

**“Building Strategies to Protect
Children in an Irregular Migration Situation
in Poland”
Workshop
9 December 2011**

Concept Note

This workshop is being held as part of the **“Building Strategies to Improve the Protection of Undocumented Children in Europe”** project. The project aims to spread understanding of the challenges children in an irregular migration situation - children of undocumented migrants and children who are undocumented themselves - face in accessing their fundamental rights to education, healthcare and housing in Europe, and to develop strategies to overcome them.

Children in an irregular migration situation are in a position of triple vulnerability: as children above all; as migrants; and finally and this unfortunately is their major vulnerability, as undocumented migrants. Despite legal entitlements to primary and secondary education, health care, and housing, children in an irregular migration situation face numerous barriers to exercising these rights in most European countries. They face high risks of poverty, exploitation, social exclusion, and violence.

The goals of this workshop are for participants to build mutual understanding of the problems that children in an irregular migration situation face in accessing education, health care and housing in Poland, and collaborate to devise some concrete actions and strategies to improve on some of challenges identified.

A brief has been prepared to support workshop participants, based on the key findings of previous research, outlining the laws and policies relating to rights to healthcare, education and housing of children in an irregular migration situation in Poland, as well as the situation in practice (whether or not they can access these rights). There will also be contributions from a range of speakers throughout the day, as well as discussions and strategy-building sessions to offer all participants the opportunity to share their experiences and insights.

This workshop is one in a series of seven intensive national workshops - the others are being held in Belgium, France, Italy, the Netherlands, Spain, and the UK.

From the results from these workshops, an instructional guide will be produced, to aid efforts to secure these rights for children in an irregular migration situation in all Member States, and at the European level. It will be presented at a European conference in January 2013.

* Who are “children in an irregular migration situation”?

“Children in an irregular migration situation” refers to children whose lives are affected by an irregular migration status.

This is a diverse group. It includes children whose immigration status is irregular - “undocumented children”. The parent(s) or other caregiver(s) of these children may also be undocumented, for example, those who have entered irregularly or overstayed residence permits or visas as a family. The parent(s) or other caregiver(s) may also have regular migration status, for example, when children come to Europe to be reunited with their family but do not fall under the official family reunification schemes. Children who are born in Europe may also be undocumented, because their parents are undocumented.

Children in an irregular migration status may also be children whose own migration status is regular, but whose parent(s) or caregiver(s) are undocumented migrants. For example, some children gain citizenship through one parent or birthright citizenship laws. In some countries, such as France and Ireland, children are not required any documentation until the ages of 18 and 16 respectively. Therefore, in these countries there is no such thing as an “undocumented child”. However, they are still affected by the irregular migration status of their parents.

Undocumented children may also be sent by their families to Europe in search of better conditions, or have run away, and are therefore alone. Some children are trafficked to Europe, either alone or with their families, and so are also undocumented. This project focuses on children who are with their families or other caregivers, and their access to basic social rights. There is a concerning lack of visibility of these children and how they are affected by policies on irregular migration - they frequently live in extremely precarious situations with no access to basic social rights.

Because most EU countries have specific systems in place, however flawed, to care for unaccompanied or separated children and victims of trafficking, this project does not address the particular issues these groups of children face.

The issues regarding access to basic social rights are nonetheless relevant for those separated children who are outside of the reception circuits for unaccompanied children and are invisible to social services, and victims of trafficking before identification, in so far as they can access basic social rights.