

VEGA

Handbook: Children at airports

**CHILDREN AT RISK ON THE MOVE
GUIDELINES FOR BORDER GUARDS**





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GUIDELINES FOR BORDER GUARDS**



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How to use this handbook

The recommendations contained in this handbook aim to increase the awareness of border guard officers with regard to children (minors) who are crossing the external air border of the European Union, whether they are unaccompanied or not. This can improve the identification of children on the move at risk at airports, while ensuring respect for their rights and enhancing action taken against criminal threats to their wellbeing.

The handbook contains suitable operational actions for entry, transit and exit controls that are designed without taking into account the possible but rare presence on the spot of officers who are specialised in children's rights or child protection. The guidelines also try to reflect and ensure at all times an approach based on the rights of the child, taking into account the concrete needs and obligations of border guards' activities at the same time.

This handbook is designed for experienced border guards and it is based on the principles of the best interests of the child and child protection at the border.

The guidelines should be implemented:

- ♦ according to the national rules and powers of the hosting border guard authorities;
- ♦ bearing in mind that actions suggested by Frontex encompass all border control activities until the moment when, according to the circumstances, the reasonable suspicion that a child may be in danger is tangible. After that, the referral mechanism and initial investigation will apply according to the relevant national legislation on preventing and combating trafficking in human beings and protecting vulnerable



persons, in particular the best interests of the child, which must be a primary consideration, together with the principle of *non-refoulement*¹.

All border guards involved are invited to check in the field what is mentioned in these guidelines and to send their recommendations or comments to the following Frontex email address: VEGA.Children@frontex.europa.eu.
Subject: 'VEGA Children Handbook, comments'.

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- 1 Refoulement means the expulsion of persons who have the right to be recognised as refugees. The principle of non-refoulement was first laid out in 1951 in the United Nations Convention Relating to the Status of Refugees (CRSR), Article 33(1) of which states that 'No Contracting State shall expel or return ['refouler' in French] a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion'.



Foreword

Children, because of their age and level of maturity, are generally more at risk of abuse than adults. International criminal networks linked to irregular migration have become ever more sophisticated over the last 20 years. The nature of child smuggling and child trafficking makes accurate figures hard to come by, but most analysts agree that there has been an increase in these categories of transborder crime (the Global Report of the United Nations Office for Drugs and Crime (UNODC) for 2012 shows that some 27 % of the detected victims of trafficking in the period from 2007 to 2010 were children, as opposed to 20 % in the period from 2003 to 2006). The most recent Eurostat statistical collection, released in October 2014, shows that 17 % of the total number of victims of trafficking registered by age in the European Union are between 12 and 17 years old.

In addition, each and every country has its own interpretation and categorisation of the phenomenon of children affected by transborder crime.

In this context, the primary role of border guards is to identify children at particular risk; border guards also play a crucial role in ensuring that those children, irrespective of their age, are referred to the appropriate authorities and services responsible for their subsequent protection and welfare, while at the same time detecting and disrupting the activities of facilitators, smugglers and/or traffickers. The intelligence gathered during this process is often of critical importance to police efforts to dismantle international criminal networks.

Keeping up with criminals and their ever-changing *modi operandi* is not easy; knowing how to spot a child who is at particular risk



requires specialised skills that may often be lacking at the European Union's many points of entry. Moreover, the handling of vulnerable children — including how to speak to them and address them and how to deal with them without infringing their integrity, rights or interests — is a fraught issue in most countries in the world and one that presents further challenges to every border guard service.

The aim of this Frontex handbook is to address these shortcomings and support the key processes with regard to the identification of children on the move and at risk and with regard to the activation of referrals to the relevant authorities. There have been many previous studies on the welfare, protection and referral of children identified as being at risk, but none of those have offered specific elements of practical guidance on law enforcement. And none of them have offered perspectives on border activities to border guards, who often play a key role in initiating these processes and dismantling the related criminal organisations.

The core objective of this handbook is to increase effectiveness of 'protection of children on the move' in a comprehensive and operational way.

Drawing on the knowledge of Europe's leading experts, as well as on the accumulated experience of dozens of border guards, this handbook covers every aspect of entry, transit and exit controls in cases of irregular migration and cross-border crime involving children at airports.

The content is specifically designed to be easy for border guards to apply and is strongly oriented towards law enforcement, while at the same time covering the relevant aspects of the integrity of children and their protection needs.

Although mainly aimed at border guard services, the handbook should also be of interest to other people, from the airport and airline staff responsible for unaccompanied children during flights to staff at reception centres and other services and agencies, both state and private, who may find some suggestions regarding how to deal with the difficult issue of children at risk.



1. Definitions



For the purpose of this handbook, the following definitions are used.

1.1. Child

In line with the relevant international and European legal standards and legislation, a child is any human being below the age of 18 years, unless under the law applicable to children the age of majority is attained earlier.

Conventionally, the terms 'below the age of majority' or 'minor' may also be used to describe any person below the age of 18. Most airlines also classify a child under the age of 3 as an 'infant'. In reality, what counts is understanding who the subject of this work is, not what one should call him/her.

When the age of a person is uncertain and there are reasons to believe he/she could be a child, he/she should be treated as such and, if necessary, provided with immediate assistance, support and protection until a proper age assessment can be conducted (i.e. a presumption of lower age). Therefore, if there is any doubt, the presumption of childhood, and thus child-friendly treatment, should always be ensured.

1.2. Children on the move at risk

Children, by their nature, are more vulnerable than adults. Depending on their age and level of maturity, children depend to various degrees on adults to meet their basic needs. Some children travelling across the external border of the European Union are more vulnerable than others. When they do not have adequate care and protection, or their rights as children are in jeopardy, they are defined as children 'at risk'. These children be-



come a priority for border guards, although making this judgement is never easy, even for those most experienced in the field.

