

# Observations for the Commission Expert Group meeting on CEAS implementation arising from experience and exchange within the European Guardianship Network, dated November 7, 2025

## Introduction

This paper accompanies the presentation of the senior EU policy adviser to the European Guardianship Network (EGN) to the 12th Meeting of the HOME Informal Expert Group on the Protection of Children in Migration. It provides reflections on experience and exchange that have arisen during EGN activities relating to CEAS implementation.

As noted in a previous [paper](#) submitted to the Commission Expert Group in October 2024 by the European Guardianship Network (EGN) CEAS Working Group, guardianship is one of the key safeguards provided for unaccompanied children under EU law. The October 2024 paper provided some reflections on their practical implementation and remains an important point of reference on guardianship under the CEAS.

This November 2025 presentation shares information on the EGN activities which have been taken to support our Members on CEAS implementation. It underlines some current concerns that guardians may have around the implementation of these safeguards. It highlights opportunities that we see to strengthen guardianship.

## About EGN

The EGN is a network bringing together organisations and national authorities involved in guardianship across Europe. We have forty-eight members, including organisations involved in managing guardianship, in the delivery of guardianship, in support and training for guardians, or in monitoring of guardianship. The Fundamental Rights Agency and the EU Asylum Agency are actively engaged in our work, alongside participation of UNHCR and UNICEF. We are glad to receive funding from the EU CERV programme and co-funding from Nidos, the Dutch guardianship organisation.

### Terminology

The EGN uses the general term “guardian” to correspond with the term “representative” (under the Reception Conditions Directive, the Asylum and Migration Management Regulation, the Asylum Procedures Regulation, Screening Regulation and Eurodac Regulation) and guardian (under the Qualifications Regulate and the EU Anti - Trafficking Directive). This follows the use of the term in the Communication on the protection of children in migration, the FRA Handbook on Guardianship for children deprived of parental care and the UN Committee on the Rights of the Child General Comment No 6.

### *Overview of key messages*

- 1) Welcome CEAS reform to strengthen guardianship, whilst recognising the significant work that needs to be done
- 2) Urge authorities to strengthen crucial dialogue on guardianship procedures and practices & promote transparency, as is urgently needed for implementation
- 3) Encourage support for guardianship services and national authorities in contributing and benefiting from the work of the European Guardianship Network in supporting its Members on CEAS implementation
- 4) Avoid the erosion of safeguards for the protection of unaccompanied children in the interpretation of the CEAS and in proposals for new EU law.

*1) Welcome CEAS reform to strengthen guardianship, while recognising the significant work that needs to be done*

Children must be treated as children and have their rights as children respected, wherever they are from. **Unaccompanied children are typically in precarious and often difficult situations.**

**Guardians are important to both the State and children.** They help ensure that the State properly engages with children. They help inform and support the child, guide them in understanding key processes in which they are involved (such as screening, age assessment, interviews, family tracing, transfers between States). They help them access legal counselling and assistance. They can assist the child as regards relevant information for best interests procedures. Guardians are also an important part of the integrated child protection system, which brings together authorities, services and actors who are responsible for protecting children from abuse, exploitation, neglect and violence. They can play a critical role in ensuring the safety and wellbeing of unaccompanied children who can be at severe risk. They can assist in properly examining and implementing comprehensive sustainable solutions.

We really welcome that the CEAS reform obliges States to develop and strengthen guardianship across Europe. This includes through its provisions on qualifications, resources, supervision, caseloads, deadlines and training. We refer you to our [paper](#) with our observations on some of these issues in October 2024.

We also know that the starting point in some countries is relatively underdeveloped guardianship systems, while the procedures unaccompanied children are involved in are

getting more complicated, and the realities they face are often increasingly difficult. We see that the collaboration between guardianship systems across Europe when children move (whether they are transferred, trafficked, disappear) also should be developed.

So we see that there is work to be done now, and in the future, to achieve to strengthen guardianship and ensure guardians have the support they need.

