**Children’s best interests take priority in migrant returns**

Rights areas:

* [Asylum, migration and borders](https://fra.europa.eu/en/taxonomy/term/962)



Last year, almost 20,000 unaccompanied children sought asylum in the EU; some inevitably have to leave. FRA’s latest focus paper guides national authorities when deciding whether to return children, not accompanied by parents, to their home countries to ensure compliance with EU and international law.

**Publication**

[**Returning unaccompanied children: fundamental rights considerations**](https://fra.europa.eu/node/37032)

The [Returning unaccompanied children: fundamental rights considerations](http://fra.europa.eu/en/publication/2019/returning-unaccompanied-children) focus paper looks at children who are not with their parent or primary carer and may be subject to return procedures.

It shows how some Member States allow unaccompanied children to stay by law. In others, laws permit their forced return, but in practice they stay. It also shows that when children return to their home country most do so voluntarily. Eight EU Member States, however, forcibly returned some children.

The paper underlines the importance of always considering the child’s best interests when deciding what to do, in line with EU and international law. This applies to decisions granting the right to stay as well as obliging them to return.

Child protection services should play a prominent role in procedures, from assessing what is best for the child through to determining guardianship arrangements. This includes continuous monitoring of the child’s situation and development in cases where the child can stay. To help improve integration, authorities should also ensure children receive the appropriate documentation that allows them to legally stay and access services such as healthcare and schooling.

In addition, Member States should counsel children that have to return to ensure they receive effective assistance.

When Member States decide to return children, they should also inform them in a safe, child-and age-appropriate, and gender-sensitive manner.

They should also ensure unaccompanied children are not part of chartered joint return operations. This minimises the risk of traumatising children in cases where they witness forced returns including the use of restraints.

On arrival, child protection authorities in the EU Member State and country the child returned to should work together to monitor the child’s reintegration into society.