The Inter-Agency Working Group on Children on the Move² has agreed on a definition of when children should be regarded as being 'on the move'. The group came up with a broad concept, encompassing children from diverse backgrounds and with different experiences. The definition reads as follows: *'those children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement, while it may open up opportunities, might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence. Children experience particular risks as a result of migration.'*

Children at risk are generally defined as those who lack protection and care and whose basic needs and welfare (food, water, clothing, shelter, medication, etc.) are not met. As a result, they may never reach their full potential, physically, socially, emotionally or mentally. In those situations, they are particularly vulnerable and at risk of being exploited, either by criminal smuggling or trafficking networks or by their own parents or families.

Children at risk include children living in poverty, orphaned children, street children, child labourers, children affected by armed conflict and child soldiers, children affected by HIV/AIDS, sexually exploited or otherwise abused children, and children with dis-

² The Inter-Agency Working Group on Children on the Move was established in 2011 and comprises the following organisations: the International Labour Organisation (ILO), the International Organisation for Migration (IOM), Plan International, Save the Children, Terre des Hommes International Federation, the African Movement of Working Children and Youths (AMWCY/MAEJT), Environmental Development Action in the Third World (ENDA), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and World Vision International.

bilities. The ways in which a child can be marginalised, stigmatised or discriminated against are almost infinite and also may vary in different societies.

The types of threats that affect children are extremely varied (smuggling; trafficking, be it for the purpose of forced labour, forced begging or being forced into other criminal activities; etc.) and are difficult to categorise.

Many children fall into more than one situation of vulnerability or threat, which increases their degree of vulnerability and the difficulties in identifying the level of risk (as a function of vulnerability and threat). For example, unaccompanied and separated children (see Sections 2.4 and 2.5) are among those recognised as being particularly vulnerable to the risk of being trafficked, abused or subjected to violence and/or exploitation.

Children are not usually able to articulate clearly or to explain themselves (as is underlined by the UNHCR).

1.3. Accompanied children

These are persons below the age of 18 who are accompanied by at least one of their parents or by their legal/customary primary caregiver.

1.4. Unaccompanied children

Unaccompanied children, also known as unaccompanied minors or UAMs, are those separated from both parents and other relatives or responsible adults and who are not being cared for by an adult, by law or custom.



Children who are abandoned after they have entered the territory of a country — which can happen, for example, in the short time between their plane landing and their arrival at the airport immigration desk — are also defined as unaccompanied children.

These children should be fully protected as long as they are not taken into the care of an adult by law or custom.

1.5. Separated children

Separated children are those separated from one or both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. They may, therefore, include children accompanied by other adult family members (e.g. an uncle or a grandparent).

All children, and in particular the most vulnerable ones, such as unaccompanied and separated children, are entitled to have their protection guaranteed. Response measures include: proper identification upon arrival at ports of entry or as soon as their presence in the country becomes known to the authorities; prompt registration and determination of the potential existence of international protection (including *non-refoulement*) and, in case of need, tracing family members, where possible, or the appointment of a guardian and a legal representative; care and accommodation arrangements; full access to education, health services and an adequate standard of living; facilitated access

to asylum procedures when applicable; and guaranteed access to complementary forms of protection³.

Any decision regarding these vulnerable children should take into account their particular situation, as well as the national and regional legal frameworks, refugee law and international humanitarian and human rights law. The principles of child protection and welfare should also be a primary consideration when it comes to the treatment of these children by immigration officers, police and any other relevant practitioners who deal with them.

Regardless of the following categorisations, all children are entitled to make an asylum application and have their best interests determined, assessed and guaranteed. If there are any doubts concerning the actual age of the child in question, referral to an **accredited age assessment mechanism procedure must be ensured**.

According to European Union law, migration concerns and status cannot be a basis for refusing any protection measures, including permission to enter or remain in a European Union Member State.

1.6. Child trafficking

Trafficking in human beings (THB) is defined by the EU directive on trafficking as the recruitment, transportation, transfer, harbouring or reception of persons, in this case children, including

³ The United Nations Committee on the Rights of the Child, General Comment No 6 (2005) on the treatment of unaccompanied and separated children outside their country or origin.



the exchange or transfer of control over those children, for the purpose of exploitation⁴.

This can happen by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

However, Article 2(5) of the directive on trafficking is very clear: if the ultimate purpose is the exploitation of a child, THB is a punishable crime, even when none of the aforementioned means have been used.

Child-trafficking is not solely a transborder crime: as the purpose of the criminal activity is the exploitation of children, children can be trafficked within national borders.

In addition to being trafficked, some child victims may also be in need of other kinds of international protection, such as asylum. Children have the same right of *non-refoulement* as adults. These rights are well established in the European Union asylum *acquis*⁵.

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- 4 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (Article 2(1)). Article 2(3) defines the purposes of exploitation that 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'.
 - 5 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 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 (recast).

1.7. Child smuggling

Child smuggling is the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the irregular entry of a child into a State Party of which the child is not a national or a permanent resident⁶.

Although this type of crime has similarities with child trafficking, the two should not be confused.

- ♦ The purpose of trafficking is to exploit a human being and is regarded as a crime against the person. The purpose of smuggling is to move a person across a border in an irregular manner and is regarded as a crime against the sovereignty of a state.
- ♦ Trafficking involves the intention to exploit people after their arrival in a state, whereas the role of a smuggler usually ends as soon as the client reaches his/her country of destination.
- ♦ Trafficking can take place both within and across national frontiers, while cross-border movement is required for smuggling.
- ♦ A child's entry into a state can be regular or irregular in the case of trafficking, whereas smuggling is generally characterised by irregular entry.
- ♦ In the case of adults, trafficking is generally carried out with the use of coercion and/or deception. With smuggling it is the opposite: those being smuggled are almost always in agreement with the smugglers. However, for children the situation is more complex; the United Nations Committee on the Rights of the Child (UNCRC) recognises the level of agency of the child, but also clarifies that this depends on the age and level of maturity of the child. Moreover, legally speaking, the consent of the parents is also required for acts regarding chil-

⁶ Based on the Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organised Crime (Palermo Protocols 2000).



dren. Various issues, such as the level of maturity of the child and the consequential understanding of the situation from his/her side, etc., need further attention in cases involving children. As Interpol has observed, the operating methods of traffickers and smugglers are similar in many respects, which can make it very difficult for law enforcement officers to distinguish between the two types of crime. In many cases, it may not be possible to distinguish between trafficking and smuggling until the transportation phase has ended and the exploitation phase has begun⁷.

