

Unaccompanied and Separated Children fleeing from war in Ukraine – FAQs on Registration, Reception and Care

These FAQs clarify the Commission services' understanding of the Temporary Protection Directive and relevant EU law. The views set out in this FAQ are without prejudice to the interpretation by the Union Courts; the primary reference for interpreting the Treaty is always the case-law of the Union Courts.

Definitions – What does it mean to be an ‘unaccompanied’ or ‘separated’ child?

‘Unaccompanied minor’ means third-country nationals or stateless persons below the age of eighteen, who arrive on the territory of the Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they have entered the territory of the Member States (*Art. 2 (f) of the Temporary Protection Directive 2001/55/EC*).

Within the group of the unaccompanied children, some are to be considered as ‘separated’.¹ A **‘separated child’** is a child who arrives on the territory of the Member States accompanied by relatives or known (non-related) adults, whereby sometimes the latter have been provided by the parent(s) an authorisation to travel with the child and/or provide temporary care (example: Ukrainian mother traveling with her own children and those of another family).

There are two other categories of children who are not strictly speaking ‘unaccompanied’ or ‘separated’, but who also need additional protection and guarantees as the latter. These are:

- children from the Ukrainian institutions, who often arrive to the EU in groups and accompanied by a guardian appointed by the competent Ukrainian authorities, and
- children who arrive on the territory of the EU accompanied by a guardian appointed by the competent Ukrainian authorities.

For the purposes of this publication, any reference to ‘unaccompanied and separated children’ shall be understood to cover all four categories of children mentioned above.

Specific challenges

Based on the replies given by 19 Member States to a Questionnaire circulated in April 2022 via the Solidarity Platform, and an Expert Workshop held on 30 May 2022 ([Report of the Expert Workshop](#)), the Commission services identified some **specific challenges** in terms of the

¹ EU law does not contain a legal definition of ‘separated’ children, but the notion is defined in the [UN General Comment No 6 of the Committee on the Rights of the Child; Treatment of Unaccompanied and Separated Children Outside their Country of Origin](#).

registration, reception and care of unaccompanied children from Ukraine, including the separated ones and those from Ukrainian institutions:

- (1) **gaps in the registration of the children:** unaccompanied children, including the separated and those from Ukrainian institutions, are not always referred to the national child protection authorities for follow up and protection; sometimes children are not registered anywhere as present on the territory of a Member State until they take up temporary protection – which is a step that is however sometimes delayed, when procedures for the recognition/appointment of guardians are still ongoing;
- (2) **recognition/appointment of guardians appointed in Ukraine:** sometimes acts issued by the Ukrainian authorities to appoint guardians are not directly recognised – as they should, under the 1996 Hague Convention on the protection of children;
- (3) the need to provide **support to the guardians appointed in Ukraine**, and who are themselves displaced and in need of protection;
- (4) the need to provide **quality reception and care for children from Ukrainian institutions** (many of whom are disabled), in line with their best interests, while maintaining close contacts of the initial groups.

In what follows, the Commission services have identified **best practices** to address these issues, and information about **available relevant resources**.

A. Registration – When should unaccompanied and separated children be registered and for what purpose?

The registration of the unaccompanied and separated children fleeing from war in Ukraine is an important and indispensable first step towards securing their care and protection. It is important to note that, when we refer to the registration of the unaccompanied and separated children, there are **three types of registration** that come into play:

1. Registration at the moment of crossing the border into the EU²
2. Registration with the national child protection authorities
3. Registration for the purposes of temporary protection

² Recommendations on registration when crossing the EU border were laid down in the [Operational Guidance on the application of the Temporary Protection Directive](#), where the Commission recommended that the border control authorities of the Member States of first entry should as a minimum ensure that the identity of the unaccompanied and separated children, and that of the adults with whom the children are continuing their journey, as well as the declared Member State of destination, be registered.

Registration with the national child protection services: In the [Operational Guidance on the application of the Temporary Protection Directive](#), the Commission recommended to register as soon as possible the arrival of the unaccompanied and separated children, and to initiate procedures for the recognition/ appointment of a guardian/representative for each child where relevant.

