factories, nail bars or the vice trade.

Member States are affected by the phenomenon of unaccompanied minors in different ways depending on historical, cultural, and geographical reasons:

- The Irish authorities have been concerned with high proportions of Nigerian minors, sometimes under 13 years old. They were reunited with alleged family who subjected them in domestic servitude or were genuinely reunited with naturalised sibling. Starting from 2006 Ireland had experienced cases of young Chinese nationals arriving by air; which decreased when Romania joined the EU.
- Greece for historical and geographical reasons is more concerned with significant numbers of Albanians, who are the second nationality for unaccompanied minors after Afghans.
- Spain traditionally deals with a steady flow of Moroccan unaccompanied minors.
- France has problems with increasing numbers of Brazilian, Congolese (DRC) and Haitian unaccompanied minors. Haitians had soared in the figures already before the earthquake due to a direct low-cost air connection (operated by Corsair) between Port-au-Prince and Paris-Orly during the summer season in 2009.
- Georgian and Chechen unaccompanied minors are reported in higher numbers in Poland. Over the last years Poland has also become a destination country for the Vietnamese who travel by air from Hanoi to Moscow before attempting to cross the green border.

## General profiles

The majority of unaccompanied minors seem to be young males aged between 16 and 17, although it is possible that a significant part is already 18 or over. The French asylum authorities\* estimated that one third of unaccompanied minors claiming asylum in France are females. However, these figures might reflect the higher proportions of females in the flow coming from Eastern Europe and the Balkan region, which accounts for 48% of the minors. When it comes to African and Asian unaccompanied minors, the ratio is 38% and 8% respectively.

Swedish authorities noted a significant proportion of females (49%) among Eritrean unaccompanied minors and found that the girls are usually under 15 years of age. Sweden also noted cases of minors under 15 years of age of Eritrean and Ethiopian nationality. Sri Lankans are, as a rule younger, than other unaccompanied minors because they are usually aged from 10 to 13, as pointed out by the Norwegian authorities.

Minors arriving by air often use direct flights, with false or falsified documents (using the method of impersonation) or with visas issued on false grounds (studies, medical care, family reunification, etc). They are predominantly male (80%) and aged between 16 and 18 on average. Afghans are between 14 and 15 years old, Guineans between 16 and 17, and Iraqis 16 and 17. Algerians and Moroccans arriving by sea in Spain (comparable with the Haitians in France) are quite young and sometimes even under 15. Some unaccompanied minors arriving in the Member States are asocial and illiterate. They are often children who have been living on the street, wary of authorities, taught to rely only on themselves in order to survive.

The Danish authorities pointed out that most of the Afghan minors who arrived in their country entered Greece through the Turkish border. Once there, generally in Patra, they earned money by picking oranges or olives and then proceeded through Italy, France or Germany to Denmark. Begging and stealing are also common ways of funding the trip. As a consequence they often escape from humanitarian reception centres. Finland noted a soaring trend of disappearances from reception centres: 36 in 2009 against 7 in 2008 and 3 in 2007.

Cases of abandoned children are not prominent though they exist especially among Vietnamese and Ukrainian nationals.

\*Rapport d'activités 2009, Office français de protection des réfugiés et apatrides, 8 April 2010.

### 3.1.3. The routes

The **Somalis** travel via Addis Ababa (Ethiopia) before making a stop-over in Khartoum, Sudan. There, the facilitators require payment in the form of a money transfer prior to the next leg of the journey, which takes the minors in small convoys through Libya or Egypt.

\*The Friendship Treaty signed on 23 August 2008 (with a 'Protocol added to the co-operation protocol between the Italian Republic and Great Socialist People's Libyan Arab Jamahiriya to face the illegal immigration phenomenon') which reinforces the existing police cooperation agreement, focuses mainly on common patrolling (even within the Libyan EEZ), transfer of Italian naval assets to Libya and the implementation of joint Italian-Libyan patrols near the Libyan coast. The joint patrols have been postponed by the Libyan side until 15 May 2009.