The right to asylum and the principle of *non-refoulement* also apply to smuggled children, who may have international protection needs.

1.8. The best interests of the child

The United Nations Convention on the Rights of the Child stipulates that '*in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration*'. Acting in the best interests of the child should be the guiding principle for every border guard. The need to have primary consideration for the best interests of the child in all issues concerning them is also regulated in Article 24 of the Charter of Fundamental Rights of the European Union.

The UN Committee on the Rights of the Child⁸ stated recently that '*the concept of the child's best interests is complex and its con-*

⁷ Human trafficking and people smuggling activity report 2010-2011, published in May 2012.

⁸ The UNCRC, General comment No 14 (2013).

tent must be determined on a case-by-case basis'. The best interests of the child are to be determined by the competent child protection authorities within a country, so that the required procedures are in place for a swift solution of practical cases. Border guards play a key role and should refer all cases where there is an indication that there is a risk to a child as described in this handbook.

This requires capacities that border guards usually do not have, especially when it comes to detecting in a few seconds a child at risk at the external borders; thus, the complexity of the task border guards are facing is even more significant.

It is essential that border guards take a particularly flexible approach when confronted with cases involving children. The interests of a child in a specific position of vulnerability are not always best served in the same way as those of another child in a similar situation. An experienced border guard knows that no two cases are ever the same, and proceeds with particular care and thoroughness when dealing with children. It is necessary to gather as much information as possible on an individual child's situation before reaching any decisions.

1.9. Protection and national referral mechanisms

A national referral mechanism (NRM) is a system and mechanism that allows a country to address its obligation to protect and promote the human rights of victims of trafficking and other vulnerable persons, via a coordinated response, often with the specialised assistance of civil society institutions, international organisations and non-governmental organisations (NGOs). There are procedural differences between the NRM of European Union Member States, but they all have one goal in com-



mon: the efficient referral of vulnerable persons to the best and most appropriate support service available. See Chapter 7 for a more detailed discussion of NRM, which are of relevance to all children at risk, not just those at risk of trafficking.



2. Operational guidelines





2.1. Introduction

Border checks are a crucial opportunity for border guards to prevent cross-border crime: once victims leave airports, the possibilities for intercepting criminals and preventing their actions decrease dramatically, as does the possibility of detecting the victims and activating child protection measures. How many more child victims will suffer if these criminal networks are not dismantled?

According to Europol, airports are by far the likeliest place to find children being trafficked or smuggled into the European Union. Smugglers and traffickers prefer airports, and their most common modus operandi is the use of counterfeit, forged or fraudulently obtained documents to evade the systems in place.

The difficulty of detecting border crimes involving children is well recognised. It is common, to give one example, for trafficked children to travel on the genuine passports of non-related adults. Even where the passport includes a photograph of the child, identification may be complicated by the fact that undeveloped faces tend to resemble each other and that children's faces, hair and even eye colour often change dramatically as they grow up. As a result, the border guard may not notice that the child and the adult passport holder are not, in reality, related.

Smugglers and traffickers usually try to arrive at peak times, when the pressure at passport control is greatest: border guards should be aware of this modus operandi in order to better protect children.

The experience gained by Frontex over the years shows that behind an irregular border crossing there could be a people smug-



gling case, or potentially a case of trafficking in human beings. This means that any case of trafficking discovered at the external border is the result of an escalation of checks, which is also true when children are involved.

In order to increase awareness of children at risk on the move, it is essential to develop, and to maintain, a good relationship with other law enforcement officials at the airport as well as non-law enforcement officials, such as airline staff, workers from child protection services and those who work with other vulnerable groups⁹, and other authorities. This can be achieved via regular coordination meetings, joint training courses, joint specialised teams and so on.

2.2. Dealing with children

It is essential to realise that children are psychologically different from adults; therefore a child-sensitive approach is required when dealing with them. Likewise, a child may be unwilling to open up to a stranger, and thus the officer (preferably in civilian clothes) dealing with the child should make all efforts to establish trust with the child.

Good practices to bear in mind when dealing with children include the following:

- ♦ create a friendly environment (this might be an adequately child-friendly room¹⁰, if one is available), decrease the power difference (avoid formalities, take care with body language,

⁹ Including accredited international organisations and NGOs.

¹⁰ Bear in mind that an adequate room might ensure privacy but, adversely, entering such a room can be frightening for a child. Therefore, the adequate room is only the one prepared for such events.

verbal tone, terms used, etc.) and allow the child to adapt to the environment;

- ♦ explain the roles and jobs of the adult(s) involved in/dealing with the child;
- ♦ always tell the truth;
- ♦ listen to the child;
- ♦ speak in plain language and avoid technical terms (bearing in mind language barriers);
- ♦ speak and behave in a manner appropriate to the age and maturity of the child;
- ♦ try to make the child feel comfortable;
- ♦ tailor behavioural manners (e.g. keep eye contact, be on the same level).

Basic information on dealing with children is contained in the Practical Handbook for Border Guards¹¹ and refers to the following:

'Minors deserve the particular attention of border guards, whether they are travelling accompanied or not.

In the case of accompanied minors, the border guard must check that the persons accompanying minors have parental custody over them, especially where minors are accompanied by only one adult and there are serious grounds for suspecting that they may have been unlawfully removed from the care of the person legally exercising parental custody over them. If so, the border guard will have to make all necessary investigations in order to prevent the abduction or in any case unlawful removal of the minor.

¹¹ Commission Recommendation, establishing a common 'Practical Handbook for Border Guards (Schengen Handbook)' to be used by Member States' competent authorities when carrying out the border control of persons, C(2006) 5186 final, Brussels, 6.10.2006.



