HANDBOOK



Guardianship for Unaccompanied Children

A handbook to reinforce the protection of unaccompanied children under EU law

2nd edition (2026)

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European Commission

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Foreword

Behind every unaccompanied or separated child is a story of separation, loss and often a difficult journey undertaken without the support of parents or other caregivers. Their vulnerability can expose them to serious risks of exploitation, including human trafficking and other forms of abuse.

These realities make it all the more important that unaccompanied children are identified, protected and supported from the moment they come into contact with the authorities. This is why guardianship matters in asylum procedures under the Pact on Migration and Asylum ("Pact").

A guardian can be the first adult in a child's new reality who is there for the child's wellbeing – to listen, to explain, to advocate and to accompany. No child should navigate an asylum or return procedure alone, without having someone who can help them understand what is at stake and who can ensure that their best interests remain at the centre of decisions affecting them.

Since its initial publication, this handbook has been an important reference for guardianship systems for unaccompanied children across the European Union (EU). It has supported national authorities, practitioners and policymakers in upholding the rights of some of the most vulnerable children, in line with EU law and international standards.

This updated edition comes at a pivotal moment. The entry into application of the Pact in June 2026 marks an important step towards a more comprehensive framework for migration and asylum across the Union. It aims to prevent abuse of the asylum system, including through measures addressing misuse of provisions concerning unaccompanied children, and reinforce public trust in its functioning.

The new framework provides an opportunity for Member States to further strengthen guardianship systems. Legal standards can only make a difference when they are supported by the qualified professionals who put them into practice – guardians, social workers and child protection practitioners. This handbook is intended as a practical tool to support them in their demanding work.

We encourage all Member States and stakeholders to make use of this updated handbook and to translate the Pact into practice, ensuring that unaccompanied and separated children receive the care, protection and representation they need. A suitable durable solution should be ultimately determined on the basis of the child's best interests, including reunification with their parents and reintegration into their family. Until then, every child should have a trusted person by their side, to provide safety, patience and support when they need it most.

Magnus Brunner

Commissioner for Internal Affairs and Migration

Sirpa Rautio

Director of the European Union Agency for Fundamental Rights

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List of abbreviations

AI	artificial intelligence
AMIF	Asylum, Migration and Integration Fund
CJEU	Court of Justice of the European Union
EGN	European Guardianship Network
EU	European Union
EUAA	European Union Agency for Asylum
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations Office of the High Commissioner for Refugees
UNICEF	United Nations Children's Fund

How to use this handbook

This revised edition updates *Guardianship for Children Deprived of Parental Care – A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking*, published by the European Union Agency for Fundamental Rights and the European Commission in 2014. It incorporates the changes to the EU asylum *acquis* and other EU instruments up to October 2026.

This handbook provides public officials in European Union (EU) Member States who oversee or participate in guardianship at the national, regional or local level with guidance on establishing and operating national guardianship systems. The handbook explains the main tasks a guardian must perform and promotes a shared understanding across the EU of the guardian's role within child protection systems. By fostering this common understanding, it supports greater alignment of the principles and core features of guardianship systems and helps standardise the level of protection offered to children throughout the EU.

The handbook focuses on guardianship as a key safeguard for children's rights and addresses situations in which parents cannot, will not or are not permitted to exercise parental rights and duties. It outlines how to build and manage national guardianship systems and describes the essential responsibilities of guardians. Most of the guidance applies broadly to all guardianship situations, with particular attention to children deprived of parental care, including non-EU nationals and stateless children.

The handbook covers the guardianship of a wide range of children who may face vulnerability, not only unaccompanied children seeking asylum. It also covers situations involving victims of trafficking, unaccompanied children who do not apply for international protection and children who require support or safeguarding for reasons unrelated to asylum. Because many of these groups fall outside the scope of EU asylum law, several sections begin with the Convention on the Rights of the Child and other international standards to ensure that the guidance reflects the full range of legal obligations towards all children in need of protection.

The handbook does not address the appointment of legal professionals who provide free legal aid to children in civil, criminal or administrative proceedings, nor does it cover individuals responsible for a child's daily care. However, some sections may still be relevant to these people, especially when they interact with guardians. It does not include case-law of the European courts; for this the reader can consult *Handbook on European law relating to asylum, borders and immigration – Edition*

2026, jointly issued by the European Union Agency for Fundamental Rights and the European Court of Human Rights.

The handbook is structured in three parts.

- The **introduction** provides basic information on what the handbook covers and on the overall role of the guardian. It also elaborates on national child protection systems set up to cater for the needs of different categories of children.
- **Part I** of the handbook sets forth the fundamental principles of guardianship systems and provides guidance on managing and strengthening guardianship systems. It is addressed to policymakers who are developing a national framework for the management and reinforcement of their guardianship system, and to the national authorities that are assigned guardianship responsibilities.
- **Part II** explains the tasks of the guardian. It is primarily addressed to guardians and people who are in charge of supervising their work.

The following text box explains the terminology used in this handbook.

KEY TERMINOLOGY

Minor/child	A minor is a third-country national or stateless person below the age of 18 years. See, for example, the Asylum and Migration Management Regulation (Regulation (EU) 2024/1351), Article 2(10); Screening Regulation (Regulation (EU) 2024/1356), Article 2(9); Reception Conditions Directive (Directive (EU) 2024/1346), Article 2(4); Asylum Procedure Regulation (Regulation (EU) 2024/1348), Article 3(6); Anti-trafficking Directive (Directive 2011/36/EU), Article 2(6). Pursuant to Article 1 of the United Nations (UN) Convention on the Rights of the Child, 'a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier'. This handbook, as in its first edition, prefers to use the term 'child', as defined in the Anti-trafficking Directive and in the CRC convention as a synonym of the legal term 'minor' used as in EU asylum law. The Asylum Procedure Regulation (Article 25(2)) indicates that, where the result of the age assessment 'is not conclusive with regard to the applicant's age or includes an age-range below 18 years, Member States shall assume that the applicant is a minor'. Under Article 13(2) of the Anti-trafficking Directive, 'where the age of the person subject to trafficking in human beings is uncertain and there are reasons to believe that the person is a child, that person is presumed to be a child in order to receive immediate access to assistance, support and protection'.

KEY TERMINOLOGY

Unaccompanied child	The term 'unaccompanied child' is defined consistently across several EU instruments. It refers to a child 'who arrives on the territory of the Member State unaccompanied by an adult responsible for him or her, whether by the law or practice of the Member State concerned, and for as long as such minor is not effectively taken into the care of such an adult, including a minor who is left unaccompanied after entering the territory of a Member State'. See, for example, the Screening Regulation, Article 2(11).
Separated child	A separated child is a child who has been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members. See UN Committee on the Rights of the Child, General Comment No 6 (CRC/GC/2005/6) (paragraph 8) and the UN guidelines for the alternative care of children (A/HRC/11/L.13) (paragraph 29(a)(ii)). In this handbook, the term 'unaccompanied' is used to refer to both unaccompanied and separated children, in line with the term unaccompanied used in EU law and in order to avoid possible confusion and inconsistencies.
Guardian	A guardian is 'a natural person or an organisation, including a public body, designated by the competent authorities to assist, represent and act on behalf of an unaccompanied minor, as applicable, in order to ensure that the unaccompanied minor can benefit from the rights and comply with the obligations under this Regulation, while safeguarding his or her best interests and general well-being'. See the Qualification Regulation (Regulation (EU) 2024/1347), Article 3(18). EU asylum law instruments use the term 'guardian' for beneficiaries of international protection and the term 'representative' for unaccompanied children undergoing screening or who have applied for international protection. Guardians and representatives are defined in a similar manner, and their tasks and obligations are similar across EU instruments.
Representative	A representative is 'a natural person or an organisation, including a public authority, appointed by the competent authorities, with the necessary skills and expertise, including with regard to the treatment and specific needs of minors, to represent, assist and act on behalf of an unaccompanied minor, as applicable, in order to safeguard the best interests and general well-being of that unaccompanied minor and so that the unaccompanied minor can benefit from the rights and comply with the obligations provided for in this Directive'. See, for example, the Reception Conditions Directive, Article 2(13). A representative differs from a qualified lawyer or other legal professional who provides legal assistance, speaks on behalf of the child and legally represents the child in written statements and in person before administrative and judicial authorities in criminal, asylum or other legal proceedings as provided in national law. Although EU and national laws use different titles, the underlying role of a representative and of a guardian should be the same: ensuring the child's well-being, safeguarding their best interests and exercising legal representation. This handbook uses 'guardian' to refer to both representatives and guardians, as in the first edition.

KEY TERMINOLOGY	
Temporary representative	The Asylum Procedure Regulation, Article 23(2)(a), states that authorities should 'designate as soon as possible and in any case in a timely manner for the purposes of paragraph 6 and, where applicable, paragraph 7, a person with the necessary skills and expertise to provisionally assist the minor in order to safeguard his or her best interests and general well-being which enables the minor to benefit from the rights under this Regulation and, where applicable, act as a representative until a representative has been appointed'. This handbook refers to this person as a temporary guardian.
Victim of trafficking	A victim of trafficking is a natural person who has been subject to trafficking in human beings as defined in Article 2 of the Anti-trafficking Directive as amended by Directive (EU) 2024/1712.
Trafficking	The Anti-trafficking Directive, Article 2(1), defines trafficking as 'recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation'. In cases involving children, 'it shall be a punishable offence of trafficking in human beings even if none of the means … has been used' (Article 2(5)).
Exploitation	The Anti-trafficking Directive (as amended by Directive (EU) 2024/1712), Article 2(3), states that 'Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs, or the exploitation of surrogacy, of forced marriage, or of illegal adoption'.



Introduction



1. Who is a guardian?

There is no commonly agreed definition for a guardian across European Union (EU) Member States and across different bodies of law. In addition to the term 'guardian', EU law uses the terms 'representative' and 'special representative' to describe the person appointed to assist and support unaccompanied children or children whose parents are precluded from exercising parental rights. EU asylum law uses the term 'guardian' for the person appointed to assist child beneficiaries of international protection and the term 'representative' for the person appointed to assist unaccompanied children undergoing the screening, reception or asylum procedure (see Table 1). Guardians and representatives are defined in a similar manner, as are their essential roles and any requirements related to them. In this handbook we use them as synonyms.

The guardian's role and responsibilities have been also described at the United Nations (UN) level in the UN guidelines for the alternative care of children and by the UN Committee on the Rights of the Child in General Comment No 6.

Table 1: Terminology and definitions used in international and European policy and legal documents

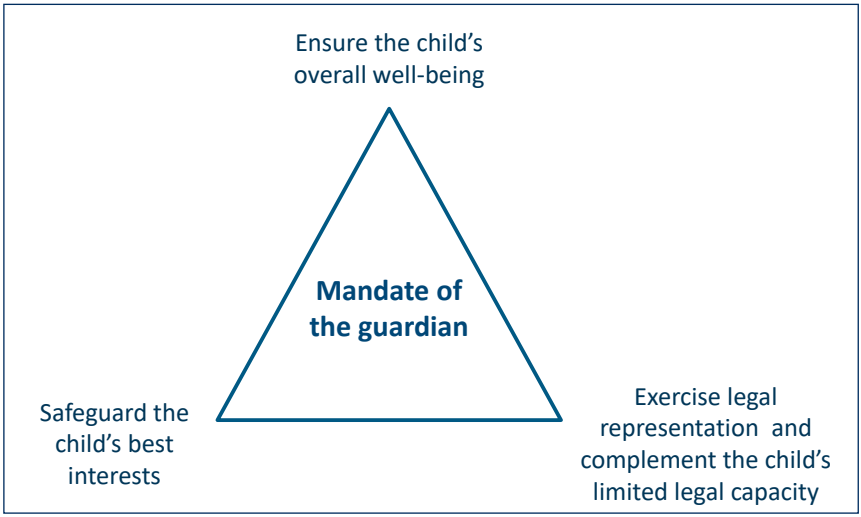
Instrument	Terminology used	Reference
UN and Council of Europe instruments		
UN Committee on the Rights of the Child, General Comment No 6 (CRC/GC/2005/6)	Guardian; legal representative	Paragraph 33
UN Committee on the Rights of the Child, Joint General Comment No 3 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No 22 of the Committee on the Rights of the Child (CRC/C/GC/22)	Guardian; legal representative; trained guardian	Paragraph 36
UN Committee on the Rights of the Child, Joint General Comment No 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No 23 of the Committee on the Rights of the Child (CRC/C/GC/23)	Guardian; legal guardian; competent guardian	Paragraph 17(i)
UN guidelines for the alternative care of children (A/RES/64/142)	Legal guardian; designated individual or competent entity with legal responsibility	Paragraph 19 Paragraph 101
2005 Council of Europe Convention on Action against Trafficking in Human Beings	Legal guardian	Article 10(4)(a)
2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)	Legal representative	Article 31(4) Article 35(1)(f)
EU instruments		
Screening Regulation (Regulation (EU) 2024/1356)	Representative	Article 2(7)
Reception Conditions Directive (Directive (EU) 2024/1346)	Representative	Article 2(13)
Asylum and Migration Management Regulation (Regulation (EU) 2024/1351)	Representative	Article 2(12)
Qualification Regulation (Regulation (EU) 2024/1347)	Guardian	Article 3(18)
Asylum Procedure Regulation (Regulation (EU) 2024/1348)	Representative	Recital 35
Eurodac Regulation (Regulation (EU) 2024/1358)	Representative	Article 14(1), third subparagraph

Instrument	Terminology used	Reference
Return Regulation (Regulation (EU) 2026/2280)	Representative	Article 17
Anti-trafficking Directive (Directive 2011/36/EU) (as amended by Directive (EU) 2024/1712)	Guardian; representative	Article 14(2)
Victims' Rights Directive 2012/29/EU (as amended by Directive 2026/1472) EU Victims' Rights Directive	Guardian; special representative	Article 24(1)(b)
Directive on combating the sexual abuse and sexual exploitation of children (Directive 2011/93/EU)	Special representative	Article 20(1)
Brussels II Regulation (recast) (Council Regulation (EU) 2019/1111)	Guardian; representative	Article 1(2)(b)

The use of the terms 'guardian', 'representative' and 'special representative' is inconsistent, and national terminologies also vary, so the emphasis should be on the functions of the appointed person, rather than on the title or terminology used.

For the purposes of this handbook, the guardian is considered to be an independent person who safeguards the child's best interests and general well-being, and to this effect complements the limited legal capacity of the child. The guardian exercises three distinct functions as shown in Figure 1. First, the guardian must ensure the child's overall well-being, providing stability, guidance and access to the services the child needs. Second, the guardian is responsible for safeguarding the child's best interests in all decisions affecting them, ensuring that every action taken is guided by the child's rights, safety and development. Third, the guardian exercises the child's legal representation, complementing the child's limited legal capacity and acting on their behalf in administrative, judicial and other formal procedures.

Figure 1: The mandate of the guardian



Source: FRA, 2026.

According to EU law, guardianship can be assigned to a person or to an organisation. Where an organisation is appointed as the guardian or temporary guardian, it must appoint a natural person to carry out the tasks (see Article 27(3) of the Reception Conditions Directive).

Under the EU asylum *acquis*, guardians and representatives are responsible for assisting the child broadly to safeguard their best interests and general well-being, in order to ensure that the child benefits from their rights and complies with the obligations of EU law (see, for example, Article 2(13) of the Reception Conditions Directive).

Guardians must be distinguished from social workers and other caregivers responsible for the material needs of the child. Social workers or other caregivers and people who provide a child with day-to-day care are not guardians, unless, as a result of provision by law, they exercise responsibility for the well-being of the child and complement the limited legal capacity of the child.

A guardian also differs from a qualified lawyer or other legal professional who provides legal assistance, speaks on behalf of the child and legally represents the child in written statements and in person before administrative and judicial authorities in criminal, migration or other legal proceedings as provided for in national law.

Responsibility for legal representation of the child within particular legal or administrative proceedings is usually dissociated from the other two functions of guardianship. In this case, such responsibility is assigned solely to an independent person or institution, usually called the 'legal representative'. Legal representatives, unlike guardians, have a restricted mandate, which is precisely defined when they are appointed to represent the child in particular proceedings.

EU asylum law clarifies across the instruments that the aim of the guardian is to enable the child to benefit from the rights and comply with the obligations provided for in the instrument in question. Therefore, a representative who can cover all three functions listed in Figure 1 should always be appointed when the child lacks parental care. This will help to ensure that the child's best interests and overall well-being are protected and safeguarded, in compliance with the requirements of EU law. This goes far beyond pure representation in the proceedings mentioned above or complementing the limited legal capacity of the child when required, for example countersigning certain documents or providing consent for a medical age assessment.

Various guardianship systems in the Member States

Research by the European Union Agency for Fundamental Rights (FRA) shows that, while all Member States have guardianship arrangements for unaccompanied children, these systems differ widely.

Types of guardianship system:

- in some Member States, guardianship is carried out by professional staff employed within state agencies, often linked to national child protection structures;
- in some Member States, guardianship is provided by volunteers or by organisations from civil society, including non-governmental organisations (NGOs);
- in some Member States, there is a guardianship authority that manages guardians (recruitment, guidance, training, supervision, etc.).

Tasks of guardians:

- guardians have a broad mandate in certain systems – they act as legal representatives, welfare advocates and integration supporters;
- guardians have a limited mandate in other systems – they focus only on legal/administrative tasks, while welfare is handled by social services.

Central versus regional/municipal responsibility:

- in some Member States, guardianship systems are organised at the national level, with central authorities or ministries responsible for standards and coordination;
- in other Member States, responsibility is delegated to regional or municipal authorities, meaning that local administrations oversee guardianship arrangements.

Independence of guardians:

- in certain Member States, guardianship is carried out by independent individuals or by organisations from civil society, such as NGOs;
- in other Member States, guardians are employed by state agencies or reception centres, and their role is part of the wider institutional framework.

Knowledge and skills:

- some Member States provide structured training and certification for guardians, covering areas such as child rights, asylum procedures and psychosocial support;
- in other Member States, there are no mandatory training requirements, and guardians begin their role without formal inception training.

Source: FRA (2022a).

2. Guardianship as an essential component of child protection systems

Article 20 of the UN Convention on the Rights of the Child (UNCRC) requires States Parties to offer special protection and assistance to all children who are temporarily or permanently deprived of their family environment. The UN Committee on the Rights of the Child, in its General Comment No 13 (2011) on the right of the child to freedom from all forms of violence, underlines the importance of a child-rights-based and integrated child protection and support system. The prompt appointment of a guardian, when necessary, is therefore one of the most important practical measures to be taken to protect children (UN Committee on the Rights of the Child, General Comment No 6).

Historically, child protection has focused on particular issues or on specific groups of vulnerable children. Although this approach can be effective in serving the needs of a targeted group, it also has important limitations. Many children may have multiple child protection problems. Fragmented child protection responses may deal with one of these problems but fail to provide a comprehensive solution. Focusing on selected issues alone, or on particular groups of children, is neither sustainable nor effective. Therefore, increasingly, there is a move away at the European and global levels from fragmented issue-focused approaches to a systems approach that looks at the entire child protection framework.

This handbook adopts UNICEF's integrated child protection approach and the European Commission's 10 principles for integrated child protection systems put forward in 2015. It suggests covering the specific needs of children primarily by taking measures that should be common to all guardianship arrangements. It also addresses how guardians should interact with other actors and elements of the child protection system, while seeking to ensure that the best interests of the child are taken into consideration in all actions concerning the child.

Commission Recommendation (EU) 2024/1238 on child protection emphasises building integrated child protection systems that place the best interests of the child at the centre. For unaccompanied children, it highlights the crucial role of guardianship to ensure that they have someone to safeguard their rights, guide them through legal and administrative procedures, and secure access to essential services. By embedding guardianship into coordinated national child protection frameworks, the recommendation strengthens accountability across social, migration and justice systems, reducing the risk of neglect, exploitation and rights violations, and ensuring that unaccompanied children are protected.

Source: Commission Recommendation (EU) 2024/1238 of 23 April 2024 on developing and strengthening integrated child protection systems in the best interests of the child.

The United Nations Children's Fund (UNICEF) defines a child protection system as:

'Certain formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect, and exploitation of children. A child protection system is generally agreed to be comprised of the following components: human resources, finance, laws and policies, governance, monitoring and data collection as well as protection and response services and care management. It also includes different actors – children, families, communities, those working at sub-national or national level and those working internationally. Most important are the relationships and interactions between and among these components and these actors within the system. It is the outcomes of these interactions that comprise the system.'

Source: UNICEF (2021).

An integrated child protection system places the child at the centre. It ensures that all essential actors and systems – education, health, welfare, justice, civil society, community and family – work in concert to protect the child. Such an integrated approach can respond to a variety of situations that an individual child may encounter. It must respond to the needs of children, including victims of trafficking within their country of origin as well as those who have crossed international borders. The best interests of the child must be the primary or paramount consideration, as required by the UNCRC.

An integrated child protection system still needs issue-based expertise and responses, but places them within the context of the overall system.

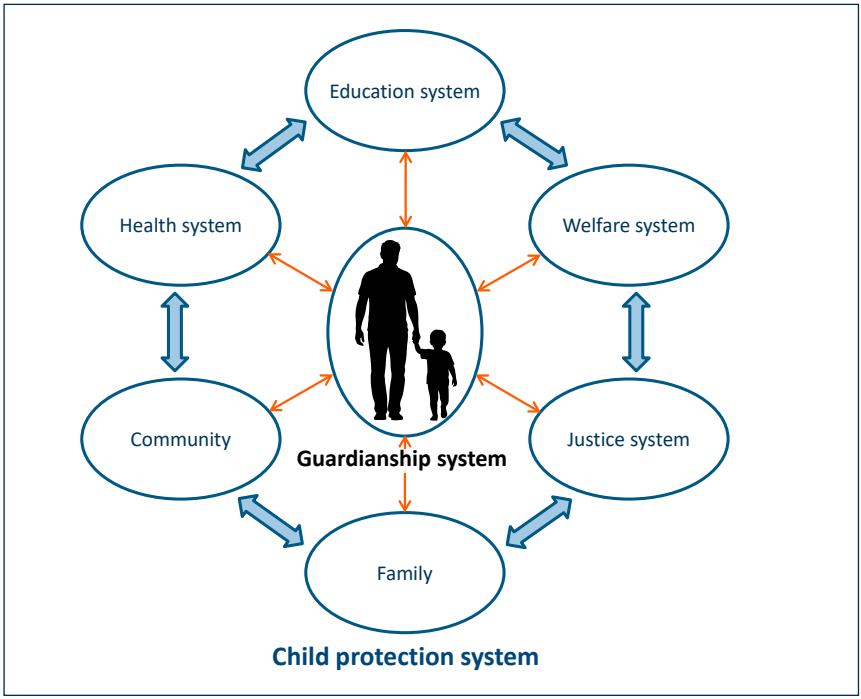
National guardianship systems are an integral part of child protection systems. They should seek to respond to the needs of all children who are permanently or temporarily deprived of parental care and need protection. EU asylum law sets out specific tasks and opportunities where guardians and temporary guardians share a common function as child protection authorities. The Screening Regulation (recital 25), for instance, states that child protection authorities should be closely involved to ensure that the best interests of the child are duly taken into account throughout the screening. EU law also reinforces the important role of child protection services when referring to the need to ensure appropriate coordination and contingency planning for child protection services in Regulation (EU) 2024/1359 on situations of crisis and *force majeure* in the field of migration and asylum (recital 13). In the context of international protection, integrated child protection systems should explicitly include asylum authorities, reception providers and migration management actors as part of the multidisciplinary child protection framework.

'No child is discriminated against. All children have access to and benefit from national child protection systems on an equal basis.'

Source: European Commission (2015), paragraph 2.

The guardian should be the person with the most comprehensive view of the child's situation and individual needs. Safeguarding the best interests of the child must guide the guardian's work and actions. A guardian is in a unique position to connect the various authorities and the child. The guardian can also help to ensure continuity in the protection of the child and to enable the child to participate effectively in all decisions affecting them, in line with the provisions of Article 12 of the UNCRC. Putting the guardian next to the child at the centre strengthens the guardian's preventative as well as protective role (Figure 2).

Figure 2: Child protection systems and the role of the guardian



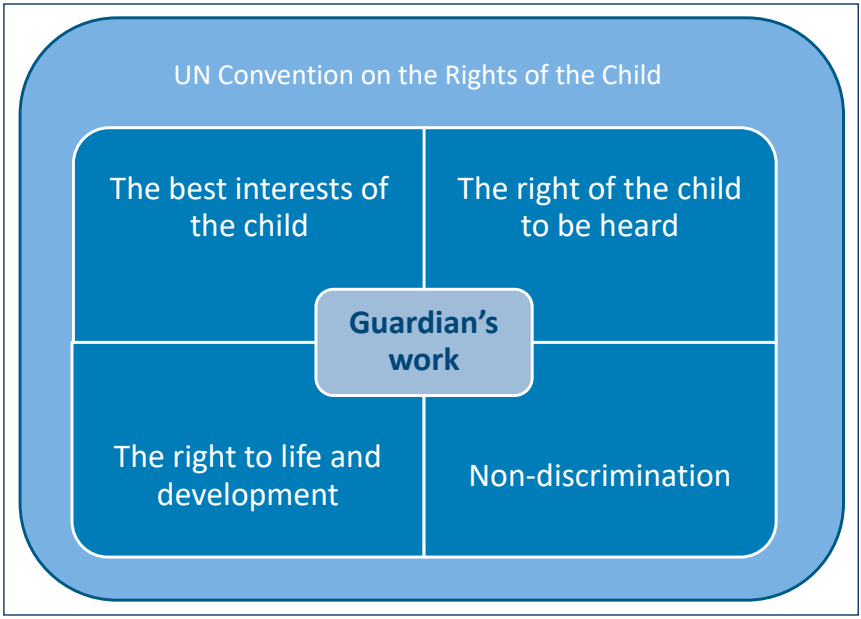
Source: FRA, 2026.

