

Practical Tool for Guardians

Transnational procedures in the framework of international protection



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April 2024

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About this series

The European Union Agency for Asylum (EUAA) and the European Union Agency for Fundamental Rights (FRA) have joined forces in the development of a series of practical tools for guardians of unaccompanied children with international protection needs. The objective is to support guardians in their daily tasks and responsibilities during the asylum procedure, including the procedure under the Dublin III regulation ⁽¹⁾ and temporary protection. The series of practical tools addresses the following topics:

- temporary protection for unaccompanied children fleeing Ukraine,
- introduction to international protection,
- the regular asylum procedure,
- transnational procedures in the framework of international protection.

The four booklets complement each other.

The aim of these practical tools is to allow the guardian to better inform and assist children in the process, thus helping children to better understand the relevance of the steps involved. The child's meaningful participation and capacity to make informed decisions will be improved.

Well-functioning guardianship systems are essential in promoting the best interests of the child and children's rights. Guardians are responsible for ensuring that any legal, social, medical or psychological needs are addressed throughout the specific procedure and until a durable solution is secured for the child.

In preparation for the drafting of these practical tools, the EUAA and FRA consulted the European Guardianship Network through a rapid needs assessment to define the objectives and the topics covered by the practical tools.

The series will include several booklets, flow charts and posters and be adaptable to the national contexts in which guardians support children.

Considering the target group of this series, the tools are based on the handbook on guardianship produced by FRA and the European Commission ⁽²⁾ and are consistent with the FRA training modules for guardians ⁽³⁾ and the EUAA training curriculum ⁽⁴⁾.

(1) [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013).

(2) FRA and European Commission, [Guardianship for Children Deprived of Parental Care – A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking](#), 2015.

(3) See the [FRA e-learning website](#).

(4) See the [EUAA training catalogue](#).

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List of abbreviations

Abbreviation	Definition
CJEU	Court of Justice of the European Union
Dublin III regulation	Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)
EU+ countries	EU Member States and Schengen associated countries
EUAA	European Union Agency for Asylum
Family reunification directive	Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification
FRA	European Union Agency for Fundamental Rights
UNHCR	United Nations High Commissioner for Refugees

About this tool

EU law provides for the appointment of a representative for unaccompanied children applying for international protection ⁽⁵⁾.

Guardians should be qualified and equipped to deal with the wide variety of laws and procedures that regulate asylum, migration or other issues they may need to engage with ⁽⁶⁾.

This booklet is intended to support guardians assigned to children in the asylum procedure. It covers the technical aspects of the legal procedures related to the cross-border movement of such children. This booklet covers only procedures related to international protection.

This booklet aims to support guardians assigned to children in the following procedures:

- the Dublin procedure (regulated by Regulation (EU) No 604/2013 i.e. the Dublin III regulation) ⁽⁷⁾;
- relocation;
- legal pathways: resettlement, complementary pathways and the family reunification procedure (regulated by Directive 2003/86/EC i.e. the family reunification directive ⁽⁸⁾).

It includes an overview of these procedures with a specific focus on children, the related guarantees and the role of a guardian in the different phases of the procedures.

The booklet is structured in three parts.

The first chapter provides a guide to the procedural rules in the Dublin procedure concerning the country responsible for examining applications of unaccompanied children, including the role of the guardian.

The second chapter provides information on relocation as an example of voluntary solidarity between the EU Member States and Schengen associated countries (EU+ countries ⁽⁹⁾). Children can be relocated from a Member State, normally the first country of entry, whose capacity is overstretched due to high number of arrivals, to another Member State that agrees to receive them. During relocation, Member States assist each other to find a durable, safe solution for applicants.

⁽⁵⁾ Article 25 of [Directive 2013/32/EU](#) of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), (OJ L 180/60, 29.6.2013).

⁽⁶⁾ For more information, refer to European Union Fundamental Rights Agency (FRA) and the European Commission, Guardianship for children deprived of parental care — A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking, 2015.

⁽⁷⁾ [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013).

⁽⁸⁾ [Council Directive 2003/86/EC](#) of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003).

⁽⁹⁾ The 27 EU Member States and Iceland, Liechtenstein, Norway and Switzerland

The third chapter touches upon procedures that facilitate movements from third countries. It provides a general overview of humanitarian entry to Europe via resettlement and complementary pathways or government-managed programmes for family reunification.

Disclaimer

This tool was developed while the Common European Asylum System was under reform by the responsible EU bodies. Therefore, some of the instruments of that system were available only as proposals and not as final and adopted legal documents at the time of drafting. This tool has been drafted on the basis of the Common European Asylum System instruments legally in force at the time of writing.

The information contained in this tool has been researched, evaluated and analysed with the utmost care. However, this document does not claim to be exhaustive.



Related webpages and publications

For other transnational procedures involving children, such as cross-border cases relating to parental responsibility or child abduction, consult the European Commission's webpages:

- '[Children](#)', last checked: 16 August 2023;
- for more general information, consult '[Rights of the child](#)'.

For children presumed to be EU nationals who are deprived of parental care and found in need of protection in a Member State other than their own, including child victims of trafficking, consult FRA, [Children deprived of parental care found in an EU Member State other than their own](#), November 2020.

1. The Dublin procedure for unaccompanied children and your role as a guardian

The Dublin procedure is a process to determine which EU+ country is responsible to examine an application for international protection.

1.1. The objective of the Dublin system

The Dublin III regulation guarantees that an application for international protection lodged by an applicant is examined by one EU+ country. It provides criteria to determine which country must examine the application.

The Dublin III regulation is binding EU legislation. It is directly applicable in all EU+ countries.

Its implementation is facilitated by Regulation (EU) No 603/2013 (Eurodac II regulation) ⁽¹⁰⁾, a large-scale IT system containing the fingerprint data of applicants for international protection. All applicants for international protection who are at least 14 years of age must have their fingerprints taken and stored in Eurodac. Applicants for international protection do not have the right to choose in which EU+ country their application will be examined. An application for international protection made by a person in one EU+ country might not necessarily be examined by the country where it is lodged. In some cases, during the first stage of the asylum procedure, national authorities might detect reasons for an application for international protection to be examined by another EU+ country, in line with the criteria set out in the Dublin III regulation.

The Dublin III regulation must be applied in compliance with international and European human rights obligations, including the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. Some of the main fundamental rights principles guiding the application of the Dublin III regulation are the principle of *non-refoulement*, the right to asylum, the best interests of the child and respect for family unity.



To guarantee effective access to the asylum procedure, EU+ countries must cooperate with each other to determine the responsible country as soon as

⁽¹⁰⁾ [Regulation \(EU\) No 603/2013](#) of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013).

possible. This cooperation is particularly important to explore family reunification possibilities for unaccompanied children.

The Dublin III regulation establishes strict time limits. If a country fails to comply with the time limit for sending a request or replying to a request, or fails to carry out the transfer in time, it becomes responsible for the application for international protection. Since every case is different, every Dublin case must be examined individually, impartially and objectively. In the case of unaccompanied children, special guarantees apply. Read more about the time limits under Section [1.4. Steps and time limits](#).

Every EU+ country has a body responsible for the application of the Dublin III regulation, called the Dublin Unit, which is the country's contact point for the Dublin procedure. Its role is to assess whether an application for international protection falls within the competence of the country where it was lodged, or whether another country should examine it, by applying the responsibility criteria of the Dublin III regulation. To this end, every Dublin Unit is in contact with its counterparts in other EU+ countries. All formal communication between the Dublin units of the different EU+ countries take place via DubliNet, a secure electronic platform.



Throughout the Dublin procedure, applicants are entitled to **procedural guarantees**. These procedural guarantees are the rights to:

- information;
- representation, including the right to a guardian;
- receive a reasoned decision;
- an effective remedy against a transfer decision;
- access legal assistance and, if necessary, to linguistic assistance.

The procedural guarantees in the Dublin III regulation also ensure the right to be heard. The EU+ country where the application is lodged must conduct a personal interview with the applicant to facilitate the process of determining the country responsible. The interview must take place promptly and, in any event, before the decision to transfer the applicant.

Guardians will be involved in Dublin procedures that concern children who apply for international protection. When presenting the Dublin procedure, this tool, therefore refers to children as 'applicants'.

1.2. Criteria to determine the EU+ country responsible

The Dublin III regulation outlines the criteria to determine the responsible country, which are listed in hierarchical order (Article 7). In every case, it is examined whether or not the first criterion is applicable. If it is not applicable, it is examined whether or not the second criterion is applicable and so on. Under no circumstances do the criteria allow the applicant for international protection to choose the responsible EU+ country.

This tool presents only the criteria relevant in the case of unaccompanied children (Article 8 Dublin III regulation).



Related EUAA publication on the Dublin procedure

For a complete overview of the Dublin III regulation and to understand all of the different criteria, refer to the EASO, [Practical guide on the implementation of the Dublin III regulation – Personal interview and evidence assessment](#), October 2019. This practical guide describes the principles in the Dublin procedure and the key concepts of evidence assessment in the Dublin procedure.

The Convention on the Rights of the Child ⁽¹⁾, which has been ratified by all Member States, requires the Member States to make an effort to trace parents and other family members of unaccompanied children seeking asylum so as to enable family reunification.



This practical tool focuses only on the first criterion of the Dublin III regulation, which relates to unaccompanied children. According to this criterion, if the applicant for international protection is an **unaccompanied child**, the authorities must examine whether the child has any family members, siblings or relatives staying in the territory of the EU+ countries.