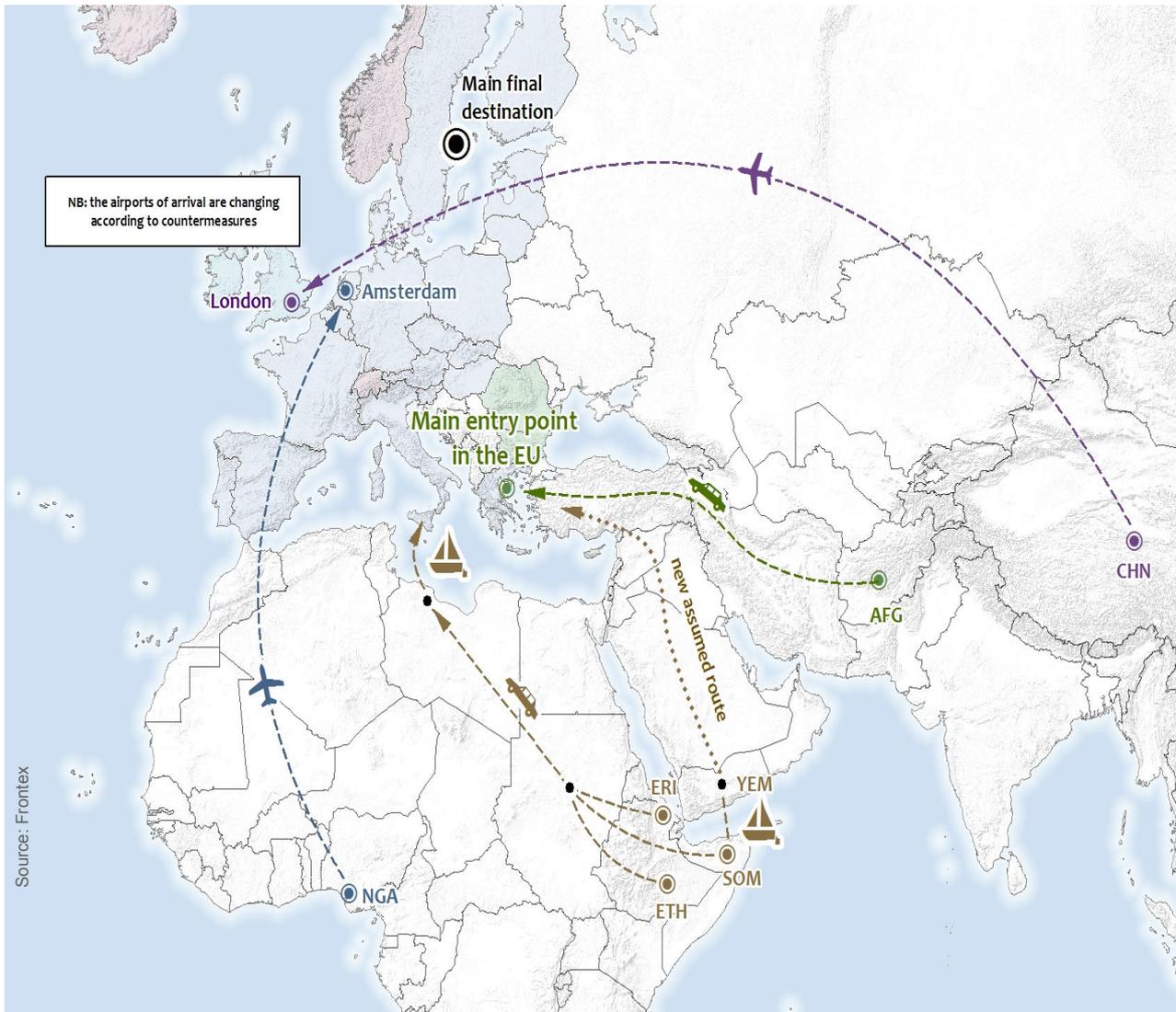
A search in the EURODAC system revealed that Somalis have been entering Greece and to a lesser extent Malta or Italy, since the effective implementation of the Italian-Libyan agreement in May 2009.\* Some Somali minors who claimed asylum in a Member State or a Schengen Associated Country had already a residence permit in Italy, where they were registered as grown-ups. It is suspected that they had been living there some time prior to departure, caused by the strengthening of the local legislation and the economical crisis.

The **Afghans** and **Iranians** also travel in small groups from five to 10, accompanied by adults. They might stay a certain period of time in Iran to earn some money to pay the facilitation networks (if not, they mostly pay for the smuggling by carrying goods (such as oil, drugs, cigarettes, arms, etc.) over the Turkish border in Van).