Guardians' work must be guided by the four core principles set out in the UNCRC (Figure 3). States Parties are required to respect and promote the right of the child to life and development, including mental, physical and psychological development; to give due weight to the child's views based on their age, level of maturity and developing capacities; to safeguard the child's best interests as a primary consideration in all decisions and actions involving the child; and to respect fully and promote non-discrimination.

The UN Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families assert that, 'In all actions concerning children, States should be guided by the overarching principles of non-discrimination (art. 2); the best interests of the child (art. 3); the right to life, survival and development (art. 6); and the right of the child to express his or her views in all matters affecting him or her, and to have those views taken into account (art. 12). States should adopt measures, including legislative and other policy tools, aimed at ensuring that those principles are upheld in practice and brought into the mainstream of all policies affecting children in the context of international migration'.

Source: Joint General Comment No 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, paragraph 19.

Figure 3: The four core principles of the UNCRC that must guide the work of guardians



Source: FRA, 2026.

3. Transnational cooperation

With increased mobility within the EU and globally, a child may be of concern to more than one Member State. To protect a child effectively, it is essential to have cooperation and coordination mechanisms within the EU and internationally.

In cases of unaccompanied children outside their country of origin, cooperation between Member States and with non-EU countries is vital. There may, for example, be a need to establish the identity and/or nationality of the child. In addition, other situations involving children, such as children going missing or family tracing, require effective transnational cooperation among different child protection authorities. When necessary for the child's best interests, transnational cooperation should extend to national child protection authorities, including guardianship authorities, both within Member States and with non-EU countries.

Cross-border or transnational coordination involving guardians may be required when:

- a guardian needs to help the child re-establish family contact or liaise with a child's parents or extended family in another Member State or outside the EU;
- the child is being transferred or relocated to another Member State or to a non-EU country;
- an unaccompanied child from outside the EU goes missing from one Member State and is found in another;
- a child is separated from their family during migration to the EU.

The Asylum Procedure Regulation refers to the spirit of good cooperation between Member States, for example in the context of recognising age assessment decisions by other Member States in Article 25(7). Also, if another Member State has already carried out a vulnerability or best-interests assessment, it can be accepted or used as a basis for further work, unless there are solid reasons to carry out a new assessment.

Promising practice

The European Guardianship Network, an EU-wide network of guardianship actors

The European Commission (2017) acknowledged the challenges that Member States face as regards guardianship and set up and funded a European Guardianship Network (EGN).

The network is currently coordinated by the Nidos Foundation (the Dutch guardianship authority) and, since its establishment, has grown to 48 members, including authorities and civil-society organisations from 23 Member States, international organisations, the European Commission and EU agencies.

The network meets regularly – online and in person – to exchange experience, improve practice and support members facing complex situations. It has contributed to national and regional resource materials and played a role in drafting European guidance on guardianship for unaccompanied children.

The network also delivers training, raises awareness and participates in European policy discussions. At the heart of the EGN's work is the understanding that no single model of guardianship system fits all Member States, given the diversity of national contexts. Instead, the EGN promotes the EGN standards of guardianship, which serve as the guiding principles that should be fulfilled by all guardianship systems. It continues to develop and promote a guardianship system self-assessment tool to support the implementation of the EGN standards and of EU and international law obligations. Regular consultations with unaccompanied and formerly unaccompanied children ensure that its work remains grounded in their needs. When required, members also coordinate across borders to assist guardians supporting children moving within the EU.

Source: EGN (n.d.).

Concerning intra-EU child protection issues, the Brussels II Regulation (recast) sets rules on jurisdiction in matters of parental responsibility and international child abduction. Alongside the 1996 Hague Convention, it provides a framework for determining which authorities have jurisdiction to take protective measures concerning children (see the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children).

Children who are nationals of a Member State or who have a residence permit in one of the Member States may also require protection when they are alone in another Member State. FRA has developed a guide on how to support children deprived of parental care who are found in a Member State other than their own, and who are at risk of exploitation, abuse or neglect. Parts of the guide are also useful for the protection of unaccompanied children generally. These children require a stronger and more coordinated response from actors involved in child protection in different Member States. The guide provides a step-by-step overview of necessary actions from the identification of the child until the monitoring of their well-being once a durable solution has been implemented.

Source: FRA and European Commission (2019).

In addition to these legal frameworks, EU agencies have specific roles in supporting Member States. The European Union Agency for Asylum (EUAA) assists with relocation processes, including the transfer of unaccompanied children between Member States to ensure appropriate reception and protection.

The European Border and Coast Guard Agency supports Member States in border management, which may include the screening of new arrivals. It also organises and coordinates returns, including those involving children, and provides guidance on safeguarding vulnerable groups during these procedures.

Because these responsibilities span different stages of the child's life, work in this area often involves cross-institutional and cross-national coordination. National authorities, EU agencies and international frameworks should interact to ensure that unaccompanied children are addressed consistently across different systems and procedures.



Part I – Reinforcement of guardianship systems



Part I provides guidance for policymakers developing a national framework to manage and strengthen their guardianship system, and for national authorities with guardianship responsibilities. It first lists the core elements that can be considered fundamental principles of guardianship systems.

Chapter 1 presents the fundamental principles that should define guardianship systems. Chapter 2 addresses issues related to the employment status, professional qualifications and training requirements of the guardian. These include vetting procedures, conflicting interests and the impartiality of guardians. It also examines the distinctive roles of and interaction between the guardian and the lawyer or other qualified legal professional who provides the child with legal assistance. Chapter 3 offers guidance on the management of guardianship systems and of individual guardians, including the development of standards and internal guidelines, case administration, accountability and monitoring provisions, and the support and supervision of guardians. Chapter 4 describes appointment procedures and discusses the duration of guardianships.

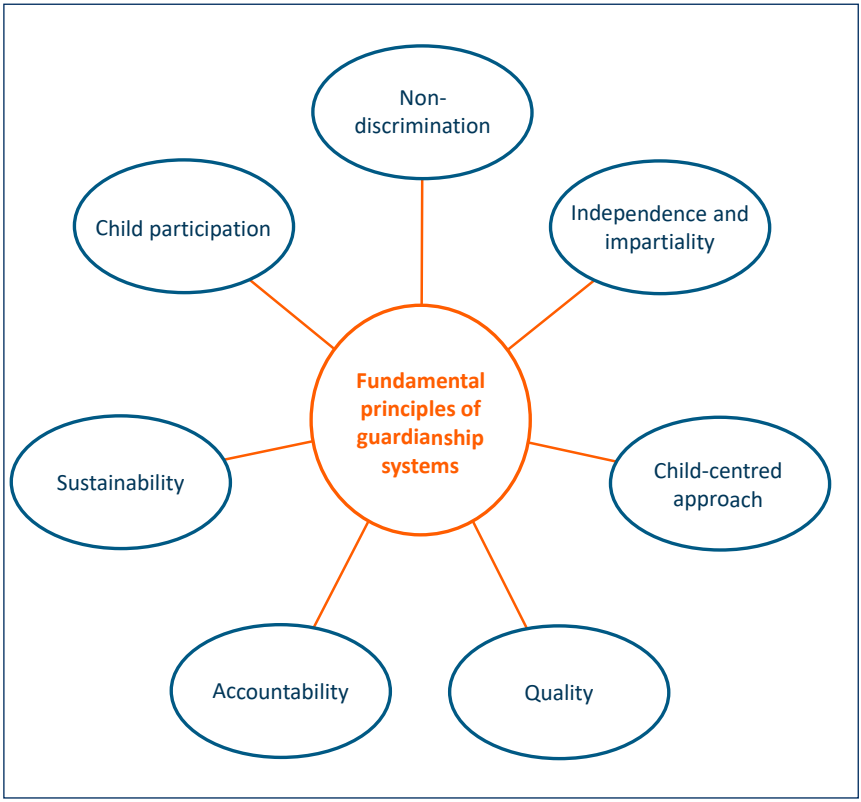
1. Fundamental principles of guardianship systems

Guardianship systems vary from one Member State to another, as they depend on needs, resources allocated and cultural, social and historical factors. Nonetheless, they share common features and encounter common challenges.

Regardless of the type of guardianship system and the national child protection system within which it operates, there are seven fundamental principles that should define all types of guardianship arrangements. These seven principles, which can be derived from international standards (see Annex 1), are shown in Figure 4 and described below.

The principles are aligned with the seven standards developed by the EGN.

Figure 4: Fundamental principles of guardianship systems



Source: FRA, 2026.

1. Non-discrimination

All children deprived of their family environment and parental care are entitled to the same level of protection irrespective of their age, immigration status (e.g. EU national, legal resident, asylum seeker, migrant in an irregular situation), nationality, gender, ethnic background and any other non-discrimination ground listed in Article 21 of the EU Charter of Fundamental Rights. Ensuring equal protection requires recognising that children experience risks differently. Particular attention should be given to the gender dimensions of violence against children, as girls, boys and gender-diverse children may face distinct forms of harm, unequal access to services or different barriers to disclosure and support.

Many children experience overlapping forms of discrimination that shape their vulnerability and their interaction with protection systems. An intersectional approach is therefore essential, especially where gender intersects with disability, sexual orientation, gender identity, ethnic background or migration status. These combined factors can heighten exposure to violence, reduce access to assistance and lead to unequal treatment within institutions.

The principle of non-discrimination also requires equal protection for all children within the Member State's territory, irrespective of the place of residence. Member States should harmonise guardianship provisions and services. Where protection systems are the responsibility of regional or local government, national governments should ensure consistency of standards and practices among different regions and localities within their territory.

2. Independence and impartiality

Appointed guardians and legal representatives must be in a position to make independent and impartial decisions, assessments and representations and to undertake actions guided by the best interests of the child. Organisations, institutions and/or individuals should be precluded from guardianship and/or legal representation duties if their interests conflict, or could potentially conflict, with those of the child.

3. Child-centred approach

Children's rights should be respected, protected and fulfilled. A child-centred approach requires that all decisions, actions and procedures in guardianship and legal representation place the child's safety, well-being and development at the forefront. It means recognising each child as an individual with their own history, needs, strengths and aspirations, and ensuring that support is tailored accordingly. This approach also requires that professionals engage with children in a manner that is age-appropriate,

culturally sensitive and trauma-informed, and that they actively promote the child's dignity, agency and sense of stability throughout the protection process.

4. Quality
Appointed guardians and legal representatives should have appropriate professional qualifications in the field of child welfare and/or child protection. In addition, they should receive appropriate initial and continuous training from the relevant authorities. To identify and protect child victims of trafficking, it is important that guardians have the knowledge and skills required. Guardians who deal with children with particular needs, such as child victims of trafficking or unaccompanied children, must also have the necessary expertise to respond effectively to such needs, for instance knowledge of and experience in working with traumatised children.

5. Accountability
National law should provide the legal basis of guardianship and define the authority responsible for it. This guardianship authority should be held responsible and accountable for the acts of the appointed guardian. The exercise of guardianship and other representation functions should be monitored regularly and independently. The legal basis of guardianship in national law should include sufficiently precise legal provisions defining a guardian's duties and functions, and a complaint mechanism.

6. Sustainability
Guardianship and legal representation systems should be an integral part of the national child protection system. States should allocate sufficient human and financial resources for the guardianship system's operation. The budget should include costs related to effective monitoring and oversight of guardianship services, and training.

7. Child participation
Guardianship and legal representation arrangements and procedures should respect the child's right to be heard, and they should give due weight to the child's viewpoint. The child should be consulted regularly at different stages of their path. Children should receive, in a manner they understand, appropriate information regarding the scope of guardianship arrangements and about all available services that could provide assistance to them. Children should also be adequately informed about their rights and the possibility of lodging a complaint whenever they feel that their guardian is not respecting their rights.



2. Guardianship systems: initial considerations

This chapter covers basic considerations related to guardianship systems that are necessary to ensure the effective protection of children, such as the employment status of guardians, qualification requirements and safeguards against conflicts of interest.

2.1. What should be laid down in legislation and/or policy?

There are certain basic requirements that need to be clarified in a transparent manner. The degree to which these requirements are laid down in national law may vary according to the legal system. Essential aspects should, however, be defined in a clear manner. These include:

- recruitment and appointment procedures, including the employment status of guardians, to ensure independence and prevent conflicts of interest;
- the duties, rights and responsibilities of guardians and legal representatives;
- guardians' professional requirements and qualifications, and vetting procedures;

- training requirements;
- monitoring and oversight procedures, including an accessible individual complaint mechanism for children;
- the right of children to express their views at the different stages of the procedure and a duty to ensure that the competent authorities take such views into consideration and give them due weight.

2.2. One uniform guardianship system for all children?

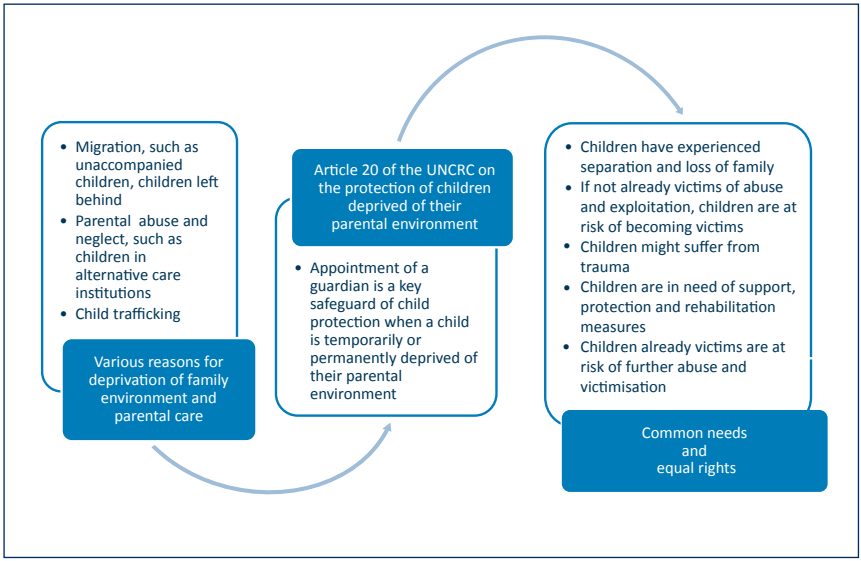
Guardianship systems operate within child protection laws and should be an integral part of the national child protection system; the degree of integration may vary across Member States. Regardless of the degree of integration, the appointment of a guardian remains essential in certain situations, for example for unaccompanied and separated children who find themselves outside their country of origin, for children who apply for asylum and for children whose parents' interests are in conflict with their own.

Some Member States have one guardianship system for all children; in others, there are different systems depending on the child's migration status. The status of a child may change over time from one category to another. An integrated approach ensures that the child is at the centre, irrespective of their legal or residence status. However, although an integrated approach to child protection is needed, expert knowledge and issue-based responses are still necessary and should be placed within the context of the overall system.

Special consideration should also be given to children with disabilities, including intellectual and mental disabilities, who are at high risk of exploitation and abuse. Children who have been trafficked and abused are substantially more likely to develop disabilities as a result of physical and psychological trauma.

The differing circumstances but common needs and rights of unaccompanied children are shown in Figure 5.

Figure 5: Common needs and rights of all children deprived of their parental environment



Source: FRA, 2026.

2.3. Who can act as a guardian?

Professional qualifications

Guardians must be qualified and equipped to deal with the wide variety of laws and procedures that regulate child protection, asylum, migration and other issues they may need to engage with. The professional qualifications required to become a guardian should be laid down in domestic law or in official documents. Guardianship authorities should have written policies setting out clear procedures, methods and standards for the recruitment, training, monitoring, evaluation and supervision of appointed guardians. At the same time, there may be room for exploring flexible approaches that enable volunteers to meet these requirements effectively.

Guardianship authorities should ensure that appointed guardians have the professional knowledge and expertise required to effectively represent the child's best interests and perform their duties.

This means that individuals appointed as guardians must have:

- expertise and experience in child welfare and protection, including child development and child psychology;
- an understanding of cultural and gender issues;
- sufficient knowledge of national child protection systems, and national healthcare and education systems;
- the ability to act independently, without receiving orders from authorities that could generate a conflict of interest;
- sufficient knowledge of the legal framework.

Guardians play a vital role in preventing child abuse and reducing risks to unaccompanied children. They should therefore be aware of child-specific risk factors and be familiar with strategies to avoid children disappearing from residential facilities. Guardians should know how to contact specialised services, including the European hotline for missing children (www.hotline116000.eu/).

Guardians must have the necessary knowledge to identify and detect the particular needs of children, such as child victims of trafficking or children abusing drugs, and should be capable of dealing with them in a respectful, sensitive, professional and non-discriminatory manner.

Table 2 outlines the requirements and criteria that various legal sources lay down.

Table 2: Who can act as a guardian? Sources of necessary requirements in EU law and international law

Instrument	Responsibilities	No conflict of interest	Independence	Qualifications	Training
EU instruments					
Screening Regulation (Regulation (EU) 2024/1356)	Article 13(4)	–	Article 13(4)	–	Recitals 25; 33; Article 13(3 and 4)
Reception Conditions Directive (Directive (EU) 2024/1346)	Article 2(13)	Article 27(2 and 6)	–	–	Article 26(6)
Asylum and Migration Management Regulation (Regulation (EU) 2024/1351)	Article 23(2)	–	Article 23(2)	Article 23(2)	Article 23(2)
Qualification Regulation (Regulation (EU) 2024/1347)	Articles 3(18); 33(1); 33(2)(a)	Article 33(1)	–	–	–
Asylum Procedure Regulation (Regulation (EU) 2024/1348)	Recital 35; Articles 13(2); 20(2); 22(4); 24(2); 25(4–6); 29(6); 32(1–3); 36(5)	Article 23(9)	Article36(5)	Article 23(9)	Article 23(9)
Eurodac Regulation (Regulation (EU) 2024/1358)	Recital 46; Articles 14(1); 42(1)(a)	–	Recital 46; Article 14(1)	–	Recital 46; Article 14(1)
Return Regulation (Regulation (EU) 2026/2280)	Article 17(2)				Article 17(2)
Anti-trafficking Directive (Directive 2011/36/EU) (as amended by Directive (EU) 2024/1712)	Articles 14(2); 16(3 and 4)	Articles 14(2); 15(1)	–	–	–
Brussels II Regulation (recast) (Council Regulation (EU) 2019/1111)	Recital 32; Articles 1(2)(b); 21(1)	–	–	–	–

Instrument	Responsibilities	No conflict of interest	Independence	Qualifications	Training
Victims' Rights Directive 2012/29/EU (as amended by EU Victims' Rights Directive (Directive 2026/1472))	Recital 60; Article 24(1)(b)	Article 24(1)(b)	–	–	Recital 61 (general provisions); Article 25
Directive on combating the sexual abuse and sexual exploitation of children (Directive 2011/93/EU)	Article 20(1)	Article 20(1)	–	–	Recital 36 (general provisions); Article 23(3)
UN and Council of Europe instruments					
UN Committee on the Rights of the Child, General Comment No 6 (CRC/GC/2005/6)	Paragraph 33	Paragraph 33	–	Paragraphs 33; 95	Paragraph 95
UN Committee on the Rights of the Child, Joint General Comment No 3 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No 22 of the Committee on the Rights of the Child (CRC/C/GC/22)	Paragraph 32(c)	–	–	Paragraph 36	Paragraph 36
UN Committee on the Rights of the Child, Joint General Comment No 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No 23 of the Committee on the Rights of the Child (CRC/C/GC/23)	Paragraph 30	–	–	Paragraph 17(i)	–

Instrument	Responsibilities	No conflict of interest	Independence	Qualifications	Training
UN guidelines for the alternative care of children (A/RES/64/142)	Paragraphs 19 and 101	Paragraph 103	Paragraph 103	Paragraph 103	Paragraphs 57 and 103
2005 Council of Europe Convention on Action against Trafficking in Human Beings	–	–	Article 29(1 and 3) (general provision)	Articles 29(1 and 3); 10(1) (general provision)	Articles 29(3); 10(1) (general provision)
2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)	Article 31(4)	Article 31(4)	–	–	–

EU law introduces certain elements to describe the skill set and expertise of guardians, including in respect of the treatment and specific needs of children, that are required to assist the child, to safeguard not only the best interests but also the general well-being of the child, and to enable the child to benefit from the rights and comply with the obligations set out by the instrument in question.

Gender and cultural considerations

As far as possible, personalised care and assistance should be provided to children. Particular consideration should be given to gender and cultural aspects. When possible and desirable, a guardian of the same gender should be assigned, particularly for girls who are victims of sexual exploitation (see also Section 6.4 on gender-specific issues and healthcare).

Guardians should gain culturally sensitive competencies, attitudes and skills that enhance cross-cultural communication and interaction with children from different cultural backgrounds. This should include knowledge of the effects of culture on the beliefs and behaviour of others, and awareness of one's own cultural attributes and stereotypes and their impact on one's behaviour and beliefs.

> 'States should take measures to ensure that guardians have the necessary qualifications and relevant expertise in child development, the rights of the child, the child-welfare and protection system and services available, in order to take into account the specific and cultural needs of the children entrusted to them.'
>
> *Source*: 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, 11 December 2019, principle 7(4).

The guardianship authority should promote training activities for guardians on gender and cultural aspects; promote cultural and gender diversity and inclusivity in the recruitment of staff and volunteers; provide access to translation and interpretation services by qualified personnel; and use cultural mediators (see also Chapter 7).

Vetting

No guardian should be allowed to work before they have undergone a vetting procedure. Proactive protection measures should be taken to safeguard respect for children's rights and minimise any risk of abuse or exploitation of children or any other violation of their rights.

The guardianship authority should have a written policy ensuring that candidate guardians' references be checked and that those appointed as guardians meet at least the minimum education, training and experience requirements.

All candidate guardians must undergo a criminal record and abuse registry check. Article 10(2) of the directive on combating the sexual abuse and sexual exploitation of children requires this for any person working directly and in regular contact with children. Article 26(6) of the Reception Conditions Directive and Article 33(2)(c) of the Qualification Regulation expect representatives to not have a record of child-related crimes or offences, or of crimes or offences that lead to serious doubts about their ability to assume a role or responsibility with regard to children. It is essential to check criminal records, particularly for convictions related to child abuse and exploitation and/or other illicit activities such as drug-related crimes, which could indicate potential risks for a child.

It is important not only that such checks be applied upon the recruitment or initial appointment of a guardian but also that systematic reviews take place. Article 23(10) the Asylum Procedure Regulation indicates that the review of criminal records of appointed representatives and designated persons (temporarily acting as representatives) should be done at regular intervals in order to identify potential incompatibilities with their role.

The same vetting procedures should apply to all guardians, including volunteer guardians.

Conflicts of interest

Organisations or natural persons whose interests could potentially be in conflict with the interests of the child should not be eligible for guardianship. Guardians should

be in a position to make independent and impartial decisions, assessments and representations that are in the best interests of the child concerned and that promote and safeguard the child's well-being.

The Asylum and Migration Management Regulation (Article 23(2)) sets out the principle of the independence of guardians and links it to the principle of the best interests of the child. It requires Member States to ensure that guardians have the independence to ensure that the best interests of the child are taken into consideration during the procedures carried out under the regulation.

This means that, to ensure their independence, guardianship services and persons appointed as guardians should not be, for example, in any way linked or related to, or dependent on, police, migration or any other authorities responsible for the formal identification of the child as a victim, or for decisions related to return, a residence permit or international protection status.

EU rules on screening and the collection of biometric data clearly spell out what independence means for a guardian or temporary guardian.

During screening, the guardian or temporary guardian:

- must not be involved in carrying out any part of the screening;
- must act independently;
- must not take instructions from screening authorities or anyone responsible for the screening process (Screening Regulation, Article 13(4)).

Similarly, when biometric data are taken from an unaccompanied child, the guardian or temporary guardian:

- must not be the official responsible for collecting the biometric data;
- must act independently;
- must not receive orders from the officials or services conducting the biometric data collection (Eurodac Regulation, recital 46 and Article 14(1)).

The independence of guardians has improved in Member States in recent years, and fewer states allow the appointment of reception centre staff as guardians.

Source: FRA (2022a).

Guardianship services and appointed guardians should be independent and not have financial or institutional connections with institutions, services or public authorities responsible for providing the child with accommodation or day-to-day care, or with those responsible for processing their application for international protection.

Guardians who also work in a reception facility may face situations where their duties to their employer and their responsibilities with regard to the child are not fully compatible. For example, staff members are expected to follow instructions from the facility's management, while at the same time they must be able to hold that same management accountable for the quality of care and protection provided to the child.