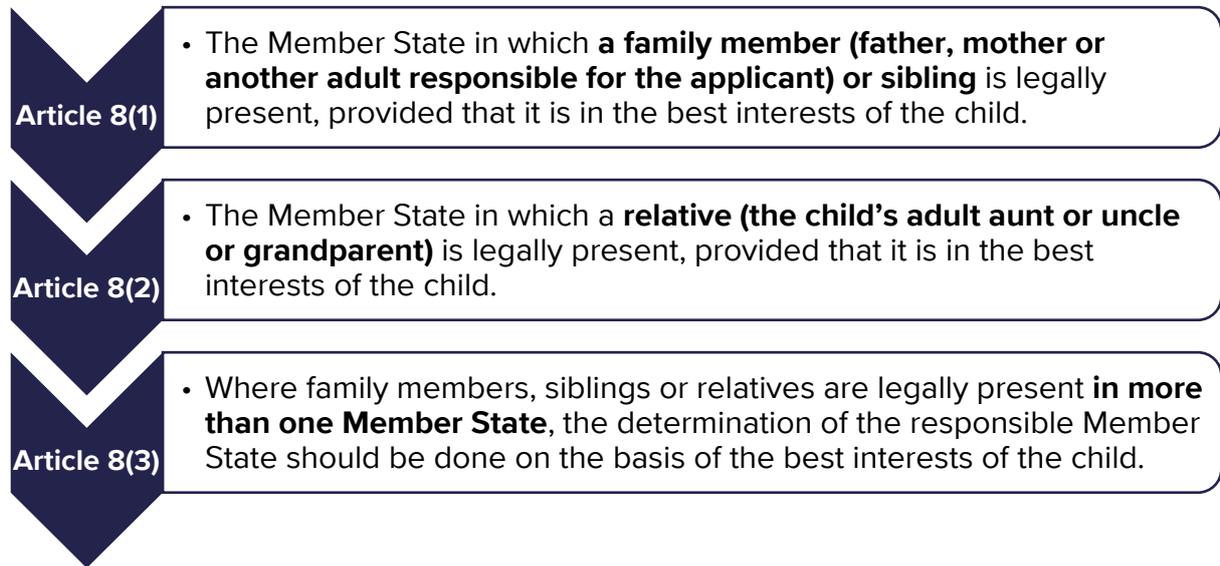
If the child has a family member, sibling or relative in another EU+ country, and if it is established, based on an individual examination, that the relative can take care of them, the child should be reunited with them through the Dublin procedure. This is done provided the family member, sibling or relative is present in the EU+ legally and that this is in the best interests of the child.

This means that the application for international protection of the child will be examined in the country where the family member, sibling or relative is present. To see what qualifies as legal presence, refer to the box “The meaning of ‘legally present’” on the next page.

Family reunification under the Dublin III regulation ensures that children do not remain unaccompanied and that they are reunited with a person they trust and know as soon as possible. If the applicant is an **unaccompanied child**, in accordance with Article 8 Dublin III regulation, the EU+ country responsible for examining their application should meet the criteria set out in Figure 1.

⁽¹⁾ UN General Assembly, [Convention on the Rights of the Child](#), General Assembly resolution 44/25, 1989.

Figure 1. Criteria for the responsible Member State in cases of unaccompanied children (Article 8 Dublin III regulation)



Article 2(g) Dublin III regulation defines the different family members. It clarifies that applicants can reunite with a 'family member' who is present in another EU+ country as long as the family already existed in the country of origin.

The adult responsible for the child would be defined the adult responsible for the child 'whether by law or by the practice of the EU+ country where the adult is present' (Article 2(g) Dublin III regulation).

The child's adult aunt or uncle or grandparent are considered relatives regardless of whether the applicant was born in or out of wedlock or adopted as defined under national law (Article 2(h) Dublin III).

If the child has no family members, siblings or relatives

Where a child has no family members, siblings or relatives in the EU+ countries who are legally present and has applied for international protection in more than one country, the responsible country is normally the one where the child is present and has applied for international protection.

The criteria in Figure 1 reflect the idea that, although always subject to an individual case-by-case overall assessment, it is generally in the child's best interests to have their application examined in a Member State where they have family ties.

Reunification with family members, siblings and relatives is only possible if they are staying in another EU+ country **legally**.



The meaning of 'legally present'

The term 'legally present' refers to all forms of legal presence in the other EU+ country. This includes holding the nationality of the EU+ country, holding a regular immigration permit (e.g. for work or study), holding refugee or subsidiary protection status or holding the status of an applicant for international protection. Family members with citizenship status are also included.

Turning 18 years old during the Dublin procedure does not have an impact on the procedure itself. The person will still be treated as a child and the family reunification will continue as regulated by Article 7 Dublin III regulation.



Related EUAA publication on family reunification

To read more about principles of family reunification and to find out more about other criteria of the Dublin III regulation, refer to the EUAA, [Recommendations on Family Reunification within the Dublin Procedure](#), September 2023, which contains a set of best practices for reuniting families within the Dublin procedure.

Discretionary clauses

While the Dublin III regulation sets out clear rules on determining the country responsible for examining an application for international protection, it also allows for exceptions. This means that countries can derogate from the binding responsibility rules by applying the discretionary clauses. They can decide to examine an application for international protection even if they would not be responsible.

The use of such clauses may be particularly appropriate for reasons related to protection; family unity, to preserve the family unit in the EU+ country where the applicant is present or to reunite them with a family member legally residing in another EU+ country; and humanitarian and compassionate considerations relating to the applicant's situation (related to health or other vulnerability or as a result of particularly strong ties to an EU+ country other than the country responsible).

The European Commission ⁽¹²⁾ states that such discretionary clauses:

were inserted in the Regulation precisely to avoid situations where family members not strictly corresponding to the definitions [...] would be separated due to strict application of the Dublin criteria.

(12) [Commission staff working document](#) accompanying document to the Report from the Commission to the European Parliament and the Council on the evaluation of the Dublin system - Annex to the communication on the evaluation of the Dublin system {COM(2007) 299 final} /* SEC/2007/0742 final */. SEC (2007) 742, p. 24.

1.3. Best interests of the child

The best interests of the child must always be a primary consideration during the Dublin procedure (Article 6(3) Dublin III regulation). The best interests assessment is a continuous process. If the reunification is not in the best interests of the child, the Dublin family reunification can be stopped at any time.

The specific guarantees for children include that:

- the best interests of the child are always considered first throughout the procedure;
- a representative should be appointed to represent the child during the Dublin procedure.



The assessment of the best interests of the child is a continuous process and it requires close cooperation and teamwork between all parties involved.

Continuous cooperation is crucial among the guardian or the representative of the child, social services, the asylum authority of the country where the child is present and the authorities in the country where the family member, sibling or relative of the child is present. This will help in the identification of the child's family members and assessing the child's best interests.

The relevant authority of the EU+ country where the child is present (i.e. the requesting country) usually prepares a best interests assessment, based on which a request for taking charge is sent to the EU+ country where the family member, sibling or relative is present (i.e. the requested country). In most cases, the best interests assessment is shared with the requested country as part of the request. The requested EU+ country then examines the information. It also carries out an assessment, examining the information known to them or conducting an interview with the family member, sibling or relative. The assessment focuses particularly on whether there is any information that would contradict the outcome of the best interests assessment. To assess the best interests of the child in the Dublin procedure, the following should be taken into account in accordance with Article 6(3) Dublin III regulation:

- (a) *'family reunification possibilities;*
- (b) *the minor's well-being and social development;*
- (c) *safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking;*
- (d) *the views of the minor, in accordance with his or her age and maturity.'*



Related publications on the best interests of the child

The EASO, [Practical guide on the best interests of the child in asylum procedures](#), 2019 supports EU+ country authorities in applying the principle of the best interests of the child and enhancing the guarantees within asylum procedures for children. The guide covers background elements of the best interests of the child, relevant guarantees, guidance on how to assess the best interests in practice and vulnerability and risk indicators.

The FRA, [Guardianship for children deprived of parental care](#), 2014 provides information for guardians on how to conduct a best interests assessment or to ensure that the authorities conducting best interests assessment consider all relevant elements.

Your role as a guardian

As a guardian, you have been appointed to represent the child during the Dublin procedure and to promote the child's best interests.

For this, you need to be well aware of the rules of the Dublin procedure and to ensure that the safeguards laid out in the Dublin III regulation to protect unaccompanied children are respected. If you need legal support for the child, you can ask for legal assistance. The Dublin Unit may have information on the entities providing such support.

You need to inform the child and ensure that they understand the process. You need to explain the importance of sharing information regarding family links in other EU+ countries as soon and as accurately as possible.

Your role is crucial in the best interests assessment, as you will be consulted. You need to support the collection of relevant information for the assessment. The Dublin III regulation provides some elements to consider in the best interests assessment. In addition, you could also consider the following elements.

- The physical and mental state of the child, as well as special needs, if any.
- The child's safety or any risks in the country of presence and the country to which they are being transferred.
- The child's opinion regarding reunification with their relative.
- The views of the relative(s), social services, reception staff where the child is accommodated or any other relevant organisations.
- Other relevant emotional or material circumstances of the child. This can include the child's willingness to be reunited with the relative in question, the closeness of the relationship, the behaviour and habits of the relative, the relative or child's health situation or the relative's current family circumstances.
- The relative's willingness and ability to take care of the child. There might be situations in which the relative might be emotionally incapable of taking care of the child, for example if there are indications of family violence.
- In terms of material conditions, consider that it is the country's responsibility to ensure that material reception conditions are available to all applicants for international protection, including children. Therefore, reasons related solely to the material

capacity of the relative should not lead to the conclusion that they are not capable of taking care of the child.

- Some information which is necessary to assess the best interests may need to be collected by social workers in the country where relatives are present and should be shared with you. You are encouraged to also liaise with them to explore further questions or get involved in the assessment of the relative and the living environment.



Individual assessment of the relative's capacity to take care of the child

The Dublin III regulation requires authorities to conduct an individual assessment of the capacity of the relative to take care of the child, as part of the child's best interests assessment. Remember that this is only required when reuniting the child with an adult aunts, uncles or grandparents and not when reuniting the child with parents or siblings!

Relevant factors to assess regarding the relative's capacity to take care of the child can include:

- material capacities of the relative (information regarding their financial, employment and social security circumstances);
- social and psychological state of the relative;
- willingness of the relative to receive the child.

It must be emphasised however that it is the EU+ country's responsibility to ensure that material reception conditions are available to all applicants for international protection (Article 17 of Directive 2013/33/EU ⁽¹³⁾). EU+ countries must consult each other and where relevant exchange information in order to assess the relative's capacity to take care of the child.

⁽¹³⁾ [Directive 2013/33/EU](#) of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), (OJ L 180, 29.6.2013).



What to do when the child or the family does not want reunification

Assessing the best interests of the child and assessing if reuniting them with a family member, sibling or relative would be in their best interests is not a straightforward process. In some cases, it might be that the child does not want to be reunited with a family member, sibling or relative in another country. In some cases, the family member, the sibling or the relative may not want to be reunited with the child.

If the child or their parent(s) do not wish to be reunited, this should not necessarily exclude family reunification as it may still be in the best interests of the child. However, the child's unwillingness must be taken into due account according to their age and maturity, and reunification must only take place when it is proven to be in the best interests of the child. Furthermore, it must be borne in mind that reunification can be difficult to achieve in practice if the child does not cooperate. In all cases, a holistic assessment of the child's needs and best interests should be applied.