The low rate of detections recorded by the Turkish authorities and NGOs demonstrates that the minors tend to stay in groups with adults and that they split only when approaching the border area in order to avoid detection.\* The EURODAC search confirmed that Greece remains the main point of entry in the European territory. Even though the system is not able to give a comprehensive picture of the situation, an analysis of EURODAC carried out by the Norwegian National Police Immigration Service (NPIS) indicated that 75% of Afghan unaccompanied minors arriving in Norway was first registered in Greece. They are believed to be using the following intra-Schengen route: Greece – Italy – Germany – the Netherlands – Sweden and Norway. The route is believed to be the same for the Iraqis.

\*ICMPD Conference, held in Utrecht on the 18-19 May 2010, in the framework of the 'Budapest Process'. Statement by a NPIS representative.

Map 1: Examples of routes favoured by the unaccompanied minors from Nigeria, Horn of Africa, Afghanistan and China



The use of the land route by Afghan and Iraqi nationals was confirmed by another study also carried out by the NPIS during the week of air closure over Europe (in April 2010 when the air space was closed as a consequence of the eruption of the Icelandic volcano Eyjafjallajökull). The survey confirmed that the closure did not affect the detections of Afghans and Iraqis in Norway contrary to the detections of Somalis and Eritreans.\*

\*Interviews with IOM and UNHCR representatives during field visit in Ankara, 6 May 2010.

The **Nigerians** travel by air, generally accompanied by a facilitator to whom they hand over their look-alike passports before claiming asylum at the Schipol airport in Amsterdam. This is a means of crossing the border undocumented and entering into a specific asylum process.

The **Chinese** unaccompanied minors usually travel by air on the Cathay Pacific regular flights, as part of organised study groups which land in the UK. The air route is also generally favoured by migrants coming from remote destinations: **Sri Lanka, China or Brazil**.

Norway was identified as the main destination country for very young Sri-Lankans, because a significant community is already living there. Most of the Sri Lankan asylum seekers travelled on the air route with longer stop-overs in Malaysia or France.

### 3.1.4. Preferred destination countries

The overall main final destination for unaccompanied minors is Sweden which experienced a significant increase (49%) in arrivals of unaccompanied minors in 2009 compared to 2008 (see table below).

Table 1: Detections of unaccompanied minors in Sweden by nationalities (comparison between 2008 and 2009)

Ranking	Country of origin	2009	2008	Evolution (%)
1	Somalia	913	345	165%
2	Afghanistan	780	347	125%
3	Iraq	110	464	-76%
4	Eritrea	49	32	53%
5	Stateless	36	36	0%
6	Serbia/Kosovo	27	23	17%
7	Russia	21	13	62%
8	Iran	20	15	33%
9	Syria	18	15	20%
10	Uzbekistan	17	16	6%
	Total	2250	1510	49%

Source: Swedish Migration Board, February 2010.

\*Meeting with the Swedish Migration Board, field visit to Stockholm, 17-18 May 2010.

Sweden is targeted because of the diasporas already living there. However, the diasporas are also known to pass information to their relatives or fellow citizens\* about the liberal asylum policy as well as social and legal advantages from which they may benefit. During the FRAN Annual Analytical Review (4 February 2010), Sweden reported a sharp increase of unaccompanied minors, mainly the Afghans (125%), and a simultaneous decrease in detections of Iraqi nationals. In general, during the past five years the proportion of children among irregular migrants went from two to 10%.\* Apart from Sweden, unaccompanied minors move to neighbouring countries: Finland claims that half of the unaccompanied minors detected on its territory came by ferry from Sweden and Norway recently noted a rise in the number of young Algerian boys involved in drug trafficking.

\*Asylum Trends 2009, *Immigratie en Naturalisatiedienst* (Dutch Ministry of Justice), January 2010.

The Dutch authorities reported an increase of 43% of first-time applications for asylum made by unaccompanied minors in 2009 compared to 2008. Considering that over the past years there has not appeared a second generation of Somali migrants, the Dutch authorities suspect that their country is, at least for Somalis, a transit country where minors clear their legal situation by obtaining an asylum applicant's certificate.\*

\*Findings of a UNHCR Policy Development and Evaluation Service research on unaccompanied and separated Afghan minors to Europe, orally quoted by the FRA representative during the fact-finding mission in Vienna, 31 May 2010.

