

# **EMN Ad-Hoc Query on Return of unaccompanied minors**

Requested by Jutta SAASTAMOINEN on 3rd March 2017

#### Return

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, United Kingdom, Norway (24 in total)

### Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.



## **Background information:**

The National Police Board of Finland and the Finnish Immigration Service have received funding from the Asylum, Migration and Integration Fund (AMIF) for a joint-project "Repatriation". The key objective of the project is to improve the efficiency of returns of asylum seekers. The project also looks at the situation of unaccompanied minors.

In this regard, we would like to request information from the Member States in order to understand the volume of returning unaccompanied minors and for identifying best practices.

#### **Summary**

Responses were received from 24 Member States (AU, BE, CH, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, SI, SK, SE, UK, NO).

All Member States except Austria, France and United Kingdom indicated that their answers were for wider dissemination. The summary is based on the answers of the 21 countries whose answers are for public dissemination.

1. How many unaccompanied minors did your Member State return during 2016? Please separate between voluntary and forced returns. Half of the responding countries (BE, CY, DE, IT, NO, FI, LU, SE, CH, NL, LT, SI) reported that they assisted unaccompanied minors to return voluntarily during year 2016. Five of the countries (FI, LU, SE, CH, NL) indicated that during 2016 they carried out both voluntary and forced returns. Seven of the responding countries (CZ, EE, HU, IE, MT, SK, ES) had not carried any removals of unaccompanied minors during 2016 and two of the responding countries (HR, LV) carried out only forced returns of minors during 2016.

Only voluntary returns (2016):

- **Belgium** had 17 voluntary returns
- **Cyprus** had 2 voluntary returns
- **Germany** had 170 voluntary returns
- **Italy** had 9 voluntary returns
- Norway had 14 voluntary returns
- Lithuania had 1 voluntary return
- **Slovenia** had 6 voluntary returns

Both voluntary and forced returns (2016):

- **Finland** had 20 voluntary returns and less than 10 forced returns
- Luxembourg had 1 voluntary return and 1 forced return
- **Sweden** had 103 voluntary returns and 21 forced returns
- **Switzerland** had 22 voluntary returns and 2 forced returns
- Netherlands had approximately 60 voluntary returns and 10 forced returns

Only forced returns (2016):

- Croatia reported 70 forced returns during 2016
- Latvia had 22 forced returns

No returns during 2016:

- Czech Republic
- Estonia
- Hungary
- Ireland
- Malta
- Slovak Republic
- Spain had 5 minors removed, but none of them were asylum seekers
- 2. Does your country remove unaccompanied minors to any of these countries: Iraq, Afghanistan and/or Somalia?

None of the responding countries carried out forced returns of unaccompanied minors to Afghanistan, Iraq and/or Somalia during 2016. Some Member States however reported that minors have returned voluntarily to these countries.

3. Has your Member State developed and implemented any specific measures in order to gather information on applicants' family ties in order to ensure a safe return to the country of origin? If yes, please describe (shortly) the undertaken measures.

Most of the responding countries stated that IOM has been recognised as the body through which family tracing and assessment is done. A total of ten countries (BE, CY, CZ, DE, FI, IT, LT, MT, CH, NO) indicated that they cooperate with IOM. This procedure, however, deals only with voluntary returns.

Other measures that were mentioned include information gained from the minor through interviews (BE, CZ, DE, EE, ES, FI, HR, LV, NL, SE, NO) and cooperation with diplomatic services such as embassies (BE, CZ, ES, HR, LT, SE).

### **Questions**

- 1. How many unaccompanied minors did your Member State return during 2016? Please separate between voluntary and forced returns.
- 2. Does your country remove unaccompanied minors to any of these countries: Iraq, Afghanistan and/or Somalia?
- 3. Has your Member State developed and implemented any specific measures in order to gather information on applicants' family ties in order to ensure a safe return to the country of origin? If yes, please describe (shortly) the undertaken measures.
- 4. We are planning to visit some Member States based on the answers for this questionnaire. In order to enable us to plan possible visits, please provide contact details for an official in your ad-ministration to whom any supplementary queries in relation to this questionnaire can be addressed.