1.4. Steps and time limits

The Dublin III regulation sets out the procedural steps for cases in which a country considers that another country is responsible for examining an application for international protection.

For unaccompanied children who have family members, siblings or relatives in another EU+ country the steps are the following.

Lodging an application for international protection. At this step, potential indicators of family relations may be identified.

Information provision and personal interview. At this step, the child is informed and indicators are further explored.

Collection of relevant information and documents. All information that is available related to the child's family relations is collected and submitted to the Dublin Unit. If they see that there are indications that another EU+ country (country B) is responsible for examining an application, the Dublin Unit in country A will analyse the case and review if the conditions to request country B to take charge of examining the child's application for international protection are met.

Sending the request. Member State A (where the child is present) will send a take charge request to the country where the family member, sibling or relative is present (Member State B).

Receiving a reply – acceptance. If the request was accepted, the child is notified that Member State B will examine the application for international protection. If the child does not want to go to the other country, an appeal can be lodged. If no appeal is lodged, the transfer to Member State B will be organised.

Receiving a reply – refusal. Member State B refuses the request from Member State A. If the request is rejected, Member State A can request Member State B to re-examine the case.

Effective remedies. If the request was rejected, the child may, in some cases, lodge an appeal against Member State B’s rejection.

If the Member State B does not accept responsibility or the appeal is unsuccessful, the child’s case will be referred to the national authority and will be examined by Member State A.

These steps are described more in detail in Sections [1.5.](#) – [1.11.](#)

To ensure quick and effective access to the asylum procedure, the Dublin III regulation sets strict time limits for applying the criteria. If an EU+ country fails to comply with the time limit, it becomes responsible for examining the application for international protection.



Time limits in the Dublin III regulation

In cases of family reunification requests, the Dublin Unit must send the request within 3 months from the date of the lodging of the application. If the request is not sent within this period, the country that failed to send the request will become responsible. The requested country must reply to the request concerning the unaccompanied child within 2 months from the date of receiving the request.

The general rule for all applicants, including adults, who are in the Dublin procedure is as follows. If the requested country does not reply to the request within this period, it will become responsible for the examination of the application for international protection. When an acceptance is received, the applicant should be transferred to the responsible country within 6 months. If the applicant absconds, the deadline for transferring them can be extended to 18 months. If the applicant is not transferred within this period, the EU+ country that failed to transfer them will become the responsible country.

In cases of unaccompanied children, special guarantees apply. A missed deadline may not lead to an automatic shift of responsibility or the end of the procedure. Similarly, if the procedure of placing the child takes more time and it is not possible to comply with the time limits, this should not be an obstacle to transfer the unaccompanied child to the responsible Member State.

- The Dublin Unit will be able to let you and the unaccompanied child know what time limits apply in the case of an individual applicant.

Your role as a guardian



Your main role related to time limits will be to support the child and ensure that the time limits are respected and cases prioritised, as appropriate. You should support the child and the authorities in collecting documents and other necessary information. To do this you have to be well aware of the time limits for each step. In addition, you will have to make sure that the relevant authorities respect the time limits for those tasks for which they are responsible.

It is important that, as the child's guardian, you make sure that the child understands that the procedure requires time and it is not possible to predict its exact duration from the very beginning. Unless you have received clear instructions and are being updated sufficiently by the Dublin Unit, you should periodically contact the Dublin Unit to ensure that the case is being followed up and to enable you to keep the child informed.

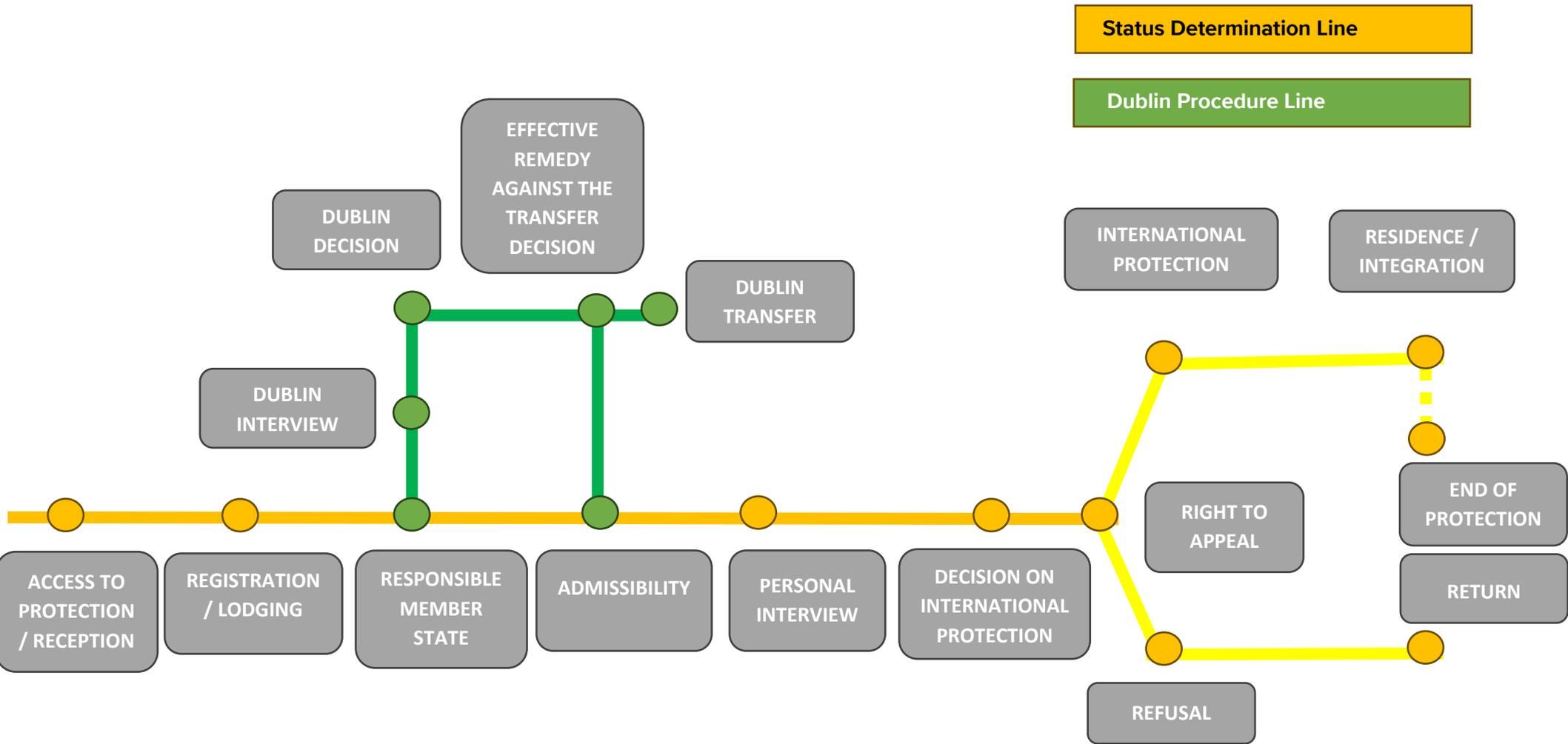
1.5. Lodging the application: identification of Dublin indicators

When an application for international protection is lodged and basic information is collected from the applicant, the case may be identified as a potential Dublin case.

For example, if the child mentioned the presence of family members, siblings or relatives in the EU+ countries, the case is referred to the Dublin Unit. Once the case is referred to the Dublin unit, the asylum procedure is suspended until a decision on the EU+ country responsible is made. This means that the request for international protection of the unaccompanied children cannot be examined and a decision on first instance cannot be made before the Dublin procedure is concluded and the responsible EU+ country is identified. In some countries, however, the asylum procedure is not automatically suspended for the duration of the Dublin procedure. Do take a proactive approach and seek advice on whether the asylum procedure is suspended or not, so to avoid that the asylum case is examined and a decision on first instance is made before the Dublin procedure is conducted.

Figure 2 shows the stages of the asylum procedure as shown in the green line, as regulated by Directive 2013/32/EU and how they relate to the Dublin Procedure. For more information on the asylum procedure, consult the EUAA–FRA, [Practical Tool for Guardians – The asylum procedure](#), October 2023.

Figure 2. The Dublin procedure embedded in the asylum procedure



After the referral of the potential Dublin case to the Dublin Unit, the Dublin Unit will first analyse the evidence and information included in the file to determine whether the case may indeed fall under the Dublin procedure. If so, the Dublin Unit will conduct further assessment and collect more information to initiate the Dublin procedure.

Your role as a guardian

In the first stage of the asylum process, when the application is lodged, information is collected on the identity of the child. This information normally includes personal data, including the age of the person. If the child is 14 years old or older, their fingerprints will be taken and stored in the Eurodac database. It is important that the child is informed about fingerprinting and how the data relating to them will be used.



Related EUAA–FRA publications

EUAA–FRA, [Practical Tool for Guardians – The asylum procedure](#), October 2023, Section 2.3 ‘Lodging an application for international protection’.

FRA, [Right to information – Guide for authorities when taking fingerprints for EURODAC](#), January 2020 assists officers and authorities in informing applicants in an understandable and accessible way about the processing of their fingerprints in Eurodac.

At this stage, for the purposes of the Dublin procedure, your role as a guardian is to discuss any family links in other countries with the child. If the child reports the presence of a family member in another EU+ country, this will be considered a Dublin indicator.



Examples of Dublin indicators in cases of unaccompanied children

Upon registering the data of the person, the following may be flagged as potential Dublin indicators in cases of children:

- the person being an unaccompanied child;
- any document presented or submitted to the authority that may indicate the presence of family members, relatives or siblings in the territory of the EU+ countries, such as family records, family photos or a family tree;
- the child mentioning family members, relatives or siblings living in the territory of the EU+ countries;
- the existence of available information concerning family members, siblings or relatives in the territory of the EU+ countries, for example from other sources (e.g. the family member contacts the Member State authority or family tracing organisations have information about family links).

When you become aware that there are Dublin indicators, you should immediately inform the relevant authorities to refer the case to the Dublin authorities to analyse the case in detail.

**Practical tip: collect relevant documents as soon as possible**

If you find Dublin indicators which would lead to a family reunification procedure, you should immediately start collecting relevant documents that will support the procedure in order to comply with the strict time-limits provided by Dublin III regulation. Collection of relevant documents can start even before an application for international protection is lodged. In fact, once the application is registered by the relevant authorities, the time limit for the authorities to send a take charge request to another EU+ country begins.