More generally, the choice of the destination country appears to be mainly driven by existing communities as well as cultural links with origin countries. For instance, Afghans from the Hazara ethnic group rather than the UK, prefer Norway, where some of them have already settled.\* On the other hand, Italy having already a significant Romanian-speaking diaspora, attracts the Moldovan minors who are detected while transiting through Slovakia and Austria.

## 3.2. Threats faced by unaccompanied minors

### 3.2.1. Overview of possible threats

\*\*Payoke: A Brief Overview', Payoke NGO, 2010. Information collected during the meeting with Patsy Sørensen, former European MP and Director of Payoke, in Antwerp (Belgium).

Payoke, the Belgian NGO assisting victims of human trafficking, has drawn up a typology of threats faced by unaccompanied children\*:

Sexual exploitation:

- pornography;
- windows;
- prostitution;
- internet;
- nightclubs, bars, cafes;
- agencies (employment, au pair, modelling).

Economic exploitation:

- domestic work (child care, cleaning);
- construction work (carpentry, renovation, tile laying);
- agriculture (fruit sector, greenhouses, farming);
- food industry (slaughterhouses, canneries);
- automotive and marine work (professional transport, car wash, port work);
- textile industry (laundry, second hand clothing shops);
- street sales (pirated CD/DVDs, flower selling, advertisement leaflets);
- agencies (sub-contracting, employment);
- sport (football);
- horse stables;
- forced donation of organs.

Criminal exploitation:

- pick-pocketing;
- shoplifting;
- drug smuggling.

Child trafficking:

- illegal adoption;
- kidnapping;
- forced marriage;
- military inscription;
- begging.

### 3.2.2. Threats by main nationalities

Criminal networks are heavily involved with human trafficking to the EU and this includes also exploitation of minors as manpower in the sex trade and other criminal activities.

\*Oral presentation of Norwegian authorities, Frontex Annual Analytical Review, 4 February 2010.

According to Norwegian authorities, a survey done in 2009 showed that a number of unaccompanied minors who claim to be from Algeria, have been arrested for being in possession of or for selling drugs in Oslo. Most of them have informed the police that they have entered Norway through Sweden. They usually disappear from the asylum camps for unaccompanied minors short time after they have applied for asylum and before the age-testing procedure and the asylum interview. **Congolese from the DRC** are reportedly picked up at the airports by 'relatives' and subsequently become part of various organised crime groups.\*

\*Interview with Patsy Sørensen, former European MP and Director of Payoke, in Antwerp (Belgium).

**Chinese** minors are engaged in forced labour as well as in the vice trade.

**Nigerian** girls are engaged in the vice trade which is spread all over Europe. They used to be taken out of the social services accommodations in the UK or the Netherlands to be sexually exploited locally or more commonly to be re-trafficked to other Member States e.g. France, Italy or Spain.\*

\*Interviews with the Human Trafficking and People Smuggling Expertise Centre in Zwolle, 29 April 2010.

Because of this phenomenon, the issue of the porosity of the accommodations/social centres/orphanages has to be revisited. The British Asylum Screening Unit estimated\* that 60% of the unaccompanied minors accommodated in social care centres go missing and are not found again.

### 3.2.3. Pull factors in destination countries

In the UK these open centres, from where minors are able to call their traffickers, act as 'human markets' for the facilitators and traffickers who generally collect their preys within 24 hours of arrival in the UK.

#### Access to work, to social care and benefits

The FRA considers the access to work as a leading pull factor for unaccompanied minors arriving in the EU.

Several authorities interviewed for this study, highlighted the importance of free medical treatment, free education and a readily accessible social benefit system as key drivers pushing the family to send their children to Europe to give them a chance of a better life and to benefit themselves from the possible remittances.

#### Special protection of unaccompanied minors

Several authorities also highlighted the subjective factors which are mentioned by the minors, such as their perception of the Nordic countries as an 'El Dorado'.