The registration or referral of unaccompanied and separated children to the national child protection services is a usual requirement under Member States' legislation for children deprived of parental care³ or in need of protection. It is also recommended in the Communication on protection of children in migration⁴ and the [UN Committee on the rights of the child General Comment no. 6 on unaccompanied and separated children](#).⁵

To be noted that the registration with the child protection services is a distinct step from registration for temporary protection.

Nevertheless, it appears that several Member States register the unaccompanied and separated children only for temporary protection,⁶ and this frequently occurs only once the procedures for the appointment/recognition of guardians are finalised.

In addition, children from Ukrainian institutions are not always registered as 'unaccompanied' or 'separated', especially when they arrive in the EU accompanied by guardians from their institutions in Ukraine. Moreover, these children are sometimes not registered at all with the child protection services, with the purpose of preserving the initial groups - because otherwise the children would be placed in smaller reception structures, in line with the current standards for the reception of children deprived of parental care.

However, timely registration with, or referral to, the child protection centres is very important, as explained in what follows.

Why register the child with the child protection authorities?

The registration with the national child protection services in the host Member State – the insertion of the data of the child in a specific registry held by the child protection services, or simply the referral of the unaccompanied and separated children to child protection services - is necessary in order to initiate as soon as possible the necessary steps to ensure the protection needed by the children, including appropriate representation/guardianship and care for the children. The child protection services will also monitor the situation of the children and intervene to uphold their best interests when necessary. In other words, children must be registered with the child protection services in order to ensure the relevant follow-up and to benefit from all guarantees and assistance that are available under that system. Furthermore,

³ Children whose parents are not able or willing to exercise parental rights and duties or have been precluded from doing so – see Fundamental Rights Agency (2014): *Guardianship for children deprived of parental care - A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking*.

⁴ COM(2017) 211 final of 12.4.2017.

⁵ <https://www.refworld.org/docid/42dd174b4.html>.

⁶ Based on answers provided by 19 Member States to a Questionnaire circulated via the Solidarity Platform in April 2022, and discussed at the Solidarity Platform meeting of 4 May 2022.

given that the circumstances of children, their families, their caregivers and guardians may evolve and shift over time, monitoring of the evolution of their situation by the national child protection authorities will be necessary, so as to for example supplement guardianship and care and custodial arrangements where needed.

For all these reasons, the registration with / referral to the child protection services can and should be done as soon as possible after the arrival.

How to register the unaccompanied and separated children with the child protection services?

Some Member States have set up special registries for unaccompanied and separated migrant children (it is particularly the case of countries that experienced the arrival of large numbers of unaccompanied children in recent years). Others do not have such a registry, or may not find necessary to set up such a registry because the number of unaccompanied and separated children on their territory is very reduced. The existence of a special registry for this purpose is not indispensable - what ultimately matters is to ensure that the child is registered with the child protection services. The registration should be done in a child-friendly manner, and child protection services should note in the child's file all the specific needs of the child, for appropriate follow up.⁷

Registration for temporary protection: Under Article 10 of Directive 2001/55/EC, Member States must register the personal data (name, nationality, date and place of birth, marital status, and family relationship) of the persons enjoying temporary protection on their territory. To the extent that parent/guardian/representative will bring a child to be registered by the authorities for temporary protection, the registration for temporary protection of the unaccompanied and separated children is frequently delayed by procedures for the appointment / recognition of the guardian/representative. It is important to underline that the children are entitled to protection, full care and access to all basic rights immediately upon arrival – and to this end, timely registration with the child protection services is very important.

B. Reception and care

Guardians appointed in Ukraine– are Ukrainian acts establishing guardianship valid in the EU?

It has been signalled to the Commission services that the authorities of the EU Member States often have difficulty to determine the authenticity of the different types of acts issued in Ukraine to appoint a guardian. The Ukrainian authorities facilitated a list of the types of documents issued by competent authorities in the country for appointment of guardians for the children (with samples), accompanied by a brief explanation of the types of institutions competent for taking

⁷ In accordance with the recommendations in the [UN Committee on the rights of the child General Comment no. 6 on unaccompanied and separated children](#).

decisions on guardianship in Ukraine.⁸ The authenticity of the guardianship documents can also be verified for individual cases with the support of the Ukrainian consulates.