The Reception Conditions Directive permits this arrangement only for a temporary guardian, and only for a short period, until a permanent guardian is appointed. Recital 45 clarifies that employees of an accommodation centre, childcare facility, social services or other relevant organisation may act as a temporary guardian only if there is no actual or potential conflict of interest.

This needs to be understood in the broader context of child protection. Harm or abuse can occur within the very institutions where children are placed. For this reason, directors or staff of residential care facilities should not be appointed as permanent guardians. Staff from social welfare services may also face similar conflicts, as they are responsible for delivering the care that a guardian must be able to evaluate independently.

If persons appointed as guardians have any potential conflict of interest that could affect their role and duties as guardians, they should declare them to the appointing authorities. The appointing authorities are responsible for assessing the possible impact of such conflicts of interest.

2.4. Recruitment and remuneration of guardians

Member States have a duty to ensure that a guardian is appointed to safeguard the child's best interests and the overall well-being of the child, and to ensure appropriate legal representation.

To ensure that each child has a qualified and skilled guardian, preference should be given to employing professional guardians. Volunteers may also be appointed as guardians on the condition that they have all the relevant skills, qualifications and knowledge required for the role. There must be clear accountability lines with the designated guardianship authority. Clear accountability structures and effective

monitoring remain essential, regardless of whether guardians are volunteers or professionals. It is therefore of primary importance to ensure that, whenever volunteers are appointed as guardians, the same standards apply to them as to professional guardians. This includes qualifications, vetting procedures, training, monitoring mechanisms and accountability measures. Codes of conducts and written guidance on recruitment, training, monitoring, evaluation and supervision developed for professional guardians should also be used for volunteer guardians.

Given that situations may arise where guardianship capacity needs to be expanded quickly and easily, it may also be appropriate to explore models that combine trained volunteers with professional guardians, provided that quality, supervision and child protection safeguards are fully maintained.

Supervision by professionals and continuous support should be offered to all volunteers who assist in the care and protection of vulnerable children. This is particularly important for those volunteers who are appointed as guardians or are performing guardianship duties for child victims of trafficking or children who have suffered trauma.

Volunteers who are required to act as guardians should be compensated at least for their expenses when performing their assigned tasks.

Guardians are generally not meant to be held legally liable for the unlawful acts of unaccompanied children, but in some Member States there have been discussions about introducing measures to that effect. This is problematic, since it risks discouraging individuals or organisations from taking on guardianship roles. In principle, guardianship is designed to provide representation and protection, not to transfer responsibility for a child's actions onto the guardian.

Recruitment strategies

The effective functioning of any guardianship system depends on the ability to recruit/enrol, train and retain a sufficient number of qualified guardians. EU asylum law sets out the obligation for Member States to appoint a guardian immediately for every unaccompanied child, including the possibility of appointing a temporary guardian. This increases the urgency for Member States to have proactive and sustainable recruitment strategies.

Across Europe, Member States face recurring obstacles: demand often outstrips supply, public understanding of the role remains limited, working conditions can be

challenging (e.g. distant locations near borders), and training, support and resources vary significantly between Member States. Addressing these challenges requires a structured and forward-looking approach to recruitment and retention.

Practical suggestions for improving the recruitment and retention of guardians are as follows.

- Strengthen communication and outreach: use targeted recruitment campaigns, including social media initiatives and partnerships with universities, migrant support organisations and professional networks, to broaden and diversify the pool of suitable candidates.
- Adopt crisis-responsive recruitment mechanisms: develop contingency plans for periods of high arrivals, such as maintaining a reserve pool, fast-track procedures for temporary guardians and flexible deployment strategies, to ensure capacity is maintained at all times.
- Use competency-based and scenario-driven selection: integrate case studies or practical exercises into interviews to assess candidates' decision-making, resilience and child-centred approaches. Apply consistent standards for both professional and volunteer guardians.
- Support new guardians through structured onboarding: provide early mentoring, close monitoring during the initial months and regular feedback moments to promote confidence, build skills and reduce early attrition.
- Ensure continuous, dynamic training opportunities: offer regularly updated workshops and thematic modules, for example on trauma, sexuality, substance use, online safety, intercultural communication or legal procedures, so guardians can maintain and expand specialised expertise.
- Strengthen supervision and peer support: establish regular, accessible supervision and peer-learning systems to prevent burnout and support long-term retention.
- Recognise and support volunteers appropriately (if used): ensure volunteers receive appropriate training and supervision, applying the same quality standards as for professional guardians.
- Encourage and train temporary guardians to become permanent guardians, if necessary.

Promising practice

Recruitment of guardians in Belgium

Belgium has developed targeted social media campaigns and a crisis response action plan to maintain guardian availability during shortages. Recruitment takes place once a year, with successful candidates placed on a waiting list when no immediate positions are available. Belgium has also improved its selection process by introducing case study evaluations during interviews and systematically involving experienced guardians. During information sessions, an experienced guardian presents real-life insights to prospective candidates, and an experienced guardian always serves as a panel member in the final selection. This peer-to-peer involvement ensures that practical expertise informs recruitment decisions and helps identify candidates who are genuinely suited to the role, thus reducing turnover.

Source: EMN (2024).

2.5. Appointment of relatives or unrelated adults as guardians

If a child is separated from their parents, or if the parents cannot exercise their parental rights and duties in the child's best interests, judicial authorities may appoint another suitable person as a guardian. This may be a close relative, an extended family member or a non-relative who has in practice taken on the child's care during the journey or after arrival, provided that this is in the child's best interests. In these situations, the appointed individual would, in practice, assume the day-to-day care of the child. However, they may require additional support to fulfil the full scope of guardianship responsibilities, particularly with regard to legal and administrative tasks. The child protection system should therefore ensure the regular monitoring and review of the child's situation and provide appropriate assistance. In some cases, the guardianship authority may take supplementary measures, such as the appointment of a child's adviser or a family guardian or assistant to support the family and help safeguard the child's well-being.

When unaccompanied children are married, the question of whether the spouse could act as a guardian requires careful individual assessment (see also the definition of a family member in Article 2(3) of the Reception Conditions Directive). In principle, a married child should still be assigned a guardian, as marriage does not automatically ensure that the spouse can safeguard the child's rights or best interests. Authorities need to examine the nature of the relationship and determine if such an arrangement is truly in the child's best interests. Even if the spouse is considered suitable, additional support is often necessary to ensure that both the child and the spouse can navigate complex legal and welfare procedures effectively.

For child victims of trafficking in particular, the competent authorities must carefully scrutinise the suitability of accompanying family members in the receiving country or of the child's relatives in the country of origin to avoid further exploitation and victimisation of the child and/or the child being trafficked again upon return.

When family members are able and willing to provide day-to-day care, but unable to adequately represent the child's best interests in all spheres and at all levels of the child's life, a guardian should be appointed to cover these gaps. Daily care involves issues such as housing, food, emotional support and routine supervision, while legal representation requires authority, independence and the ability to act for the child across all systems. The respective roles of and interactions between the guardian and relatives should be clarified, ensuring smooth coordination and information sharing.

> The publication 'Ad hoc query on separated migrant children' from the European Migration Network looks at how Member States' laws address separated migrant children, including whether the adult accompanying them can be recognised as responsible for the child or act as their representative. It also examines how the relationship between the child and the accompanying adult is maintained, and how the well-being of the separated child is monitored (published October 2025).
>
> *Source*: EMN (2025).

When unaccompanied children are found or arrive with (or are 'attached' to) unrelated adults, this does not automatically mean that those adults should be regarded as suitable or legally recognised guardians. In such situations, an individual assessment is necessary to determine whether the arrangement is in the child's best interests and is appropriate for their care and development. Guardianship is intended to provide independent protection and representation, and unrelated adults may not always be able to fulfil this role. Careful evaluation helps ensure that responsibility for the child is not assumed by individuals without the necessary safeguards, and that formal guardianship is established through proper procedures.

In addition, where parents are identified and contactable but are abroad or otherwise unable to exercise parental responsibility, efforts should be made to maintain contact with them and, where safe and in the child's best interests, to involve them in important decisions affecting the child, without prejudice to the appointment and independent mandate of the guardian.

2.6. Legal counselling and legal assistance

In addition to a guardian, in certain administrative, criminal or civil proceedings in which the child is involved, the child is entitled to legal support. The way this is provided will depend on the type of procedure, the role of the child in the procedure and national legislation.

The Asylum Procedure Regulation (Article 15) provides the right to free legal assistance and representation in the appeal procedure and to legal counselling during the administrative procedure. Legal counselling goes beyond providing general legal information. The EUAA's practical guide on free legal counselling provides further guidance to clarify this new prerogative. It clarifies the different roles of legal advisors who represent or assist asylum applicants, legal counsellors and people who only provide information. It is important in the case of unaccompanied children to ensure that the legal assistance and legal counselling are targeting the individual unaccompanied child and are provided by lawyers with specialised knowledge of children's rights and the particular circumstances of unaccompanied children.

> 'Legal counselling is complementary to the assistance provided by representatives appointed for unaccompanied children. These representatives, often referred [to] as guardians, are appointed to safeguard the child's best interests and general well-being. Legal counselling should be made available to the child together with their representative .... As not all representatives are fully familiar with all the procedures, having access to legal counselling could be essential to ensure the child's full enjoyment of the rights and safeguards contained in the [Asylum Procedure Regulation] and [the Asylum and Migration Management Regulation].'
>
> *Source*: EUAA (2025a).

The right to legal assistance and representation is realised through the appointment of a lawyer or other qualified legal professional who provides legal assistance, speaks on behalf of the child and legally represents the child in written statements and in person before administrative and judicial authorities in criminal, asylum or other legal proceedings, as provided for in national law.

Other EU instruments also provide for legal assistance and legal representation. Article 15(2) of the Anti-trafficking Directive entitles child victims of trafficking to access without delay free legal counselling and free legal representation, including for the purpose of claiming compensation, unless they have financial resources. Similar provisions are found in the Victims' Rights Directive (Article 13(2)) and in the directive on combating the sexual abuse and sexual exploitation of children (Article 20(2)).

If a child is involved in administrative, criminal or civil proceedings for which national law envisages free legal aid, the guardian should ensure that the child has access to

it and that competent national authorities appoint a qualified legal professional in accordance with national legal provisions.

In cases where the national authorities have not appointed a legal professional, the guardian should initiate the appointment procedure by issuing a request to the competent authorities.

EU law underlines the importance of the guardian and the lawyer providing legal assistance and representation, working together to support the unaccompanied child. Article 23(6) of the Asylum Procedure Regulation indicates that the guardian and the child's legal adviser may carry out several tasks together. Article 22(4) of the Asylum and Migration Management Regulation indicates that both the representative and the child's legal advisor may be present at the personal interview of the child to determine the Member State responsible for the asylum application.

The role of qualified lawyer or other qualified legal professional who provides legal counselling and legal assistance to the child differs from the mandate and actual role of the 'guardian or representative' as defined in EU law (see the text box on key terminology) and from a 'representative or legal representative' solely tasked with the responsibility of complementing the child's legal capacity.

The distinction between the roles should always be taken into consideration, even if an individual appointed as a guardian has a legal professional background or is a lawyer or attorney-at-law, as is the case in many Member States.

Access to legal counselling and legal assistance, provided by an independent and qualified legal professional, functions as an additional safeguard in protecting and promoting the child's best interests.

The *Advancing Protection* report, produced by the civil-society organisations Child Circle and Kids in Need of Defense (KIND), offers a clear framework for understanding how the guardian and the lawyer fulfil distinct yet complementary roles in protecting unaccompanied children. It highlights that the guardian ensures the child's overall well-being and stability, and the making of decisions in their best interests, while the lawyer safeguards the child's procedural and legal rights. By outlining how these roles interact in practice, the report helps practitioners see how coordinated support – combining legal expertise with holistic care – strengthens the child's protection throughout all procedures.

Source: KIND (2021).



3. Managing guardians

This chapter describes the system that should be in place to manage and administer guardians. It covers the support and oversight function of the entity responsible for guardianship management, or of multiple entities where responsibilities are shared, and explains the coordination that should be established with other relevant actors.

3.1. The guardianship authority

National law should designate an independent authority responsible for guardianship. Ideally, such an authority is an integral part of the national child protection system. This means not that the authority must be the child protection service itself, but rather that it operates within a coordinated child protection system, aligned across services, policies and structures. Where more than one guardianship authority is created to cater for different needs (e.g. a separate authority for non-EU nationals), they should all be integral parts of the system. The authority responsible for guardianship should be independent from, for example, state authorities deciding on the residential status of the child, on the removal of the child from parental care or on the child's placement in alternative care (see also 'Conflicts of interest' in Section 2.3).

It should be responsible and accountable for the acts of appointed guardians. The mandate and functions of the guardianship authority should be clearly defined in domestic legislation.

Member States should allocate sufficient human and financial resources to the guardianship authority and ensure sustainable and flexible funding. A sufficient budget should be earmarked for costs related to effective monitoring and oversight of guardianship services and necessary training activities, even if these are carried out by other authorities.

Guardianship authorities conducting self-assessment

The guardianship system self-assessment tool, developed by the EGN, is designed to help Member States and national actors review and strengthen their guardianship systems for unaccompanied and separated children.

The tool provides a structured framework for assessing whether national guardianship arrangements meet common European standards. It allows authorities and practitioners to examine key aspects, such as appointment procedures, training, independence and monitoring of guardians. By using the tool, Member States can identify strengths and areas for improvement in their systems, compare practices across Europe and reflect on opportunities for progress. The self-assessment process is intended to promote transparency, consistency and better protection for children in migration, while also supporting cross-border dialogue and the exchange of good practices among Member States.

Source: EGN (2019).

Promising practice

Greece and the Netherlands: cooperation of guardianship authorities

Since 2020, the Dutch government – through the Nidos Foundation – has provided continuous support to the General Secretariat for Vulnerable Persons and Institutional Protection in the Greek Ministry of Migration and Asylum on issues related to the protection of unaccompanied children, with a strong focus on guardianship. In addition, the Dutch Ministry of Justice and Security, in cooperation with Nidos, seconded a specialist to provide in-kind technical assistance for the design and implementation of the Greek national guardianship system. This long-term partnership has helped reinforce structures, transfer expertise and support the development of a more robust guardianship framework in Greece.

Source: Nidos (2020).

3.2. Developing guidelines for guardians

One of the tasks of the guardianship authority is to develop standards and provide guidance to those working as guardians. Practical guidelines as well as standard operational procedures should be considered for at least the following three actions:

- assessing each child's individual needs and protection risks;
- assessing the parents' capacity to exercise parental responsibility;
- determining the child's best interests when the competent authorities identify a durable solution.

Guidelines should clearly define the people responsible for undertaking such assessments, the factors that need to be considered and how these should be weighed, the timing and length of the assessments, and the roles of the different professionals involved. They should include the right of the child to be heard and to have their views given due weight.

> 'States must put in place formal processes, with strict procedural safeguards, designed to assess and determine the child's best interests for decisions affecting the child, including mechanisms for evaluating the results. States must develop transparent and objective processes for all decisions made by legislators, judges or administrative authorities, especially in areas which directly affect the child or children.'
>
> *Source*: UN Committee on the Rights of the Child, General Comment No 14, The right of the child to have his or her best interests taken as a primary consideration (CRC/C/GC/14), 29 May 2013, paragraph 87.

To respect quality standards, guardianship authorities should also consider developing a code of conduct as an essential element of a professional guardianship system. The code should clearly define the ethical standards that guardians need to uphold during their work, including integrity, impartiality, accountability and respect for the child's rights.

Guardians routinely handle highly sensitive information about a child's family, health, migration history or trauma, and any misuse of the information or careless disclosure could expose the child to serious harm. Clear confidentiality obligations are therefore indispensable for protecting children, building trust and ensuring that guardianship practice meets the expectations of a rights-based child protection system. Codes of conduct should thus set out clear rules on the principle of confidentiality.

Guardianship authorities should be responsible for ensuring that effective mechanisms are in place to inform the child and other adults responsible for or involved in their care, such as social workers and the staff of accommodation facilities, about the

scope of guardianship duties. Guardianship authorities should consider developing child-friendly information material in languages that children are able to understand and provide guidance on how to disseminate such materials.

3.3. Coordination and cooperation with other agencies and authorities

The guardian must safeguard the child's well-being and the continuum of care that they require. However, guardians must not duplicate the work of other actors. The function of the guardian is to cooperate with but not replace the actions of social workers in child protection, welfare authorities or staff providing the child with care. The guardian should function as the child's reference person and act as a link between the child and specialist agencies, individuals and service providers.

The guardian should cooperate with the various service providers and ensure that the network of services supporting the child functions adequately. Member States should establish effective coordination mechanisms and foster cooperation between the guardianship authority and the authorities related to services for unaccompanied children. Formal protocols and agreements between the guardianship authority and other concerned entities can help such cooperation. They also clarify who is responsible for a particular task and facilitate oversight, thus promoting accountability.

Possible details to include in such cooperation arrangements are:

- clear provisions on the roles and responsibilities of all relevant actors involved in the protection of a child;
- clear guidance on when the guardian should be contacted and/or informed, attaching the contact details of the guardianship authority and of other entities that usually deal with unaccompanied children;
- instructions on how to inform the child about the different procedures;
- instructions on what information about the child can or cannot be shared;
- coordination mechanisms set up to clarify unresolved issues and exchange views on a regular basis.

In the context of international protection, this includes close coordination with asylum authorities, as guardians have an essential role during screening, registration and border procedures, ensuring that the child's rights and best interests are upheld from the very first contact with authorities. Guardianship authorities should also

be involved in contingency planning and preparedness efforts, particularly in the context of fluctuating arrivals or emergency situations, so that adequate guardianship capacity and procedures are in place.

Transnational cooperation

The guardianship authority should facilitate transnational cooperation with the relevant authorities, both within Member States and with non-EU countries, when necessary for the child's best interests. Such cooperation should not be limited to certain categories of children.

When children go missing or are trafficked across borders, transnational cooperation is essential for the prosecution of traffickers as well as for the protection of children. For more on the importance of intra-EU and transnational cooperation, see Section 3 of the introduction. Such cooperation is needed, for example, to obtain the information needed to determine the best interests of the child when seeking and implementing a durable solution (see also Chapter 9).

Guardianship authorities should be included within the framework of the established mechanism of transnational cooperation (e.g. in relation to police, asylum and judicial authorities). For example, guardianship authorities have a role in supporting asylum-related decisions with cross-border implications, such as transfers, relocation and family tracing.

Guardianship authorities should, taking into consideration the existing national framework and cooperation agreements, advocate transnational cooperation in ensuring effective child protection and safeguarding the rights of the child.

3.4. Case administration

The guardianship authority should ensure that guardians are able to manage effectively all children assigned to them as per the limits established in EU law (see Section 4.2). Case administration systems and record keeping should be designed to function effectively, including in contingency situations, such as an increased number of arrivals.

When making case assignment decisions, the guardianship authority must consider not only the number of cases but also the type of case, its complexity and the level of support required. Guardians should have frequent contact and spend sufficient time with each child, providing each with appropriate support.

Matching an unaccompanied child with a guardian is a process that requires careful consideration of the child's individual circumstances, needs and best interests. Authorities should look beyond simply appointing the next available guardian, and instead take into account factors such as the child's age, gender, cultural background, language and any specific vulnerabilities. In some cases, children may have complex needs related to health, trauma or legal status, which makes it important to appoint a guardian with specialised skills or relevant experience.

The allocation of guardianship cases can therefore involve an assessment of both the child and the available guardians, aiming to ensure that the guardian is well placed to provide appropriate support. Some systems have developed matching tools or structured procedures to guide this process, helping authorities identify the most suitable guardian for each child. These tools may include checklists, a database of guardian profiles or criteria that highlight areas of expertise.

The child's access to the guardian should also be regulated. The responsible authority should ensure that the guardian is nearby and avoid having a guardian located far from where the child resides. It should also make sure that the child can easily contact the guardian, particularly in emergencies, and provide the child with the guardian's contact details. Guardians should be available beyond office hours. The authority should further provide the child with information on what to do in emergencies.

The guardianship authority should keep records of all children referred to it. It should keep individual case files on every child under its care. Guardianship authorities should facilitate, whenever possible, guardians having access to relevant information on the child kept in the files of other authorities. The guardianship authority should ensure the confidentiality of these records, based on applicable EU and national privacy and data protection laws. Examples of the type of information to be included in individual case files include:

- the date when the child was referred to the guardianship service;
- the date of the appointment, the name and contact details of the guardian, and details of any change in the guardianship arrangements and the reasons for it;
- the child's residence status, accommodation arrangements, etc.;
- the identity, address and personal data of the child, including copies of the child's identity documents;

- all changes in guardianship arrangements, accommodation arrangements and/or the residence status of the child;
- the date and results of the child's needs assessment, by whom it was undertaken and which actors were involved;
- the results of the best-interests assessment;
- the individual care plan for the child and any updates;
- relevant medical information on the child;
- information on the child's education, including reports on the child's progress at school;
- details of and relevant documentation on any criminal, administrative and/or civil proceedings, including information related to the legal representation of the child;
- decisions and actions taken, and assessments and representations made on behalf of the child by the guardian;
- details of hearings, meetings and other interactions involving the child and other authorities and services (e.g. asylum authorities, victim support services);
- details of interactions between the guardian and the child, including the date and place of meetings;
- information about any significant events affecting the child;
- when and why the file was closed.

If a child goes missing, the file should include information on the known circumstances of the disappearance. Actions taken by the guardian and the guardianship authority to find the child, including reporting the disappearance to the police, should also be recorded in the file. The files should be complete and up to date and should follow the child throughout the guardianship period.

3.5. Training

Guardians must possess the knowledge and skills required to perform their tasks. This includes, first of all, knowledge of children's rights and protection expertise to ensure that the child's best interests are safeguarded. Guardians should have the skills to work directly with children.

Well-trained guardians are able to complete tasks effectively and on time. Training programmes provide guardians with competencies and can increase their commitment to their work. Guardianship authorities should ensure that a variety of training initiatives are offered to build competencies and align skills with new practices and methodological tools. This could be facilitated through partnerships with universities, educational institutions and other relevant entities dealing with child protection, which may assist in offering training and developing training materials.

Guardianship authorities should ensure that guardians are provided with induction training upon appointment and before they exercise any guardianship duties. There should also be a system to ensure that refresher training is offered. Guardians should be obliged to attend a minimum number of annual training hours, which should be defined on the basis of need.

Under EU law, there is a requirement to ensure that guardians receive appropriate training. The Asylum and Migration Management Regulation provides that guardians must have the qualifications, training and expertise to ensure that the best interests of the child are taken into consideration during the procedures carried out under the regulation (Article 23(2)). All persons working with children, including guardians and temporary guardians, must receive initial and continuous appropriate training concerning the rights and needs of children, including training on child safeguarding standards (Article 26(6) of the Reception Conditions Directive). Article 33(2) of the Qualification Regulation and Article 23(9) of the Asylum Procedure Regulation reiterate these requirements and underline that training must be provided continuously or regularly. The Return Regulation (Article 17) requires that the guardian be trained in child-friendly and age-appropriate communication.

Initial training and the continuing education of guardians should be required by national law. The quality of guardianship services and the protection of children may be enhanced by certifying guardians. A certification process determines the core competencies that a guardian must have. It includes qualification and training requirements, establishes standards for conduct and imposes consequences for failing to meet these standards.

Guardians should attend basic training as well as specialised training. General training programmes for guardians should, as a minimum, cover general child protection issues, such as:

- UNCRC principles and provisions;
- the legal framework (EU and national laws of relevance, particularly asylum law);

- appropriate interview and counselling techniques;
- child development and psychology;
- gender- and culture-related issues, including cultural sensitivity and intercultural communication.

Furthermore, general training courses should include risk factors and prevention strategies related to the disappearance of children, information on available specialised services, knowledge of risk factors for child trafficking, and detection strategies and indicators used for identifying child victims.

In addition to general training, guardians should have expertise in and/or receive training specifically tailored to the needs and the rights of particular groups of children they may be assigned, such as unaccompanied children with disabilities or mental health or substance abuse issues, children who do not apply for asylum, stateless children and children with undetermined nationality. Specialised training could also deepen guardians' knowledge about particular procedures, such as age assessments, best-interests assessments or the screening process.

Guardians should also be involved in common training activities targeting a wider range of officials and professionals who come into contact with unaccompanied children. Such shared or multidisciplinary training activities can foster a common understanding of concepts and issues related to unaccompanied children, thus facilitating and strengthening cooperation among the relevant actors. For instance, EU law requires the training of temporary guardians designated to assist the child during screening and the taking of the child's biometric data on safeguarding the best interests and the general well-being of the child (Article 13(4) of the Screening Regulation; recital 46 and Article 14(1) of the Eurodac Regulation).

Training activities may include, for example, study visits or the exchange of good practices among guardianship authorities in other Member States. Such training activities can also contribute to strengthening transnational cooperation.