Minors who do not have family regularly settled in the destination country, generally avoid consequences resulting from the Dublin II Regulation and try to minimise the risk of forced removal to another Member State. The system is even more protective when it comes to the readmission to the country of origin. Minors could be returned against their will according to the legislation in **Belgium, Portugal, Hungary, the Netherlands and Iceland**, if there is no proof of adequate reception either by welfare services or the family.\* Polish law only bans expulsion if there is a blatant violation of the Human Rights and Fundamental Freedoms (Treaty of Rome, 4 November 1950) or to the UN Convention on Children Rights (20 November 1989). Some countries like **Slovenia** may implement returns for reasons connected to cases of irregular migration from neighbouring Balkan countries. Even though Slovenia has signed agreements with Albania, Kosovo, Bosnia and Herzegovina, the returns have to comply with the provisions of national legislation. The regulations of the **German** Federal Office for Migration and Refugees state that asylum applications of minors must be examined with special care. **Spain** confirmed that the effective readmission agreements signed with Dakar, Nouakchott and other departing/transiting countries, push irregular migrants to claim to be minors in order to stop the forced return procedure.

\*Note that this protective measure will become an EU standard as the Return Directive enters into force on 24 December 2010.

The legal framework regarding detention is far more restricted when applied to minors. Situations where minors may be detained are limited and even though it might be legally possible to detain a minor, authorities are reluctant to do so (e.g. the **Dutch** Immigration and Naturalisation Service).

\*Settlement and Residence Act (article 21).

Being an unaccompanied minor allows to bypass **Austrian** legislation\* according to which any application for a residence permit shall be submitted outside the country to the relevant consular authorities and the decision awaited abroad.

### **Unaccompanied minors as a modus operandi for irregular migration**

In the UK, unaccompanied minors almost always state that they had come to the country because they have relatives or acquaintances already settled there. The authorities fear that genuine passports in circulation among the diaspora are used fraudulently to facilitate irregular migration.

\*Frontex Tailored Risk Analysis on Illegal Migration from the Horn of Africa to the EU, 26 March 2009.

Even though the flow from the Horn of Africa should be made of refugees, the specific modus operandi, that is, the use of isolated unaccompanied children and a steady decrease of females, resemble a facilitation of human smuggling. For instance, according to the Frontex TRA on the Horn of Africa\*, sending unaccompanied young boys who cannot be returned is a way to circumvent the Dublin II regulation, since the criteria for determining the Member State responsible for asylum application give priority to family unity (Article 6, 7 and 8). This modus operandi consisting in sending isolated boys eligible to 'vulnerable persons' status provisions in a European country is especially valid for Somalis. The strong clan structure and close family ties in Somalia makes it likely that it is eventually followed by family reunification. For instance, Sweden reports the same numbers for cases of family reunification for Somalis as for Iraqis, even though the Iraqi legal community is four times larger. Fake marriages and visa abuse are sometimes used to reach this goal. The Swedish Somali community is relatively young, which leads to the conclusion that family reunification cases will be on the rise in the future.

There was a marked increase in the number of unaccompanied minors from the region of the Horn of Africa coming irregularly to the EU via the sea in 2008, especially in the Pelagic Islands. At that time, Sweden recorded a 20% increase in asylum applications lodged by minors. The rise was believed to be linked with two major pull factors associated with Somali minors in Sweden.

Firstly, according to the decision of the Swedish migration board made in September 2008, all Somali minors were assessed to be in need of protection. The age of the minors is established during dental examinations.

Secondly, Somali families accepting Somali minors are given an additional monthly child allowance. This is a major financial incentive for some of these families to 'order' minors from Somalia who are not necessary their biological children but who are presented as stepchildren. A family with six members is able to obtain approximately SEK 25,000 or EUR 2,500 net per month\*.

\*Frontex Tailored Risk Analysis on Illegal Migration from the Horn of Africa to the EU, 26 March 2009.

### 3.3. The role of criminal facilitating networks

\*The World Factbook - Trafficking in Persons, Central Intelligence Agency, 2010.

\*Frontex Annual Risk Assessment 2009, 26 March 2009.

According to the CIA\* out of the 800,000 people trafficked annually across national borders in the world, up to 50% are minors. In the specific field of irregular migration, the fact that minors cannot be easily returned and may be exploited even to trigger family reunification, is a strong incentive for criminal human smuggling networks to engage in the facilitation or smuggling of minors.\* Generally gangs which smuggle or traffic human beings tend to do so without making the distinction regarding the age. Nevertheless some organisations tend to specialise in minors' smuggling or trafficking such as the Nigerians for sexual exploitation or the Indians for forced labour.