Unaccompanied minors must be scrutinised, by means of a thorough check of their travel and supporting documents, in order to ensure that they do not leave the territory against the wishes of the person(s) having parental custody.'

Where there is doubt as to any of the aforementioned circumstances set out in the Practical Handbook for Border Guards, border guards must make use of the list of national contact points for consultation on minors.

Although the Practical Handbook for Border Guards clearly points out that parental custody is the criterion for distinguishing between accompanied and unaccompanied children, border guards should pay special attention to all travelling children, whether they are accompanied, unaccompanied or separated.

In addition to the information provided in the Practical Handbook for Border Guards and the Schengen Borders Code, the following chapters of this handbook will provide border guards with detailed and specific procedures to follow when dealing with children and to identify victims of child smuggling and trafficking.

The recommendations may differ according to the respective national legislation, but each child should receive special treatment, while border guards need to be aware of the following indicators of children at risk.

These recommendations are not, however, exhaustive: border guards should also be aware of different *modi operandi*, the fact that *modi operandi* are adjusted according to responses from law enforcement and, above all, that a child can be groomed but his/her body language under stress is seldom fully concealed.

2.3. Staying with a child at the border premises

Border guards have responsibility for each child while the child is at the border premises. A major point to keep in mind here is that border guards have to take care of a child at risk until a trained person, a person from child protection services or any other authority responsible for child protection arrives and takes over.

General recommendations (to be adapted to the age and maturity of the child) suiting first- and/or second-line checks.

- ♦ Adapt to the situation and the child — use paper and pencils to draw pictures, sit on the floor together to create an informal atmosphere.
- ♦ Try to interact via open questions (the child should be free to answer as he/she wants, 'yes/no' questions should be avoided), avoid suggesting any answers as much as possible, let him/her speak freely and take his/her time. Ask the child if he/she feels comfortable, if he/she is thirsty, hungry, cold, warm or needs to go to the toilet or wants or needs anything else that you can provide. He/she might want his/her mother or father, so do not make promises you cannot keep, otherwise you may break the trust between the two of you.
- ♦ Ask the child if he/she needs medical assistance or any other special treatment (depending on the age of the child, it can be simply asked if she/he feels any pain). It is also possible to ask the person who accompanies the child whether the child needs any medical assistance or any other special treatment. Be aware that the person accompanying the child may use this question for his/her own benefit.
- ♦ Look for signs of injury or any noticeable disease, paying special attention to indicators of possible abuse (such as the presence



of several injuries that are in various stages of healing, facial injuries in very young children, bald patches on the child's head, etc.).

- ♦ Provide information to the child (during second-line checks) on the procedures expected in a manner that he/she can understand.



3. Accompanied and separated children





3.1. When approaching checks and at the first-line control

3.1.1. The scene before the controls: is there anything unusual?

A child can be accompanied by a parent, a legal guardian (an accompanied child) or a third person that can be an adult or a family member, for example, an uncle or a grandparent (a separated child). People act more naturally when they do not think they are being observed, so watching the behaviour of children and the person(s) accompanying them on their way towards, or in the queue before, passport control can be a very useful exercise. The deployment of plainclothes officers is always worth considering at larger airports.

Border guards should take care not to make assumptions or use prejudices when observing people. It is important not to discriminate on the basis of perceived cultural, religious, national or ethnic background, gender or other factors when observing children and the people accompanying them. However, extra attention should be given to children coming from 'asylum-sensitive countries/regions'.

An important part of every assessment is based on the first impression, however intuitive for an experienced border guard. Any unusual situation should attract the attention of the officers and result in other second-line activities (i.e. the verification of the relationship between child and adult, a close inspection of supporting documents, etc.).

Experienced border guards, accustomed to seeing children at the border, can take advantage of their knowledge by considering the following few issues in relation to the apparent age and maturity of the child.



Appearance of the child

- ♦ Shy, extravagant, withdrawn or frightened.
- ♦ Closed body behaviour, attempting to appear as small as possible.
- ♦ No eye contact, looking at the floor.
- ♦ Looking detached from the other members of the group.
- ♦ Clothing: is it brand new? Does it fit the child or does it seem to be borrowed? Is it what you would expect? Is the clothing appropriate for the situation?
- ♦ Trying to make eye contact with a person who ignores him/her.
- ♦ Resemblance of features with the adult(s) (if that adult is a parent), with due consideration to the principle of non-discrimination and its objective application when profiling.
- ♦ Looking closely at the interactions between the child and the parent(s)/accompanying adult(s).
- ♦ Is the child at ease/comfortable with the adult(s)?
- ♦ Can the child speak freely?
- ♦ Does the child show any signs of fear towards the adult(s)?

It is necessary to pay extra attention if a child is accompanied by only one adult or when a child is from a refugee-producing country or a country in conflict or where serious human rights violations are known to occur.

There is a rare possibility that sleeping babies will have been sedated in order to pass through the control. If after a while (perhaps in the second line) the child is still fast asleep, particularly if the accompanying adult shows signs of nervousness, suspicions should arise.

The same method might be used with very young children that can talk and pose a risk to the accompanying person. They may be considered too young to be properly instructed in what to say or not say.

3.1.2. At the first-line control

At the booths border guards should pay attention to some of the following additional appearance indicators:

Pre-school children (normally under 6 years old)

- ♦ Is there anything unusual about the situation you see?
- ♦ Is the child's behaviour consistent with the length of the journey?
- ♦ Is the child calm, absent, confused, scared or upset?
- ♦ Does the child feel comfortable in the presence of the person accompanying him/her? If afraid of the formality of the passport control, does he/she stay close to the person accompanying him/her?
- ♦ Is the child looking at another passenger who tries to ignore him/her? (In this case the other passenger should be more closely checked, because he/she could be an 'escort'.)

School-aged children (normally over 6 years old)

- ♦ Is there anything unusual about the situation which you see?
- ♦ Is the child afraid or anxious?
- ♦ Is the child absent/distant/mumbling or incoherent?
- ♦ Is the child unduly submissive?
- ♦ Is the child looking at another passenger who tries to ignore him/her? (In this case the other passenger should be more closely checked, because he/she could be an 'escort'.)
- ♦ Does the child look as if he/she may have been sedated?

