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Ad-Hoc Query on 2023.17 Residence procedure specifically for unaccompanied minors (3)

Requested by Belgium on 3 May 2023

Compilation produced on 20 June 2023

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (24 in Total)

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## 1. BACKGROUND INFORMATION

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The vulnerable group of unaccompanied minors needs additional protection. This is why, in addition to the international protection procedure, Belgium has a special residence procedure for unaccompanied foreign minors, known as the Best Interest Procedure, which is accessible regardless of other procedures initiated by the minor or his guardian, including an application for international protection. This procedure is based on the United Nation Convention on the Rights of the Child (UNCRC) and is characterised by the search for a durable solution for each minor according to his or her best interests.

The law determines 3 types of durable solution:

1. Family reunification with the parents in the country where they are legally entitled to stay;
2. A return to the country of origin with guarantees on adequate reception and protection, either by the parents or other adults, or by public authorities or non-governmental organisations;
3. A residence permit in Belgium;

The ultimate aim is to provide a stable and secure environment for the child in which his or her fundamental rights are respected and guaranteed. This secure environment must also allow for the educational and personal development of the minor into a balanced and independent adult.

Based on the information obtained during the investigation in the country of origin and after considering all the elements in the best interests of the minor, the Immigration Office will make a decision on the durable solution.

If it is considered that the durable solution is that the minor remains in Belgium, a temporary residence permit will be issued (this document is renewable annually under certain conditions and there is the possibility that it can be converted into a permanent residence permit).

If the durable solution is a return to the country of origin or another country, the UAM's guardian will be notified of the return order. The guardian should organise the minor's return.

According to return legislation and policy in Europe, in line with international law obligations, the EU Charter of Fundamental Rights, and the EU Return Directive, the return of an unaccompanied foreign minor to his or her country of origin or another country can only be considered if there are sufficient and appropriate guarantees of reception and care in the latter.

The Belgian authorities are looking to improve/review this procedure. In this context it would be very useful to obtain more information from other Member States who have a similar residence status, specifically for unaccompanied minors.

In order to collect the information we are organising the questions around three aspects: 1) the existence of a specific residence procedure for UAMs in the Member States (questions 1-6); 2) the procedure followed in case the durable solution is considered a return to the country of origin or another country, more specifically in relation to the specific residence procedure and with a focus on the assessment of adequate reception (questions 7-12); and 3) enquires for information on the implementation of a return decision (13-15).

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As the three sections are all around the topic of unaccompanied minors we have discussed with the co-chair of the ad-hoc query working group on the best way of launching the queries. As the same experts have to respond to all the questions we have agreed to launch them in one questionnaire but that will count for three ad-hoc queries and with a deadline of six weeks.

**We would like to ask the following questions:**

**1. How does your MS promote voluntary return?**

**2. What steps are taken to implement the return decision?**

**3. What are the consequences for the UAMs (legal status) if the return decision is not implemented voluntarily or further steps cannot lead to the implementation of the return decision (e.g. does the UAM obtains a residence permit)?**

We would very much appreciate your responses by **8 June 2023**.

## 2. RESPONSES

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		<b>Wider Dissemination<sup>2</sup></b>	
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<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and

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	EMN NCP Austria	No	
	EMN NCP Belgium	Yes	<p>1. Unaccompanied minors are supported through referrals to IOM, Caritas or Fedasil (Federal Agency responsible for reception of persons asking for international protection but also responsible for voluntary return), assisted by their guardians. Once authorities conclude that it would be in the best interests of the child to return to the country of origin or a third country, the Immigration Office will write follow-up letters to guardians to clarify any developments which may have taken place since they became aware of the return decision. In some cases, the child's file is transferred to an ICAM coach (Individual Case Manager) after return decisions are made, who then makes appointments with the minor, the guardian, and the child's family to discuss return and the possibilities for the child in such case (e.g. to clarify why the best interest of the child lies in returning to the country of origin). Several conversations are held, and the coach will try all possible means to connect with the child's family in Belgium or in countries of origin, e.g. via Skype, WhatsApp, email. If ultimately however there is no willingness to return, the child's file has to be closed. Fedasil's Voluntary Return service provides information sessions and training on the topic of Voluntary Return and reintegration of NBMV vis-à-vis the reception network, guardians and civil society.</p>

wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."