Facilitation regarding minors is not necessarily aimed at exploitation. For instance, in the case of the facilitation of irregular migration of very young Sri Lankans, the Norwegian NPIS identified a network of facilitators accompanying the minors during the travel and pretending to be relatives.

This network seems to be effective and focused on a unique objective: excluding further exploitation or other criminal offence. This kind of smuggling is also associated with the Somali community.

\*Frontex Tailored Risk Analysis on Illegal Migration from the Horn of Africa to the EU, 26 March 2009 and updates during the ICMPD 'Budapest Process' conference in Utrecht on the Horn of Africa, 18-19 May 2010.

\*Interview with UNHCR (Policy Development and Evaluation Service) during the field visit to Geneva, 16 June 2010 and 'Voices of Afghan children – A study on asylum-seeking children in Sweden', UNHCR, June 2010.

Somali society is based on clan solidarity. The clan is a social structure based on agnatic lineage kinship and blood family ties. It is therefore a well established practice for adults to try to reach a safe haven to which they try to attract other individuals from their clan by abusing the family reunification process\*. The Afghan unaccompanied minors are also believed to have been sent by their own families, to give them a chance of a better future, to gain the possibility of benefitting later on from remittances. Sometimes the children have simply been banned by a branch of their family after one of the parents died. The total lack of trust of Afghan children towards their elders tends to corroborate this assumption\*.

Other non-criminal and unexpected kinds of facilitation have been unveiled, e.g. the case of the Church for Young Guineans. This kind of religious facilitation is not exceptional in Africa, where marabouts and voodoo are believed to have an active role.

### 3.4. Modus operandi and weaknesses at borders

Regarding human smuggling, the nationality of the victim is often identical with the nationality of their smuggler (Afghan, Pakistani, Moldovan, etc.) even though, the facilitator, having organised the trip has to communicate with local facilitation rings in transiting countries and communities inland at the destination point.

#### 3.4.1. Sea borders

\*From 1 January to 31 July 2009, statistics from Spanish answer to the CIREFI questionnaire.

Geographic factors are driving a significant flow of Algerian and Moroccan unaccompanied minors towards the Spanish southern coasts: 55% of the arrivals in the Canary Islands and 41% on Andalusian shores were claimed unaccompanied minors.\* The flow of Moroccans, which was predominant until 2005, decreased inversely proportionally to the growing pressure of Sub-Saharan unaccompanied minors (Mali, Republic of Guinea, Senegal, although these migrants usually destroy all proof of their nationalities). The vicinity of Morocco which shares land border sections with Spain helps to explain the fact that those Moroccan unaccompanied minors are on average younger than those registered in other Member States: they are often under the age of 15 (from 11 to 14 years old) and travel clandestinely into Spain concealing themselves in lorries or other vehicles crossing the land BCPs in Ceuta and Melilla.

They also stowaway in ferries linking Morocco to Spain.

### 3.4.2. Air borders

See details in the section on False documents below .

Dutch and Swiss authorities reported that Nigerian human trafficking rings usually traffic 15-17 year-old girls by airplane, with forged documents which the girls hand over to the facilitator during the flight. Upon entry to the EU, they immediately apply for asylum. Once in the accommodation centres for minors, they call a contact person on the spot who abducts them from the centre. This facilitator is able to give them operational support in order to dispatch them to the places of employment (forced labour, prostitution). Following the 'Koolvis' case\*, the Dutch authorities took measures to prevent such disappearances.

Swedish interviews, such as the survey carried out during the week of air closure over Europe, confirmed the preference of Somali unaccompanied minors on the air route.

\*Interview with the Human Trafficking and People Smuggling Expertise Centre in Zwolle, in the framework of the field visit to The Netherlands, 29 April 2010.

The air route might also be overestimated as reported by the Dutch authorities.\* Indeed, some 90% of the asylum applications in the Netherlands were made inland and mostly at Schipol airport where the applicants claimed to have just arrived and crossed the BCP unnoticed. They are in fact more likely to have come by land, through the German border, and to have entered via other Member States (Greece or Italy).