If most documents – especially those concerning the family link – are collected before the application for international protection is lodged, chances are higher that all the necessary documents will be ready within the time limit set out in the Dublin III regulation for sending a take charge request to the Member State where the family member, sibling or relative of the child is present.

You can take a proactive approach and contact the family member, sibling or relative of the child in the other EU+ country, perhaps in coordination with social services in that other country. If the child does not know the whereabouts of the family member, you can also contact tracing services, non-governmental organisations or civil society organisations that can assist with locating the family relation of the child or you can ask the Dublin Unit to do so.

Restoring family links

The International Committee of the Red Cross (ICRC) provides help free of charge in finding missing family relations due to conflict, natural disaster or migration.

For initiating a request, visit the ICRC, 'Restoring Family Links' webpage at <https://familylinks.icrc.org/how-it-works>.

1.6. Information provision and the interview

The personal interview conducted for the purpose of complying with the Dublin III regulation can be organised differently in the EU+ countries. It can be combined with the registration process or with the personal interview. Some countries may organise a specific Dublin interview.

During the interview, the case officer will provide information about the purpose of the interview and the Dublin procedure. The purpose of the personal interview in the Dublin context is to identify elements that can help determine which country should handle the person's asylum claim.



Related EUAA publication on the Dublin procedure

To learn more about information provision in the Dublin procedure, refer to EASO, [Practical guide on information provision in the Dublin procedure](#), December 2021. Providing information on the Dublin procedure to applicants for international protection is an integral part of the procedure itself. This practical guide was developed to support all officials tasked with providing such information in an effective manner.

In the case of unaccompanied children, the focus of this interview will be to identify family members, siblings or relatives in the territory of the EU+ countries.



The interview will cover issues such as:

- the age of the child;
- whether the child is unaccompanied;
- information related to the presence of the child's family members, siblings or relatives in other Member States;
- the personal data of the family members, siblings or relatives;
- how the child and the family members, siblings or relatives are related;
- other data regarding the family members, siblings or relatives in relation to their current accommodation (e.g. contact details);
- the nature of the relationship between the child and the family members, siblings or relatives while in the country of origin;
- the residence status the family members, siblings or relatives in other Member States;
- the circumstances under which they have been separated;
- information about the contact between the child and their other family members, siblings and relatives especially since they were separated;
- the views of the child related to family reunification (i.e. with whom they would like to be reunited).

Documents on family links and the presence of family members, siblings or relatives of the child present in the EU+ country should be submitted to the Dublin Unit as soon as possible. The officer conducting the interview should explain how to submit these documents, in what form, where and by which date. In general, the sooner the documents are available, the faster the case can proceed.

**Related EUAA publication on the Dublin procedure and the personal interview**

EASO, [Practical Guide on Personal Interview](#), October 2014.

To learn more about personal interview in the Dublin procedure, refer to the EASO, [Practical guide on the implementation of the Dublin III regulation – Personal interview and evidence assessment](#), October 2019. This practical guide was developed to support all officials tasked with interviewing applicants under the Dublin procedure.

Your role as a guardian

Make sure that you are aware how the personal interview with the child is organised in your country and when questions related to the Dublin procedure will be asked.

You need to ensure that the child has understood the information provided, that their views are heard and that they can share information on their family members, siblings and relatives living in the EU+ country. If there are Dublin indicators, you also need to ensure that the case is referred to the Dublin Unit and the Dublin procedure is started.

You need to support the child before, during and after the interview.

**Related EUAA–FRA publication**

Refer to the EUAA–FRA, [Practical Tool for Guardians – The asylum procedure](#), October 2023 for detailed information about supporting the child for the personal interview.

Some of the key aspects to consider are described below.

Before the interview

Inform the child about the details of the interview and guide them in preparing for the interview, understanding what information can be useful to share (family relations, etc.) and the practicalities of the interview (who will be present, where it takes place, how long it lasts, documents needed, etc.).

During the interview

Accompany the child and ensure that information is provided in a simple and clear manner. If necessary, support the child in understanding. Make sure that their views are heard and recorded.

Ensure that the recording of the interview is accurate.

After the interview

Discuss with the child how the interview went, how the child felt and if there is any other relevant information that the child may not have disclosed to the authorities because they may

not have felt comfortable or safe doing so. If relevant to the procedure and with the child's consent, inform the authorities about such information.



Note on the age of the child and age assessment

Usually, age assessment is carried out before the Dublin procedure starts. EUAA guidance on age assessment can be found in the following publications:

- EUAA, [All you need to know about age assessment](#), January 2022.
- EASO, [Age assessment practices in EU+ countries: updated findings](#), July 2021.
- EASO, [Practical Guide on Age Assessment – Second edition](#), 2018.

The Council of Europe has developed human rights principles on age assessment. See the news post '[Age assessment in the context of migration: new Committee of Ministers Recommendation](#)', 14 December 2022 and the full recommendation (14).

During the Dublin procedure, age assessment should be carried out only when there are substantial doubts as to whether the applicant is younger or older than 18 years old, for example based on information received from the other EU+ country.

This may occur in cases in which there are no documents on the age of the person and the only information on their age is based on statements that are not coherent or are contradictory. In such cases, to clarify doubts, the requested EU+ country may ask the requesting country to conduct an age assessment. The result of the age assessment should be shared with the other country once available.

The same rules and principles of age assessment during asylum procedures apply to age assessments carried out during the Dublin procedure.

1.7. Collection of relevant information and documents

Having relevant information and any supporting documentation to hand will contribute to a faster procedure, by helping the Dublin Unit in conducting the Dublin procedure.

In order to send a take charge request to the other EU+ country to reunite the child with a family member or relative, the Dublin Unit will need the information in the following section.

Your role as a guardian

As a guardian, you are in direct contact with the child. Your role in collecting the relevant documents and information is crucial. You can take a proactive approach and contact the family member, sibling or relative of the child in the other EU+ country, perhaps in coordination

(14) [Recommendation CM/Rec\(2022\)22](#) of the Committee of Ministers to member States on human rights principles and guidelines on age assessment in the context of migration (Adopted by the Committee of Ministers on 14 December 2022 at the 1452nd meeting of the Ministers' Deputies), 14 December 2022.

with social services in that other country. If the child does not know the whereabouts of the family member, you can also contact tracing services, non-governmental organisations or civil society organisations that can assist with locating the family member of the child or you can ask the Dublin Unit to do so.



Children can often be worried by the idea of becoming a ‘burden’ on their relatives who will need to take care of them; this can sometimes lead them not to disclose to the authority the presence of a family member, sibling or relative in another country.

It is therefore important to reassure the children and the relatives that it is the EU+ countries’ responsibility to ensure that material reception conditions are available to all applicants for international protection.



Practical tips

- Collect information and documents on family links.
- Discuss with the child what information is available concerning the presence of a family member, sibling or relative in the EU+ countries. Make sure that the child is able to express their views about being reunited with a family member, sibling or relative.
- Support the child in expressing their desire to be reunited especially in cases in which there are several family members, relatives or siblings in the EU+ countries. If the child has any documents proving the family ties, make sure that these are submitted to the Dublin Unit. In some cases, documents will be needed from the family member, relative or sibling living in the other country, for example a copy of their residence document or identity card. Try to contact the family member to request that they submit these documents.
- Provide the Dublin Unit with the contact details of the child’s family member or relative. This information will be shared by the Dublin Unit of the requesting country with the Dublin Unit of the requested country and will speed up the family tracing and investigation.

1.8. Sending a request to another EU+ country

As described in Section [1.4. Steps and time limits](#), the Dublin Unit has a maximum of three months from the lodging of the application to collect the necessary information and send the request. If it considers that another country is responsible for examining the application, it will submit a take charge request to the country where the family member of the child is present. The requested country has two months to reply to the request.



The requested EU+ country checks the information it receives, compares it with information in its own database and, if necessary, collects further information. For example, the requested country might conduct an interview with the family member or relative of the unaccompanied child. After the assessment, the requested country will send a reply to the requesting EU+ country, accepting or refusing the request for taking charge of the examination of the application for international protection.

Your role as a guardian

Waiting for the reply and the outcome of the Dublin procedure might feel agitating for the child. The uncertainty, anxiousness and stress may be overwhelming for them. Make sure that you support them during the waiting process by providing them with information, being understanding and listening to them. It is important to provide them with emotional reassurance and stability. Here are some suggestions.

- **Maintain open communication.** Sit down with the child and talk about their feelings, concerns and hopes. Assure them that you are there to provide support throughout the waiting process.
- **Provide a sense of routine.** Suggest that the child establishes a daily routine including regular activities such as meals, study time, recreation and social activities. This can create a sense of stability and distract the child from feeling overwhelmed by the waiting period.
- **Encourage expression.** Allow the child to express their emotions through various creative outlets such as drawing, writing or storytelling. This can help them vent their feelings and reduce stress.
- **Stay positive.** Be optimistic and convey hope to the child. Focus on the progress made rather than dwelling on uncertainties.
- **Engage in stress-relieving activities.** Encourage the child to engage in activities they enjoy, such as sports, hobbies or spending time with friends. These activities can help distract them from the waiting process and alleviate stress.
- **Seek support from professionals.** If the waiting period becomes too stressful for the child, consider involving mental health professionals. They can provide additional support and guidance to help the child manage their anxiety.

Remember that it is essential to be patient, understanding and empathetic towards the child's emotional state throughout this process.

You should also stay in touch with the Dublin Unit to ensure that no important deadlines are missed and the case is treated with priority given the vulnerability of unaccompanied children.

1.9. Receiving a reply: acceptance



Once a reply has been received from the requested EU+ country, the guardian and the child will be informed of it. If the reply is positive, it means that the country accepted its responsibility to examine the child's application for international protection. In this case, the guardian and/or the child will be notified about the decision that they will be transferred to the country responsible for the examination of the application for international protection. Preparations for the transfer will start.

Notification of transfer decision



After a positive reply to the request, called 'acceptance' of responsibility, the requesting EU+ country prepares the decision to transfer the child to the responsible country.

The child must be informed of the transfer decision and has the possibility of an effective remedy, in the form of an appeal against the decision or a review of it.

The EU+ country should transfer the child to the responsible country as soon as possible and, in any event, within 6 months of the date of explicit or implicit acceptance.



If the child lodges an appeal against the transfer decision, the time limit for the transfer may be suspended by a court until the final decision on the appeal is made. When the decision on an appeal is adopted, and the transfer decision is enforceable, the time limit for transfer is 6 months from the date on which the decision on the appeal became final.