To provide optimal support to unaccompanied children, guardians working with them should be additionally trained in and have sufficient knowledge of:

- the culture of and current conditions in the children's country of origin, including how to use databases on country-of-origin information developed for asylum processing, such as the database of the United Nations Office of the High Commissioner for Refugees (UNHCR); the Austrian Red Cross's European

Country of Origin Information Network; and the EUAA's Country of Origin Information Portal;

- particular vulnerabilities (e.g. substance addiction) and psychological needs, including how to recognise trauma, abuse or violence and manage children's disclosures of them;
- the protection needs of children, including children in a particularly vulnerable position;
- gender-specific issues related to unaccompanied children and their protection needs;
- issues related to the migration status of children and their rights;
- the services accessible in the particular national or local context;
- research-based information as the field develops.

FRA offers the following two training resources for guardians.

- A free online training and learning platform for guardians of unaccompanied children across the EU. This training is designed to provide guardians and the trainers who work with them with the necessary knowledge and skills to advocate for the rights and best interests of the children they are responsible for;
- A trainers' manual to help institutions, organisations and individuals train guardians or deliver 'train the trainers' courses in a range of training contexts, such as professional and academic training.

The training is built on international and EU standards, including the UNCRC, EU law and Council of Europe standards. It includes practical exercises, case studies, quizzes and other resources to facilitate learning and skill development. The training is divided into four main chapters (courses), each with several sessions:

- **Chapter 1** focuses on the UNCRC and how to use it as a guide for assessing a child's situation;
- **Chapter 2** addresses the mandate and tasks of guardians, emphasising their role as an advocate and a link to state agencies;
- **Chapter 3** covers the child's journey from arrival to a durable solution, including the guardian's role in administrative and judicial proceedings;

- **Chapter 4** explores quality standards, accountability, professional ethics and support networks for guardians.

The training aims to address the varied professional backgrounds of guardians across the EU and provide a standardised, high-quality learning experience to ensure the best interests of unaccompanied children are met.

Source: FRA (2023a).

3.6. Supervision of and support to guardians

Guardianship authorities should provide guardians with direct access to support services or facilitate their access when other actors provide the services.

As good practice, guardians should have access to a multidisciplinary team of professionals to seek expertise, advice and assistance when performing their guardianship duties.

It is essential for guardians to have access to legal advice and counselling provided by expert lawyers and/or other qualified legal professionals, so that they are adequately informed about legal issues related to administrative and criminal procedures in which the child may be involved (e.g. an application for international protection or a temporary residence permit, criminal proceedings against their trafficker).

When necessary, professional interpreters and/or cultural mediators should be provided to facilitate regular communication between the child and the guardian or other representative, and interactions with the child's parents or other family members abroad.

Promising practice

Supporting guardians to improve their work in Belgium

Belgium's Guardianship Service has developed a comprehensive coaching programme for voluntary and independent guardians, delivered by experienced employee guardians from the Flemish Red Cross and Caritas. Support includes a help desk for routine questions, individual consultations for complex cases, small group sessions for new guardians, and peer meetings and advanced training. A monthly newsletter funded by the Asylum, Migration and Integration Fund (AMIF) keeps guardians informed about legal developments, practical guidance and training opportunities. With around 700 active guardians nationwide, the Guardianship Service also organises annual provincial meetings where guardians can share challenges and good practices. These exchanges help the service adjust its support measures and strengthen the overall quality of guardianship.

Source: Justice FPS (n.d.a).

Guardians should receive systematic professional supervision and psychosocial support to prevent burnout and ensure the quality of their work, particularly in periods of increased numbers of arrivals. Supervision helps guardians to gain knowledge and build the skills needed to conduct their work more effectively and efficiently.

Guardians can function only within the limits of the child protection systems and the normative framework within which they operate. Guardians should be aware of the limits of their competence, including from an emotional perspective.

Working conditions, including remuneration and the number of cases assigned per guardian (see also Section 4.2), should be such as to maximise motivation, job satisfaction and continuity, and hence guardians' disposition to fulfil their roles in the most appropriate and effective manner.

3.7. Monitoring and individual complaint mechanisms

'Member States will have to review their systems for appointing representatives for unaccompanied minors and the workflows and procedures for the early identification and evaluation of their needs, taking into account the new quality and monitoring requirements for representatives and the new deadlines.'

Source: European Commission (2024).

Guardianship authorities should define guardians' reporting duties and the criteria used to assess their work. They should also determine the measures to take when guardians do not comply with their duties, including clear and effective disciplinary procedures.

Quality assurance mechanisms are essential to ensure that guardianship functions are carried out properly and in the best interests of the child. These mechanisms help prevent abuse and rights violations and ensure that concerns about a guardian can be raised safely, including by the child. Children must have accessible ways to express feedback or raise complaints about their guardian.

Given their importance, these mechanisms should be explicitly anchored in national law. Assessments of guardians should go beyond financial or case management checks and should meaningfully examine the quality of the support provided, the guardian's independence and the level of protection offered to children. They should not rely solely on internal reporting but also include regular, independent evaluations carried out by external actors.

Monitoring

The EU asylum instruments introduce an obligation to supervise and monitor guardians and temporary guardians. According to EU asylum law, Member States must ensure that there are administrative or judicial authorities or other entities responsible for supervising the performance of guardians and temporary guardians. The supervisory role includes reviewing the criminal records of guardians and temporary guardians at regular intervals to identify any possible incompatibilities with their roles as guardians. The Qualification Regulation requires the supervision and monitoring of guardians on an ongoing basis. Monitoring and oversight frameworks should take into account the involvement of guardianship authorities and child protection services in screening and border procedures (Article 27(8) of the Reception Conditions Directive, Article 33(4) of the Qualification Regulation and Article 23(10) of the Asylum Procedure Regulation).

Effective monitoring mechanisms require respect for the child's right to be heard. The rights of the child to be heard should be fully respected, and children's views and opinions should always be taken into account, while considering their age, level of maturity and developing capacities, as required by Article 12 of the UNCRC.

Therefore, children must be informed about guardianship and legal

Monitoring fundamental rights during the screening and asylum border procedures: FRA's guidance

As required by Article 10(2) of the Screening Regulation, FRA published a guide for national independent mechanisms responsible for monitoring fundamental rights during the screening and asylum border procedures. Guardians and guardianship authorities should cooperate with and facilitate transparent oversight by independent monitoring mechanisms.

Source: FRA (2024a).

representation arrangements, their right to be heard and their right to have their views be given due weight. Information must be adequate and provided in a child-friendly manner. Children should be encouraged and enabled to participate in and contribute to the monitoring of guardianship systems.

Promising practice

Facilitating effective youth participation in improving the quality of guardianship in the Netherlands

Within the guardianship organisation Nidos, youth participation improves the quality of reception and guidance for unaccompanied children. Nidos works with the groups Trusted Juniors (unaccompanied and former unaccompanied children between 14 and 21 years old) and Experts by Experience (former unaccompanied children over 24 years old, employed by Nidos for a term of two years). The Trusted Juniors and Experts by Experience ensure that the opinions of young people are not only collected but also translated into concrete improvements in the different regions of the Netherlands. In addition, Trusted Juniors and Experts by Experience are involved in the long-term development of the organisation through three actions: assisting in the development of quality standards, testing these quality standards by conducting audits (e.g. by conducting interviews with young people and guardians, and conducting role plays) and hosting world cafe sessions with unaccompanied children. The Trusted Juniors and Experts by Experience come together four times per year to share experiences and (re)define the main themes to work on.

Source: Nidos (n.d.a).

Individual complaint mechanisms

Unaccompanied children should have the opportunity to file a complaint about their guardian and any temporary guardian, and to be informed about the procedure in a language that they understand. Under the EU asylum *acquis*, administrative or judicial authorities, or other entities or persons responsible for the supervision of guardians and temporary guardians, must be responsible for receiving and examining complaints by children without delay (see Article 27(8) of the Reception Conditions Directive, Article 33(4) of the Qualification Regulation and Article 23(10) of the Asylum Procedure Regulation).

Competent authorities must inform unaccompanied children of their right to file a complaint in confidence and safety, and explain how to do so. Information on complaint

systems must be age-appropriate and given in such a manner that ensures that the child understands it. This is provided for in Article 27(5)(a) of the Reception Conditions Directive, in Article 33(4) of the Qualification Regulation and in Article 19(1)(r) of the Asylum and Migration Management Regulation.

To be accessible to children, complaints systems should:

- provide child-friendly, understandable information about the guardian's roles and responsibilities and about where and how to complain, including via a helpline;
- protect children from any retaliation;
- offer multiple safe reporting channels, ensuring confidentiality;
- ensure that complaint steps are simple and adapted to children's capacities;
- provide access to independent support when a child wishes to complain;
- handle complaints quickly and inform children of the outcome;
- provide safe, private spaces for children to express concerns;
- train staff in child-sensitive and trauma-informed communication.

3.8. Ensuring contingency planning

EU asylum law requires that contingency planning be in place to ensure that national reception systems and international protection structures remain effective, including when there is a disproportionate number of applications for international protection. It also requires Member States to ensure that the necessary means to protect unaccompanied children are available in such situations.

Contingency planning should be understood as an integral component of national child protection systems and an integral part of Member States' planning processes (see recital 26 of the Asylum Procedure Regulation and Article 7(1)(a) and 7(6) of the Asylum and Migration Management Regulation).

A contingency plan must consist of a comprehensive set of measures that are necessary to enable authorities to respond effectively to a possible disproportionate pressure on the reception system. Member States must, according to Article 32(1) of the Reception Conditions Directive, plan measures to secure the appointment of guardians and temporary guardians in situations where they are confronted with a disproportionate number of applications made by unaccompanied children. These plans should consider the maximum number of children who can be assigned to

a guardian and the number of days that their appointment can take, as per EU law (see Article 27(1) of the Reception Conditions Directive and Article 23(10) of the Asylum Procedure Regulation).

Member States must develop their contingency plans in consultation with local and regional authorities and civil-society and international organisations, as appropriate (Article 32(1) of the Reception Conditions Directive). They are entitled to EUAA support in this process. Member States must review their contingency plans periodically and at least every three years. Where necessary, they must update their contingency plans in view of any change in circumstances and inform the EUAA of any adaptations they make. Member States must inform the European Commission and the EUAA whenever they activate their contingency plans.

Member States are responsible for assessing the adequacy of the planned measures and ensuring that contingency plans are subject to monitoring.

The EUAA guidance document on contingency planning lays out operational standards and indicators for contingency planning within asylum procedures. It is meant to help Member States design, build or refine their national contingency plans in order to respond effectively to an unexpected higher number of asylum applications.

Source: EUAA (2024a).

3.9. New technologies and artificial intelligence

Guardianship authorities should ensure that new technologies are used to best support guardians.

In this context, guardianship authorities may consider the use of artificial intelligence (AI) tools to support different aspects of their work, including case allocation, capacity planning, quality assurance and staff development. Any such use must be grounded in strong safeguards for children's rights and strict compliance with data protection standards, the Artificial Intelligence Act (Regulation (EU) 2024/1689) and other applicable law.

AI systems can contribute to more efficient and consistent case management by analysing anonymised case characteristics, guardian availability and relevant expertise to suggest suitable assignments. This can help authorities maintain coherence in assignment-related decisions and respond more effectively during periods of high arrivals. AI can also help identify capacity limits by highlighting when guardians are approaching their maximum caseload, recognising that this needs to reflect not only the number of children but also the complexity of individual cases.

Analytics based on aggregated data (i.e. information combined from many cases without identifying individual children) can support authorities in monitoring workload trends, anticipating future demand and adjusting staffing or training needs. Such insights can strengthen planning and help ensure compliance with national and EU standards on caseload and quality of care.

AI tools may also assist in identifying potential gaps in practice by flagging for human review unusual delays, missing documentation or reduced contact with the child. This can help supervisors determine where additional support or oversight may be required. In parallel, AI-enabled learning platforms can offer tailored training opportunities, helping staff stay up to date with legal requirements and child-rights standards.

The use of AI must, however, remain strictly supportive of human judgement. It cannot replace the guardian's professional discretion or the individualised assessment required to determine the child's best interests. To ensure respect for fundamental rights, authorities should conduct fundamental rights impact assessments, guarantee transparency in how AI systems operate, prevent discriminatory outcomes and uphold data minimisation, accuracy and security in line with EU data protection law. These safeguards should be complemented by clear accountability structures, regular human oversight, explainability of AI-supported outputs and independent monitoring to ensure that technology consistently serves the best interests of the child.



4. Assigning a guardian to a child

'No child should be without the support and protection of a legal guardian or other recognised responsible adult or competent public body at any time.'

Source: UN General Assembly, Resolution 64/142, Guidelines for the alternative care of children (A/RES/64/142), 24 February 2010, paragraph 19.

This chapter contains guidance on the procedure for appointing a guardian to a child. It stresses the importance of timely appointment. In addition, it addresses the duration of guardianship and what support to provide when the child reaches 18 years of age.

4.1. When should a guardian be appointed?

Prompt appointment of a guardian is key to safeguarding a child's rights and overall well-being, protecting unaccompanied children and preventing any forms of child abuse and exploitation or situations where the child lacks protection. Article 14(2) of the Anti-trafficking Directive (Directive 2011/36/EU) as amended by Directive (EU) 2024/1712 requires the appointment of a guardian or a representative from the moment the child victim is identified by the authorities. EU asylum law has concrete rules on the time taken to appoint a guardian.

FRA's 2022 research shows that Member States may take several weeks or months to appoint a guardian. Prior to the 2020 pact on migration and asylum, several Member States already had a mechanism to provide unaccompanied children with a person of support from their first contact with the police or at the border. Under the pact, Member States are obliged to appoint a person to support the child from the very beginning.

Source: FRA (2022a).

Temporary guardians

EU asylum law requires that every unaccompanied child be supported and represented from the very first moment they come into contact with state authorities, including during the screening process. To make this possible, Member States must appoint a guardian without delay.

Where the immediate appointment of a guardian is not possible, a temporary guardian – referred to in EU law as either a 'trained person' or a 'suitable provisional representative' – should be designated to step in until a formal guardian is assigned. This temporary guardian must accompany the child during all early procedures, including screening, biometric data collection and the age assessment process, until

a guardian is appointed. For the legal requirements, see recital 35 and Article 23(2)(a) of the Asylum Procedure Regulation, Article 23(2)(a) of the Asylum and Migration Management Regulation, recital 25 and Article 13(3) of the Screening Regulation and recital 46 and Article 14(1) of the Eurodac Regulation.

A temporary guardian must be designated as soon as possible, and always in time to support the child during the first procedural steps. They continue to act in this role until a permanent guardian is appointed. A temporary guardian must be trained or have the skills to:

- support the child during all early procedures;
- protect the child's best interests, safety and well-being;
- make sure the child can effectively exercise their rights under EU law.

A temporary guardian may be, for example, a staff member from:

- an accommodation centre or childcare facility;
- social services;
- another qualified organisation that can take on child protection responsibilities.

However, a person cannot be appointed if they have, or may have, any conflicts of interest with those of the child (recital 45 and Article 27(2) of the Reception Conditions Directive). Thus, appointing a temporary guardian who is not working for an accommodation centre or childcare facility, or providing other services to children, should be the preferred option.

EU law highlights several situations where guardians and temporary guardians work together with other child protection actors. For example, during screening, child protection authorities must be directly involved to ensure the child's best interests are properly considered at each step (recital 25 of the Screening Regulation).

A guardian must be appointed within 15 working days (in exceptional situations 25 working days)

Under EU asylum law, Member States must appoint a guardian for unaccompanied children as quickly as possible – within a maximum of 15 working days from the date the child makes the asylum application (Article 27(1)(b) of the Reception Conditions

Directive, Article 23(2)(b) of the Asylum Procedure Regulation and Article 23(2)(b) of the Asylum and Migration Management Regulation).

Until a guardian is effectively in place to represent and assist the child, the temporary guardian must continue to assist the child. The Reception Conditions Directive stresses that appointing a guardian early helps prevent unaccompanied children from going missing (recital 42).

In exceptional situations – for example, if a Member State receives a disproportionately high number of applications from unaccompanied children – the deadline for appointing a guardian may be extended by 10 additional working days, meaning a total of 25 working days from the date the child makes the application for international protection (Article 27(1)(b) of the Reception Conditions Directive, Article 23(3) of the Asylum Procedure Regulation and Article 23(2) of the Asylum and Migration Management Regulation).

Once the child is granted international protection, a new guardian may be appointed or the existing one may remain, but the timeline for appointment becomes more flexible. The Qualification Regulation requires authorities to take the necessary steps to appoint a guardian as soon as possible. Until a guardian is formally appointed, the guardian previously assigned for the asylum procedure remains responsible (recital 16 and Article 33(1) of the Qualification Regulation).

A guardian must be appointed when the age of the person is in doubt

EU asylum law underlines the right to have a guardian when there are doubts about an applicant's age, providing clear rules on guardianship during the age assessment process. It also codifies standards on how to carry out age assessments.

Whenever there are objective grounds to believe that the person is a child, a guardian must be appointed as soon as possible within the required deadline (recital 44 and Article 27(1) of the Reception Conditions Directive, Article 23(2) of the Asylum Procedure Regulation and Article 23(2) of the Asylum and Migration Management Regulation). 'Objective grounds' may include visible signs, statements or behaviour that suggest the person is a child. This means that, as a general rule, a guardian must be appointed whenever someone applies for protection claiming to be an unaccompanied child (recital 44 of the Reception Conditions Directive).

During the age assessment process, the appointment of the guardian or temporary guardian constitutes a key procedural safeguard, ensuring that the child is informed, supported and able to exercise their rights during the process. The guardian has the right to receive information before the medical examination takes place (for more details on age assessment, see Section 10.2). Authorities must explain the medical methods used, how the results could affect the child's application, and that the child has the right to refuse the medical exam – along with the consequences of such a refusal (Article 25(4) of the Asylum Procedure Regulation).

If the age assessment (and any subsequent appeal) confirms beyond any doubt that the person is 18 or older, Member States are not required to appoint a guardian or a temporary guardian (Article 27(1) of the Reception Conditions Directive, Article 23(2) of the Asylum Procedure Regulation and Article 23(3) of the Asylum and Migration Management Regulation.

The same person may represent the child in all procedures

Member States should ensure continuity in representation throughout different procedures concerning unaccompanied children.

EU asylum law encourages Member States to ensure continuity of representation throughout the different stages of receiving unaccompanied children and in all related procedures. Ideally, the same guardian should represent and support the child whenever possible, as it contributes to trust, legal certainty and effective protection.

Once a guardian is appointed, they should continue representing the child throughout all procedures, including reception, asylum and any other relevant steps. After the child is granted international protection, the guardian who supported them during the reception and asylum process may keep representing the child without needing to be formally appointed again (recital 16 and Article 33(1) of the Qualification Regulation).

EU law does also allow for continuity in the case of temporary guardians. Where a temporary guardian ('trained person') was designated during screening, the same person may continue assisting the child in respect of the reception procedure, until a guardian is appointed (Article 27(4) of the Reception Conditions Directive).

Whenever there is a change of guardian, it is essential to ensure a proper transfer of information so that knowledge of the child's situation, needs and vulnerabilities is preserved, and support continues without duplication or disruption.

4.2. How many children can a guardian be assigned?

A guardianship system should ensure that each guardian is responsible for a proportionate and manageable number of children, so that the support provided remains effective and responsive to each child's needs.

EU asylum law establishes that a guardian can represent 'a proportionate and limited number of unaccompanied minors and, under normal circumstances, … no more than 30 unaccompanied minors at one time' (Article 27(7) of the Reception Conditions Directive, Article 23(10) of the Asylum Procedure Regulation and Article 13(5) of the Screening Regulation). What is proportionate depends on the national system, but caseloads must always remain manageable in practice and allow the guardian to fulfil their tasks effectively.

The principle applies also to temporary guardians, described in Section 4.1. Importantly, the 30-child limit is a maximum, not a standard caseload: in systems where the guardian's role is particularly comprehensive, a proportionate and sufficiently limited number could be significantly lower than 30 children.

In situations of a disproportionate number of applications made by unaccompanied children or in other exceptional situations, Member States can increase the maximum number of children a guardian may represent. Article 27(7) of the Reception Conditions Directive and Article 23(10) of the Asylum Procedure Regulation raise the number to 50 children. Member States that apply this provision must inform the European Commission and the EUAA immediately.

For beneficiaries of international protection, EU law is less specific. It states that a guardian must be appointed to represent a proportionate and sufficiently limited number of children (Article 33(3) of the Qualification Regulation).

To ensure high-quality support, the maximum number of cases assigned per guardian should be monitored and the minimum number of contacts with the child regulated, on either a weekly or a monthly basis. There must be flexibility, however, to take into account every child's individual needs, which may affect how often such contact is required.

4.3. When does guardianship end?

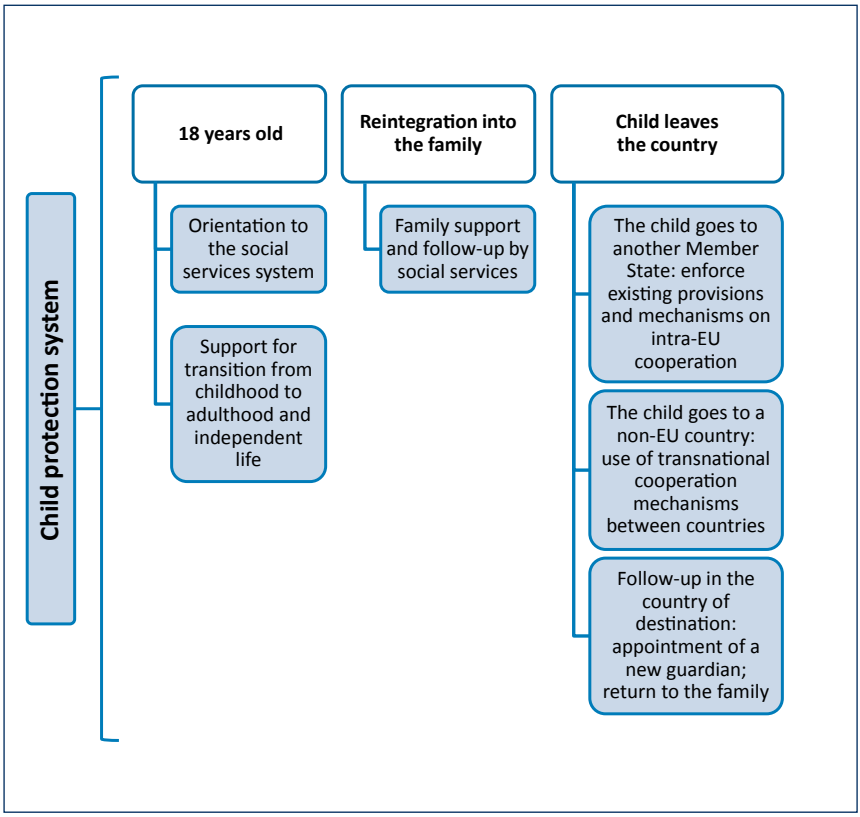
The guardianship arrangement must last until a durable solution in the best interests of the child is identified and implemented or until the child reaches the age of majority (see Figure 6). In the process of identifying a durable solution, reunification of the child

with their parents and reintegration into the family should in principle be examined, when in the best interests of the child.

If the child moves to another Member State but does not join their family, a guardian should be appointed for the child in the Member State to which they have moved (Article 23(5) of the Asylum and Migration Management Regulation).

This can be facilitated by establishing cooperation mechanisms between guardianship services in different Member States. The guardian should coordinate any action related to family reunification, including family assessment. This also applies in cases where the family of the child resides in another country.

Figure 6: When does guardianship end?



Source: FRA, 2026.

If the child goes missing, the guardian should immediately report this to the responsible authorities and remain in contact with missing children's services. If a child under guardianship goes missing, the guardian should retain responsibility for the child until there is evidence that the child is under the care of another responsible individual, institution or authority, or until the competent authorities formally acknowledge the situation – for example, if they confirm that the child has left the country or is otherwise no longer within the jurisdiction.

Guardians should ideally be entitled to compensation for the time they spend reporting a missing child to police and/or any other relevant authorities that national law provides for, and for the time they spend checking that the authorities are doing all within their power to locate the child. Such compensation entitlements should be in place until the child is located or the guardianship is formally terminated.

Particularly in the case of unaccompanied children subject to migration law, care provisions, legal entitlements, legal options and perspectives may change significantly from the moment they turn 18 years old. It is very important that children be well prepared to transition from childhood to adulthood and receive the necessary support to do so (see also Figure 9).

Although guardianship may end when a child reaches the age of majority, Member States should, given the vulnerability of these young people, consider making support and assistance available beyond the age of 18, to facilitate the child's transition to adulthood. In addition, children and young people may require continued support to resolve nationality or statelessness issues, as relevant deadlines in nationality laws often apply until the age of 21 or 22.

Supporting the journey to adulthood: guidance for guardians of children reaching majority

'My coming of age story' is an AMIF-funded project to support guardians to prepare unaccompanied children as they transition to adulthood. It is carried out by a consortium of organisations led by the Italian Refugee Council (*Consiglio Italiano per i Rifugiati*), including KIND, the Alliance of Lawyers for Human Rights (*Alliance des Avocats pour les Droits de l'Homme*), European Lawyers in Lesvos and PIC – Legal Center for the Protection of Human Rights and the Environment.

