

Building Strategies to Protect Children in an Irregular Migration Situation in Europe

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. The “Building Strategies to Improve the Protection of Undocumented Children in Europe” project aims to spread understanding of the challenges children in an irregular migration situation 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 in Europe

Over the past few years of daily monitoring and advocacy for the rights of undocumented migrants, PICUM has noted a dangerous trend towards the erosion of the rights of children in an irregular migration situation. The general lack of protection of these children has been observed in almost all EU member states.

“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 migration 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.

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 Europe. They face high risks of poverty, exploitation, social exclusion, and violence.

Barriers to Accessing Rights

The “Building Strategies to Improve the Protection of Undocumented Children in Europe” project builds on the key findings of previous research, published in PICUM’s 2009 report entitled “[Undocumented Children in Europe: Invisible Victims of Immigration Restrictions](#)”. The report documents the barriers children in an irregular migration situation face in accessing education, health care and housing in several EU member states. The project aims to spread understanding of these challenges, and to develop strategies to overcome them.

Whilst some of the challenges are specific to national contexts, there are some common characteristics. For example, even when legal entitlements exist, practical barriers often make the laws ineffective. This is the case with education, where undocumented children are not explicitly denied access in any of the countries studied, but there are concrete barriers, such as schools requiring documents on registration and undocumented families’ fear of detection.

The combination of lack of clarity in the rules and lack of awareness among service providers, at the same time as they are faced with greater responsibility for determining immigration status and bureaucracy, is another common challenge. In terms of health care this leads to a high degree of discretion and variation, inevitably leading to the inappropriate denial of care. Furthermore, in the majority of countries studied, undocumented children are denied access to national health insurance, making non-emergency care unavailable or prohibitively expensive.

A crucial issue is the reluctance of authorities to care for children in an irregular migration situation when they are with their families, creating a tension between the right to family life and access to other basic social rights. This is particularly evident in the case of housing, where states will usually only offer children housing solutions when separated from their families.

This also highlights the profound interdependence of all social rights. Only by guaranteeing basic access to education, health care, and housing, are these children allowed sure and solid development. To deny access of one of these rights affects all the others.

“Migrant children are one of the most vulnerable groups in Europe today. Many of these children suffer exploitation and abuse. Their situation is a major challenge to the humanitarian principles we advocate.”
Thomas Hammarberg
Council of Europe Human Rights Commissioner

Building Strategies at the National Level

Through a series of intensive national workshops in seven countries - **Belgium, France, Italy, the Netherlands, Poland, Spain and the UK**, project participants will build

mutual understanding of the problems children in an irregular migration situation face in exercising their rights to education, health care and housing, and devise concrete solutions to the range of challenges identified.

Collaboration among stakeholders, including social service professionals, public officials, NGO representatives, and undocumented families, will allow the development of solutions appropriate to the seven member states.

From the National to the European Level

The national-level workshops will tackle the issues as relevant to the specific national contexts, and the solutions generated will then be generalised for pan-European application where possible, and customised to fit regional characteristics as needed.

The results – in the form of a comprehensive ‘toolkit’ indicating the legal rights of undocumented children and effective means to fulfil those rights – will be published and presented at a final EU-level conference. A platform will also be established for their ongoing refinement and application.

The project partners are:

- [PICUM](#) (Coordinator)
- **Belgium:** [Mineurs en Exil](#)
- **France :** [Groupe d'Information et de Soutien des Immigré-](#) GISTI (Information and Support Group of Immigrants)
- **Italy:** [Associazione per gli Studi Giuridici sull'Immigrazione-](#) A.S.G.I (The Association for Legal Studies on Immigration)
- **Netherlands:** [Defence for Children International](#) - DCI
- **Poland:** [Polish Migration Forum](#)
- **Spain:** [Red Acoge](#)
- **United Kingdom:** [Praxis Community Projects](#)

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Founded as an initiative of grassroots organisations, PICUM represents a network of more than 200 organizations and advocates working with undocumented migrants in more than 30 countries throughout Europe and in other world regions. With ten years of evidence, experience and expertise on undocumented migrants, PICUM promotes recognition of their fundamental rights, providing an essential link between local realities and the debates at policy level. www.picum.org