Related EUAA tools on Dublin transfers and information provision

To learn more about Dublin transfers, consult EUAA, [Recommendations on Dublin transfers](#), April 2023. To learn about what information will be provided to the child upon notification of the transfer decision and regarding the transfer, visit the EUAA, Let's Speak Asylum portal, July 2023, Webpage '[Dublin procedure](#)'.

Your role as a guardian

Your role as a guardian is to ensure that the child understands the procedure and feels safe and comfortable while waiting for the transfer. It might be that the date of the transfer is not known at the time of notification. If this is the case, you should enquire to the relevant authority about the date of travel.

When the child is notified of the decision on the transfer, make sure that they understand the information and that they know what to expect regarding the means of transport and any preceding steps, such as a medical examination. In certain cases, a medical examination is necessary before the transfer to ensure that the person is fit to travel. If the applicant has health problems, medical information should be submitted to the responsible EU+ country so that any treatment that the person is receiving can continue in the other country. For this, the consent of the person (or the guardian) is necessary.

Transfer to the responsible EU+ country



Unaccompanied children are transferred to the responsible country with at least one person escorting them. In some countries, guardians can accompany the child during the transfer to the responsible country. If this is allowed in your country, make sure that you accompany the child to create a safe environment during the journey.

If you are not allowed to accompany the child during the transfer, your presence could still be reassuring for the child before departure. Make sure to be present for their departure.



You should contact the family member, sibling or relative or a guardianship authority in the receiving country to facilitate the smooth arrival and reception of the child. Your role in making such contact is crucial.

The Dublin units of the responsible country may not have access to information on where the child will be placed after arrival, as this could be the responsibility of the reception or social welfare authorities.

You should make sure that you coordinate with guardianship authorities for the smooth reception and welcome of the child. With the agreement of the child, you should provide as much information as possible to the receiving authorities.

It is important to clarify that, in the context of the Dublin procedure, the responsibility for the child is transferred from one country to the other EU+ country and not directly to the relative or family member. In practical terms, this means that it is possible and common for the child to be initially hosted in a reception centre while the social services of the receiving EU+ country assess if and when the child can be transferred to the relative's accommodation. Try to make enquiries about the expected date placement of the child, for example if the child can stay with the family member, sibling or relative after arrival or if they will be placed in a reception centre. Knowing this information in advance will help keep the child informed.



Practical tip regarding the transfer

- Make sure that the child understands what is awaiting them and that they feel safe and secure.
- Make sure that the authorities in both countries are aware of any immediate healthcare needs of the child in relation to the transfer. Communication with the authorities in both countries regarding any immediate healthcare needs of the child is crucial for the child's well-being during the transfer.
- If possible, try to accompany the child to the responsible country.
- Try contacting the family member, relative, sibling or guardian of the child in the responsible country before the arrival of the child.
- Make enquiries about the expected arrival and placement of the child. To ensure a smooth transfer process, it is important to manage the child's expectations and make sure that they understand what awaits them. Obtaining information about the expected arrival and placement of the child will help manage their expectations and ensure that appropriate arrangements are made.

1.10. Receiving a reply: refusal

The requested EU+ country can also respond with a negative reply. Based on the content of the reply, the Dublin Unit can decide if it is necessary or possible to send a re-examination request. If you do not receive a copy of the reply, you can ask the Dublin Unit to share it with you, as per the national practices or rules of the country.

Following a re-examination request, the requested EU+ country might accept the request or refuse it. If the request is refused, there is a possibility to lodge an appeal. It is important to note that lodging an appeal may not be possible in all cases (see below). If it is not possible to lodge an appeal, the case will be referred to the national procedure, so the EU+ country

where the applicant is present will be responsible for examining the application for international protection.

1.11. Effective remedies

The applicant has the right to effective remedy against a transfer decision as set out in Article 27 Dublin III regulation. In the case of unaccompanied children, an effective remedy is also available if the request for taking charge was refused.

The Court of Justice of the European Union (CJEU) ⁽¹⁵⁾ concluded that Article 27(1) Dublin III regulation

requires a Member State to which a take charge request has been made, based on Article 8(2) of [the Dublin III regulation], to grant a right to a judicial remedy against its refusal decision to the unaccompanied minor, within the meaning of Article 2(j) of [the Dublin III regulation] [...] who applies for international protection, but not to the relative of that minor, within the meaning of Article 2(h) of [the Dublin III regulation].



Therefore, when a request for taking charge concerning an unaccompanied child who has a relative in another EU+ country (Article 8(2) Dublin III regulation request) is rejected, the child has the right to appeal. The relative does not have the right to appeal.

In practical terms, this means that the child needs to lodge an appeal in an EU+ country where they are not present, i.e. the country that rejected its responsibility for examining the application for international protection and in which the relative is present.

Your role as a guardian

If you and the child decide to appeal the rejected take charge request, you will have to take a proactive approach, as the appeal is lodged in the EU+ country where the relative is present and not where the child is present. The Dublin Unit might not have information about the modalities of lodging an appeal in the other country.

European Guardianship Network

The European Guardianship Network is a network of organisations working on guardianship in most Member States. They might be able to support you in establishing contacts with guardians, lawyers or non-governmental organisations in the country where the appeal needs to be lodged. You can find their contact details under: www.egnetwork.eu.

It is important to note that this CJEU judgement only ruled in a case that concerned a child who had a relative in another country, which was a request based on Article 8(2) Dublin III

⁽¹⁵⁾ CJEU, judgment of 1 August 2022, *I, S v Staatssecretaris van Justitie en Veiligheid*, C-19/21, EU:C:2022:605, paragraph 55. Summary available in the [EUAA Case Law Database](#).

regulation. If the request was made on a ground other than Article 8(2) and is rejected, you should check with a legal advisor if it is possible to appeal the decision in the country or not.

Once the rejection is received and while you and the child are considering appeal options, or during the appeal process, you should reassure the child about the process, the timelines and the possible need for further information. You should make the child aware of the risks if the child decides to travel to their relatives on their own or using the help of acquaintances or smugglers.

If you and the child decide not to appeal, or the appeal is not successful, then your role will be to support the child during the asylum procedure and accessing adequate reception conditions in the country where the child is present.



Related EUAA–FRA publication

For more detailed information on the specific action to take during the asylum procedure, see EUAA–FRA, [Practical Tool for Guardians – The asylum procedure](#), 2023.



Practical tips when the request is rejected

If a request is rejected, make enquiries about the possibilities of lodging an appeal in the EU+ country that rejected the request. For example:

- How should an appeal be lodged?
- Where should the appeal be lodged?
- What are the formal requirements for lodging an appeal?
- What is the deadline to lodge an appeal?

Remember that the decision of the CJEU on this subject concerned only an Article 8(2) case. It might be that an appeal can only be lodged if the request was sent on the same legal ground and the possibility of appeal may not be extended to other cases.

Further suggestions are provided below.

- Familiarise yourself with the specific national procedures and laws of the EU+ countries involved in the Dublin procedure. This will enable you to provide accurate information to the child regarding their rights and options for appeal.
- Establish a network or contact with legal professionals, non-governmental organisations or other organisations in the EU+ country where the relative is present that can provide guidance and assistance in lodging the appeal. This will help ensure that the child has access to effective remedies and legal representation.
- Advocate for the child's best interests throughout the appeal process. This may involve gathering evidence, writing support letters or providing any relevant information and documentation that can strengthen the child's case.
- Communicate regularly with the child and their relatives to ensure that they are informed about the status of the appeal and any updates or changes in the process.

Offer emotional support and reassurance, as the appeal process can be stressful and overwhelming for the child.

- Stay up to date with changes in national and EU laws regarding the Dublin procedure and appeal processes. This will allow you to provide the most accurate and relevant information to the child and their family member, sibling or relative.
- Collaborate with relevant stakeholders, such as the Dublin Unit, legal advisors and child protection agencies, to ensure a coordinated and comprehensive approach to the appeal process. Regularly share information and updates to ensure that all parties are actively involved and working towards the best outcome for the child.
- Remember that your role is to act in the best interests of the child and ensure that they receive appropriate protection and support throughout the Dublin procedure, including in cases of refusal.

2. Relocation and your role as guardian

Relocation enables the orderly transfer of applicants from an EU+ country that receives a high number of applications for international protection to another EU+ country where their applications are examined.

Relocation is an example of voluntary solidarity between the EU+ countries. Applicants can be relocated from an EU+ country, normally the first country of entry, that has to deal with a large number of applications, to another EU+ country that agrees to receive them. During relocation, Member States assist each other to find a durable, safe solution for applicants.

Relocation can be a particularly effective tool for those EU+ countries whose reception systems are not able to provide special care to unaccompanied children because of a high and rapid increase in the overall numbers of arrivals. It offers a safe and legal pathway for this group of children, reducing the risk of onward movements and protecting children from trafficking networks.

Relocation is currently based on voluntary solidarity agreements between EU+ countries. There is no specific legal framework for the relocation scheme; therefore, the procedure is based on Article 17(2) Dublin III regulation, which is the instrument most relevant to the scheme. Article 17(2) Dublin III regulation allows an EU+ country to take responsibility for examining an application for international protection even though it is not automatically responsible for it. This 'humanitarian clause' of the Dublin III regulation therefore provides the legal basis for the relocation of applicants for international protection.

The first relocation exercise was launched by the European Commission in 2009. Since then, EU+ countries have participated in several different relocation exercises. Some of the exercises were mandatory and established a quota for relocations for EU+ countries through a European Council decision. Other initiatives focused mainly on the relocation of unaccompanied children or vulnerable groups (including children with severe medical conditions or other vulnerabilities who are accompanied by their family relations) and were adopted on a voluntary basis by a group of EU+ countries to support other EU+ countries. Most unaccompanied children have been relocated from Greece, Italy and Malta.

EU+ countries that decide to participate in relocation exercises set the number of relocated people they are willing to take. This is called a pledge. They may decide to prioritise adults or families and might not accept unaccompanied children.

When unaccompanied children are eligible for relocation, the relocation procedure should entail the necessary child protection safeguards. Children must be informed and they must have the support of a guardian and their views and opinions considered, according to their age or maturity. The child has, however, no right to choose the country of relocation, as this decision depends on various circumstances. Figure 3 provides FRA's practical guidance to protect unaccompanied children in the relocation process.

Figure 3. Practical guidance for protection unaccompanied children in the relocation process

PRACTICAL GUIDANCE FOR PROTECTING UNACCOMPANIED CHILDREN IN THE RELOCATION PROCESS



Source: FRA, [Relocating Unaccompanied Children: Applying good practices to future schemes](#), May 2020.