The project has produced several useful resources for guardians:

- a practical toolkit for guardians who support children as they transition to adulthood;

- the policy brief 'Recommendations for supporting guardians assisting unaccompanied and separated children in the transition to adulthood', based on the project partners' research findings in France, Greece, Italy, Poland, Slovakia and Slovenia, including at the regional level;
- a video produced as part of the project, highlighting the key role that guardians play in supporting unaccompanied and separated children's transition to adulthood.

Source: KIND (2026).

If guardianship services and care arrangements are available for child nationals of a Member State who are above the age of 18, these should also be available for children from other countries. Extending support beyond the age of 18 years contributes to continuity of protection and reduces vulnerability during the transition to adulthood, especially for vulnerable unaccompanied children.

If children have been separated from their parents for reasons of abuse or neglect, the capacity and willingness of the parents to represent the child's best interests must be assessed on a regular basis. Whenever new evidence emerges suggesting that reuniting with their family would be in the best interests of the child, the guardian together with the competent child protection authorities should support and monitor that return. The review procedures, standards and safeguards ensuring the best interests of the child should be the same as those applied in child protection systems for all children in alternative care.

4.4. When should a guardian be changed?

To ensure continuity and build on the trust established between the child and the guardian, a guardian should normally not be changed once they are assigned to a child, unless the case's circumstances make this unavoidable.

Temporary guardians appointed as part of preliminary measures for a child's protection may, in some contexts, continue as permanent guardians, but this depends on national and local frameworks and the specific needs of the child. In certain systems, where continuity is seen as beneficial for building trust and stability, temporary guardians may continue as permanent guardians, while in others the transition to a permanent guardian involves separate procedures or structures. The decision often requires an assessment of the child's situation, including their vulnerabilities, cultural background and legal circumstances, to ensure that the guardian appointed is best suited to represent and support them over the longer term.

To ensure the child the necessary stability in their life and development, the child should not be unnecessarily or routinely transferred to another part of the Member State, unless the child's safety or best interests require a transfer.

Under Article 27(6) of the Reception Conditions Directive and Article 23(9) of the Asylum Procedure Regulation, the guardian or the person suitable to provisionally act as a guardian shall be changed only where necessary during the reception and asylum procedure of an unaccompanied child.

A change may become necessary particularly when the competent authorities consider that the guardian or temporary guardian has not performed their tasks adequately (Article 27(6) of the Reception Conditions Directive, Article 33(4) of the Qualification Regulation and Article 23(9) of the Asylum Procedure Regulation). Guardianship authorities should ensure that the child is consulted in these cases.

If the child has complained of misconduct by the guardian, changing the guardian should be considered as an option. A change should be provided for explicitly in law and should take place immediately if the guardian is under investigation for severe violations of a child's rights (e.g. abuse or inappropriate behaviour). See more on individual complaints in Section 3.7.

In addition, the guardianship authority should review each individual case at regular intervals to ensure that the guardian is providing adequate support to the child. Any such assessment must take the child's views into consideration. The guardianship authority should provide guidelines and criteria for such regular assessments.

Part II – A guardian's tasks



As described in Section 1 of the introduction, the guardian is responsible for safeguarding the best interests of the child, ensuring the child's overall well-being and exercising legal representation for the child to complement their limited legal capacity. The next six chapters describe these core tasks in more detail. They also incorporate cross-cutting tasks, such as holding authorities accountable for decisions affecting the child and intervening if the child's welfare is in danger (Figure 7).

FRA's research shows that Member States organise guardianship systems differently. As a result, the terminology used and aspects concerning the functions, tasks, appointment and employment status of guardians, and the support provided to them, vary significantly across the EU. Some Member States have one guardianship system for all children deprived of parental care, while others have different systems in place to provide guardianship based on the child's migration status. The differences affect the treatment of children.

Source: FRA (2022a).

Figure 7: The guardian's core tasks



Source: FRA, 2026.

The guardian's rights and duties should be defined in domestic law or policy documents and, where necessary, further clarified in official guidelines. Table 3 presents international and EU legal sources that describe the tasks of guardians or legal representatives.

Table 3: The tasks of the guardian as reflected in EU and international legal sources

	Functions and tasks of appointed person						
UN and Council of Europe instruments and EU directives	**Safeguard the best interests of the child**	**Ensure the child's well-being and adequate care**	**Exercise representation**	**Accompany the child in proceedings (be present at the interview, and inform and prepare the child)**	**Help identify and implement a durable solution**	**Act as a link – coordinator role**	**Establish family links and family tracing**
UN Committee on the Rights of the Child, General Comment No 6 (CRC/GC/2005/6)	Paragraph 33	Paragraph 33	Paragraph 33	Paragraphs 33; 72	Paragraph 90	Paragraph 33	–
UN Committee on the Rights of the Child, Joint General Comment No 3 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No 22 of the Committee of the Rights of the Child (CRC/C/GC/22)	Paragraph 29	Paragraph 32(c)	Paragraph 32(c)	Paragraph 36	Paragraph 33	Paragraph 32(c)	–
UN Committee on the Rights of the Child, Joint General Comment No 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No 23 of the Committee of the Rights of the Child (CRC/C/GC/23)	Paragraphs 11; 17(i)	Paragraphs 11; 30	Paragraph 17(j)	Paragraph 17(j)	–	–	–
UN guidelines for the alternative care of children (A/RES/64/142)	Paragraphs 101; 103	Paragraph 104(a)	Paragraphs 57; 104(b)	–	Paragraph 104(c)	Paragraph 104(d)	Paragraph 104(e) and (g)
2005 Council of Europe Convention on Action against Trafficking in Human Beings	Article 10(4)(a)	Article 10(1)	–	–	–	–	Article 10(4)(c)

	Functions and tasks of appointed person						
UN and Council of Europe instruments and EU directives	**Safeguard the best interests of the child**	**Ensure the child's well-being and adequate care**	**Exercise representation**	**Accompany the child in proceedings (be present at the interview, and inform and prepare the child)**	**Help identify and implement a durable solution**	**Act as a link – coordinator role**	**Establish family links and family tracing**
2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)	–	–	Article 31(4)	Articles 31(4); 35(1)(f)	–	–	–
Screening Regulation (Regulation (EU) 2024/1356)	Article 13 (1–4)	Article 13(3)	Articles 2(7); 11(3); 13(3–6);	–	–	Article 13(1–4)	–
Reception Conditions Directive (Directive (EU) 2024/1346)	Articles 2(13); 26(5)	Articles 2(13); 26(2)(b)	Articles 3(13); 5(2); 25(1); 26(6); 27(1–10)	Article 27(1–10)	–	Article 27(1–10)	–
Asylum and Migration Management Regulation (Regulation (EU) 2024/1351)	Articles 2(12); 23(2–3)	Article 23(4)(b)	Articles 2(12); 23(2–3)	Articles 2(12); 23(2–3)	–	Article 23	–
Qualification Regulation (Regulation (EU) 2024/1347)	Article 3(18)	Articles 3(18); 33(2)	Articles 3(18); 33(2)	Articles 3(18); 33(2)	–	Article 33(2)	Article 33(2)(c)
Asylum Procedure Regulation (Regulation (EU) 2024/1348)	Recital 35; Article 23(2)(a) and (9)	Article 23(2)(a)	Recital 35; Articles 20(2); 23(2)(a)	Recital 35; Articles 23(2)(a) and (9); 24(2); 25(4–6); 32(1–2)	–	Article 23(2)(a) and (9)	–
Eurodac Regulation (Regulation (EU) 2024/1358)	Recital 46	Recital 46	Recital 46	Recital 46; Articles 14(1); 42(1)(a)	–	–	–
Return Regulation (Regulation (EU) 2026/2280)	Article 17(2)		Article 17(2)				

	Functions and tasks of appointed person						
UN and Council of Europe instruments and EU directives	**Safeguard the best interests of the child**	**Ensure the child's well-being and adequate care**	**Exercise representation**	**Accompany the child in proceedings (be present at the interview, and inform and prepare the child)**	**Help identify and implement a durable solution**	**Act as a link – coordinator role**	**Establish family links and family tracing**
Anti-trafficking Directive (Directive 2011/36/EU) (as amended by Directive (EU) 2024/1712)	Article 13(1)	Article 13(1)	Article 13(1)	–	–	–	–
Brussels II Regulation (recast) (Council Regulation (EU) 2019/1111)	–	–	Recital 32; Articles 1(2)(b); 21(1)	–	–	–	–
Victims' Rights Directive 2012/29/EU (as amended by Directive 2026/1472) EU Victims' Rights Directive	–	–	Article 24(b)	Article 20(c)	–	–	–
Directive on combating the sexual abuse and sexual exploitation of children (Directive 2011/93/EU)	–	–	Article 20(1)	Article 20(3)(f)	–	–	–

The four core principles of the UNCRC (see Figure 3) must guide the guardian in all aspects of their work throughout the assignment. In the absence of the child's parents, or if they are precluded from exercising parental responsibility, the guardian is given the duty of safeguarding and promoting the child's well-being. Each time a decision is made affecting the child, the guardian's role is to promote the option that is in the best interests of the child. The guardian must ensure that the child's views are heard and given due weight. The guardian must inform the child about and consult with the child on all aspects of the guardian's work, taking into consideration the child's level of maturity and developing capacities.

Creating and maintaining a relationship of trust with the child

A relationship of trust between the guardian and the child is an essential precondition for an effective guardianship. Without trust, the guardian will not be able to ascertain the child's wishes and feelings, making it difficult to promote the child's best interests.

The guardian should communicate with the child in a child-friendly way, showing cultural sensitivity and adopting a gender-sensitive approach. Although many factors have an impact on whether trust is built or not, the following four are particularly significant:

- respecting the views of the child and keeping agreements;
- treating the child with respect and dignity;
- being available for and accessible to the child;
- respecting confidentiality.

Frequent, consistent contact and the guardian's accessibility are necessary elements in building a relationship of trust with the child. Children value a guardian who is reliable and predictable, and who makes it clear when and how contact will take place.

Guardians working with children who have gone through difficult experiences, whether in their country of origin or during their journey – for example victims of violence or torture, children who have experienced trauma or children who use substances – should be aware of the impact these experiences can have on children's behaviour and of the consequences of trauma. Children affected by trauma often have memory difficulties; for example, they may be unable to recall certain details or may provide different information over time. This does not mean that the child is lying or does not trust the guardian. The guardian should raise awareness of these issues among the other professionals working with the child.

Emotional care of the child is a basic need, which the guardian should not disregard. Appointed guardians must be supported in performing their roles, including providing this emotional care, in particular by ensuring that their workload and the number of cases assigned to them allow them sufficient time to spend with each child and build a personal relationship with them (see also Section 3.6).

Confidentiality

The guardian will learn details of the child's private life, which they must treat confidentially. Communication with the child should take place in a confidential setting and should fully respect the child's dignity and privacy rights.

Confidentiality is an important element in the child's relationship with the guardian. Some EU instruments refer to the obligation of guardians to comply with confidentiality rules as established at the national level, particularly to ensure the protection

of the child and their family (Article 33(2)(b) of the Qualification Regulation and Article 26(6) of the Reception Conditions Directive).

The code of conduct for guardians should cover the detailed implications of the principle of and national laws on confidentiality (see also Section 3.2). The guardian should be able to decide when and under what conditions it could be in the best interests of the child to pass certain information to other relevant actors and agencies.

Confidentiality is also a requisite for the child's safety. Information about a child must not be disclosed if it could endanger the child or the child's family members (see also Section 6.2). The consent of the child victim must be sought, in an age-appropriate manner, before sensitive information is disclosed, taking into consideration the child's level of maturity and developing capacities.

5. Safeguarding the best interests of the child

Safeguarding the best interests of the child must guide the guardian's work and actions.

The best interests of the child is a dynamic concept, aiming to ensure the child's holistic development by promoting the full and effective enjoyment of all children's rights. The guardian is required to assess, or ensure that others assess, the child's best interests on a regular, ongoing basis whenever decisions affecting the child are made. These may include decisions about the child's accommodation, safety, education, healthcare, emotional safety, leisure activities and legal representation. This does not require a formal or written procedure, or the completion of checklists at fixed intervals. Rather, the expectation is that every significant decision is guided by a thoughtful, case-by-case assessment of what is in the best interests of that particular child in terms of the specific issue at hand, even if this assessment is not formally documented each time.

> The Committee on the Rights of the Child, with its General Comment No 14 (2013) on the right of the child to have their best interests taken as a primary consideration (Article 3, paragraph 1), provides a framework for assessing and determining the child's best interests. The committee notes that 'an adult's judgment of a child's best interests cannot override the obligation to respect all the child's rights under the Convention'.
>
> *Source*: UN Committee on the Rights of the Child, General Comment No 14, The right of the child to have his or her best interests taken as a primary consideration (CRC/C/GC/14), 29 May 2013.

It is the guardian's task to monitor public authorities' decisions affecting the child and signal to the competent authorities if these fail to respect the best interests as a primary consideration, as required by Article 3 of the UNCRC and Article 24 of the EU Charter of Fundamental Rights, throughout the decision-making processes. In particular, the guardian must intervene if the welfare of the child is in danger, and must challenge, within the limits of their authority, any decision that is deemed to be contrary to and/or does not promote the child's best interests.

When making decisions concerning children in need of protection, for example on the protection of a child victim, the child's best interests must be assessed in a child-sensitive manner, taking due account of the child's age and level of maturity, as well as the child's views, needs and concerns. In its General Comment No 14 (2013), the Committee on the Rights of the Child lists the elements that need to be taken into account when assessing the child's best interests:

- the child's views;
- the child's identity;
- preserving the child's family environment and maintaining relations;
- the care, protection and safety of the child;
- situations of vulnerability;
- the child's right to health;
- the child's right to education.

The committee also provides guidance on how to balance these elements. Preserving the family environment, for example, may conflict with the need to protect the child from the risk of parental violence or abuse. In such situations, the elements will have to be weighed against each other to find a solution that is in the child's best interests.

The 2017 Committee on the Rights of the Child and Committee on the Protection of All Migrant Workers and Members of Their Families Joint General Comments Nos 3 and 22 and Nos 4 and 23 highlight the following additional elements to consider when assessing the best interests of migrant and unaccompanied children:

- the child's migration history, including reasons for departure and experiences during the journey;

- risks in the country of origin, transit or return, and the potential impact of any migration-related decision;
- the child's legal and protection needs, including asylum, residence or family reunification procedures;
- the child's psychosocial situation, including trauma, stress or fear linked to displacement;
- the child's cultural and linguistic background, and the need for culturally sensitive support;
- the child's access to information, ensuring that they understand procedures and possible outcomes;
- the need for multidisciplinary input, drawing on the knowledge of child protection, health, education and migration experts.

In addition to regular assessments of the child's best interests, national law may require a formal best-interests determination for decisions affecting the life of a child, such as the identification of a durable solution. This determination should be done by a multidisciplinary team following strict procedural safeguards, and with the active involvement of the guardian. The guardian also has an important role in supporting the child before, during and after key decisions.

Promising practice

A toolkit for uniform best-interests assessments in Greece

The harmonisation, establishment and certification of best-interests procedures programme, implemented by Greece's Ministry of Migration and Asylum with support from UNHCR and the EUAA, aims to standardise best-interests procedures across the country. The initiative introduced uniform best-interests assessment forms and ensures that assessments are carried out by trained and experienced professionals. As part of the programme, a new best-interests procedures toolkit was developed, featuring both short and comprehensive best-interests assessment forms, and a series of targeted training sessions was delivered to strengthen practitioners' skills and consistency in applying the procedures.

Source: Hellenic Republic Ministry of Migration and Asylum (n.d.).

EU law in the area of asylum and migration also includes the best interests of the child as a guiding principle and provides guidance to Member States when assessing the child's best interests. Article 26(1–2) of the Reception Conditions Directive requires Member States to consider the following:

- family reunification possibilities;
- the child's well-being and social development, taking into particular consideration the child's background and the need for stability and continuity in care;
- safety and security considerations, in particular where there is a risk of the child being a victim of any form of violence or exploitation, including trafficking in human beings;
- the views of the child in accordance with their age and level of maturity.

The guardian must participate in such formal best-interests assessments to make sure that the child's best interests are a primary consideration in all decision-making processes and that the right of the child to be heard is respected, as required by Article 12 of the UNCRC.

Guidance for assessing best interests

EUAA practical guide on best interests

The EUAA provides extensive guidance on the best interests of the child in asylum procedures, emphasising it as a primary consideration, not just a step, requiring continuous assessment for all children, especially unaccompanied children. Guardians can use this resource to ensure that decisions prioritise the child's best interests. It has practical recommendations for multidisciplinary best-interests assessments covering screening, asylum procedures, determination of the Member State responsible, etc.

Source: EUAA (2026a).

UNHCR best-interests toolbox

UNHCR's best-interests procedure toolbox offers guardians practical tools and checklists for child protection case management, including assessing risks, planning actions and ensuring that decisions prioritise the child's welfare. These resources provide step-by-step guidance on identification, best-interests assessments, follow-up and coordination with authorities, helping guardians fulfil their monitoring and advocacy roles effectively.

Source: UNHCR (n.d.).

6. Promoting the child's safety and well-being

Promoting the child's well-being requires the guardian to ensure that the child's legal, social, health, psychological, material and educational needs are met. Very often, children deprived of their parental environment have experienced violence and suffer from trauma.

6.1. Individual needs assessment

The purpose of the needs assessment is to define which support measures are in the best interests of the child. Individual needs assessments are essential when working with an unaccompanied child and allow guardians and authorities to understand the child's background and protection, health and educational needs as well as their views. On this basis, tailored support measures and care plans can be developed, rather than taking a one-size-fits-all approach.

Guidance on individual care plans is contained in Recommendation CM/Rec(2007)9 of the Council of Europe Committee of Ministers to Member States on life projects for unaccompanied migrant minors. Life projects pursue the social integration of children, their personal and cultural development, and their needs for housing, health, education and vocational training and employment.

Source: Recommendation CM/Rec(2007)9 of the Committee of Ministers to Member States on life projects for unaccompanied migrant minors, 12 July 2007.

Article 12 of the Screening Regulation requires an individual preliminary vulnerability check during screening, including for children, which helps identify special reception or procedural needs. The preliminary vulnerability check needs to be carried out within the maximum seven days of screening at the border, or three days if screening takes place inside the territory. This preliminary vulnerability check constitutes an essential early child protection safeguard and should be closely linked to subsequent assessments to ensure continuity and avoid repetition.

The preliminary vulnerability assessment carried out during screening needs to be distinguished from the fully fledged vulnerability assessment that must be carried out as per Article 25 of the Reception Conditions Directive within 30 days of the making of the application.

For asylum-seeking children, a more in-depth assessment of special needs is also required under Article 25 of the Reception Conditions Directive and Article 20 of the Asylum Procedure Regulation. Also, if the child is considered a victim of trafficking,

an individual assessment is required by Article 14(1) of the Anti-trafficking Directive, as amended by Directive (EU) 2024/1712.

The individual needs assessment should be carried out by a team, involving a range of expert opinions, in cooperation with the guardian and with the participation of others, including health professionals, child psychologists and care workers. Based on the needs assessment, the guardian should draw up an individual support plan together with the child.

The plan should take into account possible traumatising experiences to which the child may have been exposed. It should give due weight to the child's views. The child should be involved in drawing up the plan, depending on their age and level of maturity. It is the guardian's task to facilitate child participation by providing adequate information to the child and ensuring that the child's views are heard and are given due weight. In any event, the plan should be discussed with the child, and their agreement should be sought.

Although the assessment of the child's needs starts from the moment a guardian is assigned, the individual plan for the child should be drawn up only after the guardian has a good understanding of the child's needs and wishes. The plan should be reviewed and adjusted at regular intervals.

An individual plan should include at least the following core elements:

- accommodation arrangements;
- safety and protection measures;
- arrangements for family tracing, maintaining family links and facilitating family reunification;
- assessment of the child's relationship with their parents;
- social and psychological counselling and access to mental health services;
- healthcare provision and medical treatment;
- legal counselling and legal representation;
- education, including language training;
- assessment of migration status and international protection needs;
- preparation and support for the transition to adulthood.

Checklist: possible actions by the guardian in relation to the individual needs assessment and care plan

During the needs assessment:

- √ liaise with and involve professionals who can contribute their expertise to the individual assessment;
- √ take part in the multidisciplinary assessment and share relevant information;
- √ ensure the child understands the process and can express their views;
- √ help identify vulnerabilities and specific needs;
- √ make sure the assessment is completed within the required time frame.

When drafting the care plan:

- √ prepare the individual plan based on the assessment results;
- √ ensure the plan reflects the child's wishes and best interests;
- √ explain the plan to the child and seek their agreement;
- √ coordinate with professionals to set clear goals and measures.

During implementation:

- √ monitor implementation to ensure that planned measures are carried out;
- √ support the child in accessing services (health, education, legal, psychosocial);
- √ keep the child informed about their situation and rights.

During review and adjustment:

- √ review the plan regularly with the child and the multidisciplinary team;
- √ update the plan when circumstances change;
- √ ensure the child participates in each review.

6.2. Supporting the child in maintaining family links

The right of the child to family life must be fully protected. In cases of separation, the child has the right to maintain direct contact and personal relations with their parents and family members, except when this is contrary to the child's best interests (UNCRC, Article 9(3)). Family tracing may serve different purposes: it can be undertaken under the Asylum and Migration Management Regulation to help establish the Member State responsible for examining an application or, once international protection has been granted, it may be pursued for family reunification purposes.

EUAA guidance on family tracing

The EUAA's *Practical Guide on Family Tracing* comprises two main parts and is supported by two standardised forms. Part I provides the new legal and procedural framework for family tracing, outlining principles such as confidentiality, child-sensitive communication and safeguarding. Part II offers practical, step-by-step guidance on carrying out tracing activities within and outside the EU, including cooperation with authorities and international organisations. The guide is complemented by two dedicated forms – one designed for children and one for adults – to help practitioners collect consistent information and document tracing efforts in a structured and harmonised way.

Source: EUAA (2025b, 2025c).

Guardians acting in the best interests of the child should assist the child in tracing family members and in establishing or maintaining contact with them. Their responsibilities, however, begin even earlier: if a guardian learns from the child that they have family members residing in another Member State, or obtains information about family members in the country of origin, it is the guardian's obligation to follow up on this information and refer it to the competent authorities for appropriate action. Before efforts are made to restore contact, institutions should assess if tracing and family contact is in the best interests of the child.

The information gathered in the family-tracing process also contributes to assessing the child's family and the child's individual needs to determine a durable solution in the best interests of the child. It may reveal information about the child's relationships with family members and about their education, health or socioeconomic situation, or experiences of violence or neglect in their home or community of origin. It should be carried out irrespective of any measures to assess the return of the child to a third country.

Checklist: possible actions by the guardian in relation to family tracing

- √ Provide child-friendly information to the child about their rights and the processes of family tracing and re-establishing and maintaining contact, and about the possibility of seeking family reunification.
- √ Encourage family tracing to take place as soon as possible following identification, and with the child's consent.
- √ Note that family tracing (restoring family contact) should not take place when there are serious grounds to believe that restoring family links may endanger the child or family members.

- √ Support the child in providing information for tracing, including helping the child complete the EUAA family-tracing form for children, and ensuring that information is collected in a child-sensitive and trauma-aware manner.
- √ Based on the particular situation of each child, assist the child in family tracing and/or re-establishing and maintaining communication and links with their family where this is found to be in the child's best interests.
- √ Cooperate with the relevant public authorities and possibly also seek the assistance of other relevant organisations (e.g. the Red Cross or the International Organization for Migration).
- √ Ensure that all tracing steps are properly documented, in line with national procedures and EUAA templates, including information provided by the child, referrals made and outcomes.
- √ Pay close attention to the strict deadlines set out under the transfer procedure to avoid any delays that could affect the child's rights or the reunification process.
- √ After successful family tracing, and before family reunification, ensure that an assessment is conducted to assess the suitability of the parents and/or other family members to care for the child and represent their interests.
- √ Throughout the process, act in accordance with the child's best interests, ensure confidentiality and respect all legal and procedural safeguards.

6.3. Adequate standard of living, including appropriate housing

Article 27 of the UNCRC states that 'States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development'. The convention sets forth the obligation of Member States to safeguard the child's well-being and to provide adequate care and support to all children who are deprived of their family environment, including unaccompanied children, and in particular to those who have suffered from abuse (Articles 19 and 20). In addition, Article 24 of the EU Charter of Fundamental Rights provides that children must have the right to such protection and care as is necessary for their well-being.

Care and assistance must respect the child's cultural identity, origin, gender and age. They should not expose the child to safety risks. Moreover, adequate, specialised assistance should be provided to children with special needs, for example if they have disabilities or have experienced severe trauma.

The UN General Assembly's guidelines for the alternative care of children (Resolution 64/142) provide more information on the care of unaccompanied children.

Source: UN General Assembly, Resolution 64/142, Guidelines for the alternative care of children (A/RES/64/142), 24 February 2010.

Article 27(9) of the Reception Conditions Directive and Article 33(5) of the Qualification Regulation oblige Member States to provide adequate support, including accommodation, to unaccompanied children. In cases when the child is a victim of trafficking or other crimes, Article 14 of the Anti-trafficking Directive, as amended by Directive (EU) 2024/1712, and the Victims' Rights Directive 2012/29/EU (as amended by Directive 2026/1472) contain a number of provisions regarding the right of victims of trafficking, including children, to assistance and support.