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			<p>2.</p> <p>In Belgium, the voluntary return of UAMs is always an assisted voluntary return since all voluntarily returning UAMs receive some kind of logistical and/or in cash and in kind support. In accordance with UNHCR's minimum safeguards in cases of return of unaccompanied and separated children, assistance with respect to the return of UAMs is limited to candidates who meet the following requirements:</p> <ul style="list-style-type: none"><li>• UAMs who have formally expressed the wish to return home and for whom their guardian has decided that return is in the best interests of the child;</li><li>• UAMs for whom parents / family members in countries of origin have formally indicated their agreement to welcome the child back and assist him/her in his/her reintegration process or in case tracing was unsuccessful, return to an adequate child-care institution as a last resort;</li><li>• UAMs for whom an appropriate reintegration and follow-up assistance can be ensured in the countries of origin.</li></ul> <p>So if an unaccompanied minor wishes to return, Fedasil will prepare his/her return in collaboration with the guardian and the service providers IOM and Caritas International Belgium, both partners in the Belgian Voluntary Return and Reintegration Program.</p> <p>3.</p> <p>As long as the minor is under the return order, he will be illegal on the Belgian territory, which means the child has only limited rights (such as education). The guardian is free to submit a new application (international protection, durable solution, or any other procedure foreseen in the law on Foreigners).</p>
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	<b>EMN NCP Bulgaria</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. The priorities of the Migration Directorate with the Ministry of Interior (the competent authority) are related to the promotion of voluntary return to the country of origin, giving a number of opportunities for providing assistance in purchasing flight tickets and implementing reintegration programmes. The Migration Directorate also cooperates with the Mission of the International Organization for Migration in the implementation of programmes for assisted voluntary return.</li> <li>2. In practice, the Migration Directorate has not implemented so far return decisions of unaccompanied minors. Return decisions of unaccompanied minors shall neither be imposed nor implemented when there is no positive opinion on adequate reception in the country of origin, a transit country or a third safe country, considering the best interest of the child.</li> <li>3. If a return is not possible due to inadequate reception in the country of origin, a procedure for granting prolonged residence or a procedure for granting international protection of the unaccompanied minors is initiated.</li> </ol>
	<b>EMN NCP Croatia</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Voluntary departure is implemented through Frontex's JRS program, but we did not have unaccompanied minors in the program, and through IOM's AVVR project, for which we are currently are waiting for an extension.</li> </ol>


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			<p>Voluntary departure is promoted through individual and group discussions and counseling, through promotional materials, information leaflets, website, etc.</p> <p>2. In the process of returning an unaccompanied minor, he is represented by an appointed guardian, who represents the best interests of the child. He will submit the request on behalf of the unaccompanied minor, receive the decision and, if he considers it necessary, file a legal remedy against the decision on return. The decision on return for an unaccompanied minor is carried out in cooperation with his guardian and in cooperation with the consular representation of his country of origin.</p> <p>3. Depending on the specific circumstances, if voluntary return has not been carried out, a decision will be made on forced return or on residence approval, depending on the specific case and established circumstances.</p>
	<p><b>EMN NCP Cyprus</b></p>	<p><b>Yes</b></p>	<p>1. Information leaflets and campaigns, in cooperation with local authorities and/or NGOs.</p> <p>2. Before issuing a return decision against an unaccompanied minor, the immigration officer shall seek assistance from Social Welfare Services who shall take due account of the best interests of the child and also verify that the unaccompanied minor will be returned to a family member and in appropriate reception facilities.</p>

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			<p>3.</p> <p>If the return decision cannot be implemented voluntarily for any reason, and the UAMs remains outside the asylum procedures, then the Social Welfare Services (the legal guardian) shall apply for a residence permit under art. 6.4 of the Return Directive (as adopted in the national law).</p>
	EMN NCP Czech Republic	Yes	<p>1.</p> <p>The Ministry of the Interior of the Czech Republic (“Mol”) organises a programme of voluntary returns, under which Mol enables persons eligible according to the provision of Section 123a of Act No. 326/1999 Coll., on the Residence of Foreign Nationals to travel back to their countries of origin.</p> <p>Mol raises awareness of voluntary returns among cooperation partners such Police of the Czech Republic, Centres for Support of Integration of Foreigners, Prison Service of the Czech Republic and NGOs and IOs (such as IOM). Mol also spread information about voluntary returns targeted at foreigners through an internet campaign.</p> <p>Those who can apply for voluntary return include mainly foreign nationals who hold an administrative removal order or an order to leave the territory and the territory of EU member states if a deadline for departure has been set, and foreign nationals detained for the purpose of administrative removal.</p> <p>Foreign nationals who are staying in the Czech Republic for instance for employment or study whose stay has been cancelled or not extended by the Czech authorities may also apply. In addition, EU citizens whose temporary stay has been cancelled and family members of an EU citizen whose temporary stay has been cancelled may also apply. The condition is that the foreign national in question is staying in the Czech</p>




