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Unaccompanied children

For the purpose of this guidance and according to Article 2(e) RCD, an unaccompanied child is:

> a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person.It includes a minor who is left unaccompanied after he or she has entered the territory of the Member States (12).

For the purpose of this guidance the term ‘separated children’ falls under the definition of unaccompanied children (13).

The assumption of being an unaccompanied child according to the RCD does not change if children arrive on the territory of the MS together with:

- an underage or adult sibling;
- an underage or adult partner/spouse; and/or
- family members, relatives or unrelated adults who are not responsible for them whether by law or by the practice of the MS concerned.

Unaccompanied children			
Arriving alone	**Arriving with underage or adult sibling**	**Arriving with other adult 'not responsible'**	**Arriving with underage or adult partner/spouse**

Figure 5. Unaccompanied children (scope).

Children arriving alone
Children arriving alone on the territory of the MS are unaccompanied by an adult responsible for them whether by law or by the practice of the MS concerned, and, therefore, fall under the scope of this guidance.

Children arriving with an underage or adult sibling
Two underage siblings are two related unaccompanied children.An adult sibling is not an adult responsible for another underage sibling.Children arriving with an adult sibling are, therefore, unaccompanied by an adult responsible for them whether by law or by the practice of the MS and fall under the scope of this guidance.

Children arriving with an underage or adult partner/spouse
An adult partner/spouse of a child is not an adult responsible for the underage partner/spouse.Children arriving with an adult partner/spouse are, therefore, unaccompanied by an adult responsible for them whether by law or by the practice of the MS and fall under the scope of this guidance.

Children arriving with adults other than parents
Children arriving with adults other than their parents are, at the moment of arrival, unaccompanied by an adult responsible for them whether by law or by the practice of the MS and fall under the scope of this guidance.

(12) According to Article 2(d) of the original RCD a child means a third-country national or stateless person below the age of 18 years.The terms ‘child’ and ‘minor’ are considered as synonyms (covering any person below the age of 18 years) and both terms are used in this document.The preferred term, however, is ‘child’.The term ‘minor’ is selected when it is explicitly used by a legal provision or specific article (for example the EU asylum *acquis* provisions).
(13) The EU Asylum *acquis* does not provide for a definition for separated children.According to the UN Committee on the Rights of the Child, *General Comment No. 6 (2005) on the Treatment of Unaccompanied and Separated Children outside their Country of Origin*, para.8, a separated child is a child who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned (thus separated from an adult responsible), but who arrives not necessarily separated from other relatives.

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