Ukraine and the EU Member States are all Contracting States to [the 1996 Hague Convention on Parental Responsibility and Protection of Children](#). Under Article 23(1) of this Convention, a Ukrainian act within the scope of the Convention, such as the act of appointment of a guardian, will be recognised in the EU Member States without the need of formal recognition.

[Central Authorities](#) appointed under the 1996 Hague Convention may be able to assist in obtaining evidence and clarifications from the Ukrainian authorities regarding the situation of separated children (localising and contacting parents in Ukraine, family tracing, documentation, etc.). Additionally, in situations where information is sought or judicial cooperation is needed between Member States (for example, a child who has been placed in one Member State has alleged siblings in another Member State and information is needed or a transfer of the child is considered), the [Central Authorities](#) appointed under the [Brussels IIa](#) and the [Brussels IIb](#) (applicable as from 1 August 2022) Regulations may be able to assist as well.

Guardians appointed in Ukraine – support needed?

One of the main challenges for the guardians appointed in Ukraine in charge of the ‘separated’ children arriving to the EU is to navigate the system of the host EU Member States. Being displaced persons themselves, these guardians need additional and exceptional support to navigate the procedures and achieve the necessary level of socio-economic autonomy, especially where they are also in charge of providing the daily care for the child(ren). In addition, some are not professional guardians, and have little experience and qualifications in relation to performing the tasks of the guardian. In this context, it is very important to develop systems for supporting the guardians with their guardianship tasks.

Some Member States have developed modalities to support the guardians/carers appointed in Ukraine – for example:

- several Italian juvenile courts have occasionally appointed local ‘*protutori*’ (supporting guardians) to support the guardian / carer from Ukraine;
- the Netherlands decided to make the national guardianship authority Nidos responsible for temporary /additional guardianship for the children with guardians appointed in Ukraine, to support the latter in delivering their tasks;
- in Belgium it has been considered adopting legislation that would enable to provide ‘guardianship light’ – i.e., a system whereby the local guardian would support the Ukrainian guardian (and could therefore take on lighter tasks than full guardianship, and consequently also cover more children).

The European Guardianship Network has published a [collection of good practices in terms of support offered to the Ukrainian guardians](#).

⁸ Documents and information were circulated to the EU Member States *via* the Solidarity Platform.

Children from Ukrainian institutions

Prior to the war, Ukraine had a vast network of institutions for children permanently or temporarily deprived of parental care, hosting up to 120,000 children, of which many affected by various types of disabilities. After the 24 of February 2022, many of the children were reunited with their families, and over 3,000 have been evacuated to different EU countries, with transfers agreed bilaterally with the authorities concerned or through private initiatives. Children from institutions are typically transferred abroad in relatively large groups, often accompanied by guardians/social workers from the Ukrainian institutional. Some of the children are affected by physical and/or mental disabilities, and require special care.

The Ukrainian authorities have called to preserve the unity of the group, including in terms of reception and care. Civil society and stakeholders have reported that, to accommodate the Ukrainian demands, the authorities of some host Member States have sometimes chosen *ad hoc* solutions for keeping large groups together, outside the national child protection system, although this does not correspond to the best interests of the children concerned.

While acknowledging the legitimate need to preserve close contact of the members of the group and to take into account specific circumstances, the best interest of the child should remain the primary consideration when identifying the best care arrangements for each child in the group. This means that, for each child, solutions must be found to provide the highest quality care responding to the child's specific needs. Such personalised care is not possible in institutional facilities. In fact, in line with the EU de-institutionalisation priority⁹ and commitments under the UN Convention on the Rights of Persons with disabilities, EU Member States are moving out of institutional settings, towards alternative, community-based solutions for the benefit of the development and well-being of the children. The Commission called upon the Member States to develop – with support from the EU and its agencies as needed - alternative care solutions for the unaccompanied migrant children in the *Communication on the protection of children in migration*¹⁰ and the *EU Strategy on the Rights of the Child*.¹¹

In the Expert Workshop on unaccompanied and separated children from Ukraine organised by the European Commission on 30 May 2022 ([Report of the Expert Workshop](#)), UNICEF, UNHCR and other main child protection stakeholders in the EU called together for not making arrangements outside of the national child protection systems, as this will ultimately deprive the children of the support and monitoring available to other children in the system, and for not re-introducing institutionalisation in the EU through the back door.