# Responses

Country	Wider Dissemination	Response
Austria	No	
Belgium	Yes	1. No forced return of unaccompanied minors. Their return is always on a voluntary basis. In 2016 17 unaccompanied minors returned.
		<b>2.</b> As mentioned above, no forced return for unaccompanied minors, only voluntary. If an unaccompanied minor wishes to return, he or she can use the voluntary return and reintegration program. A voluntary return of an unaccompanied minor to Iraq, Afghanistan or Somalia is in principle possible. In 2016 2 unaccompanied minors returned to Afghanistan, and 6 to Iraq. But such a return

			can only happen within the existing rules regarding the return of unaccompanied minors (for example formal consent of the guardian in Belgium, and formal consent of both parents in the country of origin or the guardian in country of origin).  3. When an unaccompanied minor arrives in Belgium, a guardian is appointed. This guardian can start a specific procedure. This procedure determines the most durable solution in the best interest of the unaccompanied minor (which can be both return as well as a residence permit). To this end, the authorities conduct a 'family assessment' for each individual case. In this regard, the Belgian Immigration Office can contact the Belgian diplomatic post in the country of origin to collect the necessary information. In this regard the family of the unaccompanied minor is consulted. This does not mean that the unaccompanied minor will return to his or her country of origin, but it makes it possible to determine whether or not adequate and safe reception and care are available, and whether or not a return is in the best interest of the unaccompanied minor. If the unaccompanied minor wishes to return, the Belgian Federal Agency for the Reception of Asylum Seekers (Fedasil) will prepare his or her return in collaboration with the service providers (IOM and if applicable Caritas International Belgium). In consultation with the guardian in Belgium, the service providers will try to get the necessary formal consent of the parents or guardian in the country of origin for the return of the unaccompanied minor. The service provider will also prepare the reintegration of the unaccompanied minor if applicable.
**	Croatia	Yes	<ol> <li>During 2016 the Republic of Croatia had registered 331 unaccompanied minors. 70 unaccompanied minors were forced returns (removal), mostly from Kosovo and Turkey.</li> <li>No.</li> <li>Yes. During interviews in the presence of a guardian, information about the members of his / her family are collected. The data collection continues after juveniles are accommodated in the home for juveniles.</li> </ol>

			4. Not included in the open compilation.
**	Cyprus	Yes	<ol> <li>During 2016, there were 2 cases of voluntary returns of unaccompanied minors in their home countries and 39 to other European countries for the purpose of family reunification (Dublin Regulation).</li> <li>No</li> <li>The Social Welfare Services have developed cooperation with the International Organization for Migration (Cyprus Office) in Cyprus, which undertakes all necessary measures for the safe return of the unaccompanied minor, i.e. gather information on applicant's family ties, home study on the family and living conditions, etc.</li> <li>Not included in the open compilation.</li> </ol>
	Czech Republic	Yes	<ol> <li>Voluntary return – 0. Forced return – 0. Returns of minors from the CR can take place only on a voluntary basis. Generally, the Czech Republic does not return UAMS. As a rule, UAMs are not returned to third countries unless they ask for it and at the time it is clearly demonstrated that the return is in their best interest - i.e. the level of care in the country of origin is at the same level as is the case in the CR.</li> <li>No. See the answer above.</li> <li>While looking for their relatives, the information shared by the child him/herself is used in the first place since, especially for children from third countries, those items of information are frequently the only ones available. For minors who do not seek international protection, the competent social and legal child protection authority must inform the country of origin. As a rule, the authority also informs the embassy of the country of origin in the CR and the Office for International Legal Protection of Children. These institutions then look for the parents or survey other relevant information on the child. After the situation is surveyed, the children are either consigned directly to their parents or to an educational institution in the country of origin. On being returned, the children are either accompanied</li> </ol>