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		<p>Republic on an exit order, is serving a prison sentence or has been sentenced to deportation.</p> <p>The Mol may also return unaccompanied minors to their country of origin. A prerequisite for the implementation of voluntary return is targeted cooperation with CPS (Child Protective Services) workers and possibly other authorities.</p> <p>Mol will arrange transportation for the foreign national from the Czech Republic to his/her country of origin. If necessary, it will also provide assistance with obtaining transit visas. Mol staff at the airport in Prague will assist foreign nationals with check-in and passport control.</p> <p>Key benefits of voluntary return include speed, financial assistance, dignified return, possibility of shortening the length of the ban on stay imposed on the foreign national and post-return reintegration assistance.</p> <p>2. Please see above.</p> <p>In addition, the number of voluntary returns of UAMs within last 20 years can only be counted in units. Each case was assessed individually with an emphasis on safe return, both within the journey as well as within the acceptance of the countries of origin. The safety of return is always carefully considered and consulted inter-departmentally. In particular, the emphasis is placed on the cooperation of the Ministry of Education, Youth and Sports, Ministry of Labour and Social Affairs and the Ministry of the Interior of the Czech Republic.</p> <p>Always a safe transfer is ensured and the person who will pick up the client in the country of origin is contacted in advance. Depending on the nature of the client's story, it is either official or a family member. After that, the client is entrusted either to the care of the family or state institution, which is ensured in advance for further care of UAM.</p>
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			<p>3. N/A So far, such situation has never occurred.</p>
	<b>EMN NCP Estonia</b>	<b>Yes</b>	<p>1. Via IOM VARRE (Estonian assisted voluntary return) program. Additional info: <a href="http://varre.directmedia.ee/?lang=en">http://varre.directmedia.ee/?lang=en</a></p> <p>2. If there is a risk of absconding, then surveillance measures may be applied to ensure the return. However, the term for voluntary compliance with the obligation to leave of an unaccompanied minor shall not be assigned, to ensure, that best interests of a child are taken into account. The organization of UAM return lies on guardian. The PBGB shall provide the guardian with professional assistance for the compliance with the obligation to leave of an unaccompanied minor.</p> <p>3. We have not had such cases. Obligation to Leave and Prohibition on Entry Act foresees, that the obligation to leave of an unaccompanied minor shall be complied with taking account of the interests of the unaccompanied minor and if the guardian is convinced that the unaccompanied minor shall be sent back to his or her family member or appointed guardian or to the reception centre of the receiving state.</p>


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			If, in the course of compliance with the obligation to leave or removal, it becomes apparent that return is not feasible it is possible to suspend compliance of the obligation to leave (return decision).
+	EMN NCP Finland	Yes	<p>1. Voluntary return is promoted in different ways, mainly by return counselling, information material and session. There is no specific promotion approach for children, except in return counselling when specific needs of the child are to be addressed. Counselling and information is also provided by email, phone and WhatsApp.</p> <p>2. The Police (the authority enforcing return decisions in Finland) has given its opinion on de facto possibility of return before return decision is issued. The Police, before carrying out the return, contacts and cooperates with the receiving parent, family member, pointed guardian or authority to make sure the return is safe. For assisted voluntary return there are different steps that are to be taken. Usually best interest of the child is already assessed during international protection process, but interest will be taken in consideration as well.</p> <p>During return counselling it is to be discussed how child's reintegration is planned, for example school participation, possible health needs etc. Also, if there are children born in Finland, relevant birth certificates and other documents are attained prior return. This is to ensure that the child can be registered as national of the third country in question, so that they have access to public services after the return to ensure sustainable reintegration.</p> <p>If the conditions for the return decision are met the Finnish Immigration Service traces</p>


