Steps for the procedure and implementation when return is a durable solution in the best interests of the child

**Identify on the territory as irregularly present**
- Any child (whether unaccompanied, separated, or with family)
- Or a parent with a child on the territory

**Best interests (BI) procedure to find durable solution**

**Local integration with secure status**
- or

**Return and reintegratoin in country of origin**
- or

**Integration in another country**

**Voluntary departure with reintegratoin assistance**
- If return during the agreed voluntary departure period does not take place

**Removal with safeguards**

**Review by BI decision makers with procedural safeguards**

**Alternative durable solution**

**Appeal**

The information contained in this publication does not necessarily reflect the official position of the European Commission.

**Guidance to respect children’s rights in return policies and practices: Focus on the EU legal framework**

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- Anyone claiming to be a child should be treated as such (unless and until - if necessary - a multi-disciplinary and non-invasive age assessment finds them to be an adult)
- Child-friendly information.

The following are crucial from the outset of the procedure:

- Support and counseling
- Timing and other aspects of return as consensual as possible (with plenty of time to prepare and ensuring uninterrupted access to education)
- Assistance and cooperation with relevant actors to ensure the conditions for return as a durable solution in the best interests of the child are met.*

If return is found to be in the best interests of the child, it must be implemented through voluntary departure with reintegratoin assistance. Essential measures at this stage include:

- Support and counselling
- Assistance and cooperation with relevant actors to ensure the conditions for return as a durable solution in the best interests of the child are met.*

If return during the agreed voluntary departure period does not take place - in order to proceed in the best interests of the child - the review should consider:

- Why voluntary departure period failed
- Any changes to circumstances underlying the decision that return is in best interests
- Views of the child and other actors
- Whether the essential safeguards are in place to consider removal.

If the decision-makers consider removal as a measure of last resort, they need to assess and ensure that both the essential operational safeguards, and the stipulated return and reintegration conditions and assistance, are available and in place. Some of the essential operational safeguards include:

- Information, preparation, support and assistance
- No immigration detention
- No force or physical restraints
- No family separation
- Several other measures.*

This flowchart is to be read in conjunction with Guidance to respect children’s rights in return policies and practices: Focus on the EU legal framework, produced by...