The Committee on the Rights of the Child, in General Comment No 23, emphasises that children should not be detained for immigration-related purposes. Instead, States Parties should adopt solutions that uphold the child's best interests and their rights to liberty, through legislation, policies and practices that allow children to remain in non-custodial, community-based settings while their immigration status is being resolved (paragraphs 8 to 12).

The Reception Conditions Directive reinforces the long-standing principle that that detention of unaccompanied children must remain an absolute last resort, to be used in exceptional circumstances, 'after it has been established that other less coercive alternative measures cannot be applied effectively, and after detention is assessed to be in their best interests' (Article 13(2). In those cases, it would be allowed only under one circumstance, namely if it safeguards the child (Article 13(2)(b)). Posing a threat to national security or public order is not a lawful ground for detaining an unaccompanied child, even if the child is not exempted from the border procedure. The directive makes clear that deprivation of liberty is permissible only in highly exceptional and strictly necessary situations and for the shortest possible period of time, and even then only when no less coercive alternative can adequately address the specific legal or security concern at stake. The directive also requires authorities to consider each child's circumstances, vulnerabilities and best interests before any decision is made. Where detention is considered unavoidable, the directive sets out additional safeguards: unaccompanied children must be held only in specialised, child-appropriate facilities, separated from adults, and in conditions that respect their dignity, safety and developmental needs. They must have immediate access to a guardian, legal assistance, education, healthcare and psychosocial support.

Although it is not the guardian's role to provide housing to the child, they should be involved and take a number of actions. In ensuring adequate living conditions, the guardian should visit the child in the place where they are staying and consult with the child in a confidential setting. The guardian should follow up on any alleged or observed breach of the child's rights, and any complaints made by the child, including by acting in the name of the child and lodging complaints or appeals before the relevant authorities, and by challenging any inadequate decision involving deprivation of liberty.

EUAA guidelines on alternatives to detention

The EUAA's *Guidelines on Alternatives to Detention* provides practical, rights-based guidance for Member States on designing and implementing community-based measures within asylum and return procedures. The document outlines how to assess individual circumstances, ensure safeguards and apply alternatives effectively – including in border procedures – to reduce reliance on detention while maintaining fair and efficient processes. The guidelines underscore that alternatives must always prioritise the best interests of the child and ensure that unaccompanied and separated children are accommodated in non-custodial, child-appropriate settings.

Source: EUAA (2024b).

UNHCR guidelines on independent living

UNHCR's *Guidelines on Supervised Independent Living for Unaccompanied Children* provides frameworks to assess, establish and support independent living arrangements for unaccompanied and separated children, emphasising this as an alternative care option after family-based care has been exhausted or if it is unsuitable. The guidelines focus on children over 15 years of age, with robust monitoring, child participation and developmental support for building life skills towards independence and the transition to adulthood.

Source: UNHCR (2021a).

Checklist: possible actions by the guardian in relation to accommodation and material assistance

- √ Visit the child regularly in their accommodation, speak with them privately and monitor whether living conditions are safe, appropriate and supportive.
- √ Liaise with accommodation staff to ensure they understand the child's needs and intervene promptly if staff care practices or the child's routines or behaviour raise concerns.
- √ Ensure the child knows their rights and duties in the facility, including how to make complaints and what standards of conduct they can expect from staff.

- √ Promote access to leisure, education, healthcare and community activities, supporting the child's social inclusion and well-being.
- √ Follow up on any concerns, complaints or signs of distress or fear, ensuring that issues are addressed and the child is protected from harm.
- √ In cases of detention, act immediately to verify its legality, ensure access to legal assistance, and advocate alternatives and release.

6.4. Healthcare

Article 24 of the UNCRC lays down that all children have the right to the enjoyment of the highest attainable standard of health, and Article 39 obliges States Parties to take appropriate measures to promote physical and psychological recovery and social reintegration of children who have suffered from abuse. Recovery and reintegration must take place in an environment that fosters the health, self-respect and dignity of the child.

Special consideration should be given to healthcare needs that are gender specific or particularly relevant to unaccompanied girls, whose exposure to trafficking or whose experiences during the migratory journey or upon arrival may expose them to heightened risks. Reproductive health is a central component of this support, and services must be accessible, confidential and sensitive to the possibility that a pregnancy may result from sexual violence. In such cases the girl must be fully informed of all available options, including the possibility of interrupting an unwanted pregnancy, in line with national legislation and medical standards. Child protection actors should be involved to ensure that decisions are made in the girl's best interests and that she receives continuous emotional and practical support. Access to voluntary testing and confidential counselling for transmissible diseases should also be ensured, delivered in a manner that respects her privacy, autonomy and specific vulnerabilities.

Children with disabilities require special protection (Article 23 of the UNCRC; Article 7 of the Convention on the Rights of Persons with Disabilities). Their disabilities can result from experiences on the journey, exploitation or trafficking. Guardians and all others involved in the identification and protection of child victims should consider the particular situation of children with disabilities. Victim support services and child protection services should ensure that adequate support is available for children with disabilities. When appropriate, specialised assistance should be provided through cooperation with other specialised services and organisations. Such cooperation with specialised services is essential to ensure that children with disabilities receive

support that is accessible, adapted to their abilities and communication needs, and capable of addressing the specific risks and barriers they face.

Promising practice

Specialised reception for unaccompanied children in the Netherlands

Nidos Reception Perspective (Perspectief Opvang Nidos, PON) is a specialised reception facility for unaccompanied children with complex care needs. Over time, its target group has broadened and now includes young people with or without a residence permit, with the focus placed on their individual care and support needs rather than their legal status.

PON is designed for unaccompanied children who display disruptive or challenging behaviour, or present significant psychosocial, mental health or substance use needs that cannot be adequately supported within regular reception facilities. These young people require intensive, specialised and highly structured support.

PON provides this through small-scale reception settings and a high level of individualised guidance, aiming to offer greater safety and stability and improved prospects, reduce disruptive behaviour, strengthen resilience and support young people in developing a realistic plan for the future.

Source: Nidos (n.d.b).

Unaccompanied children, particularly adolescents, may resort to alcohol or drugs or inflict harm on themselves as a way of coping with the difficult situations and traumatic experiences they have faced during their journey or after their arrival – just as many other young people of their age might do. It is therefore essential that they receive appropriate prevention information, especially when they are out of school and do not have access to the health education that other children typically receive in formal settings. They should also have access to specialised support services that can address substance use in a child-sensitive manner.

Under Article 22 of the Reception Conditions Directive, asylum applicants are entitled to necessary healthcare. Asylum-seeking children are entitled to the same level of healthcare as that provided to children who are nationals of the Member State. In addition, after they reach the age of majority, they are entitled to a continuation of any specific treatment that began before they reached the age of majority and is deemed necessary.

Unaccompanied children may suffer from serious physical or psychological trauma, depression or other mental health issues as a result of past abusive experiences in the country of origin, transit or destination. Pursuant to Article 26(4) of the Reception Conditions Directive, particular consideration should be given to those unaccompanied children who need psychological support and access to rehabilitation services. Guardians must facilitate the child's access to appropriate care and treatment, including mental health services when required. Guardians should support the child during therapy, fully respecting medical ethical codes.

The role of the guardian is to provide relevant information to the child, to facilitate the child's access to medical services and to provide support when important decisions need to be taken.

Checklist: possible actions by the guardian in relation to healthcare

- √ Ensure that the child is provided with the necessary health card or other document that entitles the child to access healthcare services.
- √ Refer the child to the relevant medical service, make appointments, accompany the child, make sure that the child keeps track of their appointments and follow-up checks, and make sure that the child understands the information received.
- √ Alert the healthcare provider to the need to provide appropriate and child-friendly information to the child in a language they understand, when relevant.
- √ Give, or help the child to give, informed consent before medical examinations are made or treatment is initiated when required by domestic law. Ensure personal beliefs do not influence access to the lawful reproductive healthcare of boys and girls.
- √ Ensure that the child does not undergo unnecessary medical examinations.
- √ Ensure that a specialist assesses the child's psychosocial needs and, if necessary, initiates treatment.
- √ Request that healthcare providers pay particular attention to gender and cultural considerations, including enabling girls to be seen by a female doctor if they prefer and ensuring that food provided during hospitalisation is culturally appropriate.
- √ Facilitate adequate interpretation services.

6.5. Education and training

The right of all children to education is provided for in Article 28 of the UNCRC. Article 14 of the EU Charter of Fundamental Rights also provides that everyone must enjoy the right to education. Access to education is essential not only for the child's learning, but also for their social integration and recovery from trauma and for learning the local language.

EU law explicitly provides for access to education (Article 16 of the Reception Conditions Directive, Article 29 of the Qualification Regulation and Article 14 of the Anti-trafficking Directive as amended by Directive (EU) 2024/1712). The Reception Conditions Directive (Article 16) requires that access to education be granted as soon as possible and no later than two months after an application for asylum has been lodged. It also requires Member States to provide education within the general education system. However, as a temporary measure and for a maximum period of one month, Member States may provide the education outside the general education system. Preparatory classes, including language classes, must be provided to children where it is necessary to facilitate their access to and participation in the general education system (Article 16(2)).

Guardians should collect information on the child's past educational experience, provide the child with appropriate information on available educational opportunities and programmes, and then develop, in consultation with the child, a personal educational plan. This specific plan should form part of the broader individual plan drawn up for the child.

The guardian should ensure that the child receives all necessary psychological and educational support for their integration into the school environment and to overcome any learning difficulties resulting from a longer school absence. Unaccompanied children who have been placed in the mandatory border procedure and people temporarily placed in the border procedure pending age assessment (with a maximum stay of 30 days) retain full access to education, training and reception conditions specifically adapted to their needs as children.

Checklist: possible actions by the guardian in relation to education

- √ Take all action required for the child's successful registration and enrolment in school or other educational institution, based on the education plan and within the time limits required by law.
- √ Contact school staff frequently and request information on the child's progress and their behaviour at school.
- √ Attend school meetings and parent–teacher meetings.
- √ Discuss challenges and concerns with the child's teachers.
- √ Consult the child on their educational plan and possible challenges that they face, and adapt the plan when needed.
- √ Arrange adequate support in cooperation with other entities, for example NGOs providing language courses or support classes.

6.6. Risk assessment

When carrying out the individual needs assessment, the competent child protection authorities should consider the safety and security of each individual child under care, including the risk of abuse, violence and exploitation, including trafficking.

Such risk assessments should be conducted for unaccompanied children when they are first encountered, repeated periodically thereafter, and conducted again when the competent authorities are deciding on a durable solution for the child, to ensure that the proposed solution is in the child's best interests and does not put the child at any risk.

In cases involving trafficking or exploitation, risk assessments should explicitly address the risk of re-trafficking or secondary victimisation, including in the context of return, relocation or family reunification decisions. The Reception Conditions Directive includes safety and security considerations as one of the elements of the best-interests assessment (Article 26(2)(c)).

The risk assessment should be conducted by a multidisciplinary team of professionals, including representatives of child protection authorities and health and social service providers.

The guardian must ensure that the competent authorities undertake an individual risk assessment when necessary. The guardian should always be consulted on specific

protection measures to be adopted, ensure that the child is heard and that due weight is given to their views, and be in a position to offer informed suggestions and recommendations. While not directly responsible for the protection measures taken, the guardian nevertheless has an important role to play.

Checklist: possible actions by the guardian in relation to the child's safety

- √ Inform the child about existing protection measures that could be taken.
- √ Request a risk assessment for the child.
- √ Actively participate in the risk assessment process along with representatives of other relevant authorities, law enforcement officials and the child's legal representative.
- √ Regularly assess the behavioural indicators that may signal a risk of the child going missing from care.
- √ Ensure that the views of the child are heard and given due weight, depending on their age and level of maturity.
- √ Inform the relevant authorities when new information related to the child's safety is available that may require changes to the protection measures applied.
- √ Request that the risk assessment be reviewed and documented if new information surfaces that may require different or additional measures.
- √ Ensure that the relevant authorities, including the police, are notified of any disappearance of a child without delay and that efforts are made to find the child.

6.7. Missing children

'When the disappearance is reported, in almost all Member States, the United Kingdom and Norway, it is the last person/institution that had contact with the child who reports the disappearance to the police. In principle, in most Member States, it means that the staff of the reception facilities / care placement or the guardian are the ones who file the report for the missing child'.

Source: EMN (2021).

All children on the territory of Member States have the right to protection. Disappearances should be acted upon on the same basis as for nationals of the Member State from where the unaccompanied child disappeared and for children holding EU citizenship in general.

Accommodation facilities should have a system to ensure that missing children are recorded, along with details of their nationality or statelessness, their migration status and, where available, the circumstances of their disappearance. This system should also require facilities to notify the guardian and other appropriate bodies as soon as the disappearance is detected, without delay and within a maximum of 24 hours. Accommodation facilities should be held accountable if they fail to report on time.

Likewise, upon learning that their assigned child is missing, the guardian must immediately contact the police and/or any other relevant authorities as provided for in national law. Guardians must be held accountable for failure to do so. Guardians should see that authorities take all necessary action and put into effect all available means and procedures to locate the missing child. The authorities must cooperate with the competent law enforcement agency and, where applicable, the 116 000 hotline for missing children, and possibly launch a Schengen information system II Article 32 alert. Once a missing child is found, the guardian must be actively involved in appropriate follow-up to prevent the child's repeat disappearance.

The Eurodac Regulation introduces new rules linked directly to the issue of missing children by requiring biometric data from children over the age of six (not only asylum seekers but also other undocumented children on the move) so that authorities can reliably establish their identity. By complementing the Schengen information system, Eurodac can help Member States locate missing children more quickly and identify possible family connections across borders.

Checklist: possible actions by the guardian when a child goes missing

- √ Verify the report of the disappearance as soon as notified by the accommodation facility or any other source.
- √ Contact the police immediately and notify any other competent authorities.
- √ Confirm that the accommodation facility has followed the national procedures regarding missing children.

- √ Find out from the relevant authorities whether a Schengen information system II Article 32 alert is being considered / has been activated.
- √ Maintain regular contact with the police and relevant authorities and actively participate in the follow-up process.
- √ Provide any additional information that may support the search.
- √ Document all steps taken and communications made.

7. Informing and facilitating child participation

The right of the child to be heard and have their views given due weight is enshrined in Article 12 of the UNCRC. Respect for the principle of the best interests of the child requires that authorities take the child's views into consideration whenever they take decisions affecting the child.

As the person responsible for safeguarding the best interests of the child, the guardian must help the child participate in all decision-making processes affecting them, ensuring that the decision-making authorities respect the child's right to be heard and that their views are given due weight.

When necessary, the guardian should speak on behalf of the child and communicate the child's views. This requires that the guardian systematically consult with the child.

To help strengthen the child's participation, the guardian should guide the child in forming their own views by keeping them adequately informed of all relevant aspects, taking into consideration the child's age and level of maturity.

7.1. How should the child be informed?

The guardian must ensure that the authorities fulfil their obligation to inform both the child and the guardian about the child's rights and duties and any proceedings in which the child may be involved. The guardian must provide any additional information directly to the child whenever necessary and verify that the authorities have provided all required explanations; if they have not, the guardian must actively ensure that this information is delivered. The guardian must also guide and support the child in exercising their rights under the UNCRC, including the right to be heard, in a manner appropriate to the child's developing capacities.

To participate effectively, the child must have received adequate information.

The UN Committee on the Rights of the Child, in its General Comment No 12, provides guidance on the effective implementation of the right of the child to be heard. It highlights that the right of the child to be heard is closely linked to the child's right to be informed, as meaningful participation requires access to accurate, age-appropriate information; it also highlights that children must receive clear, relevant and timely information in order to be able to express their views effectively and make informed decisions about matters affecting them.

Source: UN Committee on the Rights of the Child, General Comment No 12, The right of the child to be heard (CRC/C/GC/12), 1 July 2009.

Information should be provided in a child-friendly way. To be easily understood, it should be given in oral and/or written form, depending on what is most appropriate, and should be provided in a language that the child understands, taking into consideration the child's age, level of maturity, previous trauma and developing capacities. The guardian should make sure that the child understands and can recall the information provided. Child-friendly information should also cover available remedies and complaint mechanisms, including time limits, so that children can meaningfully understand how to challenge decisions affecting them, when necessary.

Several EU law instruments refer to the right of the child to be informed, including the content of the information and the way it needs to be given, and the presence or involvement of the guardian (Article 5(2) of the Reception Conditions Directive, Article 13(2) of the Screening Regulation, Article 20(3) of the Asylum and Migration Management Regulation and Article 42(2) of the Eurodac Regulation). Providing information may require the use of interpretation, which is also established in different procedures under EU law.

The Asylum Procedure Regulation (Article 8(2)) sets out detailed rules on what information applicants, including children, must receive. For children, it explicitly requires that information be provided in a child-friendly manner, and with the involvement of the guardian or temporary guardian. Member States may use standardised information tools developed by the EUAA (Article 8(7)).

Gender and cultural considerations should also be taken into account when informing the child. The use of cultural mediators may be invaluable and should be encouraged where appropriate. Guardians should make sure that they discuss with the unaccompanied child the possibility of asking for a male or female interviewer and interpreter for the personal interview during the international protection procedure (Article 15(2) of the Asylum Procedure Regulation) and for the interview to determine the

Member State responsible (Article 22(4) of the Asylum and Migration Management Regulation). A cultural mediator may also be provided during the personal interview (Article 22(4) of the Asylum and Migration Management Regulation).

EUAA child-friendly materials

To comply with the Asylum Procedure Regulation, the EUAA has developed accessible resources tailored for children, including animations, posters, brochures, colouring books and picture guides. These materials explain the asylum procedure, reception conditions, rights and obligations in a clear and age-appropriate way, often using illustrations and simple language to ensure that they are understood by younger applicants or those with limited literacy.

Each resource is accompanied by guidance on how to use it effectively, ensuring that national authorities and practitioners can provide children with the information they need in a supportive and understandable format. Some of the resources are designed to ensure that national or local authorities complete them with specific information. The EUAA website includes not only EUAA resources but also a database of materials from Member States.

Source: See 'EUAA products' on the EUAA's website.

Together, these rules establish clear, practical responsibilities for guardians, who must ensure that the child's rights to information, understanding and participation are upheld in practice. In this context, guardians must also actively monitor and challenge procedural shortcomings.

Checklist: possible actions by the guardian in relation to the right to information

- √ Ensure authorities fulfil their duty to inform both the child and the guardian about the child's rights, duties and any procedures or decisions affecting them.
- √ Verify that authorities have provided all required explanations; if information is missing or unclear, ensure it is delivered without delay.
- √ Complement and clarify information directly with the child whenever needed, using explanations the child can understand.
- √ Maintain regular, confidential contact with the child to ensure a continuous flow of communication and to create space for questions or concerns.
- √ Provide information in a child-friendly manner, using oral and/or written formats as appropriate.

- √ Ensure that the child has access to a professional interpreter when necessary and that information is given in a language the child understands, taking into account their age, level of maturity, literacy and developing capacities.
- √ Check that the child has understood and can recall and explain the information.
- √ Consider gender, cultural and linguistic factors, and involve cultural mediators when helpful.
- √ Ensure the guardian's involvement is respected in all procedures where EU law requires it (Article 13(3) of the Screening Regulation, Article 23(2) of the Asylum and Migration Management Regulation and Article 8(2) of the Asylum Procedure Regulation).
- √ Ensure the child understands the implications of decisions communicated to them, including possible next steps or consequences.

7.2. How should the child be supported to participate?

Children have the right to express their views freely and to have those views heard and given due weight in all procedures affecting them. This right is guaranteed by Article 12 of the UNCRC and is reflected in Article 24 of the EU Charter of Fundamental Rights. Child participation should be understood not only as a legal entitlement, but also as a key indicator of quality in child protection systems, recognising that children's feedback can provide early warning of protection gaps, breakdowns in trust or shortcomings in practice.

Children have the right to participate in all procedures affecting them, including asylum interviews, best-interests assessments and all decisions about their care and protection. Participation means more than simply being present: the child must be able to understand what is happening, express their views freely and have those views given due weight in accordance with their age and level of maturity. For unaccompanied children, the guardian should play a central role in making this right effective.

Promising practice

A board game to facilitate communication with children in Belgium

The Guardianship Service has developed a board game as a tool to engage in conversation with young people in Belgium. Its purpose is to inform children in an accessible and interactive way about the role of the guardian and the Guardianship Service, while at the same time listening to their experiences, feedback and suggestions. The Guardianship Service makes regular visits to reception centres to play the board game. The game was created as part of an AMIF project.

Source: Justice FPS (n.d.b).

The guardian must help the child think through their options, understand the implications of decisions and articulate their wishes in a way that reflects their own perspective – not the guardian's or anyone else's. During interviews, the guardian accompanies the child and ensures that the environment is respectful and non-intimidating, and that appropriate interviewing methods are used. After interviews or decisions, the guardian helps the child understand what was said, what it means and what will happen next.

Checklist: possible actions by the guardian in relation to the child's right to participate

- √ Prepare the child for every interview or important engagement with the authorities (e.g. screening, best-interests assessments, asylum interviews), explaining what will happen and what to expect.
- √ Help the child think through options and form their own views without pressure or influence.
- √ Accompany the child during interviews and intervene if this safeguard is not respected.
- √ Protect the child from inappropriate interviewing methods, including unjustified remote interviews or techniques that may retraumatise, intimidate or confuse the child.
- √ Ensure that every interview is carried out with a child-friendly and trauma-informed approach.
- √ Encourage the child to express their views freely and ensure those views are communicated to the authorities.
- √ Monitor the process to identify any procedural shortcomings and act immediately to safeguard the child's right to participate.

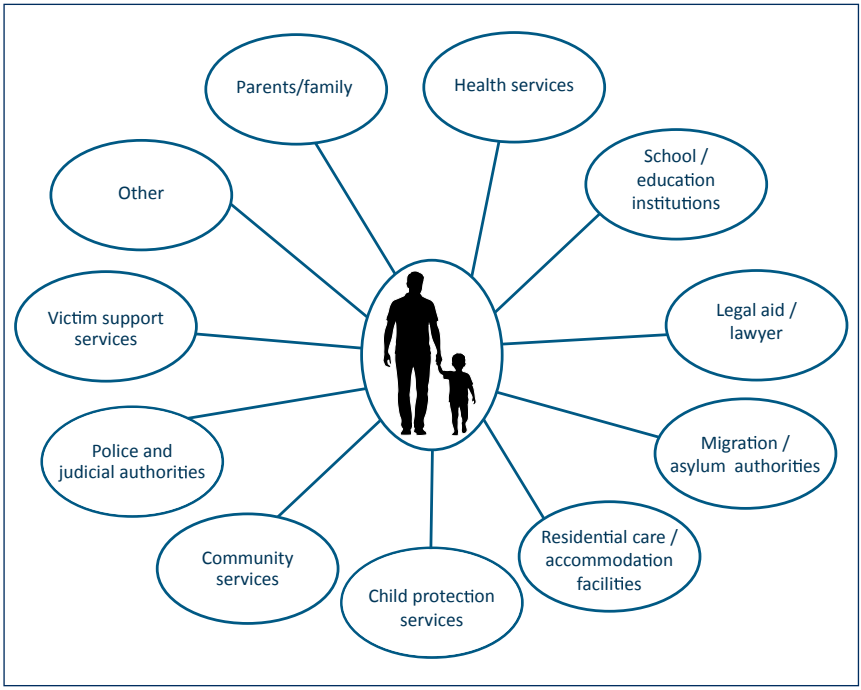
8. Acting as a link between the child and others

To fulfil their tasks and ensure that the child's legal, social, health, psychological, material and educational needs are appropriately covered, the guardian must act as a link between the child and the specialist agencies and individuals who are responsible for providing the continuum of care the child requires. It further requires the guardian to respect, and argue for, the child's right to be heard and to facilitate the child's participation in all decisions affecting the child.

The guardian temporarily assumes certain responsibilities of the child's biological parents or other people holding parental responsibilities. Where the child's parents are identified but are abroad or unable to act as guardians, the guardian may facilitate safe and appropriate contact and information exchange with the parents, where this is in the child's best interests and does not undermine the guardian's independent mandate.

The guardian is the reference person for the child and the link between the child and the specialists who provide care and assistance to the child. The guardian should facilitate the child's contact and communication with other professionals and monitor their actions to ensure that the services they provide meet the child's best interests. Figure 8 shows the types of actors the guardian should interact with.

Figure 8: The guardian acting as a link between various actors



Source: FRA, 2026.

9. Helping identify a solution in the best interests of the child

The UN Committee on the Rights of the Child General Comment No 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin provides guidance on how to find a durable solution for an unaccompanied child who is outside their country of origin.

Source: UN Committee on the Rights of the Child, General Comment No 6, Treatment of unaccompanied and separated children outside their country of origin (CRC/GC/2005/6), 1 September 2005.

In addition to addressing the child's immediate needs, a long-term plan is necessary for every child under care. For unaccompanied children who are outside their country of origin, a longer-term plan means finding a comprehensive, secure and sustainable solution that will be in the best interests of the child.