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			<p>or otherwise contacts the parents or other caregivers of the applicant (in country of origin) before issuing a return decision to ensure safe return and adequate reception of the minor. Consideration is also done with the travel arrangements, such as flight schedule, to make the return travel smooth and child-friendly when possible.</p> <p>3. In practice, it should not be possible to concretize such a situation. We do not make return decisions to minors if we cannot ensure adequate reception.</p> <p>A prerequisite for the return decision is that the guardians have told that they are able to meet the applicant at the airport in the event of a return, and the police have issued a statement in favor of refusal of entry.</p> <p>If the parents cannot be contacted or according to a statement from the police, it is not possible to return the child, the child will be granted a residence permit for individual humane reasons (Aliens Act 52§) before the start of the actual practical arrangements for return.</p> <p>In case of voluntary return, if return decision is not implemented, consequences for UAM's legal status depend on the case. If the person cannot be identified and therefore the implementation of return decision is not possible, providing temporary permit is possible.</p>
	<p><b>EMN NCP France</b></p>	<p><b>Yes</b></p>	<p>1. Unaccompanied minors (UAMs) have the possibility to return to their country of origin or to one of their family members or guardians. The best interest of the child is,</p>

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			<p>in this specific framework, assessed by the Children's Judge in association with the Departmental Council which has guardianship of the child. Where necessary, guardianship is lifted to authorise the return of the minor to his or her family. For this type of return, assisted return and reintegration are not applicable to unaccompanied minors. However, in the context of family reunification decided by a judge, the French Office for Immigration and Integration (OFII) contributes to support with consular procedures with a view to obtaining a travel tickets without a valid passport and covering the costs of air travel.</p> <p>In addition, according to the order of 21 September 2020, as part of the early examination of the right to residence of UAMs aged over 16 who have obtained a work permit as part of vocational training, the finding that they do not have the right to residence when they reach the age of majority, should lead the Departmental Councils' Social child and youth care services (ASE) to make the person concerned and the ASE agents aware of the possibility of benefiting from the assisted voluntary return scheme implemented by the OFII.</p> <p>2. N/A, since no issuance of return decision.</p> <p>3. N/A.</p>
	<b>EMN NCP Germany</b>	<b>Yes</b>	<p>1. In the context of the asylum procedure due to the high standards of protection for UAMs the level of promoting voluntary return differs from the regular dissemination of information on voluntary return for adult applicants. Nevertheless, legal guardians and return counselling centers can find information on (assisted) voluntary return for UAMs and the specific requirements on the website <a href="http://www.returningfromgermany.de">www.returningfromgermany.de</a>. In the case of voluntary return of UAMs, IOM offers a family assessment. For this</p>


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		<p>purpose, IOM contacts the relatives/legal guardian in the destination country and visits them on site. The aim is, on the one hand, to ensure the best interests of the minor, and to support the guardian in making a decision on the voluntary return of the minor. The detailed procedure of the family assessment is also explained in a specific information sheet which can be downloaded from the website <a href="http://www.returningfromgermany.de">www.returningfromgermany.de</a>.</p> <p>2. In Germany the voluntary return of third-country nationals has been promoted by the REAG programme since 1979 and the GARP programme since 1989. The REAG/GARP programme helps to return to the country of origin or to migrate on to another country. It supports in the organisation of the journey and pays the costs for the travel ticket. Further support for reintegration is available for many countries through the national StarthilfePlus and the European JRS programme. Unaccompanied minors are also eligible for benefits under the REAG/GARP programme. All unaccompanied children and young persons under the age of eighteen are defined as unaccompanied minors within the framework of the REAG/GARP programmes. Certain conditions need to be fulfilled for vulnerable persons – in this case un-accompanied minors – in order to grant the application: a written confirmation from the persons, authorities and/or organisation requesting the return of the child is requested to ensure the young person has been handed into the hands of a relative or competent youth welfare facility. The authorities filing an application for the return of the child or the legal guardian examine what is in the child's best interests, whether the young person actually wants to return to his or her country of origin and the family situation in the country of origin. After arrival, unaccompanied minors have access to reintegration measures. This reintegration assistance includes special assistance for vulnerable persons (in this case</p>
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			<p>unaccompanied minors), e.g. helping to find a school, adequate healthcare and psychological assistance.”</p> <p>3. If no appropriate reception facility is available in the country of return, a return decision may not be taken (ECJ judgement of 14.01.2021 in case C-441/19). For this reason, the Federal Office for Migration and Refugees does not include a deportation order in the rejection of the asylum application. The further measures under residence law are subject to a case-by-case decision (concerning the issuance of a residence permit or temporary suspension of deportation) which lies in the responsibility of the local foreigners authority.</p>
	<b>EMN NCP Greece</b>	<b>Yes</b>	<p>1. The UAMs can participate in assisted voluntary returns and reintegration schemes implemented by IOM Greece and to receive assistance to return voluntarily to their countries of origin. The best interest assessment of the minor who applies for assistance through the Assisted Voluntary Returns Action, is one of the main procedures of IOM's internal regulation. In this context and in coordination with the Special Secretariat for the Protection of Unaccompanied Minors/Ministry of Migration &amp; Asylum, the minor is placed in accommodation facilities for unaccompanied minors in case of homelessness. Moreover, the minor participates in personal consultation session carried out by IOM's Greece specialized staff and with the contribution of cultural intermediaries/interpreters in order to be ensured that the child receives all necessary information in a language he/she can understand. During the session, the child is informed extensively on the assistance and the support he/she can receive through the Assisted Voluntary Returns</p>