Your role as a guardian

Your role as a guardian in each step of the relocation process is fundamental, notably in the initial stages of applying for international protection, assessing the best interests of the child, exploring and identifying family links and finally consenting to the relocation.

During the relocation process, there are several important steps you should be aware of, including the following.

- **Initial application.** As a guardian, you should assist the child in making their initial application, ensuring that all necessary documents and information are provided.
- **Best interests assessment.** You should support the child while the authorities or you conduct a thorough assessment of the child's best interests, taking into account their safety, well-being and specific needs. This assessment will help determine whether relocation is the most appropriate solution for the child.
- **Family links assessment.** If the child has any family members or relatives in other EU+ countries, you should assess the possibility of reuniting the child with their family through a Dublin procedure, or via relocation, if a Dublin procedure is not possible. This assessment will require coordination with relevant authorities and agencies involved in family tracing and reunification.
- **Consent to relocation.** Once the best interests and family link assessments have been completed, you will need to provide your consent for the child's relocation. This involves considering the child's views and wishes and assessing the available reception and care facilities in the receiving EU+ country. Remember that applicants can decide to withdraw consent at any stage, including after the interview with the receiving EU+ country. You should ask authorities about the modalities for withdrawing consent and the consequences of such a withdrawal and explain them properly to the child.
- **Liaison with authorities.** Throughout the relocation process, you should act as a liaison between the child and all relevant authorities. These include child protection authorities, which should be actively involved in the relocation process to ensure the child's safety and well-being. Your role is to ensure that the child's rights and interests are protected and respected by all stakeholders involved.

Overall, your role as a guardian in the relocation process is crucial in advocating for the child, assessing their needs and best interests and ensuring their smooth transition to the receiving EU+ country.

For unaccompanied children, relocation is a procedure intended for those children who are not entitled to family reunification under the Dublin procedure (see Chapter [1. The Dublin procedure for unaccompanied children and your role as a guardian](#)). As a guardian, you should pay attention to this and alert the authorities if the child risks being transferred to another EU+ country under a relocation scheme without having first exhausted the possibility to reunite the child with their family.



Practical tip: possible actions by the guardian in relation to relocation

- Assist and accompany the child in all important relocation steps, such as registration, age and best interests assessments and security interviews.
- Make sure that any decision to relocate the child is based on an assessment confirming that it is in the best interests of that particular child.
- Provide information or ensure that authorities provide information that is age-appropriate, timely and given throughout the different phases of the relocation process, including regarding the transfer process, the reception phase and life in the EU+ country of relocation.
- Listen to and consider the views of the child in important phases of the process, making sure that the child and you, as a guardian, provide full written consent to relocation.
- Request legal assistance for yourself and assist the child in contacting a lawyer when needed.
- Hand over the necessary information to the guardian and to the authorities of the EU+ country where the child is relocated.



Related FRA publication on relocation

FRA, [*Relocating Unaccompanied Children: Applying good practices to future schemes*](#), May 2020.

3. Legal pathways to the EU+ and your role as guardian

Unaccompanied children in need of international protection may be allowed to come to the EU legally from a non-Member State, for example to join their family or for safety reasons. As a guardian, you may be involved with such procedures to ensure the smooth arrival of the child.

This chapter describes the main legal pathways for unaccompanied children into the EU and your role as guardian. It covers resettlement and complementary pathways, including humanitarian admissions and family reunification.



Related FRA publication on return procedures for unaccompanied children

Unaccompanied children may benefit from legal pathways to travel from the EU to a third country, for example, to reunite with their family in their country of origin or in a third country. As a guardian you may thus be involved in procedures which entail the departure of a child to a country outside the EU. Whereas general considerations, such as those related to the best interests of the child, remain relevant, your role will depend on the specific national situation.

For more information on how to ensure fundamental rights of children in return procedures, consult FRA, [Returning unaccompanied children: fundamental rights considerations](#) September 2019.

3.1. Resettlement

Resettlement is a process that enables refugees to relocate to another country with a legal status ensuring international protection and ultimately permanent residence.

Refugee resettlement is an expression of international solidarity. EU resettlement programmes are based on national pledges corresponding to the number of refugees that Member States commit to admit. Their aim is to manage refugee admission based on predictable timelines and ensure common grounds for eligibility, while carrying out rigorous security checks ⁽¹⁶⁾.

Resettlement is one of the three durable solutions for refugees, along with voluntary repatriation and local integration. Voluntary repatriation and local integration are given full consideration before resettlement is considered as the most appropriate solution. Candidates for resettlement are identified on the basis of assessed protection risks.

⁽¹⁶⁾ EUAA, [Asylum Report 2023](#), 2023.

In the EU context, resettlement programmes are voluntary programmes through which EU+ countries provide international protection to refugees who are identified as eligible by United Nations High Commissioner for Refugees (UNHCR) in a third country outside the EU.

EU+ countries assess the resettlement needs and can transfer a refugee from a third country, outside the EU, to their territory by granting a secure legal status and support for integration⁽¹⁷⁾. When referring refugees for resettlement, UNHCR gives priority to people in a vulnerable situation, such as women at risk, unaccompanied children, survivors of torture, persons with legal or physical protection needs as well as person with medical needs.

Note on UNHCR's approach

UNHCR defines resettlement as follows:

Resettlement, involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and his/her family or dependants with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalised citizen of the resettlement country⁽¹⁸⁾.



Article 2(8) of Regulation (EU) No 516/2014 (Asylum, Migration and Integration Fund regulation)

[...] admission following a referral from the UNHCR of third-country nationals or stateless persons from a third country to which they have been displaced, to the territory of the Member States, and who are granted international protection and have access to a durable solution in accordance with Union and national law⁽¹⁹⁾.



What are the benefits of resettlement programmes?

- ✓ Admission and transfer to a safe host EU+ country.
- ✓ Being granted the right to stay in the host EU+ country.
- ✓ Being granted any other rights comparable to those granted to beneficiaries of international protection.

⁽¹⁷⁾ EASO, *Asylum Report 2020*, 2020, Section [7.14. 'Resettlement and humanitarian admission programmes'](#).

⁽¹⁸⁾ UNHCR, *Integration Handbook*, 2023, Section 'What is resettlement'.

⁽¹⁹⁾ [Regulation \(EU\) 2021/1147](#) of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021).

How is resettlement conducted?

The resettlement process requires **a refugee status determination by UNHCR** and a resettlement referral. UNHCR identifies refugees who are most at risk of serious harm in the country where they are registered, usually because of threats to their life, freedom or physical safety, or other serious violations of human rights. These risks are assessed when responding to the specific needs of individuals and families, taking due account of the local context, the availability of legal and physical protection in the asylum country, the accessibility of relevant services, the prospects for returning safely to their home country and the principle of family unity ⁽²⁰⁾.

Identification of refugees for resettlement

Resettlement programmes generally target those refugees facing heightened protection risks in countries of first asylum. UNHCR is responsible for identifying those refugees who should be prioritised for resettlement consideration, in accordance with the resettlement submission categories set out in its Resettlement Handbook ⁽²¹⁾.



Resettlement submission categories

- ✓ Refugees with legal and/or physical protection needs.
- ✓ Survivors of violence and/or torture.
- ✓ Refugees with medical needs.
- ✓ Women and girls at risk.
- ✓ Restoring family unity ⁽²²⁾.
- ✓ Children and adolescents at risk following a best interests assessment.
- ✓ Refugees for whom there is no foreseeable alternative durable solution ⁽²³⁾.

The identification of refugees who should be prioritised for resettlement and the subsequent assessment of individual cases is an ongoing, active and systematic process. It requires detailed knowledge and documentation of the refugee population and of their specific needs and vulnerabilities. It also requires collaboration between UNHCR protection staff, community-based protection services, durable solutions staff and protection implementing partners to

⁽²⁰⁾ UNHCR, [Resettlement Handbook](#), 2023.

⁽²¹⁾ Ibid.

⁽²²⁾ Restoring family links has two components: it falls under the resettlement submission categories and also constitutes a distinct visa stream according to national laws. The UNHCR, [Resettlement Handbook](#), 2023 has renamed this category as 'Restoring Family Unity' in order to distinguish discretionary resettlement submission categories from rights-based national family reunification procedures. For more detailed information and guidance, consult Section 3. The resettlement submission categories of the handbook on when UNHCR deems it suitable to pursue family unity through resettlement submission categories instead of directing the family to national visa application procedures.

⁽²³⁾ FRA, [Legal entry channels to the EU for persons in need of international protection: A toolbox](#), 2015, p. 7.

identify and implement appropriate responses ⁽²⁴⁾, including referral for resettlement consideration.

This means that children arriving under resettlement programmes have already undergone a vulnerability assessment and a best interests determination. A complete file with specific reference to their specific needs should be available to you as the guardian as soon as possible, in compliance with the general data protection regulation ⁽²⁵⁾

How are children's cases managed within resettlement?

Refugee children and adolescents are entitled to special protection and assistance because they are often at greater risk of abuse, neglect, exploitation, trafficking and recruitment into armed groups. Furthermore, displacement may force children and adolescents to take on new roles and responsibilities to meet their own protection needs and those of their families, which can lead to exploitation, abuse and harmful coping strategies. Refugee children and adolescents may have specific needs and protection risks that cannot be adequately addressed in the country of asylum, including risks related to mental health, physical health or disabilities. Gender non-conforming young people are also at risk.

In managing children's cases within resettlement, it is essential to prioritise their safety, well-being and rights. By taking a holistic and child-focused approach to managing children's cases within resettlement, it is possible to mitigate the risks and challenges that refugee children and adolescents face and help them rebuild their lives in a safe and supportive environment.

3.2. Complementary pathways including humanitarian admission

Complementary pathways are secure and regulated routes for refugees that complement resettlement.

UNHCR describes complementary pathways as:

existing legal admission pathways that are adjusted for persons in need of international protection, as well as newly created programmes that provide for lawful stay in a third country where the international protection needs of the beneficiaries are met ⁽²⁶⁾.

Complementary pathways operate independently of UNHCR-recommended resettlement programmes. The qualifications for beneficiaries to access complementary pathways are

⁽²⁴⁾ UNHCR USA, '[Information on UNHCR resettlement – resettlement in the United States](#)'.

⁽²⁵⁾ [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance)

⁽²⁶⁾ UNHCR, '[UNHCR master glossary of terms](#)'.

determined using criteria that are different to those used in the resettlement process, considering aspects such as education, employment qualifications and family composition.