The EU Member States, with the support of the EU and the stakeholders, must work to identify suitable community-based and alternative care solutions for these groups of children, such as for example residential care (where groups of max. 5-6 children are accommodated together and

⁹ For further information about [the process of deinstitutionalisation in the EU](#) towards developing independent living and reinforcing community-based services, see the [EU Strategy on the Rights of Persons with disabilities](#) and [here](#).

¹⁰ COM(2017) 211 final of 12.4.2017.

¹¹ COM(2021) 382 final of 21.03.2021.

assisted by diverse professionals), while keeping their proximity within a small geographic area so that the children can remain in contact. Alternatives should provide a good compromise between the need to preserve the link of the group and providing high quality care in compliance with the deinstitutionalisation process in line with the best interests of the children.

C. **Further resources:**

EU policy frameworks for the protection of migrant children

- The [Communication on the protection of children in migration](#) contains a section on reception conditions for UAMs and separated children, which remains pertinent in the context of the Ukraine crisis.
- The [EU Strategy on the rights of the child](#) contains references to access to services, care and protection as well as structural funding to protect and promote the rights of the child.
- In the [Conclusions on the EU Strategy on the Rights of the Child](#), the Council of the EU called upon the Member States to “develop and support the adequate implementation of EU legal guarantees for the protection of the fundamental rights of the child in crisis or emergency situations (...)”.
- The [EU Child Guarantee](#) - the objective of this EU initiative is to prevent and combat social exclusion by guaranteeing to all children with a poverty background , irrespective of their origin and status in the EU, access to a set of key services such as: early childhood education and care; education (including school-based activities); healthcare; nutrition; housing. Under Article 11(c) of the Council Recommendation establishing a European Child Guarantee, the Member States submitted Action Plans on how they will to implement the child guarantee, covering the period until 2030. The [Action Plans adopted by the EU Member States](#) for the implementation of the EU Child Guarantee are available [here](#).
- European Parliament Resolution on a [Common European Action on Care of 5 July 2022, calling, inter alia](#), for the Member States and the Commission to increase the funding of the Child Guarantee with a dedicated budget of at least EUR 20 billion, and calling on the Member States to scale up investment in child protection systems and social welfare services as an important part of implementing the Child Guarantee.
- The [EU Strategy on the Rights of Persons with Disabilities](#) contains commitments on developing independent living and reinforcing community-based services, and on ensuring safety and protection.

Registration

- [EMN Inform on “Application of the Temporary Protection Directive \(Scope and Registration\)”](#). (2022), whereby several Member States reported on having set in place

special procedures for the registration of unaccompanied and separated children at the border.

Ukrainian family law

- Questions and Answers on Ukrainian family law, available on https://e-justice.europa.eu/38593/EN/children_from_ukraine_civil_judicial_cooperation.

Recognition/appointment of Ukrainian guardians

- Guidelines and useful resources on how to determine jurisdiction (which court is competent and in what questions) and applicable law (which law applies) in relation to children arriving from Ukraine can be found on https://e-justice.europa.eu/38593/EN/children_from_ukraine_civil_judicial_cooperation.
- Online multilingual form for Ukrainian children traveling to and residing in the European Union - [European Notarial Network - Cross-check Ukrainian children \(enn-rne.eu\)](http://enn-rne.eu). This form allows Ukrainian parents or legal representatives of a child traveling to the European Union to declare who is responsible for travelling with the child and/or exercising parental responsibility for the child. (The link is also available on https://e-justice.europa.eu/38593/EN/children_from_ukraine_civil_judicial_cooperation).

Standards for guardianship, reception of, and support for unaccompanied and separated children

- **Fundamental Rights Agency (FRA)** (2014): [Guardianship for Children deprived of Parental Care](#). This handbook clarifies the role of guardians as an essential component of an integrated child protection system. By presenting a set of core common principles and key standards, it aims to improve conditions for children under guardianship, and promote respect for their fundamental rights.
- **The European Union Asylum Agency (EUAA)** (2018): [Guidance on reception conditions for unaccompanied minors](#). In terms of accommodation and care, the 2018 EUAA Guidance prescribes standards and indicators for unaccompanied children in reception and in care facilities including: accommodation centres, small-scale reception structures, mainstream childcare centres and (shared) individual housing. It also contains specific chapters on access to the basic rights, including education, healthcare, etc.
- **Fundamental Rights Agency (FRA)** (2022): [Guardianship systems for unaccompanied children in the European Union: developments since 2014](#).
- Support for guardians of unaccompanied migrant children – see Minutes of the proceedings of the 9th HOME Expert Group on the Protection of Children in Migration, 17 February 2022 – minutes and other info available [here](#).

