



## EU now poised to lower detention and deportation age to six in shock migration pact move

European legislators are considering new policies that could see children as young as six subjected to immigration detention and accelerated border procedures, multiple sources close to negotiations have said. Human rights organisations including Save the Children, PICUM, EuroMed Rights and Border Violence Monitoring Network have strongly criticised the proposals. The revelations were made by negotiators representing the Spanish Presidency of the EU Council during trilogues on Tuesday 5 December.

This would mark a dramatic break with current proposals, which already allowed for children under the age of twelve to be placed in border procedures, and follow linked plans to fingerprint children aged six and over through [Eurodac](#). The original proposal already failed to comply with the internationally recognised definition of children, which does not allow any discrimination between persons under eighteen in the enjoyment of their fundamental rights and procedural guarantees.

It comes as a [paper](#) leaked on Wednesday night revealed a no-compromises mood from the Spanish Presidency as it revealed its position on the controversial New Pact on Migration and Asylum. The Presidency hopes to seal political deals on the Pact by Christmas.

The new document:

- Resolves to ignore parliamentary and human rights monitors' [concerns](#) about widespread racial profiling and screening across the EU (not just at borders). The leaked paper states: "Despite the Parliament's strong opposition, mainly due to concerns on potential discrimination based on race, the Presidency remains firm on maintaining this provision that is a strong priority for the Council."
- Resolves to preserve a principle called the "legal fiction of non-entry", whereby individuals who set foot in a processing facility- which can be anywhere in the EU - aren't automatically regarded as being on EU soil, even though they technically are, because their presence has not been authorised. This allows the lowering of standards, such as more swift border procedures.
- Preserved the principle of accepting relocated refugees and providing funding to third countries for border externalisation as measures "of equal value."

Legislators and civil society organisations say that the effects of these policies, combined with proposals being discussed on the immigration detention of children, would give a green light to six-year olds being detained and deported into danger, and continue to call for an unconditional exclusion of children from border procedures.

### **Willy Bergogné, Europe Director at Save the Children, said:**

"European leaders are debating the age at which children should be locked up at EU borders. Their alleged crime: seeking protection in a region that prides itself on exporting human rights