### 3.4.3. False documents

The analysis of the 'Koolvis case' carried out by the Dutch National Crime Squad revealed that Nigerian organised crime groups ran a highly professional human trafficking business based on travel documentation that provides false identity. Young girls were recruited among the Christian population of the Edo state, which is very receptive on voodoo practises, they were gathered in safe places where they participated in a voodoo pact before signing a USD 50,000 debt recognition. Then they were instructed on what the procedure in the Netherlands with a lot of specific details demonstrating profound knowledge of the Dutch legal and law enforcement procedures.

Finally, the young women were provided with authentic travel documents, bearing fake identities, issued by corrupt Nigerian officials. Once on the plane, they were escorted by a facilitator to whom they had to hand over the documents stating false identity that later on were used by other victims. On arrival they immediately applied for asylum as the only way to cross the border without valid travel documentation. They were sheltered in open centres and instructed to call a number they had been given previously and wait for the contact person to pick them up.

Later on, they were transported to the place of employment, which most usually implied prostitution. This modus operandi changed after the dismantling of this ring, however Nigerian organised crime groups are known to be very flexible and adapt in real time to European vulnerabilities. Apart from the Netherlands, they use Switzerland as a entry/transit hub.\*

\*Interview with the Human Trafficking and People Smuggling Expertise Centre in Zwolle, in the framework of the field visit to The Netherlands, 29 April 2010.

#### **3.4.4. Inland (abuse of family reunification)**

Most minors having applied for asylum are given a document for identification and registration purpose (so-called W-document) and are sent to reception centres, either public or run by NGOs, where they stay waiting for their application to be further investigated. The fact that these centres could not protect them from traffickers is a clear risk factor for most of the minors who fall de facto at their traffickers' mercy. The Dutch authorities noticed that the children who used to escape or be abducted from these centres were likely sent to other Member States.

\*Interview with the Dutch Immigration and Naturalization Service, during the field visit to The Netherlands (The Hague), 28 April 2010.

The Swedish Migration Board reported an increasing tendency for minors to apply for reunification with relatives other than parents (874 in 2008, 707 for the first half of 2009). This trend has also been pointed out by the Dutch authorities when it comes to Somalis: adults having made their way to the EU claimed foster children, stepchildren, children from divorces or secret marriages in order to circumvent the DNA tests.\*

\*Field visit to the IND in The Hague (The Netherlands) on the 28 April 2010.

## 4. Conclusions

This Frontex study attempts to determine the magnitude of the phenomenon of unaccompanied minors arriving irregularly in the EU, identify the vulnerable groups and threats, point out Member States most affected by the phenomenon, determine the main drivers and to develop a mid-term outlook. The phenomenon is approached and analysed mainly from the perspective of a border-control authority with the objective to improve and strengthen border-control measures to provide better protection for children arriving irregularly in the EU.

### **The magnitude**

On the basis of the CIREFI data it was possible to estimate the magnitude of the phenomenon in 2008 but it was at the same time difficult to establish a comparison with 2009. CIREFI provided annual data only for 2008 and nine Member States were not able to provide data at all, thus the following year referred only to the first six months (four Member States' data sets were not provided). The missing data were in part provided through the consultation with the EMN database. This adjustment resulted in the estimated figure of 15,700 unaccompanied minors claiming asylum in 2008. Forecasting the 2009 trend on the basis of the figures from the first half of 2009 provided by the CIREFI is rather difficult because generally the peak occurred at the beginning of the second half and the group of countries which provided answers was not the same each time.

The analysis of Frontex data confirms that despite the global decrease in irregular migration flow affecting the EU, the proportion of unaccompanied minors remains high and is on the rise. The analysis of Frontex operational data also demonstrates a shift from the Western African and Central Mediterranean maritime routes towards the Eastern Mediterranean one. The figures from joint operations in 2010 confirm that while there is an increase in the proportion of unaccompanied minors among detected irregular migrants at EU external borders, it is likely to mean that there is a decrease in absolute numbers.

### **Vulnerable groups and the threats**

The vulnerable groups are more likely to originate primarily from Afghanistan and Somalia and to a lesser extent, Iraq, Nigeria and Eritrea. Most of these nationalities benefit from a high protection rate in terms of asylum in the EU. During their journey, the groups are mainly composed of young males, aged on average between 16 and 17. Younger minors are detected among the Eritrean and Ethiopian communities. Sri Lankan nationals are the youngest detected minors.