The adult(s) accompanying the child

- ♦ If a parent, how much does he/she resemble the child? Is his/her physique compatible with that of the child? Are there similarities in the behaviour, or bearing, of the parent or child, or other behavioural tics?
- ♦ Does the adult appear worried, anxious or nervous?



- ♦ Does the dynamic between the child and the accompanying person seem consistent with their cultural background?

Border guards could also informally ask some simple questions to the child, such as his/her name or age or some other personal details. Such questions are naturally discrete and need to be tailored to the age and maturity level of the child but can be compared with the personal data contained in the travel documents.

Questions that can be asked to the adult and may result in indications of trafficking include the following.

- ♦ Are you the parents/guardian/legal representative of the child?
- ♦ If not, where are they and who are you?
- ♦ When was the last time the child saw his/her parents?
- ♦ Does the child have any documentation, such as identity papers or a passport, with him/her?
- ♦ What is the child's destination and the purpose of the journey?
- ♦ Who organised it?
- ♦ Who paid for the journey?
- ♦ Do you have any pictures of your child with you? (Usually, parents have pictures of their children stored in their mobile phones or wallets.)

3.1.3. Document checks

The border guard should check the relationship between the child and the adult. During document checks it is important to have an ongoing conversation with the passengers, while also observing their behaviour (some suggestions are mentioned above) and in particular the reaction of the child (the work station at passport control should be designed to make any child present clearly visible, e.g. a simple mirror can help to verify whether there is a child in the opposite lower part of the booth).

In addition to the standard checks, it is necessary to focus on the following.

- ♦ The number of children and the number of documents (passports, visas, etc.). Brand new travel documents should be more closely checked, especially if they are from countries where they could have been issued as a result of deception or corruption (according to available risk analysis).
- ♦ The supporting documents and the flight tickets (itinerary), with short questions about the reason for travelling (checking the consistency between the first statements and the supporting documents presented). When travelling with children, bona fide adults accompanying them tend to take the most direct route possible.
- ♦ Verifying the legal relationship between the child and the person travelling with her/him.
- ♦ Family groups where there are several children: the dates of birth and the age(s) of the adult(s) should be checked for possible inconsistencies.
- ♦ The nationality of children: for example, if a child is a European Union passport holder, he/she is likely to speak or at least understand one or more European language(s).
- ♦ Consulting on a systematic basis the National Schengen Information System (NSIS) and police databases when children with European Union nationality do not travel with both parents (for third-country nationals it is already a requirement of the Schengen Borders Code).

If there are any indications that the child could be at risk, border guards should proceed with the second-line control.



3.2. Second-line control

Second-line control should be carried out by a different officer (if available) who is aware of the modi operandi used by smugglers and traffickers as well as recent alerts.

All the previous activities should be reviewed, and checks repeated if necessary. Some additional checks are described below.

According to the Schengen Borders Code, the child and the person accompanying the child shall receive written information about the purpose of (and the procedure for) such a check, which should be carried out as a standard and random procedure. This information shall be available in all the official languages of the European Union and in the language(s) of the country or countries bordering the Member State concerned. It shall use a language the individuals understand, or may reasonably be presumed to understand, or be communicated in another effective way, including using interpreters where necessary.

During the second-line control, there is a need to pay specific attention to the reaction of the child and the passenger accompanying him/her.

3.2.1. The journey

In the case of sensitive flights (according to risk analysis), the Advance Passenger Information System (APIS) should have always been used prior to the landing of the aircraft.

Apart from a logical examination of the different legs of the journey, in certain cases a check of the passenger list and the passenger name record (PNR), if allowed by the applicable national legislation, helps in verifying whether there are other passengers travelling under the same flight booking that could put children at risk of serious crimes. A facilitator/escort can be found among

the other passengers and intercepted before he/she leaves the airport. Open sources, such as <https://www.checkmytrip.com>, may be used if the national legislation does not allow the PNR system used by air carriers to be consulted.

Airline staff can also be a useful source of information. The air-crew have often had many hours in the air to observe passengers and may have noticed something out of the ordinary (e.g. interactions between an adult and a child sitting several rows apart, a group where children and the accompanying person clearly do not know each other well, being dressed in new clothes that look unusual, suggestions that children are not used to the clothes, their clothes might still have the labels attached, etc.).

3.2.2. Documents and luggage

A thorough verification of travel and supporting documents, with the option of contacting the consular authorities of the country that issued the travel documents, is advisable. Consular authorities should not be contacted in the case of a child who comes from a refugee-producing country or a country in conflict or where serious human rights violations are known to occur and/or if the child is recognised as a potential asylum seeker, as that contact may put the child and his/her family at further risk. Special attention should be given to whether visas have consecutive serial numbers, especially when those numbers are related to passengers who are not travelling together.

If not already part of the first-line controls, I-24/7 (the Interpol databases) should be consulted, according to national legislation.

If children are not travelling with their own luggage, the adult should have some clothes, games or toys belonging to the child in his/her luggage. Every accompanying adult should be able to list a few items belonging to the child when asked to do so.



3.2.3. Interacting with a child at the second-line control

When talking with a child during the second-line check, a border guard should consider momentarily separating the child from the accompanying adult (in a discreet way). If the child appears to be at risk, he/she is more likely to explain the situation in the absence of the potentially abusive adult. The child must be informed about the ongoing process at all times.

Furthermore, another border guard should establish any inconsistencies or incoherence in the information, by posing the same questions to the adult separately and informally in order to compare the answers of both the child and the accompanying adult.

It is always advisable to have two border guards present, if possible a man and a woman, and to try to create an atmosphere that is as informal and friendly as possible. A child that feels secure and relatively relaxed is more likely to communicate. Discrepancies may be an indicator of risk, while it is important to minimise confrontation and recognise that the situation may nevertheless be experienced as formal and stressful, for both children and adults (e.g. they may have had negative experiences with police and/or security officials in the past).