			by one of their parent or a court-appointed person who is mandated to take over the child and arrange for him/her to be returned - in practice, it is usually an employee of the embassy, a representative of the locally competent child care authority or a representative of the IOM. They also cooperate with nongovernmental organisations in the country of origin. Where the children are taken over by their parents who come for them to the Czech Republic, their returns are no longer monitored by the CR. However, there is a risk of the children being (repeatedly) exploited as part of trafficking of children or committing crime. In this respect, it was observed that both state administration and non-public organisations found it difficult to identify potential children victims. This applies where the parents or statutory representatives arrive at a police station, or at a social and legal child protection authority annexed to the municipal authorities in order to take the child over hastily, with the preliminary order yet to be issued, and before the child is placed at the Facility; if that is the case, the mere suspicion on the part of a staff member of the social and legal child protection authority regarding the child being in a potential trafficked situation may not warrant a refusal to consign the child to the parents or a statutory representative. Even if the preliminary measure has already been issued, it may be difficult to prevent the child from being trafficked if they are picked up by a parent who is involved in the trafficking.  4. Not included in the open compilation.
	Estonia	Yes	<ol> <li>There have been no such cases during 2016.</li> <li>There have been no such cases.</li> <li>Unaccompanied minors are accommodated in the home for juveniles. The interviews are conducted in the presence of a guardian and relevant information is collected, including information about the members of the family.</li> <li>Not included in the open compilation.</li> </ol>
+	Finland	Yes	1. According to the IOM, which organises voluntary returns in Finland, 20 unaccompanied minors returned voluntarily from Finland in 2016. Apart from the voluntary returns organised by the IOM, the

		Finnish police reports having removed less than ten unaccompanied minors annually, on the basis of case-by-case discretion. Finland does not have official statistics on minors' involuntary removals. A total of 401 unaccompanied minors applied asylum from Finland during year 2016.  2. Finland hasn't carried out forced removals of unaccompanied minors to Iraq, Afghanistan or Somalia. Minors have, however, returned to these countries through voluntary return.  3. Finland has made some efforts in order to gather information on the family situations. For instance, each unaccompanied minor is encouraged to provide a full list of their family members and to describe their relationship with them in detail. In addition to close family members, also relatives such as aunts and uncles are taken into account. However, this is an issue which Finland would like to see improving and, hence, we are currently investigating the issue.  4. Not included in the open compilation.
France	No	
Germany	Yes	1. Forced returns There have been no forced returns of unaccompanied minors in the year 2016. In 649 cases, unaccompanied minors have been denied entry at the border or have been brought to other member states of the EU in the course of the Dublin procedure. Unaccompanied minors enjoy a high standard of protection in Germany, making forced returns very difficult to realize. In order to forcibly remove an unaccompanied minor the German authorities have to ensure that the minor in question is given into the care of his parents or a legal guardian in his country of origin. Since the task of identifying the parents or legal guardians, getting into contact with them and getting their consent to the forced removal of the minor is very difficult. There are virtually no cases in which an unaccompanied minor can be forcibly removed on a legal basis. Voluntary returns In the year 2016, 170 unaccompanied minors returned to their countries of origin voluntarily within the frame of the German AVR programme REAG/GARP, which is implemented by IOM Germany on behalf of the Federal Republic and the Bundesländer.  2. Because of the difficulties of forcibly returning unaccompanied minors described in question 1, there

Hungary	Yes	have been no forced removals to the described countries. However, voluntary returns to these countries are possible if all requirements set by the IOM (See Question 3) are met.  3. In case of a voluntary return of an unaccompanied minor via the REAG/GARP programme the personnel of the IOM mission in the respective country of origin tries to identify the par-ents or legal guardians of the minor on the basis of legal documents or addresses provided by the legal guardian of the minor in Germany. When the parents or legal guardians are found, they have provide a written confirmation that the minor in question will be received at airport and taken into care until he or she reaches legal age. Minors under the age of 16 will receive an escort during the flight. The arrival of the minor at the airport in the country of origin and the reunification with the parents or legal guardian is documented via a "handover certificate". IOM Germany recently provided the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge) with a draft of guidelines for cases concerning unaccompanied minors, based on the SOPs of IOM Geneva.  4. Not included in the open compilation.  1. No unaccompanied minors were returned during 2016.  2. HU does not remove unaccompanied minors to any of these countries.
		<ul> <li>3. According to Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals Section 45 (5) an unaccompanied minor may be expelled only if adequate protection is ensured in his country of origin or in a third country by means of reuniting him with other members of his family or by state or other institutional care.</li> <li>4. Not included in the open compilation.</li> </ul>
Ireland	Yes	I. Ireland does not return unaccompanied minors and does not remove unaccompanied minors to Iraq, Afghanistan and/or Somalia.      2