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			<p>Action, as well as on the required procedures that need to be followed for the smooth implementation of the voluntary return. Simultaneously, IOM's Greece staff receives the child's social history and collects information on his/her needs and wishes, in order to be holistically contextualized. It should be noted that, through a separate consultation session, the minor is informed on the reintegration assistance provided to all unaccompanied minors, if they wish so. Reintegration assistance can be used after returning to the country of origin in order to cover various needs, such as education, temporary housing, medical needs, access to psychosocial support services etc.</p> <p>In parallel, a tracing and assessment procedure is carried out on the child's family context where the minor applies to return, in cooperation with IOM's local offices in the countries of origin. When the procedure expires, IOM Greece receives from the IOM's offices in the country of origin, the signed documents from the child's legal guardians, declaring that they agree with/wish the child's return to the country of origin.</p> <p>Also, it is noted that, if a minor wishes to return to his/her country of origin this procedure requires special warrantees, additional safeguards and the approval of the Public Prosecutor for Minors. When assessing the best interests of the minor to establish whether voluntary return to the country of origin can be effected, particular consideration shall be given to the investigation of the minor's family, social and supportive environment and the possibilities of reunification with family members in the country of origin, the minor's quality of life and the possibility of social development of the minor on the basis of his/her individual needs in the host country, safety and security issues related to the security situation in the minor's country of origin, his/her ethnic origin, as well as issues of possible persecution by public or private bodies. Finally, it has to be identified if there is a risk of the minor becoming a victim of trafficking in human beings. The views of the minor have to be taken into consideration according</p>
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			<p>to his/her age and maturity, based on his/her developmental, mental and emotional state.</p> <p>If the above mentioned procedures are completed and the child's return has been assessed to be in the child's best interest and after the Minors' Prosecutors Office has received all relevant information and has carried out the necessary actions, IOM is able to proceed with the remaining administrative actions for the finalization of the return. Depending on the UAM's individual vulnerabilities, his/her age and the difficulty of the journey (many hours of flight, stopovers etc.), the UAM's return can be carried out with the assistance of IOM's escorts (operational and/or medical staff).</p> <p>2. Please see reply in question 1.</p> <p>3. N/A</p>
	<p><b>EMN NCP Hungary</b></p>	<p><b>Yes</b></p>	<p>1. Unaccompanied minors may travel under the International Organisation for Migration (hereinafter referred to as IOM) Voluntary Return Programme on the basis of a voluntary return declaration, whereby the National Directorate-General for Aliens Policing asks IOM to organise and manage the entire travel process. The asylum authority provides information on the possibility of returning home, including contact details to IOM.</p> <p>2. Unaccompanied minors may travel under the International Organisation for Migration (hereinafter referred to as IOM) Voluntary Return Programme on the basis of a voluntary return declaration, whereby the National Directorate-General for Aliens Policing asks IOM to organise and manage the entire travel process. The asylum</p>



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			<p>authority provides information on the possibility of returning home, including contact details to IOM.</p> <p>3. If the unaccompanied minor does not comply voluntarily with the expulsion, the aliens policing authority may take measures to enforce the expulsion.</p>
	<b>EMN NCP Ireland</b>	<b>Yes</b>	<p>1. Voluntary return is an option for unaccompanied minors and those who have turned 18 years. This is possible up to the point of issuing a deportation order. The Separated Children Seeking International Protection Team of the Child and Family Agency, Tusla may assist unaccompanied minors who have not submitted an application for international protection or other status to voluntarily return to their country of origin.</p> <p>2. As noted in AHQ 2023.16, Ireland does not participate in the Return Directive 2008/115/EC. Under national law, voluntary return is an option at any point up to the issuing of a deportation order. In practice, Ireland does not issue deportation orders to unaccompanied minors, however, voluntary return is available.</p> <p>3. As noted previously, deportation orders are not issued. UAMs may avail of voluntary return.</p>
	<b>EMN NCP Italy</b>	<b>Yes</b>	<p>1. N/A</p> <p>2. N/A</p>