Children are very vulnerable to exploitation in all its forms, be it sexual (prostitution, nightclubs, agencies, etc.), economic (domestic work, textile industry, street sale of pirated items, food industry, etc.) or criminal (pick pocketing, drug smuggling, begging, etc.). Algerian minors are often engaged in drug smuggling, Congolese (DRC) minors in gangs, Nigerian girls enslaved in prostitution and Chinese as well as Indian minors in forced labour.

### **Concerned Member States**

As far as the combined land and sea route is concerned, Greece has become the main point of entry to the EU. A Norwegian study of EURODAC hits established that 75% of young Afghans claiming asylum in their country entered through Greece. Even the Horn of Africa unaccompanied minors have shifted from their traditional Central Mediterranean route towards Greece. In this country, unaccompanied minors try to elude the detection and identification process and reach their final destination: Sweden. Young Afghans and Iraqis seem to favour the intra-European land route and Somalis and Eritreans often travel by air. The Netherlands is sometimes chosen to clear the administrative situation by claiming asylum in order to obtain a certificate with the asylum applicant's status.

Other European countries are also affected by nationalities using air routes such as the Chinese and Indians targeting the UK or Nigerians landing at the Schipol airport. In spite of the countermeasures implemented by the authorities, the facilitation networks remain very flexible.

### **Key drivers**

The possibility to obtain protection and often access to work or other sources of income - including welfare state- sometimes facilitated by the belonging to particular groups pre-identified as requiring specific protection, plays a central role especially when advertised by the community already settled there and compared to the appalling standard of life in most of the countries of departure. Relatives (who may be from the same family, clan or village) appear to be the main facilitators when it comes to unaccompanied minors.

Nevertheless criminal organisations specialised in human smuggling and/or trafficking remain active all along the route and are sometimes the main instigators in the field of sexual or labour exploitation.

### **Mid-term outlook**

One of the striking findings of the study was the role played by the families and relatives of those unaccompanied minors who did not appear to be abandoned. The families, relatives or clan-related contacts already settled in Member States clearly are the main pull factor. Sweden and its neighbours are now hosting the first generation of Iraqi, Somali and Afghan migrants. Therefore, it is realistic to forecast a steady increase of the proportion of unaccompanied minors in the irregular migratory flow affecting specifically the northern part of Europe.

In line with the global downward trend of irregular migration, a drop in asylum figures of unaccompanied minors arriving in the EU is possible in the mid-term.

Furthermore, the improvement of the situation in some countries and the development of the relations with others may limit the flow of some nationalities, especially from Africa, South America and Asia.

However, two countries will remain hotspots in the mid-term:

- **Afghanistan** has developed few resilient institutions and the security situation remains highly unstable. The so-called 'Report on Progress toward Security and Stability in Afghanistan disclosed by the Pentagon in April 2010 described a deteriorating situation which will continue to act as a major push factor.
- In **Somalia** the fights (which have reached the intensity noted back in 2005), triggered a flow of 1.5 million internally displaced people and 561,154 refugees to neighbouring countries. Thus it is among this population, accommodated in appalling conditions in humanitarian camps, where further movements are planned.

At last foreseeable reinforcements of legislation concerning minors from 16 to 18 may lead the facilitators and the families to start sending increasingly younger minors.

Table 6: Table of abbreviations

<b>ARA</b>	(Frontex) Annual Risk Analysis
<b>BCP</b>	Border Crossing Point
<b>CIREFI</b>	Centre d'information, de réflexion, et d'échanges en matière de franchissement des frontières et d'immigration.  Centre for Information, Discussion and Exchange on the Crossing of Borders and Immigration
<b>DRC</b>	Democratic Republic of Congo (Kinshasa)
<b>EURODAC</b>	Eurodac is a large database of fingerprints of applicants for asylum and irregular immigrants found within the EU. It supports the effective application of the Dublin Convention.
<b>FRA</b>	Fundamental Rights (EU) Agency
<b>FRAN</b>	Frontex Risk Analysis Network
<b>ICMPD</b>	International Centre for Migration Policy Development
<b>IOM</b>	International Organisation for Migration
<b>NGO</b>	Non Governmental Organisation
<b>NPIS</b>	(Norwegian) National Police Immigration Service
<b>TRA</b>	Tailored Risk Analysis
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund



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