Complementary pathways are explicitly crafted for individuals seeking international protection as beneficiaries, although they may not consistently offer self-sufficient and long-term solutions. Eligibility for complementary pathways is not strictly confined to refugees officially acknowledged under the UNHCR mandate or the jurisdiction of pertinent state authorities. Their status in the host EU+ country may vary.

The most common examples of complementary pathways in EU+ country are:

- humanitarian admission programmes and humanitarian corridors;
- family-based sponsorship;
- labour mobility;
- education pathways ⁽²⁷⁾.

These complementary pathways can be combined in practice. By offering various pathways, EU+ country can ensure that the needs of different refugee populations are met. This is particularly important for vulnerable individuals, such as unaccompanied children, who may require specialised support and protection measures ⁽²⁸⁾.

One of the existing complementary pathways are humanitarian admission schemes.

Humanitarian admission schemes are collaborative initiatives aimed at facilitating the transfer of individuals who are in urgent need of international protection from their host country to an EU+ country where they can access the necessary support and security measures to safeguard their well-being and rights.

Humanitarian admission schemes refer to initiatives designed to offer a pathway for admission to individuals in need of international protection through their identification and transfer to a country where they can enjoy adequate protection. Such programmes are often expedited processes used for people in urgent need. This could include, for example, victims of conflict or other emergencies. Humanitarian admission schemes are typically temporary in nature and are designed to respond to urgent humanitarian needs. Admitted individuals are provided with the opportunity to apply for international protection after arrival. In other instances, programmes may provide protection status upon arrival.

Examples of humanitarian admission schemes include:

- humanitarian admission programmes;
- humanitarian corridors.

⁽²⁷⁾ Education pathways are not covered as a separate topic in this tool. These may be available for refugees to access higher education or vocational training in Member States. Such pathways recognise the importance of education in the integration and future prospects of refugees.

⁽²⁸⁾ UNHCR, [Complementary pathways for admission of refugees to third countries](#), April 2019.

Humanitarian admission programmes ⁽²⁹⁾

Humanitarian admission means the admission – following, where requested by a Member State, a referral from UNHCR, the EUAA or another relevant (international) body – of third-country nationals or stateless persons from a third country to which they have been forcibly displaced to the territory of the Member States ⁽³⁰⁾. It is a form of complementary pathway that is additional and separate to existing resettlement programmes and family reunification entitlements, although humanitarian admission programmes may feature a few shared elements or characteristics with such schemes ⁽³¹⁾.

The goal of humanitarian admission programmes is to enable refugees to safely and legally enter a country prepared to admit and grant them protection.

Whereas the protection offered through resettlement is a durable solution, the protection that has been offered through humanitarian admission programmes has varied. This includes the provision of an initially shorter-term option, offering admission and protection during a specific period and on a renewable basis but not necessarily providing a permanent solution.

Humanitarian corridors

Humanitarian corridors are created at the national level and include memoranda of understanding signed between the proposing civil society organisation and the competent public authorities. They were implemented for the first time in 2016 when Italy opened a programme to receive Syrian refugees and other refugees hosted in Lebanon who had escaped the Syrian civil war.

Humanitarian corridors aim to:

- avoid the deaths of migrants who try to reach Europe by sea.
- enable people in a vulnerable situation (single women, children, sick/disabled people, elderly people, etc.) to access the international protection system through safe and legal entry into Europe.
- fight exploitation by traffickers and trafficking in human beings ⁽³²⁾.

The potential beneficiaries of humanitarian corridors are:

- people in need of international protection;

⁽²⁹⁾ The term ‘admission’ is defined as ‘the lawful entry of an alien onto the territory of a State after inspection and authorisation by an immigration officer’. See the term in the [European Migration Network Asylum and Migration Glossary](#).

⁽³⁰⁾ [Regulation \(EU\) 2021/1147](#) of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021).

⁽³¹⁾ UNHCR Ireland, [FAQ: Humanitarian Admissions Programme](#).

⁽³²⁾ Humanitarian Corridors, [Humanitarian Corridors: Implementation procedures for their extension on a European scale](#), 2016.

- people in a situation of vulnerability that cannot be addressed in the country of first asylum.

Family, language and cultural links with the receiving countries are considered preferential criteria. The identification and selection of beneficiaries is carried out in the countries of origin or 'transit countries' of the refugees. The objective is to identify refugees who may join the humanitarian corridors and benefit from international protection in accordance with EU legislation.

3.3. Family reunification procedures

Family reunification allows non-EU nationals to bring their close family members to the EU+ country where they are legally residing.

Under EU law, family reunification is regulated by Directive 2003/86/EC (family reunification directive) ⁽³³⁾. The directive establishes the rules under which non-EU nationals can bring their family members to the Member State in which they are legally residing. It explicitly excludes applicants for refugee status, temporary protection and a subsidiary form of protection (in accordance with international obligations, national legislation or the practice of Member States) as well as beneficiaries of subsidiary protection and temporary protection (Article 3(2) family reunification directive). The right of beneficiaries of subsidiary protection to family reunification is a matter for national law ⁽³⁴⁾.

Under the family reunification directive, family reunification entitlements concern members of the nuclear family (spouse and the minor children).

Family reunification for relatives outside of this group is left to the discretion of Member States in their implementation of the directive.

Family unity for other relatives not eligible under national family reunification procedures may be attainable through other pathways. This includes discretionary state family programmes, resettlement and humanitarian admission, including family-based sponsorship.

Your role as a guardian

If you are the guardian representing a child who already entered the territory of the EU following resettlement or humanitarian admission, it is important to welcome the child and to provide information and orientation in relation to the new environment, including the host city, the resettlement facility or accommodation, and any immediate needs.

You should assist with the completion of legal and administrative requirements, such as obtaining identification documents, meeting any requirements and complying with any follow-up as per your national practice.

⁽³³⁾ [Council Directive 2003/86/EC](#) of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003).

⁽³⁴⁾ EASO, [An Introduction to the Common European Asylum System for Courts and Tribunals – Judicial analysis](#), August 2016, p. 56.

Regardless of which procedures the child is involved in, the best interests of the child should always guide you. As the guardian, you must ensure that the child's best interests are assessed by the authorities whenever decisions affecting the child are made⁽³⁵⁾. These might include decisions about safety, accommodation, education, healthcare, leisure activities, legal representation, etc.

As a guardian, you play a crucial role in coordinating essential services and resources for the child. It is important to maintain open communication with key stakeholders, such as the child's caseworker, school personnel and organisations involved in the child's integration into the host society. Collaborating with these stakeholders will enable a comprehensive approach to the child's support and ensure a seamless transition into their new life.

Keep in mind that resettlement is only available to recognised refugees. Recognition as a refugee is made either by a host state (only applicable to states that are parties to the 1951 Refugee Convention⁽³⁶⁾) or by UNHCR under its mandate.

However, Member States are not bound by the refugee status recognition of another States Party to the Refugee Convention or by UNHCR. Before a resettlement admission, Member States will usually conduct their own refugee status determination during a selection mission. In some cases, Member States might also opt to make their decision based on the information included in the dossier they receive from UNHCR. The formal recognition as a refugee by the Member State will usually take place shortly after the resettled person's arrival, based on the refugee status determination assessment they performed before admission or based on the information included in the UNHCR dossier. For more detailed information on the procedure, refer to your national practice.

For complementary pathways including humanitarian admissions, you should be aware that a child arriving in the context of a humanitarian admission scheme can travel legally. Once the child has arrived in the destination country, a request for international protection can be submitted to the competent authority of your country. You will support the child throughout the regular asylum procedure.

The role of the guardian in a family reunification process can vary depending on whether the child is transferring to another state to stay with the family or if the family is coming to the state where the child currently resides. In the case of the child transferring to another state, the guardian may need to assist with logistical arrangements such as coordinating travel plans, ensuring the child's belongings are packed and ready, and providing emotional support during the transition. Your duties encompass collecting essential documentation, keeping the child informed, reaching out to family members and ensuring a smooth transition upon resettlement. Your responsibilities include gathering necessary documentation, keeping the child informed, establishing contact with family members and ensuring a seamless transition.

⁽³⁵⁾ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), [Joint general comment No. 4 \(2017\) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 \(2017\) of the Committee on the Rights of the Child on State obligations regarding the human rights of child](#), 16 November 2017, CMW/C/GC/4-CRC/C/GC/23.

⁽³⁶⁾ UN General Assembly, [Convention relating to the status of refugees](#), Geneva, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, and [Protocol Relating to the Status of Refugees](#), 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267 (referred to in EU asylum legislation and by the CJEU as 'the Geneva Convention').

You should assist the child in preparing for the transfer by facilitating medical checks, providing information on the destination country, educational opportunities, cultural practices and more. Whenever possible, accompany the child during the transfer process until they are handed over to the authorities of the receiving state.

Coordination with social welfare or guardianship authorities is essential to ensure a smooth reception and welcome for the child in the new state. With the child's consent, provide relevant background information to the receiving authorities, such as health and educational needs, family ties, and any additional insights gained during your guardianship.

Conversely, if the family is coming to the state where the child resides, the guardian's role may involve more of a support and facilitation role. This could include assisting the family with finding suitable accommodation, enrolling the child in school and helping them navigate the local community and resources available. The guardian may also play a crucial role in facilitating communication between the child and the arriving family members, as well as helping the family integrate into their new environment and establish a sense of stability and routine.



Related EUAA publication on the best interests of the child

EASO, [*Practical guide on the best interests of the child in asylum procedures*](#), 2019.

Annex 1. Checklists



Information necessary for family reunification under Dublin procedure

Identity and personal circumstances of the applicant

- Personal data, including information on age.
- Any documents (ID card, passport) confirming the age of the person.
- Original documents, extracts from databases or statements related to personal details.

Identity of the family member and their status in the other country

- Personal data of the family member, relative or sibling.
- Any documents on the person's identity (copies of original documents, extracts from databases or statements related to personal details).
- Status of the person (e.g. beneficiary of international protection or other).

Family link, history of the relationship and views

- Relationship between the child and the person in the other country.
- Any documentary evidence to support their relationship (e.g. family certificates, birth certificates, family photos, etc.)
- Any additional relevant details about the relationship between them.
- In some cases, documentation related to the person's capacity to take care of the child may be needed.
- In some cases, the written consent of the child and the relative of the child is requested.
- If no other information is available, as a last resort, and where necessary, a DNA test may be requested to verify family links.

Best interests of the child

- Assessment of the best interests of the child supporting the view that the reunification is in their best interests.