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Italy	Yes	1. According to the Italian law, unaccompanied minor is a foreigner under the age of 18 who is for any reason within the territory of the State without assistance or legal representation (Legislative Decree 142/2015). The forced return of a foreigner under the age of eighteen is forbidden (Consolidated Law on Immigration). During 2016, assisted voluntary return (RVA) was stated for 9 minors by the Directorate-General for Immigration and Integration policies of the ministry of Labor and Social Policies (5 Albanians, 4 Egyptians).
		2. No  3. According to the national legislation, the Directorate-General for Immigration and Integration Policies of the Ministry of Labour and Social Policies is responsible for Family Tracing & Assessment of UAMs present in Italy, in order to trace family members, also in the Country of Origin. After a public procedure, the International Organization for Migration (IOM) has been recognised as the body through which Family Tracing & Assessment is developed by the Ministry of Labour and Social Polices. Family Tracing consists of a deep analysis of the context of origin of the child and provides fundamental information to find durable solutions in the best interest of the child. In general, moving
		from the request of the Directorate for Immigration and Integration policies, IOM activates field staff that contacts the child's family in order to realise an interview, based on a semi-structured questionnaire. Such interview is usually conducted at the family's house and it is accompanied by a deep observation of the socio-economical context. On this regard, it is important to highlight that family members are always informed by IOM staff about the aims of the interviews and about the relevant Italian legislation. Then, family tracing's results are transmitted by IOM to the Directorate-General for Immigration and Integration Policies, which forwards it to the responsible Municipality and/or to the Guardian. The development of family tracing provides detailed information about the
		child's background, useful in order to identify durable solutions for the child (both in Italy or in a third Country). According to the national legislation, the Directorate-General for Immigration and Integration Policies is also responsible for supporting family reunification when this is ascertained as the best, durable solution upholding UAM best interests. In order to state the Assisted Voluntary

		Return of the child, several pre-conditions are essential. First, it is evaluated the result of the Family Tracing, that should provide information on both the possibility and the conditions for the return, in the best interest of the child. Therefore, if the possibility of a positive re-integration is assessed, if the child expresses the will to return and if all competent authorities agree, an individual project of return in the Country of Origin is defined together with the child and according to his/her needs and desires. Such re-integration programmes address the whole family and social context of the child in the Country of Origin, in the best interest of the child. Thus, the decision on assisted voluntary return is taken by the Directorate-General for Immigration and integration Polices based on what emerges from family tracing, and considered the opinions of all involved actors (among which the agreement of the Judicial authority and the child's opinion are essential). A new Act concerning Unaccompanied Minors has been approved on March 29th 2017 by the Italian Parliament (the so-called "Legge Zampa"). Art. 8 of this Act provides for the adoption of the assisted voluntary return measures by the competent Juvenile Courts after hearing the minor concerned and his/her guardian, and taking into consideration the results of the family tracing in the country of origin or in a third country, as well as the reports of the competent social services.  4. Not included in the open compilation.
Latvia	Yes	<ol> <li>There were 22 unaccompanied minors removed from the territory of Latvia to their country of origin in 2016. Unaccompanied minors removed were citizens of Vietnam. There were no voluntary returns of UAM in Latvia in 2016.</li> <li>Latvia doesn't have practice in forced removals of unaccompanied minors to Iraq, Afghanistan or Somalia.</li> <li>Latvia mostly use the contacts of the unaccompanied minor with his/her family members or relatives to ensure a safe return of the minor to the country of origin. Latvia also use readmission agreements in cases of return of vulnerable group of migrants with the aim to provide the hand-over of the returnees to the family members, relatives or competent institutions providing proper care (child care institutions, health care etc.).</li> </ol>