As described in Chapter 5 'Safeguarding the best interests of the child', EU law contains several binding obligations – including family tracing, best-interests assessments and the identification of family links across Member States – that require authorities to consider the child's long-term future. Under the Committee of the Rights of the Child General Comment No 6 (paragraphs 33, 79 and 80), these steps form part of the process of identifying a durable solution. In addition, and when the child is considered a victim of trafficking, Article 14(1) of the Anti-trafficking Directive as amended by Directive (EU) 2024/1712 lays down that Member States will undertake an individual assessment of each child victim with a view to finding a durable solution.

EU law should be applied consistently with international child-rights standards, which require a durable solution to be identified for every unaccompanied child. General Comment No 6 specifies that durable solutions may include family reunification, integration into the host country or return, only when it is safe and in the child's best interests. As explained in the Committee of the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Joint General Comments Nos 3 and 22, a comprehensive, secure and sustainable solution is one that 'to the greatest extent possible, caters to the long-term best interests and welfare of the child and is sustainable and secure from that perspective. The outcome should aim to ensure that the child is able to develop into adulthood, in an environment that will meet his or her needs and fulfil his or her rights as defined by the Convention on the Rights of the Child'.

A comprehensive solution should ensure that the child's rights are protected in the future. Such a solution should take into consideration the immediate and long-term needs of the child but also address developmental considerations. One key component

is to ensure that the child is able to develop into adulthood in an environment in which their rights and needs as defined by the UNCRC are safeguarded and that protects the child from serious harm and persecution. A decision or plan that merely provides for the child to be supported until the age of 18 is not a durable solution.

Durable solution decisions have a major impact on the child. The decision-making procedure should, therefore, have the appropriate safeguards, and the decisions should be taken by a multi-disciplinary team involving all relevant authorities and giving the child's views due weight according to their age and level of maturity. The process entails the weighing of different factors as listed in Section 5.1 and is often referred to as a 'best-interests determination'. The reasons behind the decision must be specified and the decision itself must be documented in the child's personal file. Documenting the reasons and factors weighed in a best-interests determination supports transparency and enables effective review or remedy when decisions are challenged or situations change.

The UNHCR guidelines on determining the best interests of the child provide comprehensive guidance for responsible authorities and practitioners involved in decision-making. They explain how to apply the best-interests principle in practice when identifying and implementing durable solutions for unaccompanied children.

Source: UNHCR (2021b).

The guardian should actively contribute to the determination process, making sure that the views of the child are adequately heard and considered in line with General Comment No 14 of the Committee on the Rights of the Child.

When determining the best interests of the child, authorities should always seek the views and opinion of the guardian to ensure both respect for the best-interests principle and proper representation of the child's views in the process of identifying a durable solution. The guardian's position and role in such proceedings should be reinforced by reflecting it in national legislation or official guidelines, which should establish the right and duty of the guardian to submit a written report on their contribution to the determination process.

9.1. Integration into the receiving Member State

A possible durable solution in the best interests of the child could be their integration into the receiving Member State.

Such a solution must include a safe pathway from childhood to adulthood. When integration is found to be in the child's best interests, the child should be issued

some type of residence permit, such as a grant of international protection, based on humanitarian grounds or child protection rules.

Merely allowing a child to remain in a particular Member State until the age of 18 is not a meaningful or durable solution. It does not address the future needs of the child or take a long-term perspective. It does not ensure that the child's rights are protected in the foreseeable future.

When stateless children or children with undetermined nationality remain in the receiving Member State, authorities must also ensure they can exercise their right to a nationality. This right, enshrined in Article 14 of the Universal Declaration of Human Rights and Article 7 of the UNCRC, requires States Parties to take proactive steps to prevent, reduce and ultimately eliminate childhood statelessness, as also reflected in the Convention on the Reduction of Statelessness (1961) and the European Convention on Nationality (1997) and further elaborated in the Council of Europe's Recommendation CM/Rec(2009)13 on the nationality of children.

For stateless children or those with undetermined nationality, it is essential that their nationality status be clarified and resolved as early as possible, and certainly before they reach the age of 18. Delaying action until adulthood risks creating significant legal and practical barriers, as procedures for confirmation or acquisition of nationality often become more complex once an individual has reached 18 years of age. Ensuring that a child acquires or confirms a nationality during childhood is therefore a critical component of a meaningful and rights-compliant long-term solution.

Promising practice

Identifying a durable solution: the guardian's role

In Belgian law there is a specific national residence procedure that is available only to unaccompanied children, alongside the possibility of applying for international protection. The aim is to identify a durable solution in the best interests of the child. The guardian plays a key role by submitting the written application, collecting relevant information and proposing a written opinion on the most appropriate durable solution. While migration authorities make the final decision, guardians can appeal any decision they consider contrary to the child's best interests.

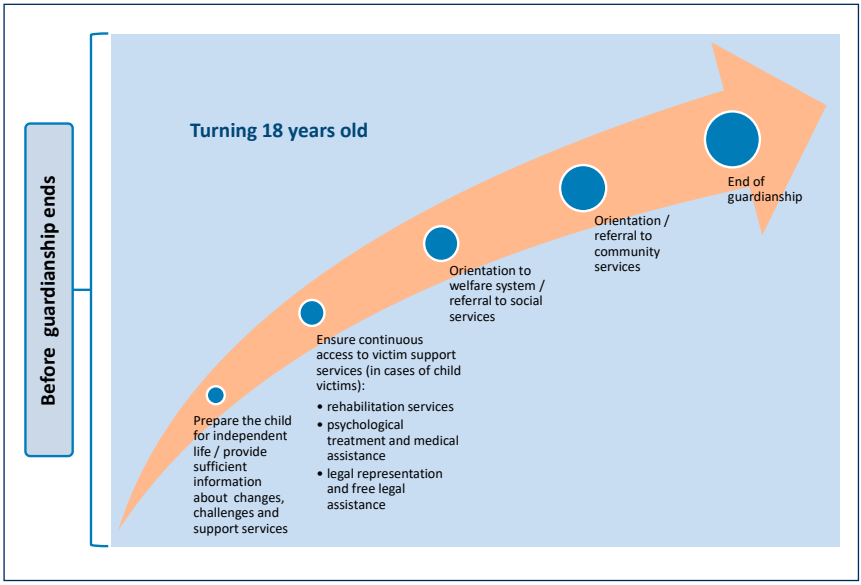
Source: Belgium, Circular Letter of 15 September 2005, in force since 7 October 2005; Guardianship Act of 24 December 2002, in force since 29 January 2004; Justice FPS (2022), pp. 73–107.

When integration into the receiving Member State is in the best interests of the child, guardians should insist that the child's long-term needs be addressed. This will require the competent authorities to ensure that the child has a residence status in the Member State that allows them to stay lawfully after reaching the age of majority. The authorities should also consider issues such as education, housing, health, social networks and mental support.

The guardian should support the child on their path from childhood to adulthood and prepare them for an independent life (see Figure 9; see also Section 4.3). Support should be flexible and adjusted to the developmental pace, needs and capacities of the child.

The guardian should refer the child or young adult to social welfare services, create links with community services and in general assist the child in creating a social safety net that is able to support them and ensure a smooth transition to independent life.

Figure 9: Preparing the child to transition from childhood to adulthood



Source: FRA, 2026.

The guardian should fully support the integration process, giving particular consideration to issues such as education opportunities, available language and vocational

training courses, healthcare provision and rehabilitation services, social contacts and bonds with the local community.

The guardian should develop an individual care plan in cooperation with the child, aiming to support the child in developing their capacities and enabling them to acquire and strengthen the skills necessary to become independent, responsible and active in society. The aim is to promote the child's social integration and their personal and cultural development, and to cater for their needs in relation to housing, health, education, and vocational training and employment. Where the child has been granted protection status, this should include access to and support for family reunification procedures, recognising family unity as a key element of the child's well-being and long-term stability.

The guardian should provide adequate and honest information and support the child in growing out of care. In this regard, the guardian should advocate continued special assistance and support for young adults when necessary.

Checklist: possible actions by the guardian in relation to integration

- √ Ensure access to free legal aid and specialised legal assistance, when necessary, so that the child is able to secure long-term residence status; follow up with authorities, submit the required documents and ensure the child receives a residence permit that continues after 18 years of age.
- √ Ensure early clarification of the child's nationality, taking all necessary steps to resolve statelessness or undetermined nationality.
- √ Map the child's needs (education, health, language, social support) and make referrals to schools, training programmes, healthcare providers and psychosocial services.
- √ Build the child's support network by connecting them with community groups, mentors, youth organisations and social services.
- √ Develop a practical care plan with the child, setting goals for school, language learning, life skills and independence, and review it regularly.
- √ Support daily integration steps, such as enrolling in school, signing up for language classes, accessing tutoring, joining sports or cultural activities and attending appointments.
- √ Support the child in family reunification if in the best interests of the child.

- √ Prepare the child for adulthood by teaching them budgeting, work skills and how to navigate public services, and inform them about housing options.
- √ Monitor the child's progress and intervene early if they face barriers.
- √ Advocate continued support for the child after 18 years of age, when necessary.
- √ Explain decisions clearly and help the child understand their rights and obligations, and the next steps in the integration pathway.

9.2. Return

Return is one of the options to be examined when identifying a durable solution for an unaccompanied child. EU law regulates returns in the 2026 Return Regulation (Regulation 2026/2280) but some provisions of the Return Directive (Directive 2008/115/EC) will continue to apply until [October] 2027.

Returns may take place to the child's country of origin or to another third country, for example a third country of habitual residence or a transit country. Article 14 of the Return Regulation allows Member States to establish return hubs in a third country with which there is an agreement or arrangement but prohibits the return of unaccompanied children to such return hubs.

Article 17 of the Return Regulation requires the appointment of a guardian trained in child-friendly and age-appropriate communication. Article 16 regulates how to assess the age of the person when there are doubts.

The best interests of the child must be a primary consideration when implementing returns (Article 15 of the Return Regulation and Article 5 of the Return Directive (Directive 2008/115/EC)). Any Member State's action must take into account the best interests of the child as a key consideration and must respect the principle of *non-refoulement*. No one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment, and other irreparable harm.

Article 17(1) of the Return Regulation and Article 10 of the Return Directive state that appropriate bodies other than

The Committee on the Rights of the Child lists specific criteria that should always be taken into consideration in procedures determining the child's best interests when assessing the possibility of return.

Source: UN Committee on the Rights of the Child, General Comment No 6, Treatment of unaccompanied and separated children outside their country of origin (CRC/GC/2005/6), 1 September 2005.

the authorities enforcing return must provide assistance, in accordance with the best interests of the child.

The guardian should be a first point of contact for authorities intending to issue a return decision to an unaccompanied child. The authorities should contact and consult with the guardian and give due consideration to their views on what is in the best interests of the child. To determine whether or not return is in the best interests of a child, a best-interests determination should be undertaken, as described in Chapter 5. The guardian may trigger the process by requesting that the competent national authorities obtain and examine relevant information from the country of return.

Article 17(1) of the Return Regulation and Article 10 of the Return Directive require that an unaccompanied child be returned to a member of their family, handed over to a nominated guardian or sent to adequate reception facilities. According to the Return Handbook (Commission Recommendation (EU) 2017/2338), the preferred option is to return the child to the family. International standards also consider that the interests of the child are best met by their family, unless the family presents a risk to the child or the family is unable to provide care and protection (UNCRC Article 9(1); UN Committee on the Rights of the Child, General Comment No 6 (2005) (CRC/GC/2005/6), paragraph 81, General Comment No 14 (2013) (CRC/C/GC/14), paragraphs 60–61). However, safety considerations may outweigh the benefits of family reunification. To determine if family reunification is in the best interests of the child, different factors must be assessed and balanced, including the child's views. The factors to balance are the same as those listed in Section 5.1 on assessing the child's best interests.

The Court of Justice of the European Union (CJEU) ruled that, before issuing a return decision against an unaccompanied child, Member States must carry out a general and in-depth assessment of the situation of that child, taking due account of their best interests. Unaccompanied children cannot be returned unless adequate reception facilities are guaranteed in the country of return (CJEU, C-441/19, TQ v *Staatssecretaris van Justitie en Veiligheid* (State Secretary for Justice and Security), 2021). According to Article 10(2) of the Return Directive, before removing an unaccompanied child, authorities must check if the child will be received by family, a guardian or proper facilities. The ruling makes clear that the best interests of the child must be protected at all stages of the return procedure. The CJEU reinforced this approach in *Bundesrepublik Deutschland* v *GS* (C-484/22, 2023), in which the court confirmed that the child's best interests and family life must be assessed in proceedings leading to the adoption of the return decision itself, and not deferred to later enforcement proceedings.

As part of the best-interests determination, it is essential that the competent authorities conduct a family and social assessment as a precondition for making an informed decision on whether or not return would be in the child's best interests. Any safety risks to the child or their family associated with contacting authorities in non-EU countries must be completely excluded.

When, following due process, return is considered to be in the best interests of the child, the guardian should assist authorities in organising the voluntary return. After having obtained the child's consent, the guardian may establish direct contact with the child's family members, the nominated guardian or relevant entities, to prepare for the child's return.

Checklist: possible actions by the guardian in relation to return

- √ Ensure that no return decision is issued until the child's and guardian's views have been considered.
- √ Advocate that the child be returned only when it is in the child's best interests.
- √ Participate in the best-interests determination and request that due consideration be given to the child's views.
- √ If the authorities issue a return decision against the views of the guardian, arrange free legal aid and access to specialised legal assistance to challenge and appeal the decision when it is not in the best interests of the child.
- √ Request that a removal be suspended if no authorities/bodies other than those enforcing return were involved before a return decision was made.
- √ Request that the removal of the child be postponed if there are grounds to do so.
- √ If the child is being returned, but not to family members, verify that Member State authorities have made concrete arrangements for care and custodial responsibilities.
- √ Prepare the child emotionally and practically for return, and provide information to the child, or ensure that the responsible authorities do so, on the situation in the country of return.
- √ When it is considered necessary, and in consultation with the child, accompany the child during their return or make sure that another person of trust does so.

√ Oversee the preparation and monitoring of the child's individual reintegration plan before and after the return, if available.

√ Cooperate with international organisations such as the International Organization for Migration, the Red Cross and other institutions that support family links or implement voluntary return and reintegration programmes.

10. Exercising legal representation and supporting the child in legal procedures

Children deprived of parental care may be involved in different legal procedures. This chapter describes the most common procedures (other than the return procedure, which is described in Section 9.2). The guardian has a role to play in these procedures, regardless of whether the child has been assigned a legal representative and/or a lawyer for a specific procedure or proceeding.

In general terms, the guardian must:

- inform the child of their right to free legal aid, legal counselling and legal assistance;
- ensure that free legal aid is provided to ensure respect for the best interests of the child, and that a lawyer is appointed when national law provides for it during the appeal procedure;
- monitor the work of the professionals involved to make sure that quality legal assistance is provided;
- facilitate communication between the child and these professionals, including by taking steps to organise the presence of a qualified interpreter and/or cultural mediator;
- accompany the child and actively assist in interviews and hearings with the child.

In addition to these general tasks, the guardian may also play a more specific role, depending on the type of procedure and the individual child's situation. The following sections describe the tasks of the guardian in administrative, civil and criminal procedures in particular.

10.1. Screening

Screening as set out in the Screening Regulation is the first step applied when people arrive at the border or are encountered within the territory without fulfilling entry conditions. When the person is a child, screening must be adapted to their age and vulnerabilities, ensuring their safety and dignity and respect for their best interests from the moment they are identified.

The presence of a guardian is essential throughout the screening process. If a guardian has not yet been appointed (see more in Section 4.1), a trained person must temporarily assume this protective role (Article 13(3) of the Screening Regulation). This person must be present during all interviews and checks, ensure that the child understands what is happening and safeguard the child's rights and best interests. They must monitor the child's treatment, intervene if procedures become inappropriate or harmful and ensure that any identified needs lead to immediate referrals.

Screening includes an identity check, during which basic personal information is collected and verified. For children, this must be done in a calm, non-coercive manner, applying the benefit of the doubt where documents are missing or unclear. The collection of fingerprints is required for all children above the age of six years (Article 14 of the Eurodac Regulation).

Another key component of screening is the preliminary health and vulnerability check, carried out as early as possible to identify medical needs, trauma, disabilities or risks, such as trafficking. Any concerns must trigger immediate referrals to medical, psychosocial or child protection services.

Screening also includes a security check, which must be proportionate and child-sensitive. Its outcome can affect the procedural pathway: an unaccompanied child considered a security risk may be channelled into the border asylum procedure rather than the regular one (as is the general rule for unaccompanied children).

The Screening Regulation places strong emphasis on the early involvement of child protection authorities, requiring their intervention whenever a child's protection needs are identified (Article 12(4)). This obligation is reinforced under Article 14(1) of the Eurodac Regulation: if a child refuses to provide biometric data, the official collecting the data must assess whether this refusal may signal underlying child protection concerns and, where necessary, immediately refer the case to the competent child protection authorities.

Screening must be completed within seven days at the border, or three days when the child is found inside the territory. For children, it should be completed as quickly as possible to reduce stress and ensure rapid access to care and protection.

Children in migration: fundamental rights at European borders

This joint note of the Council of Europe and FRA summarises some key safeguards of European law as they apply to children in the context of migration at the EU's external borders, bearing in mind that the relevant Council of Europe standards apply to all borders.

Source: FRA and Council of Europe (2023).

Checklist: possible actions by the (temporary) guardian in relation to screening

- √ Ensure the child understands the purpose of screening and the steps involved.
- √ Be present during the identity, security, health and vulnerability checks, and intervene if the child is distressed or the procedures are inappropriate.
- √ Monitor the child's treatment and ensure that their rights and dignity are respected at all times.
- √ Ensure that any medical, psychological or protection needs identified during the health and vulnerability check lead to appropriate referrals.
- √ Follow the security check closely, ensuring that it is proportionate and child-sensitive, and challenge any unjustified conclusions that could negatively affect the child's procedural pathway.
- √ Ensure the child's basic needs are met during screening and that they are not left alone or exposed to harmful situations.
- √ Advocate the swift completion of the screening so that the child can access appropriate care, accommodation and child protection support as soon as possible.
- √ Support a person who claims to be a child when doubts about their age are raised, ensuring they are treated as a child while the age assessment is ongoing. The guardian should follow up on the case closely and advocate that all safeguards be applied and that, whenever possible, any age assessment take place outside the border location, in a safe environment with appropriate child protection standards.

10.2. Age assessment procedures

EUAA Practical Guide on Age Assessment

The EUAA's *Practical Guide on Age Assessment* offers guidance for Member States on how to assess age when doubts arise, using a child-sensitive and rights-based approach and in accordance with the Asylum Procedure Regulation. It explains when age assessments may be initiated, the safeguards that must apply and the need for non-intrusive, proportionate methods carried out by trained professionals. It also provides a practical checklist.

Source: EUAA (2025d).

Age assessment may be required in any situation where an unaccompanied person claims to be a child and doubts arise about their declared age, regardless of the procedure or protection pathway they enter.

The Asylum Procedure Regulation establishes a framework for age assessment when there is doubt about a person's declared age, the documentary evidence submitted or other relevant indicators. The regulation makes clear that age assessment should be used only as a measure of last resort, after considering documents and other non-intrusive indicators. Strong safeguards should be in place to ensure that applicants are not subject to incorrect or unreasonable age assessment procedures and that the procedures are guided by the best interests of the child (recitals 36 and 37).

An age assessment should follow a simple two-step approach. First, authorities carry out a multidisciplinary, non-medical assessment, for example through interviews, psychosocial evaluation or document review, conducted by professionals experienced in child development. If this does not lead to a clear conclusion, a medical examination may be used as a last resort, starting with the least invasive methods and always respecting the person's dignity. If after both steps the outcome is still uncertain, the applicant must be assumed to be a child (recital 37 and Article 25 of the Asylum Procedure Regulation). The person and the guardian must receive clear, understandable information about the procedure, their rights and the possible consequences of the outcome. Importantly, while the age assessment process is ongoing, the person should be placed under the same care settings, conditions and procedural safeguards as (unaccompanied) children.

The role of the guardian (or the trained person temporarily acting as a guardian until a formal appointment is made) is central throughout the process. The guardian must be present during all relevant steps, ensure that the person understands the procedure and provide consent to the medical testing in cases where that is used as a last resort (Article 25(5) of the Asylum Procedure Regulation). Guardians must ensure that the assessment is carried out in a dignified, non-intrusive and age-appropriate manner.

When doubts arise about a person's age, the guardian should seek to ensure that authorities treat the person as a child while the assessment is ongoing. The guardian should also seek to ensure that any vulnerabilities identified are communicated to child protection services and that appropriate support measures are activated.

Checklist: possible actions by the guardian in relation to age assessment

- √ Check that there is substantiated doubt to justify the age assessment and request that children who are clearly children not be subjected to such an assessment.
- √ Ensure that those involved respect the principles of the presumption of minority and the best interests of the child throughout the procedure.
- √ Ensure that the person undergoing age assessment receives all relevant information about the age assessment procedure, including clear information about its purpose, the process and possible consequences; the information should be provided in a child-friendly manner and in a language the child understands.
- √ Ensure that the age assessment is conducted with the informed consent of the person and the guardian.
- √ Check that independent professionals with appropriate expertise and who are familiar with the person's ethnic and cultural background undertake the age assessment and conduct it in a safe and child- and gender-sensitive manner with due respect for the child's dignity.
- √ In cases where doubt remains about the person's age after the age assessment is completed, insist that the person be considered a child.
- √ Ensure that the outcome of the procedure is explained to the person in a child-friendly manner and in a language they understand.
- √ Request that the results of the assessment procedure be shared with the guardian and include these in the person's file.
- √ Review with the person and the lawyer the possibility of an appeal against the age assessment decision, in accordance with national legislation.
- √ With the person's agreement, be present during the age assessment procedure.

10.3. Determining the Member State responsible for examining an asylum application

The EU asylum *acquis* provides for a mechanism to determine which Member State is responsible for examining an application for international protection.

Under the Asylum and Migration Management Regulation, which sets out the rules for determining which Member State is responsible for examining an application for international protection (replacing the Dublin Regulation (Regulation (EU) No 604/2013), the best interests of the child remain a primary consideration. Unaccompanied children must be supported by a representative with the necessary qualifications and expertise at every stage of the responsibility determination procedure (Article 23(2)). The guardian should play an active role in the best-interests assessment that forms the basis of any decision to transfer an unaccompanied child to another Member State. This includes seeking to ensure that the criteria set out in Article 25 of the regulation are applied correctly and in a child-centred manner. This also includes prioritising the Member State where family members, siblings or relatives of the unaccompanied child are legally present, unless it is demonstrated that this is not in the child's best interests. For children without family or relatives in the EU, the responsibility will be assigned to the Member State where the child's first application for international protection was registered, when this is consistent with the child's best interests. Under Article 17(1) of the regulation, applications for international protection must be made in the country of first entry into the EU, and not respecting this rule may trigger negative consequences.

Checklist: possible actions by the guardian in relation to determining the responsible Member State and the potential transfer of an unaccompanied child

- √ Review the relevant documents contained in the child's asylum file.
- √ Check to ensure that the asylum authorities are respecting all safeguards for unaccompanied children and correctly applying the criteria in Article 25 of the Asylum and Migration Management Regulation, in line with the child's best interests.
- √ Advocate decisions guided by considerations relating to family unity, the child's well-being, social development and safety, and the views of the child.
- √ Pay close attention to any information the child may share about family members, in case it affects the child's transfer.

- √ Ensure that the child is appropriately informed and support their participation.
- √ Ensure access to free legal counselling, and to free legal aid and specialised legal assistance at the appeal stage, as necessary.
- √ Facilitate contact with family members, when requested by the child.
- √ Advocate against deprivation of liberty and request reception arrangements that are safe and take into account the specific needs of the child.
- √ Advocate that a transfer take place only when this is in the best interests of the child. Advocate that the transfer to another Member State be carried out in a child-friendly manner and accompany the child when circumstances require.

10.4. Relocation of unaccompanied children

The Asylum and Migration Management Regulation introduced the possibility of relocation as an EU solidarity measure. The regulation establishes a system of mandatory solidarity, allowing Member States to contribute through relocations, financial contributions or capacity support (Article 56). To incentivise Member States to give priority to the relocation of unaccompanied children, a higher incentive contribution from the EU budget is provided (recital 71). This means that a child who arrives in a Member State under pressure may be relocated to another Member State that has agreed to receive applicants, provided that the relocation is in the child's best interests (Article 23). The regulation requires that the receiving Member State ensure appropriate reception conditions, appoint a guardian without delay and continue the child's asylum or protection procedure. Relocation under the solidarity mechanism can therefore serve as a pathway to a durable solution when the receiving Member State offers better prospects for stability, protection and integration.

The guardian plays a central role in ensuring that the transfer genuinely serves the child's best interests. This includes informing the child, verifying the suitability of the proposed placement, ensuring that the child's views are heard and checking that the receiving Member State can provide adequate care, protection and long-term prospects.