Checklist of actions for guardians on family reunification under Dublin procedure

Below is a list of actions that you can take to better support the child in reuniting them with a family member, sibling or relative who is legally present in an EU+ country.

- If you receive the appointment to represent the child during the lodging of the application or the personal or Dublin interview, arrange briefing meetings with the authorities to introduce yourself and to familiarise yourself with the available information on the child.

- Arrange a meeting with the child as soon as possible and introduce yourself and your role, explaining how you are going to support them during the procedure.
- Ask the child about their family relations (parents), siblings, grandparents, aunts or uncles, and ask questions about their whereabouts if they are present in an EU+ country. Try to collect as much information about them as possible so as to increase the chances of successful family reunification through the Dublin procedure.
- Inquire about the organisation of the procedure on national level:
 - Is a Dublin interview organised?
 - Is the asylum procedure suspended for the duration of the Dublin procedure?
- Represent the child during the personal (Dublin) interview.
- Support the family tracing procedure by collecting as much information as possible on the child's family members, siblings or relatives.
- Contribute actively to the best interests assessment.
- Properly inform the child on rights and responsibilities and possible administrative options and allow the child to actively participate in individual decision-making processes that concern their life.
- Support the child when needed in expressing their views and make sure that authorities give due consideration to the child's opinions.
- Support the child in case of age assessment or when a DNA test is required.
- Search for legal assistance to support you or the child in understanding all steps of the Dublin procedures.
- Reach out to the Dublin Unit or other relevant national authority in case of questions, especially when deadlines are approaching.
- Support the child during the notification of transfer decision.
- If the request was rejected by the other EU+ country, try to inquire about the available legal remedies and the modalities to lodge an appeal at the national Dublin Unit.
- If the request was accepted and the child is ready for the transfer, support the child in the preparations for the transfer. The preparations may include medical visits to assess the child's fitness to travel or to assess if the child has any special needs during the transfer and any immediate needs upon arrival.
- Be available for the child and ready to handle any emergencies, such as medical visits or action regarding any immediate needs the child might have.
- Assist with making medical appointments as needed.

- Liaise with authorities to understand how the child will travel to the responsible Member State and that the necessary preparations are in place for the child's safe arrival. Make sure that if the child has any special needs (e.g. medication, use of wheelchair or immediate assistance needed upon arrival), these are taken into account and communicated to the other EU+ country accordingly.
- If possible, try to be in contact with the child's family member, sibling or relative in the other EU+ country. Liaise with them as needed.
- If allowed, try to accompany the child to the other EU+ country or make sure that someone that the child knows is waiting them at the airport.
- If you are a guardian appointed to a child that is arriving to the country following a Dublin transfer, provide a friendly welcome to help the child settle into the new country, offering support, guidance and information. Be available to answer all the questions the child might have in a child-friendly manner or support the child to address the question to the authorities if needed. You might get in contact with the guardian of the requesting state to request more information or ask questions if needed.
- Help the child in engaging with the reception centre, the residence community, education and leisure activities.
- Organise informal periodic meetings with the child to stay up to date with the child's personal situation. This will help you to monitor the child's well-being.

Checklist of actions for unaccompanied children resettled or admitted to an EU+ country under complementary pathways

Below is a list of actions that you can take to better support the child.

- As soon as you receive the appointment to represent the child, arrange pre-arrival briefing meetings with authorities to introduce yourself and to familiarise yourself with the available information on the child.
- Provide a friendly welcome to help the child settle into the new country, offering support, guidance and information. Be available to answer all the questions the child might have in a child-friendly manner or support the child to address the question to the authorities if needed.
- Be available for the child and ready to handle any emergencies, such as medical visits or action regarding any immediate needs the child might have.
- Assist with making medical appointments as needed.

- Liaise with the authorities to understand the administrative situation of the child and the possible administrative pathways the child can follow. Consider consulting with a legal advisor.
- Properly inform the child on their rights and responsibilities and possible administrative options. Allow the child to actively participate in individual decision-making processes that concern their life.
- Support the child when needed in expressing their views and make sure that authorities give due consideration to the child's opinions.
- Help the child in engaging with the reception centre, the residence community, education and leisure activities.
- Organise informal and periodic catchups with the child to stay up to date with the child's personal situation. This will help you to monitor the child's well-being.

Annex 2. Overview of transnational procedures in the framework of international protection

	Dublin procedure for unaccompanied children	Voluntary relocation	Family reunification	Resettlement and complementary pathways
Description	The Dublin procedure is a mechanism to determine which EU+ country is responsible for examining an application for international protection lodged in the EU. The Dublin procedure ensures that an unaccompanied child applicant can be reunited with a family member, sibling or relative who is already staying in an EU+ country and have their application examined in the country where the family member is present.	Relocation is a form of voluntary solidarity that is aimed at supporting a Member State facing particular pressure. Applicants in the Member State under pressure can be relocated (transferred) to another Member State and have their applications examined by that country. Relocation is not a form of family reunification.	Non-EU nationals residing in an EU+ country can bring their close family members residing in a third country to that EU+ country.	Resettlement and humanitarian admission are processes that allow admitting eligible third country nationals in need of international protection from a non-EU+ country to which they have been displaced, to an EU+ country and grant them international protection.
Legal framework	Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Dublin III regulation)	Article 17(2) Dublin III regulation	Directive 2003/86/EC of 22 September 2003 on the right to family reunification	No EU-wide legislation at the time of writing.

	Dublin procedure for unaccompanied children	Voluntary relocation	Family reunification	Resettlement and complementary pathways
Is the application of the procedure mandatory?	Yes, directly applicable in all EU+ countries.	No.	Yes, applicable through transposition into national law.	No.
Which countries apply it?	27 Member States and Norway, Iceland, Liechtenstein and Switzerland	Applied by EU+ countries on a voluntary basis.	25 Member States (all except Denmark and Ireland)	Applied by Member States based on national or EU sponsored programmes.
Who can benefit from it? (Personal scope)	Applicants for international protection	Applicants for international protection	To apply to bring their closed family members to the EU, a person must hold a residence permit in a Member State for a period of validity of one year or more and have reasonable prospects of obtaining permanent residence. Subsidiary protection beneficiaries have no right to family reunification under EU law but may so under national law.	Vulnerable third-country nationals in need of international protection.
Where should the family member be residing?	The family member, sibling or relative should be legally staying in an EU+ country.	N/A	Outside the EU+ countries.	Depending on the programme.

Annex 3. Additional resources

EUAA

Access to the asylum procedure and registration

- EUAA, [Practical Guide on Information Provision – Access to the asylum procedure](#), February 2023.
- EASO, [Practical Guide on Registration – Lodging of applications for international protection](#), December 2021.

Examination of the application

- EASO, [Practical Guide: Qualification for international protection](#), April 2018.
- EASO, [Practical Guide: Evidence assessment](#), March 2015.
- EASO, [Practical Guide: Personal interview](#), December 2014.

Child-related resources

- EUAA animations:
 - [‘Age assessment for children’](#), 2021.
 - [‘Age assessment – Why? When? How?’](#), 2020.
- EASO, [Practical guide on the best interests of the child in asylum procedures](#), 2019.
- EASO, [Practical Guide on Family Tracing](#), March 2016.
- EUAA–FRA, Practical Tool for Guardians series:
 - [Temporary protection for unaccompanied children fleeing Ukraine](#), November 2022.
 - [Introduction to international protection](#), October 2023.
 - [Asylum procedure](#), October 2023.

FRA

FRA and Council of Europe, [Children in migration: fundamental rights at European borders](#), December 2023.

FRA, [Guardianship for unaccompanied children – A manual for trainers of guardians](#), 1 March 2023.

FRA, [Handbook on European law relating to the rights of the child – 2022 edition](#), 13 April 2022.

FRA, [Handbook on European law relating to asylum, borders and immigration – Edition 2020](#), 17 December 2020.

FRA, [Relocating Unaccompanied Children: Applying good practices to future schemes](#), May 2020.

FRA, [Right to information – Guide for authorities when taking fingerprints for EURODAC](#), 2020.

FRA, [Children deprived of parental care found in an EU Member State other than their own](#), 13 June 2019.

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European Commission

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European Guardianship Network

European Guardianship Network, [ProGuard – The Pilot Assessment System](#), September 2019.

European Guardianship Network, [‘7 standards of guardianship’](#).

Schippers, M., [Children on the Move – A guide to working with unaccompanied children in Europe](#), European Guardianship Network, February 2021.

UNHCR

UNHCR, [UNHCR Recommendations on flexible approaches to family reunification procedures in Europe](#), Regional Bureau for Europe, February 2023.

UNHCR, [Resettlement Handbook](#), 2023.

UNHCR, [Integration Handbook](#), 2023.

UNHCR, [Technical Guidance – Child-friendly procedures](#), 2021.

UNHCR, [2021 UNHCR Best Interests Procedure Guidelines: Assessing and determining the best interests of the child](#), 2021.

UNHCR, [Guidelines on International Protection No. 8: child asylum claims under Articles 1\(A\)2 and 1\(F\) of the 1951 Convention and/or 1967 Protocol relating to the status of refugees](#), 2009.

UNHCR, [Key Consideration on Complementary Pathways](#), 2019.

International Organization for Migration

International Organization for Migration, [Unaccompanied migrant children toolbox](#), 2022.

International Organization for Migration, [Mainstreaming gender in pre-departure orientation](#), 2019.

International Organization for Migration, [IOM Resettlement](#), 2021.

International Organization for Migration, [IOM Safe Spaces Guidance](#), 2020.

International Organization for Migration, 'Trafficking in persons: protection and assistance to victims', e-learning self-paced course available in the [IOM E-Campus](#).

Council of Europe

[Recommendation CM/Rec\(2022\)22](#) of the Committee of Ministers to Member States on human rights principles and guidelines on age assessment in the context of migration and its Explanatory Memorandum, adopted 14 December 2022.

[Recommendation CM/Rec\(2019\)11](#) of the Committee of Ministers to Member States on effective guardianship for unaccompanied and separated children in the context of migration, adopted 11 December 2019.

Council of Europe, [How to convey child-friendly information to children in migration: A handbook for frontline professionals](#), December 2018.

Other publications

Child Circle – Kids in Need of Defense Europe (KIND) and Child Circle, [Stepping Stones to Safety – Strengthening Key Procedural Safeguards for Unaccompanied Children in Transnational Procedures within the EU](#), December 2021.

Missing Children Europe, [The SUMMIT project](#), October 2015–2016.

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