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			<p>3. If the minor does not express the willingness to return and obtains a residence permit, return decisions cannot be issued and repatriation is not possible.</p>
	EMN NCP Latvia	<b>Yes</b>	<p>1. If the competent authority would conclude that in the best interests of child, is to return to the country of origin, voluntary return decision would be issued and guardian of UAM would be informed. Guardian has right to contest decision to the Head of the competent authority. The guardian has right the decision of Head appeal to the court. In Latvia IOM provides voluntary return and reintegration assistance.</p> <p>2. The competent authority in voluntary return decision determinates 30 days for voluntary departure. If it is necessary, the competent authority can prolong the term of voluntary departure, maximum for 1 year. All return related questions are solved in close cooperation between the competent authority, IOM and guardian</p> <p>3. In case of not implementing voluntary return decision, most likely would be examined question for residence permit. Once the UAM get legal status in Latvia, return decision would be cancelled.</p>
	EMN NCP Lithuania	<b>Yes</b>	<p>1. The Migration Department or the State Border Guard Service may provide travel tickets and a lump sum payment of 300 euros to eligible foreigners to voluntarily return to a foreign state.</p>

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			<p>2. In case of UAMs, return decisions are made by the Migration Department and implemented by the State Border Guard Service in accordance with Order No. 1V-429 of 24 December 2004 of the Minister of the Interior and other relevant orders. If required, the State Border Guard Service escorts the returned UAM to the state border or to the foreign state and organizes the UAM's handover to parents, other legal guardians, or the representatives of that state's institution responsible for child care or protection.</p> <p>3. If a return decision cannot be implemented, a temporary residence permit is issued to an UAM. This legal status is reassessed at the time of residence permit renewal.</p>
	<b>EMN NCP Luxembourg</b>	<b>Yes</b>	<p>1. Luxembourg promotes the voluntary return through different channels. Since August 2009 a staff member of the OIM ensures a weekly presence in Luxembourg. IOM manages the Assisted Voluntary Return and Reintegration Programme – Luxembourg (AVRR-L). An information brochure in 10 languages is available at the Ministry of Foreign and European Affairs – Directorate of Immigration, at ONA (National Reception Office), at the bar association, in diverse NGOs who are in direct contact with international protection applicants or third-country nationals. The information is provided from the moment that the applicant files an international protection application (in the case of the UAM it is done through his/her ad-hoc administrator).</p> <p>The international protection applicant is informed as soon as he/she gets a negative answer to his/her demand. The individuals detained at the Detention Center get the information as soon as they arrive at the Centre. Briefings are organised in non-profit organisations and regularly take place in shelters for applicants for international protection.</p>


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		<p>2. Once the international application of the UAM is rejected, the return procedure starts if the Consultative Commission of the Best interest of the Child considers that it is in the best interest of the child is to be returned and the assessment report indicates that there will be an adequate reception of the UAM in the country of origin. As it was mentioned before the information of a voluntary return is provided to the UAM through his/her ad-hoc administrator. The UAM can benefit from the AVRR-L programme that will provide logistic (e.g. obtaining travel documents, accompanying the UAM to his/her country of origin) and will provide in cash and in kind reintegration support (except if the CoO is excluded from the reintegration support by the Luxembourgish AVRR programm, i.e. Western Balkans countries, Kosovo and Georgia). If the UAM wants to return voluntarily to his/her country of origin and the ad-hoc administrator and guardian agrees with this option, the IOM can begin preparing the return of the minor.</p> <p>AVRR by IOM is thus possible for the:</p> <ul style="list-style-type: none"> <li>• UAMs who have formally expressed the wish to return home and for whom their guardian and administrator ad hoc have also confirmed that return is in the best interests of the child;</li> <li>• UAMs for whom parents / family members in countries of origin have formally indicated their agreement to welcome the child back and assist him/her in his/her reintegration process or in case tracing was unsuccessful, return to an adequate child-care institution as a last resort.</li> </ul> <p>3. As long as the minor is under the return order, he/she will be on irregular stay on the Luxembourg territory, which means the minor has only limited rights (such as education). The ad-hoc administrator assigned by the Family Court is free to submit a</p>
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			new application (for international protection, or a residence permit for private reasons).
	<b>EMN NCP Netherlands</b>	<b>Yes</b>	<p>1. DT&amp;V maintains a specialized team consisting of trained personnel dedicated to conducting interviews with UAMs. These interviews includes discussions regarding suitable reception arrangements (involving family members or other individuals capable of providing reception) and the overall process of return. Prior to engaging in discussions with the UAM, an initial meeting is convened involving the child protection officer (from the guardianship institution) and the COA mentor. This meeting serves to establish a cohesive approach for the UAM, ensuring consistent communication and information provided to them.[1]</p> <p>Furthermore, the UAM is appropriately referred to the International Organization for Migration (IOM) and other NGOs that possess the capability to assist with independent repatriation efforts.[2]</p> <p>[1] This information is provided by the Repatriation and Departure Service (DT&amp;V) on 26 May 2023. [2] This information is provided by the Repatriation and Departure Service (DT&amp;V) on 26 May 2023.</p> <p>2. It has been agreed that, on top of the decision period for the IND (6 months, at the moment extended to 15 months), the Repatriation and Departure Service (DT&amp;V) has a maximum period of 1 year to complete an assessment of adequate reception, provided that the UAM and all other relevant parties cooperate fully. This year includes a period to consult with the authorities of the country of return to gain insight</p>