Having two border guards present is also a safeguard against any subsequent accusation of intimidation (or other inappropriate behaviour). The period during which a child is separated from the accompanying adult should be reasonably short, unless any indications of risk are found.

Speaking to and not interviewing children is always possible, but formal interviews with them should only be conducted when strictly necessary and according to applicable law (see Section 3.3). Any dialogue with a child should take place without unnecessary delay, in premises designed or adapted for that purpose,

and preferably handled together with professionals trained for these tasks. If possible, the interviewers should be of the same gender as the child. Interpreters should also be contacted if the child does not understand the language so as to ensure that there is a meaningful dialogue. The number of interviews, as well as the duration of them, should be kept to a minimum, and the child should be interviewed by the same person whenever possible.

It is suggested that the purpose of any interaction is explained and ground rules are set for the interview: 'if you don't know the answer, don't guess, there is no right or wrong answer, just say you don't know.' 'You know more than me about what happened.' 'If you do not want to answer, it's OK for you to say so.' 'You can correct me or disagree.' 'If I repeat a question, that does not mean the first answer was wrong.' 'If a question is too hard, we can come back to it later.' 'Just tell the truth.'

In general, children may be accompanied during their interview, in appropriate circumstances by an adult of their choice but a request from them for that should be refused if, for instance, it is suspected that the adult in question is a facilitator. Where a crime involving a child is suspected, border guards must ensure from the outset that all interviews with the child victim or witness are carried out according to applicable national law and can be used as evidence (it may be necessary to receive prior authorisation from a prosecutor or judge, for the interview to be conducted in the presence of a legal advisor and/or child protection authorities, etc.). Otherwise border guards can only speak informally with the child.

Here are some tips on how to communicate with children, having regard for their apparent age and maturity:

- ♦ be sensitive to signs of distress, such as facial expressions, gestures or body language;
- ♦ do not expect or force immediate disclosure;



- ♦ talk to the child in a friendly way and environment; be open, clear and honest, if possible using the child's own language (being supported by a native speaker);
- ♦ use language appropriate to the child's age and maturity, expressed in clear and easy terms;
- ♦ explain to the child what is happening and why his/her circumstances are being checked;
- ♦ provide information to the child about his/her status, rights and protection measures;
- ♦ reassure the child that your aim is the child's wellbeing, safety and protection;
- ♦ ask open-ended and specific questions (what, where, when, how, who, why);
- ♦ give the child a break for water, the toilet or just when tired and respond as necessary to special needs or specific requests;
- ♦ avoid making assumptions about what the child thinks;
- ♦ check if the child has understood, ask him/her to tell you what he/she has understood;
- ♦ ask the child if he/she has any questions and answer his/her questions.

Assessing the familiarity with the presumed country of origin.

In order to establish whether a child is genuinely familiar with the environment of the country of origin that the accompanying adult says they are from, the following topics could be considered as possibilities to explore:

- ♦ television programmes, cartoons and musicians popular with young people in their country of origin (information can be found on internet);
- ♦ basic knowledge of their residential area (the Google Earth Street View application can be a useful tool);
- ♦ details of their school, the sports they play and the interior of their home.

At any time, the child's answers can be cross-checked with the ones provided by the accompanying adult or other children present within the same group.

3.3. The transit areas and gate checks

Most of the comments made in the other parts of this chapter also apply with regard to transit area controls and gate checks, bearing in mind that in those cases an undercover team (i.e. border guards in plain clothes) can better observe passenger behaviour.

In busy transit areas, documents, boarding cards and tickets can easily be swapped or changed. Children who may have arrived accompanied can rapidly be abandoned. In congested airports, closed-circuit television (CCTV) screening and surveillance can be invaluable in establishing this *modus operandi*.

3.4. Final decisions and referrals

In all decisions, the best interests of the child must be the primary consideration and the principle of *non-refoulement* must be respected.

A child should only be detained in very exceptional cases, always in accordance with applicable national law, for the shortest possible time and as a measure of last resort. The United Nations Committee on the Rights of the Child has established that detention of children cannot be justified for reasons of migration status¹². At any time, and according to the circumstances, if there is a reasonable suspicion that the child might be in danger or at

¹² UNCRC, General Comment No 6 (2005), on the treatment of unaccompanied or separated children outside their country of origin, paragraph 61.



risk and may have been moved for the purpose of trafficking or is otherwise in need of protection based on the above indicators/signs, the referral mechanism and initial investigation must apply immediately, according to applicable national legislation, before any decision is final. Specialised child protection staff should be called for intervention at the airport on referral or initial placement; border guards should have their contact details at hand.

A general rule at borders is that children should not be separated from their parent (or accompanying relative) unless there is reasonable suspicion that a child is at risk with them. Child protection agencies will be better able to confirm in full this aspect and to take over the case.

Do not forget the following.

- ♦ Try to make sure that the time between activating the child protection and/or NRM and the actual handover is as short as possible. With that aim, ensure that the entry point (i.e. contact person(s) and numbers) to the protection or national referral system is identified and well-known.
- ♦ If possible, organise a coordination meeting with regard to the protection and/or NRM in order to discuss how to solve situations when children arrive late in the evening, early in the morning or during holidays or weekends.
- ♦ Ensure the children have access to basic services (food, water, toilet, medical assistance, etc.) and, if possible, something to entertain themselves with during the time they have to wait.
- ♦ Keep children informed about what is happening and what is going to happen.

Border guards should be aware of the procedures operated by air carriers for accompanied and separated children.



4. Unaccompanied children





4.1. When approaching checks and at the first-line control

4.1.1. The situation before the controls: is there anything unusual?

The observation of the behaviour of unaccompanied children may have to take into account **parameters similar to those that would be used in the case of behaviour patterns expected from accompanied and separated children**. It can be useful to observe people's behaviour when they are not aware they are being observed. The deployment of plainclothes officers is always worth considering at larger airports.

Border guards should not make assumptions or use prejudices when observing people. It is important not to discriminate on the basis of cultural, religious, ethnic background, gender, nationality or other factors when observing children.