Checklist: possible actions by the guardian in relation to relocation

- √ Ensure that the child is informed and consulted about any transfer decision.
- √ Confirm the transfer is in the child's best interests, ensuring that the proposed family placement or receiving Member State can provide safety, stability and long-term prospects.
- √ Prepare the child for the move, ensuring that the responsible authorities explain the process, timelines and what life will look like in the receiving Member State.
- √ Check the suitability of the placement, verifying family conditions or reception arrangements and ensuring continuity of care.
- √ Coordinate with the authorities to complete the relocation procedures, providing the necessary documents and the child's complete file, including all assessments and information available.
- √ When it is considered necessary, and in consultation with the child, accompany the child during their transfer or make sure that another person of trust does so, and ensure that the child meets with their family/guardian upon arrival.
- √ Cooperate with international organisations such as the EUAA or other institutions that implement relocation programmes.
- √ Ensure safe handover and follow-up, confirming that the child arrives safely and receives appropriate care, guardianship and services in the receiving Member State.

There may be situations where the child is moved to a non-EU country, when this is in the best interests of the child and if it protects their long-term safety, development and well-being. When a child has family members such as siblings or other close relatives legally residing in another country, transferring the child to join them may be the most appropriate solution. Such a transfer must always be based on a best-interests assessment, taking into account family reunification possibilities, the child's well-being and social development in the short, medium and long terms, safety and security considerations, the information provided by the guardian in the Member State where the unaccompanied child is present, and any other reasons relevant to the assessment of the child's best interests. This could be done, for example, in the framework of Member State resettlement programmes or relocation initiatives outside the scope of EU law (e.g. the transfer of unaccompanied children from France, Greece and Italy to the United Kingdom under the Dubs amendment).

FRA guidance on the relocation of unaccompanied children

FRA's guide examines how Member States have implemented relocation schemes in the past and identifies good practices for ensuring that transfers are safe, child-centred and based on the best interests of the child. The guidance covers all stages of relocation, from identifying children and appointing guardians to preparing transfers and ensuring appropriate reception in the receiving Member State.

Source: FRA (2020).

10.5. International protection procedures

The guardian plays a central role in supporting the child throughout the asylum procedure, ensuring that their rights, needs and best interests are fully safeguarded. Given the complexity of asylum procedures, the guardian should ensure access to legal counselling (Article 8(2)(d) of the Asylum Procedure Regulation) and free legal aid, and request the assistance of an asylum law specialist, based on the domestic law procedures for legal aid in asylum cases.

The guardian must assist the child in preparing for the personal interview, be present at the interview and inform the child about its purpose and possible consequences and how to prepare for the interview. During the interview, the guardian and the child's lawyer must have an opportunity to ask questions and to comment, in accordance with the framework set by the person conducting the interview (Article 23(8) of the Asylum Procedure Regulation).

Unaccompanied children who fall under the scope of the Temporary Protection Directive (Council Directive 2001/55/EC) are entitled to immediate protection, access to a guardian and a residence permit for the duration of the temporary protection, without the need to undergo an asylum procedure, unless they choose to apply for international protection.

Guide for guardians on temporary protection

The EUAA–FRA publication *Practical Tool for Guardians – Temporary protection for unaccompanied children fleeing Ukraine* offers concrete guidance for guardians and practitioners. The transition out of temporary protection underscores the need for child-friendly information and early legal assistance to secure safe and durable pathways for unaccompanied and separated children.

Source: FRA and EUAA (2022).

The Asylum Procedure Regulation also regulates the asylum border procedure (Articles 42–45), an accelerated examination procedure applied at or near the external borders; asylum claims rejected in the border procedure trigger a return border procedure, as regulated in the Return Border Procedure Regulation.

Unaccompanied children are, as a general rule, exempt from the border procedure, meaning that their applications must normally be examined in the regular procedure inside the territory (Article 53(1) of the Asylum Procedure Regulation).

Only in very narrowly defined and exceptional circumstances may an unaccompanied child be channelled into the border procedure. Pursuant to Article 42(3)(b) of the Asylum Procedure Regulation, this is the case only where there are reasonable grounds to consider that the child represents a danger to the national security or public order of the Member State. Even then, a border procedure is allowed only if the necessary safeguards are in place. Article 53(2) of the Asylum Procedure Regulation requires Member States to not apply or to discontinue the border procedure where the conditions for inadmissibility or accelerated examination are no longer met, or where adequate support and safeguards cannot be ensured for applicants with special reception needs or for those who require special procedural guarantees, including children.

In addition, guardians may find themselves supporting a child temporarily channelled into the border procedure while their age is being assessed. Age assessment should be completed within 30 days, as part of the individual assessment under Article 20 of the Asylum Procedure Regulation and Article 25 of the Reception Conditions Directive. Pending the carrying out of the age assessment within the border procedure, the applicant is presumed to be a child for the purposes of reception conditions and all safeguards applicable to children (including the prompt appoint of a guardian to assist during the age assessment).

Article 59 of the Asylum Procedure Regulation allows Member State to reject an asylum application as inadmissible without substantive examination, and to transfer applicants to a safe country outside the EU. This option is possible only when a number of preconditions are met. Pursuant to Article 1(b)(iii) of the Safe Third Country Regulation (Regulation (EU) 2026/463), which provides further rules, the concept of a safe third country applies to unaccompanied children only where a connection with, or transit through, the third country concerned can be established and the conditions set out in Article 59(6) of the Asylum Procedure Regulation are fulfilled.

In all situations, Member States must ensure that decisions concerning unaccompanied children are guided by the child's best interests, and that the individual assessment of each case fully considers the child's vulnerability, protection needs and specific circumstances. In addition, Article 59(6) of the Asylum Procedure Regulation requires authorities of Member States to have first received assurance from the authorities of the non-EU country in question that the unaccompanied child will be taken in charge by those authorities and that they will immediately have access to effective protection.

Checklist: possible actions by the guardian in relation to asylum

- √ Inform the child about their right to seek asylum.
- √ Submit an asylum application on behalf of the child or assist the child in submitting an application, if this is in the child's best interests.
- √ If the unaccompanied child is exceptionally channelled through the border procedure, request its immediate termination if child-specific safeguards or adequate support are not in place.
- √ Seek the support of a qualified asylum lawyer, unless one has already been appointed, and keep track of the lawyer's actions, where appropriate.
- √ Facilitate communication between the child and the lawyer.
- √ Request that the child be provided with all relevant information on the asylum procedure, the best-interests assessment and their tasks and duties in a child-friendly and age-appropriate way.
- √ Request safe reception arrangements for the child that take into account the child's specific needs.
- √ Accompany the child to the asylum interview(s) and support the lawyer, if necessary.
- √ Support and prepare the child, emotionally and psychologically, for the asylum interview(s) and make referrals for any additional psychological counselling after the interview, if necessary.
- √ Make sure that the child is given the opportunity to be heard and that their opinion and views are given due weight, and represent and argue for the child's best interests.
- √ Ensure that the child is provided with appropriate translations and has access to free interpretation services, when necessary.
- √ Ensure that an appeal against a negative asylum decision is submitted when it is in the best interests of the child, with a lawyer's expert support.

- √ In the event of an inadmissibility decision, remember that deadlines for appealing are short (EU law requires a minimum of five days) and that the right to remain pending the examination of the appeal must be specifically requested.
- √ Discuss the asylum decision with the child, explaining its relevance to the child's future; when required, revise the child's individual plan accordingly in consultation with the child.
- √ In cases of transfer to a safe non-EU country, check the appropriate use of transit or connection links to the country and confirm the assurance by the country that the child will have effective access to protection.

10.6. Residence permit procedures

Unaccompanied children who do not have a stable right to stay in the host Member State may have access to specific residence procedures designed to safeguard their best interests and ensure their protection. In many Member States, unaccompanied children may access a residence permit on humanitarian grounds, through child protection procedures or via a special residence status created specifically for unaccompanied children. These are sometimes renewable until adulthood and, in certain cases, convertible into long-term residence.

In cases of child victims of trafficking, the directive on residence permits for victims of trafficking (Council Directive 2004/81/EC) requires Member States to issue a residence permit to victims of trafficking who cooperate with the authorities, provided that certain conditions are fulfilled.

In cases of stateless children, some Member States have statelessness determination procedures to enable stateless persons to acquire a residence permit on the basis of statelessness.

European Migration Network overview of residence procedures for unaccompanied children

The European Migration Network has published an overview of the type of residence procedures applicable to unaccompanied children beyond the international protection procedure. It shows that, in 2023, 14 out of 24 Member States that responded had such a specific procedure.

Source: EMN (2023).

Decisions on issuing a residence permit are normally made by the immigration authorities, often in consultation with the judiciary and/or the authorities responsible for child protection or social affairs. The guardian should contact the relevant authorities to request that a permit be issued, when this is provided for in domestic law, and support the child in the process of securing a permit.

Checklist: possible actions by the guardian in relation to residence permits

- √ Inform the child about their residence status and about existing options to regularise their stay, including statelessness determination, naturalisation and other related procedures, if needed.
- √ Ensure the child receives information about any procedures that may affect their residence in a child-friendly manner and in a language they understand.
- √ Request that a lawyer be assigned to the child to support the child and the guardian with expert advice on the legal procedures and to represent the child, when provided for in national law.
- √ Apply for a residence permit on behalf of the child, assisted by a lawyer if necessary.
- √ Also request a residence permit for the child to stay if a removal, following a return decision, is not carried out.
- √ Accompany the child and be present during the child's interview with the immigration authorities to safeguard the child's best interests and ensure that the child's views are heard and given due weight.
- √ Throughout the process, help ensure that the child has access to appropriate translation and interpretation services.

10.7. Civil law procedures

If a child is deprived of the parental environment and return or family reunification is not an option or has been found not to be in the child's best interests, the relevant child protection authorities may initiate civil law procedures to place the child in a residential institution or with a foster family to support their integration or to protect them from risks. The guardian should participate fully in such proceedings and represent the child's best interests, ensuring that decisions are made in their best interests and that their views are taken into consideration and given due weight, in line with the child's age and level of maturity.

In cases of child abuse and exploitation, including child trafficking, civil law procedures may be initiated if a parental assessment indicates that one or both parents were involved in the child's abuse and/or trafficking. Such procedures will decide if the child's parents should be precluded from exercising their parental rights and the appointment of a guardian is needed.

Checklist: possible actions by the guardian in the context of civil law procedures

- √ Inform the child about the procedures and the decision-making process.
- √ Inform the child about the available options and explain to the child the possible outcomes of the proceedings.
- √ Ensure that the child has access to free legal aid and specialised legal assistance.
- √ Ensure that the child is given the opportunity to exercise their right to be heard and that due weight is given to their views.
- √ Prepare the child for the hearings and interviews, including the best-interests assessment, with the relevant authorities, and support the child throughout the proceedings.
- √ Promote the child's best interests in the decision-making process.
- √ In all cases, ensure that the child's best interests are the paramount consideration, that all procedural safeguards were respected and that the child's consent was sought.
- √ Be present at periodic reviews of placement processes.

10.8. Criminal proceedings

Unaccompanied children may become involved in criminal proceedings in different roles: as victims, as witnesses or as suspects / accused persons. In all these situations, they are entitled to specific safeguards under EU law, and the guardian plays a crucial role in ensuring that these safeguards are respected.

The Victims' Rights Directive 2012/29/EU (as amended by Directive 2026/1472) EU Victims' Rights Directive contains a number of provisions for the protection of victims of crimes (see in particular Article 24). Protection safeguards for children involved in criminal proceedings are also provided in the directive on combating the sexual abuse and sexual exploitation of children (Directive 2011/93/EU) and in the Combating Violence against Women Directive (Directive (EU) 2024/1385), which

The Council of Europe's guidelines on child-friendly justice intend to enhance children's access to and treatment in the justice system. They cover critical areas such as children's rights to information, independent representation and participation, protection of privacy and safety; multidisciplinary approaches (including training for professionals); and safeguards throughout proceedings, including during any deprivation of liberty.

Source: Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.

covers all forms of violence, including sexual violence, female genital mutilation and forced marriage.

The Anti-trafficking Directive (Directive 2011/36/EU) as amended by Directive (EU) 2024/1712 sets forth a series of beneficial provisions for the protection of victims before, during and after criminal proceedings. The directive contains specific safeguards for victims of trafficking in criminal investigations and proceedings in general (Article 12) and for child victims in particular (Article 15). Furthermore, Article 8 of the directive sets out the principle of non-punishment of victims. Such provisions are particularly relevant to child victims trafficked for use in criminal activities.

Unaccompanied children may also be involved in criminal proceedings as suspects or accused persons. In these situations, the directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings (Directive (EU) 2016/800) applies. Such children must receive information about the proceedings in simple and accessible language, have prompt access to a lawyer and undergo an individual assessment to identify their needs and vulnerabilities. Their privacy must be protected, and deprivation of liberty may be used only as a last resort and for the shortest possible time. The guardian must be informed without delay of the child's involvement in criminal proceedings (Article 5) and should accompany the child during proceedings (Article 15), ensuring that the child is accompanied, supported and able to exercise their rights effectively.

Normally, the criminal justice system assigns the child a lawyer to provide them with legal advice and assistance. It is the guardian's task to ensure that the child has access to legal assistance, in accordance with national legal provisions. If no lawyer is appointed, the guardian should ask the competent authorities to appoint one.

The guardian should, in close cooperation with the lawyer assigned to the child, argue for the child to benefit fully from the provisions set forth in EU and/or domestic law and insist that the rights of the child as a victim, witness or accused in criminal proceedings be respected.

Overall, the guardian should promote the best interests of the child as a primary consideration throughout the proceedings, and protect the child's rights to prevent secondary victimisation. To this end, the guardian should collaborate with the lawyer or other appointed professionals, such as legal representatives in specific proceedings, social workers, psychologists, cultural mediators or interpreters, so that full use is made of all existing procedural safeguards.

Procedural safeguards for children who are suspects or accused persons in criminal proceedings

FRA's report looks at the practical implementation of Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings in nine Member States: Austria, Belgium, Bulgaria, Estonia, Germany, Italy, Malta, Poland and Portugal.

Source: FRA (2022b).

Checklist: possible actions by the guardian in relation to criminal proceedings

- √ Ensure that the child has access to free legal aid and specialised legal assistance. Ensure that a qualified lawyer is appointed without undue delay to provide legal advice and represent the child, as required by national law.
- √ Help the child make an informed decision regarding participation and cooperation in criminal proceedings: make sure that the child victim is informed of security and safety issues and the risks involved, and has a clear understanding of them, before deciding whether or not to participate and testify in criminal proceedings against the suspected person(s).
- √ Make sure that the child is fully aware of which entitlements to assistance and protection are conditional on their willingness to participate in criminal proceedings and which are not, and that they have the right to review cooperation with the justice system in the future.
- √ Assist the child in understanding any communications received, including communications from the lawyer, authorities or courts.
- √ Prepare the child emotionally and psychologically before interviews and hearings and make sure that they have a proper understanding of the proceedings and the potential outcomes.
- √ Accompany the child and attend all interviews and hearings with them, ensuring that child-sensitive procedures are in place as required under EU and national law.

- √ Discuss with the child the outcome of the proceedings and court decisions and explain its relevance to the child's particular situation, and the future options and steps available.
- √ Ensure, in cooperation with the child's lawyer or other person providing legal assistance to the child, that the child is not prosecuted and/or penalties are not applied for criminal activities consequent upon the exploitation of the child, as stipulated in Article 8 of the Anti-trafficking Directive.
- √ Safeguard the rights of a child accused of offences: ensure that all procedural safeguards under Directive (EU) 2016/800 are applied, including provision of child-friendly information, prompt access to a lawyer, protection of privacy, and deprivation of liberty being used only as a last resort and for the shortest possible time.
- √ Assist the child victim in accessing legal assistance in order to seek compensation and restitution.

10.9. Police investigations

Police investigation activities involving children, such as interrogations, hearings and searches, should not take place until the child has accessed and met with a guardian (or a 'trained person' acting temporarily as a guardian) and a lawyer or other qualified legal professional (when provided for by law). The same should apply to judicial investigation activities. The presence and involvement of the guardian is essential to ensure that the child understands the process, is protected from undue pressure and can effectively exercise their rights throughout the investigation.

Promising practice

Finnish police and guardian partnership

In Finland, close cooperation between guardians of unaccompanied children and the Anchor youth police service has become an effective preventive practice. Anchor teams offer a direct channel for guardians to raise concerns when a child is involved in, or at risk of, offending, such as stealing or committing assault. Police also proactively contact guardians whenever an unaccompanied child appears in a police report, ensuring coordinated follow-up. This collaboration has been especially valuable in addressing new forms of exploitation, such as the recruitment of unaccompanied children into e-cigarette smuggling networks. Early information sharing between guardians, reception centre staff and Anchor officers enables rapid, child-centred intervention. Anchor teams always involve the guardian when meeting an unaccompanied child, reinforcing consistent protection and support.

Source: Ankkuri (n.d.).

Checklist: possible actions by the guardian in relation to police investigations

- √ Ensure that the child has met with their guardian (or trained temporary guardian) and a lawyer before any police or judicial investigative activity takes place.
- √ Explain to the child, in an age-appropriate way, what the investigation involves and what their rights are, and check that they are able to participate meaningfully.
- √ Assess the child's emotional and physical state and request postponement of interviews or procedures if the child is distressed, unwell or otherwise not ready.
- √ Monitor the conduct of interviews and searches, intervening when questioning is inappropriate, intimidating or not adapted to the child's age and level of maturity.
- √ Ensure that the child is treated respectfully, that breaks are provided when needed and that the child's dignity, privacy and well-being are protected throughout.
- √ Debrief the child afterwards, explain what happened and what the next steps are and check for any immediate protection or support needs.
- √ Document any concerns about the procedure and coordinate follow-up with relevant professionals when additional safeguards or support are required.



Annex 1. Further information – legal sources

EU instruments	
EU Charter of Fundamental Rights	Charter of Fundamental Rights of the European Union (OJ C 326, 26.10.2012, p. 391, ELI: http://data.europa.eu/eli/treaty/char_2012/oj)
Screening Regulation	Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ L, 2024/1356, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1356/oj)
Reception Conditions Directive	Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (OJ L, 2024/1346, 22.5.2024, ELI: http://data.europa.eu/eli/dir/2024/1346/oj)
Asylum Procedure Regulation	Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L, 2024/1348, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1348/oj)
Asylum and Migration Management Regulation	Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013 (OJ L, 2024/1351, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1351/oj)
Qualification Regulation	Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (OJ L, 2024/1347, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1347/oj)
Eurodac Regulation	Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council (OJ L, 2024/1358, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1358/oj)

EU instruments	
Return Border Procedure Regulation	Regulation (EU) 2024/1349 of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure, and amending Regulation (EU) 2021/1148 (OJ L, 2024/1349, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1349/oj)
Return Directive	Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98, ELI: http://data.europa.eu/eli/dir/2008/115/oj)
Return Regulation	Regulation (EU) 2026/2280 of the European Parliament and of the Council of [date] establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC (OJ L, 2026/2280, 15.10.2026, ELI: http://data.europa.eu/eli/reg/2026/2280/oj)
Safe Third Country Regulation	Regulation (EU) 2026/463 of the European Parliament and of the Council of 24 February 2026 amending Regulation (EU) 2024/1348 as regards the application of the concept of safe third country (OJ L, 2026/463, 26.2.2026, ELI: http://data.europa.eu/eli/reg/2026/463/oj)
Safe Country of Origin Regulation	Regulation (EU) 2026/464 of the European Parliament and of the Council of 24 February 2026 amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level (OJ L, 2026/464, 26.2.2026, ELI: http://data.europa.eu/eli/reg/2026/464/oj)
Victims' Rights Directive 2012/29/EU (as amended by Directive 2026/1472	Directive (EU) 2026/1472 of the European Parliament and of the Council of 17 June 2026 amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, (OJ L, 2026/1472,30.6.2026, ELI: http://data.europa.eu/eli/dir/2026/1472/oj
Anti-trafficking Directive as amended by Directive (EU) 2024/1712	Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (OJ L, 2024/1712, 24.6.2024, ELI: http://data.europa.eu/eli/dir/2024/1712/oj)
Directive on residence permits for victims of trafficking	Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ L 261, 6.8.2004, p. 19, ELI: http://data.europa.eu/eli/dir/2004/81/oj)
Directive on combating the sexual abuse and sexual exploitation of children	Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1, ELI: http://data.europa.eu/eli/dir/2011/93/oj)

EU instruments	
Directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings	Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1, ELI: http://data.europa.eu/eli/dir/2016/800/oj)
Combating Violence against Women Directive	Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence (OJ L, 2024/1385, 24.5.2024, ELI: http://data.europa.eu/eli/dir/2024/1385/oj)
Brussels II Regulation (recast)	Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast) (OJ L 178, 2.7.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1111/oj)
Artificial Intelligence Act	Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (OJ L, 2024/1689, 12.7.2024, ELI: http://data.europa.eu/eli/reg/2024/1689/oj)
International instruments	
UN Convention on the Rights of the Child	UN Convention on the Rights of the Child, UN, New York, 20 November 1989, Treaty Series, Vol. 1577, p. 3
Convention Relating to the Status of Refugees (1951)	Convention Relating to the Status of Refugees of 28 July 1951, UN, Treaty Series, Vol. 189, p. 137
Convention Relating to the Status of Stateless Persons (1954)	Convention Relating to the Status of Stateless Persons, 28 September 1954
Convention on the Reduction of Statelessness (1961)	Convention on the Reduction of Statelessness, 30 August 1961
Hague Convention (1993)	Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption
Hague Convention (1996)	Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children
Council of Europe Convention against Trafficking	Council of Europe Convention on Action against Trafficking in Human Beings, Warsaw, 2005

International instruments	
Lanzarote Convention	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Lanzarote, 2007

Other non-binding legal sources	
European Commission (2017) Communication on the protection of children in migration	European Commission, Communication COM(2017) 211 final of the Commission to the European Parliament and the Council on the protection of children in migration, 12 April 2017
European Commission (2017) Return Handbook	European Commission, Recommendation (EU) 2017/2338 of 16 November 2017 establishing a common 'Return Handbook' to be used by Member States' competent authorities when carrying out return-related tasks
European Commission (2024), Recommendation on developing and strengthening integrated child protection systems in the best interests of the child	European Commission, Recommendation (EU) 2024/1238 of the Commission on developing and strengthening integrated child protection systems in the best interests of the child, 23 April 2024
UN Committee on the Rights of the Child General Comment No 6	UN Committee on the Rights of the Child, General Comment No 6, Treatment of unaccompanied and separated children outside their country of origin (CRC/GC/2005/6), 1 September 2005
UN Committee on the Rights of the Child General Comment No 12	UN Committee on the Rights of the Child, General Comment No 12, The right of the child to be heard (CRC/C/GC/12), 1 July 2009
UN Committee on the Rights of the Child General Comment No 13	UN Committee on the Rights of the Child, General Comment No 13, The right of the child to freedom from all forms of violence (CRC/C/GC/13), 18 April 2011
UN Committee on the Rights of the Child General Comment No 14	UN Committee on the Rights of the Child, General Comment No 14, The right of the child to have his or her best interests taken as a primary consideration (CRC/C/GC/14), 29 May 2013
UN Committee on Migrant Workers and Committee on the Rights of the Child Joint General Comment No 3 and No 22	UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and UN Committee on the Rights of the Child, Joint General Comment No 3 and No 22, on the general principles regarding the human rights of children in the context of international migration (CMW/C/GC/3-CRC/C/GC/22), 16 November 2017

Other non-binding legal sources	
UN Committee on the Rights of the Child General Comment No 23	UN Committee on the Rights of the Child, General Comment No 23, State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return (CRC/C/GC/23), 16 November 2017
UN guidelines for the alternative care of children	UN General Assembly, Resolution 64/142, Guidelines for the alternative care of children (A/RES/64/142), 24 February 2010
Recommendation CM/Rec(2019)11 of the Council of Europe on guardianship	Council of Europe, 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, 11 December 2019
Recommendation CM/Rec(2022)22 of the Council of Europe on age assessment	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, 14 December 2022
Recommendation CM/Rec(2007)9 of the Council of Europe on life projects for unaccompanied migrant minors	Council of Europe, Recommendation CM/Rec(2007)9 of the Committee of Ministers to Member States on life projects for unaccompanied migrant minors, 12 July 2007
Recommendation CM/Rec(2009)13 of the Council of Europe on the nationality of children	Council of Europe, Recommendation CM/Rec(2009)13 of the Committee of Ministers to Member States on the nationality of children, 9 December 2009
Recommendation CM/Rec(2023)8 of the Council of Europe on strengthening reporting systems on violence against children	Council of Europe, Recommendation CM/Rec(2023)8 of the Committee of Ministers to Member States on strengthening reporting systems on violence against children, 6 September 2023
Council of Europe guidelines on child-friendly justice	Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies (edited version, 31 May 2011)

Annex 2. Further information – selected literature and other sources

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Children deprived of parental care need protection, representation and support. Guardianship plays a vital role in safeguarding their rights and best interests. This updated edition of the handbook, first published in 2014, provides practical guidance for policymakers, guardianship services and guardians. Reflecting developments in EU law and policy up to October 2026, it supports the strengthening of guardianship systems across the EU. The guidance applies broadly to all guardianship situations, with particular attention to children deprived of parental care, including non-EU nationals and stateless children.

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