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		<p>into the situation of the UAM and potential departure options. During that year, it will also be examined whether there are departure options that could be utilised in the future_without the cooperation of the UAM.[1]</p> <p>Please note that the return decision is not imposed until the investigation into adequate reception has been completed and this has shown that adequate reception is actually available.</p> <p>[1] Parliament Papers II, 2021-2022, 29344, no. 152.</p> <p>3. If the return decision is not implemented voluntarily, the UAM can also forcibly be returned. However, this is only the case if it has been established that adequate reception can be provided in the country of origin (as mentioned in Q8, this assessment is carried out by the IND during the international protection procedure, but can be handed over to the DT&amp;V after the rejection of an asylum application if additional research is required). If it cannot be established that adequate reception can be provided in the country of origin, the UAM is, under certain conditions, entitled to a no-fault (buitenschuld) permit. This permit is intended as a solution for third-country nationals who try to leave the Netherlands, but are unable to do so 'outside of (=buiten) their fault (=schuld)'. According to the Council of State, the assessment on adequate reception in the country of origin will always result in either a return decision (i.e. if it can be established that adequate reception can be provided) or a permit under the 'no fault' (buitenschuld) policy (i.e. if it cannot be established that adequate reception can be provided in the country of origin within the deadline). Thereby, the UAM is obliged to cooperate with the assessment. However, there is a possibility that an UAM may not cooperate with or even actively frustrate the assessment by providing incomplete or inaccurate information. In those cases, if the DT&amp;V's</p>
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			<p>maximum assessment period of 1 year expires, an extension of this deadline is possible. However, this must then be properly communicated and justified.[1]</p> <p>Please note that in any case, the return decision is not imposed until the investigation into adequate reception has been completed and this has shown that adequate reception is actually available.</p> <p>[1] Parliament Papers II, 2021-2022, 29344, no. 152.</p>
	<p><b>EMN NCP Poland</b></p>	<p><b>Yes</b></p>	<p>1. The promotion of voluntary returns is oriented on all foreigners whose legal situation entitles them to use this solution. There are no solutions oriented on different strictly defined groups of foreigners (eg. minors). The promotion is realized by provide information on this solution eg. in leaflets, information campaigns, on websites (both IOM and Border Guard websites).</p> <p>2. When executing the return decision there is a contact with an embassy and consulate of the country of origin for the reason of taking by embassy/consulate steps oriented on searching the family of the minor in the country of origin in the first step and in the second step (if finding the family is not possible) - taking necessary measures to ensure that the unaccompanied minor is received by the care institutions in the country of origin.</p> <p>3.</p>




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			If the return decision could not be executed for the reasons of breach of the rights of the child as defined in the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, the decision on the consent for stay for humanitarian reasons should be issued.
	EMN NCP Portugal	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Portuguese government has a protocol with IOM for voluntary return.</li> <li>2. IOM sends a request for Portuguese Immigration and Borders Service (SEF), after consulted the important databases, SEF allows IOM to prepare the travel.</li> <li>3. Until now we don't have any request of UAMs.</li> </ol>
	EMN NCP Slovakia	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Since 2022, when there is a return specialist deployed in the detention center in the Slovak Republic, we have recorded significant results from cooperation with him and successes in the field of voluntary returns as well. In the case of unaccompanied minors, if expulsion is not in the minor's best interest, they are also motivated to return voluntarily.</li> <li>2. Competent authorities are obliged to proceed in the performance of their functions in such a way that the execution of the return decision can be carried out in the required time, adequately and at every stage the obstacles to expulsion are still being investigated.</li> </ol>