An important part of every assessment is based on the first impression, however intuitive for an experienced border guard. Any unusual situation should attract the attention of the officers and result in other second-line activities (i.e. thorough examination of supporting and travel documents, discrete observation, investigation of the relationship and the dynamics with the person waiting for the child, etc.).

Experienced border guards, who are used to seeing children crossing the border, can take advantage of their knowledge by considering the following points in relation to the age and the maturity of the child.



4.1.2. At the first-line control

At the booths border guards can pay attention to some of the following additional appearance indicators.

- ♦ Is there anything unusual about the situation that you see?
- ♦ Is the behaviour of the child consistent with the length of the flight he/she has just disembarked from?
- ♦ Is the child calm, absent, distant, incoherent, scared or upset?
- ♦ Is the child looking at another passenger? (In this case the other passenger should be more closely checked, because he/she could be an 'escort'.)

4.1.3. Document checks

A language barrier is undoubtedly a problem, but some words can be exchanged with the child in a friendly way, taking into due account the child's age and maturity. Possible questions are related to who is waiting in the arrival area outside the security perimeter, if the child travels often, where the child's parents are and who took the child to the airport in his/her country of origin.

In addition to the standard verifications, it is necessary to focus on the following.

- ♦ The documents presented (passports, visas, supporting documents, etc.). Brand new travel documents should be more closely checked, especially if they are from countries where they could be issued as a result of deception or corruption (referring to available risk analysis).
- ♦ Some consulates issue visas for children with the name of the person accompanying the child in the comments box (e.g. British consulates); the child could have some old visas in his/her passport with the name of the person waiting for him/her outside of the arrivals areas.
- ♦ Examining the supporting documents and flight tickets (itinerary), with short questions about the reason for travelling.

- ♦ According to the Schengen Borders Code (SBC), consulting the NSIS and police databases (for third-country nationals that is already a requirement of the SBC) and, if available locally, taking advantage of a child abduction alert system.

It is considered highly advisable to ask second-line officers to identify and briefly interview any person waiting for the child (please refer to Section 5.2.1).

If there are any indications that the child could be at risk, border guards should proceed with the second-line checks.

4.2. Second-line control

Second-line control should be carried out by a different officer (if available) who is aware of the modi operandi used by smugglers and traffickers as well as recent alerts.

All the previously mentioned activities should be reviewed and checks repeated if necessary.

Document and ticket checks, investigating in detail the different legs of the journey, the caveats about transit areas and the techniques recommended for interacting with children are essentially the same as for accompanied or separated children.

According to the SBC, the child shall receive written information about the purpose of (and the procedure for) such a check, which should be carried out as a standard and random procedure. This information shall be available in all the official languages of the Union and in the language(s) of the country or countries bordering the Member State concerned. It shall use a language the child understands, or may reasonably be presumed



to understand, or be communicated in another effective way, including using interpreters where necessary.

4.2.1. The person waiting for the child

An important factor is the likely presence of a person waiting for the child. The second-line officer's first priority is often to identify and briefly interview that person, but that check should be carried out only after having gained an understanding of the situation from the documentation available, the airline staff and the child. It is necessary to check later what the person waiting for the child says.

It is advisable that officers in plain clothes follow some metres behind the ground staff accompanying the child to the waiting area, in order to be sure the person waiting for him/her shows up. A trafficker could hide if a border guard in uniform appears with the child.

The person waiting for the child outside the arrivals area should be informed about the need for a thorough check as a standard random procedure, paying attention to the reaction of the person waiting for the child.

If the child is travelling with his/her own luggage, it might be that the adult knows more or less what is in the luggage, especially if the child is very young. The adult should be able to list a few items when asked to do so.

The officer must be entirely satisfied that the reason for the child's journey is legitimate and the explanation for it is true.

A request for asylum during the identification and control process, whether from the child or from the person waiting for the child on the child's behalf, should not prevent or distract the bor-

der guard from collecting all the evidence necessary and following the regular procedure.

4.3. Final decisions and referrals

In all decisions, the best interests of the child must be the primary consideration and the principle of *non-refoulement* must be respected.

A child should only be detained in very exceptional cases, always in accordance with applicable national law, for the shortest possible duration and as a measure of last resort; the UNCRC has established that the detention of children cannot be justified for migration status¹³. At any time and according to the circumstances, if there is a reasonable suspicion that the child might be in danger or at risk and may have been moved for the purpose of trafficking, or is otherwise in need of protection based on the above indicators/signs, the referral mechanism and initial investigation must apply immediately, according to applicable national legislation, before any final decision. Specialised child protection staff should be called for intervention at the airport on referral or initial placement; border guards should have the contact details of such persons at hand.

A general rule at borders is that children should not be separated from their parents or relatives (who may be waiting for them at arrival), unless there is reasonable suspicion that a child is at risk with such adult(s). Child protection agencies will be better able to confirm in full this aspect and take over the case.

¹³ UNCRC, General Comment No 6 (2005), on the treatment of unaccompanied or separated children outside their country of origin, paragraph 61.



Do not forget the following.

- ♦ Try to make sure that the time between the activating of the protection and/or NRM and the actual handover is as short as possible. With this aim, ensure that the entry point (i.e. contact person(s) and numbers) to the NRM is identified and well-known.
- ♦ If possible, organise a coordination meeting with regard to the protection and/or NRM in order to discuss how to solve situations when children arrive late in the evening, early in the morning or during holidays or weekends.
- ♦ Ensure the children have access to basic services (food, water, WC, medical assistance, etc.) and, if possible, something to entertain themselves with during the time they have to wait.
- ♦ Keep children informed about what is happening and what is going to happen.

Border guards should be aware of the procedures used by air carriers in case of unaccompanied children.



5. Additional information



5.1. Data collection

Properly collected data indicates that field activities have been conducted appropriately. As little data is available at the European Union level regarding children crossing external borders, better data collection could identify better practices and save a number of victims.