- [EGN Guide on 'Children on the Move](#) – a Guide written for all those involved in the guidance and support of unaccompanied children. It is also for anyone who is simply interested in how unaccompanied children deal with the enormous task of finding their way in an unknown country after going through war, poverty, flight, traumatic experiences, loss, uncertainty and uprooting. The content is based on the knowledge and years of experience of the many participating partners who now form the European Guardianship Network (EGN). Working with these children has given them all valuable insights into who these children are and what they need.
- UNICEF /Eurochild & Child Circle are undertaking an in-depth study of the legal provisions affecting access to legal protection, care and custodial arrangements in countries bordering Ukraine or receiving high numbers of unaccompanied children. Read more [here](#).
- The [European Guardianship Network’s collection of good practices in terms of support offered to the Ukrainian guardians](#).
- Eurochild (2022): [Responding to Children’s Care in the Context of the Ukraine Crisis](#).
- [Volunteer Guardianship model – Italy](#).
- [An analysis of Nordic country responses to asylum seeking children in Iceland, Norway, Sweden and Denmark](#) – it also includes a section on guardianship.
- UNICEF (2021): [Beyond Survival - Improving interventions in Europe with UASC](#).
- The European Union Asylum Agency (EUAA) (2022): [Practical recommendations on the provision of emergency placement in private accommodation for persons displaced from Ukraine](#).
- The [Safe Homes Initiative - new guidance developed by the Solidarity Platform advising EU countries how to provide safe and suitable accommodation for people fleeing the war in Ukraine](#).
- Information published on the e-Justice Portal provided by Member States on the procedures for cross-border placement, including foster families, can be consulted [here](#).
- [FAB - Fostering Across Borders](#): a project to support, improve and promote family-based care for unaccompanied children in Austria, Belgium, Greece, Luxembourg, Poland and the UK (January 2018 to September 2019).
- [FORUM – FOR Unaccompanied Minors](#): transfer of knowledge for professionals to increase foster care in 6 EU MS to raise awareness of the key stakeholders about the benefits of foster care in alternative of reception centres for the care of Unaccompanied Minors.

- [SAFE – Supporting Unaccompanied Children with Family-based care and Enhanced Protection](#): builds knowledge and capacity of professionals and foster carers, kinship and Dublin family caretakers to enhance family-based care to promote welfare and ensure protection of unaccompanied children in the UK, Cyprus, Denmark and Greece.
- [G.A.IN. – Guardianship Advanced Instruments for child protection in Europe](#) –strengthen the system of guardianship through the development of a practical toolkit and the design of an helpdesk/line in Italy, Greece, Hungary, Belgium.
- [PROGUARD](#) – Further professionalization, implementation and strengthening of guardianship for unaccompanied children in Europe through accreditation to deliver a toolkit including a train-the-trainer methodology and recommendations (including input of children) to further implement, strengthen and professionalise guardianship in Europe.
- [ALFACA](#) – Alternative Family Care. The goal of the project was to further develop and improve the reception of unaccompanied children in families by providing professionals with the tools needed for this and teaching them how to use these tools. The training consists of e-learning and a manual that provides general knowledge on working with this target group and knowledge on recruitment, screening, matching and guidance of the host families.
- [ALFACA II](#) – Implementing sustainable alternative family care for unaccompanied. Children. Overall, the project aims to improve reception and care for unaccompanied children by structurally increasing the quality and quantity of family based care (FBC) for them. It will collect and spread practical knowledge about the state of the art on providing FBC for them in the participating countries (BE, IT, CY, EL, HR). It will improve FBC where it is currently already (scattered) practice and provide the possibility to set it up as a reasonable alternative to institutional care where it hardly exists, but opportunities and will for development are there.