

An Integrated Approach to the Legal Protection of Unaccompanied Children on the Move in Europe

Kids in Need of Defense (KIND) envisions a world in which children’s rights and well-being are protected as they migrate alone in search of safety. Through its new European Initiative, KIND will help unaccompanied children in Europe access free legal assistance, using its more than 10 years of success in providing pro bono representation to over 18,000 unaccompanied children in the U.S., Central America and the U.K.¹

THE SITUATION

Hundreds of thousands of children are on the move, in or on the edge of Europe, without their parents or guardians. Most of these children have fled war and other trauma in the Middle East, Africa, or Asia, and are alone, frightened, and unable to protect themselves. They are vulnerable to abuse, neglect, violence, trafficking, smuggling, and exploitation. Many do not speak the language of the countries in which they find themselves. A number of these children are eligible for protection and support but are either unaware of their rights or have difficulty accessing over-burdened legal, housing, health, education, and other assistance systems. As a result, they are prey to smugglers and traffickers as they move through different countries. Complex and inadequate laws, procedures, and policies, both at E.U. and domestic levels, exacerbate the precarious situation of these children.

THE NEED

The legal needs facing unaccompanied children in Europe are myriad and vary from country to country. They can range from challenging their conditions of detention, obtaining a form of international protection status, applying to be reunified with their family, or accessing services to which they are entitled. The sheer scale of their legal needs far exceeds current levels of legal assistance available to them from either state-sponsored legal aid schemes, non-governmental organizations or other sources.

A culture of pro bono legal services is growing across Europe, in tandem with a drive from within the private sector to help provide access to justice for vulnerable children. However, a lack of expertise, training and supervision has limited the ability of pro bono lawyers to assist individual children on the move.

OUR RESPONSE

Building on over ten years of experience in representing unaccompanied children and in partnership with pro bono lawyers in the U.S., Central America and the U.K., KIND will deploy its proven public-private model to increase access to legal assistance for unaccompanied children in Europe when legal aid is not provided as a right or is otherwise restricted. Working with a network of over 650 private law firms, corporate legal departments, law schools, and bar associations, KIND recruits, trains, and provides ongoing support to pro bono lawyers to represent unaccompanied children. KIND’s experience has confirmed that well-trained and supervised pro bono lawyers can have a significant multiplier effect, enabling many more children to access legal assistance than can be provided by a single dedicated staff

¹ We use “unaccompanied children” to refer to unaccompanied and separated refugee and migrant children on the move.

lawyer. KIND's pro bono model has also proven effective in raising awareness and building a movement within the legal community in support of the rights and protection of children on the move.

The European Initiative

In January 2020, KIND launched a series of pro bono projects in partnership with leading local non-profit organizations, adapting KIND's public-private pro bono model to respond to the context and needs of unaccompanied children locally.

- In **Greece**, working with European Lawyers in Lesvos (ELIL), KIND is helping unaccompanied children living in refugee camps challenge incorrect age determinations, which fundamentally impact consideration of their asylum applications. Pro bono lawyers coming for short durations to the Greek islands are trained to work with Greek immigration lawyers to assist children in preparing legal challenges to these incorrect age determinations.
- In **France**, working with the Alliance des Avocats pour les Droits de l'Homme (AADH), KIND is helping unaccompanied children who are at-risk or are victims of human trafficking to access effective pro bono legal assistance. Pro bono lawyers are trained to assist children in matters including applications for international protection and family reunification or legal actions to uphold children's rights in the juvenile justice system or to exercise their rights to appropriate housing, healthcare or education.
- In **Ireland**, working with the Immigrant Council of Ireland (ICI) and the Irish Refugee Council (IRC), KIND is helping unaccompanied children who have been granted asylum to reunite with their families. By training pro bono lawyers to guide children through the family reunification process, the project addresses a growing gap in legal services that is currently excluded from the scope of state legal aid.
- In **Belgium**, partnering with Child Circle, an expert non-governmental organization in children's rights and child migration, KIND is developing our approach to educate and build awareness around the issues children on the move face at the E.U.-level.

KIND will connect the pilot sites' local partners with its network of pro bono partners²; provide training and technical assistance on best practices and the use of pro bono to the pilot sites; and adapt and/or develop resources on pro bono in the European context. KIND will work with the local partners to collect data and outcomes on the impact of the pro bono interventions to better understand how pro bono can most effectively be leveraged in the European context. This information will grow the evidence-base on the impact of access to justice interventions, which will KIND will share in support of broader efforts to cultivate pro bono in Europe.

² KIND's extensive network of pro bono partners includes numerous law firms and corporations with offices in Europe, including in all of KIND's European Initiative's countries. A survey of KIND's top 60 law firm partners' offices in Europe reveals they have offices in almost 4 dozen cities.

FOR MORE INFORMATION

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