Border guards can play a crucial role in the detection of crimes involving children. The success of related investigations often depends on the response and actions of the border guards who first spot that something is wrong or missing. It is necessary to ensure that each and every piece of information that might be relevant is rapidly passed on to the respective authorities for immediate reaction. Traffickers seldom work alone and often change the entry point in order to reduce the risk of being intercepted; therefore only extensive data collection can help to identify similar *modi operandi* and share best practices. The recruitment, transportation and exploitation of children requires a high level of group organisation. Border guards are therefore on the look-out for a range of interrelated crimes¹⁴.

5.2. Data protection

Border guards should observe in full all applicable data protection requirements when recording, processing and transferring data on children. Data protection regulations need to be followed.

At the same time, border guards must take sufficient care when recording, processing and transferring data regarding a child. Data protection regulations apply and must be followed. As a general rule, no specific information concerning the child should

¹⁴ Interpol annual report 2008 on trafficking-related crimes.



be passed back to their country of origin or any authorities of the country of origin in the country of arrival (e.g. consular representatives) by border guards.

In cases of need, persons that may be waiting for a child and the adult(s) outside the arrivals area should be identified (please also refer to Chapter 5, Section 5.2.1).

5.3. Consular representatives of third countries

Contacts with these delegations should be assessed in order to quickly verify supporting and travel documents, provided that this does not put the child at further risk (e.g. if the child expresses any intent to seek asylum).

Passengers (adults) accompanying or persons waiting for the child can also be put in contact with a native speaker of their language or an interpreter and have the possibility of communicating their position better to the relevant authorities.

5.4. Air carrier procedures for dealing with unaccompanied children

The age requirements that are generally used by the airlines to define unaccompanied minors relate to children between the ages of 5 and 11 years old (sometimes up to 15). Information related to procedures adopted by air carriers can usually be found easily on their official websites.

Local officers should analyse the different procedures and identify the possible weak points for children at their airports.



6. Protection and national referral mechanisms





As indicated in Section 2.9, an NRM is a system, set up at national level, designed to ensure the protection of vulnerable persons and their rights through a coordinated response. The organisation of NRM varies according to national specifics and to the issue at hand.

Member States are, for example, under an obligation pursuant to European law to establish a referral mechanism at the national level for victims of trafficking of human beings¹⁵. In some countries, the required border guard response to cases involving vulnerable children has been collated into a set of standard operating procedures that can be easily activated. In others, the required response is much less clear, and so border guard services may find themselves making their own ad-hoc referral arrangements.

The European Union has also promoted the establishment of referral mechanisms at the national level to deal with cases of child abduction. The Commission has issued guidelines¹⁶ and has offered support¹⁷ to help Member States set up child abduction alert systems with cross-border interoperability. The Council¹⁸ has also invited Member States to establish such mechanisms and conclude the necessary cooperation agreements. It should

¹⁵ See Art. 11(4) of Directive 2011/36/EU of the European Parliament and of the Council, which states 'Member States shall take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations'.

¹⁶ SEC(2008) 2912 final — Best practice for launching a cross-border child abduction alert: http://ec.europa.eu/justice/funding/rights/call_10014/ramc_ag_annex_5_2008_en.pdf

¹⁷ For example, Bulgaria, Cyprus, Poland, Slovakia, Spain and the United Kingdom have availed themselves of this possibility.

¹⁸ Council Conclusions of 11 November 2008: <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014612%202008%20REV%202>



be noted that the diversity of the national systems does not provide for uniformity at European Union level. Not all Member States have developed such mechanisms to date. These mechanisms are, however, necessary in order to ensure a swift and coordinated response to child abductions, with the involvement of all relevant actors, including border guards.

National authorities are the main actors for establishing NRM and ensuring cross-border and inter-sectorial cooperation. Border guards can, however, play an important role in advocating that the relevant national authorities set up such mechanisms where they do not yet exist.

Frontex recommends setting up an easy activation system for referrals. For any referral mechanism concerning children, the following principles should be taken into account.

- ♦ Protection of the rights of the child should be the first priority of all measures undertaken with full respect for the best interests of the child.
- ♦ An efficient system should be as broad as possible, in order to respond rapidly to different forms of abuse, exploitation and human trafficking. A wide range of specialised services should be available, so that the specific needs of individuals can be properly addressed.
- ♦ A multidisciplinary and cross-sector approach should be pursued. Integrated child protection systems are the most efficient. Therefore, all relevant and specialised actors from government and civil society should be involved.
- ♦ The agreements established between different entities need to be flexible enough to handle the complexities of the referral process and address the various needs of children in different situations. All partners must be involved with regard to their roles and responsibilities and the underlying principle of cooperation needs to be carefully and closely defined within the mechanism.

- ♦ Access to support and protection services should be granted and facilitated.
- ♦ Transparency and a clear division of responsibilities are at the heart of an efficient referral mechanism.
- ♦ Building upon any pre-existing mechanisms with a view to strengthening local ownership should ease the process. Sustainability should be the goal.
- ♦ The mechanism should be regularly reviewed and updated to ensure efficiency and effectiveness of child protection. Synergies with other relevant referral systems should be sought.

A border guard should always have the following at hand when available:

- ♦ the contact details of the 'must-call' services: 24/7 child support and other emergency support;
- ♦ a comprehensive list, with contact details, of all the protection services and programmes available (medical, mental health, legal, logistical, etc.), whether from national authorities, civil society, international organisations or NGOs.

Finally, it is relevant for border guards to undergo specific training on how to deal with vulnerable persons, with a particular emphasis on children.





7. Glossary



- APIS** Advanced Passenger Information System
- I-24/7** Interpol checking system
- ILO** International Labour Organisation
- IOM** International Organisation for Migration
- NGO** Non-governmental organisation
- NRM** National referral mechanism
- NSIS** National Schengen Information System
- PNR** Passenger name record
- SBC** Schengen Borders Code
- UNCRC** United Nations Convention on the Rights of Children (1990)
- UNCRSR** United Nations Convention Relating to the Status of Refugees (1951)
- UNODC** United Nations Office for Drugs and Crime
- UAM** Unaccompanied minor



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