



Joint press release: New European Union returns policies put children at risk

Brussels, 3 March 2017: The European Commission yesterday adopted a Recommendation and Renewed Action Plan for EU member states to consider in their procedures to return men, women and children staying irregularly in the EU to their countries of origin or transit. It encourages member states to undertake swift returns, which limit basic safeguards and rights that should be guaranteed to all migrants, including in cases involving children.

UN agencies and child rights organisations are concerned that the Commission package on Return encourages member states to undertake ‘swift returns’ of people – including children – with reduced procedural safeguards and through the increased use of detention. This approach would put children’s lives at risk and would be in violation of the UN Convention on the Rights of the Child, which every EU member state has ratified.

We welcome the reference in the document to best interests’ assessment in return decisions for unaccompanied children. It is essential for robust best interests procedures to be implemented before any child - including children with their families - is issued a return decision. This cannot be a tick box exercise. In considering whether return is in the best interests of the child, the child’s views should be duly considered. Forced removals and detention are extremely harmful for children and families. Children should never be detained for immigration purposes, even as a last resort.

[Earlier this year](#), three unaccompanied Afghan children committed suicide in Sweden. Case workers said the children felt lonely and were unable to handle the anxiety of the process, nor the prospect of being deported to a place where they did not feel safe.

Returnee children and families are at risk of rejection by their families or local communities in their countries of origin, as well as human rights violations. They often face severe discrimination. They are vulnerable to exploitation, to being recruited by armed groups, or pushed into forced labour.

Rather than address the harm to children already caused by the EU and member states return policies, the Commission document recommends measures that would increase it. It encourages fewer safeguards, quicker and automatic return decisions, more forced removals, and more detention.

Far from addressing the real migration challenges that exist across the EU, these proposals will only exacerbate the situation. Further, there is no evidence that forced removal dissuades people from migrating. Returning them to unsustainable situations increases the risk of further cycles of precarious and insecure migration.

Behind the policy decisions and targets to enforce return decisions are the lives of real children and families. The EU and its member states have long been leaders on children’s rights. We urge them to uphold their commitments to all children, regardless of migration or residence status.

Notes for editors:

- A 2012 UNICEF study '[Silent Harm](#)' on the psycho-social impact of children forcibly removed to Kosovo found that 1 out of 3 children exhibited signs consistent with Post-Traumatic Stress Disorder, including disturbed sleep, nightmares, flashbacks, black-outs, separation anxiety, social withdrawal and anger or aggression. Nearly one in two teenagers suffered from depression, one in four thought about suicide.
- For quotes of children speaking about how forced removal - or fear of it - has impacted them, see UNICEF '[Silent Harm](#)' (2012) and PICUM '[Hear Our Voices](#)' (2016).
- A properly implemented voluntary return policy may be in the best interests of children, whether alone or with families. However, a formal, individual and robust procedure to determine what is in that child's best interests must always take precedence over migration control objectives, whether children are unaccompanied, separated, or with members of their family. There are numerous safeguards necessary to ensure this procedure is meaningful. Children should not be returned if the only care arrangement immediately available upon their return is institutionalised care.
- Further every return decision – whether involving children or not - must also allow for effective access to information, legal remedies and legal counsel. For further information, see [OHCHR's Recommended Principles and Guidelines on Human Rights at International Borders](#) (2014).
- Detention is never in the best interest of the child. It has been repeatedly proven that locking children and families in detention facilities has a profound and negative impact on children's health and well-being, and is unnecessary. A growing body of international law requires governments to expeditiously and completely cease the practice, and all EU governments committed to end child immigration detention at the [UN General Assembly on 19 September 2016](#). Instead, states should promote proper case management support, where children and families can be accommodated in non-custodial, community based settings. Not only is this a legal necessity, it is more effective and cheaper.

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