*Challenges and best practices in promoting the human rights of all migrants at international borders*

After a slump in 2012, 2013 again saw a significant increase in illegal entries at the EU's external borders (+ 48% compared to 2012).

The treatment of irregular migrants and those seeking protection continues to play a substantial role, and all EU Member States are responsible for making sure that this significance is taken into account.

The Federal Police and the authorities responsible for carrying out border police checks have the duty to make the best interests of the child a priority, refrain from discrimination and take measures to protect the minors and their possessions. The border authority must attach utmost importance to the best interests of the child in all the measures it takes. Furthermore, it is always obliged to immediately report all information to the Youth Welfare Office. The Youth Welfare Office has the duty to take care of any unaccompanied foreign minor entering Germany and appoints a special guardian who represents the minor in all residence- and asylum-related matters. The appointed legal representative is to be involved in all residence- and asylum-related matters.

Upon arrival or departure, all minors are subject to the same checks as adults. If the lawfulness of cross-border travel movements of minors is in doubt (suspected child abduction), they can be taken into custody and handed over to the person having lawful custody, or the Youth Welfare Office.

Special attention is given to unaccompanied minors and minors who are accompanied by only one custodial adult. The border authority makes sure that minors do not leave the territory against the will of the custodial adults. The examination of deportation bans is of particular importance whenever a minor is refused entry or told to terminate his residence and leave the country. The Youth Welfare Office is to be informed about this measure at the latest by the time an unaccompanied minor is refused entry or told to terminate his residence or leave the country.

The final destination can only be the country of origin or the country of habitual residence in such cases. Before unaccompanied minors are returned, the border authority consults the diplomatic mission abroad to make sure that the minors will be handed over to a custodial adult, a family member or an appropriate reception facility in the states to which the minors return. Otherwise the return operation is not permitted. The German diplomatic mission needs to inform the competent authorities in the country of destination of when and where exactly the minor will arrive. Furthermore, it must provide the authorities with the address of the custodial adult, the relatives or the reception facility. If it cannot be guaranteed that unaccompanied minors are taken care of adequately during the return operation, an escort will be provided.

Before filing an application for detention, it is necessary to check whether the minor can be returned using less radical measures. One possible solution is to accommodate the minor in a youth welfare institution. If exceptional cases require detention, the application must contain a detailed justification. Furthermore, the detention is to be limited to the shortest possible duration. Mothers with children will be accommodated in appropriate facilities. If, in the case of families with minor children, it is sufficient to detain just one parent, the children are to be accommodated separately together with the other parent.

If interviews with unaccompanied minor foreigners yield evidence that they are seeking protection in Germany, it is possible to hand them over to an initial reception centre only after the Youth Welfare Office has been consulted.

*Ways and means to promote and protect the human rights of migrant children, including unaccompanied children and children separated from their families, with particular reference to the risks faced by adolescents in this regard.*

Germany guarantees that the human rights of minor migrants are fully protected on its territory. The Youth Welfare Office takes care of all unaccompanied minors. It provides the minors with adequate accommodation and offers further support, e.g. assistance with potential family reunification. Furthermore, the relevant norms of the foreigners law and – in the case of asylum applications – asylum law are applied. During entry checks it might become necessary to refuse somebody entry or to carry out a removal. In such cases, the applicable legal framework of the Residence Act is respected and the particular circumstances of the individual case must be taken into account. If unaccompanied minors are concerned, the Youth Welfare Office must be involved in the examination of the individual case. The Federal Police always try to find out where the parents or custodial adults of unaccompanied minors live and take this information into account when prescribing and taking border police measures.

With regard to the airport asylum procedure, an accelerated procedure for asylum seekers from safe countries of origin or asylum seekers without travel or identity documents trying to enter Germany by air, the following rules apply: Unaccompanied minors are treated with a high degree of sensitivity. Most of the time the asylum seeker is allowed to enter the country once the individual case has been reviewed. The airport asylum procedure is carried out only by specially qualified staff of the Federal Office for Migration and Refugees who also have the necessary intercultural competence and sensitivity. For example, at Frankfurt Airport, where most airport asylum procedures are conducted, decisions are only made by persons who have received special training in dealing with unaccompanied minors, victims of torture and traumatized people. Even according to the recast EU Asylum Procedures Directive and the revised EU Directive on Reception Conditions (2013/32/EU and 2013/33/EU) this procedure remains applicable for unaccompanied minors under certain conditions.

Currently, only children above the age of 16 have the legal capacity to act in asylum-related procedures and procedures under foreigners law. As stated in the Coalition Agreement, the age limit will be raised from 16 to 18. The legislative process is currently being prepared. In all asylum procedures involving unaccompanied persons under the age of 18, decisions are already being made by staff trained in dealing with minors. Such staff may also be consulted in procedures involving accompanied minors if need be.

If minors do not have the legal capacity to act in procedures, they will be represented by their legal representatives, usually their parents. If there is no one in Germany entitled to care and custody of the minor, a guardian will be appointed immediately. At any time, it is possible to discuss all legal matters with a lawyer, especially in asylum procedures. With regard to financial support, i.e. counselling and legal aid, no differentiation is made between German citizens and asylum seekers.