*2) Strengthen crucial dialogue on necessary guardianship procedures and practices & promote transparency, as is urgently needed for implementation*

EGN thanks the Commission for inviting us to participate in this meeting. We hope that meetings like this can encourage more structured dialogue between national authorities and organisations involved in the procedures and practical arrangements that must be in place by July 2026.

In some countries, to date, there has been virtually no consultation on the CEAS reform between national ministries and guardianship organisations. In some countries, there has been consultation, but of a limited kind. In other countries, dialogue has been better.

Our members are keen to understand what the procedures will really look after the reform. **Concrete and joint planning will avoid uncertainty, confusion, wasted time and resources.** The operational checklist accompanying the Commission's Common Implementation Plan encourages this kind of planning, asking Member States to consider *integrated case management system in synergy with national child protection services, partnerships with international and civil society.*

Transparency on new procedures will be necessary to assist this process. The EU should publish their guidance and workflows, and questions and answers on pact implementation, **Publication of this implementation work will greatly assist all the stakeholders whose work will be instrumental during new procedures.** National authorities should also publish their implementation plans and asylum and migration strategies. It is very important that children are visible in these strategies.

The upcoming EU Asylum and Migration Strategy for the next five years should also recognize that **quality guardianship across Europe should be a foundation stone of our European Asylum and Migration framework and needs to be strengthened.**

*3) Support guardianship services and national authorities in contributing and benefiting from the work of the European Guardianship Network in supporting its Members on CEAS implementation*

There are ways to work together to strengthen guardianship and equip systems to deal with complex and sensitive issues.

EGN has been actively supporting the work of our members in planning for CEAS implementation. This includes:

- \* **Working group meetings on EU Asylum and Migration reform**, where we analyse and exchange on the new procedures (such as caseloads and the appointment of temporary representatives), as well as on the regional and national implementation process;
- \* **Thematic meetings** explore issues such as age assessment and guardianship recruitment processes.
- \* At our twice-yearly **network meetings** we share noteworthy practices as inspiration to other countries. This includes a recent exchange on a project in Italy to support mentors for children turning 18 and beyond
- \* There are also **study visits** between countries to share and exchange on practice (for example, Belgium services will soon visit Dutch services, Estonian members visited Irish members).
- \* **Update of our guardianship system self-assessment tool** : Member States and national actors can themselves use the Tool to assess their national guardianship system's strengths and weaknesses and reflect on opportunities for progress. We are currently updating this important tool to reflect changes brought about by the CEAS. It is something that can be used on a periodic basis moving forward.
- \* **Member action plans**: we are supporting members in identifying key priorities for change to which they can contribute in their countries. Some common themes include ensuring universal delivery of quality training for guardians; caseload management/recruitment of guardians; improved provision of relevant information for both guardians and children; and ensuring the appointment of guardians free from a conflict of interest. We are helping think through challenges, opportunities and regional action that can help our members.
- \* **Contributing to FRA resources and EUAA VEN resources**, this includes contributing to the important update of FRA Guardianship Handbook and through contributions to EUAA Guidance on Best Interests and Age Assessment as well as discussing upcoming EUAA Training Materials relating to guardianship.

We have a strong and engaged membership who learn much from each other about experiences in other countries and in cross border cases. This work takes place during our in-person network meetings twice a year, online working group meetings, country study visits between members and thematic meetings. This will continue in the next programmatic period from 2026-2028.

**And we really welcome the involvement of all other guardianship services and national authorities from across Europe to contribute and benefit from this network.**

#### 4) *Avoid the erosion of safeguards for the protection of unaccompanied children in interpretation of the CEAS and in new proposals for EU law*

We are grateful for the opportunity to share some of the concerns that guardians have on implementation risks.

Whilst the CEAS imposes legislative obligations to protect unaccompanied children and strengthen guardianship, there are worrying signs that these safeguards may be eroded in both the proposed interpretation of these laws and proposed new EU legislation, even though these safeguards are required by the Charter of Fundamental Rights and international law.