			4. Not included in the open compilation.
	Lithuania	Yes	<ol> <li>One unaccompanied minor was returned to Belarus.</li> <li>In the previous years there were no cases of returning unaccompanied minors to the countries mentioned above.</li> <li>IOM and diplomatic missions or consular offices of the foreign country are requested to assist (mediated by Lithuanian diplomatic missions or consular offices) while finding family members of an unaccompanied minor. In case responsible persons are not found, a diplomatic mission, a consular office or an institution of a foreign country responsible for child care are contacted for the possibility to return an unaccompanied minor to parents, legal guardians or for a transmission of an unaccompanied minor to an institution which is responsible for child care and protection.</li> <li>Not included in the open compilation.</li> </ol>
	Luxembourg	Yes	<ol> <li>In 2016, one unaccompanied minor returned voluntarily to Albania with the parents' permission. Another Albanian unaccompanied minor was returned by force.</li> <li>No.</li> <li>No.</li> <li>No included in the open compilation.</li> </ol>
+	Malta	Yes	<ol> <li>There were no voluntary/forced returns of unaccompanied minors in 2016.</li> <li>No.</li> <li>N/A. In Malta, IOM is working on Assisted Voluntary Return and Reintegration (AVRR).</li> </ol>

		4. Not included in the open compilation.
Netherlands	Yes	<ol> <li>Approximately 60 UAM have left the Netherlands (including Dublin returns), approx. 60 voluntary and approx. 10 forced.</li> <li>We have not removed UAM to Iraq, Afghanistan and/or Somalia in 2016. Voluntary returns have taken place to Iraq (less than 5) and Afghanistan (less than 5).</li> <li>The UAM will be asked to give information about his family in his country of origin. With this information the Repatriation and Departure Service (R&amp;DS) can contact the family about the return. Unaccompanied minors require extra supervision during the repatriation process. In situations such as these the R&amp;DS organises adequate shelter for the unaccompanied minors. The primary goal is to reunite the UAM with parents or family (with information from the UAM and if possible through family tracing). If this is not possible, the R&amp;DS will try to arrange adequate shelter in a general reception facility. A reception facility is found to be adequate if there is shelter available till the age of 18, availability of food, clothing and hygiene, access to education facilities and the presence of medical care.</li> <li>Not included in the open compilation.</li> </ol>
Slovak Republic	Yes	<ol> <li>Slovak Republic does not carry out administrative expulsions of unaccompanied minors, their return can be only voluntary. However, there were no voluntary returns of unaccompanied minors in 2016. There was one case of a judicial expulsion (expulsion imposed by a court) of an unaccompanied minor, a Ukrainian national who was almost 18 at the time of expulsion and it was carried out through a readmission agreement.</li> <li>There were no such cases.</li> <li>No.</li> <li>Not included in the open compilation.</li> </ol>

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-	Slovenia	Yes	<ul><li>1. 15 returns; 9 readmissions and 6 voluntary returns. No force returns.</li><li>2. 1 UAM in Afganistan.</li></ul>
			<b>3.</b> Under the national legislation for each MBS the legal guardian is prescribed and assured. The Police together with appointed Legal Guardian follows the child best interest so act and take decision solely on this ground.
			4. Not included in the open compilation.
<u>(6)</u>	Spain	Yes	1. In 2016, the total number of unaccompanied minors returned was 5 (4 to Albania; 1 to Algeria), none of them asylum seekers.
			2. Spain has never returned unaccompanied minors to Afghanistan, Iraq or Somalia.
			<b>3.</b> In Spain, the basic step is that the Spanish Embassy/Consulate in the country of origin issues "the socio-family report" with the known information on relatives of the minor or, lacking this, information on the social protection services for minors.
			4. Not included in the open compilation.
-	Sweden	Yes	1. The Swedish Migration Agency has been involved in arranging family reunification or orderly reception for: 103 UAM to country of origin in 2016 (returns in accordance with Dublin Regulation is excluded). 64 UAM returned voluntary to Afghanistan 10 UAM returned voluntary to Iraq. No UAM returned to Somalia. The Swedish Police has returned 21 UAM, and none of the children have returned to Afghanistan, Somalia or Iraq.
			2. In 2016 no unaccompanied minor was returned with force to Somalia and to Iraq and Afghanistan - all the returns of UAMs to these countries were voluntary, please see question 1. For more information please see the attached document. The Swedish Migration agency is in charge of voluntary return and the Police Authority in charge of forced return. However, cases are not sent to the police before an orderly reception/family reunification has been investigated/arranged by the Swedish Migration

