

## Protecting the rights of children migrating with their parents or guardians\*

There is a risk that the special needs of a child arriving with his or her parents or guardians are not identified by the authorities since they leave it to the parents or guardians to ensure that the child gets the assistance needed. The parents or guardians have the main obligation to secure the child's right to protection and support.

However, the parents or guardians might not know the child's rights to assistance in the hosting country, or could be traumatized and unable to identify that the child has special needs. It is necessary to have all decision-makers and officials, at all levels, from the school up to EU level, focus more on these children, ensuring that their rights are fulfilled.

**Children migrating with their parents or guardians are often “invisible” and “forgotten” in discussions and actions taken by the authorities in order to respond to migrant children's needs. ([European Network of Ombudspersons for Children \(ENOC\), Safety and fundamental rights at stake for children on the move, 2016](#)).**

Consequently, without having the intention to diminish the extremely vulnerable situation of unaccompanied or separated children, it should be pointed out that **children accompanied by their parents have equally particular needs for protection and care, which should be duly taken into serious consideration.**

---

\* Original drafting by Dr Kyriaki Patsianta. Co-created with Dr Ana Beduschi.

## **The right to be registered at birth, the right to a name and the right to acquire a nationality**

According to [article 7 of the Convention on the Rights of the Child](#), the **child shall be registered immediately after birth and shall have the right from birth to a name and the right to acquire a nationality.**

Article 7 is particularly relevant for new-born babies of migrant parents. As [UNICEF](#) reports, birth registration is the official recording of a child's birth by the competent authorities of the country in which he or she is born; it establishes the existence of the child under law and provides the foundation for safeguarding the child's civil, political, economic, social and cultural rights.

The Committee on the Rights of the Child has highlighted as well the importance of birth registration in its [General Comment no. 7 \(2005\) regarding the implementation of child rights in early childhood](#). Hence, children born to migrant parents in hosting countries should fully enjoy this right.

[Article 8 of the Convention on the Rights of the Child](#) provides that **the right of the child to preserve his or her identity, including nationality and name, shall be respected.**

**Children born to migrant parents have a right to a name.** More specifically, they should be able to be registered under their full name as chosen by their parents, which will include both their last and first name; they should also be able to make use of this name.

**Children born to migrant parents have the right to acquire a nationality.** Special attention should be paid to this aspect as there is an **increasing number of stateless children arriving in the European Union**. As the [European Network of Ombudspersons for Children \(ENOC\), Safety and fundamental rights at stake for children on the move, 2016](#) underlines, in some countries, including Syria, the citizenship of a new-born child is based on the father; as many Syrians are fleeing their country, a lot of children of Syrian mothers are born outside of Syria and, thus, it is often difficult for the mothers to prove the fatherhood – because, for example, the father has already left to seek asylum in Europe or has been killed – and therefore the child is left without citizenship. States shall ensure that this right is respected.