- Quality guardianship

The Commission proposal for the Return Regulation acknowledges that representation in return procedures should be stronger and in line with improvements under the CEAS instruments. This is a really important and welcome step. However, it is necessary to include additional elements in the proposal. This is because **untrained, unsupervised and under-resourced representatives for children under these procedures may be worse than no guardians.** (To explore this issue further, EGN has published a reflections and resource [paper](#) on the proposed Return Regulation.)

- Age assessment

It is important to note that **both States and guardians have legitimate concerns about abuses by individuals claiming to be children. So we need to think about this very carefully together and find the right ways to deal with this.**

We understand that one interpretation of Article 53 (second line) of the EU Asylum Procedures Regulation under consideration is that an age disputed person otherwise qualifying for the border procedure can be put in border procedure, and age assessment be done there. **This is based on the rationale that the efficacy of border procedures will be undermined if age assessment procedures cannot be undertaken during the border procedure.**

**But it is also the case that the efficacy of the safeguards excluding unaccompanied children from the border procedure will be undermined, if age assessment can be undertaken in the border procedure for persons otherwise falling under the grounds for the border procedure.**

We believe Article 53 does not provide for this interpretation of the law, neither on its face nor in its spirit. *It explicitly deals with excluding unaccompanied children from border procedures save on one ground under Article 53 (line one) and Article 53 (line two) continues by requiring a prompt age assessment to ensure this exclusion/and limited inclusion applies with the right reception conditions.*

We hope that Article 25 of the APR will stimulate the development of much better age assessment procedures in the coming years and are interested in the EUAA's upcoming exchange of practices on this.

- The notion of **danger**

We also need to think carefully about how unaccompanied children are identified as threats to national security and public order, which is also being put to the fore as a reason to exclude safeguards in recent discussions. Given their precarious situations, dangerous journeys and the fact that they may be in the hands of unscrupulous adults, we must have a proper procedure to consider when they are identified as a threat and it will be really important to involve guardians properly. This is something we are thinking about together in the EGN.

- Best interests assessments

And the assessment of the best interests of children must be done properly, something which the European Court of Justice has explicitly indicated. Key elements of how this is done must be clearer in proposed new laws, including the proposed Return Regulation and the proposed Safe Third Country Regulation.

We have heard echoes from Council discussions that the best interests principle for unaccompanied children should be deleted in the proposed Safe Third Country Regulation, on the basis that this is appropriate for deterrence purposes. However, is it really likely that unaccompanied children will be deterred from coming, because this law fails to mention this safeguard?

Is it not more likely that this deterrence policy will mean that children will face greater risk and greater possibilities of exploitation in the hands of traffickers, because safeguards are bit properly applied?

The best interests principle, and all that it implies for unaccompanied children, is of course a guarantee that is contained in the EU Charter of Fundamental Rights, the legal effect of which cannot simply be deleted in secondary legislation.

At this really important time of implementation and adoption of further laws, let's consider together all the likely effects of not taking these safeguards seriously. Let's be clear, the stakes for children in some situations may be life or death. If we leave behind some laws and processes, perhaps we also leave behind some portion of our humanity. We need to think about that.

Conclusion

**From a practical position, ambiguous laws may give rise to protracted litigation and considerable divergences in practice between EU countries. They may in fact create burdens on national authorities and difficulties in operational support from EU agencies.**

We recognize this to be the case. And this is why we see that there is a real need and significant opportunity to work together to improve how things are really done, by creating regional resources that all States can use.

For example, our Members are keen to explore whether the Guardianship Self Assessment Tool can be a living tool, establishing an inventory of good practices, connecting with the important regional resources of the EU agencies and helping develop new resources in priority fields for EGN members. As illustrative examples, this could include:

- developing ethics code for guardians
- complaints mechanisms for children
- checklists for guardians on key procedures such as security screening/assistance at the border
- support for contingency planning for guardians;
- improving child participation
- improving training, also for temporary guardians

We hope to have the opportunity to think about these things together. We stand ready to explore with you how to meet the legal and moral obligations we have.

In conclusion, we are grateful to you for your attention, happy to answer questions and thank the Commission again for organising the meeting.

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