			Agency.  3. Please see the attached document! Orderly reception via the authorities/other stakeholders in Iraq, Afghanistan and Somalia is not currently possible. The Swedish Migration Agency does not currently engage with any stakeholders in relation to family tracing for unaccompanied minors in Afghanistan and Somalia either. It is hoped that in future the ERIN service providers in these countries may be able to provide assistance in relation to family tracing. In relation to Iraq, the Iraqi embassy in Stockholm can assist with family tracing for unaccompanied minors. When it comes to the practical arrangements for those minors who return to Afghanistan to reunite with their families, we do co-operate with the Afghani authorities. There are stringent security arrangements in place at Kabul airport which means that the Swedish escorts who escort minors to Afghanistan cannot leave the transit area in the airport. The Afghan authorities therefore assist by ensuring that the child is safely transported from the transit area and reunited with their family members outside the security-controlled area at the airport (see answer to the question below for further details). When unaccompanied minors return to Iraq from Sweden, the authorities are not involved in the handover process: the Swedish escorts are able to hand over the child directly to the receiving family member. Sweden has not returned any unaccompanied minors to Somalia.  4. Not included in the open compilation.
*	Switzerland	Yes	1. Voluntary returns: 22 Forced returns: 2  2. No  3. Switzerland cooperates with IOM regarding voluntary returns. Thus, reintegration of unaccompanied minors takes only place with the support of IOM. The procedure foresees that the Swiss Guardian for the unaccompanied minor does agree with voluntary return. The same has to be guaranteed by the guardian in the CoO. Once both agree, reintegration can be confirmed by the State Secretariat for Migration and organized by the specific return counselling office. The SEM usually confirms projects in line with education for unaccompanied minors. Every exception has to be well-founded.

		4. Not included in the open compilation.
United Kingdom	No	
Norway	Yes	<ol> <li>1. 14 UNAMs returned assisted from NO in 2016. They returned to Iraq 3, Afghanistan 6, Albania 4 and Iran 1.</li> <li>2. Of the above mentioned countries, Norway can only offer assisted voluntary return for UNAMs to Iraq per se. Currently we lack service providers for assisted return of UNAMs to Somalia and Afghanistan.</li> <li>3. When the UDI receives a request for return from an unaccompanied minor, then usually IOM uses their resources and routines to see if they can facilitate a safe return. IOM checks into an unaccompanied minor's family background based on information from the asylum applicant who often has telephone contact with their family.* Questions about whether a return to a given area/ country would be safe are considered by the Norwegian Directorate of Immigration's (UDI) Asylum Department. They consider whether it is safe to return an UAM to his/ her country of origin. First and foremost we consider whether the UAM will be in need of international protection. An UAM will only be considered for return if we are sure that the applicant will receive proper care upon return to his/ her country of origin (the minor's contact with family/ minor's possibility of establishing contact with his/ her family is part of our assessment concerning proper care). Our assessment will mainly be based on information we receive from the applicant. We will also consider verification of information concerning the applicant's identity in countries where this is possible. However, there are only a few countries where this is at all possible. All applicants receiving a rejection of their application of asylum have the right to appeal to an independent appeals board. If the Appeals Board (UNE) upholds UDIs decision of return we encourage the applicant to voluntarily return to his/her country of origin. * When the IOM organizes assisted return for an unaccompanied minor, they contact the minor's care persons/guardian in the CO in order to obtain agreement about the return. This is then a confirmation</li></ol>

		proves the relationship to the minor, but no other evaluation or consideration is made about the identified care persons.  4. Not included in the open compilation.
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