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			<p>3.</p> <p>If the return is not voluntary, it will be enforced forcibly only if it meets the condition that expulsion is in the best interest of the minor. In case that expulsion is not in the best interest of the minor, UAM is granted a tolerated stay pursuant to Article 58 par. 1 letter a) of the Act on Residence of Foreigners (a minor found on the territory of the Slovak Republic).</p>
	<b>EMN NCP Slovenia</b>	<b>Yes</b>	<p>1. All activities are carried out only in cooperation with the guardian for a special case. The guardians are informed by the return counsellors about the possibility of voluntary return and AVRR programs and then it is their responsibility, taking into account all the circumstances, to identify the best interest of UAM</p> <p>2. The Police has a cooperation protocol signed with the Centers for Social Work. All activities are carried out only in accordance with the opinion of the guardian for a special case appointed by the competent Centre for Social Work, who is also in charge for the protection of the best interests of the UAM. The procedure involves cooperation with the consular representations of the third country, the relatives of the UAM and, if necessary, the competent authorities in the country of destination.</p> <p>3. The UAM may be issued with a Permission to stay in the Republic of Slovenia that is valid for 6 months and may be extended for as long as there are grounds for such a decision. There are no specific restrictions in the law on the possibility of enforcing a return decision. Enforcement would thus be possible if such a return were in accordance with the opinion of the guardian, however, there are no such practical cases recorded.</p>


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	<b>EMN NCP Spain</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Voluntary Return and reintegration projects are directly implemented by social entities and international organizations with long experience in migration management and that are financed with public funds. The projects aim at offering the possibility of returning to those migrants in a situation of vulnerability who do not want to, or cannot stay in, their migratory destination. It is, therefore, an essential part of the comprehensive approach to migration management. It contributes to achieving safe, orderly, and dignified migration. Unaccompanied minors are considered as population in a situation of special vulnerability and therefore they can apply for voluntary return even if they have not been in the Spanish territory the minimum period established by the program (90 days). Information about Voluntary return for unaccompanied minors is provided by public administrations, international organizations and social entities.</li> <li>2. The voluntary return program is based on specific reports that ensure the fulfilment of specific requirements. The “report on minors traveling alone” should be prepared and signed by the responsible of the social entity in charge of the project. Then, the application together with the documents and the report should be addressed to the public authorities that will analyze the documents and decide if the application should be accepted. All the official requirements established by the voluntary return program should be met to ensure safe returns, specifically when it comes to unaccompanied minors.</li> <li>3.</li> </ol>
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	<b>EMN NCP Sweden</b>	<b>Yes</b>	<p>1. The SMA have several meetings and conversations with the migrant for the purpose of convincing them that voluntary return is preferred. We notify the decision at an individual meeting, and we give a short explanation about why the decision has been made.</p> <p>We talk about what will happen next, choices between appeal against or accept the decision and we inform about how likely or unlikely it is to win an appeal. We inform about different reestablishment supports and what will happen if and when the decision comes into effect. Short written information with images is handed out during the meeting.</p> <p>Information that one is not entitled any help with accommodation or money if one doesn't leave within the time limit. The law makes exceptions for families with children and UAMs.</p> <p>After this meeting we categorise the case based on access to identity documents and what attitude the person has to a return. This categorisation makes it easier to plan ahead.</p> <p>Since there is so little time between legal force and last date to leave (two or four weeks) we need to give very much information before the decision becomes effective. Therefore we also have follow-up-meetings during the appeal process to give as much information about what needs to be done before legal force to make sure the individual is in the loop and understands that the identity documents must be in order. We do this at the Notification meeting and at follow-up meetings.</p> <p>After legal force we meet the person again. Depending on categorisation and willingness to leave we have one or more meetings. At this point and if it is necessary we can decide to put the person under supervision or in detention (adults only). The SMA may have several talks with the migrant for the purpose of convincing that voluntary return is preferred.</p>
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			<p>The SMA arranges and books flights for those who have no means and returns are often carried out on a persons own accord.</p> <p>2. Please see question 1.</p> <p>3. The SMA cannot hand over the return decision to the Police if there is no recipient of the child. Depending on the age and participation of the child there may be grounds to grant a permit but many different aspects must be taken into account.</p>
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